

A work session of the Beaufort City Council was held on August 12, 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 McFee, Mike Sutton, 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.

### **AT-LARGE VOTING FOR COUNCIL MEMBER**

The local newspaper has been critical about council getting involved in an issue as crucial as at-large voting, Mayor Keyserling said. He described some of the proposals that have been made for various changes to the form of government. An editorial accused the city "of trying to hold this process up." But it is a matter that could potentially change voting in Beaufort, which means essentially changing the form of government in Beaufort. Mayor Keyserling said he'd asked **Bill Harvey**, city attorney to come and give the public a sense of what they are talking about. Mayor Keyserling said Mr. Harvey has been the go-between for the Legal Defense Fund and the City of Beaufort.

Mayor Keyserling read a timeline of events related to at-large voting. The City of Beaufort received a memo and "asked for maps to look at." The NAACP sent a second letter, but the City of Beaufort still received no maps. March 10, the city asked for maps again. March 18, the city received a letter from the NAACP saying they wouldn't send maps but suggesting the state demographer could be asked to help with a plan. Somewhat later, 3 maps and plans were sent to the city. June 12, the City of Beaufort responded to the NAACP and said the maps and plans were forwarded to the state demographer.

Mayor Keyserling said he felt they had "had a productive meeting." However, the county overrules state law in regard to putting a referendum on the ballot. "If you ask for something to be put on the ballot," he said, "you should have it on there," but the county is now saying they won't put it on the ballot "unless they hear something by August 15," which is not sufficient time for the city or the NAACP. But, Mayor Keyserling said, a group of citizens can get signatures on a petition to ask for a special election within 90 days of the official election, and the county has to hold it if they get 50% of registered voters to sign the petition. Neither the city nor the NAACP was aware of this tight deadline when they met, he added.

Mr. Harvey said that the city's initial response to this matter "was distracted because of the Marina parking lot involvement," and in then in April – June they "were dealing with the budget period," so they "weren't able to devote immediate attention" and didn't know the county was going to take this position.

Mayor Keyserling said the real issue is “whether or not [they] change the form of government,” and he feels people should see what that could do to the city. Mr. Harvey said 2 of the maps are from the Office of Budget and Control Board with 2 different districts that he had pointed out. There was one map from the NAACP, he said. Mr. Harvey said they “didn’t come to terms with the state demographer, **Bill Bowers**. Mr. Harvey said the NAACP had said that they “had taken out” MCAS’s “permanent population.” Military installations are never excluded from the population of the municipality in which the military installation exists he said. If you take out the air station, it lowers the city’s overall population, Mr. Harvey said, and Mr. Bowers had said this would unfairly create a higher percentage of minority voting. In order to preserve due process, Mr. Harvey said, all of the voters on the air station must always be counted and given a chance to vote.

Mr. Bowers is head of “the state's authority on drawing districts.” The City of Beaufort has no capacity to do that, Mayor Keyserling said, so they looked to the state, which involved Mr. Bowers and **Will Roberts**, who works with him at the RFA. They had hoped that by this meeting, the NAACP consultant and Mr. Bowers could have agreed on a map.

A consequence of changing the form of government would be a change in the map, Mayor Keyserling said. The first map, Mr. Harvey said, was from the RFA and showed four single-member districts. He showed the “minority district” #1; #2 would have the remaining members of council – other than the mayor – in it. Mayor Keyserling asked, per that map, if he lived on Federal Street, if he would be in the same voting district as Clarendon Plantation, and Mr. Harvey said yes.

General discussion about “what was where” in the various districts on the map. Mr. Harvey showed the plan done by the NAACP demographer, and it had a similar configuration in that the district runs around the Northwest Quadrant. Mr. Harvey pointed out the various districts on the map.

The NAACP has suggested an at-large, single-member district with a single-member council member who is elected from that district, Mr. Harvey said. The mayor’s always “at large,” and the 3 other members of council would be at large, too. A single-member district, which would be the minority district, is created statistically, he said. It “was created to be an African-American majority district by design.” Mr. Harvey said if the referendum were successful, they would have to agree on a plan to consider.

Mayor Keyserling said the city can’t get the referendum on the ballot through their normal procedures and explained that the county and county attorney had said the deadline was August 15. Councilman O’Kelley said they could hold a referendum, and if they want it on the November ballot, there is a way to do it: by council having a special meeting and voting on it, rather than the gathering of signatures. They could be “pitting parts of the City of Beaufort against each other,” Mayor Keyserling said.

Mayor Keyserling said he and council get emails about citizen concerns that they must address because they represent *all* of the citizens and their concerns. He said he’s

concerned that if they proceeded with a single-member district, it would change the form of government without saying that there would be a mandatory African American representative; he asked if it would then be up to council or if there would have to be a referendum on the maps. If this is put on the ballot, Mayor Keyserling restated, it doesn't guarantee a majority district. The next council would be drawing the district and nothing obligates them, without a prior agreement, to make a minority district.

Councilman O'Kelley said the question on the ballot, then, would be whether to change the form of government from an at-large election to a single-member district, " or something to that effect. Mr. Harvey said they would have to be specific as to what form of government, which is a decision of council. Councilman O'Kelley said council would have to decide that in their special meeting, and that would delay the process that is supposed to be accomplished by the 15<sup>th</sup>. Councilman Sutton said the current voters should have the right to help determine this in a public process.

Mayor Keyserling said if they push it forward, it doesn't guarantee a minority majority district. The next council members would redraw the district, he said, and nothing obligates them to make a minority district. Councilman O'Kelley said this council "couldn't make 'a prior agreement.'" They could have an agreement in regard to this now, but a future council cannot be bound, so the question is if city council will end up being like the county council is in regard to this balloting issue.

Mayor Keyserling said he doesn't know if he would vote for a single-member district, but he has no opposition to letting the voters decide if they want to change the form of government. Mr. Harvey said they could only have one question [about one type of districting] on a referendum.

**Daryl Murphy**, president of the Burton Dale Beaufort NAACP, said he appreciates the maps, but they are not the issue; the issue is the referendum and whether there's time for it to be on the ballot. Mayor Keyserling said if they put it on the ballot, the council feels, as representatives of a city, an obligation to let the citizens know what the consequences are. Mr. Murphy said they would decide on the type of configuration to have *after* the public has vote on whether they want to accept single-member district or at-large voting.

Section 2 of the Voting Rights Act (VRA) prohibits drawing election districts in "any way that improperly dilutes minorities' voting power," Mr. Murphy said, and the at-large voting system is illegal, a violation of that act. Councilman O'Kelley told him, "That's your opinion," because no court has said Beaufort is in violation of Section 2. Mr. Murphy replied that if they don't resolve this to everyone's relative satisfaction, "that's where we will be!" Councilman O'Kelley reiterated that he didn't think the city was in violation and it's not been established. Mr. Murphy said a major reason for this was because "the city has a significant number of voters with no representatives" on city council. Councilman Sutton said he cares about *all* of the citizens and about the city so he doesn't understand the position of the minority community if they feel they're not represented unless it's because of the color of his skin. Mr. Murphy said African Americans feel their issues aren't raised,

and when they come with concerns, they are not addressed, and he offered the example of **George Singleton**, whom Mr. Murphy said had worked on a block grant project where they had gathered 1700 signatures. Councilman Sutton said he had worked on all of those houses, and Mr. Singleton and the Black Chamber of Commerce hadn't helped during the block-by-block effort, so Councilman Sutton had "ended up working on all the houses that were a part of the block grants." Councilman Sutton said he *continues* to work on the houses in that neighborhood, and "there's a voice coming up about this change that has a lot of misinformation in it."

Mr. Murphy said a lot of this has been covered in the media. Councilman O'Kelley said the public has been misinformed a lot, especially by way of the media. Mr. Murphy said the media is used to inform the public. The people in the community are used to the single member voting system, and the voters should get to decide on a referendum.

Mr. Murphy said they have been talking about this since November. Mayor Keyserling said the public hasn't been engaged in the conversation. Mr. Murphy asked if they had made efforts to engage the public. Mayor Keyserling said he went to the NAACP meeting in December, and "only 2 people in the group lived in the City of Beaufort" and it was the same at a Grand Army Hall meeting; he felt the turnout wasn't "representative," he said.

Mayor Keyserling said he had canvassed African Americans in the store, and one person who works on a city board said she didn't understand the issue, and he said he has also talked to a long time residents, and one said that he thought council needed to open itself up for younger people. The city board member replied and that person also said there was no need for it. Mayor Keyserling presented examples from 2006 and 2010 of **Fred Washington** running for the school board by way of demonstrating that the city's rules do not "arbitrarily deny anyone the right to participate." Mayor Keyserling said he has to balance that with who he knows who comes to meetings, who emails him, and who talks to him personally. He said he's heard from 4 supporters from the City of Beaufort, and he feels it's driven by a lawyer in New York or Washington, and while he's happy to have people participate, that's not who is a part of the city. Mayor Keyserling said he will have no opposition to putting it on the ballot but not when only a few people know what it means.

Councilman Sutton said he has no problem with putting a change in the form of government on the ballot, but he doesn't "understand where the premise comes from." It would fundamentally change the form of government and "under false pretenses segregate the city," which he called "bad policy." He understands about segregation in the county and doesn't understand why people in any group would want to do that. He isn't "likely to support a segregated district of any kind in my city," but he advocates the public's right to vote on the matter. As a council member, he has to know what the next step is in this process, and it has to be clear. Councilman Sutton said he's off council in November, and he thinks it would be irresponsible not to know how the process upholds. He detailed the questions and details that need to be worked out.

Mr. Murphy said the voters will decide, and then Mr. Harvey and the NAACP lawyer will go back and forth, and there can be another referendum on what type of districting the voters want. Mr. Harvey said, "The referendum has to designate the form of government requested." Mr. Harvey said they would have to designate the size of council and how many single-member districts they would have: 1, 3, or 4. He read from the referendum language. Councilman O'Kelley said because it involves an ordinance change, it would require 2 meetings, which they can't do by Aug. 15<sup>th</sup>, even if they had a special meeting. Council has to have a second reading, and it cannot be less than 6 days after first reading.

Mr. Murphy said he wants to know what they have to do to get it to a special election. He wants something from city council that says that council agrees to a special election, and then they won't need to get the petition signatures. Councilman O'Kelley asked how much the special election would cost. Councilman Sutton said his concern is that the voter turnout will be so poor for a special election that it will not represent the voters in the city. Councilman O'Kelley said the numbers would be "abysmal."

Mr. Murphy said whether council puts it on or the NAACP gets signatures, there's going to be a special election. Councilman Sutton said it's important, but he knows how bad the turnout is for elections. 4700 decided for 12,000 in the larger community in the last presidential race. He feels this reflects the larger problems, as opposed to being about skin color: "Voter apathy is terrible here," he said. The African American vote is 22-25% of the overall voters, and "the assumption is that you can't get a black person elected," Councilman Sutton said.

Councilman Sutton said African American candidates would be electable if they stepped up to run. Councilman McFee said, knowing that the referendum has to have specificity, to put it on the ballot, the NAACP petition has to have the same specificity. Mr. Harvey reviewed the time to certify the petition and then there are 60-90 days within which the election must occur. Under the statute, the petition or the referendum, to get on the general election ballot, would have to be in the election office by August 15. The county attorney and the state election director disagree with the NAACP attorney and Mr. Harvey, and have overruled them, so the August 15<sup>th</sup> cut-off stands. And there cannot be back-to-back readings of the ordinance, because it must be separated by at least 6 days. Mr. Murphy said they would like the council to vote to make a special election by referendum, so they don't have to get 15% of the signatures.

Mayor Keyserling asked why they wouldn't want to get the signatures "if there's so much community support." They could use the petition drive as "a vehicle to organize" and demonstrate to council that there's enough community support to put it on the ballot. Mr. Murphy said part of the problem is that there are only 10-15% for a special election. The African American is no different from the white as far as involvement in what city council is doing. Mayor Keyserling said he thinks there's very little African American community involvement in city government: coming to meetings, serving on boards and commissions, etc. He used the example of the disagreement in the community that was holding up the city building a bathroom at Washington St. Park.

Councilman Sutton said the NAACP would need to get 1,171 signatures. Mr. Murphy said it might be 1600 because some would get thrown out. Councilman Sutton asked, if they can't get those numbers, why should he support it? Councilman Sutton said each election is different. He's run 3 campaigns and it's not about issues, it's about "sound bites." You can't get elected, he said, without knocking on doors. Mr. Murphy said, "The end result of voting in Beaufort is about race; it's right down race lines."

**Eddie Rodgers**, Spanish Point, said that she can offer "proof positive" from her time on council that council and the city "don't vote along race lines." She said that precinct by precinct, in the predominantly black precincts, Mr. Washington did very well, and in the predominantly white neighborhoods, "he got a huge vote" because he was a good candidate. Those who are elected in the city, Ms. Rodgers said, as opposed to the county government or other governments, possibly, want good government, which is the government that "does the best for everyone."

**Moses Smalls, Jr.**, a native of Beaufort, said he feels like the city is divided along color lines, but he thinks that "we could all be better brothers, like we should be."

