

A work session of the Beaufort City Council was held on July 28, 2015 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Mike McFee, George O’Kelley, Stephen Murray, and Phil Cromer, and City Manager Bill Prokop.

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

Mayor Keyserling called the work session to order at 5:00 p.m.

David McSweeney said that at their last appearance before council, they had been asked to bring options for the day dock, but which showed it at the east end of Waterfront Park, not the west end. The sooner a location is determined, the sooner they can get the permitting process started. He said they would present the pros and cons.

Bill Barna, project manager, said the gangway needs to be a minimum of 80’, and both sides of the dock need to be opened for access because 50% has to be useable by transient boaters, per the grant. He showed some examples of configurations that they had already determined wouldn’t work. They are suggesting a “T” configuration dock, Mr. Barna said. Where they have it leaves a 400’ commercial vessel berthing. He showed drawings of the proposed view and indicated where the gangway would be and how it would “smoothly transition” to meet ADA standards. He showed another drawing of the seawall view from the water.

Mr. McSweeney said they had considered safe navigation, and they know the current patterns very well. They wanted to keep docking safe and to keep reasonable distances from the seasonal cruise ships. He showed some of the materials they could use for the dock that would help it fit in aesthetically. Mr. Barna showed decking options, and noted that they are working on the tabby paver option for it. Signs will be needed, he said. The BIG requires it. Solar lighting along the dock for boaters or for those who are on the dock is an option, and they would probably want area lighting to increase the dock’s visibility at night, Mr. Barna said. Since the gangway is 80’, they could do some themed scrollwork.

Councilman O’Kelley asked the differences in cost of the various types of decking. Mr. Barna said, offhand, he believes the Southern yellow pine is about \$45 per square foot, and hardwood is \$56 a square foot. Mayor Keyserling said he favors simplicity and sustainability, with the best possible maintenance schedule. Councilman Murray agreed. Councilman O’Kelley said aluminum could put off glare, and Mr. Barna agreed, saying he favors aluminum, composite wood, and tropical hardwood. Mr. Barna said the composite lumber is resistant to UV.

Mayor Keyserling asked **Lamar Taylor** if the cruise ships had hit the dock and broken it. Mr. Taylor said that happens from turbulence, but what the mayor remembered only happened one time. Mayor Keyserling asked if it would be harder to navigate now that they had to get

between two obstacles. Mr. McSweeney said the cruise ships are typically 200', and the space is 650'. Mr. Barna said there's "plenty of room."

Mayor Keyserling said they needed to first discuss configuration. Mr. McSweeney said this drawing is accurate in terms of the hydrographic survey's indication of how deep the water is when they get 10' out from the seawall. The first "T" is about 25' off the wall in their configuration. Mr. Barna said the dock is "way inside of the inside 'T.'"

Mr. Barna said, for grant purposes, they had indicated that it would be a linear project with 200' of docking space. Mayor Keyserling said, for that kind of money, they could get more space if they incorporated it into the marina. They could build out or extend the existing outboard and get 400-500'. Councilman Murray said **Rick Griffin** has permits for the marina. Mayor Keyserling said maybe it's the marina's job to manage it. Councilman O'Kelley said the gas tanks will still have to be on the outer edge, and what's there now would be the day dock. Mr. Prokop said the grant says the city will manage it, not the harbormaster. Mr. McSweeney said Mr. Griffin is an extension of the city for the purposes of the grant; the marina can be a substitute-contractor.

Mr. Prokop said the most important step is to get it going within a year. Staff supports this configuration because of the condition of the seawall on the west side, which will not hold it and will require reconstruction in 3-5 years. In regard to the location on the marine highway, the ICW Association did a survey of 12 of its members, and the city will see more use of Beaufort by barges; 90% were in favor of the east side for the dock and for using the other space for that kind of traffic. Mr. Prokop enumerated other reasons that staff supports the east location. Mr. Prokop said they "still want this to be part of a larger project"; the transient dock money will be authorized soon.

Alan Dechovitz said this is not the configuration that had been envisioned. He liked the idea of aligning it with the Scott Street extension, economically; they had discussed West Street in the past, but not Scott, which would also work. The length away from the wall is very positive, Mr. Dechovitz said, from a safety point of view. In regard to the design, he thinks the city should go with a material that requires the least amount of maintenance. He advised against Southern yellow pine, which rots, "explodes," and needs to be replaced more often. He also likes the captured pylons. If there is solar lighting, he recommended that it be *in* the deck because of drunks and toe-stubbers.

Eddie Rodgers passed around a picture of the seawall because "once they start construction, you won't ever see that lovely view again." Ms. Rodgers said it was to be a minimum 200' dock; they had never before said anything positive or negative about a ramp. She read a letter she had written in 1993 about Mr. Griffin's desire to put it on the east end. Private enterprise funding was a big issue for council at the time. Ms. Rodgers said there were "serious personality problems going on at the time with **John Griffin** and council."

Ms. Rodgers feels that what council adopted and this proposal are different. She would also like to know “where the money is coming from” and how much money will need to be raised. Mayor Keyserling said 200’ was the length of the dock, with no discussion of the ramp, which he agreed had not been discussed in the past. Mayor Keyserling said, in regard to the money for this project, approximately \$160,000 was out of the capital improvements budget, not the general fund. Ms. Rodgers believes “this is a special interest project.” In 2012, when they were discussing it, merchants complained about the cruise ships and said “they should be let go,” she said, but “now you appear to want them to be here,” and those same merchants “are being used as a reason that the dock is needed.”

In response to Mayor Keyserling’s question, Mr. McSweeney said that they could do this project for \$500,000, and Mayor Keyserling said, “We all need some assurance” about that. He said he would like the city manager to bring council a proposal. Councilman Murray said he understands this from a practical and safety standpoint, though it’s not what he’d envisioned. He said aluminum seems to be the lowest maintenance required material, and he also advocated enclosed pilings.

Councilman O’Kelley said no one wants Southern yellow pine because of its life expectancy, and he also believes “no one wants tabby and bricks.” He asked about the tropical hardwood, and Mr. McSweeney said they use epoxy. He added that he doesn’t know why Councilman O’Kelley would be opposed to concrete, which is the material used most commonly on docks and weathers well. Mr. McSweeney said composite is not that expensive and has a longer lifespan than tropical hardwoods. If they have an approved configuration, they will have 8–12 months to determine this. He said he likes aluminum, but it gets damaged, and composite wood can get slippery.

Mr. Dechovitz described the damage that is done by the cruise ships’ pounding against the wall, and he encouraged the city to recover a portion of the costs for that damage, now that it’s been discovered.

BOARDS AND COMMISSIONS DISCUSSION AND INTERVIEW

• Tourism Development Advisory Commission (TDAC)

Chip Dinkins was interviewed about this committee, which he chairs. Councilman Cromer said he would like those applicants who live in the city limits to be given a little preference because of the local origin of the tax. Councilman Murray said he would like to see an emphasis on heritage and cultural tourism, though the product needs to be developed in conjunction with the marketing element. There was a discussion of other issues, including funding the USCB renovations, a cap on spending the granted amount from the state to the same amount as was budgeted last year, and the proposed merging of TDAC and TMAC.

Susan Sauer, Discover Tours, was interviewed for a position on TDAC. Councilman O’Kelley asked if she lives in the city, and she does not. **Ivette Burgess** said that is not one of the criteria to serve on this committee.

- **Park and Tree Advisory Committee (PTAC)**

Barb Farnior was interviewed about this committee, which she chairs. She discussed the parks and other open areas that PTAC had looked at for possible deacquisition.

There being no further business to come before council, the work session was adjourned at 6:54 p.m.

A regular meeting of the Beaufort City Council was held on July 28, 2015 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, council members Mike McFee, George O’Kelley, Stephen Murray and Phil Cromer, and Interim City Manager Bill Prokop.

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

Mayor Keyserling called the meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the Pledge of Allegiance and the invocation.

PROCLAMATION OF JULY 28, 2015 AS CHANCELLOR JANE T. UPSHAW DAY

Councilman McFee made a motion, second by Councilman O’Kelley, to approve the proclamation. The motion passed unanimously. Councilman McFee read the proclamation. Mayor Keyserling presented it to Ms. Upshaw, and she thanked council for the honor.

PUBLIC HEARING: UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT REVISING SECTIONS 5.1.A AND 5.3.D TO PERMIT CERTAIN RETAIL AND RESTAURANT USES AS CONDITIONAL USES IN THE LIMITED INDUSTRIAL DISTRICT

Mayor Keyserling opened this public hearing. Libby Anderson said the next phase of the trail is about to get underway – from Depot Road to Broad River Blvd, which, when completed, will be 6 miles long. Staff feels small, low-impact activities, like a coffee shop or bike rentals, will benefit trail usage. In this area, which is zoned Light Industrial, restaurants and retail shops are not permitted. You could have a jelly ball processing plant, but not sell coffee, Ms. Anderson said, so staff feels conditional uses should be approvable at the staff level.

Conditions

- Use would have to be within 200’ of the Spanish Moss Trail
- Floor area no larger than 3000’
- Hours of operation limited to 7 a.m. to 7 p.m.
- No outside amplified music permitted
- No sales or consumption of alcohol
- Need a trash can with outdoor seating
- Lighting restrictions
- Design is subject to design review
- Some uses are prohibited: outside ATMs, no stores with electronic cigs, pet stores, sales and repair of firearms, kennels, vets, and medical marijuana, if it is approved in South Carolina at some point.

Ms. Anderson said someone who wanted to open a bike rental business precipitated this. There

were letters sent to area residents and business owners informing them of this proposal. They also had a small group meeting, and this is where the conditions were determined. The Metropolitan Planning Commission is scheduled to discuss this tomorrow night.

Beth Caron, 308 Frazier Drive, said her residence would be “part of this second phase.” She has safety concerns. In the last few months, a neighbor’s house was broken into through their dog door, and the perpetrator “came from the trail” because, she said, it “brings a lot of unwanted activity.” Ms. Caron said a coffee shop will bring additional trash, and the proposed hours of operation run too late: in winter, it will be dark for some of those hours.

Jody Caron said he and his wife are representing their area of the neighborhood. As well as having safety concerns, he said the neighborhood “has been through a lot of changes.” They bought their house “because it was peaceful,” but now they have power lines and other issues which disturb that peace. They would like it to be “a neighborhood.” Mr. Caron said he never hears industrial noise. This UDO change would only benefit the people who own the properties that these businesses would be on. The part of the neighborhood that will have the trail is not connected to it yet, but people “still use it” and some ride 4-wheelers behind it. A restaurant will be “noisy,” Mr. Caron concluded.

Mayor Keyserling said there could be “significant manufacturing” in the buildings that are there, and that would be more disruptive than the current zoning change that’s proposed; that’s just not there now, but it could be. The trail, he added, “has more eyes on it,” which means more eyes on the area around it, as well. Also, Mayor Keyserling stated, no problems (such as break-in or increased crime) have ever been tracked to the trail. Funding is in place to take the trail all the way to Clarendon, he said, at which point it will be longer, and when it’s complete, it will generate more traffic.

Nicholas Gregoire lives on Burrows Avenue, which is in this neighborhood. He feels that having eyes on the area will deter “riff-raff,” and security cameras can be put up. His kids “pick up trash to get their treats,” and he wouldn’t tolerate trash around his shop, either. The people he has talked to so far have liked the idea of a bike rental shop. He sees it as benefitting the people who already use the trail, who are “neighbors and citizens of the area.”

Ms. Rodgers said she couldn’t hear people who were speaking at the lectern. She asked if there had been consideration to change the zoning so that the Depot area would have “uses that are more desirable.” Mayor Keyserling said that’s why the Civic Master Plan had suggested it be designated a Neighborhood Center. There being no further public comment, **Mayor Keyserling closed this public hearing.**

Councilman O’Kelley made a motion, second by Councilman McFee, to add an executive session to the agenda in order to “discuss liability issues.” The motion passed unanimously.

MINUTES

Councilman McFee made a motion, second by Councilman Murray to approve the minutes of

the work session and regular meeting June 9, 2015. On page 3, Councilman Cromer said in the 6th paragraph, “down” should be “don’t.” **The motion to approve as amended passed unanimously.**

Councilman McFee made a motion, second by Councilman Murray to approve the minutes of the special work session June 11, 2015. The motion to approve as submitted passed unanimously.

Councilman McFee made a motion, second by Councilman Murray to approve the minutes of the work session June 16, 2015. The motion to approve as submitted passed unanimously.

ORDINANCE ANNEXING PROPERTY LOCATED AT 4 AIRPORT CIRCLE

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading. The motion passed unanimously.

ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 4 AIRPORT CIRCLE ON LADY’S ISLAND, HIGHWAY COMMERCIAL DISTRICT

Councilman McFee made a motion, second by Councilman O’Kelley, to approve the ordinance on second reading. The motion passed unanimously.

MOTION APPROVING EMERGENCY MANAGEMENT DIRECTION AND CONTROL PLAN

Councilman McFee made a motion, second by Councilman Murray, to approve the Emergency Management Direction and Control Plan. Mr. Prokop described the plan, which would allow the city manager to give direction in an emergency until council could be convened. This is what the county has in place, he said, “for emergency management for a brief duration.” **The motion passed unanimously.**

FY 2015 ACCOMMODATIONS TAX AWARD TO USCB IN CONCURRENCE WITH TOURISM DEVELOPMENT ADVISORY COMMITTEE (TDAC)

Councilman Murray made a motion, second by Councilman McFee, to approve the award.

Councilman Murray asked if there was a presentation about this award. Mayor Keyserling said it’s in the TDAC reserves – \$125,000 – and it “would be most beneficial” to make the award this year. Councilman Cromer asked if this would affect the current year, and Mayor Keyserling said it would not. He said, “They did run (the idea) by” TDAC’s members. Councilman Murray said he had confirmed that it would not affect the awards made to Accommodations Tax applicants.

Councilman Murray and Councilman McFee withdrew their motion and second.

Councilman Murray made a motion to release \$125,000 from Accommodations Tax fund balance to be used for USCB’s capital improvement update in concurrence/ TDAC’s approval.

Councilman McFee seconded the motion. Councilman O’Kelley asked if TDAC funds could be used in this manner. Mr. Prokop said the county gave \$500,000 through its ATAX funding. Councilman O’Kelley said, “That doesn’t make it right.” Councilman Murray said there’s a provision for funding tourism infrastructure with that money, and that provision applies to this project, like it did for the elevator at the Arsenal.

The city's tourism director is **Robb Wells**, Councilman Murray added, and the way the facility is used, such as for the film festival, includes tourists among its users. Mayor Keyserling listed some other tourist-related activities that groups use USCB for, calling it "an appropriate meeting place." Councilman Cromer asked when renovations would begin. Ms. Upshaw said the request is for money from the city to help pay for a new lighting and sound system. They want to sell \$500 seats to raise money to replace those that are there, Ms. Upshaw said, and will put in new handicapped-accessible seating. "We plan to move on this as quickly as we can on a project by project basis," Ms. Upshaw said, to complete the renovation. The university is putting in \$365,000 and raising the seating money. The county "just sent the check" and the PAC will move on the lighting and sound, but they will have to go dark to complete it, so they will do the installation next summer, because they can't do it during the season.

Bonnie Hargrove said that some of the sound system is being changed now. Ms. Upshaw said it's the lighting system that will have to wait, and it costs \$400,000. She said this "opens the door to have many more tourists come" to USCB's PAC. They haven't ever tracked those people who have come who are out-of-area, Ms. Upshaw said, but that number will go up when they can upgrade their technology. **The motion passed unanimously.**

APPOINTMENTS TO THE REDEVELOPMENT COMMISSION

Councilman McFee nominated Mike Sutton, Frank Lesesne, Steven Green, and Jon Verity to the Redevelopment Commission, second by Councilman O'Kelley. Councilman Murray said he was absent during one of the interviews, so he would abstain from voting. **Councilman McFee withdrew his motion and Councilman O'Kelley his second, and then made a motion to nominate Mike Sutton, Frank Lesesne, and Jon Verity to the RDC, second by Councilman O'Kelley. The motion passed unanimously.**

Councilman McFee nominated Steven Green to the RDC, second by Councilman O'Kelley. The motion passed 4-0, with Councilman Murray abstaining.

CITY REPRESENTATIVE APPOINTMENT TO BEAUFORT COUNTY CAPITAL SALES TAX COMMISSION

Councilman Murray made a motion, second by Councilman McFee, to appoint Mr. Sutton to serve on this commission. Councilman O'Kelley asked if Mr. Sutton could serve on both the Redevelopment Commission and this commission. Mayor Keyserling said Mr. Verity had served on another commission as the representative of the Redevelopment Commission. **Councilman Murray withdrew his motion and Councilman McFee his second;** Councilman Murray recommended that legal council be sought. **Councilman Murray made a motion, second by Councilman McFee to appoint Mr. Sutton to the Beaufort County Capital Sales Tax Commission, pending a legal opinion as to whether he can serve on both commissions. The motion passed unanimously.**

CITY MANAGER'S REPORT

Mr. Prokop thanked Water Festival volunteers and organizers for another successful event.

The county will be adding a stormwater infrastructure fee to tax bills (\$8.05 per year for Beaufort residents in addition to the city's \$105.00 fee). Councilman O'Kelley said the county is still idle in regard to the LOST. Mr. Prokop said a lot of stormwater issues are on state roads, and either the city has to fix them, or city residents are going to be mad at the city because the county and the state don't do their jobs.

August 7 at 10 a.m. is the unveiling of the monument to fallen officers; Mr. Prokop invited everyone to attend.

The fire department has started a new training class for volunteers. There are usually 35–40 people who start the program, which reduces to 10 people, Mr. Prokop said. They must put in 200 hours of training, and they are a good resource from which to hire full-time firemen.

Mr. Prokop thanked police and Public Works staff for working "extra hours" at Water Festival and for helping with fallen trees.

August 4 will be a Night Out at Washington Street Park for the children and families in the Northwest Quadrant.

MAYOR'S REPORT

The city manager and the mayor had met with the county about the bleachers being removed at the Charles Lind Center and determined that they will be returned.

REPORTS BY COUNCIL

Councilman McFee said that Vietnam vets would be honored in an event at Waterfront Park.

Councilman Murray thanked Mr. Prokop, Public Works, and the police and fire departments for their help during a bad storm last week.

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman O'Kelley made a motion, seconded by Councilman McFee, to enter into Executive Session to discuss liability issues. The motion passed unanimously.**

There being no further business to come before council, **Councilman O'Kelley made a motion to adjourn the meeting. Councilman Murray seconded. The motion passed unanimously,** and the meeting adjourned 8:45 p.m.