

A regular meeting of the Beaufort City Council was held on July 9, 2013 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were council members Donnie Ann Beer, Mike Sutton, Mike McFee, and George O'Kelley. Mayor Billy Keyserling had 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.

CALL TO ORDER

Mayor Pro Tem Beer called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation and the Pledge of Allegiance were led by Mayor Pro Tem Beer.

PUBLIC COMMENT

Councilman McFee noted that **Nan Brown Sutton** was recognized as a Master Merchant, an honor for excellence in retail.

MINUTES

The minutes of the special meeting and work session June 18, 2013 were presented to council for review. On page 5 of the minutes, Mayor Pro Tem Beer said she had said, "I don't want to *regress...*", not "*regret,*" as was noted in the minutes. In regard to the Executive Session, Councilman McFee said that Mayor Pro Tem Beer made the motion to adjourn and go into Executive Session, second by Councilman Sutton. Councilman Sutton made the motion to adjourn the Executive Session, second by Councilman O'Kelley. **Councilman McFee made a motion, second by Councilman Sutton, to approve the minutes as corrected. The motion passed unanimously.**

The minutes of the work session and regular meeting June 25, 2013 were presented to council for review. **Councilman McFee made a motion, second by Councilman O'Kelley, to approve the minutes as submitted. The motion passed unanimously.**

AMEND FY 2013 BUDGET

Councilman McFee made a motion, second by Councilman Sutton, to amend the budget on second reading. Councilman McFee said these three matters were discussed in a work session and public hearing. **Kathy Todd** said the amendments are for the acquisition of the property for the new fire station that requires a release of \$320,000 of committed fund balance. This would allow the transfer of the funds into the General Fund and into the Capital Projects fund. The second is related to the Bladen Street project. The franchise agreement with SCE&G says they cover half and the city covers half through its special reserve fund of \$45,000 in fund balance. The third is for the request from the friends of the Spanish Moss Trail for \$50,000 for the completion of the trail along with other governments; it's toward economic partnerships, Ms. Todd said. **The motion passed unanimously.**

ORDINANCE REVISING SECTION 7.5 OF THE UDO, "OFF-STREET PARKING AND LOADING STANDARDS," TO EXEMPT CERTAIN USES FROM PARKING REQUIREMENTS AND FROM OFF-STREET LOADING REQUIREMENTS

Councilman O'Kelley made a motion, second by Councilman McFee, to approve the ordinance revision on second reading. Councilman Sutton said this relates to a change to the UDO that will keep the UDO in line with the city's trend to establish more on-street parking by eliminating existing on-site parking requirements. **The motion passed unanimously.**

ORDINANCE REVISING SECTION 8.2.A OF THE UDO, "SUBDIVISION DESIGN/IMPROVEMENTS; SUBDIVISION DESIGN STANDARDS; STREETS; SIDEWALKS," TO CLARIFY THE REQUIREMENTS FOR CONSTRUCTION OF NEW SIDEWALKS

Councilman Sutton made a motion, second by Councilman McFee, to approve the ordinance revision on second reading. Councilman Sutton said this is related to sidewalk size in new construction in subdivisions to make sidewalks more uniform and functional. Councilman McFee said they will also have increased plantings between the sidewalk and the street to enhance safety. **The motion passed unanimously.**

ORDINANCE REVISING PART 3, CHAPTER 2 OF THE CODE OF ORDINANCES, "PARKS"

Councilman Sutton made a motion, second by Councilman McFee, to approve the ordinance revision on first reading. Libby Anderson said the staff has proposed new standards for the parks and the Spanish Moss Trail. She said they wanted to have a standalone section for when people ask what the rules are in the parks. It was discussed in the council workshop and the following changes were made:

- The ban on smoking at all parks was felt to be too early, so it will not be added.
- The section on balloons has been revised to eliminate the RELEASE of balloons, but having balloons or piñatas in a park is allowed.
- The dog park will allow dogs to run unleashed, but otherwise all dogs must be leashed in all other parks.
- A section on penalties was added.
- The Town of Port Royal and Beaufort County will adopt similar standards for the Spanish Moss Trail as those that have been added here.

Councilman Sutton said he still objects to calling for the leash to be no more than 6', but he'll support this. Councilman O'Kelley said unless a dog bites someone, it is not likely there will be much enforcement of this part of the ordinance. **The motion passed unanimously.**

ORDINANCE REVISING SECTION 6.6.F.1 OF THE UDO, "OUTDOOR DISPLAY OF MERCHANDISE"

Councilman O'Kelley made a motion, second by Councilman Sutton, to approve the ordinance revision on first reading. Ms. Anderson said this modifies the ordinance in regard to outdoor display of merchandise. During the workshop, council had indicated that the determinant should be where the merchandise is *used*, not where it's *stored*, indoors or outdoors. Council did suggest, though, that landscape buffers are important and staff agrees.

The revision would keep the definition of outdoor merchandise the same, but clarify that outdoor merchandise can be displayed behind the buffers required for new development, and the business will need a site plan to show where the display will be. Ms. Anderson said if a car dealer moves into a former bank building, for example, the dealer can display the cars on the street but would be required to put in a buffer that complies with the ordinance. Councilman O'Kelley asked the buffer height. Ms. Anderson said a 20' buffer requires 2 over-story trees, 4 under-story trees, and a certain number of shrubs that will be required to be irrigated unless certain species are planned.

This is already required for new construction, as at the Stokes dealership, Ms. Anderson said, but when Vaden went in, they triggered the new development ordinance. If no renovations are done to the building, they still need to invest in the buffer in order to display merchandise outdoors.

Councilman Sutton said he doesn't like not being able to see the business he is trying to find on Hilton Head Island because of their sign ordinances and buffers. He asked if trying to achieve this in Beaufort was the goal of the ordinance change. Ms. Anderson said Vaden and Stokes are examples of what they are trying to achieve with this ordinance.

Councilman Sutton said staff is left with the responsibility of reviewing the site plan, which is fine with him, as long as they don't try to create a buffer that keeps people from seeing the merchandise. Ms. Anderson said this is especially for Highway 170 and landscape standards will not change.

Councilman O'Kelley said "this is about enforcement." If Vaden hadn't gone into the former OC Welch property, which has no landscaping, he asked if Vaden could have showed the landscape plan to staff and then implement it at some later point in time. Ms. Anderson said yes, some developers don't know that there's that option, but it is there. Especially for smaller jobs, Ms. Anderson said, landscaping is still required, but their permit won't be held up until they have planted things. **The motion passed unanimously.**

STREET CLOSURE REQUEST FROM UNITED CHURCH OF JESUS CHRIST TO HOST COMMEMORATIVE PARADE

Councilman O'Kelley made a motion, second by Councilman McFee, to approve the request for the August 25, 2013 event. Ivette Burgess said it would close 4 blocks of Duke Street: 1402-1801. The police walked the route and can do traffic control but will need more people than would be normally be on duty, so there will be a cost to the church for off-duty officers. She has told the church how much that would cost, Ms. Burgess said, and they told her "to go ahead with this." She explained that the police officers would be for the control of traffic at the intersections and in private driveways. **The motion passed unanimously.**

RESOLUTION ADOPTING A CAPITAL IMPROVEMENT PLAN

Mayor Pro Tem Beer read the resolution. **Councilman McFee made a motion, second by Councilman Sutton, to approve the resolution.** Councilman O'Kelley said he will vote against it.

The city is currently “having trouble finding money,” he said, and though the CIP is called “long-term,” there is a category for projects in 1-3 years. Councilman O’Kelley said he thinks “the items should be considered one at a time.” He “won’t support biting off so much at one time,” he said. Ms. Todd said this CIP puts into one consolidated document all of the projects that have been recommended. No action takes place unless council has approved that they will move forward with a project.

Councilman McFee said the plan is intended to reflect current planning. Ms. Todd said yes, the “blue” items are projects like the fire station, and the grant projects like the mooring fields and Duke Street. At no point, she said, will a project move into the capital project budget until the funding has been identified and established, and *then* it will be moved into being a capital funded project.

Councilman McFee said he feels “1-3 years is a lofty goal.” Ms. Todd said the 1-3 year projects identified in the Civic Master Plan were the ones that were captured, but they can modify to a 1-5 year plan if council prefers. The purpose is to identify the projects that are out there and which the various groups are discussing to help council prioritize and channel the projects where they would like them channeled.

