

A work session of the Beaufort City Council was held on February 25, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike Sutton, Mike McFee, and 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**

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

### **UPDATE OF SOUTHSIDE PARK**

**Liza Hill** said the Southside Park advisory committee hasn't met in some time. She presented an overview of what has been accomplished at Southside Park to date. The city has expended money and has performed in-kind work. SC Urban Forestry Commission provided an \$8000 grant. The public restrooms were a combo of 4 PARD grants to \$22,000 matched almost totally by the city. The Southside Park Advisory Committee purchased and deposited millings for the trail and the well was put in with a grant. The committee didn't raise the \$10,000; the money was given to them by the city.

Ms. Hill showed the Southside Park Committee priorities, #1 of which is a dog park. Reuse of the asphalt millings, clearance of the Waddell Road buffer and the irrigation mainline for the dog park and the tree farm, and the initial planting of the tree farm with 50 trees are the other priorities. She showed a graphic of the park in the Civic Master Plan. She showed where the dog park would go. Ms. Hill showed the current location for the dog park on the right and left hand side of Ivy Lane per the 2004 plan from the Southside Park Committee. On the right, it's  $\frac{3}{4}$  of an acre and 1.25 acre on the left, which will allow them to separate small and large dogs.

She showed the items of in-kind work to be completed by BJWSA. There is \$50,000 of in-kind work that remains to be done. The 1/3-mile trail would connect from Southside Park Drive to the parking area at the Beaufort tennis courts. There are 21 parking places, approximating the Civic Master Plan. Tree removal in the Waddell buffer areas is 6.6 acres and would be excellent for a lot of uses, but clearing is necessary. It will open up the view into the park.

Ms. Hill showed the current financing needs for Southside Park. Mayor Keyserling asked how much has been spent so far. The current fund has \$24,600, Ms. Hill said. \$50,000 remains from BJWSA in in-kind work. The fence and under-brushing are not covered. It's roughly \$23,000. BJWSA will take down trees but under-brushing and detail work need to follow. They could build the dog park, but need more funding. There will be an additional \$25,000 for Southside Park, Ms. Todd said, for 2015.

Mayor Keyserling said when the dog park was talked about, he heard about people who wanted to donate or work on that. Councilman Sutton asked if that was the highest priority for the dog park. He thought the partnership to build the park would be do-able. **Connie Hipp** said that

people they have gone to ask if the project is “real.” They will go and ask for help again, but they can’t be sure what will happen. Councilman Sutton said when he served on the committee, he thought they city could pledge the money if the citizens would pledge the money as a match. Ms. Hipp said the fencing is only one part of the dog park. They need water for the dogs, benches, etc. that people can donate. At this point, they want to look at the fencing and the amenities related to it. A playground is significantly more expensive than the dog park, she said.

**Don Starkey** said, “There’s nothing to sell people on right now,” and they have to do something. He agreed that they had discussed the playground, but it was too expensive, so they went to the trails and the dog park to get it started. Something needs to be done to show where the park and the funds would go. Ms. Hipp said they love the idea of the trails as soon as possible. There was discussion about the stormwater creating a water feature, so they didn’t put in trails, lest it cross through the park. Ms. Hill said the original amount of millings was slated to do the entire trail at 6’ width. Mr. Starkey said 20% of it is gone now.

Mayor Keyserling said this project has lumbered along, but they need a finite plan to get everyone on the same page. One problem has been that it is so big. They need to use cleared land, and there is some of that already and people use it. Councilman Sutton agrees that they should clear the land and start the trail with what is in the budget for this year. He feels they should set aside money out of the budgeted amount for the fence and can go get matching money from outside sources. They can get started on the trail and clearing, and the money from the city can come in July. They could build one of the dog parks and then get people to go after the money for the other. Ms. Hipp said people know it would be optimal to have 2 separate parks for large and small dogs.

Mayor Keyserling said the materials for the trail are available, and it’s laid out on paper. The \$24,600 could go a long way toward getting the trail done that people will use, then next year when the budget for the \$25,000 allocated, \$7500 is committed to a public match. He recommended putting stakes in the ground that’s been cleared.

Ms. Hill asked if they would ask BJWSA to move forward with their part of clearing, and use part of the money to do the closer work. They would not build the fence at this time but do clearing and then do the trail. Mr. Dadson said they can move the \$13,900 into the capital fund and then go out to raise \$13,000 to match it.

Councilman O’Kelley suggested that people could buy in with contributions, like at the first Waterfront Park playground. That was built with private funds. Someone could give a bench in the name of someone, etc. Ms. Hill said in regard to the amount of asphalt, the entire trail won’t be done, but the committee could look at the portion that can be done. Councilman Sutton said that seems fair. They can determine what distance could be covered.

Ms. Hipp asked, if the money is committed, if they will definitely have the money for the dog park if they go out to get money for the fence. Councilman Sutton asked how the money can be

protected. Ms. Todd said the money that is unused goes back into the fund if it's not spent. Southside Park hasn't spent the allocated money in the past. They can put the money in the capital projects fund to earmark it. Ms. Hipp said the committee was never assured that the money was there to be spent, which is why they didn't spend it. Had they known it was there, they would have spent it. Councilman Sutton said now there is a capital budget that they didn't have when the Southside Park committee started, so this money will be committed. \$24,600 will be spent before June 30, Mayor Keyserling said, and Ms. Hill knows it. Ms. Hill said that they hoped for the RTP grant, which would do a lot. They did want to spend money if they were to get it, and then they didn't get it. They also located the dog park in the wrong place. If council approves the new location for the dog park, they will start on it immediately. Mr. Starkey said it's a mere 20' from where they originally had it. They will start the ask in their targeted areas. Ms. Hill said she has talked to a bush hogger, and they will be available in 3 weeks. Councilman Sutton suggested they start on the dog park end first.

Mr. Starkey asked if there is money to maintain the park in the budget. Councilman Sutton said it's \$25,000 a year for infrastructure and maintenance. They will include the tree farm and other aspects that will require some maintenance. Mr. Dadson said it can be maintained now because it doesn't require much, but it will require more as it gets more refined and then council will have to decide how to do that.

Councilwoman Beer said the promise of the dog park was that the dog owners will help take care of it when it's built. Ms. Hipp said they did a lot of research of different dog parks and the amenities in order to make the recommendation. Mayor Keyserling asked Ms. Hill if there would be dog waste bags on the Spanish Moss Trail; she said **Dean Moss** had asked for a quote on the posts with bags, and she's given it to him.

### **ATAX RECOMMENDATIONS 2013**

Mayor Keyserling suggested that what the groups are getting from the county could be a 3<sup>rd</sup> column on the list, and Councilman O'Kelley suggested adding a column of other municipalities they get their money from.

TDAC chairman **Chip Dinkins** covered the allocations. The Chamber of Commerce Visitors Center operations request was for non-personnel expenses. **Robb Wells** said they will have a virtual guest book, and they will use this money to fund research for different events; the past year they did the Shrimp, Water, and Film festivals. He said they have used it for fulfillment options in the past. Mayor Keyserling asked if the research needs to be done annually. Mr. Wells said TDAC requested research for High on the Hog to validate that the money is being spent to increase tourism numbers. Some people applied last year and not this year, and they have the numbers on those organizations.

Councilman Sutton asked about how much of the \$30,000 is to be used on maintenance of the facility. Mr. Wells said it was for research and fulfillment, not facility maintenance. Councilman Sutton said the ATAX money can be spent on infrastructure. Mr. Dinkins said that's the next item; the Chamber of Commerce requested \$30,000 for the elevator and TDAC recommended

\$20,000, which covered the equipment costs. Mr. Dinkins said \$65,475 was requested for annual marketing expenses outside the 50-mile radius.

Mayor Keyserling said the Chamber of Commerce gets \$43,500+ for the first 2 quarters of this year. It will be close to \$90,000 they receive as the DMO of the city.

Mayor Keyserling said he would recommend not giving the organization 2/3 of an elevator. Mayor Keyserling said there's a real use for the room now because the museum is going in, which is why the process got started.

Mayor Keyserling asked about the reimbursement system, and Mr. Dinkins said that they get receipts, and they go through them and issue a check as quickly as possible. Mayor Keyserling said they are behind schedule again. Mr. Dinkins said redoing the application took longer than they had expected it to. They would like a council work session in mid- to late-September and will have a better schedule.

Mr. Dinkins said in regard to Penn Center, the request was \$12,000 and they were fully funded. They are interested in marketing outside the 50-mile radius for their museum and wanted some funds to market Heritage Festival. The Black Chamber of Commerce has requested \$45,000 and TDAC granted \$30,000. The Black Chamber of Commerce targets a nice niche of cultural tourists and are partnering with the Gullah Festival and Aunt Pearlie Sue. They fund her trips. The Gullah Festival partners with the Black Chamber of Commerce and no longer makes its own presentation.

Arts Council was awarded a grant to fund marketing to a drive market for the Compassionate Communities Project. Mayor Keyserling said **Lisa Rentz**, who applied, is no longer at the arts council and has partnered with USCB and the city; the money will go to the project, not ArtWorks.

Mr. Dinkins said Historic Beaufort Foundation is looking to renovate the front room to receive visitors at Verdier House as well as the east room. This is a match for other sources they have found. **Maxine Lutz** said the entrance is "dated," and they feel it discourages the visitor experience to walk into it. They renovated another room on the ground floor with city money. Mr. Dinkins commended them for going to get the match.

The Friends of Hunting Island have requested money to fund a series tour for the city of Beaufort. They will produce it. The TDAC recommendation was to focus on downloads, not CDs, and to partner with the DMO to market it. They are partnering with City Trex, LLC, a private company. Mayor Keyserling asked how this is justified in an audit, if it's in the regulations. Mr. Dinkins said it's tourism fulfillment. Ms. Todd said it would have to be researched. Mayor Keyserling asked if it should go through ATAX or through the DMO. They could contract with the Friends of Hunting Island. Mr. Wells said they are in their application, and the sale of the audios will go back into establishing the updates of the downloads in future years. It will be distributed through the Visitors Center and online.

Lowcountry Tourism was given \$8000 for advertising similar to the Chamber of Commerce's. **Peach Morrison** said it's for the overall marketing campaign. The committee thinks that Lowcountry Tourism does a great job with marketing, Mr. Dinkins said, and they receive a large chunk of money from other sources. Ms. Morrison said they are established by legislature and charged to promote economic development through tourism. They get ATAX similarly to the Beaufort DMO (as regional DMO); they request 6% of what the municipalities have received in the past. Different communities do it different ways. She described some of the projects Lowcountry Tourism is working on and partnering on.

Mayor Keyserling asked if everyone is linking to everyone else, though "not necessarily on the same page." There's nothing done visually to show that it is all one place, Mayor Keyserling said, and Mr. Dinkins said that those who receive ATAX are to use the Chamber of Commerce logo. Mayor Keyserling asked about the "Robin Hood clause" for the smaller, less wealthy communities. Charleston and Hilton Head Island go back into the pot, Ms. Morrison said. Mr. Wells said Beaufort is subject to Robin Hood now because they have "surpassed the amount of collections." Mayor Keyserling asked if some of the small counties are helped through Robin Hood and "this way," and Ms. Morrison said, "you are."

17% of the \$8000 given to her organization will be spent on the guidebook and other marketing, Ms. Morrison said in response to Councilman Sutton's question. LI, Beaufort and Town of Port Royal are 23% of the guidebook representation. Councilman Sutton said he has a hard time wrapping his head around groups using this money to market exactly the same thing. Ms. Morrison said they are trying to work together and not go after the same publications; they are regional and try to do different things at different times and not duplicate efforts. Councilman Sutton said the same amount of money is asked for every year, "but the language is changed." Ms. Morrison said the money comes from the tourists who are here. They try to reinvest it, and bring more people in to grow the funds. Councilman O'Kelley said he understands the need. Councilman Sutton said he does, too. But he wishes "for something different from the players." Mr. Dinkins said they encourage groups to go out and find the private enterprises to help them fund their projects.

**Jane Sidwell** said the focus of presentations has grown more substantial, and she thinks it will continue to be better. Councilman Sutton said that's how council wants to steer it. Ms. Morrison said she appreciates the toughness of the job TDAC does.

Habitat for Humanity is putting on the High on the Hog Festival and requested \$2500 and were suggested to receive \$2000 in partnership with the Chamber of Commerce to get numbers to show that they are drawing money from outside the 50 mile radius to their festival and can stand on their own eventually.

Councilman Sutton brought up the idea of a 3-year cycle. Councilman McFee asked if the Chamber of Commerce would provide statistics, and Mr. Dinkins said yes.

General RH Anderson SVC Camp #47 requested money to bring the flag from the Civil War and restore and preserve it for the history museum. It's a partnership with the Beaufort History Museum. This is also considered visitor fulfillment. Mayor Keyserling said this would be the same question of who the recipient is. He said they need clarity on who is the applicant and recipient; maybe the museum should be contacted and to obtain legal clarification.

The Exchange Club asked for \$4500 and was awarded \$1500 for the marketing of the Ghost Tours, Mr. Dinkins said. Mayor Keyserling asked Councilwoman Beer how long they had been funded. Mayor Keyserling asked if they should be cycling off so it can be on its own feet. Councilman McFee said maybe that should be discussed with them going forward. The Chamber of Commerce could do an analysis for them. Councilman McFee said they can show it through zip codes, and they bring in 28% from outside the 50-mile radius. **Mary Ann Thomas** said Ghost Tours enhance visitors' time here. Ms. Sidwell said people are coming because the marketing approaches are changing. They also want to partner with City Trex for a tour of downtown. The committee, Mr. Dinkins said, wanted to see what happened in Phase 1 before funding Phase 2.

Port Royal Sound Foundation is turning the Lemon Island Marina into a maritime center, Mr. Dinkins said. TDAC recommended \$5000, but it's 10 miles outside the City of Beaufort and would be visitor fulfillment to direct people to Beaufort. Mayor Keyserling said he would be inclined to move this to the elevator fund and request the DMO put them in the "things to do" on their website. Ms. Thomas said she had the impression that they have a lot of funding sources. Mayor Keyserling said they do. Councilman Sutton said they are a rightful player and shouldn't be ruled out. He feels the community should be behind it. Mr. Dinkins said at the time of the application, they had \$130,000 they were looking for help with, and Ms. Thomas said they couldn't substantiate where the \$75,000 they had requested of TDAC would go. Mayor Keyserling said that the Beaufort Museum needs improvement, and the maritime center will happen whether Beaufort gives them \$5000 or not. Councilman O'Kelley said there will be money left over, and maybe they can "throw the bone to both."

Mayor Keyserling said they don't have to spend all the money. **LaNelle Fabian** said they have \$11,225 for redesign of the Main Street Beaufort web site design and installation and general promotion through video. Taste of Beaufort and the Shrimp Festival have been cycled off and were not mentioned in their grant proposal. They have requested 50% of the amount they need for each of the funding requests. They are asking for \$4500 for the web site and are spending \$4500 from elsewhere in their earned income. All 3 things they have at least 50% of already.

Mayor Keyserling said the committee felt people were working together better. Mr. Dinkins said they need to keep reiterating getting the private enterprise to help with advertising funding. Some groups have embraced it, and others haven't as much. There's a lot more working together with the groups than there was 2 years ago.

There being no further business, the meeting was adjourned at 6:57 p.m.

A regular meeting of the Beaufort City Council was held on February 25, 2014 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling and council members Donnie Ann Beer, Mike Sutton, Mike McFee, and George O'Kelley.

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 7:05 p.m.

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

Councilwoman Beer led the invocation. Mayor Keyserling led the Pledge of Allegiance.

### **PUBLIC COMMENT**

Ms. Lutz thanked the hearing on the rezoning of the Marina parking lot. She asked for the city to make known the steps for the plans from the project and where it will go to various committees and back to council.

Ms. Lutz said Historic Beaufort Foundation had asked the Metropolitan Planning Commission some questions about rezoning in that area that were not answered, though Redevelopment Commission was given answers to these questions. They "are still floating around in the public," so she thinks disclosing the answers would be a good PR move on the part of council:

1. Are there legal attachments to Freedom Park that would prohibit rezoning?
2. Are there any stipulations on the federal money the city received to develop the Waterfront Park to prohibit its rezoning?
3. Is it possible to convey city parks through lease or sale without public referendum?

Ms. Lutz said that **Alan Dechovitz** has said the Redevelopment Commission knows and is comfortable with the answers to these questions, but Ms. Lutz feels the public would like to know as well.

**Eddie Rodgers**, Spanish Point, shared an article from *Southern Living* magazine and described the view across the Marina parking lot as "beautiful." In the article, someone was asked what community she would like to end up in, and she said a "modern Mayberry" like Habersham in Beaufort, and Ms. Rodgers said "that's why we don't want our beautiful city destroyed."

### **MINUTES**

Councilman McFee noted that on page 10 of the minutes, the name is "Presnell," not "Posnell." **Councilwoman Beer made a motion, second by Councilman McFee, to accept the minutes of the work session and regular meeting February 11, 2014 as revised. The motion passed unanimously.**

### **ORDINANCE REZONING FIVE PARCELS OF PROPERTY IN AND ADJACENT TO THE 1000 BLOCK**

**OF CRAVEN STREET, FROM OFFICE COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the rezoning on second reading. The motion passed unanimously.**

**ORDINANCE REVISING SECTION 6.8. OF THE UDO, "BOUNDARY STREET REDEVELOPMENT DISTRICT," TO REVISE FLOOR TO CEILING HEIGHT AND FIRST FLOOR ELEVATION**

**Councilman Sutton made a motion, second by Councilwoman Beer, to approve the revision on second reading. The motion passed unanimously.**

**ORDINANCE REVISING SECTIONS 6.5.I AND 7.3.E OF THE UDO PERTAINING TO THE CRITICAL AREA SETBACK**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the revision on first reading.** Ms. Anderson said there was a Public Hearing at the last regular meeting of council. This came about because of a project in the Boundary Street Redevelopment area. A proposed street across the marsh codified in the regulating plan in the UDO shows a street pattern for existing and new streets. The intent of the Boundary Street ordinance or the UDO wasn't to require public streets, sidewalks and promenades to have the same standards for public as private development. They would like to clarify the plan specifically to exempt the public streets, sidewalks and proms from the critical area setback. She showed the proposed language for what can be in the critical area setback. They are proposing to exempt lots that have a bulkhead adjacent to the water already. The purpose of the critical area setback has already been negated. Also they will propose to eliminate the averaging of the critical area setback. **The motion passed unanimously.**

**AMENDMENT TO FY 2014 BUDGET**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the revision on first reading.** Ms. Todd said these are the normal amendments following the second-quarter financial report.

1. The JAG grant: Increased the expenditure line for that grant - It has a net effect of zero.
2. Streetscape Phase 1: SCEG did undergrounding work, the money came from the restricted fund balance, and it's moving it to operational revenues and expenditures.
3. Sale of Tower 1: for \$290,000 from the fire department; they paid a commission from that, and the \$281,000 will be set aside for a future vehicle for the fire department. Councilman Sutton said it will be discussed in the next budget cycle, and Ms. Todd said yes.
4. Modifications to capital project budgets: Basil Green (to do with a PARD grant and \$21,772 is the city's match); Battery Creek Headwaters \$86,962.50 committed to complete the entire project; \$31,715 for the mooring field – the quotes came in below what they initially expected and to utilize the grant to its full extent, it required this amount of money, and council said this was an appropriate use. Mr. Griffin did a presentation for additional work where he would put in an additional 16 moorings, markers, and additional anchors, so all of the field would be set. He will pay the city back \$1000 a month, so the city will move the money to fund it fully, and then he will

pay it back. Councilman Sutton asked about putting in the additional 16 anchors that won't have floats, and how long will they last, and Mr. Griffin said that the equipment is to last 20+ years for the anchors, and as to a question of if they could then find the anchors when they need to, Mr. Griffin said it would have a sub-floating buoy so divers can find them when they need them. **The motion passed unanimously.**

#### **RESOLUTION COMMITTING FUNDS FOR PUBLIC SAFETY SOFTWARE SYSTEM**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the resolution.** Ms. Todd said this is on the Spillman Technology software to commit the funds: \$264,093, including software costs and maintenance annually for the first 5 years. These resources are set aside into committed fund balance, so as this technology is installed, the annual remittance can be paid to Spillman. Mayor Keyserling explained what the software would do for the police department. **The motion passed unanimously.**

#### **RESOLUTION COMMITTING PROCEEDS FROM SALE OF FIRE TRUCK**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the resolution.** Ms. Todd said this commits those funds only to vehicles and equipment specifically for the fire department by resolution – Councilman Sutton asked if it could be used for a different fire department, and Ms. Todd replied, “only by an action by council.” **The motion passed unanimously.**

#### **RESOLUTION CONFIRMING CITY ACCEPTANCE OF PROPOSED NEW STREET**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the resolution.** Ms. Anderson said that at a recent workshop, council asked staff to prepare a resolution to accept a new street as part of the proposed Parker's project. Staff has drafted the resolution with conditions as pertains to street design, construction, and maintenance. There's a one-time maintenance fee estimated by Public Works for cutting grass, maintaining street trees, filling potholes, etc. It doesn't include the cost for basic repaving every few years that SCDOT would ordinarily do, maybe every 10 years. **Lamar Taylor** had estimated that it would be \$75,000 for this length of street in 20+ years. Ms. Anderson displayed the resolution, and said the conditions would be:

1. The street section be approved by the Technical Review Committee
2. The street be constructed according to SCDOT standards or equivalent
3. The city's contract engineer will review the construction plans for the street and conduct periodic inspections during construction and provide a final inspection and a recommendation for the city to accept it.
4. The developer will pay the cost for these reviews and inspections.
5. The city will be responsible for maintenance, and the costs for it should be paid in advance for a 20-year period at \$13,420 before the street is accepted.
6. If the project hasn't received a building permit within 2 years of the date the resolution is adopted, this resolution becomes null and void.

Ms. Anderson said there will be a full turning movement on Highway 21. Councilman O'Kelley

clarified. Mayor Keyserling said this is the Dixie Trailer Park property on Highway 21. The county by ordinance said they wouldn't permit the property owner to cross the Spanish Moss Trail unless the city agreed to take the street. Discussion was driven by county ordinance. The developer is giving a generous contribution, and construction is to start in April. There are still "ifs," but the owner and lessor of the right-of-way (BJWSA is the owner) required the City of Beaufort to move this ahead because they have to file their SCDOT permit for encroachment, and the county ordinance now requires that this be done, so they can apply for the encroachment permit.

Councilman Sutton asked about the price of the maintenance for 20 years. This is less, he calculated, than \$55 a month for a city worker to be out there. Mayor Keyserling said the street is short (850', Ms. Anderson said). Public Works has a number per lane mile, Ms. Anderson said, and that's how they came up with the number. Councilman Sutton said he is questioning it, and he supports the project, but he wants to ensure they "don't walk down a path of no return." Mr. Dadson said the number is based on a formula. Councilman Sutton said he understands, but he thinks the math is wrong, even for such a small segment. Councilman Sutton said there was talk of the developers buying into a fund for future maintenance. Ms. Anderson said they asked the city attorney, and he recommended against this, as they're difficult to enforce over time as the property changes hands.

Ms. Anderson said there will be urban amenities, and the City of Beaufort will be responsible for maintaining all of them. Councilman Sutton asked what the level of service would be, and Ms. Anderson said they don't know, but this is a general city-wide number that Public Works uses. Mayor Keyserling said these are the figures used when they negotiate with the state. Mr. Dadson said the shorter version of a street has these issues, but the road is accepted and inspected as an asset that should have a 20-year lifespan, which is more than they are getting now. He explained the per lane mile figure and said this could have been used for other streets that have been built and taken. This is a framework to move forward with, and he thinks this is a good standard to have for future assets they are asked to take over. Council can now work with property owners who want the city to take their streets. He said this number will adjust over time. Councilman Sutton said he would like the city staff to keep a close eye on this for the future. The city has taken streets before but not had a maintenance fund for them.

Councilman O'Kelley said he also wants this to go forward, but he has concerns. He said "the developer should be named, to bind someone." And they should also say "the developer, successors and the assigns." Mayor Keyserling said he agrees, but they basically have to pay this one-time fee before they get their permit. Councilman O'Kelley said he doesn't see that written down, and wants to know if they will have a more formal agreement with the developer and asked why they don't have that in front of them. He feels there are still loose ends to tie up.

**David Hornsby** said they are building 50,000 square feet, and they are asking for this to move forward. The maintenance fund, the license fees, and the sales tax benefits all make it a good deal for the city. If the street is not built, they won't get Parker's, and that's just one of the businesses that would like to develop on this site. Councilman Sutton asked Councilman

O'Kelley, if they added the developer's name, if Councilman O'Kelley felt they could go forward. Councilman O'Kelley said yes. He said to Mr. Hornsby that a future developer might not feel bound by this deal.

