

A work session of the Beaufort City Council was held on May 10, 2016 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilmen Phil Cromer and George O'Kelley, and Bill Prokop, city manager. Councilman Mike McFee and Stephen Murray were absent.

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

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:02 p.m.

### **BEAUFORT COUNTY ANIMAL CONTROL ORDINANCE**

Chief **Matt Clancy** said some of the terminology in the city's ordinance is different (e.g., concerning fees) because it's been held over from when Beaufort's police did animal control. If the city were to pick up a "dangerous dog," they would automatically turn it over to the animal shelter. Of the provisions in the city's ordinance, Chief Clancy said he'd like to keep the provision that non-poisonous reptiles must be publically carried in a container of some kind, and one prohibiting any swine (including a pot-bellied pig) in the city. The city's tethering ordinance is in the county ordinance, Chief Clancy said, and is more specific than the city's, including *how* dogs are to be tethered. If the police were to charge someone with a violation, the county's ordinance would hold up better in court.

**Allison Coppage**, Beaufort County assistant attorney, said that the mandatory spaying and neutering element of the ordinance is breed-specific (i.e., for pit bulls and mixes) and is based on overpopulation, "not because we believe them to be a dangerous breed." A dog qualifies as dangerous if it makes an unprovoked attack on another animal or a person; this is "cut and pasted" from state law, she said. The county's ordinance elaborates on the appeal process, unlike the state law, Ms. Coppage said; it allows an owner to come before a third party to determine whether the dog should be deemed dangerous because there are heavy liability requirements, such as a \$50,000 insurance policy and requirements for securing and muzzling.

Mr. Prokop read questions to council from a letter written by **Mare Baracco** about the proposed ordinance. He said he had told Ms. Baracco that he would present the letter to council. Ms. Coppage said in regard to appeals to notices, Ms. Baracco is referencing her own case and that of a pit bull mix in Bluffton that had gone to court. Ms. Coppage said that her office feels "very comfortable" that the requirement is "is a very defensible position."

Ms. Coppage described differences between the city's ordinance and the county's. For example, fees are different. If an animal is "fixed and chipped, it's \$5 and it's (for) a lifetime," while if it's "chipped and fertile," licensing is \$20 with an annual renewal. The prices and purpose of the licenses are an attempt to control population, she said. Restraint provisions are the same in the city and the county ordinances, except for on beaches in some seasons, but that should not affect the City of Beaufort, Ms. Coppage said. Animal control officers obtain a pick-up order from the magistrate's court before they seize and impound an animal; they must

show probable cause for picking it up. The only time they don't have to get a pick-up order is if the animal will not survive the time it takes for the officer to go to court to get the order. If a dog is "roaming at large" and not on private property, it can be picked up and taken to the shelter. Ms. Coppage said the city has a provision in its code that allows someone to "use reasonable force to protect themselves" if there is "an unprovoked attack by a dangerous dog"; the county doesn't address that in its code, but it's in the state code. She made other comparisons that she had found in a side-by-side analysis, as council had suggested.

Councilman Cromer asked if Beaufort is the only municipality in the county that hasn't adopted this. Ms. Coppage said no. The Town of Port Royal and Hilton Head have adopted it. Bluffton is having its first reading on the ordinance that evening. She said that the municipalities "are doing this for uniformity" among the jurisdictions, which is otherwise "too cumbersome." The county is asking the City of Beaufort to repeal its current ordinance – except for the 2 provisions that Chief Clancy had mentioned, and then to adopt the ordinance by reference. Councilman O'Kelley said he has never heard of that being done and wants to ensure that it can be. Chief Clancy showed Councilman O'Kelley what the Town of Port Royal had done. Councilman Cromer said that the city adopts building codes by reference.

97% of the euthanasia at the shelter is pit bulls and pit bull mixes, Ms. Coppage said. The county "will revisit . . . mandatory spaying and neutering" to see if the measure is having the intended effect. Councilman Cromer asked if the breed-specific was the first in the country. Ms. Coppage said Beaufort County's ordinance is the first of its kind in South Carolina, though other counties are looking at it. An unidentified member of the public said that whole states ban pit bulls, including Colorado. Ms. Coppage said Dade County (Miami) "has a flat out ban on them," but county didn't think that was "an appropriate tool." Mayor Keyserling asked if anyone from the public had been heard from, other than Ms. Baracco. Mr. Prokop said, "No one."

## **FY 2017 DEPARTMENT BUDGET PRESENTATIONS – POLICE, FIRE, COURTS AND PLANNING**

Mr. Prokop made a statement about the format of the department's presentations.

### **Police Department**

Chief Clancy said the police department had received a highway safety grant for an officer and a vehicle; he is a traffic officer, which was timely because of the construction on Boundary Street. Also the department got a boat from the sheriff's office that is "better suited to the water conditions here" than the city's old boat, he said, and is newer. The police department is in the process of selling the old boat, and the money will go to upgrading the new one.

The police department's level of service was kept the same, Chief Clancy said. The Spanish Moss Trail has been added to police patrols, and the department got a grant for a gas-powered golf cart, which they ride in to patrol the trail twice a day.

Because of budget constraints, Chief Clancy said, they do not have an officer "dedicated to Lady's Island." It is patrolled by the officer assigned to downtown, and "a couple times a day, they'll go over there."

Chief Clancy said the department was “also unable to keep our Community Response Team staffed,” which worked on special projects, rather than patrolling. They have also had an issue controlling vehicle maintenance costs.

The police department is working on initiatives to visit elementary schools at lunch and recess “to mingle with the students” in an effort to get them used to the presence of police, Chief Clancy said. Next year, the police officers will read to students. Also, the marine patrol will be active, and the police will be instituting recruiting incentives for the department’s officers, he said, in the hope that they will bring in people they know are trained when there are openings in the department.

Initiatives for next year: Chief Clancy said the police department is in the process of getting state accreditation; they want to reinstitute issuing community surveys to complainants, reactivate the community response team, and assign a patrolman to Lady’s Island 24-7. To achieve those goals, they need additional capital, he said, in order to replace aging vehicles and “add a minimum of 4 officers” to maintain the department’s “current service level” in “an expanded area.”

Chief Clancy reviewed the expenditures of the police department; “personnel” in the requested and recommended FY 2017 budgets increased approximately \$135,000 over the FY 2016 budget. When the police cars reach a certain age, he said, it costs more to maintain them than to replace them, so the “capital” request was \$266,490, compared to the FY 2016 revised budget of \$50,866 for capital. Chief Clancy then discussed other vehicle-related issues.

Chief Clancy reviewed the department’s customer service initiatives for FY 2017. Councilman Cromer asked who responds if there’s a traffic accident on Lady’s Island. Chief Clancy said that’s the sheriff's department.

**Lolita Huckaby** asked Chief Clancy the percentage of calls that come to the City of Beaufort police department from Lady’s Island. Chief Clancy said he didn’t know. There are 2 schools there, he said, which is where most of the calls come from (e.g., for break-ins, etc.). They have 2 school resource officers on Lady’s Island. There is occasional shoplifting and a break-in at Walgreens and “fender benders at Publix,” Chief Clancy said, adding that “the de Treville apartments” have “an occasional domestic.”

Ms. Huckaby observed that the police department’s requested budget is less than the recommended budget. She asked if “those four positions (are) still in the budget.” Chief Clancy said he believed that there were “two positions in there.” In personnel “the only thing that was cut was” positions “that we had put in for an upgrade,” but they did “not (get) the whole upgrade we had asked for. And then, on the capital side, it’s vehicles,” he said. Mr. Prokop said the police are trying to prepare for the increased needs they will have because of the new Wal-Mart and Harris Teeter, which are to open by the end of the budget year.

**Eddie Rodgers** said she’s impressed with the closeness of the requested and recommended

budgets, which indicates “there’s not a lot of padding.” Mayor Keyserling said in the last couple of years, budget requests have gone from a wish list to a “real needs list.” Staff has done a good job of “squeezing more out of what they’ve got.”

### **Fire Department**

Fire Chief **Reece Bertholf** described the department’s mission and shared recent performance accomplishments, including a successful leadership transition, successfully mitigating 90 emergency calls for service, which he said is “on pace for a 7% increase,” and “sustainability” in the engine company’s fire inspection program.

Chief Bertholf listed the fire department’s public education efforts and how many people were contacted that way. The department has installed 137 smoke detectors in the last 6 weeks, in cooperation with the Red Cross. Code enforcement via the fire marshal has resolved 53% of its cases via the in-house database and case file management. Chief Bertholf went on to describe various performance measurements that are used to track the department’s accomplishments.

Because of budget constraints, Chief Bertholf said, they have been unable to provide uniforms and gear to firefighters (which is then passed to reserves), and reserve firefighters do not have uniforms. They also were unable to make improvements to headquarters or to replace the self-contained breathing apparatuses. They are unable to have 3 firefighters per engine company, and are unable to have 100% readiness for “squad concept medical response.” Chief Bertholf said current performance initiatives are the start-up of a code enforcement division, standardized emergency services on Port Royal Island, and grant requests for funding for capital projects and staffing.

Chief Bertholf reviewed key goals and new initiatives for FY 2017, described reasons for major increases in the budget request, and customer service initiatives for the fire department in 2017.

There are 13 applicants for the department’s reserves, Chief Bertholf said. Mayor Keyserling said the last 3 fire department hires were from its reserves. Chief Bertholf said that was correct. The department was only able to give them a pair of pants and a t-shirt, which is why the department had asked for more money for uniforms in this budget. The training requirements for a career firefighter – which he described – are the same for reservists, but they do not get paid. Chief Bertholf discussed the costs of the EMT training at TCL, which reservists get, and the exams they take.

Ms. Rodgers asked where the fire department gets its grants. Chief Bertholf said primarily from FEMA’s competitive grant programs and a few other sources.

### **Courts**

**Linda Roper** shared recent performance accomplishments and measurements. She estimates that the department has archived 8 years of charging documents, and disposed of and processed 10,706 this fiscal year; last year’s total was 9,345. The amount collected through

setoff debt year-to-date is \$7713, she said.

Councilman O’Kelley described for the public the system for set-off debt. Ms. Roper said if someone owes a traffic fine, the collection mechanism stays in place, but her department has added an extra tool “to set off their taxes.” If a license is suspended and unpaid, it gets taken out of that person’s South Carolina tax return.

Current performance initiatives include working with other agencies to ensure consistent policies and procedures, Ms. Roper said, and developing policies for the police department’s new e-tickets. Her department “swims in paper,” she said, so she hopes to have less of that eventually. She described how the e-ticket process works in various phases.

Ms. Roper said the goals and initiatives of the municipal courts for the next fiscal year include researching and updating the addresses of defendants with outstanding debt and sending notices to try to collect it, and planning for staff succession when positions open by training employees in supervisory skills.

In the budget request, Ms. Roper said the department’s personnel costs have gone down because her salary and benefits are being allocated to different departments because of different responsibilities that she has taken on. Among the items that account for the budget increase are an \$1800 printer purchase and AV upgrades.

Ms. Roper discussed customer service initiatives in the coming fiscal year, including more engagement with the city as a whole and enhancing participants’ experience in the court. Mayor Keyserling noted that Ms. Roper’s additional responsibilities are parking and the administration of grants and contracts.

Ms. Roper described how the bonding process works in response to Ms. Rodgers’ question about “estreatment.”

### **Planning**

**Libby Anderson** described the department’s mission. Among recent performance accomplishments is the preparation of the draft development code, which has included holding public meetings, and code review by the technical review committee (TRC). The department also reviews and processes numerous applications and prepared a hazard mitigation grant.

Ms. Anderson said the department has been unable to develop a plan for improved CRS classification to give policyholders a better rate; if they were in Class 6, there would be a 20% reduction, she said. Flood insurance policies are very expensive for buildings below the base flood elevation, and this would help. The planning department has not had time to develop its customer service goals, Ms. Anderson said, but the goals are on its to-do list. They are trying to improve communication among the department’s staff to ensure a smooth transition for the Waterfront Park reservation system.

New initiatives for the planning department are the adoption of the Beaufort Code by the end of July, Ms. Anderson said, and then its implementation. There are also plans to implement a system for electronic plan submittal and review.

Budget goals and requests include an additional staff person, Ms. Anderson said, to coordinate the new development review process, and “financial assistance for a traffic consultant,” who would review traffic impact analysis reports. The county has been too busy with its own initiatives to help with this, she said.

Ms. Anderson said the department has requested an additional staff person because commercial development activity is “really picking up,” despite the population of the City of Beaufort “staying steady.” Ten new projects will move into the design review process in the next six months. This will require additional staff for review because more will be done at the staff level, rather than through the city’s citizen boards. Single-family residential review will also be more comprehensive, she said.

Ms. Anderson discussed the department’s customer service initiatives for FY 2017, which include “tip sheets” for developers, and follow-up interviews with commercial developers, which should improve the process. They also would like to hire a development review coordinator who would help streamline the development process.

Ms. Rodgers said the public doesn’t realize the cost of the benefits that are given to each city employee. Councilman O’Kelley said the costs “have gone up so much,” and there was a general discussion of these costs and their increases. Mr. Prokop asked those present in the public what they thought of the format of the budget presentations.

There being no further business to come before council, the work session was adjourned at 6:52 p.m.

A regular meeting of the Beaufort City Council was held on May 10, 2016 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilmen George O'Kelley and Phil Cromer, and Bill Prokop, city manager. Councilmen Mike McFee and Stephen Murray were absent.

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

### **CALL TO ORDER**

Mayor Keyserling called the regular meeting to order at 7:00 p.m.

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

Councilman Cromer led the invocation and the Pledge of Allegiance.

**Councilman O'Kelley made a motion, second by Councilman Cromer, to add an item to the agenda to authorize the city manager to enter into a contract for the purchase of real estate. The motion passed unanimously.**

### **PROCLAMATION OF MAY 2016 AS TEEN PREGNANCY PREVENTION MONTH**

**Councilman O'Kelley made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman O'Kelley read the proclamation, and Mayor Keyserling presented it.

### **CHARACTER EDUCATION PROCLAMATIONS**

**Councilman O'Kelley made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman O'Kelley read the student of the month proclamations, and Mayor Keyserling presented them to **Michael Smith**, Beaufort Middle School, and **Robert Richardson**, Robert Smalls International Academy. Mr. Richardson's principal, **Nicole Holloman**, spoke about "forgiveness," the word of the month, which she said Mr. Richardson "embodies." Mr. Smith's principal, **Carole Ingram**, spoke about Mr. Smith's first year at Beaufort Middle School and his future "doing great things."

### **PROCLAMATION OF MAY 15, 2016 AS PEACE OFFICERS MEMORIAL DAY**

**Councilman Cromer made a motion, second by Councilman O'Kelley, to approve the proclamation. The motion passed unanimously.** Councilman O'Kelley read the proclamation, and Mayor Keyserling presented it to Chief Clancy, who spoke briefly.

### **PRESENTATION: TREE CITY USA**

City of Beaufort planner **Liza Hill** and **Frances Waite**, of the South Carolina Forestry Commission, presented the Tree City USA award to the City of Beaufort. Ms. Waite described how the city was reinstated as a "Tree City" and presented the flag to council.

### **MINUTES**

**Councilman O'Kelley made a motion, second by Councilman Cromer, to approve the minutes**

**of the work session on April 19, 2016.** Councilman Cromer said on page 1, in the 7<sup>th</sup> paragraph, the word “photos” should be singular, and on page 7, Mr. Prokop was referred to by his initials, “BP.” **The motion to approve the minutes as amended passed unanimously.**

**ORDINANCE ANNEXING PROPERTY LOCATED AT 46 ROBERT SMALLS PARKWAY ON PORT ROYAL ISLAND**

**Councilman O’Kelley made a motion, second by Councilman Cromer, to approve the ordinance on second reading. The motion passed unanimously.**

**ORDINANCE ZONING PROPERTY LOCATED AT 46 ROBERT SMALLS PARKWAY HIGHWAY COMMERCIAL DISTRICT**

**Councilman O’Kelley made a motion, second by Councilman Cromer, to approve the ordinance on second reading. The motion passed unanimously.**

**BUSINESS LICENSE ORDINANCE – REQUIRE REGISTRATION OF ALL BUSINESS ACTIVITY AND CHARITABLE ORGANIZATIONS**

**Councilman O’Kelley made a motion, second by Councilman Cromer, to approve the ordinance on second reading.** Ms. Rodgers asked “the point in registering” if a fee is “not going to be levied.” Mayor Keyserling said that some nonprofits in the city are operating businesses outside the scope of their charitable mission, and the city has no way to regulate them. The city “ended up having to give (such businesses) a citation for not having a business license,” he said. There will be “a standard list,” he said, and the non-profit organizations will be reviewed to see if they have any “unrelated business activities.” Ms. Rodgers said she knows that there are nonprofits operating businesses that compete with private enterprises in Beaufort. **The motion passed unanimously.**

**BUSINESS LICENSE ORDINANCE – BUSINESS LICENSE TAX ON CHARITABLE ORGANIZATIONS THAT COMPETE WITH FOR-PROFIT BUSINESSES**

**Councilman O’Kelley made a motion, second by Councilman Cromer, to approve the ordinance on second reading.** Mayor Keyserling described the purpose of this ordinance: to tax businesses run by nonprofits that are outside of the scope of their charitable activities. Beaufort Memorial Hospital, for example, is a “huge nonprofit organization” that has acquired medical practices and real estate, he said, and it does over \$45 million in business with private contractors who ought to be paying for business licenses to the city. This ordinance is to keep city businesses from having “subsidized competition,” Mayor Keyserling said. **The motion passed unanimously.**

**AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT**

**Councilman O’Kelley made a motion, second by Councilman Cromer, to authorize the city manager to negotiate a contract.** Mayor Keyserling said the City of Beaufort, in partnership with the Open Land Trust and the county’s Rural and Critical Lands Committee, is purchasing property on Boundary Street from Applebee’s to 16 Gates Cemetery. There was never a contract among them, though the work had begun two years ago, so this contract will remedy that. **The motion passed unanimously.**

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

Mr. Prokop congratulated Chief Clancy and Chief Bertholf for TCL's recognition of Chief Bertholf as an outstanding alumnus and Chief Clancy for his community service.

Inspections will be starting this week at the marina and the sea wall, Mr. Prokop said, to determine the safety of the sea wall and to determine the basic facts for a FEMA grant that the city has applied for.

Improvements are being made and flowers blooming in Waterfront Park, which is "starting to shine again, Mr. Prokop said.

The Southside Boulevard sidewalk construction contract has been signed and the contractor should start work in the next 10 days, Mr. Prokop said. He noted other infrastructure projects that are also in the works or are about to be on state-owned streets.

### **MAYOR'S REPORT**

On Saturday at 5 p.m. in Waterfront Park, there will be a ceremony honoring Pat Conroy, Mayor Keyserling said.

Mayors from Beaufort, Port Royal, Bluffton, and Hilton Head will take part in a heritage tourism forum, he said.

The South Carolina Humanities Festival is June 9–11.

### **REPORTS BY COUNCIL**

Councilman O'Kelley said "downtown is bustling" with tourists.

Councilman Cromer said the Reconstruction exhibit at the Beaufort History Museum will open at the same time as the South Carolina Humanities Festival.

There being no further business to come before council, **Councilman Cromer made a motion to adjourn the meeting. Councilman O'Kelley seconded. The motion passed unanimously,** and the meeting adjourned at 7:38 p.m.