

A work session of the Beaufort City Council was held on March 26, 2013 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 Sutton, and Mike McFee, 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 5:00 p.m.

DISCUSSION ITEMS

Capital Improvement Projects (CIP) – Overview of Projects, Funding and Timing

Kathy Todd made a presentation on the capital improvement plan (CIP) and said it's a plan that assesses capital facility needs against overall goals and objectives. It is not a legally binding document; it can and does change, she said. Older projects will drop off when completed, and new ones are added each year. She described the documents that form a relationship to the CIP, and how the various documents interrelate with one another. The CIP is "where it all gels together," Ms. Todd said. Other documents that are relevant include the "Vision Beaufort" Comprehensive Plan and the Strategic Master Plan that is now called the Civic Master Plan. Ms. Todd described the functions of these documents.

Ms. Todd said the heart of the CIP is the projects. It contains a series of tables to show the projects that will be built, when, where and how much they will cost. The capital budget is the first document of the CIP. There are both funded and unfunded capital projects.

In regard to the capital budget, Ms. Todd said, expenditures related to the capital projects generally span longer than an operating year. To develop the CIP and the capital budget, staff organizes the process, identify the projects and funding options, select the projects, and prepare and recommend the capital plan and budget. Finally the capital budget is adopted. The CIP and capital budget can change as priorities change. The entire amount that a project needs will be funded in the current fiscal year, regardless of whether those funds are spent or not in that year. The operating budget is only a one-year budget, Ms. Todd said. The remainder of the project funds left will go into the subsequent year's operating budget. It will stay in the fund balance or may be funded with debt (fund balance and cash).

To develop the CIP draft, they identify projects from Chapter 11 of the Civic Master Plan that had a 1-3 year implementation projection, Ms. Todd said. They also sought counsel from Public Works in regard to stormwater drainage and other Public Works areas that require capital needs. Then they obtained an estimator to go through the projects and give an estimate of project costs in dollars, then developed a schedule by major category.

Ms. Todd showed a slide of the preliminary CIP. A project will move from an estimated amount to the actual cost. She indicated the five primary categories of funding including the TIFs and the General Fund. The sector number and the page of the Civic Master Plan are also included in this plan. Ms. Todd indicated some projects included in the preliminary CIP that are already in the works: Allison Road, the fire station, etc.

Next, they will link the projects by sector as identified in Chapter 11 of the Civic Master Plan. Ms. Todd and **Craig Lewis** will do this. They will then ensure that this list is complete and follows council's priorities for the next 1 – 3 years. They will then look at each sector plan to assist in developing the capital project budget. They will then look at the funding options and timing for each project.

Mayor Keyserling asked if the mooring field and the day dock are contingent on grants. Ms. Todd said they have a grant on the mooring field, and the match is being paid for by the private sector. There are no city resources in use. The money is not on the city's books, Mr. Dadson said, so that's why it's not there. Councilman Sutton suggested putting those projects on there but in another color, and Mr. Dadson agreed.

Councilman Sutton said in regard to sidewalks, there is other matching money, and there are opportunities to tie them to the Rail Trail, and they will need to rank them by need to determine which need to be addressed first. They will be asked by citizens how they determined which projects they will do first, Councilman Sutton said, and they will need to have reasons for those choices. Mr. Dadson said if they are "pay as you go" projects or under maintenance, they wouldn't necessarily be in this CIP.

Mayor Keyserling asked if when they go through it, they can determine which projects are potential matches for a grant. Ms. Todd said she was unsure how they could do this coding. Mayor Keyserling said in regard to the day dock, for example, if the money for it "is not on the books," it would be in a different color than ones that already have funding sources.

Mr. Dadson said a plan is a city policy, but it lives and breathes; the capital budget is when it's locked in. The CIP can change; if it's not funded or started and another opportunity comes up, they can figure out how to move something in at the appropriate time, e.g., they find a partner or get a grant that was unanticipated. Year-over-year/ongoing expenses such as rolling stock are not in the CIP, Mr. Dadson said. There is space left in the operating budget for that kind of thing. This creates "a placeholder in the budget to not crowd out essential services." This helps council "to understand the trade-offs much better."

Ms. Todd said Southside Park is a 3-5 year project, and **Isaiah Smalls** confirmed that; Councilman Sutton said for council it's a higher priority. Councilman Sutton said some things in the Southside project list may fall on the CIP.

Mr. Dadson said at the next work session, staff will present another aspect of this in anticipation of council's review of the operating budget.

Mayor Keyserling asked Mr. Smalls if utility work has created the bumps on Greene and Duke Streets. Mr. Smalls said yes. After the rain, they have gotten deeper.

Ms. Todd said this presentation will be on the web site as well as a FAQ. Councilman Sutton said when it goes online, he wants it clearly annotated that it's in process. Ms. Todd said she "will stamp 'draft' all over it."

DISCUSSION WITH REDEVELOPMENT COMMISSION AND METROPOLITAN PLANNING COMMISSION CHAIRS

Alice Howard said **Jennifer Bihl** has taken **Jim Hicks'** position on the MPC, and she has worked on the county's form-based code committee. The MPC had a successful workshop on the Town of Port Royal and City of Beaufort growth boundaries.

Ownership of Proposed New Street Serving Parker's Development

Mayor Keyserling said "this is 10 acres of high, dry developable land," not just a convenience store. In reality, a developer has removed an eyesore and has a long-term plan to develop 10 acres of commercial space in the city, which is why the city annexed it.

Libby Anderson made a presentation about the Parker's project. It includes a new street that would connect Highway 21 and Parris Island Gateway. The developer is requesting that the city take ownership of the proposed street. The county has put the condition of the city's acceptance of the street as a condition of the crossing of the Rail Trail. The county and BJWSA own the right-of-way, and they need to approve the crossing. The county has said that the city must take ownership of the street to get city approval.

The new street is about 730' in length; the right-of-way is 30-60', Ms. Anderson said. They have asked for "a typical urban street section." The county has requested a letter from the City of Beaufort saying they will take ownership of the street before they apply for an encroachment permit. Ms. Anderson said there are concerns about the Traffic Impact Analysis (TIA). The eastern road extension will be "failing," and the delay to people heading north on Highway 21 is 54 seconds, which doesn't concern DOT; they have indicated that they will approve an encroachment permit. However, council should be aware of this. The city's TIA needs to set it at "D," and this is an "F." Councilman Sutton asked if signals would change the F to a D. Ms. Anderson said it would, but DOT hasn't said they would approve a signal. Councilman O'Kelley asked the minimum requirement. Ms. Anderson said DOT is getting approval to build a deceleration/turn lane.

A discussion ensued about the map and what represented Rail Trail right-of-way. Ms. Anderson said they are trying to partner on the deceleration lane. DOT is "coordinating with all they need to." The F rating isn't improved by DOT's improvements, Councilman McFee said, and Ms.

Anderson agreed. Mr. Dadson said the intersection is at an F; he asked if right in/right out makes it a D, and **Rusty Windsor** with Thomas and Hutton said no.

Councilman Sutton said there will be no request for a curb cut until the city agrees to take the road. Mayor Keyserling said if the roads are built to the city's standards they will accept them as they have in the past. The Rail Trail involved the county and therefore its complications.

Mr. Dadson reviewed the county's memo and said the county is demanding that the City of Beaufort enter into a development agreement with Parker's, as opposed to being specific with the property owners, and then the city is compelled to provide a TIA. Also, Mr. Dadson said the City of Beaufort will be responsible for traffic mitigation issues; the county said in its memo that the City of Beaufort must submit any traffic mitigation. He said he is fine with #6 and #7 of the county's demands, but the county is saying to the city that for the owner to get an easement to cross the county's property, the City of Beaufort "has to do all these things." The city will in turn have to say to the developer that *they* will have to do all these things in order for the city to accept the road.

Councilman Sutton said he was "alarmed by the county making these demands to the city." Mayor Keyserling said the county leased the easement from BJWSA for \$1, though the city has annexed that property into the City of Beaufort. Councilman Sutton said he wants to know if they can just accept the intersection, or, if they develop it to standards, accept the whole thing.

Mayor Keyserling said there is likely to be another road in there. He asked if it is anticipated that if they accept this one, they will accept the other one. **David Hornsby** with Parkers explained how the street would be surveyed and the right-of-way for the Rail Trail. They would not be coming back to the city, he said.

Mr. Dadson said staff needs to recommend that council accept this or not. The county asking the city to do this means that Mr. Dadson would be recommending that all these issues have to be cured by the developer in order for the city to accept it. When those are all met, the county has put a lot of demands on the city that are not normal to require, and they've done that for the Rail Trail. The developer crosses that easement, Mr. Dadson said. They "need to determine how these things get dealt with."

Councilman Sutton said the onus is on the developer to cure the failing intersection. Councilman Sutton asked if **John Bender** had a plan. Thomas and Hutton has a traffic engineer, Mr. Bender said, but one of the issues is that the failing intersection is so close to a light that they can't put in another light. The failing intersection is the one that has the light. There are multiple challenging intersections, he said, and he indicated those on the map. Putting the eastern road all the way through, Mr. Bender said, allows traffic to get out a different way, and people will choose to go the shortest method and avoid the light. The two failing intersections will be avoided.

