

A regular session of Beaufort City Council was held on April 23, 2019 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Pro Tem Mike McFee, Councilwoman Nan Sutton, Councilmen Stephen Murray and Phil Cromer, and Bill Prokop, city manager. Mayor Billy Keyserling was an excused absence.

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.

**Councilman Murray made a motion, second by Councilman Cromer, to adjourn the Executive Session. The motion passed unanimously.**

#### **CALL TO ORDER**

Mayor Pro Tem McFee called the regular council meeting to order at approximately 7:10 p.m.

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

Councilwoman Sutton led the invocation and the Pledge of Allegiance.

#### **CHARACTER EDUCATION PROCLAMATION**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation of Emely Rodriguez as the Joseph Shanklin Elementary School student of the month. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Pro Tem McFee presented it to Ms. Rodriguez.

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#### **PROCLAMATION OF MAY 5-11, 2019 AS NATIONAL TRAVEL AND TOURISM WEEK**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Pro Tem McFee presented it to **Robb Wells**, CVB president and CEO.

#### **PROCLAMATION OF APRIL AS CHILD ABUSE PREVENTION MONTH** [L] [SEP]

**Councilman Murray made a motion, second by Councilwoman Sutton, to approve the proclamation. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Pro Tem McFee presented it to representatives of Hopeful Horizons.

#### **PUBLIC COMMENT**

**Alan Dechovitz** said he was representing the Islands of Beaufort Homeowners Association board of directors and wanted to “express public complaint regarding Waste Pro.” City staff has been made aware of the problem, he said, and the HOA has tried to work on a solution with Mr. Prokop and Ms. Roper, but Waste Pro is “basically ignoring everybody.” Mr. Dechovitz said they’re asking that “the councilperson who has responsibility for the Waste Pro contract . . . become involved.”

In December and January, about \$200,000 of repair work was being done on the Deer Island Bridge, a \$3 million asset for Islands of Beaufort, Mr. Dechovitz said. O'Quinn Marine left an 11'-wide lane on the bridge for trucks, which many construction trucks used. A Waste Pro truck, "driving too fast and distracted," according to O'Quinn Marine, hit the bridge, causing damage to "about 60 feet of the barrier," Mr. Dechovitz said. The HOA asked Waste Pro to repair the damage, and Waste Pro responded that "they'd send out a guy with a sander." Islands of Beaufort has "had very bad luck depending on" Waste Pro to repair damage in the past, he said, as when a Waste Pro truck drove around Islands of Beaufort "dripping hydraulic fluids all over the roads," and Waste Pro "sent out a guy to put driveway sealer on it. The road is rotting, and we're eventually going to have to replace it," so the HOA didn't feel it was acceptable for Waste Pro to send someone out with a sander to repair what turned out to be \$2,500 to \$3,000 of damage, Mr. Dechovitz said.

Mr. Dechovitz said the HOA offered to meet with a Waste Pro supervisor to discuss a solution, but no one from Waste Pro came to the meeting. The HOA then sent Waste Pro a letter on March 19, stating that O'Quinn Marine had been instructed to repair the bridge, with a request to be reimbursed for what O'Quinn Marine was paid to do that repair. Waste Pro received the letter March 25 but no one has contacted the homeowners association in the month since then, he said.

Waste Pro has a history of speeding in the Islands of Beaufort neighborhoods and causing damage, Mr. Dechovitz said, and since the company is the city's contactor, Waste Pro should be "more responsible" because of this "monopoly" given to it by the city. He asked for city council to find a way to get Waste Pro to respond to the homeowners association and then to get it to meet its obligations to them.

Dr. **Bob LeFavi** announced a free showing of a "Broken Pieces," a movie about the effects of child abuse, at the USCB Center for the Arts.

**Eddie Rodgers** said CAPA has "a wonderful thrift store" on Ribaut Road. She also commended whoever wrote the proclamations that were read tonight, which she found "exceptionally lovely."

**ORDINANCE AMENDING SECTION 5.8.4.A DESIGN STANDARDS FOR EXTERIOR LIGHTING OF THE BEAUFORT CODE TO ALLOW LIGHT POLES IN AUTOCENTRIC AREAS TO BE A MAXIMUM OF 30 FEET ABOVE GRADE**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on second reading.** There was no public comment. **The motion passed unanimously.**

**ADOPTION BY REFERENCE OF PROPOSED CHANGES TO BEAUFORT COUNTY ANIMAL CONTROL ORDINANCE, CHAPTER 14 "ANIMALS"**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the**

**ordinance on second reading.** There was no public comment. **The motion passed unanimously.**

**ANNUAL REQUEST FROM GULLAH FESTIVAL FOR USE OF WATERFRONT PARK AND WAIVER OF NOISE ORDINANCE FOR GULLAH FESTIVAL 2019**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the May 24-26, 2019 event.** Ms. Carey said she had discussed the Beaufort Pride of Place program with Gullah Festival representatives in the hope they might make a donation to the program, this year or in the future. She introduced **Charlotte Brown** of The Original Gullah Festival of SC, Inc., who would be presenting the group's request.

