

A work session meeting of the Beaufort City Council was held on February 14, 2012 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O'Kelley, Mike McFee, and City Manager Scott Dadson. Councilman Mike Sutton 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.

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

FINANCIAL REPORTS - FY 2012 FIRST HALF

Kathy Todd said financial reports would be coming to council quarterly, and this one was a "catch up." She described the materials in the packet she had given to council. The change in fund balance looks "kind of frightening," she said, but explained that this is because they have not gotten a lot of property tax distributions yet. She went on to explain other effects on distributions. She said the third page of the report represented expenditures to date. Ms. Todd said the fourth page represented how the city was doing in terms of budget currently compared to the year to date budget (divided by two). Most departments are at or below 50%, she noted. Council is a little higher than budgeted because of legal expenses, she said. The police department and SRO are slightly higher because capital acquisitions are not spread out throughout the year; they are made at one point in the year and then they are finished. Ms. Todd said Isaiah Smalls in Public Works had a similar situation which caused the department to be slightly over budget now, but they expect to be on budget by the year's end.

Councilman McFee asked what typically tips the balance from favorable to unfavorable. Ms. Todd said being at 50% or below is the only threshold. She said it's the year-to-date actual number minus the year-to-date budget amount and the difference divided by the year-to-date budget amount that sends it over the 50% mark.

Ms. Todd said the next page was a four-year comparison of departments at the six-month mark. Overall, there was only a 1% change from the average, so nothing needs to be brought to council's attention. She said in regard to year-to-date expenditures divided by the city's population, per citizen they have paid \$339 to date for police services and \$79 per resident for planning. Mr. Dadson said other revenue funds balance that against property taxes. He said those living in the city have a diversified portfolio including accommodations taxes, business taxes, etc. Councilman O'Kelley said he doesn't feel the numbers are really "per resident." Ms. Todd said it's not a reflection of what each resident contributes to the operations of the city but is a reflection of what the city expends per resident. She went on to explain how the numbers for resident contributions could be obtained. Mr. Dadson said these are comparative numbers among peers.

Ms. Todd said the final page of the report was financial ratios. Overall, the current ratio was still very good, she said, and current obligations could be met. There was general discussion of

better language to use than “cost per resident” and about the “scary” numbers in the present fund balance.

Councilman O’Kelley asked what an example of a non-departmental expenditure was; Ms. Todd said those are expenditures that cover the entire city: economic development, appropriations for Lowcountry Housing Trust, etc. Councilman McFee noted that contracts for Redevelopment Commission were in there as well.

UPCOMING JOINT COUNCIL WORK SESSION WITH BEAUFORT COUNTY COUNCIL

Mr. Dadson said there will be a meeting Thursday, and he wanted to know if council had questions. The focus will only be on the county complex redevelopment proposal. This meeting will take place at the county’s retreat at the DSS offices at 5:30. Mr. Dadson said they would show from the civic master plan and the Boundary Street master plan “how this end of the world works.” They will show the “phase-ability approach of the process” for the complex. He said he and Mayor Keyserling had received favorable response from Chairman Newton about the county coming in with the city, and this would be a conversation about what the possibilities are at this first joint meeting.

Mayor Keyserling said he was pleased by the meeting with Chairman Newton, but he’s nervous about talking with the county council “about what they should do with their property.” He feels they should talk about the “vision board.” Mr. Dadson said this meeting comes from the fact that the city does have a vision with “backbone.” Mayor Keyserling said he wants to ensure that the city is here to help the county think through what the county has asked the city to help them think through. Mr. Dadson said the format will follow the letter they’ve sent the county, and there will be a Power Point presentation.

Ivette Burgess asked if all of council was planning to attend. Councilman McFee said he wasn’t sure if Councilman Sutton would be able to attend.

EXECUTIVE SESSION

On motion by Councilman O’Kelley, 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 agreements. **The motion was approved unanimously.**

___, seconded by ___, made a motion to come out of executive session and resume the work session. The motion was approved unanimously.

There being no further business, the work session ended at ___ p.m.

A regular meeting of the Beaufort City Council was held on February 14, 2012 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O’Kelley, Mike McFee, and City Manager Scott Dadson. Councilman Mike Sutton was an excused absence.

CALL TO ORDER

The Mayor called the meeting to order at 7:01 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 McFee made a motion, seconded by Councilman O’Kelley to amend the agenda to include an authorization for a contract to the CM. The motion passed unanimously.

PUBLIC COMMENT

Paul Michau made a presentation about an effort to beautify Beaufort. Effort is being made to market the city and bring people here. People are impressed by the beauty of the city but may be disappointed by run-down infrastructure, he feels. He feels the utility companies are showing disrespect in how they bring their services to residents. A welcome sign has been repaired but another one at the tennis court cannot be easily seen. He feels it should be better used as a part of the gateway to the city, and it should be used as part of the master plan to welcome people to Beaufort. He showed an example of the pedestrian crossing signs which he recommended be replaced with zebra crossings on the street on Bay Street and Carteret.

Mr. Michau indicated repairs taking place at the National Cemetery. He said many of the city’s street signs were dirty or crooked, and in some cases not aligned with the street. The Point will make a list of the problematic signs in their neighborhood and encourage other neighborhoods to do the same. He showed other signs in and around town that need improvement.

A more difficult problem is utility poles and cables. The plan as he understood it, Mr. Michau said, was that when SCE&G built the new higher transmission lines, utility companies would take their lines off the older poles, and the last company to do so would take the pole itself down. The cable companies then didn’t follow through after SCE&G’s effort. He showed pictures of the number of poles at an entrance way to the city, including leaning poles and a metal pole on Bay Street which is rusted and falling over which he said detracts from the efforts to portray Beaufort as a special place. Some places wires on the poles have been cut and are hanging, including one in front of the police department building.

The Point neighborhood association is going to send a letter and their presentation to the utility companies, Mr. Michau said, and suggest that they are disrespecting the community. The problem is not a complicated one to solve, he said, and not all companies have to go to the same pole to remove the wires.

Mr. Michau said he's encouraging the initiation of a Beautify Beaufort project with council's support. The Rotarians are interested in helping, he said, and the community can be encouraged to work together. He showed further examples of easily fixed detractors from the beauty of the town. He said the fire hydrants could be quickly painted silver and red which would have a big impact on making the city look better. He said visitors notice things that the residents get used to looking at, and the neglect seems to indicate that the residents don't care about it.

Mayor Keyserling said he feels council would all agree with Mr. Michau, and staff has been responsive. He'd like to see Mr. Michau take this matter to the neighborhood associations. He agreed that the utilities are the "most heinous" of the issues he's raised. The cable companies have made council aware of "a whole body of law," including vested rights, that affect what the city has control over. Some cables have been moved and some are still moving, Mayor Keyserling said, but undergrounding is very complicated. SCE&G has tried to lead, but the other companies are "arguing their rights." The Tree Board has chosen three areas for single-line undergrounding which will require financial support from the companies, the neighborhoods, and the city.

Mayor Keyserling said the Boy Scouts could help with the fire hydrants if the city can't, and sign poles can be straightened, but the utility companies are "the tough one" on which they have been negotiating for several years. He suggested people could add notes in their cable bills when they return them as part of a collective effort. He reiterated the complications of the rights of the companies in regard to their poles and wires, but added that a consumer effort might be the most helpful in changing the situation.

Councilwoman Beer asked if the Public Service Commission controls the cable franchise. Mayor Keyserling said no. State law allows the cable companies to go with a statewide franchise, rather than one with the city. Councilwoman Beer said maybe state representatives should be involved. Mayor Keyserling said the city has written a letter opposing a company getting a statewide franchise until they worked out some of these issues with the city.

Councilman O'Kelley agreed with Mr. Michau and said in regard to the street signs, in his neighborhood, he climbs a ladder and cleans the signs to make them visible. Councilman McFee said the neighborhood associations are a great resource for this effort. Mr. Michau agreed with Councilman McFee that the hundreds of tons of trash removal last year was a good example of beginning this effort.

PUBLIC HEARING: AMENDMENT REVISING BATTERY POINT PLANNED UNIT DEVELOPMENT ORDINANCE (UDO) PERTAINING TO THE WETLAND BUFFER

Mayor Keyserling opened this public hearing. Ms. Anderson said the PUD ordinance specifies a 35' buffer surrounding freshwater wetlands. The subdivision plats for Battery Point show a 30' buffer. The discrepancy has been an ongoing issue over the years for people building accessory

structures. The homeowners' association has recommended changing the ordinance rather than the plats. The revision would be simple, she said. The Planning Commission suggested that the term "freshwater" wetlands be included to differentiate it from saltwater estuaries. The Planning Commission recommended approval, Ms. Anderson said.

Councilman O'Kelley asked what the saltwater buffer was, and Ms. Anderson said she believed it was 40' at Battery Point. There being no public comment, Mayor Keyserling closed the public hearing.

PUBLIC HEARING: AMENDMENT REVISING SECTION 5.3.D.15 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO), "SPECIFIC USE STANDARDS, OTHER VEHICLE SALES AND SERVICE," TO DELETE THE PROVISIONS PERTAINING TO LOCATION OF VEHICLE DISPLAY

Mayor Keyserling opened this public hearing. Ms. Anderson said vehicle sales are currently permitted in the Highway Commercial district as a conditional use and in the Limited Industrial district as a use permitted by right. The conditions are specific in the UDO, she said, and one condition is that vehicle display can't be located in front of the building. This provision has proven to be unworkable for city dealerships. No current or proposed facilities meet this requirement, so staff is proposing to delete the requirement, which they feel will not create a negative aesthetic impact on the city. She went on to describe other uses in Highway Commercial districts. Display of vehicles is important to the dealerships' business model. Staff feels the location of vehicle display can be handled through the development review process of staff or the DRB for new facilities. The Planning Commission recommended approval, she said. There being no public comment, Mayor Keyserling closed this public hearing.

MINUTES

The minutes of the work session and regular meeting on January 24, 2012 were presented to council for review. **On motion by Councilman McFee, second by Councilwoman Beer, council voted unanimously to approve the minutes as submitted. The motion passed unanimously.**

AMENDING FY 2012 BUDGET ORDINANCE FOR VARIOUS INCREASES DUE TO GRANT AWARDS, DONATIONS AND AUTHORIZED LAND ACQUISITION AND REDEVELOPMENT INITIATIVES

Councilwoman Beer, second by Councilman O'Kelley, made a motion to amend the ordinance on second reading. The motion passed unanimously.

ORDINANCE REVISING SECTION 5.3.D OF THE UDO, "SPECIFIC USE STANDARDS, OTHER VEHICLE SALES AND SERVICE," TO DELETE THE PROVISIONS PERTAINING TO THE LOCATION OF VEHICLE DISPLAY

Councilwoman Beer, second by Councilman O'Kelley, made a motion to revise the ordinance on first reading. The motion passed unanimously.

ORDINANCE REVISING SECTION 6.6.F OF THE UDO, "OUTDOOR DISPLAY OF MERCHANDISE," TO DELETE THE PROVISIONS PERTAINING TO THE LOCATION OF DISPLAY IN BUFFER AREAS –

Councilwoman Beer, second by Councilman McFee, made a motion to revise the ordinance on

first reading. Ms. Anderson said there has not yet been a public hearing on this matter, so she offered a synopsis of the issue. This also pertains to display of vehicles. An issue in the code deals with display of both indoor and outdoor merchandise. Indoor merchandise is required to be displayed only within 5' of the building. Paragraph C says all merchandise displayed outdoors must be set back from the front property line, "the distance of the required buffer, whether or not that buffer exists." On Highway 170, the buffer for a property is required to be 20' if it were undergoing new development. This is a challenge for properties undergoing new development.

This provision of the ordinance says that vehicles can't be displayed within 20' of the buffer, even though there is no front buffer, Ms. Anderson said. An applicant might be installing a buffer, but it might not be the full width, also. Staff is proposing to delete this requirement of the ordinance to facilitate reuse in appropriate areas for auto sales and possibly service. This will not affect indoor merchandise, she said, because paragraph B says that indoor merchandise can only be displayed within 5' of the building. This will go to the Planning Commission later this month, Ms. Anderson said, and there will be a public hearing on it at council's meeting on February 28.

Councilman O'Kelley asked if they were putting the cart before the horse, since there's not yet been a public hearing. Mayor Keyserling said that they were, but there's also a construction project which, if council agrees to it, could save two weeks by doing this first reading now. Councilman O'Kelley said he understood and feels that council had long-ago addressed all of the indoor / outdoor matters. He asked Ms. Anderson if different areas have different setbacks, and Ms. Anderson said yes.

Councilman O'Kelley asked if this will open a door for someone to display outdoor merchandise that's not on Highway 170, for instance on Boundary Street. Ms. Anderson said the intention is to allow more flexibility. She feels the issues have been thought through pretty well. This ordinance was originally developed for indoor merchandise. Councilman O'Kelley said his concern was an outdoor display at a business that didn't have a big parking lot. Ms. Anderson said the current paragraph C would lead the city to tell the business that they couldn't display something like a swing set outside the buffer, but since the proposal is to delete paragraph C, it will help with that, allowing it to be on the sidewalk or a parking space. Ms. Anderson re-emphasized that indoor merchandise has to be displayed within 5' of the building. **The motion passed unanimously.**

REVOCATION OF "DOGS ON WHEELS" 2012 BUSINESS LICENSE

Councilwoman Beer, second by Councilman McFee, made a motion to revoke the license on first reading. Mr. Dadson said the vendor is located in Waterfront Park, space #3. The vendor hasn't utilized the site since October 2011 and owes the city past hospitality taxes. Council has to revoke the license, and staff recommends that they do so. Mr. Dadson said attempts have been made to contact the vendor but they have not received a response. Mayor Keyserling asked if this will open up a vendor space. Mr. Dadson said it would. Councilman O'Kelley asked if the vendor had a representative present, but they did not. Councilman O'Kelley asked, in

regard to correspondence, if the vendor was given notice of the revocation vote. Mr. Dadson said they were not required to give that notice. Councilman O'Kelley asked where the #3 location was. Mayor Keyserling said it's by the Contemplative Gardens by the Marina. **The motion passed unanimously.**

REQUEST FROM CHILD ABUSE PREVENTION ASSOCIATION (CAPA) FOR STREET CLOSURE FOR STEP UP FOR KIDS 10K/5K RUN/WALK

Councilwoman Beer made a motion, second by Councilman McFee, to approve the request for street closure for the April 21, 2012 event. Councilman McFee asked if this was the same thing as in previous years, and Ms. Burgess said yes, it is basically the same thing as the Angel Walk, but it will take place on the street and bridge instead of on the sidewalk. Councilman McFee said they are working with DOT for the closure and it is only for two hours and ends at 10 a.m. **The motion passed unanimously.**

WATERFRONT PARK CO-SPONSORSHIP REQUEST FROM CAPA FOR STEP UP FOR KIDS 10K/5K/RUN/WALK

Councilwoman Beer made a motion, second by Councilman O'Kelley to approve the request for county-sponsorship of the April 21, 2012 event. Councilman McFee asked what this meant. Ms. Burgess said it's a waiver of charges for the part of the park where they gather and have their awards ceremony. This doesn't apply to expense of additional staff. **The motion passed unanimously.**

AUTHORIZATION FOR CM TO SIGN A CONTRACT WITH THE GREENERY

Councilwoman Beer made a motion, second by Councilman McFee, to approve the authorization. Mr. Dadson said this is for use of current city facilities by The Greenery at Burton Hill as they conduct their contract with the city. The contract is for up to 12 months. The lease agreement is for office, warehouse, and storage space. Staff recommends that the lease be \$2500 a month. Mayor Keyserling said the space is surplus at the moment. Councilman O'Kelley asked if The Greenery would pay utilities, and Mr. Dadson said the city would pay them because there was not a way to segregate them out. Councilman McFee said Mr. Dadson had referred to the city's contract, and Mr. Dadson clarified that he meant the current contract with The Greenery. Mayor Keyserling said "we're basically leasing them available space." **The motion passed unanimously.**

MAYOR'S REPORT

Mayor Keyserling said if any council member is interested, he's meeting with the president of SC ETV and others involved with film production to see if there's a way to make their space available to the public on a rental basis.

Mayor Keyserling thanked council for a good work session. Jan Pringle and James Sitwell will meet with Jon Verity, Josh Martin, and Mayor Keyserling to see what they can take from the marketing summit meeting to prepare for a follow-up meeting.

REPORTS BY COUNCIL MEMBERS

Councilman McFee said the Redevelopment Commission has been busily working from their retreat.

ADJOURNMENT

There being no further business to come before City Council, **Councilman O’Kelley made a motion to adjourn, seconded by Councilwoman Beer. The motion was approved unanimously, and the meeting was adjourned at 8:01 p.m.**

ATTEST: _____
IVETTE BURGESS, CITY CLERK