

A work session of the Beaufort City Council was held on May 4, 2010 at 4:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Keyserling, Council members Donnie Ann Beer, Mike McFee, Mike Sutton, Gary Fordham and Scott Dadson, Shirley Hughes, and Mack Cook.

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 Keyserling called the meeting to order at 4:05 p.m.

### **DEPARTMENTS BUDGET OPERATIONAL PLANS FY 2011 – PUBLIC WORKS**

**Isaiah Smalls**, director of Beaufort Public Works department made the budget operational plan presentation. He said that public works includes parks, street, stormwater, traffic, fleet and equipment maintenance and administration.

### **PARKS**

He displayed and discussed the mission statement of the parks department and gave an overview of the department's functions. He showed a budget snapshot of the allocated hours. The total budget cost is \$469,462.54. He showed a graph of where the majority of resources are allocated; Pigeon Point Park and Waterfront Park are largest. He showed the parks mission statement and the "smart goals" of the parks department. He showed assumptions about personnel hours for an 8-person department and the percentage allocated to various tasks, benefits, etc. He showed the breakdown of the taxes and benefits; the projected hours of labor distribution; full-time employees' hours by function; and labor allocation per park.

Councilman Sutton asked about the Southside Park as a parks base leading to a reduction in travel expenses. Mr. Smalls said they haven't done a study. Councilman Sutton asked if the reason for travel was a lack of materials. Mr. Smalls said it's just from loading up to go from one park to another. He said he was showing mileage, not time, even to travel a few blocks. He then showed a break-down of equipment costs and life expectancies.

Mr. Smalls showed parks' materials costs, i.e., fertilizers and other chemicals. Councilman Fordham asked how the chemicals worked with pollution and said there had been concern. Mr. Smalls said the key is in the proper application of the right amount and strength, so the plant gets it and there's no run-off. They're very conscious of what they use in Waterfront Park, especially.

Councilman Sutton asked how Waterfront Park maintenance being done by contractors is affecting other parks, and Mr. Smalls said it has been allocated to other parks, primarily Southside Park. The report was done before the change. Mr. Smalls showed an overview of the street department functions and a budget snapshot of the allocated hours.

### **STREET**

Councilman Sutton asked if a bill had been sent to DOT for work on state roads that is done by the city. Mr. Smalls said no. Mr. Dadson said he feels it's a great idea. Mr. Smalls showed the mission statement of the street department and its "smart goals." He showed assumptions about personnel hours and the percentage allocated to various tasks, benefits, etc. He showed the breakdown of the taxes and benefits and the projected hours of labor distribution; full-time employees hours by function (right-of-way mowing is the largest); and labor allocation per park.

Councilman Fordham acknowledged that some had been joking about sending a bill to the state for work they are supposed to be doing or at least halve it but asked why such a thing hasn't been done. Mr. Dadson said if an invoice was created, it would be a receivable on the books that would never be paid. He said it's more a political than an accounting issue. If they wanted to do it, they might send a letter saying what is expended maintaining assets that are the state's. Councilman Sutton said he'd rather ask them to fund the work but let the city do. In reality, if the state doesn't know the city's doing it, they'll not pay for it. Councilwoman Beer said it's been an issue for a long time, and the state doesn't "do what they're supposed to." Councilman Sutton said he'd like them to be informed that the city is doing it. Mr. Dadson said they could at least put a letter together. Mayor Keyserling suggested that council invite state representatives to a meeting to make them aware. He agrees with Councilman Sutton that they should go on the record and acknowledge that the city is doing this for the state.

Mr. Smalls showed a breakdown of resources on each area being maintained. He showed the fee - \$1.03 per linear foot - to maintain the shoulder of the roads annually. He showed the projected budget which amounts to a total of \$633,050. There was discussion among the group comparing this with the budget council had in its packet. Mr. Dadson said the budgets were developed after the department heads developed their operational plans.

### **STORMWATER**

Mr. Smalls showed a budget snapshot of the allocated hours for stormwater; a budget overview for full-time employees and cost projections; mission statement; smart goals (i.e., improving water quality, keeping structures obstruction free); and assumptions for the five-person department.

Mayor Keyserling said he knows this area fills a void left by the state and he asked if the ditches are in Mossy Oaks and belong to the state. Mr. Dadson said yes, but people pay a stormwater fee for public right-of-ways. As long as people are charged a fee, this is the service that needs to be provided.

Councilman Fordham asked if anyone is going around the city to look at the catch basins on rainy days. Mr. Smalls said they monitor the weather and will check the choke points and anywhere where there might be problems. Councilman Fordham affirmed that they'll report where there are problems so they'll be cleaned out the following week. He feels the average citizen shouldn't be depended upon to report problems. He wants to ensure that someone is riding around the city when it's rain to report on the problems. Mr. Smalls said a lot of problems are major CIP issues that can only be given a temporary band-aid. Councilman

Fordham asked if he could see a list of where the problem catch basins are. Mr. Smalls said he could.

Councilman Sutton asked, in the event of annexation petitions being brought to council, how the city can protect itself. Mr. Dadson said the bigger ones that were debated – Clarendon and McCloud – the means for dealing with this was written into the PUDs. He gave the example of Duncan-Langhorne, where they had to go back into the property so they had to get easements rights.

Councilman Sutton asked about Battery Shores; Mr. Dadson said council decided to accept the roads, so they have the right to be there. Mr. Smalls said in the 1990s, it was done in 2 phases and public works told the developer to make Phase 2 more efficient than Phase 1. Councilman Sutton asked if, owing to more current stormwater work, there will be a new, better, pro-active approach in the newest home developments in the area. Mr. Dadson said there are a lot of projects to be done, but yes, this is a better, more pro-active approach. Mr. Smalls showed the breakdown of hours spent on ditches and ponds and a projected annual budget totaling \$513,677.

### **TRAFFIC, FACILITY MANAGEMENT AND URBAN FOREST**

Mr. Smalls gave an overview of the functions of the department; a budget overview; smart goals; mission statements for all 3 divisions; assumptions; personnel benefits; distribution of full-time employees; distribution of work hours; budget allocation for an annual total of \$134,915.14.

### **PUBLIC WORKS ADMINISTRATION**

Mr. Smalls gave a budget overview of the department; smart goals; mission statement; assumptions; administrative support functions; distribution of public works administration time by function (he said a lot of time is spent on research and with attorneys); and allocation of management hours.

Mayor Keyserling asked about their message volume. Mr. Smalls said they generally get 45-55 calls per day with a lot more calls on rainy days about “ponding,” fallen limbs, and drainage problems. Mr. Smalls explained the difference between ponding and flooding, which is more serious. Councilman Fordham asked if there would be a report available on flooding, and Mr. Smalls said there had been no complaints about that today; Councilman Fordham asked if, were it a problem city-wide, there would be a report, and Mr. Smalls said yes.

### **STORMWATER**

Mr. Smalls made a further presentation on stormwater, beginning with a list of the projects that have been completed in the last few years and their costs. He showed slides of Depot Road before and during work on the project, then Duncan-Langhorne photos before, during and after work was completed. Councilman Fordham said he wants to make sure the actual drainage is being maintained. Mr. Smalls said one thing they’ve done is to try to get away from ditches, which are difficult to maintain. What they have now at Duncan-Langhorne can be maintained

with a lawnmower. Councilman Fordham asked where the water goes and Mr. Smalls said the water drains to Southside Park. Councilman Fordham asked how it gets there and Mr. Smalls explained the details of the route.

Mr. Smalls showed photos of the Point Pond project before and after mucking out, shoring up the sides, and the addition of a floodgate. He showed photos of the pond at Battery Shores before and after work was done. Water's Edge at the west end of North Street was not maintained by its developer, and the outfall pipe had collapsed; it was replaced and secured. He said there are 30 houses in that development, which has the same developer as Battery Shores. Stone Martin Drive also required repairs; he showed before and after photos of the work.

Mr. Cook said there is a request for a higher stormwater fee which can be used for brick and mortar construction or preventative maintenance. He said that, ballpark, stormwater in the ground is worth \$160 million. If the system had to be replaced, borrowing \$160 million would cost \$16 million. To pay the debt service, an annual stormwater fee would be \$2100 per user. He said this is why it's so important to have preventative maintenance.

Mr. Cook offered a summary of best practices on preventative maintenance. The Neighborhood Improvement Committee has been working to teach citizens to recycle paint and liquids and to enlist their help with yard waste. Other keys include avoiding wet cleaning whenever possible; a vacuum and regenerative air sweeper is used in high sediment, trash and leaf areas (using less and more focused water); disposing of street sweeping debris in the landfill; controlling parking on unimproved lots; using smart irrigation to minimize run-off. Mr. Cook said that in Waterfront Park, presently 2 acres are being irrigated to 35 inches; they're using a variety of methods to reduce that to one-third.

They want to continue to try to shovel sand before it hits the stormwater system. Vegetation when it dies goes into the road and then into the pipes. They've taken control of that, and vegetation is no longer going into the stormwater system. When vegetation ends up in the sewers, it causes ponding when it rains. While they're not free of it, there's been a reduction in ponding. Councilman McFee asked if the preventative maintenance is intended for capital improvements. Mr. Cook said no, it's to maintain what the city has in operating condition. Mr. Dadson said there's a list of upcoming projects.

Mr. Cook showed the 2010 proposed preventative maintenance neighborhood programs: which neighborhoods they are working in, doing sidewalk and gutter maintenance and cleaning 8 times per year. In the budget, the \$157,664 represents the stormwater fee. Mr. Smalls showed the Future Project List for stormwater projects, with costs estimated and projects not engineered. He showed the single family unit rate history for the county and also a nine-year history of stormwater fees. He showed the stormwater revenues for fees billed and collected. Mr. Cook said they're about 95% collected; the difference is the air station. Councilman Sutton added that no maintenance is done there.

Mr. Smalls showed the proposed revenues with the stormwater single family unit fee increase. Councilman Sutton said in the budget, 26% is contracted services out of the budget. He wanted to know what would be done with that. He also wanted to know about maintenance facilities if it was the underground infrastructure. Ms. Hughes said yes, what was being contracted was discussed earlier. Councilman Sutton asked what was being contracted out on provided services. Mr. Smalls said it's county equipment, and skills and services they "can't normally get into." Maintenance, Mr. Cook said, is street-by-street cleaning in neighborhoods they're in. Councilwoman Beer said they're in this position because maintenance and repair had always been put off in the past. Mr. Dadson said contracting is renting equipment, contracting specialists, as well as maintaining that the dirt and grass don't get in there in the first place (sediment migration). Mr. Smalls said the gain is keeping the sediment out of the system, and citizen satisfaction with neat, clean sidewalks, etc.

Councilman Sutton said two years ago there was no maintenance program for stormwater. He's impressed with the level of work to this point, and he hopes that they will be able to keep it rolling in areas with failing infrastructure that are relatively new. Mr. Smalls said several neighborhoods will be challenging; they'll be putting in products where there was no monitoring. Ms. Hughes said there are a number of projects under CIP, and they will begin with the most critical and go down; they are prioritized. Mr. Dadson said they're capable of getting ahead of the curve. The neighborhood improvement team gave an eye-opener about how to integrate all aspects of this. Councilwoman Beer said many people can't understand the size of the budget because much of it is money spent on things that are not seen.

#### **DEPARTMENTS BUDGET OPERATIONAL PLANS FY 2011 – MUNICIPAL COURTS**

**Linda Roper** made a presentation on Courts. She showed an overview of functions, i.e., customer service, bond court, training, etc. She shared the mission of the municipal court. The assumptions for her breakdown were shown. Salaries shown don't include judges' salaries, taxes or benefits. She showed a budget recap with annual hours calling for 6.25 full-time employees, not including judges. She showed annual hours by function. She showed a distribution of full-time employees by function.

Support services were broken down by category:

- Customer service – Ms. Roper showed objectives and functions, then a breakdown of every function a cashier (and backup cashier) does. Telephone inquiries; background checks; misc. requests at the desk total 4476 annual hours. Cashier and back-up cashier are a total of 61%. Councilman Fordham asked what background checks are; Ms. Roper said for example that when someone is applying for employment, they might need a certified disposition of a case; all of it is public record.
- Disposition of cases – Ms. Roper showed objectives, assumptions, and goals. She showed the breakdown of functions; total hours are 3,031 annually. Councilman Fordham asked if there was anything council could do to help the court out with what they have to do. Ms. Roper said there is a lot of manual work done in courts, and she wishes there were a way to make it easier. Until the state and everyone else is online

with technology – and everyone’s still behind – it will not get easier. Mr. Dadson restated that all the systems don’t line up and until it’s standardized from state courts down through the city’s courts, it doesn’t sort itself out. Ms. Roper said integration will be a long time coming. She said they’re working well with the county; other agencies are more problematic. The cases coming in for disposition can run into the thousands annually. Councilman Fordham asked if they were behind in case processing. Ms. Roper said they’re not behind. The jury docket has 150 pending cases; they are disposing of 30-35 cases in a week but that case load is also being added to. Mayor Keyserling said there aren’t the backlogs that there were a few years ago. Ms. Roper said they’re more aggressive in scheduling cases and having their own courtroom helps.

- Sentencing review – objectives and assumptions were reviewed, as were key performance indicators (KPI). She showed hours and money spent on post-disposition review (71% of hours annually) and deferred adjudication (29%).
- Bond court – objectives, assumptions, and KPI were reviewed. Mr. Dadson said the bond court process is managed for three municipalities for their bond hearings, including staff services. She showed a breakdown of hours (total 3308) and costs (about \$75,000) to do this. 95% of time is spent doing the work of bond court; 5% is spent on administration.
- Expungements – objectives, assumptions, and KPI were reviewed. All not-guilty cases must be expunged within 45 days, according to new legislation. Doing expungements requires 816 annual hours for a total cost of \$19,744. She said this doesn’t include paper and postage to let agencies know it was expunged. She showed a chart of the distribution of annual hours for all functions of expungements.
- Auditing – objectives, assumptions, and KPI were reviewed. 93 annual hours are spent on auditing disposed and pending cases, and end of month financial reporting. It costs about \$4000 a year. 65% of all collections are sent to the state “for various reasons.” Councilwoman Beer said “this is why we don’t make any money on traffic tickets.”
- Training – objectives, assumptions, and KPI were reviewed. Staff members now require training (about four hours per staff member) on victims’ assistance and a skill development class. This requires 312 hours annually and costs \$2,100.00. Annually, 62% is on computer skills.

She showed the recommended budget by line item. Councilman Sutton asked said 27% of time spent is on bond hearing. Contract services for regional entities are provided for. The numbers set for the cost of that service 2 years ago seemed low, and there are no changes. Mr. Cook said Bluffton and Hilton Head have been met with and are asking for an increase; it’s being subsidized. Ms. Roper said 40% of bond hearings are Hilton Head; Bluffton is 17%.

Mayor Keyserling wondered if they're looking more at metropolitan services, if it would be efficient to have a metro court. He wondered if the laws and issues were similar enough. Ms.

Roper said the bond hearings are the only partnerships at this time. She knows of no municipality that partners because it's a jurisdictional issue. Mayor Keyserling said there could be incredible efficiencies in taking both forward, and it should be thought about. Ms. Roper said Port Royal does it a little different than Beaufort. Councilwoman Beer said it was discussed before, and at that time, there were some differences. Mr. Dadson said the opportunity to discuss it is there.

### **NORTHERN BEAUFORT BYPASS FEASIBILITY STUDY DISCUSSION WITH THOMAS AND HUTTON**

**Donnie Williams** said Beaufort County hired Thomas and Hutton to determine a northern bypass. They've completed the feasibility study and are presenting an update.

#### **Feasibility summary report:**

- **Traffic data** – They used the predicted numbers up to 2025.
- **Public concerns** – Thomas and Hutton consultants met with various neighborhoods and groups and everyone supports a northern bypass bridge and agrees it's needed, but depending on where they live, they don't want it "in their backyard." The Bellamy's Curve Bridge would be the most used route, according to the public. Mayor Keyserling said his last conversation with the air station was that they have no objection. Mr. Williams said they want it but not too close to their runways; there could be no off-road access at all. **Doyle Kelly** showed the routes the air station didn't like (along the air station north boundary) but added that there's no general objection to the project. Mr. Williams explained where the Bellamy's Curve Bridge would be built.
- **Needs and purpose** – the bypass would mean less traffic on US 21 from Clarendon Road to SC 802 and less traffic delay on the bridges over Beaufort River.
- **Environmental impact** – Mr. Williams showed alternative alignments. Bellamy had the least amount of environmental impact.
- **Cost-benefit analysis** – They looked at 15 years of costs if it's built and if it's not. The other three locations won't have enough benefits to outweigh the costs because of traffic issues; construction costs vs. the number of cars that will use it are way too high, Mr. Williams said. Traffic projection was from the countywide traffic model for the Northern Comp Plan. Doing the project at Bellamy Curve would have a net benefit over 15 years but only cover approximately 78% of the costs to build the bridge.

As to where they go from here, Mr. Williams said they will create a composite route that includes the best sections from the alternate alignments; present the composite route to SCDOT and FHWA for input in the environmental document; start special studies for the environmental document; submit a draft environmental document to SCDOT and FHWA; and use the draft environmental document for planning purposes to preserve the route alignment until forecasted use will make bypass feasible.

Mayor Keyserling asked if Bellamy Curve had been abandoned. Mr. Williams said yes. Mayor Keyserling suggested that though this is long-term and the costs notwithstanding, it would be a way of enhancing evacuation, allowing downtown and Boundary Street redevelopment, and enhance what Port Royal is going to do on Ribaut. Mr. Williams said in the public meetings, the

Lady's Island people said they didn't want to go to Gray's Hill. Mayor Keyserling said downtown streets will only sustain so much, and if they want to get off Lady's Island, they have few alternatives, and they will learn to use it.

Councilman McFee clarified that the alternate route didn't begin and run through the marsh. **Graham Kerr** said he lives in Pigeon Point and asked that council consider that the air station would be a major employer in the area in the years to come, and many air station people live off-base. He wondered about the wisdom of running them through downtown. Mayor Keyserling told him Bellamy Curve is off the table, and Mr. Kerr said he was happy.

#### **DISCUSSION REGARDING TREE PRUNING AGREEMENT WITH SCE&G AND THE CITY**

Mr. Dadson said this was meant to be a follow-up to last week's meeting. SCE&G has agreed to extend the tree-cutting moratorium to go through the issues. The Tree Commission is having a meeting May 5 at 4:00 pm at City Hall. Mr. Dadson said city staff and SCE&G have been meeting since last week's meeting and are going to discuss the game plan with council. Mr. Smalls said the Tree Board will look at restructuring existing policies.

- Mr. Smalls said they have discussed the current pruning cycle. **David Tempel**, SCE&G district manager, has made suggestions that will be given to council. One matter of concern they heard from the public was about the contractors' education and qualifications. They found that the employees' qualifications are broken down according the jobs they do, i.e., trimming, topping, etc. The concern was that they weren't qualified to do what they do. The contractor had explained the training they'd received and they get testing in written form and on the site.
- Mr. Smalls said the public wanted the trimming slowed down. Crews will be more vigilant and deliberate in their pruning. If it's growing away from the line and not endangering the line, it will be allowed to remain. SCE&G will also consider pruning during winter months to make the appearance less drastic.
- Mr. Smalls said SCE&G has agreed to smaller crew complements. During the pruning, there were many trucks out, and it was "pretty scary." There will now be 2-3 trucks and they'll be spread out.
- Each crew will have a supervisor and the foreman will go from site to site.
- The crews will be following specs more closely. Mr. Smalls said some improper pruning has been done "because it looks better." In 2006, they talked about cutting 1/3 of a limb growing toward a line. In the beginning it looks less impressive; they have to decide if they want proper or improper pruning (which may look better but is worse for the structure of the tree). Mr. Tempel said regarding natural pruning – in the short-term, on Ribaut Road for example – those that haven't been trimmed have brown limbs from making contact with wires. They've progressed on the live oaks from former trimming processes. In 2005, when they did the last cycle in Beaufort, SCE&G worked with various

agencies to develop a standard that would allow clearance on the trees as well as taking care of it when they're doing the trimming, giving it an opportunity to be healthier. They wanted to move toward doing approved natural trimming. They did it in November-December 2005 and got good clearance. This time, doing it as the oaks bloomed looked invasive.

Mr. Tempel said the cycle is about budget. They're budgeted to trim every 2, 4, or 5 years. Natural trimming means to trim the tree in the right places so it learns *to grow away from the power line*. They can do it, but they may still need to go to a bigger parent limb, and it appears that it's being done more often. If the city says to go to a 2-year cycle, they'll need some help financially because the costs will increase.

Mayor Keyserling asked about the role of the Public Service Commission (PSC) in this matter. Mr. Tempel said if maintenance isn't done on facilities, it takes longer to restore power if it's lost. PSC asked how SCE&G was improving reliability through facility maintenance. They made a plan and asked for money to do proper trimming and improve system reliability. They have a plan in place throughout the service territory – not just tree-trimming – and the PSC approved the dollars for tree-trimming. SCE&G is audited quarterly on how they're following the plan and improvements that follow. They have to pay money back if reliability isn't improved. That's the reason they're out there working for proper clearance.

Mayor Keyserling said he'd read that PSC requires that a certain percentage be allocated to improvement. Mr. Tempel said PSC oversees all SCE&G expenses. SCE&G can't deviate from the plan without some kind of justification. Mayor Keyserling asked if a surcharge can be done within a jurisdiction to have a higher level than in other places because the area is different, or that has to go through the PSC. Mr. Tempel said probably not, but they would have to report to PSC that they were doing it.

Mr. Smalls said that at the meeting on May 5, they will look at the existing agreement and try to restructure it. They want to find a balance between proper pruning and what the citizens want. Mr. Tempel said that in 1997, the agreement was written with a one-year term and then they never got back after that to agree to it further. Councilman Sutton said the program is driven by the bottom line of proper clearance as the mandate. They went to a 5-year cycle of pruning and the document was there, but he wonders if there was ever an intention to go by that document. Mr. Tempel said the 1997 procedures would not be done today. Councilman Sutton said if a goal isn't achieved of a better cycle, he hears that they'll do a cycle at the minimum number of times they'll need to cost-share.

Mr. Tempel said he's talking about natural pruning, which doesn't mean they need 10' all around the power line. Mayor Keyserling said he'd heard the standard of ten feet was for safety. Mr. Tempel reiterated that they're trying to train the tree to grow away. Mayor Keyserling said there is a public flurry when the pruning happens, then it's not thought about again until it happens again. The city should have a process that the day it's finished, they look at it and start planning for the next time. Councilman Sutton said if they knew how often and

how SCE&G was going to prune, and they held to the line, he doesn't think there would be this push-back.

Councilman Sutton suggested the movement of some poles away from the canopies. Having learned about aging of trees, some are at the end of their life cycle, so they'll end whether they're trimmed or not. Some have been cut so many times, they can't be saved and maybe need to come out. They would need to be replaced in order to maintain canopies. They grow on private property, and if they aren't maintained by the owner, then this controversy happens. Mr. Smalls said relocating lines is a challenge. He and Mr. Tempel have discussed underground lines in certain sections in the long-term. There is stimulus money available for removing hazardous trees and replanting. Utility companies want to approach property owners about removing some trees.

Mr. Tempel said if they have tree-trimming money and aren't trimming trees, they can maybe redirect that money to relocation of overhead lines where they can. If they move it to where there's no tree, it can still be on someone's property, but they will be glad to try to work it out rather than trimming trees. They're willing to do some work to help the city with a replanting program to put a better specimen of tree in a better location.

Councilwoman Beer suggested that when the lines can't be moved and undergrounding isn't cost effective, maybe in some areas the lines can be taller and go above the canopy. Mr. Tempel said even not-that-tall trees can grow tall enough to get into the lines. SCE&G is only limited on pole height to the extent that they "can get a bucket up there." Once the poles go in, that's something that could be considered, Councilwoman Beer said. Mr. Tempel said the distribution poles are 40-45' and are "in the ground a ways." There are problems, too, with palms under the lines, which mean the trees' days are numbered. He said he will look at all this and stated that he wants to be pro-active.

Mr. Tempel said SCE&G has a funding mechanism to convert lines to underground, and they need to discuss with the city how they want to spend those dollars. Mr. Dadson said there is a short-term issue for SCE&G, and the Tree Board will deal with mid- and long-term policy issues. In the short-run, by looking at possible moves of poles and undergrounding, council will need to re-prioritize some dollars.

Mayor Keyserling said in his time in office, he knows there's a long-term solution, that this is a tree city, and that voters vote of public space. That's not the case in all neighborhoods but in some they would partner in a venture. Whether it's shorter cycles, or biting the bullet, he feels the citizens of The Point, for example, would. His problem is that it's hard to separate the short- and long-term. The cut is a five-year cut, and the visual damage is done, and that's what's wrecking havoc among those who don't understand. He's stuck on sorting through the immediate solution, the short-term solution, and then longer-term solutions. It's a matter of staging/staggering.

Mr. Tempel said they were trying to preserve the Ribaut Road canopy and create an illusion, but it hasn't happened totally. He'd like to see the reliability issues taken care of before storms. He said North Street is minor to do underground; "it's a tap off the main feeder." It could be targeted and then part of the Point. It could be an ongoing process. Councilman Sutton said a huge amount of research would need to be done on the age and type of the trees.

**Bob Middaugh** said the study Mr. Tempel referred to regarding natural pruning originated in Pennsylvania, where there are no live oaks. He said the study is supposed to be the industry standard, but it doesn't consider age and type of tree. Regarding hurricanes and their effect on trees, he cited a report that showed no live oaks downed any power lines or did damage during Hurricane Ike. He said that what Mr. Tempel cited doesn't necessarily apply to all trees everywhere. Mr. Middaugh said he wants Mr. Dadson or Mayor Keyserling to deliver to the Tree Board the information he delivered to council. Mr. Middaugh said that trees have monetary value. He hopes Mr. Tempel and the city will come to a satisfactory agreement.

**David Lott** recommended that council refocus on the set-aside from the franchise fee and consider adding to the percentage set aside for that. He feels this should be looked at in the long run because of the high costs of going underground with distribution lines. He agreed with Councilman Sutton's point about looking at the situation from a block-by-block, tree-by-tree basis. When working with the Tree Board, the Planning Commission has a comp plan that deals with these issues. He'd like someone on the Planning Commission from Beaufort or Port Royal to be involved in the process because it doesn't just apply to Beaufort. There are standards out there, but they must build "an incentive not to screw up" into the sub-contractors' contracts. They can be trained, but their only current incentive is to get the work done as quickly as possible. He feels they need to pay a penalty if they violate standards. He added that when standards are drafted, they need to be very specific, objective, and applicable to the whole community.

Mr. Tempel said SCE&G is dealing with the property owners. He'll give Mayor Keyserling a copy of the contract with the sub-contractor. Mayor Keyserling encouraged Mr. Lott or Mr. Laing from the Planning Commission to go to the meeting the following day.

**Don Starkey**, Otter Circle, said the live oaks are very special to Beaufort. He said that those who determine the age of the live oaks will not core them, especially in the summer, because of their sensitivity. He said that tree roots can get to the lines below ground just as much as the limbs above. The trees are precious, but he also doesn't want to have the power out every week.

**Lolita Huckaby**, Ribaut Road, said she's concerned upon hearing that the 1997 agreement might not be any good. When staff or council hears there will be trimming, that should raise a red flag for them.

## **EXECUTIVE SESSION**

On motion of Councilman Sutton, seconded by Councilwoman Beer, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70 (a) of the South Carolina Code of Laws for a discussion regarding Land Acquisition. The motion was approved unanimously.

Councilwoman Beer, seconded by Councilman Fordham, made a motion to come out of executive session and resume the regular council meeting. The motion was approved unanimously.

**ADJOURNMENT**

There being no further business, Councilman Fordham made a motion, second by Councilman McFee, to adjourn. The motion was approved unanimously, and the meeting was adjourned at 8:15 p.m.

ATTEST: \_\_\_\_\_  
SHIRLEY HUGHES, ACTING CITY CLERK