**Willa Corettes** is from St. Helena, and she said she's "impassioned about this," so she wanted to read a statement. She spoke about why she had retired here, to a culturally and racially diverse community, but when she attends open council meetings, she doesn't see African American population represented. She sees African Americans many other places, but not as council members or at council meetings. Ms. Corettes showed a pamphlet put out by the local NAACP. She said she knows that single-member district have worked in other places. At-large [districts] once were put in place to racially discriminate and "hopefully we have come a long way from that." Mayor Keyserling asked her if she knew any African Americans who had run for council, and she said she did not, because she is a "Come Yah" and hasn't lived here long. Mayor Keyserling said she is also not a city resident and Ms. Corettes said she is not. Mayor Keyserling said the city has to make this decision and while she is welcome to come and speak, she should "look at the candidates." Mayor Keyserling said that it isn't that a black person can't get elected in Beaufort; it's that black people haven't run, and she could get involved in getting African Americans to get involved.

Mr. Murphy said he doesn't live in the City of Beaufort, but he represents people who do. He pointed out that the city provides services to people from outside the city limits who come into the city, like Waterfront Park. Beaufort schools are in the city but they sit on Lady's Island. This is the county seat, too, he said.

**Wilma Holman**, 3 Pettigru Drive, said she is used to having a representative who represents the area in which she lives, as the county government does; they know what's going on in the neighborhood, but she doesn't feel like that with city council "mainly because none of you live in my neighborhood. She feels "council is so far removed from where" she lives, though she lives in the city. Ms. Holman said council can say they have the

city's best interests at heart, but she asked how they could "if you don't know what's going on in other parts of the city" than those in which they live.

**Charlie Calvert** lives in the City of Beaufort, and he is intrigued by the idea of the single-member districts. He believes it might help neighborhoods be provided with services and for council to know what issues actually were affecting the neighborhoods.

**Larry Holman**, 3 Pettigru Drive, has run for council and he said people in the city pay county taxes and are represented by county council members so they "know about representation." He doesn't know what makes a candidate electable. He said "we've had 3 people run in the last 4 years," meaning African American. He lives in a predominantly white neighborhood, Battery Point and said although he pays city taxes, in his neighborhood, the association takes care of things like downed tree limbs, so the only city service he is paying for is trash pick-up.

Mr. Holman said he likes the idea of a single-member district because he would know who to go to and he could sit down with that person and say what he was concerned about, which he can't do with this council and he knows "they're not going to do anything about it" because of where he lives. Mr. Holman said he had 10 other people helping him, and they knocked on the same doors. He raised 5 times as much money as Councilman Sutton did but didn't win. He said when he was knocking on doors, he learned that people didn't know who was on council and "most folks voted straight by race." When Mr. Washington and **Alice White** won, there was 35-40% blacks in the City of Beaufort, which has been diluted by the city bringing in Battery Point, Battery Shores and Islands of Beaufort, he feels. A majority black vote might create a problem and make it hard for an African American to win, but he thinks district representation would be good for everyone.

Councilwoman Beer said she had gotten a call that day from someone in Mossy Oaks with a problem, and she told someone at the City of Beaufort, and it was solved. She said she doesn't care where you live, who you are or what your color is. She "represents every single person in this city" and is open and available to everyone, even if they didn't vote for her. "They are citizens of the city, and that's all that counts with me," and she believes it's all that counts with the rest of council as well. She's "never heard any of them blow off somebody just because they didn't live in their neighborhood."

Mr. Holman said there's nothing she could do for him in Battery Point, and Mayor Keyserling said that's because he's elected to live in a private community that owns and maintains the streets and the open space. Public Works can't do anything because there's no public space there. So there's very little council could. His community was created as a private community with private roads, private parks, and private access to the water, so council and the City of Beaufort can't give him service because his regime prohibits it. Mr. Holman said that Battery Point has asked 3 times to turn their streets over to the city; Mayor Keyserling said he wasn't aware of it. Mayor Keyserling said they still would respond to him. He'd spent most of the day at Mossy Oaks to see a house surrounded by

water, to see 20,000 worth of rented equip at work on the storm drainage, and to a place in Councilman O'Kelley's neighborhood where someone said the grass wasn't being cut.

**Maxine Lutz** said she had attended a school board meeting for the Bailey Bill, and she had forgotten what it was like to be before a board that is divided by districts, and she found that that was why it was defeated: "everybody was looking at their own district." She doesn't understand the need for districts and isn't in support of them.

Ms. Rodgers said Mr. Holman has said that Mossy Oaks has enough voters to elect anyone to city council, which is true, but they haven't had a candidate from there. Ms. Rodgers said Mr. Holman had put the wrong Beaufort, the one in North Carolina, on his website, and Mr. Holman laughed, saying Councilman Sutton had made that up, that it wasn't true.

Ms. White had served on council, and said "Things were different back then." There wasn't a single-member district back then, and she ran "against a formidable opponent" and "a spoiler" and thinks her involvement in the city got her elected. However, she thinks now that "single-member districts might shed a different light on the situation." She agrees that blacks need to come up with some candidates to run and get out the vote. She said she thinks they need to find younger people to run, then vote for them. Single-member districts might be worth considering. When asked by Mayor Keyserling if she had been asked to run for council again, Ms. White said, "about 10 times, by *you!*" But she thinks she and Mr. Washington have "been there, done that," and they need to get people with the energy to do it involved.

**Teresa White**, the PR committee chair for the NAACP, said they "aren't trying to create a segregated district." They want to create an opportunity for a black person to have a fair chance of being elected. She said electability has to do with community involvement and willingness to help, with getting involved. In response to Ms. Rodgers, she also hoped that the records in regard to minority voting hadn't disappeared. She had requested voter records by FOIA in 2010 for a story on single-member districts. **Ivette Burgess** told her that she was compiling them, but then got a letter from the city attorney saying that the information did not exist in city records. Mayor Keyserling told Ms. White that the most reliable data would be from the state and the county would have some. The city doesn't keep voter lists. The city election commission is mostly advisory, he said, so the city probably doesn't have that data

Ms. T. White said there were other issues that were related to this matter and why they wanted to get it on the ballot. The city attorney was involved in other city matters, then was out of the country for several weeks, so nothing happened; if he had not been involved in city business and travelling, "there was ample time" to have this issue on the ballot.

Mr. Harvey said his office "was diligently working" in his absence. A meeting didn't take place until July 30 at their attorney's request, and he was back July 2. His office and Ms. Aiden's office tried to agree on a date in his absence, so it didn't delay anything. Mr. Murphy said that they tried to schedule something for July 9 so their attorney could travel from

New York. He said there were things the city could have done, like a reading. Mr. Harvey said they had met “the first time that everyone could agree on a date.”

Mayor Keyserling said there appears to be consensus that they can't get it on the ballot for the November election. So the next question is if they should schedule a special election or test the support of the community and ask for a petition to gauge the interest. Councilman Sutton said he'd support that. He said he hasn't heard other ideas yet for how to change things except that they need more African American candidates and more participation. They could also change the number of council seats maybe and have a chance to get more candidates on. They can have term limits; increasing open seats increases possibilities of getting on council. Mayor Keyserling added that all the power is not on council. Mayor Keyserling said that two emails he had received were complaining about the city's boards and commissions not supporting their point of view. Councilman Sutton said he had served on a lot of boards and in the community.

Councilman O'Kelley asked, if they have a special election and it passes, what's the next step? He asked if they would have to have another election to have members where the districts are or if it would go into effect in 2016. They need answers to those questions. Mr. Smalls, Jr. said, “You have to get involved to get anything done,” and said he would like to get involved. He said that the mayor's father, Dr. Keyserling, had “delivered all the black babies.” He asked Mayor Keyserling to have everyone introduce themselves. Mayor Keyserling said there are 2 next-door neighbors on council but they're there because of spending 20-40 years serving in the city, not because of where they live.

Councilwoman Beer, Councilman McFee, Councilman O'Kelley, and Mayor Keyserling described how long they had lived in Beaufort and how they had served before being elected.

Mayor Keyserling said he would like to start a citizen's academy; a student from Beaufort High shadows him, and he thinks adults should do that at various organizations. He described some of the places people are needed to serve; they need to recruit people to public service. Ms. Rodgers said to get involved in someone's campaign.

Councilman Sutton said they need to give Mr. Murphy some direction. They need to determine if they do a special election and how to make a special election happen. Mayor Keyserling said again, he would like a show of public support. Councilman Sutton asked Mr. Harvey if any group brought a petition with signatures from 15% of the electorate, if that would trigger a special election automatically. Mr. Harvey said yes. It would go to the election commission first to certify the petition then the city would have a period to hold the election once it was certified. The petition in this case has to have language on it about the kind of government that they would vote to have or not. A discussion about this followed. Mr. Harvey said the statute guides the language for the petition. Mr. Murphy said what if the petition says they want a single-member district and they want it to be 6-1. There was then a discussion about whether there was a map for this configuration of districts and whether council would determine the configuration or the NAACP by their

petition. Mr. Harvey said the NAACP would recommend the referendum. Councilman Sutton said it's their right as voters to tell government that they want change.

**William Smith** said it's diversity they want, not necessarily a African American on the board; they want a diversity of people who can relate to him. Mr. Smith said they need to come to a single, realistic solution to the problem and then an action plan to make it happen. Mayor Keyserling asked him how many times he had asked Mr. Smith to run for public office. Mr. Smith said, "4 or 5." He added that he would run for public office "when I make sure that I'm ready."

The work session was adjourned at 6:54 p.m.

A regular meeting of the Beaufort City Council was held on August 12, 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 McFee, Mike Sutton, 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**

Councilwoman Beer, as mayor pro tem in Mayor Keyserling's short absence from council chambers, called the meeting to order at 7:04 p.m.

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

Councilwoman Beer led the invocation and the Pledge of Allegiance.

**Councilman Sutton made a motion, second by Councilman McFee, to remove New Business Item A from the agenda.** It pertained to the contract for the police/courts building; Councilman Sutton said staff had expressed that it was not yet ready to make its presentation. **The motion passed 4-0.**

### **PROCLAMATION OF AUGUST 16, 2014 AS CHEFS' APPRECIATION DAY**

**Councilman McFee made a motion, second by Councilman Sutton, to approve the proclamation. The motion passed unanimously.** Councilwoman Beer read the proclamation.

### **PUBLIC COMMENT**

**Brenda Hood** said she owns property at 1204, 1206, and 1208 Pigeon Point Road. She has had a problem with flooding; she has been promised that the city was working on it. This past spring, a drain was installed, but it hasn't worked, and she has flooded 4 times in the last month, and water has undermined a slab for a shed and the water is up to her knees. The shed is settling, and the water has gone up 2' and saturated everything in the shed. At 1204 Pigeon Point Road, water has gone under the house, and it's now molding.

Ms. Hood found out that Public Works hadn't checked the outfall line until recently, and it's closed up with tree roots. She said she couldn't believe they would say they had done something, and then not really do it. The city paved a lot of surface at Pigeon Point Park, Ms. Hood said, but there are no stormwater drains, and none were added when other areas were built up and renovated.

Councilman O'Kelley asked about the line that has been clogged up. Mayor Keyserling said he had seen the machinery today, and the trunk line was supposed to be cleaned today with a \$20,000/day piece of equipment. **Isaiah Smalls** said they have pulped about 95% of the way through, and they have to excavate the end of the pipe so equipment can come

through. The line had been terminated, and now they will have 2 outfalls for Pigeon Point, and hopefully that will eliminate the problem.

Councilman Sutton said they definitely have a problem there, and impervious surface of Pigeon Point Park could have added to the problem, but before that it was an air strip and barracks, so it may have some effect but not that much. The city owns few stormwater systems, Councilman Sutton said, and few miles of road, so all of the funding for people who buy property that is below the flood line is from grants and a city service fee for storm water. Council and the city have struggled with this. If Public Works said they did something, they probably tried, Councilman Sutton said, but the state owns the pipes, and the state doesn't do *anything*.

He said the Hoods had paved the driveway going downhill. Councilman Sutton said he walks the neighborhoods during the rain to determine where the stormwater problems are, and if the property owner has some responsibility, he hopes she'll take it. Ms. Hood said she put in French drains that can handle all of *her* water but not the city's water. Councilman Sutton said at his place, the contractors who built the houses by him built them up higher than his, and their water goes to him. Ms. Hood said they should have requirements for people to have to retain their own stormwater. Councilman Sutton said it's impossible to do that now. Councilman O'Kelley said they could cast off surface water. Councilman Sutton told Ms. Hood that she is "not forgotten," and council talks all the time about how they can "get brick and mortar to work."

Ms. Hood said she has water from neighbors, and it's coming all the way from Boundary Street. Councilman Sutton said in regard to the outfalls, there is an issue with stormwater maintenance because they have a manpower shortage. Citywide, he said they raised the stormwater fee to try to balance the cost of service, and then this year, they have had rain volumes like they have never seen.

Ms. Hood encouraged council to look at existing properties, not just new development, and to make people be responsible for their own property and disposing of the water. Councilwoman Beer said the leaves go into the drains and stop them up when they're blown out of yards and into the street, and it changes the way the water flows.

**Jody Cairn**, Frazier Drive, said he had spoken with Councilman Sutton in regard to stormwater. "It's a low-lying spot," he said, because drains get plugged up with yard debris, and he has dug it up. He has noticed "a lot of the landscaping companies blow sand and stuff right into the street." They don't have a neighborhood watch, so they just dig it out, but it's hard to find, and it would help them if they were marked, so they could find it in above-the-knee water. Signs about the flooding would also be helpful for the low-lying water. While they were trying to clear the drain, vehicles were getting stuck.

Mayor Keyserling suggested that Mr. Cairn should come to the Neighborhood Association meetings, and this would be a good topic for discussion. Mr. Cairn said that people dump yard debris out in the yards of houses that aren't lived in, and that's what they were digging

out. Councilman Sutton said he had explored Mr. Cairn's problem, and the ditches are no longer ditches. The neighborhood has no effective ditch maintenance. He said they need to make a plan to cut through the ditches. No maintenance is being done on the few ditches that the city has; they should be deep cut, he told Mr. Smalls, but the city needs to acquire funding for retrenching. The swell you sometimes see, Councilman Sutton told Mr. Cairn, is supposed to be a trench, and they need to educate people about that.

**Tory Hunter**, Hamar Street, said her house has flooded twice in the last 6 weeks. Councilman Sutton said in her vicinity, there were 3 houses built in 5 years, and they are "slab on grade." This is a community issue, he said. The house sits 50' or less from a stormwater retention pond that is empty. No water goes to it. The roadbeds that DOT owns send most of the water down the street, but lots of sand has been washed down the street, and it all goes to her front door. If those fail at all, the stormwater will go in her yard and flood it. When the county built the DSS building, Councilman Sutton said, it was for overflow from the county building, and their system is impaired. At the parking lot inlet – there are two of them – the trash spills into the culvert on one side, and the drain doesn't work at all on the other. The trash spills out. Councilman Sutton described the path of the water and where it can go. Others in the neighborhood are plugged up, too. Across the street from one plugged drain, there is a big oak tree and an asphalt driveway, and the water can't get there. He said there needs to be cleaning of the pipes and a partnership with the county to get them to do maintenance. Councilman Sutton recommended that Ms. Hunter walk after a rain and "see what the culprits are."

Councilman O'Kelley said that historically the corner of Hamar and Greene Streets was a dump at one time, and in 1979 or 1980, the pool was there, and then they paved it for a basketball court. Ms. Hunter said that's part of the problem. Councilman O'Kelley said if she sees anyone blowing debris, she should tell them that they need to bag it, or she'll call the cops.

**Tom Scanlon**, Battery Shores, said he has always had water in his backyard, and he knows his responsibility. "All the neighbors' culverts are clean," he said, but the drain pipes are over the top with water." He said he has pipe running from the back out to the front, and it was filled and kicking back water back, just because of the amount of rain that Beaufort has had.

Mr. Smalls said that he has been the Public Works director for 20 years and has been with the city for 29 years. There are more than 3000 catch basins citywide, and even when they're dug out, there can be a problem with the pipes. Sand is heavier, and it settles in the pipe, Mr. Smalls said. The catch basins have not been maintained, and they were put in by the DOT, so Public Works doesn't even know where all of them are. The magnitude of the problem, he said, is greater than the size his department can handle.

The yard debris ordinance had just started, Mr. Smalls recalled, and prior to the ordinance lawn debris pick-up workers were using pitchforks to load their trucks with curbside yard waste. When the job was contracted, "people got the idea that they could throw it out now,

and they're not bagging and bundling." There's a \$1087 fine for people who blow into the street, because that debris goes into the stormwater system. Charleston spent \$17 million to build a gigantic underground cistern.

Councilman Sutton said the neighborhoods there flood 10 times worse than in Beaufort because of their urban density; this has happened over time and been allowed to happen, and Councilman Sutton said the city needs a regulation maintenance program. Mr. Smalls said they are developing immediate and long-term street plans. DOT didn't come to the meeting about repairing and maintaining the stormwater systems, he added.

**David Tedder** said he's a real estate attorney, so he knows there are 2 types of flooding to insure against, and one is "a Noah flood, which is what they are having," referring to those who had spoken about their flooding problems. If you're not in a flood zone, insurance is cheap, Mr. Tedder said. He reminded the public that all city residents are also county residents, "and the county has money." He added that "people should notify their county council members about their issues and the need for maintenance and repair.

Ms. Rodgers said she has suggested to Mr. Smalls that they need to institute putting "a little yellow sign on a stake that gets shoved into" unbagged leaves or unbundled limbs. She said she is very impressed with Councilman Sutton's legwork on behalf of this stormwater problem, and she thinks the city should hire him to do that when he's no longer on council.

Mr. Murphy, president of the Beaufort branch of the NAACP, said he felt that the meeting with council during the work session was productive. He said the city needs a black majority district because African Americans "haven't been well-served by the current system." He feels they must allow the matter to go before the residents of Beaufort in the form of a referendum, and they can vote on a single-member district or vote to maintain the status quo if they are OK with the way it is. The current system, members feel, has not served them well, he reiterated, so the NAACP "will be pushing for a special election."

Councilman Sutton said Mr. Murphy lives between 2 city parcels. He encouraged Mr. Murphy to annex into the city, so he will be able to vote on city issues because Mr. Murphy has "a good presence" and "could do a lot of good." Mayor Keyserling said, "We'd love to have you in the city," and jokingly encouraged Mr. Murphy to file a petition to annex.

## **MINUTES**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes of the council's work session July 15, 2014. The motion to accept the minutes as submitted was approved unanimously.**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes of the council's work and regular session July 22, 2014. The motion to accept the minutes as submitted was approved unanimously.**

## **ORDINANCE AMENDING PART 7 CHAPTER 11 ARTICLE D OF THE CITY CODE OF**

## **ORDINANCES, SE7- 11067, PERTAINING TO TREATMENT AND CONDITION OF HORSES**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the ordinance on second reading. Peter White** said the 30-day trial to monitor heat stress was complete and “there’s been no change.” He said all horses are different but all of his horses were around 99 degrees. There was virtually no change, he said, with setting the heat limit one degree higher. “Our horses don’t have a problem,” Mr. White said. “If they do, they don’t work all summer.” Their horses are maintaining a very safe temperature, he reiterated. They could handle more heat, but people don’t want to ride carriages in the heat. **The motion passed unanimously.**

## **MOTION ALLOWING CITY MANAGER TO ENTER IN CONTRACTUAL AGREEMENT REGARDING MUNICIPAL COURT AND POLICE BUILDING UPFIT**

**Councilwoman Beer made a motion, second by Councilman O’Kelley, to approve the city manager entering into this agreement. The motion passed unanimously.**

## **REQUEST FOR WATERFRONT PARK CO-SPONSORSHIP FROM FRIENDS OF THE LIBRARY FOR ANNUAL BOOK SALE**

**Councilwoman Beer made a motion, second by Councilman O’Kelley, to approve the request for the September 26-28, 2014 event. The motion passed unanimously.**

## **EXECUTIVE SESSION**

**Councilwoman Beer made a motion to go into Executive Session for a discussion of regarding personnel. Councilman Sutton seconded. The motion passed unanimously.**

**Councilman O’Kelley made a motion, second by Councilwoman Beer to end the Executive Session and resume the regular session. The motion passed unanimously.**

**Councilman Sutton made a motion, second by Councilwoman Beer, to amend the existing employer agreement for the City Manager.** “There comes a time when we transition,” Mayor Keyserling said, and went on to describe Mr. Dadson’s accomplishments as City Manager. The city needs to implement “a large number of projects as he goes off to seek a new challenge,” Mayor Keyserling said, and council and the City Manager “have come to an agreement to part.” Mr. Dadson is the longest serving City Manager in recent history, Mayor Keyserling said, and he will be continue to work for the city for 6 months, until January 31, “so the city will have a smooth transition with so many pieces its plate.” The amendment to the employment agreement is to put a [termination] date on what was open-ended and “to change some of the language in terms of severance.”

Mr. Dadson will be leaving, Mayor Keyserling said, but will still be City Manager “until he finds another opportunity or until January 31, 2015.” Councilman Sutton said his whole political career has spanned the same period as Mr. Dadson’s time as City Manager, and he complimented Mr. Dadson’s work during a difficult period in deciding Beaufort’s future. He said that among other things, Mr. Dadson had brought in excellent financial professionals and created “budgets you could actually read.” Before Mr. Dadson’s tenure, “no one had any idea what was being done with (city) money, and now it is clear as it could be” and “a very

public process.” Mayor Keyserling said they are amending Mr. Dadson’s contract by putting an end date on it, not saying goodbye. He reiterated that the city has “a huge amount of things on its plate,” and Mr. Dadson will be there for a transition and possibly to bring in someone new.

Councilwoman Beer said the Mr. Dadson “brought the most professionalism to the job that anyone has to date.” Councilman McFee said he “truly showed professionalism in dealing with staff and council” and in “making a lot of hard decisions and transitions.” **The motion passed unanimously.**

**There being no further business to come before council, Councilman O’Kelley made a motion to come adjourn the meeting. Councilwoman Beer seconded. The motion passed unanimously,** and the meeting was adjourned at 9:12 PM.