**Councilman O'Kelley moved to amend the original motion to include that the developer's name be included in the resolution and documents, and that after, they add "and its successors and assigns." Councilman Sutton seconded the motion. The motion passed unanimously.**

**Councilman Sutton called the question on the resolution as amended. The motion passed unanimously.** Mr. Hornsby thanked the city for its help on this.

#### **APPROVAL ALLOWING USE OF WATERFRONT PARK FOR FARMERS MARKET 2014**

**Councilman Sutton made a motion, second by Councilman McFee, to approve the use of Waterfront Park for the market.** Ms. Fabian said that the Farmer's Market is self-funding. Mayor Keyserling said its former location was confusing, so they are trying going back to the Waterfront Park under the pavilion. It will be open from 2-6 pm, Wednesdays from May to Sept. Councilman Sutton asked why they provide cans instead of having the vendors haul their trash away. Ms. Fabian said because they have trashcans at events. Other markets do require that, Ms. Fabian said, and they could require that vendors be responsible for their own waste. **The motion passed unanimously.**

#### **REQUEST FROM BEAUFORT HISTORIC FOUNDATION FOR STREET CLOSURE, 700 BLOCK OF WASHINGTON STREET, FOR THE 2014 LAFAYETTE SOIREE**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the resolution.** Mayor Keyserling asked if they needed to apply for a noise ordinance as well. Ms. Lutz said they never have done so. **Councilman McFee made an amendment to the motion to require a variance on the noise ordinance for the request so designated, second by Councilman O'Kelley. The motion passed unanimously. The motion as amended passed unanimously.**

#### **REQUEST FOR WAIVER OF OPEN CONTAINER FROM MARY THIBAUT GALLERY FOR THE FIRST FRIDAY OF EVERY MONTH**

**Mary Thibault** is requesting a waiver for the open container ordinance for first Friday Art Walks between 5:30 – 7:00 Ms. Morrison starting March 7. Councilman O'Kelley said the flyer says the request is for each first Friday of the month, and he has concerns about waiving it for every month. Ms. Thibault said they are trying to get the Art Walks going, and they aren't sure if it will be every month. Councilman McFee said they have had semi-annually to quarterly Art Walks with open containers, and the police chief fears that people would feel cleared to drink on the streets, having nothing to do with her gallery's event. This could be tested on a one-time basis. Mayor Keyserling said they won't know the first time. Art Walks always gets the variance. Ms. Thibault said it's been twice a year.

Mayor Keyserling said if it gets to the point where it's on a regular basis, they will have people

coming to council to do it on the first Thurs, etc. and First Fridays could become Open Container Nights in downtown. This would be the first step to liberalizing the open container law, which is the chief's concern. Councilman McFee council could approve it for one night, March 7.

Ms. Fabian explained that, in 2013, representatives from the Guild of Beaufort Gallery approached Main Street Beaufort about taking over the Art Walks that happen each year, and Main Street Beaufort directors invited the galleries to their annual meeting. Main Street Beaufort is in support of Art Walks, though it's not clear how many there would be per year. She said if council approves March 7, Main Street Beaufort can come with a plan for Art Walks and another request.

Mr. Dadson said, in support of the police chief, consideration for Main Street Beaufort needs to negotiate the safety of open containers with the police department. Councilman Sutton said there are other related issues; they have tried to open the Waterfront Park to open container, but the ABC laws are hard to enforce in the park, so the city has liabilities to consider. They have tried to figure out how to allow some of these things to happen, like they did on sidewalk consumption on Port Republic. Ms. Fabian said 13 art galleries plan to participate on March 7.

**Councilman Sutton made a motion that this be authorized for a one-night event for March 7. Councilwoman Beer seconded.** Councilman O'Kelley asked if they need to set the parameters for where they can do it. Ms. Thibault said it's where the galleries are listed. The Carteret Street galleries will not participate, Ms. Thibault said. **The motion passed unanimously.**

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

Councilman Sutton said he feels the mooring field is moving along and requested the city manager keep council up on the two boats that aren't outside the mooring field yet. Mayor Keyserling said they are outside the designated field. Mr. Dadson said that's correct.

Councilman McFee thanked council for delaying its retreat and thanked people for their kind wishes for his family.

#### **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 8:19 p.m.

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