Councilman Sutton said they have been discussing this for about 6 years – a planning document that looks ahead on projects’ budgeting. This is not budgeted items but projects that are planned, and grants could be sought for some of those projects; for example, “roads that are not on SCDOT’s resurfacing plans could be put on there as a target to look at,” he said. For the street lights, there’s TIF funding in place, Councilman Sutton said, and the fire station is coming soon. The money that’s put into the Rail Trail program will, with the Allison Road project, help connect the trail system to Ribaut Road. If it’s planned for and the money is spent to do it, Councilman Sutton said, “it will give an easy way to get there, as there’s no way to do so now.” Duke Street has been on the list awhile, he added, and grant matching funding is being sought and has been received.

Councilman O’Kelley said when the Boundary Street plan was approved by a previous council on which he served, he had said he would approve the plan, “as long as it was planned for 50-100 years and properties weren’t taken.” But now, “6-7 years later, Boundary Street is moving forward.” He thought it would be at least a 50-year project, so if council has “these 1-3 year plans now, it moves long-range planning forward too quickly, and it’s out of hand,” and he said he won’t support it.

Bill DeFoley said he wants to ensure that council doesn’t incur long-term maintenance costs. There have been budget cuts in what’s currently being maintained, and he doesn’t want to see money taken from those projects for new projects.

Joe McDermott asked for council to put Southside Park in the CIP. Councilman Sutton told Mr. McDermott that it is in the CIP. Mr. McDermott went on to describe an intersection that he said

is “in terrible condition,” and he would like to see it improved. **The motion passed 3-1, Councilman O’Kelley opposed.**

MOTION TO ALLOW ACCEPTANCE OF 2013 JAG GRANT

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

Ms. Todd said the police department applies for the justice assistance grant and they’re always awarded \$5000 - \$10,000 for needs that support police activity. They have to be very specific as to how they’ll use their money in the grant. The money for the 2013 grant will be used for a thermal imaging system to search for missing boaters and for ballistic vests for SWAT calls. When the grant is received, they will come back with a budget amendment. Ms. Todd said the amount was not included, so she didn’t know it. **The motion passed unanimously.**

PERMISSION TO ALLOW NEW VENDOR IN THE WATERFRONT PARK

Councilman Sutton made a motion, second by Councilman McFee, to give permission for the vendor. Howard Hook, of Hook and Hook enterprises, said the business is located in Habersham, and they would like to put their Sunset Slush cart in Waterfront Park. The cart is 48” wide and about 90” long. He can hold 10 flavors of ice but can only serve 4 types at a time. There’s a signboard they hang on the open umbrella, and they provide their own trash receptacle, Mr. Hook said. There will only be water discharge.

Councilman McFee asked if the cart has a generator. Mr. Hook said the cart itself acts as a refrigerator / freezer and makes no noise. He requires no electricity on-site. Ms. Anderson said that in the pre-application conference, they had gone over all of these issues and “everything was in order.”

Councilman McFee said there are restrictions as to outside vendors in Waterfront Park. Ms. Anderson described the two locations there where vending is allowed. Mr. Hook would be near the Contemplative Garden. Councilman Sutton said he assumes that the vendor slots are available, and Ms. Anderson said yes, it’s available. Councilman Sutton asked, if there’s no operator in the other spot, if Mr. Hook could be licensed for both spots, and Ms. Anderson said that would eliminate the opportunity for another vendor.

Councilman Sutton said this business will be the seventh vendor to be in Waterfront Park, and Mr. Hook has “a premier spot with little overhead.” Councilman Sutton asked how they get the cart to the park and where the trailer will be parked. Ms. Anderson said they had asked about loading and unloading. Mr. Hook said he will unload at Charles Street and then go park. Councilman Sutton said he’s concerned “about one more vehicle taking up space on the Street,” so he hopes Mr. Hook “won’t be forced to park way away and walk.” Mr. Hook said he usually takes the trailer back to the shop in Habersham. He will find some place closer to park, he said, but he doesn’t “intend to park in a congested area,” and he understands people come downtown and need to park, so he doesn’t want to take up two spots.

Councilman O’Kelley asked Ms. Anderson about when the Water Festival is on, if they control the vendors. Mr. Hook said he will contact those Water Festival officials as soon as the licenses are granted. **The motion passed unanimously.**

COUNCIL MEMBER REPORTS

Councilman Sutton asked Ms. Anderson to look into the recent rains causing sink hole problems. He asked her if she could get something done. Ms. Anderson said she would make Public Works aware of the concern.

ADJOURNMENT

There being no further business to come before City Council, **Councilman Sutton made a motion to adjourn, seconded by Councilman O’Kelley. The motion was approved unanimously,** and the meeting was adjourned at 8:06 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK