

A regular meeting of the Beaufort City Council was held on February 24, 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 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Alex Mark, First Scots Presbyterian, led the invocation, and Councilman McFee led the Pledge of Allegiance.

PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 810 ROSEIDA ROAD FROM S1 INDUSTRIAL DISTRICT TO HIGHWAY COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. The applicant is **Gregory Parker, Libby Anderson** said. The property is about .2 acres and is currently undeveloped. The property is contiguous to the city limits. Upon annexation, all municipal services will be available to the property, and fire service is by the Burton fire district. The county zoning is S-1 industrial District; the uses are manufacturing or industrial, but it permits gas stations, Ms. Anderson noted. The city's ordinance would permit a variety of uses, including a variety of auto uses. Most of the lots in the area surrounding in the city limits are currently zoned Highway Commercial District. Trask Parkway has a variety of developed and undeveloped properties, including commercial and warehouses uses. Ms. Anderson showed the property and what surrounded it on an overhead graphic. The small piece is proposed to be incorporated into the larger Highway Commercial piece for a Parker's gas station, she said, and it's already in the city. There's no building on the larger piece anymore, though there's evidence there once was. All public notice was made, Ms. Anderson said, and no comments have been received. The Planning Commission recommended approval. There being no public comment, **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 2402 ALLISON ROAD FROM R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO OFFICE COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said this is a rezoning application. The applicant is **Albert Smith**. She showed the area on an overhead graphic. The property is about 16,000 square feet in area; a modest cottage, a single-family residential dwelling, is currently on the lot, which is at Allison and Reynolds Roads. It's R-2 zoning, currently, which permits single-family residential, but churches and schools are permitted conditionally. Ms. Anderson showed a graphic with the pattern of zoning in the area around the parcel in question, which includes "a lot of medical." The proposed zoning is Office Commercial. All types of offices and residential are allowed, "but really no commercial," so she said the zoning should really be renamed "Office Residential." If the property is converted to a non-residential use or

was so developed, it would be subject to the city's design standards and go to the Design Review Board. Any exterior changes to the building or the site would be approved at the staff level, Ms. Anderson said. Where the property adjoins single-family uses, staff would ask for a 7' privacy fence. If the property was to be redeveloped, in addition, the Design Review Board can require an additional adjacent use buffer of up to 20'.

Ms. Anderson said the comprehensive plan suggests that a rezoning is appropriate. She described G-2 zoning uses. It is within a half-mile of the development node that centers on Beaufort Memorial Hospital. In regard to the land uses, there is a parking lot for Beaufort Memorial Hospital, and there are office buildings that are zoned Medical; one office may have gone back to residential use. She described the areas that contain single-family residential properties, and off Myrtle, there's Ribaut Villa Mobile Home Park, as well as a day care center on Oakhaven.

All public notification was made, and no public comments on the rezoning were received, Ms. Anderson said. Staff recommends the rezoning based on the comprehensive plan and current uses. The Planning Commission had unanimously recommended approval.

Councilman Cromer asked if any major trees would be affected. Ms. Anderson said there are 1 or two "pretty large" cedar trees, but she's "not really studied that." That would be done during the development review process. If the property is redeveloped, a sidewalk must be installed, she said. As part of the Allison Road project, the south side will be set up for a sidewalk. Councilman McFee asked the differences if it were zoned Medical as opposed to Office Commercial. Ms. Anderson said Medical would be "more intense." There being no public comment, **Mayor Keyserling closed this public hearing.**

MINUTES

Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of council's work session and regular meeting January 27, 2015. Councilman O'Kelley said his last name was repeatedly misspelled on page 9. **The motion to accept the minutes as amended passed unanimously.**

REQUEST FOR WATERFRONT PARK CO-SPONSORSHIP FROM FIRST SCOTS PRESBYTERIAN CHURCH

Councilman O'Kelley made a motion, second by Councilman McFee, to approve the request to host an Easter sunrise service on April 5, 2015. **Ivette Burgess** said this is the second year for the service and city staff supports it. Last year, attendance was good. Councilman Cromer recused himself. Mayor Keyserling explained that Councilman Cromer could do that, but there was no personal benefit to him should the motion pass. **The motion passed 4-0.**

REQUEST FOR WATERFRONT PARK CO-SPONSORSHIP FROM CODA

Councilman McFee made a motion, second by Councilman Murray to approve the request for co-sponsorship of CODA's volunteer appreciation luncheon April 9, 2015. Ms. Burgess said they want to use the pavilion, and staff is in favor of it. **The motion passed unanimously.**

PROPOSED AMENDMENT TO TOURISM MANAGEMENT ORDINANCE TO INCORPORATE PEAK SEASON OVERFLOW EXCEPTION

Councilman McFee made a motion, second by Councilman Murray, to approve the proposed amendment on first reading. Mayor Keyserling said that after council's work session, council had asked staff "to look for something that would work within the ordinance." **Bill Prokop** said that after the work session, staff had discussed the matter with **Bill Harvey**, the city attorney. They then talked to the TMAC chairman, looked at the proposal, and feel the ordinance should not be changed because 1) the ordinance change as it is proposed is a two-month test and was done by an action of the commission that they now realize they shouldn't have done. The commission can only *recommend* that council approve the change. 2) The ordinance says that only 4 carriages can be out at a time, but if one is late, there could be 5 or 6, and the police department is concerned this will cause "additional traffic issues." 3) This change would favor one carriage company, staff feels, and therefore "block competition." Mayor Keyserling asked Mr. Prokop if staff felt this would set a bad precedent, and Mr. Prokop replied that the carriage ordinance is "very elaborate," and staff feels "the ordinance should stay the way it is."

Councilman McFee said The Point Association had sent a letter to all the residents there, asking if they had concerns about this during its trial period, and there were no negative responses. Mayor Keyserling said he had talked to **Heather Winch**, the former TMAC chair, who had indicated that she didn't think that people would "find (it) offensive" during the trial period. Councilman Murray said there seemed to be a difference of opinion among the tour operators "about capacity." **Sue Sauer** had told Councilman Murray that there are times during the peak season when the carriages are unable to accommodate all of the guests on her bus, so this would help her business, in that more people could get on the carriages sooner, and then get back on the bus. Councilman Murray said he's in favor of trying it in April and October "and seeing how it goes."

Councilman McFee said that during the work session, he was more in favor of doing it and had reviewed the TMAC minutes and earlier comments by the tour coordinator, who was not in favor of additional tours. He has concerns that this is "one-sided," and he knows **Walter Gay** had opposed this in the past. Councilman McFee is concerned that "carriage wars" will begin again. Mayor Keyserling said he had intended to support it but was embarrassed at the time it had taken to accomplish anything, and there still was not a resolution. He is "torn" because of "the business-friendly issue": a company has been "entrepreneurial" and "gone out and gotten contracts with tour companies to bring buses" to Beaufort, but they can only accommodate a portion of the people on the bus, at present. On the other hand, council has to "balance that with public safety, interruption in the neighborhoods," etc. Mayor Keyserling said he had expected leaving the work session that "we would have at least something to consider," but the city attorney had "decided he didn't think it was a good idea."

Councilman O'Kelley said he felt the same way. He doesn't know if an exception to the ordinance can be granted, given the ordinance's structure. They need to know if they can do it on a "trial run." He said perhaps **Charlie Williams**, the TMAC chair, could advise council.

Councilman Murray said they are asking that “peak season overflow exception” be added to the current ordinance.

Mr. Williams said he’d submitted a proposed condition to the ordinance, rather than changing what’s there. TMAC favors the peak season overflow exception “pretty much for the reasons Billy just cited.” It would be good for business, and after consideration at several meetings, TMAC feels it wouldn’t be “an undue burden on the community or the streets.” Mr. Williams said the addition to the ordinance would indicate “just April and October...in the year 2015.” He said it has “a sunset built into it,” and after that period, if they want to, it would be a simple amendment “to drop the year designation,” or to not do anything, which would “kill it.”

Councilman McFee asked Mr. Williams if both carriage tour companies were involved in the TMAC meetings. Mr. Williams said yes. Councilman McFee asked if Mr. Gay’s tour company could “utilize this to his advantage if he has a tour coming in,” and Mr. Williams said, “Sure.” Mr. Williams went on to explain the stipulations, including that “these must be pre-arranged contracts.” Councilman O’Kelley read that the exception would only apply to “one carriage company per hour, on a first come-first served basis.” There are two companies, and each could apply for alternating hours, he said, or one could apply for a 3-hour block if they had arranged for a bus to come in, and they were the first to ask for that block.

Councilman Cromer said he would like to hear Mr. Gay’s position. Mayor Keyserling said there’s nothing about this that is about unfair competition. Councilman O’Kelley said if Mr. Gay only has two carriages, he couldn’t do it, anyway. Mr. Williams said the impression he had gotten from Mr. Gay was that “he [Mr. Gay] doubted that he would do it,” and that’s why he wasn’t in favor of it. Councilman McFee said the verbiage doesn’t preclude Mr. Gay’s ability to do it. Councilman Murray said Mr. Gay had indicated that he believed that “we have enough capacity to service all the visitors.”

Mr. Williams said that TMAC felt it “would curtail business – good business – to not allow this.” He explained the situation presently when the buses come in. Mr. Williams said TMAC had been initially leery of the idea, but refined it over several meetings. Councilman O’Kelley said, “It’s an experiment, and if it doesn’t work, it’s over.” Councilman McFee said he has reservations, and he “rarely (flies) in the face of” staff’s reservations, but he is willing to try it. “If April’s a disaster, we won’t have to worry about October,” he added.

Peter White said, in regard to “staff’s worries about the impact,” his company “actually (does) this on a smaller scale with school buses” and hospital groups, for example, “on a regular basis,” and “we’ve never had a problem with traffic or complaints from Mr. Gay or Officer Able.”

Councilman Cromer said he, too, hears the concerns of the city attorney and staff, but he’s “in favor of bringing people to Beaufort,” so he feels its worth “giving this thing a shot and see what happens.” **The motion passed unanimously.**

There was a general discussion of next steps. **Rose White** said she's been getting a lot of calls about tours that want to book carriages.

Councilman O'Kelley suggested that the council proceed with reports before the executive session, and there was general agreement with this proposal.

Mayor Keyserling thanked Mr. Prokop, **Kathy Todd** and Ms. Burgess for "a reviving, positive two days together" at the retreat and said his "batteries were charged."

CITY MANAGER'S REPORT

Mr. Prokop recognized the police department for their professionalism every day. He thanked the fire department "for the public service training they do."

Mr. Prokop said the city has been awarded \$168,000 from a federal grant for its day dock project in addition to the \$300,000 that's been set aside in previous years for "the project that was the focal point of the...civic master plan."

Mr. Prokop asked the public to visit the city's new website and to check out "OpenGov," which "gives the public a chance to go in and look at all the finances."

Mr. Prokop said they are in the beginning stages of a joint wellness initiative with the Town of Bluffton, BJWSA, the county, Beaufort Medical, and the City of Beaufort to help keep health costs down and provide medical services through a mobile unit.

He went on to thank the volunteers on the parking committee for the time they have given thus far to "make Beaufort what we want Beaufort to be."

Mr. Prokop thanked council from staff for "a very effective retreat and giving us some direction" for "priorities in our budget preparation." He also thanked staff for accepting the management change "with virtually no disruption to the service to our citizens."

Mayor Keyserling said the acceptance of applications has been closed for the city manager position. He asked Mr. Prokop to "take us through the steps." Mr. Prokop said they had advertised for 30 days. They received 80 applications, passed along weekly to council. They also "enlisted the services of the Municipal Association" (MASC). They are reviewing the applications, and MASC will make a recommendation about those they feel should get further consideration. Interviews will follow, and Mr. Prokop said, "We are on schedule." He didn't know when MASC would pass on their choices to council; it might be a week, he speculated.

Mr. Prokop said they are picking dates with MCAS to work with the city's volunteer committees on FOIA requirements training in March or April.

Mayor Keyserling told Mr. Prokop that he would like to reestablish the dinners with Town of Port Royal staff.

MAYOR'S REPORT

Mayor Keyserling said he had sat in on the kick-off meeting for the parking committee. He found he was “incredibly impressed that people are taking this very seriously.” Mayor Keyserling said he believes that the work plans with goals and objectives would be laid out by March 15.

COUNCIL REPORTS

Councilman O’Kelley said he went to the first Bay Street parking committee meeting. “A lot of good things were put on the table,” he said, “and they’re moving forward well.”

Councilman O’Kelley shared that he had written a letter to legislators in regard to the proposed business license legislation, “telling them to please don’t do this.” He hasn’t yet heard back.

Councilman Cromer commented that, as a new council member, the neighborhood association meetings are “the best forum for finding out what’s going on in the community.”

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, second by Councilman Murray, to enter into Executive Session to discuss land acquisition. The motion passed unanimously.**

Councilman O’Kelley made a motion, second by Councilman Murray, to end the executive session and resume the regular council meeting. 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 was adjourned at 8:37 p.m.