

A work session of the Beaufort City Council was held on February 26, 2013 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O'Kelley, Mike Sutton, and Mike McFee, 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**

The Mayor called the meeting to order at 5:00 p.m.

### **DOWNTOWN FARMS MARKET 2013**

**Lanelle Fabian** presented a report on the downtown Farmer's Market and the "tweaks" they will make to it this season. Mayor Keyserling asked if local business and restaurants were partnering with the market. Ms. Fabian said some had stayed open later and some restaurants came down and sold product; "after the honeymoon period," however, there were fewer businesses staying open though a few restaurants stayed until the end. She thinks "the key is being there each week," and the produce vendors stayed there until the end.

Mayor Keyserling asked about the impact on traffic of the Farmers' Market. Councilman O'Kelley said he was "concerned about Scott Street because it was the one coming to Bay Street." He saw no problems, and he had spoken to BB&T and they had no problems, either.

Councilman Sutton said "the consistency piece was the main piece," and he saw shopkeepers leaving and picking things up on the way by. To improve it, he suggested better, more permanent signs. Councilman O'Kelley said as the season went longer, they seemed to have fewer vendors; Ms. Fabian said the restaurants dropped out, but the farmers were there. When one dropped out, someone else came to take its place. Councilman O'Kelley asked if they could "cram some more in." Ms. Fabian said they could, but they "don't want it to be a fleas market." They only allow 20%, crafts but they didn't add them. With just 3-4 produce vendors, it's hard to add more of the other. She said there's a bread vendor; Island Meat market was having issues selling meat there, so he sold other products; the plant vendors didn't like being in a market in the evening because of plants not looking as fresh.

Ms. Fabian said the maximum number they had was 10-11 vendors and went into the Port Republic Square parking lot. They could continue that way, working with the parking lot owner. Councilwoman Beer said she is in favor of the market. Ms. Fabian said they are still growing, the vendors saw a good difference in their sales, and she heard good feedback.

Mayor Keyserling asked if they had talked to Port Royal's farmers market about cross-marketing. Ms. Fabian said they could do that, and the vendors already do that for them. She said she would talk to Kit about it and see if she wants to do cross-marketing. The Thursday market in Bluffton is the biggest market of the week, Ms. Fabian added.

## **ANCHORED VESSELS**

Mayor Keyserling explained the reason for this conversation and the issues to be addressed in the marina. Councilman Sutton said they had applied for a mooring field permit, and **Rick Griffin** said they have it from OCRM for 49 moorings. They are awaiting the Army Corps of Engineers. Mr. Griffin said that's on the west side of the bridge. Councilman Sutton said they haven't discussed funding for this. **Isaiah Smalls** said they have a \$100,000 grant. Mr. Griffin said he's "on the hook for \$33,000" at a 75-25% match. Mr. Dechovitz said it's not all marked for the mooring field. Councilman O'Kelley asked how much the mooring field will cost. Mr. Griffin said that preliminarily, based on bids, which is 15 moorings complete –though he recommends more – it will cost \$4600 per unit if they put in 15 moorings. He has checked suppliers and the person who has done some moorings in St. Augustine and other places recommends they put in all the anchors at one time so his cost won't go up every time he comes back. There are several options Mr. Griffin is looking at, and he feels they can stay in his budget. He went on to describe the particulars of what would be needed.

Mayor Keyserling asked Mr. Griffin if he can put all the anchors down within this budget. Mr. Griffin said "maybe not totally." 15 moorings will be put in complete plus the rest of the anchors for \$99,000. If there's more money found for more mooring balls, they can put those in. Mayor Keyserling asked what happens to the revenue and if it would go into maintenance. Councilman Sutton said the number for what the rate would be has never been discussed.

Councilman Sutton said they were trying to put in the mooring field to regulate the river to avoid the issues they face today with sinking vessels and no salvage, etc. The first step is the mooring field and putting in restrictions. They need enforcement; "the first phase is the harbor master enforcing what goes on in his marina." The derelict vessels will go elsewhere rather than in the front door, Councilman Sutton said. There was some discussion of where they might go.

Councilman Sutton said he doesn't know what the monthly or a weekend fee would be on a mooring ball. He hoped that some funding from this would go back into mooring and the waterfront. Stainless steel is state of the art in saltwater systems, Councilman Sutton added.

Councilman O'Kelley said there are 18 vessels there today and it varies up to 22. 15 balls may be enough, but it wouldn't hurt to have up to 22. Mayor Keyserling said they're not in the transit season, either. Councilman Sutton said they "may have to step through hoops to be on our hook" so that they can enforce rules for people to be there. They need to discuss the cost structure, Councilman Sutton said, so they don't push people out by cost. Mayor Keyserling asked **Alan Dechovitz** what the Yacht Club charges, and Mr. Dechovitz said \$1450 a year in annual mooring fees. The moorings are less expensive there than these Mr. Griffin is discussing. Mr. Griffin said the average daily rate for mooring is \$15-20; he has seen \$150 per month and some up to \$300 per month. Few places offered weekly or annual rates. St. Augustine is doing very well. It's more prevalent in Florida than anywhere else, Mr. Griffin said. Mr. Dechovitz said

that what they are doing at the Yacht Club is very different than what the city might do. He said \$20-25 a day is very common as it is in the Caribbean.

Mayor Keyserling asked, if there's an established mooring field, if they have total control of what is and isn't there. Councilman Sutton asked about different entities and who's responsible. **Chief Matt Clancy** said the boat like the one in the marsh has to be left 7 days for it to be considered abandoned. The problem with abandoned boats is that it's expensive to get them out and dispose of them. 5-6 years ago, they worked with DNR, Chief Clancy said; they pulled boats out and county Public Works crushed the boats and hauled them away, but there was money for that then which is not normally available. If they do that, they own the boat and are responsible for demolishing it. They have contacted salvage companies, but it's cost-prohibitive for them to tow boats out of there, so there's little interest. Mayor Keyserling asked about boats banging into someone's dock and what's to be done with them.

Mayor Keyserling said he had called DNR about it, and was told that they assume no liability for security. **Michael Paul Thomas** with DNR said they might secure the boat to Mr. Griffin's dock, he could start the fees, and DNR would file a report. There is a protocol the DNR has for abandoned vessels. They have placards for boats washed up in the marsh, for example. They put it on a boat, it sits there for 40 days, and then if no one claims it, then anyone can claim it. The city can apply for a duplicate title and then own the boat, sell it, to take it and get the city or county to crush it. 10% are derelict, Mr. Thomas said. They are generally notified by Mr. Griffin of any issues.

Mayor Keyserling said they need to work on a business plan and have taken care of a small area. **Marvin Dukes** said they designated anchorage areas A, B and C. Mr. Griffin said the Coast Guard recommended against the anchorage area in Factory Creek.

Councilman Sutton asked how much of the grant they would spend. He explained how the mooring system would work so as to avoid damage. Councilman Sutton said "9-10 boats are there all the time and may leave when they have to pay to be there." Mr. Griffin agreed. Councilman Sutton said the market rate fees are important to do so that the marina is neither a dumping ground nor too high for market demand.

Mr. Griffin described a marina that sunk all their mooring balls and then another company came in and rebuilt the marina, but boaters had been "run off." Councilman Sutton said it has to be consistent. Mr. Griffin said if there are moorings in the field, he will be checking on them to make sure the rules are enforced. He said they "will put out notices, and some will leave and some won't."

Mayor Keyserling asked about private mooring balls already there. Mr. Griffin said a contractor putting the balls out will remove the balls that are there and take them away. Councilman Sutton said they should clear the field and give notice that it's now a regulated field, and then the team for enforcement will have to be ready to do so. Chief Clancy said if they take

someone's property, the owner has to be notified and have time to respond. Councilman McFee asked, if a field is designated, if it gives them authority to do enforcement. Councilman Sutton said that's why it's important to have moorers who have registered, have insurance, etc. "It's not a secret this is happening, but those who aren't responding to this will need to be targeted," Councilman Sutton said.

Mr. Griffin said he had considered that the boats that want to take a mooring will be put in a dock when they sign a contract until they have a mooring. Those who don't want to sign up will not have dock space provided for them unless it's temporary. Mr. Griffin said the laws in Florida may be different, but his resource there can give him suggestions as to what to do.

Mr. Griffin said none of the moorings are permitted; they have to be in a permitted field or in your own waterfront property. "You can have one, but you can't willy-nilly put out a mooring," he said. Councilman O'Kelley asked whose bailiwick that is. Mr. Griffin said no one is stopping those people from getting a mooring, and they are *supposed* to be permitted, so they're doing it illegally / don't have permits for their anchor. Councilman Sutton said someone has been placing those in the Beaufort River for a fee.

Councilman O'Kelley brought up the boat **Erin Moody** had written an article about. Mr. Thomas said the DNR has issued tickets, and he is trying to get funding to fix it. It is towed now, not on its own power, and the owner is trying to get the title moved to him. Councilman Sutton said they need consistent enforcement. Mayor Keyserling said DNR's funding has been cut to the bone. Mr. Thomas said there is a protocol of putting placards on boats, "which is all DNR does."

Those who have registration and lights and just don't want to move are good with DNR, MT said. Councilman Sutton said there's no intrinsic value to the kinds of boats he's talking about – there's no point in salvaging them – and Mr. Griffin agreed. There are a lot of derelict boats in South Carolina, Councilman Sutton said, owing to the economy.

Councilman Sutton went on to enumerate the levels of authority in regard to derelict and transient boats. Army Corps of Engineers has no money and will not do anything about boats in Beaufort waterways; there's the least chance of getting the Coast Guard unless someone is on a sinking boat or is polluting the waterway. They're concerned about the waterways only in those cases. Port Royal has no salvage abilities.

Councilman O'Kelley said they could get the Ports Authority on that because it's their dock. Councilman Sutton said boats can end up derelict because an owner walks away, but people use the boat as it was given to them, but never register it or pay taxes. In Beaufort County, you have to pay back taxes if you claim it. Councilman Sutton said as far as clearing the mooring field, they need a time by which they will put a notice on the boat with a 40-day sticker, then they will be put out of the mooring. They can apprise the magistrate that they are putting 40-day stickers out.

Mayor Keyserling asked if they need to write down this process. Mr. Dadson said he thinks it's in the harbor plan. Mr. Dukes said there are criminal penalties in the ordinance, and this is an enforcement issue. The City of Beaufort limits including Factory Creek go all the way to Lady's Island. There are \$500 fines and 30 days in jail; the penalties are already there. In the ordinance, the City of Beaufort is basically in charge of it.

Mr. Dadson said Title 50 is a DNR issue. Council will have a budgetary issue to deal with locally or the county or DNR will, so they might put something together for them all to do. Mayor Keyserling suggested that the municipalities could do something together. Mr. Thomas said with a boat that has a light and a registration, "DNR won't lay a hand on them."

Councilman Sutton asked, if the mooring fee is "X," how much of it is for salvage and buoy maintenance. Mr. Griffin said he had assumed he will have to take care of annual buoy maintenance. Councilman Sutton said a percentage of the mooring fee should go into a fund to do something with derelict boats. Mr. Dechovitz said someone is unlikely to anchor near a mooring field. But some boats with an owner-interest in them in the mooring area today are basically being stored. There will need to be a process by which they move those people on to store those boats elsewhere or "separate that person from the boat." Mr. Griffin said people "get boats to fix up, then realize they can't," and it's cheaper to abandon it than to dispose of it.

Mr. Dechovitz said a mooring has to be inspected; they don't want to be responsible for a mooring ball that's not maintained bouncing against an expensive boat. Councilman Sutton said they will have boats migrating to areas where they don't want them.

**Edward Dukes** said that in the current regulations, they can ask for insurance; he wondered if council shouldn't review what was determined in 2004 "and then see that enforcement is done." Mayor Keyserling said they "don't have teeth." Chief Clancy said they go visit the boats, and if no one's on it, they put a form on it, "but a lot of times there's no one there on the boat to cite." The citation has to be handed to a person.

Mr. Griffin said he sees his role as identifying the problems and "then turning them over to the enforcement side." A drifting boat that damages his customers is in his purview, but "there's a liability thing for others that don't affect his customers," and they "will just call the police on those."

Mr. Smalls and Mr. Griffin will work on a business plan, Mayor Keyserling said. It has to be incorporated into the marina contract. They can do a work session in a couple weeks with a proposal and then they can look at the whole contract. In regard to enforcing the ordinance, it's everyone's issue, Mayor Keyserling said. Mr. Thomas said he would get the placards, and if there's a work session, he can come back.

Councilman O'Kelley commended Public Works and Mr. Smalls for gathering debris after heavy rains.

## **REVISIONS REGARDING BUSINESS LICENSE ORDINANCE**

Mayor Keyserling said they have been talking about needing to review these since he's been mayor. **Kathy Todd** said she will make a presentation on a proposed revision to the business license ordinance. Ms. Todd described what was in council's packets in regard to this. The model ordinance that the municipal association did originated in 1979 and there have been several modifications to it. They have set precedents and incorporated tweaking. She said the red-line version has some word modifications like "business license tax" as opposed to "business license fee." There were additions like the definition of a charitable organization. She went on to describe other additions and clarifications: clarification of the audit function, consistency of the numbering scheme within the chapters, laying out city council clearly, what's needed to verify income based on court cases that have passed, etc.

Councilman McFee asked on whom the red line version specifically puts the onus of additional staffing requirements. Ms. Todd said it's cleaner and easier to administer. It "takes out a lot of ambiguity." Therefore it will be easier to enforce. Definitions were expanded, she said. It doesn't address any rate structure, Ms. Todd said.

Mr. Dadson said it is specific about using NAICS, the federal ID system. The Municipal Association generates class codes which the municipalities follow, so that there's consistency in the rate structure depending on the NAICS code. That's in the city or an out of the city business doing business in the city, Councilman McFee clarified.

Ms. Todd said the Municipal Association had come out with a handbook that helps to enforce business licenses by clearing up ambiguity. Mayor Keyserling asked if the other municipalities were going through this process as well. Ms. Todd and Mr. Dadson said they didn't know, but Mayor Keyserling said "it would be cool if it were uniform." Mayor Keyserling said he's thinking preemptively.

**Stephen Murray** said the Chamber of Commerce hears that for service businesses it would be nice to go to the county and be able to apply at one time for licenses for multiple municipalities. Mr. Dadson said each municipality is dealing with different issues at their counter. It's usually more than the business license that's connected at the counter, i.e., zoning. If you could make an application for other jurisdictions, it would be nice to have it sent off from one place like the county, Mr. Murray said.

Ms. Todd said there's also the enforcement issue. Mr. Murray said he understands that but it would be nice to be able to apply for multiple municipalities at the same time. Mr. Murray said they're not suggesting that the city not give out licenses, but that there be a centralized location. Mr. Dadson said they will coordinate with other jurisdictions, regardless. Mayor Keyserling said they had talked about it and business licenses in the county and the city "are very different things."

Councilwoman Beer said when she got her license, she had to write checks to the city, the county, the fire department and then go back to City Hall to get one license. Mr. Dadson said if they can make the administrative process efficient, they will. "The inefficiencies usually come from the applicant," he feels. Mr. Murray said the Chamber would make that suggestion, too: a one-sheet on the process to check off as one goes through the process, so small business owners know what the expectations are. Mr. Dadson said that was a great suggestion.

Ms. Todd said this is cleaning up the ordinance, getting consistency and section numbering correct, making definitions easier to administer. Mr. Dadson said they recognize rates will come up in this discussion.

Mayor Keyserling said Mr. Murray is a candidate for the Redevelopment Commission vacancy, and he asked council if they could interview him now. The interview proceeded.

There being no further business, the meeting adjourned at 6:54 p.m.

A regular meeting of the Beaufort City Council was held on February 26, 2013 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O’Kelley, Mike Sutton, Mike McFee, 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**

The Mayor called the meeting to order at 7:04 p.m.

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

The invocation was led by Councilwoman Beer, and the Pledge of Allegiance was led by the mayor.

### **MINUTES**

The minutes of the work session on January 15, 2013 were presented to council for review.

**Councilman Sutton made a motion, second by Councilwoman Beer, to approve the minutes as submitted. The motion passed unanimously.**

The minutes of the regular meeting on January 22, 2013 were presented to council for review.

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes as submitted. The motion passed unanimously.**

The minutes of the special meeting work session on February 19, 2013 were presented to council for review. Councilman McFee said that on page 3, a statement by Councilman O’Kelley should have been referring to what Councilman Sutton had said, not Councilman McFee, as the minutes stated. Additionally, Councilman McFee said he was on the Charlestonian when it was at Dataw, not on a cruise in Charleston as was stated in the minutes. **Councilwoman Beer made a motion, second by Councilman McFee to approve the minutes as amended. The motion passed unanimously.**

### **RESOLUTION COMMITTING FUNDS TO DUKE STREET STREETScape PHASE II**

**Councilman Sutton made a motion, second by Councilwoman Beer, for fund approval. Libby Anderson** said this is for Duke Street Streetscape Part 2. The state has invited the city to apply for Phase 2 funding, having completed Phase 1. They will be required to have a 10%, \$50,000 match. Ms. Anderson reviewed the first phase streetscape costs at \$725,259. Local funding will come from the stormwater fees and from the capital projects fund, she said.

Councilman Sutton said going from Bladen to Duke, “the changes have made the neighborhood look like a part of the city, and it will lead to an endorsement of the continuation of this work.” Mayor Keyserling said that when they discuss stormwater and utility fees, they “are talking about capital expenses, not fixing ditches.” The rationale is that investing and getting it better

organized in the long run saves money of cleaning up stormwater messes, Mayor Keyserling said. The streetscape projects, Ms. Anderson said, are, to her, stormwater projects. They correct problems and lead to savings down the road. Mayor Keyserling said the stormwater and utility fees are used for some immediate maintenance but are more for capital projects. **The motion passed unanimously.**

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Councilman Sutton made a motion, second by Councilwoman Beer, to appoint Robb Wells to TMAC. The motion passed unanimously.**

#### **MAYOR'S REPORT**

"As the city's LCOG rep by default," Mayor Keyserling asked if anyone had anything to take to LCOG, but no one on council did.

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

Councilman O'Kelley again thanked Public Works for their work after the rain.

Councilman Sutton said the city police department "is doing a fantastic job." In less than three days, there were three incidents that he had "either witnessed or pushed through a process to ensure that justice was served." Seeing their professionalism and how they handled themselves was "magnificent and they seem to be firing on all cylinders," he said.

Councilman McFee said the neighborhood associations and action teams "corralled a panhandler" and "corrected issues through citizens' eyes on the Street," then gave the information to police to follow up on.

#### **EXECUTIVE SESSION**

**Councilwoman Beer made a motion, second by Councilman McFee, to go into an Executive Session, pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law for a discussion about personnel. The motion passed unanimously.**

**Councilman Sutton made a motion, second by Councilman O'Kelley, to adjourn the Executive Session and return to the regular council session. The motion passed unanimously.**

#### **ADJOURNMENT**

There being no further business to come before City Council, **Councilwoman Beer made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously, and the meeting was adjourned at 8:16 p.m.**

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