

A work session of the Beaufort City Council was held on April 14, 2015 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Mike McFee, George O’Kelley, Stephen Murray, and Phil Cromer, and Interim City Manager Bill Prokop.

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.

### **PRESENTATION: BUSINESS LICENSE HOUSE BILL 3490**

Mayor Keyserling described what was happening in the state legislature in regard to “cutting off the third leg of revenue” for municipalities with a bill pending that could mean the loss of 18–20% of the City of Beaufort’s revenue. He introduced **Scott Slatton**, Municipal Association of South Carolina, who he said would make a presentation to let the council and the public know what they can do about this.

Mr. Slatton said the business licensing reform act and “a couple of other bills” have been introduced this year. He said he’d also discuss other bills that might affect the city’s budget. The bills are

1. One, introduced by **Samuel Rivers** of Goose Creek, would turn business license collection activities over to counties, and they would remit business license taxes back to their cities. The problem with the bill, the MASC believes, is that each county would have to provide a business license ordinance of its own to provide its staff with the authority to collect a business license fee. Only 8 out of 46 counties in South Carolina collect a business license tax for themselves. He thinks its unlikely that the other 38 counties would pass a business license ordinance on their own, particularly if they had no intent to collect business license fees for themselves or to collect them for cities. This hasn’t gotten a subcommittee hearing yet, Mr. Slatton said, “which is good.”

Councilman O’Kelley asked why Rep. Rivers had introduced this bill. Mr. Slatton said Rep. Rivers has told the association in the past that he believes this would be a simplification of the business license collections process.

2. Representative **Jimmy Merrill**, Charleston, annually introduces a bill that would base a business license on the number of employees of a particular company, rather than on gross revenues, as almost all cities in South Carolina do, Mr. Slatton said. This bill “has gone nowhere” this year.
3. The bill that has gotten the most attention is Representative **Rick Quinn**’s. It caps a business license tax at \$100, no matter the size of the business. It also requires the South Carolina Department of Revenue “to collect the tax on your behalf,

then distribute it back to you at some point.” Their collection efforts in the past have “not been perfect,” Mr. Slatton said. Aiken received overpay on Accommodations Tax, for example, and “it took at least a year” to convince the DOR that the money wasn’t theirs. They have insufficient staffing to do this well, and they would collect a 1% fee to do it. In addition, Mr. Slatton said, they wouldn't be nearly as vigilant about collecting business license taxes as city staff is.

The bill, Mr. Slatton continued, also bases the tax on businesses’ *net* income, rather than on *gross* income, as the law currently requires. Representative Quinn thinks this is fairer; Mr. Slatton said this would have “a tremendous negative effect on business license collections,” and he gave Myrtle Beach as a dramatic example: currently they have approximately \$12 million in business license tax collections vs. the \$900,000 they would have under this bill) He said those municipalities across the state that have done the analysis have similar numbers.

Mr. Slatton said the majority of businesses already pay less than \$100 in business license taxes, so they would be unlikely to get relief. The Municipal Association has met twice with Representative Quinn, and they have had two meetings with stakeholders and plan a third. They have collected data on businesses’ problems with business license taxes. Representative Quinn has concerns about the application of the tax across the state – consistency from city to city and in how it’s applied. Mr. Slatton said the homebuilders’ problem with the current system is that subcontractors are required in many cities to pay on the job in addition to the general contractor’s payment. They also dislike the “hassle factor” associated with business licensing and permitting. The Municipal Association has been trying to determine what cities can do to streamline these processes. Mr. Slatton said the Municipal Association has rolled out a “standardized business license application” of which multiple copies can be made. He detailed other efforts cities have initiated. The homebuilders equate the problems of business licenses with permitting. The inspection and permitting will always involve a degree of “hassle” to comply with state law, however, and building codes must be enforced.

Mr. Slatton said local Chambers have been engaged, and the Municipal Association is encouraging Beaufort to engage its chamber. The state chamber has not endorsed this bill, but they are very interested in it and have been favorable to some of its proposals. The state chamber has been a part of all of the Municipal Association meetings, Mr. Slatton said. The May 1 meeting will have CPAs to enumerate the issues to participants. One CPA has commented that cities will need to continue to raise revenues to meet their current needs, and if the way the business license is calculated is changed, the city will have to adjust its business license tax rates to compensate for that revenue.

Mr. Slatton said prospects for this bill being passed are “not great” this year. The number of bill sponsors since legislators heard from concerned parties has dropped by five. As legislators learn more about the bill’s effects, they’re less likely to support the

bill. May 1 is the crossover deadline, so if the bill hasn't passed in one chamber or the other, it will be harder for the other chamber to take it up. It's currently in the House Ways and Means Committee. However, this is the first of a two-year session, so any bill that's not been passed as legislation it "will be stopped where it sits," so when the session reconvenes, the bills can pick up where they left and move forward.

Mr. Slatton said even if this bill doesn't pass, "the assault on business license taxes is not going to stop." The Municipal Association trains to the association's model business license ordinance. Mr. Prokop said he's heard comments that the Municipal Association is "inflexible and unwilling to negotiate with anybody." Mr. Slatton said that is "terribly inaccurate." The entire leadership of the state Chamber of Commerce has turned over in the last year or so. The Municipal Association has made multiple efforts to reach out to their staff and to the homebuilders, though their efforts "have not come to fruition." In the meantime, the Municipal Association continues to offer its training, to initiate efforts, to update the model business license ordinance, etc. The Municipal Association is, though, "unwilling to diminish (a city council's) ability to raise the revenues for their cities."

Councilman O'Kelley told Mr. Slatton he'd sent Representative Quinn an email in response to Representative Quinn's request for comments on the bill. He told him an alternative would be for cities to have the ability to pass a local option sales tax (LOST), rather than having it be a county referendum. This might free up money, Councilman O'Kelley said. What he can't fathom about who supports the loss of 18-20% of revenue is what they expect the cities to cut. The cuts will have come from "things like stormwater drainage" – "things people need but that we won't be able to afford" – and the city can only raise ad valorem taxes so much. No one Councilman O'Kelley has written to has responded to him.

Mr. Slatton said on average, in South Carolina cities rely on business license tax for 20-50% of their revenues. So the Municipal Association is often accused of crying wolf about the threat to public safety when revenues are cut this much. Another problem is that there is very little flexibility on spending for Accommodations Tax and Hospitality Tax, and those monies don't go to fund core services. Mr. Slatton said many of the legislators that they have talked to, particularly in the House, are not enthusiastic about this bill, and senators have said they will not pass it if it gets there. Mr. Slatton said, "This issue will not go away," though.

Councilman Murray said the idea of the \$100 cap has brought up the issues of "fairness and equality" in his discussions with Rep. **Shannon Erickson**. He described a DOR mistake that had shorted the City of Beaufort by more than \$100,000. Therefore, he said, he doesn't trust the DOR to collect on the city's behalf and giving it back correctly. In regard to the matter of gross vs. net revenues, Accommodations Tax, Hospitality Tax and sales tax are all collected on gross revenues. He said one of his businesses' renewals was .13 of 1% and the other was .23 of 1%. Mr. Slatton said the cities arrived at their

rate classes based on the IRS's profitability system; "the fairness is built in." Councilman Murray said the 6% property tax is a far greater burden on businesses than the business license fee is.

Councilman Murray said two members of the city's legislative delegation – Representatives Erickson and **Herbkersman** – are co-sponsors of this bill, but they have not talked to anyone at the local level about these issues. Mr. Slatton said Representative Erickson was given a figure that was "grossly overstated" in regard to the amount a local business pays in business license fees. The Municipal Association did research, and showed Representative Erickson the results. They need to determine if "the burdens that are being talked about are accurate." There are certainly problems that need to be fixed, Mr. Slatton said, but every municipality should "fix your own house first." Councilman O'Kelley said he'd also told Representative Erickson that the example Mr. Slatton had referred to was inflated.

Mayor Keyserling asked what council and the Municipal Association could do. Though Beaufort is small, its practices are advanced, as are the county's. He feels its time for the Municipal Association to "get ahead of the curve" and "bombard" the legislature "with progressive programs." Beaufort has talked and will continue to talk with the Chamber of Commerce, for example, about the most efficient ways to manage business licenses. Having the county collect business licenses is not an acceptable option, Mayor Keyserling said. They collect property taxes, and the reliability is better, but he shared an anecdote from just four years ago. He feels there are many reasons "to move into the modality of being proactive."

Mr. Slatton said he agrees 100% that as the state has urbanized, cities should have more influence on the legislature than they do. 66%+ of the state is in urban areas and 33% "live within municipal boundaries." Annexation laws are antiquated, Mr. Slatton said, and cities are unable to expand to natural borders, which would expand representation. Mayor Keyserling said if the municipalities don't get together, "the state will continue to gather power."

Councilman Murray asked if the president and chairman of the board of the local Chamber of Commerce had comments on the bill. **Blakely Williams** said the board will discuss it on April 30, but they have not taken a formal position. She said they had spoken with Rep. Quinn "and understand his position," and information from the Municipal Association would be "wonderful."

**Will Achurch** also said that the Chamber of Commerce has not taken a position on the matter, and "it doesn't sound like this is going anywhere any time fast," but if it goes to the Senate, "we will certainly look long and hard at taking a position on this." He said there could be "unintended consequences," the bill could be dangerous, and they all could be spending the energy that they are spending on this on more effective reforms. Mr. Achurch agreed with Mayor Keyserling that "it would be better for incorporated

towns and cities to regain their sovereignty, to have more autonomy . . . and to make their own financial decisions.” Mayor Keyserling said local officials are more trusted than higher government officials. The state legislature struggles “so hard on the bigger issues, and they don’t let us run free” and do the business the cities could do to fix people’s problems, but the cities’ hands are tied, the less they are able to do.

Councilman McFee said this is a bill that would have a 20–50% impact on cities and towns, but the local legislative delegation never had any sort of vetting with local organizations and officials before it was authored and co-sponsored. He called this “a huge statement.”

Mr. Slatton went on to discuss other state legislature bills of particular import:

**Local Government Fund** (Bill 3374) passed the house, Mr. Slatton said, and it sets the new local government fund formula: as the state general fund is projected to increase, the local government fund would increase with it, up to 5%. So if state budget revenues are projected to increase by 3%, then the local government fund bases would increase by 3%. If there were negative growth in the state budget, then there would be a commensurate cut to the local government fund. The base is set at where it is today, Mr. Slatton said, which is \$212 million, and it will grow along with the state budget. The Senate might or might not add to the base; this is “yet to be seen.”

**Indigent Defense** – This is a proviso that would prohibit state public defenders from coming in to provide defense services for indigents in municipal court, Mr. Slatton said. The state public defender lead the charge across the state to prohibit public defenders from taking on municipal indigent clients unless the city has a contract for services with the public defender’s office. Councilman O’Kelley said if someone is charged with a crime and can’t afford a lawyer, he has to be provided one under the US constitution. Mr. Slatton said the judge has to appoint a lawyer for that person, so “you’re on the hook either way.” In many cities in South Carolina, public defenders have been providing the service, so the Municipal Association has asked that the state public defender’s office “demonstrate qualitatively the burden that you’re saying is across the state,” which they are finally doing, but not to the Municipal Association’s satisfaction, so the Municipal Association will continue to pursue this.

**FOIA bills** – A number of these have been introduced in the house and senate, Mr. Slatton said, that would require cities “to craft and publish agendas for regular meetings.” They would also allow for the amendment of agendas within the 24-hour period but with a 2/3rds vote of the body.

**Dilapidated Buildings Act** – This act was sent back to subcommittee; it would allow a city to ask a circuit judge to appoint a receiver for a dilapidated property.

Mr. Slatton asked for expressions of support for the bill to legislators to get it moving.

**Roads** – Mr. Slatton said there are three main road bills, and Rep. **Simrill**'s House Bill 3579 is "the prime house bill now." It would raise the gas tax, turn over non-federal aid secondary roads to counties, and counties could opt to take those roads or not. The Municipal Association has asked sponsors to amend the bill on the floor to allow "cities to get in if they want and to have whatever money comes with it." Mr. Slatton said they have assured the Municipal Association and the counties that "once the money gets in there, it's going to stay in there." He said that counties would have a three-year window to opt in; after that, the state continues to maintain the roads.

Mr. Slatton described two other bills that have been introduced in the senate in regard to roads, including 523, a funding plan that raises gas tax, license fees, and car sales tax. There is "no turnover of roads," he said. Senate talk has been about the state's obligation to maintain the roads that it owns today; "they are unwilling to push that responsibility off on to the locals. Many house and senate members have said they won't support anything that raises new money unless there is governance reform at DOT (i.e., appointment of the commission and hiring of the DOT director).

**Body cameras** – Senate Bill 47 would require body cameras on all law officials across the state. This bill has had three subcommittee hearings. Mr. Slatton feels given the death of Walter Scott, this bill will be likely "to go out of subcommittee tomorrow." The Municipal Association has been a part of the body camera discussions; most towns and cities support the idea, but there are problems with who will pay for it and with FOIA issues. The Municipal Association has proposed potential funding ideas and has provided research to them.

Councilman Murray asked which road bill has the most traction. Mr. Slatton said he'd put money on Rep. Simrill's bill because it's been vetted the most and has had the most input from across the state. The house leadership supports it, and there are efforts to get Governor Haley "to support or at least not threaten to veto some sort of action on roads." Councilman O'Kelley asked, if Haley vetoes it, what the chances are of override, and Mr. Slatton said he doesn't see it happening because they need a two-thirds vote, and while the majority in both chambers supports raising the gas tax, for example, "They just can't get a veto-proof majority."

Councilman Cromer asked, if the Simrill bill passes, if they would give back "a million dollars in the initial year to the counties." Mr. Slatton said yes, and explained that the bill would add \$46 million in the first year in the event that all 46 counties opted in. They would add \$1 million on the front end, and get additional money in years 2 and 3. The 18,000 road miles would be split up over the course of the 3 years. The sooner a

county gets in, the more money is available to it. Mr. Slatton said, "DOT would tell the counties which roads they could have." The MASC has encouraged Rep. Simrill to add mandatory municipal representation on the CTC.

**John Dickerson** asked if Gov. Haley had signed **Grover Norquist's** tax pledge, and Mr. Slatton said he didn't know.

### **RESOLUTION COMMITTING TO COOPERATE WITH HARGRAY COMMUNICATIONS TO BRING THE LOWCOUNTRY BROADBAND PLAN POWERED BY HARGRAY**

**Nicole Gardner** said Hargray is looking to expand its infrastructure in fiber-based services throughout the county. Gigabit Internet is 100 times faster than today's most popular broadband. This is one way Hargray is "future-proofing in our communities." Ms. Gardner offered a brief model of the "Google-esque" approach Hargray will take. Everything will be underground.

In communities where there's demand (such as Dataw), Ms. Gardner said Hargray is expanding its serving area with a fiber plant. They offer commercial gigabit speeds for businesses. Gigabit Wi-Fi for parks, marinas, special events, etc. will allow users to "roam seamlessly."

Ms. Gardner said there are already fiber pipelines to those Hargray serves now in Beaufort. As requirements increase, there will be advances in the technology and electronics that support it. Hargray is "looking for support for its investment in the community" and the future, Ms. Gardner said. They would like the City of Beaufort to "encourage" Hargray's broadband investments and infrastructure.

Mayor Keyserling said this will give Hargray a competitive advantage, and that's good. But he wondered if the city "is picking a winner or a loser by supporting this," or if it is "setting a standard." He's concerned that the city will be accused of giving an unfair advantage. He feels that the resolution shows the city is encouraging Hargray "to give better service." Mayor Keyserling feels council needs to have a conversation about this in order to be careful not to be in a position of appearing to show favoritism.

Mr. Prokop said this resolution is the same in Bluffton and Hilton Head Island. Ms. Gardner said Hargray is looking for "cooperation and . . . collaboration." Councilman Murray asked Ms. Gardner what Hargray was asking of council. She replied that they want "support . . . from the city resolution." Councilman Murray said, "'Encouraging' residents and businesses sounds an awful lot like marketing." Ms. Gardner said, "We aren't specifically looking for you to market those services." She said Hargray would be open to any changes council wanted to make to the resolution to be comfortable with it. It's Hargray's investment, and they want the cities, towns and county to benefit from it. Neither of the other municipalities or county has yet passed the resolution, Ms. Gardner said. They anticipate this happening soon. Mayor Keyserling said **Bill Harvey**,

city attorney, should look at it and ensure council that there's nothing in it that appears to be "stepping out of bounds." Council does want businesses to grow, Mayor Keyserling said, and to encourage better service and "more cooperation in getting lines off poles."

Councilman Murray said attracting businesses and new residents is important, and this can help. Mayor Keyserling said there was a matching program for a business that didn't materialize in the Commerce Park, in which the plan was to "take fiber in where it's badly needed." He asked if that was a possibility there, and Ms. Gardner said engineers are mapping out "where our fiber lands in that commerce park," so they can determine how far they can go and what services they can deliver there "and even points beyond." If it's not in Hargray's interest to go to some places, businesses often will offset the costs because of the benefit of the service to them: "It's an investment in their growth," she said.

Mr. Dickerson asked, "Where is fiber going to stop . . . coming to your individual customers?" Ms. Gardner said Hargray wants to provide "fiber to the curb," and then, if the customer wants it, "into the building."

#### **DISCUSSION REGARDING MANAGING PUBLIC INPUT DURING CITY COUNCIL MEETINGS**

Mayor Keyserling said this topic came out of the FOIA workshop discussion of how meetings are organized. Some councils limit public comment, and Mr. Harvey thought the topic should be raised, Councilman O'Kelley said he didn't think this council had a problem with that. Mayor Keyserling said he doesn't want anyone to leave a council meeting feeling that they hadn't been heard. Councilman O'Kelley said if things get out of hand, Mayor Keyserling always has a gavel, and Councilman Cromer agreed. Mayor Keyserling said he likes the meetings' informality, and if it's working, why change it? Councilman Cromer said other councils make the public sign in if they want to speak before council. Councilman Murray joked that staff would appreciate it if councilmembers' speaking times were limited. There was general agreement that managing public input is not necessary.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman O'Kelley made a motion, seconded by Councilman McFee, to enter into Executive Session** for discussion of personnel / the city manager position. **The motion passed unanimously.**

**Councilman McFee made a motion, second by Councilman Cromer, to adjourn the Executive Session and resume the work session. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 6:41 p.m.

A regular meeting of the Beaufort City Council was held on April 14, 2015 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, council members Mike McFee, George O’Kelley, Stephen Murray and Phil Cromer, and Interim City Manager Bill Prokop.

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 7:00 p.m.

**Councilman O’Kelly made a motion to amend the agenda to add an item “I” to discuss and nominate a new city manager. Councilman McFee seconded. The motion passed unanimously.**

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

Councilman McFee led the invocation, and **Logan McFee** led the Pledge of Allegiance.

### **PROCLAMATION OF APRIL AS CHILD ABUSE PREVENTION MONTH**

Councilman McFee read the proclamation, and Mayor Keyserling made the presentation to a Hope Haven representative.

### **PROCLAMATION OF APRIL AS PARKINSON’S AWARENESS MONTH**

Councilman McFee read the proclamation, and Mayor Keyserling made the presentation to **Cindy Carr**, the assistant state director for Parkinson’s Action Network. She described recent lobbying efforts, including a database at the CDC so researchers will have more research. They are also seeking DOD funding for Afghanistan and Iraq vets returning with Parkinson’s disease and \$2.8 billion from the FDA for approval measures for drugs being used in Europe but not yet used in the US.

### **MINUTES**

Councilman Murray said on page 3 of the February 24, 2015 minutes, **Sue Sauer** should be **Susan** Sauer. **Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of council’s work session and regular meeting on February 24, 2015 as amended. The motion passed unanimously.**

**Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of council’s work session on March 10, 2015.** Councilman Murray said on p. 4, he’d commented about commercial competition in regard to the “City Roots” project; the minutes say Mayor Keyserling said the cost of land in Southside Park would be “\$15-\$50 an acre,” which Councilman Murray said is incorrect because “it’s thousands.” Mayor Keyserling said he had “probably said that,” as was written in the minutes, but he was “shooting from the hip, and I stand corrected.” On page 8, Councilman Murray said

his initial motion in regard to the peak season overflow exception was to table the item. He said he then “withdrew the tabling and made a motion to approve the item.” **The motion to accept the minutes as corrected passed unanimously.**

**MOTION ALLOWING INTERIM CITY MANAGER TO ENTER INTO MEMORANDUM OF UNDERSTANDING REGARDING THE CITY WALK EASEMENT**

**Councilman McFee made a motion, second by Councilman Cromer, to allow the interim city manager to enter the MOU. David Tedder**, representing the city, said he had sent a memo to council, and there have been discussions since then to ascertain where the pipe needs to go and how much room is needed to work on it. The engineering profiles show that “we’re closer than we’d like to be” on one side. They are trying to help the project move forward, so they have come up with a memo for future engineering if additional footage is needed on that side (“whether it’s 2’ or 10’”). Some lots may need to be shifted over; Mr. Tedder feels that they will be able to preserve the number of lots and also provide “wiggle room” on that side for a 10’ deep hole for future repair. The original memorandum of understanding had language for the easement to be expanded on that side. The developer’s legal representative has asked for a motion that would allow the city manager to remove the language about expanding the easement if, prior to signing the memorandum of understanding, engineering staff for the city were confident with the materials presented with the drawings in regard to the 10’ trench box and “room to do what you needed to do.”

Mr. Tedder said the developer wants to move forward, but this is “a loose end on due diligence.” They determined that the easement didn’t need to have the line moved to get it off the edge of the property. Councilman O’Kelly asked if BJWSA, the city, the developer, and everyone are comfortable with this. Mr. Tedder said yes; he’s been in touch with BJWSA’s legal counsel and **Joe DeVito**, who have made some edits and are OK with it.

Mayor Keyserling asked Mr. Tedder if the document that council had before it was the final document. Mr. Tedder said some “typographical edits” were made on Monday. Mayor Keyserling asked if Public Works was happy with the document. **Lamar Taylor** said yes, provided the changes are made per their discussions. He said he doesn’t “want another situation like we had at Lovejoy.” Mayor Keyserling asked if the developer was comfortable. A representative for the developer said, “Yes.”

Councilman McFee asked Mr. Tedder if this allows the developer “to move forward (to) the closing.” Mr. Tedder said it puts the ball back in the developer’s court to get the engineering drawings done for review by city staff. Mr. Tedder clarified that this motion would allow city staff “to make typographical-type edits.” Councilman O’Kelly asked if this proposal “still is your recommendation.” Mr. Tedder said yes, with the addition that, should the developer provide “engineering that city staff approves, the language allowing for the expansion of the easement will be removed from the MOU.”

Mayor Keyserling stressed that the vote is not on the memorandum of understanding but on allowing the interim city manager to finalize and sign it. **The motion passed unanimously.**

#### **REQUEST TO USE SOUTHSIDE PARK FOR AN ADULT KICKBALL LEAGUE**

**Councilman McFee made a motion, second by Councilman Murray, to approve the request** for Thursdays from 6:00–8:00 p.m., April 23–June 18, 2015. Ms. Burgess said this is a league that used PALS last year. She said she and **Liza Hill** are OK with this use. Staff has asked for the league to provide liability insurance.

Mayor Keyserling said he has no problem with it, but the city has PTAC, which has been charged with recommendations on activities in the parks. Ms. Burgess said she and Ms. Hill had thought that the “dynamics” of this request made it different than if someone wanted to grow a tree farm in Southside Park. Mayor Keyserling said it was up to her judgment as the events coordinator.

Councilman O’Kelly said he wants “ a definition of what kickball is.” Councilman Cromer explained how the game was played: “Someone rolls the ball, and you kick it.” Councilman O’Kelly then asked if players wear cleats. Ms. Burgess said she didn’t believe so. Councilman O’Kelly said soccer players had played in Waterfront Park and “tore the park to pieces.” He doesn’t “know enough to say let’s do it.” Mr. Taylor said there’s no sod to tear up at Southside Park: “It’s mostly weeds and crabgrass.” Councilman O’Kelly asked if they would have to “mow on a different schedule to accommodate these folks.” Mr. Taylor said no.

Mayor Keyserling said Southside Park has been “such a moving target for 7+ years.” Since they have a plan now for Southside Park, he doesn’t want to see requests for its “use every other week.” Mr. Taylor said the only concerns Public Works had were the injuries by use of cleats, and the bathrooms normally are closed at 5 p.m., which might have to be extended one night a week. Councilman O’Kelly asked if Mr. Taylor meant that “you would have to have a city employee come back and close things up.” Mr. Taylor replied, “Yes.”

Councilman O’Kelly said, “No one from this league has bothered to come before council tonight.” Ms. Burgess said the initial request went to Ms. Hill, and the person who contacted her was unable to attend the council meeting. Councilman O’Kelly said he would vote against the league’s request “because I can just see it being destroyed, and having to have an employee come back at 8 o’clock at night and maybe chase people off and pay overtime and all of that.” He went on to say that “if they ruin the grass, even if it’s crabgrass,” there will then be a drainage problem, and “it will be a mud pit” if it rains.

Mayor Keyserling suggested adding the matter to a work session for all parties to discuss. Councilman Murray said the grass in the park is, as Mr. Taylor had said, not

good grass; the park is “unimproved and underutilized.” If people want to go out and use Southside Park, and they’re told that the bathrooms will be closed at 5:00 p.m., they aren’t paying to rent it, and they have liability insurance, so he’s in favor of it. Voting to let them play there might excite the players, Councilman Murray said, who could then come out to a future work party in Southside Park and participate.

Mayor Keyserling asked Councilman Murray if he would like to amend the motion to reflect what he was saying. Councilman Murray said if caveats were added, he thinks a work session is unnecessary. Councilman McFee said they could vote for it with caveats and still have a work session. Mayor Keyserling said they are going to have a work session the following week, regardless, and then they could add on to the work session agenda a special meeting agenda item to vote on second reading to allow the kickball team to play starting April 23. Councilman O’Kelly said, “They say they have 60–80 participants, but they can’t get one person to come to council . . . to say ‘We’re not going to hurt anything,’ so ‘I’m not going to vote for it.’ He continued, saying he has “to know more before I’ll just turn over city property.”

Mayor Keyserling said he supports it, though he wants “Mr. O’Kelley to be happy.” He agrees with the stipulations Councilman Murray has noted. If they can “get the questions answered at a work session” and bring in Ms. Hill, he’s in agreement with that, too.

Councilman Cromer said he agreed with Councilman Murray, but if someone could come to a work session and answer the questions, he’d like that and to see a copy of the liability insurance. Mayor Keyserling recommended that a special meeting be held the following week “so as not to hold (the group) up.” A representative can come from the kickball group, Ms. Hill should be present at the session, and that discussed limitations could be made clear. Councilman Murray asked if council could “ban cleats.” Mayor Keyserling said he’d “rather have someone who knows more about it here.”

**Councilman O’Kelly made a motion to table the matter with the understanding that a special meeting would be held the following week, along with the regularly scheduled work session, to discuss the matter. Councilman Cromer seconded the motion. Mayor Keyserling said the motion passed unanimously.** As a point of order, Councilman Murray requested that the mayor call for those opposed, which he had not done. Mayor Keyserling did so, and **the vote was 4-1, Councilman Murray opposed.**

Ms. Burgess asked if this meeting next week would be “discussion followed by action.” Mayor Keyserling clarified that it can’t be discussed in the work session and then voted on, so they will make this matter a special agenda item so that council can vote once they have had their questions answered.

#### **REQUEST FOR WATERFRONT PARK CO-SPONSORSHIP FROM THE HEALING HEROES OF THE LOWCOUNTRY FOR TRIBUTE TO VIETNAM VETERANS EVENT**

**Councilman McFee made a motion, second by Councilman Murray, to approve the request** for the August 14, 2015 event. **Donnie Beer** said the event was on August 15, a Saturday, not August 14. Ms. Burgess said it's a community event; Mayor Keyserling said there would be no alcohol, and "this is the kind of event the city wants to see happen." Councilman Murray asked Ms. Beer if she would be wearing cleats in Waterfront Park. Councilman O'Kelly said Viet Nam is to be spelled as two words. **The motion passed unanimously.**

#### **REQUEST TO CONSIDER ALLOWING PLACEMENT OF FALLEN OFFICERS MEMORIAL ON THE CITY'S MUNICIPAL COMPLEX**

**Councilman Cromer made a motion, second by Councilman O'Kelly, to approve the request.** Mr. McFee described where he would like the memorial to go and explained its purpose. He showed the various faces of the monument, which memorialize different types of officers who were slain in the line of duty. Mayor Keyserling said this is Mr. McFee's Eagle Scout project, and he "has raised a significant amount of money" to do it. Councilman Cromer asked where the benches would go, and Mr. McFee replied that they would go on the grass in the configuration that PTAC had suggested.

#### **REQUEST FROM THE MEMORIAL DAY COMMITTEE TO ALLOW ANNUAL MEMORIAL DAY PARADE**

**Councilman McFee made a motion, second by Councilman Murray to approve the request** for May 25, 2015. Ms. Burgess said the route was the same as usual, the police department supports it, and nothing has changed from previous years. **The motion passed unanimously.**

#### **REQUEST FOR WAIVER OF NOISE ORDINANCE FOR PRIVATE EVENT AT 201 NEW STREET**

**Councilman McFee made a motion, second by Councilman Cromer to approve the request** for May 16, 2015. Mayor Keyserling asked if any of the neighbors had been heard from. He said it's a courtyard, and he named the home's neighbors. Councilman McFee described the house, which was different from the one Mayor Keyserling thought it was. Councilman O'Kelly asked Ms. Burgess about the neighbors. She said staff has reiterated the importance of the applicants talking to their neighbors, and they assured her they would. The request is to have a DJ no later than 10:30 at night.

Councilman McFee asked Ms. Burgess if she knew how many people would attend. She said the bride was estimating 50-60 people. Councilman McFee said there's virtually no parking there. Ms. Burgess said the guests are staying in scattered locations because the bride is from out of town, so they have planned to carpool to this location.

Mayor Keyserling said, "They worked it out for the Soiree, so I assume they'll work it out for this." Councilman Murray pointed out that they are just asking for a 30-minute extension of the noise ordinance. **The motion passed unanimously.**

### **REQUEST FROM GULLAH FESTIVAL TO ALLOW CLOSURE OF THE DOWNTOWN BOAT RAMP AND WAIVER OF NOISE ORDINANCE**

**Councilman McFee made a motion for discussion, second by Councilman Murray to approve the request** for Gullah Festival, May 22–24, 2015. Councilman McFee said, “So they’re moving back to Waterfront Park?” Ms. Burgess said that’s the plan, and organizers have paid their deposit. Staff had met with the festival organizers the week before. The events coordinator lives in Atlanta and has been communicating with staff for a month and a half. Staff “collectively thought” having the boat ramp closed would be a good idea, Ms. Burgess said. The carriages “won’t be displaced” per council’s expressed wishes in the past. The noise ordinance is for Friday and Saturday, Ms. Burgess said, because the festival has historically been finished by 6 or 7 p.m. on Sunday. There was general agreement that council was pleased to have the festival downtown again.

### **REQUEST FROM BEAUFORT RIVER SWIM TO USE DOWNTOWN BOAT RAMP FOR ANNUAL RIVER SWIM**

**Councilman McFee made a motion, second by Councilman Murray to approve the request** for the June 6, 2015 event. **Pete Palmer** and YMCA CEO **Mike Bostwick** appeared to represent the event. Mr. Palmer explained the swim and its purpose – to support the Learn to Swim program, which helps prevent drowning, which is the second most common cause of accidental death among children. They would like to use it from 6:30 a.m. until noon. There will be a shorter Fun Swim this year as well.

Mayor Keyserling jokingly asked how long they speculated it would take him to swim this course. He then asked Mr. Palmer what his current ranking was as a Master swimmer. Mr. Palmer then asked if Mr. Prokop could get The Greenery to “throw down a whole bunch of sand” at this location for safety. **The motion passed unanimously.**

### **NOMINATION / HIRING OF A NEW CITY MANAGER**

**Councilman O’Kelly nominated Mr. Prokop for the position of city manager, second by Councilman McFee. The motion passed unanimously.** Councilman O’Kelly added that a candidate had withdrawn from the running a week before. Mayor Keyserling said the third candidate should be contacted as soon as possible. Mayor Keyserling complimented Mr. Prokop on his work as human resources director and as the interim city manager. He said told Mr. Prokop that he’s heard “nothing but positive comments about your presence in the city.”

Mayor Keyserling said there was a late public comment. **Stephanie Simms**, 1971 Pulaski Drive, Beaufort, said she would represent Beaufort in the SC Plus America pageant. She appeared before council to see what she could do to “gain help from Beaufort” and also to bring awareness of the pageant to the county. Ms. Simms said it was begun in 2002 and is for anyone who wears a size 14 or more, which is the average size of women’s clothing in the US. It’s held in 12 states; this is the first year it’s been in South Carolina. She plans next year to hold a local pageant and to “continue it from here on out.” Ms.

Simms said the pageant would be held next month in Georgetown. Mayor Keyserling offered to publicize it in his online newsletter and suggested Ms. Simms speak to the *Packet* reporter. Mayor Keyserling pointed out to her that Councilman Murray had won the Beaufort Beauties pageant, and Councilman McFee said he was a second runner-up.

### **CITY MANAGER'S REPORT**

Mr. Prokop thanked council for the honor of serving the residents of Beaufort as City Manager.

On March 31, he said there was a traffic accident that took out a pole and transformer on Boundary Street, and traffic was backed up for many hours. The generator was also out, it was determined at 2 a.m., but staff got it started manually. At 8 a.m., a tree fell on a section of the bowling alley. At 3:15 p.m., a gas leak at a construction site was found, so Bay Street was closed, everyone had to be evacuated, and the leak was repaired. The process took 45 minutes. The interviews for the city manager position took place, and around 6:00 p.m., the fire chief advised Mr. Prokop that a fire truck had been hit by a hit and run drunk driver, and \$4,000 worth of damage was done. The day before, the manhole covers on Port Republic Street were painted with daisies; this and "the introduction of lions and tigers to the county" were the only two items to make it into the newspaper, Mr. Prokop said.

Mr. Prokop said he'd told this story because he wanted to thank the managers and emergency staff "for doing one helluva job making it look like a normal day in Beaufort." These March 31 events are the great examples of teamwork and professionalism, and "we are there when needed."

The police department had received recognition of two officers for their DUI arrests. The SRO / Lady's Island Middle School patrol car won first place at the Stop the Violence of the Lowcountry community event. He offered congratulations to the police department and Chief **Matt Clancy** "for building the police department into what it is."

The groundbreaking ceremony for the fire department would be the following day, and the public is invited, Mr. Prokop said.

There will be a department head training session on the execution of emergency plans on April 23 to prepare for the hurricane season.

MASC has just completed its risk management audit, Mr. Prokop said, and there are areas staff will be working to improve. He thanked MASC and Councilman Cromer.

The contract for preliminary engineering work for the Southside sidewalk was signed, and Mr. Taylor and **David Coleman** will be going back to the CTC to seek additional funding.

Mr. Prokop thanked council for meeting with staff in regard to their budgets. Budget presentations to council begin April 21.

Mayor Keyserling asked about the notice Mr. Prokop had sent that the police department could no longer afford to provide escorts for funerals. Mr. Prokop said this was true “except for the large ones.” Mayor Keyserling asked if funeral homes and churches were being notified. Mr. Prokop said “yes.” Mayor Keyserling asked if there “is a provision for those who want it” to contract for an escort. Mr. Prokop again relied, “Yes.”

Mayor Keyserling said the daisies on the manhole covers are on the work session agenda for the following week. He had gotten “terrific feedback from it, but it’s obviously something that needs to be thought out very carefully” as to how to “control it.” Councilman McFee said he’d gotten an email asking if this was a school project.

### **MAYOR’S REPORT**

Mayor Keyserling said on a trip to Spain, as part of “a personal initiative” in regard to the Santa Elena Foundation, he was hosted for 2 days in a small town where they “rolled out the red carpet.” He had told them that making them a sister city would be a council decision, not the mayor’s. He will talk to the foundation about how it may fit into their program.

Mayor Keyserling said in regard to Boundary Street, the Natural Resources Committee had “postponed us” until May 4 on the land acquisition and the memorandum of understanding.

The parking task force, as far as he knows, continues, Mayor Keyserling said.

### **REPORTS BY COUNCIL**

Councilman McFee said the Take Back the Night event was a great one: very illuminating and heart-rending.

Councilman O’Kelly said the West Street Extension paving project is “moving along” with the first concrete to be poured that day.

Councilman Cromer reminded the public that the neighborhood association meeting would be the following day at 11 a.m. Mayor Keyserling said the Pigeon Point neighborhood association meeting is a model of what an association should be. He told **Libby Anderson** he would like to “inspire others to participate like they do.” Councilman Murray suggested that could be a work session agenda item.

Mayor Keyserling said at the next week’s work session, they would discuss the Redevelopment Commission.

There being no further business to come before council, **Councilman O’Kelly made a motion to adjourn the meeting. Councilman McFee seconded. The motion passed unanimously,** and the meeting was adjourned at 8:22p.m.