Councilman Sutton said they have to mitigate it or the other failing intersections are part of the discussion. Mr. Bender said a signalized intersection, according to the city's ordinance, can't be a failing intersection. Mr. Bender said the county attorney said a city-owned road going across the Rail Trail means the city controls the Rail Trail. Mr. Dadson said that's different than what the county has said other times, including in this memo. The only way Mr. Dadson could recommend acceptance of the street to council is if the developer handles all 8 items in the memo.

Mr. Bender went through the 8 points. He said Parker's will do a TIA. In regard to #4, they have a plan for some of the intersections, but they need to discuss them all. Councilman McFee said it would be "an insurmountable feat" to realign the intersection at Parris Island Gateway and Highway 21.

Mr. Dadson said unless Parker's "can answer all these questions and do them all right," the city can't enter into the agreement. Mayor Keyserling recommended that council write a letter back to the county as to what the city can live with. Mr. Bender said #1-3 have been done, they have proposals for #4, and "#5-7 are things (they) can tackle."

Mayor Keyserling passed the gavel to Councilwoman Beer because he had to leave the meeting.

#4 and #5 are the items that Parkers and the city need to talk about further, Mr. Bender said. Mr. Dadson said Parker's has to address how they are going to deal with all this because the city can't take it on. Mr. Dadson said the city doesn't own the easement, and Parker's can't cross that easement unless the developer can do what's said in the letter.

Stewart Mitchell, the property owner, asked "if the city accepts a road if they accept those same liabilities anyway." Mr. Dadson said no. Mayor Keyserling said what the county is asking the city to do is "awfully vague." The county is saying the city is responsible for two intersections and for what happens to 2-3 sides of that property. It is "an unreasonable burden," Mayor Keyserling said.

Councilman Sutton asked if the Parker's project would work if the trail piece weren't involved. Councilman Sutton said in urban planning, "the design needs to have connectability behind the scenes," and Highway 21 is not a friendly corridor because it doesn't have that. The plans on the drawing and if the owners connect those parcels, it would mitigate the traffic issues.

Mr. Dadson said "there needs to be a legal understanding of how these issues will be addressed." Councilman McFee said they must clarify the responsibilities requested in these 8 points. The county is requiring the city to take on the onus that the city wants to be on the developer. Mr. Dadson said the city's answer to the county can be that they will make the developer do all these things, and staff will work with the developer to do them.

Ms. Anderson said in item #4, the county is saying this needs to change from an F to a D; it needs to be mitigated. Councilman McFee asked if they can realistically make a failing intersection better with more traffic. Councilman Sutton said they already have the traffic, they know the roads are inadequate, and they need a sensible plan for commercial infill. The traffic counts work for Parker's, but #4 and the failing intersection are problems that the county knows about.

Councilman O'Kelley said that the evening rush hour exists already, and there's nothing the city and developer can do about it. Councilman Sutton said the deceleration lane will mitigate all of this. Mr. Dadson said that Parker's has to show that mitigation.

Councilman Sutton asked Mr. Hornsby if they had understood the responsibility the county was thrusting on the city. Mr. Hornsby said "absolutely not." This memo was created at the third reading the previous night. They then clarified that they are not building the Rail Trail, so #6 was a clarification made that morning.

This is **Gary Kubic's** letter, Mr. Hornsby said. Councilman Sutton said that none of this was on the first two county council readings, and Mr. Hornsby clarified that Councilman Sutton was correct. The city council hadn't had the benefit of those three readings. Councilman O'Kelley asked if they made an amendment on the third reading; Mr. Mitchell said there was no information on the first and second readings. County council did not enumerate these things at those times. Mr. Dadson said everything but #6 came out of the county's last committee meeting. These are the conclusions that they came to, Mr. Dadson said, as the owner or responsible party for the easement.

Councilman McFee said there's no question that the council supports the project. The DRB has approved it, Mr. Dadson said, and "the city is still holding out on the TIA." They need to answer how they will develop all the points. Mr. Hornsby said "Parker's needs some muscle from the City of Beaufort to say that they can't do these things." Mr. Dadson said the developer can sit down with city staff to explain how they will do all of this.

Mr. Mitchell said the intersection at Parris Island Gateway, he thinks, is not the intent: the county is talking about Parris Island Gateway, Highway 21, and the County Shed exit. All these are not the lighted intersections. He pointed these three out. He feels Mr. Kubic is not meaning the traffic light intersection. Councilman Sutton said the TIA needs to be used to show the county that the new road should mitigate the Highway 21 problem.

Mr. Bender said that what they saw with county council was that the county attorney said that if the city streets are built to city standards, then the city controls that crossing. Mr. Dadson said the county has stated a different opinion to the city attorney. The county council has put conditions on the citizens that need to be on the developer.

Mr. Bender said they have been trying for many months to determine who signs the encroachment permit on the crossing. Councilman Sutton and Mr. Dadson agreed that #1-3 are "on the county" to do. Mr. Bender said the county is saying those points are "on the city as the owner of the road." Mr. Dadson said because they encroach over the right-of-way, they have to deal with the county. Mr. Dadson said they need to determine how they did their third reading. Councilman McFee said by inserting these points into the third reading, "they have added on layers of responsibility." The county council has voted on this verbiage; this is too onerous for the city to take on, he said.

Councilman Sutton said the next step would be for the developer to answer the questions as well as they can, produce a document that addresses that, and bring it to the city manager and city staff. If it answers the question, than an agreement can be done, and they can send a letter saying what the city accepts, but not the current language as the county has sent it in this memo because it's not in keeping with current urban planning models. When the developer has met the mitigation potential, the city can agree to take the roads.

Councilman McFee said item #4 in the memo is ambiguous and needs clarification. If the developer is not responsible for the lighted intersection, that would make them feel better. They need to clarify if that was the county's intent. Mr. Bender said the other intersections are not an issue; the left turn onto Highway 21 is an issue, but it's the best way to alleviate traffic. Councilman McFee said the city standards are not to take a lighted intersection. Mr. Mitchell said if it's the three intersections and not the light, that helps, and there was general agreement.

Councilman O'Kelley said his main concern is that this element was thrown in on the third reading. Councilman Sutton said the conversation with the county has been on the urban sprawl and allowing development without a TIA. He understands "the county's sensitivity to creating another imbalance in a failed system."

Mr. Bender said they have been planning this for 17 months: "The right in/right out will not fail." The other intersection is fine, and the intersection that allows a left out will have multiple lanes to allow the right turns to not stack up; they have taken steps to reduce the amount of time at the intersection. He said they can give more detail to the city as well as clarifying what the county is requesting.

Ms. Anderson indicated the two intersections of concern. Mr. Bender said Thomas and Hutton has offered suggestions on those intersections, and Ms. Anderson said the city would be glad to entertain them.

There being no further business, the meeting adjourned at 6:47 p.m.

A regular meeting of the Beaufort City Council was held on March 26, 2013 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Council members Donnie Ann Beer, George O’Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson. Mayor Billy Keyserling was absent.

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 Donnie 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

John Dickerson, president of Dragon Boat Beaufort, invited the public to attend a showing of the movie “Awaken the Dragon” as a fundraiser on April 11, 2013.

MINUTES

The minutes of the work session and regular meeting on March 12, 2013 were presented to council for review. On page 3, Councilman O’Kelley said it should be “off of” Bay Street not “to” Bay Street. **Councilman McFee made a motion, second by Councilman O’Kelley, to approve the minutes as amended. The motion passed unanimously.**

The minutes of the work session on March 19, 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.**

AMENDMENT TO BUSINESS LICENSE ORDINANCE

Councilman Sutton made a motion, second by Councilman O’Kelley, to approve the amendment on first reading. Ms. Todd said this matter was discussed in council’s work session. Councilman Sutton said this does not change business license rates, and Ms. Todd clarified that this is correct. **The motion passed unanimously.**

STREET CLOSURE REQUEST FROM HISTORIC BEAUFORT FOUNDATION FOR THE 2013 LAFAYETTE SOIREE

Councilman McFee made a motion, second by Councilman O’Kelley to approve the request for the April 20, 2013 event. Maxine Lutz said the street to be closed is the far eastern end of Bay Street. The party is at 601 Bay Street. Councilman McFee said the street closure would be until midnight, and he asked if there’s an abatement requirement for noise. Ms. Lutz said the music won’t go until 12:00; the party’s over at 11:00 pm, but they are making the closure request until 12:00 to allow people to leave and get things out. **The motion passed unanimously.**

REQUEST OF NOISE ORDINANCE WAIVER FROM THE JUNIOR SERVICE LEAGUE FOR THE LEAGUE BBQ

Councilman McFee made a motion, second by Councilman O’Kelley, to approve the request for the April 13, 2013 event at The Arsenal. Amanda Jones of the Junior Service League requested the waiver for music to be extended from 10 pm to 11 pm. The event will be over at 10:30 pm, she said, but they wanted to get an extension while they are cleaning up. Ms. Jones said they did the event there last year and had no complaints. Councilman Sutton said he’s a neighbor, and he asked that the band be kept back in the building away from the residential part of the neighborhood for noise purposes. **The motion passed unanimously.**

ADJOURNMENT

There being no further business to come before City Council, **Councilman O’Kelley made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously,** and the meeting was adjourned at 7:12 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK