

A work session of the Beaufort City Council was held on October 11, 2011 at 5:00 p.m. in the Planning Conference Room, City Hall, 1911 Boundary Street. In attendance were Mayor Keyserling and council members Donnie Ann Beer, Mike Sutton, Mike McFee, George O'Kelley, and Acting City Manager Kathy Todd.

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.

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

### **INTERVIEWS FOR BOARDS AND COMMISSIONS**

**Charles Williams**, a resident of Euhaw Street and the owner of The Craftseller, was interviewed for a position on the Historic Design Review Board. **Chuck Rushing**, a Meritta Street resident, is an engineer and manages HAS Engineers. He was interviewed for a position on the Design Review Board.

### **EXECUTIVE SESSION**

**On motion of Councilwoman Beer, 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 receipt of legal advice from the city attorney. The motion was approved unanimously.**

**Councilwoman Beer, seconded by Councilman O'Kelley, made a motion to come out of executive session and resume the work session meeting. The motion was approved unanimously.**

### **DISCUSSION ITEMS: RESOLUTION ADOPTING BEAUFORT COUNTY HAZARD MITIGATION PLAN 2009 UPDATE**

**Libby Anderson** said that in the comprehensive plan and the Beaufort County plan, updates were adopted, and now they need a separate resolution from the jurisdictions. The county has adopted it, FEMA has approved it, and now the various jurisdictions in the county each need to pass a resolution. Ms. Anderson said the highlights from LCOG are attached in the council's packets. She went on to review the history of the matter. If weaknesses are found, Ms. Anderson said, or other efforts need to be made, this will cover that. Progress has been made since the initial plan was prepared, Ms. Anderson said. Some activities are "common sense things," while others help the flood insurance rating, etc.

Councilman Sutton said trees in the city that are hazards might be able to be taken care of. Ms. Anderson said that would be a possible hazard mitigation grant possibility. Councilman O'Kelley said there are dangerous trees on public property in many places in Beaufort. Mr. Dadson said there's a list of such public trees, and there have been budget adjustments for street tree mitigation this year. There was a discussion about trees that need to be removed and who looks into and handles that. In response to a question from Councilwoman Beer, Ms. Anderson said the city can't require tree removals on private property, but they can *permit* it if a

hazardous tree is present. A neighbor can notify a hazardous tree owner and should probably notify their own insurance company.

### **DISCUSSION ITEMS: RAIL TO TRAIL AND CITY PARKS**

Mr. Dadson said county council had approved matching funds for this. The county took responsibility for the right-of-way of the Rail to Trail. There's still material to be collected, Mr. Dadson said, among other things. The county indicated that they would approve matching funds. The city has done planning for the trailhead and areas within the city's purview. County council asked where the city was on Phase One of the pilot project. Mr. Dadson said a year ago, there was an overture by the city to discuss taking back park assets from the county. The city has paid for its parks, he said. Mr. Dadson said the county spends around \$4 million on parks' programming, etc. and \$5 million per year on maintenance. The city spends about \$1 million on parks, open space, right-of-ways, etc. Mr. Dadson said the county wants to work with the city on its commitment. He feels that if they can come up something that makes sense for everyone, the city would participate.

Mayor Keyserling said the Northern Regional Plan Implementation Committee is looking at all open space assets. They're determining what a neighborhood park is, what a regional park is, etc. Mayor Keyserling has said the city will happily maintain the Rail to Trail, which is no different than Waterfront Park and the ball parks, which are regional, as well as Burton Wells. He doesn't want to "get us committed on a piecemeal basis." He advocated "universal partnerships" if the city partners with the county on this.

Mr. Dadson said "huge parts of the master plan are about connecting civic spaces." The city has raised the question about the way facilities are used most efficiently to create and be a part of great neighborhoods. Mayor Keyserling brought up the Greene Street Gym and a newspaper report that the county wants to put voter registration offices there instead of the neighborhood recreation that was intended when it was deeded to the county.

Councilman Sutton said maybe the parks should be taken back, if they're not maintained at a standard that the city expects. He feels the county hasn't "gotten that deep into discussion about it." Mayor Keyserling said the discussion has been going on a year, and "a little conversation becomes an agreement." Councilman McFee said the city's contribution from a taxpayer standpoint is not clear. Mr. Dadson said there has always been "back and forth" about who maintains what, and about who runs programming at various levels of recreation and facilities maintenance. He said he agrees with Mayor Keyserling that the discussion should be about how to make all of the facilities work best on a regional level. Mayor Keyserling said there needs to be conversation about doing what's best. Councilman Sutton said perhaps the conversation should be about what the cost is to the county taxpayer in the incorporated areas to maintain parks. Mr. Dadson said there are records of what it costs to do things; they know how much it costs to run the programming side of parks (\$5 million) and the total is about \$9 million for the county, plus the municipalities pay their own costs. Councilman Sutton said they should stay on the track of "What does it cost?"

Mayor Keyserling suggested a letter to Jim Hicks, Northern Regional Plan Implementation Committee chair, suggesting the discussion be accelerated. Ms. Anderson said the county is trying to identify the cost factors and is cooperating with the schools as well, which Mr. Dadson said is another part of this, as the schools have "huge civic spaces." Mayor Keyserling suggested writing a letter to the County Council chair, Weston Newton. Councilman Sutton said they need to know the costs they are already paying. Councilwoman Beer said the county came to the city and the city turned over the parks, and it made sense to have them maintain the parks at the time.

Mr. Dadson suggested writing a letter to Mr. Hicks, Mr. Newton, and the head of the PALS board.

### **DISCUSSION ITEMS: LOW VOLTAGE PROVIDERS**

Mayor Keyserling said a previous council negotiated to create a loop with SCE&G to run the high voltage wires through the city. There was a lot of civic concern about tall poles. During negotiations, there were concerns raised because the taller poles meant there would need to be fewer poles. Among the concessions made: fewer poles, street lighting, SCE&G distribution lines underground, and the low-voltage providers were to be encouraged to go on to the big poles as well as underground. The project is nearing completion; the low-voltage companies have yet to come off the poles in some cases. There are 3 different primary low-voltage companies.

In an effort to clean this up, Mayor Keyserling said he and Mr. Dadson have met with two of the three providers, and they have yet to come to an agreement, other than that if the city pays large amounts of money, they will go underground. The city can go back to SCE&G, and can look at how they can get more control of other business's services in the city. The Tree Board is looking at alternative routes and areas where lines can cost-effectively go underground.

Councilman Sutton said "the city hasn't been able to get its hands around the other providers who go on those poles." The city has no control over them, though it does have some control with the power company. There might be a need for an ordinance, and a discussion should be getting underway. Councilman Sutton said if the poles' primary provider no longer supplies service, the undergrounding becomes their responsibility. Another private provider shouldn't be allowed to put another pole in the ground after its service life is gone.

Councilman O'Kelley suggested reviewing the franchise agreements with these companies. Mayor Keyserling said the state has given the telecom companies a way to circumvent the city. Mr. Dadson suggested a letter from Mayor Keyserling to the state attorney. Mr. Dadson said he'd ask the city attorney to draft a letter from council.

There being no further business, the meeting was adjourned at 6:53 p.m.

A regular meeting of the Beaufort City Council was held on October 11, 2011 at 7:00 p.m. in Council Chambers in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike Sutton, Mike McFee, George O'Kelley, and City Manager Scott Dadson.

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**

The Mayor called the meeting to order at 7:00 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was led by Councilwoman Beer, and the Pledge of Allegiance was led by the mayor.

**Councilman Sutton made a motion, second by Councilwoman Beer, to add to the agenda an amendment request by Main Street Beaufort to change the trick or treating area. The motion passed unanimously.**

#### **PUBLIC COMMENT**

**Androula Weiland** thanked the city for its support at the recent shrimp festival.

#### **MINUTES**

**Councilwoman Beer made a motion, second by Councilman McFee, to accept the minutes of the September 27, 2011 work session and regular meeting. The motion to approve the minutes as submitted passed unanimously.**

#### **ORDINANCE REVISING SECTION 5.1 OF UNIFIED DEVELOPMENT ORDINANCE TO PERMIT SINGLE-FAMILY DWELLINGS AND TWO-FAMILY DWELLINGS IN THE CORE COMMERCIAL ZONING DISTRICT IN EXISTING STRUCTURES**

**Councilwoman Beer made a motion, seconded by Councilman McFee, to revise the ordinance on second reading. The motion passed unanimously.**

#### **ORDINANCE REVISING SECTION 9.2.E OF THE UNIFIED DEVELOPMENT ORDINANCE TO PERMIT LINEAR BUILDING ADDITIONS ON NONCONFORMING STRUCTURES**

**Councilwoman Beer made a motion, seconded by Councilman Sutton, to revise the ordinance on second reading. The motion passed unanimously.**

#### **ORDINANCE REVISING THE UDO TO ADD A NEW SECTION 3.17 TO PERMIT DEVELOPMENT DESIGN EXCEPTIONS, AND TO DELETE SECTION 9.4.E PERTAINING TO NONCONFORMING LOTS OF RECORD**

**Councilwoman Beer made a motion, seconded by Councilman McFee, to revise the ordinance on second reading. Ms. Anderson said there's a revision since the first reading; "height," though not originally listed, is to be eligible as a standard for the design exception. Ms.**

Anderson said as an example, Beaufort Memorial Hospital had to go to the Design Review Board (DRB) for height and was approved, then go to the Zoning Board of Appeals (ZBOA) for a variance, but as long as it's within the 35% window, it would not be necessary for them to do so under this revision. Ms. Anderson said frequently the height seems too high in context, and this wouldn't change that, but in the medical district, this would be the third building to which it would apply. With form-based code, there will be more flexibility, but there have been three height variances on Ribaut Road for these medical complex buildings. Ms. Anderson reviewed the public notice portion of the design exception. **The motion passed unanimously.**

**CONSIDERATION TO AMEND ORIGINAL REQUEST FOR STREET CLOSURE FROM MAIN STREET BEAUFORT FOR TRICK OR TREAT DOWNTOWN EVENT TO REFLECT CLOSURE OF PORT REPUBLIC STREET**

**Councilwoman Beer made a motion, seconded by Councilman McFee, to amend the request for the October 27, 2010 event.** Ivette Burgess said Park Beaufort had noted there was "a lot of traffic and kid congestion" on Port Republic Street last year, and there are other businesses that are on Port Republic Street that would like to participate in the event. Councilman O'Kelley said there are a couple parking lots there. He said he has concerns that the only ways out could be blocked for those leaving those lots. Councilman McFee said he thought Port Republic would only be closed to the Scott Street intersection so that Port Republic is still accessible. Ms. Burgess said that's correct. The closure "is actually Scott Street," she said. There was some discussion about the hours of the event. **The motion passed unanimously.**

**RESOLUTION REVISING THE FEE SCHEDULE TO ESTABLISH A FEE FOR REVIEW OF DEVELOPMENT DESIGN EXCEPTION APPLICATIONS**

**Councilwoman Beer made a motion, seconded by Councilman O'Kelley, to adopt the resolution.** Ms. Anderson said the development design exception process requires public notification. The fee is the same as that applied to the variances, and covers the notification "hard costs" such as newspaper publication of notice, postage, etc. **The motion passed unanimously.**

**REQUEST FROM BEAUFORT COUNTY VETERANS AFFAIRS TO HOST ANNUAL VETERANS DAY PARADE SLATED FOR FRIDAY, NOVEMBER 11, 2011**

**Councilwoman Beer made a motion, seconded by Councilman McFee, to approve the request.** Ms. Burgess said there were no changes from previous years. **The motion passed unanimously.**

**REQUEST FROM GUILD OF BEAUFORT GALLERIES FOR WAIVER OF OPEN CONTAINER FOR FALL ARTWALK SLATED FOR OCTOBER 22, 2011**

**Councilwoman Beer made a motion, seconded by Councilman McFee, to approve the request.** Councilman McFee said there were discussions last year about the extension of the parameters of the area and the need for additional policing for those walking up and down Carteret Street. He reviewed the resolution to those concerns and reiterated the council's concern that if the weather is nice, people will be walking and drinking alcohol in this larger area. Mr. Dadson made some suggestions as to modifying the area to allow people to mingle on the sidewalk, but if they traverse from USCB down Carteret, that can be problematic. He suggested they could

limit the amount of Carteret on which people could have an open container. Or, he said, they could stop it at Craven Street. Councilman McFee said he's not concerned about the crowd's demeanor. He recalled that last year, council expressed concern, but then he recalled no incidents. He thought the police should monitor any trash or incidents that happen, so they can confine it to a specific area, if necessary, in 2012. **The motion passed unanimously.**

### **MAYOR'S REPORT**

Mayor Keyserling said he would like to set a date by which council would have all of the interviews for the appointments to be filled for boards and commissions.

Mayor Keyserling said he had met twice with TDAC and Jeff Evans to ensure that 1) the money wasn't "fragmented," 2) too small amounts were given to some groups, and 3) the best results would be gotten for the money. At a meeting the previous day, he'd met with John Dickerson, and his committee thought amending something so quickly might not be the most effective way to do it. Mayor Keyserling reiterated his position that this same thing is said every year at Accommodations Tax money distribution time, so he recommended that they appoint a six-month maximum commission of stakeholders, including but not exclusive to the Chamber of Commerce, applicants, etc. to make it a more integrated marketing program.

Councilman O'Kelley asked what this does to the TDAC committee. Mayor Keyserling said he would recommend that they be heavily involved. Their mission, Mayor Keyserling said, is the expenditure of those dollars, and the larger mission is that there's a lack of focus on the part of the DMO in terms of marketing. Mayor Keyserling reviewed the history of marketing Beaufort, which formerly was done in large national publications by ALCOA and other developers. "Everybody in Beaufort benefitted from that," Mayor Keyserling said. When that money evaporated, everyone suffered. It's "been fumbled with since then," and "things" have since been marketed, rather than looking at the whole product of what Beaufort is.

Councilman O'Kelley asked where that leaves this year's distributions. Mayor Keyserling said people are planning on the money, and some may already be spent, but the compromise is to move forward and come up with a plan. He feels it's essential to take the process forward in the next 6 months instead of putting it off until next year. Councilman McFee said the criteria are in place; the statute is clear about what can get awarded. The issue is how to leverage it and make it more effective and less fractured. He agrees the change needs to happen, but his concern is "what to do with what we have now." Mayor Keyserling said he's decided it's going to take more than a week, and it needs to move forward. He said he has the sense the Chamber of Commerce is "getting there," but they still need some help on "vision and the process." He thinks council should bring the stake holders together, identify the product, and "make it happen more aggressively."

Councilman McFee agreed that ultimately the responsibility is council's. Mayor Keyserling said he's talked to some of the awardees, and the consensus among them was that if there's a lot of e-marketing done, and the publicity is for 30-40 other Beaufort assets, "why not?" He wants a

commitment to bring the stakeholders together to make this process “more inclusive but not too bulky.”

Councilman Sutton agreed that these were the right steps. He agreed, too, that there needs to be a specific and targeted look at the process, but it should be a larger discussion. He thinks “the DMO question is still out there.” He wants the TDAC and DMO discussions to be combined. Mayor Keyserling said there’s only been one quantitative study done at last year’s Shrimp Festival via the hospitality management program at USCB and he would like there to be discussion about how to create a process to get a vision and maybe bring in people from marketing organizations that have done this. Councilman Sutton said things have to change, and that’s an intelligent conversation to have. Mayor Keyserling said they’re advertising the pieces, to presenting a big picture of the whole. There was some discussion of the relationship of the DMO to this.

**LaNelle Fabian** said the shrimp festival study was done again this year, and when the numbers are available, she would be happy to provide them to council. She said a property sale may be attributed to participation by the tenants and the buyers at Shrimp Fest. Mayor Keyserling said that when only one event is advertised, people come only for the day of that event; they need to work together to ensure that people make it a *weekend* trip, not just a day trip, or stay for a week and not just a weekend. It’s not that Shrimp Festival isn’t great, Mayor Keyserling said, but how can it be better? How can it help people on Lady’s Island or in Burton? How can it be *most* effective?

Ms. Fabian said that with less budget, Main Street Beaufort ended up advertising more selectively, and the advertising was more effective. There was general discussion about Main Street Beaufort’s festivals and the possibility of adding more. Mayor Keyserling asked the gross receipts for the festival. The numbers are still coming in, Ms. Fabian said, but they expect \$135,000 in gross receipts and expenses of over \$100,000. Ms. Fabian said they budget to make about \$15,000 profit. They spent \$10,000 on advertising, all outside the area. The goal isn't to make money, she said; it’s to promote downtown.

#### **REPORTS BY COUNCIL MEMBERS**

Councilwoman Beer said Ghost Tours start this week.

#### **ADJOURNMENT**

There being no further business to come before city council, **Councilwoman Beer made a motion to adjourn, seconded by Councilman O’Kelley. The motion was approved unanimously**, and the meeting was adjourned at 7:55 p.m.

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