Ms. Carey pointed out to council that \$1,500 is the "standard rental fee" for the festival, but **Roy Hicks** had "circled \$2,200."

On Item 9 in the letter from The Original Gullah Festival in council's packet, Ms. Carey said department staff did not agree to this as written, but they would support the festival "by coordinating any need for an on-call, off-duty electrician." On Item 12, the drive-by tours would be "very limited," she said, and last year, the tours were limited to "within the scope of how they described them."

Ms. Brown said she didn't know everything that was in Mr. Hicks's letter of requests about Gullah Festival, but the requests are the same as they usually have been over the course of 33 years of the festival, except for the tours, which she briefly described. She also discussed the festival's goals.

Councilman Murray asked Ms. Carey if staff supported the request except for Item 9. Ms. Carey said yes, adding that she and Ms. Roper had good conversations with festival organizers. **The motion passed unanimously.**

**ANNUAL REQUEST FROM BEAUFORT WATER FESTIVAL FOR USE OF WATERFRONT PARK, STREET CLOSURES, SALE OF ALCOHOL, USE OF SEAWALL, WAIVER OF NOISE ORDINANCE, AND CO-SPONSORSHIP FOR OPENING CEREMONIES FOR WATER FESTIVAL 2019**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the requests for the July 12-21, 2019 event.** Ms. Carey said she had also discussed how Water Festival might get involved with the Beaufort Pride of Place program with **Brian Patrick**, Water Festival Commodore, who took the information to the festival's board of directors.

Mr. Patrick said there are no major changes in this year's request. There is a request to place "a headquarters trailer" in the Marina parking lot, but it might not happen, which would free up some parking, he said. He's "pushing to not have it," he said, but it's "still up in the air."

Also, the City of Beaufort has helped to sponsor the fireworks show, Mr. Patrick said, and this year, the show will be “one of the most spectacular . . . we have ever had,” so the Water Festival is requesting that the city continue that sponsorship.

Mr. Patrick said Water Festival plans to make some adjustments to the way Waterfront Park is set up to help alleviate some of the grass damage and bring on “a quicker recovery.”

Finally, Mr. Patrick said, at council’s work session, a Water Festival 5K run “kept coming up,” but Water Festival has never had a 5K run within the city.

Mayor Pro Tem McFee asked if the closure of the sea wall includes the day dock. Ms. Carey said it doesn’t. Mr. Patrick said Water Festival worked it out with Downtown Operations last year to “monitor it” to ensure that “people weren’t stacking up on that load-bearing section,” which worked out well, and they plan to continue this same practice this year. Ms. Carey said the festival worked very well with the city last year to mitigate the effects of the festival on the park, even though it was very rainy, making “adjustments to quell some of the damage.”

Councilman Murray advocated the city continuing to co-sponsor the Water Festival fireworks, and said he appreciates festival leadership’s consideration of participating in the Pride of Place program, which he briefly described. **The motion passed unanimously.**

#### **RESOLUTION ADOPTING LADY'S ISLAND PLAN**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the resolution.** As a member of the Northern Regional Planning Implementation Committee, Mayor Pro Tem McFee complimented **Rob Merchant** for his extensive work on this plan. Mr. Merchant said he hadn’t planned to make a presentation about the Lady’s Island Plan, which had been “thoroughly vetted in two council work sessions.” There is an outline in council’s packets of the changes made in each version of the plan, he said.

Councilman Murray apologized to **Ivette Burgess** for having made an oversight that led him to think the link to the final report had not been included in council’s packets.

Mr. Prokop said he wanted to clarify two points by using sections from the minutes of city council’s March 26 work session. [The material directly quoted from the minutes is rendered in italics. – *steno.*]

The first point, as to whether “developers have to go to the CPC” (Lady’s Island Community Preservation Committee), Mr. Prokop said, is stated in the minutes as follows: *Councilman McFee said, “Our proposal was clear:” The CPC “would be stood up and formalized . . . but in the county, for non-by-right development and by-right development of a certain acreage, it would be a requirement” to go through the CPC,*

*while “it would be made voluntary in the city for non-by-right development and developments of a certain acreage.”*

The City of Beaufort wants the “slight difference” to be clear, Mr. Prokop said: In the city, “if it’s not by-right, it’s up to the developer if they want to go to the CPC. They don’t have to.”

Mr. Prokop said the second clarification he wanted to make from the March 26 minutes was stated as follows: *A member of the public asked for a potential timeline, so the public would know when they were able to offer input on implementation. Mayor Keyserling said they anticipate the next step will be in April. Councilman Murray said at that month’s NRPIC meeting, the subcommittee will be stood up. He said the city has asked that the portions on the rising sea level overlay and the sewer ordinance would be completed within 6 months. Councilman McFee said the people who will serve on the implementation committee should be decided “fairly quickly.”*

The point of this clarification, Mr. Prokop said, was to show that “our goal, before we move the northern boundary,” would be to have the rising sea level overlay and the sewer ordinance done.

Councilman Murray thanked Mr. Prokop for pointing these things out and said he agrees with them. He asked the steering committee members to stand to receive applause and called the Lady’s Island Plan “a really great document,” which city council and Northern Regional Planning Implementation Committee members had fine-tuned. He cited statistics about potential development on Lady’s Island, which is “more than double what we’re seeing on the island today.”

Councilman Murray thinks the “difficult” task of working through some of the issues on Lady’s Island must be “a priority,” which is why city council went through the plan “with a fine-toothed comb” and asked for a number of changes. He especially thanked **Rikki Parker** and **Kate Schaefer** of Coastal Conservation League, **Bob Semmler**, who was the steering committee’s chair, and Mr. Merchant, for their hard work.

“The only outstanding issue” for Councilman Murray is that he doesn’t think “all of the maps, starting on page 35, down to about page 52, adequately reflect the suburban densities in northern Lady’s Island.” Those areas are identified on the “rural form area map,” but he feels average Lady’s Island citizens who haven’t worked on the plan should be able to read through it and “get a pretty quick understanding of the issues, the challenges, and the tools that need to be put in place” for long-term management of growth on Lady’s Island.

**Councilman Murray made a motion to amend: for the steering committee to amend the “form maps beginning on page 35 [and] throughout the document to reflect the suburban neighborhoods that currently exist, exactly like the map at the end of the**

**document in the rural form areas,” which reflects “the suburban densities of Pleasant Point, Walnut Grove, Somerset Point, and Coosaw Point.” Councilman Cromer seconded the motion.**

Councilman Murray feels that there was consensus among city council members “that those maps ought to reflect those densities,” and before the document was approved, in the Northern Regional Planning Implementation Committee meeting, there was similar feedback from county council and city council members who were present “about those maps being accurate” by reflecting “those current densities.”

Mr. Merchant said this presents a logistical issue: County council adopted the plan last night, and the same plan is before city council now. He asked if this would mean there would be “two plans.” Councilman Murray said county council had asked for some of the transportation study language to be removed from the document, but the document city council has been provided doesn’t “reflect those changes,” so that is a change that would have to be resolved between the two jurisdictions. Mr. Merchant said, “Those changes” that co council requested “were to the resolution that adopted the plan, but not to the plan itself.”

Mr. Merchant and Councilman Murray discussed this change to the resolution.  
**Councilman Murray withdrew his motion to amend and Councilman Cromer his second.**

Councilman Murray told the steering committee he still thinks “you ought to go back and make the maps accurate.” He added that he would like the language to be clearer about “requiring that the fill ordinance, the sewer density ordinance, and the sea-level overlay” ordinance are “put into place by both jurisdictions before the city will consider your growth boundary reductions.” He asked that it be on the record, and that the steering committee and “county folks” understand that the City of Beaufort needs to “see those things happen before we concede the growth boundaries,” and city staff and city council will “work diligently with the county to make those things happen.”

Mr. Merchant said the Northern Regional Planning Implementation Committee is meeting Friday, with its main purpose being to appoint a sub-committee to oversee the implementation of the Lady’s Island Plan.

Councilman Murray said he feels the fill ordinance and the sea-level overlay “ought to be considered across the county.” **The motion passed unanimously.**

**APPROVAL ALLOWING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH SAFE HARBOR MARINAS (SHM BEAUFORT DOWNTOWN MARINA, LLC)**

**Councilman Cromer made a motion, second by Councilman Murray, to table this item. The motion passed unanimously.**

## **TIFF II BUDGET ORDINANCE**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading.** Ms. Todd said now that the Boundary Street Redevelopment Plan is complete, and the Greenlawn Drive project has been budgeted “to take off,” the advice of counsel is to move forward with remaining projects in “the gateway corridor,” so this ordinance “amends the 2019 budget for the TIF II dollars, so they can be formally budgeted and secured moving into” the remainder of 2019 and into 2020.

There was no public comment. **The motion passed unanimously.**

## **ORDINANCE AMENDING PART 5, CHAPTER 2, ARTICLE C, SECTION 528, PERTAINING TO THE ANNEXATION INCENTIVES**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading.** Mayor Pro Tem McFee said this was discussed in a work session; he asked **David Prichard** if he was planning to do a presentation. Mr. Prichard said he was not.

Mayor Pro Tem McFee explained that this is part of a cleanup of ordinances, and the details of these incentives were “cumbersome” and confusing, so this would clarify and simplify them. Councilman Murray explained how the incentives help the city to close “donut holes” through annexation and provide city services more efficiently. **The motion passed unanimously.**

## **CITY MANAGER’S REPORT**

Mr. Prokop thanked everyone who participated in the citywide trash cleanup for Earth Day.

On May 2 at 6:00 p.m. at Holy Trinity School, the county will be holding its second public hearing on the sale of the Bob Jones recreational field to Holy Trinity School. If it happens, any money exchanged will be used to improve the recreation facilities within the city, Mr. Prokop said, which is very important to the City of Beaufort.

The air show at Marine Corps Air Station (MCAS) starts this weekend, Mr. Prokop said, so citizens should be prepared for heavy traffic and “a lot of air noise.”

MCAS has given the City of Beaufort notice that its main runway will be shut down for resurfacing, starting this summer and lasting a year to a year-and-a-half, during which “all the flights will be going over the city,” Mr. Prokop said. In addition, the number of pilots being trained is going from 30 to 50, and five full squadrons are here.

First Friday and Taste of Beaufort are May 3 and 4, Mr. Prokop said. Ms. Roper and Ms. Carey have been hard at work to “expand” Taste of Beaufort; with great food and special entertainment, this is an “opportunity to see Beaufort at its best,” he said. Gullah Festival and Water Festival, Mr. Prokop said, will take place later this summer.

Mr. Prokop offered an update on the Mossy Oaks stormwater project, which is moving forward, with permits received from the Army Corps of Engineers and DHEC to start work, beginning with the “clearing of the Jane Way canal.” Requirements for suppliers to bid on the project will probably be posted within the week, he said, but the project will require “specialty work” and equipment, so “we are not expecting a lot of people to bid,” but the city will follow “our normal purchasing procedures,” and will not be going out for bids multiple times. “Whatever bids we get,” Mr. Prokop said, “we’re going to process,” so the project can be “moving before hurricane season starts.” They will choose the most qualified company to “do the work as quickly as possible and with the schedule we have,” he said.

Mr. Prokop said they also hope to have permission soon from DHEC to start work on Twin Lakes Road and on the stormwater pond at Southside Park, for which they are awaiting the hydraulic report.

At tonight’s work session, council was offered a preview of the FY 2020 budget, and department presentations will take place at upcoming work sessions, Mr. Prokop said. He wants the public to know that tonight’s report will be available online tomorrow, and staff is available for meetings to answer any of the public’s questions about the budget.

### **MAYOR’S REPORT**

Mayor Pro Tem McFee thanked the various neighborhood associations who participated in the Earth Day cleanup. Many of the neighborhood watch groups worked on beautifying parks and picking up litter last weekend, in cooperation with city staff and the city’s partners.

### **COUNCIL REPORTS**

Councilman Murray said he’s looking forward to Friday, when he and others will take 66 high school students who are interested in aviation to MCAS to meet pilots and get a behind-the-scenes look at the air show in the hope that it will encourage them to pursue careers in aviation.

Councilman Murray asked if Friends of Whitehall Park had any updates on the park, given the current “battle” between the county and “the Whitehall developers.” A member of the public told him that there was no update. Mayor Pro Tem McFee said county council approved “our” memorandum of understanding on first reading. Ms. Carey said there would be a weekend music series presented in conjunction with Taste of Beaufort that will feature musicians who perform with Piccolo Spoleto in Charleston. All of the performances are free, she said. One is Friday at 11:30 a.m. on the lawn at the Center for the Arts at USCB, she said; two acts will perform during Taste of Beaufort on Saturday, and Sunday at First Presbyterian Church, there will be a free concert featuring a chamber music trio and a jazz band.

Mayor Pro Tem McFee said on May 3, Taste of Beaufort coincides with First Friday. Bay

Street will not be closed, he said. Ms. Carey said it won't, but there will be music and a preview of the youth theater's upcoming production for entertainment, and shops will be open late.

**There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at approximately 8:17 p.m.**