

A work session of Beaufort City Council was held on November 17, 2015 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were council members Mike McFee, George O'Kelley, Stephen Murray and Phil Cromer, and City Manager Bill Prokop.

Mayor Billy Keyserling was absent.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

Mayor Pro Tem McFee called the work session to order at 5:00 p.m.

INTERVIEW FOR ZONING BOARD OF APPEALS

Nigel Stroud was interviewed for a position on the Zoning Board of Appeals.

INTERGOVERNMENTAL AGREEMENT WITH BEAUFORT COUNTY REGARDING BOUNDARY STREET PROJECT

Mr. Prokop said the way the intergovernmental agreement was written lead to a discussion with the county, because it said that "the budget is the limit, and any other expenses would be to the city." That was not the city's understanding, so that's being rewritten to state that the total budget will be agreed to, and if it's exhausted, then the city and county will sit down and agree as to how expenses will be apportioned between them. Mr. Prokop said **Bill Harvey** has reviewed it, as have he and **Kathy Todd**. For example, he said, "anything over \$24,999" has to come to the city because its expenditure level is \$25,000. This agreement is "a financial step," Mr. Prokop said, and offers the city controls. **David Coleman** and **Rob McFee** will have to apprise the city and county of the money that has been spent and what they need approval for. At the partners' meeting, which Mr. Prokop said had 75-100 people present, they determined that each utility supplier will be asked, if something goes wrong, "what's the decision tree" and the timeline? Each level has to give an agreed time by which it will give back a response. Each of the utilities' people will meet with the City of Beaufort and the county about what has been agreed to, and then if that doesn't happen, there will be something in writing to ensure accountability, and that utility will "be hearing from all of us," Mr. Prokop said.

Ms. Todd said they don't want to have controls that hamper or delay the project, but they still want to maintain controls so that they can monitor the budget. There's "a healthy contingency in the budget," but they "don't want to wastefully spend" it. Councilman McFee said when they initially did the TIGER grant, there were very specific budgets, including impact and contingency fees, and the expectations in those areas were very specific. Ms. Todd said that is correct. Councilman McFee said, "And those responsibilities are still retained by the individuals (organizations)." Ms. Todd said "Absolutely." They're the same responsibilities as were written in the grant.

Councilman Murray said expenses over \$25,000 are to come to council and the Public Facilities committee, which could mean it would take a month for them to get approval. Mr. Prokop said that provision is meant is to inform council and that committee that such an amount is going to

be spent. From past experiences, they know they want to control for the amount of expenses and for the number of days in a contract. So if there are 16 days of flooding, for example, they want to know that. Mr. Prokop said he, Ms. Todd, and Mr. Coleman are going to be meeting weekly, and they'll meet with the county staff monthly, at a minimum. Ms. Todd said they will track everything, including change orders that have no dollar impact.

Councilman Murray asked if there were teeth in the contract if the utility companies don't comply in regard to communication requirements. Mr. Prokop said that the city and county will likely meet with each of the utilities to review and affirm what was agreed to in written form. Independent Construction Engineers (ICE) will be "controlling everything," he added. Mr. Coleman said, "At the end of the day, it's a volunteer situation . . . especially SCE&G." They have a verbal commitment with their partners and will try to "translate that to paper" in a written agreement. Keeping open communication is really important, he said. They want to try to eliminate problems and maintain momentum. Ms. Todd said there are separate agreements with Hargray and Century Link, and caps on the financial contribution to them to defray their expenses.

Mr. Prokop said this general agreement ties "into what's been there," but they thought it would be prudent on a project of this size to have "more controls," given that there are 2 completely different entities that want to work together.

Councilman McFee clarified that in the agreement, the city's day-to-day responsibilities seem to fall on Mr. Coleman. "David has day-to-day, but the contract is with the county," Mr. Prokop replied. Mr. Coleman said he will be working on the project daily and will have a full understanding of the issues that arise. He said it would be easier for him "to disseminate (information) and know what to do," and he will move up the ladder if the magnitude of an issue requires that. Mr. Coleman said he will make all of the decisions that he can competently make in the field that will "keep the project moving forward." Mr. Prokop said Mr. Coleman "is coordinating with ICE," which is an independent group that is overseeing the construction, and if a new engineering drawing is needed, that will be Mr. Coleman's and ICE's "call, to say 'OK, Rob, we need to issue a new contract or something' to get that done."

Ms. Todd said in the last "Whereas" paragraph, Mr. Harvey had added some language that "it's subject to the rights and obligations of the county . . . set forth in the TIGER agreement, as set forth in the construction contract, the CEI contract, so it doesn't replace the county's responsibility under those contracts and those agreements."

Mr. Coleman said the project will be "running 24-7," and he will sometimes be working at 3 a.m. if there's a problem, and long hours as necessary. Mr. Prokop said at the previous day's meeting, all concerned partners from every major department in the county and the city listed their concerns about the Boundary Street project, which will help build communication.

Mr. Coleman said he would host weekly conversations about Boundary Street on Fridays in the former museum space at city hall. Mr. Prokop said they would keep the website updated and

put any special issues on Facebook as well. Mr. Coleman described when there might be lane closures on Boundary Street – Mondays through Saturdays from 10 p.m. to 6 a.m. – and on Sundays, “I can close a lane,” but “the rest of the time I have to maintain 4 open travel lanes.” Councilman McFee said, “Traffic patterns off of the road (into and out of businesses) will shift.” Mr. Coleman said the biggest problem that has been forecast at this time is having to close an access point to a restaurant that has multiple access points. Councilman McFee said communication is going to be key, and with Mr. Coleman, “we’re very optimistic.”

Councilman McFee said the Zoning Board of Appeals has 2 members who “are exhausted term-wise,” so they need to move fast on that.

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 Cromer, to enter into Executive Session for discussion of the proposed purchase and sale of land. The motion passed unanimously.**

There being no further business to come before council, the work session adjourned at 5:29 p.m.

Councilman O’Kelley made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously.