

A regular session of Beaufort City Council was held on September 24, 2019 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, and Phil Cromer, and Bill Prokop, city manager.

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 council meeting to order at 7:10 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

Councilman Cromer made a motion, second by Councilman McFee, to adjourn the executive session. The motion passed unanimously. Councilman McFee said there was nothing to report from the session.

PROCLAMATION OF FOOD DONOR RECOGNITION DAY

Councilman Murray made a motion, second by Councilman McFee, to approve the proclamation. The motion passed unanimously. Councilman McFee read the proclamation, and Mayor Keyserling presented it to representatives of Second Helpings.

PUBLIC COMMENT

Mr. Sutton said there is a growing population of homeless people who are sleeping on the streets in Beaufort, as well as panhandlers. He has seen comments about this on social media and has heard about it from people in the community. Council is aware of how the stage was set for this, he said. "The 9th Circuit Court decided it was unconstitutional to enforce ordinances that are similar" to Beaufort's concerning sleeping outside, he said; an appeal might make it to the Supreme Court, but it might not. The community is obligated to help those on the streets, Mr. Sutton said, and many are doing that now, but there are "missing elements" in that effort, such as shelters. He read from the opinion of the 9th Circuit Court, which said that if there's not an option to sleep indoors, the government can't penalize those who are forced to sleep on the streets.

Mr. Sutton said no one chooses to be homeless, but it's very complex for governments, so "you simply can't write something" and then send police or others to "handle it." Panhandling is getting worse, he said, and the city's ordinances do nothing "about homelessness at all."

Mr. Sutton said he doesn't have all the facts to help solve the problem, but he had a recent experience to share. After leaving dinner last week, he and Councilwoman Sutton

were in Waterfront Park, and he “was immediately confronted” by someone who wanted food. They walked down near the park’s restrooms, and Mr. Sutton took a picture of two people who were sleeping on a park bench. Immediately, someone confronted him about that, and the situation escalated when the people who had been sleeping on the bench woke up. Mr. Sutton was threatened with assault for having taken the picture, which he regretted, and at the end of the conversation, they shook hands. He said he learned a lot from the homeless people about their situation.

Mr. Sutton said the city “needs to start a process.” People are allowed to sleep in the park, but he noted that they don’t have a restroom after 8 p.m. when they’re locked. Beaufort has a shelter in “the backyard of” City Hall that sleeps 10 people, but “the kinks aren’t worked out of it yet” because it has only been open for 2 months. A group in Charleston funded that center, which is for homeless veterans, he said. The Lowcountry Coalition for Homelessness has been working on this problem for years and needs help, Mr. Sutton said. He suggested the mayors, the coalition, the founder of the recently opened shelter, and law enforcement should convene to discuss the issue and work toward solutions.

Some homeless people won’t stay in a shelter for many reasons, such as there being too many rules, Mr. Sutton said. He urged everyone who wants to help to get involved now.

SEP

PUBLIC HEARING: REZONING PARCELS R120 005 000 0257 0000 (2408 OAK HAVEN) AND R120 005 000 043 0000 (FLAG LOT SOUTH OF 2408 OAK HAVEN), AND PORTIONS OF R120 005 000 0236 0000 (2406 & 2409 OAK HAVEN) FROM T3-S TO T5-UC

Mayor Keyserling opened this public hearing. David Prichard said Sam Levin has requested this rezoning, and the MPC had unanimously recommended approval of it.

Mr. Prichard read from the staff report about the property and the rezoning request.

Marilyn Harcharik lives on Oak Haven Street and asked if there would “be ingress and egress access down Oak Haven to whatever it is that’s going to go on that new parcel that you’re asking to rezone.” She also asked what would be going on the property.

Mr. Levin, 156 Spanish Point Drive, said he’d purchased the trailer park, which “never developed” and “floods wonderfully,” because it “takes about 16 acres of drainage . . . into one big hole.” The city is providing new drainage down Allison Drive, which gives him the opportunity to develop the property, he said. He believes the property will be a mix of retail and apartments, and he’s “excited [to provide] housing for people who work at the hospital and the school,” because of the location, with the Spanish Moss Trail as an “amenity.”

Mr. Levin told Ms. Harcharik that there would be “access for people on Oak Haven” to come through this property “and get out either at the light” or out via an access point onto Ribaut Road.

Mr. Levin said he “bought **Shannon Erickson’s** daycare,” and “that will be part of our project also.” Ms. Harcharik said he’d answered her questions, but she “kind of like[s] it now, when there’s not a lot of traffic going up and down.” Mr. Levin described why he doesn’t believe this development would cause traffic problems (e.g., residents would be walking to work at the hospital). **Mayor Keyserling closed this public hearing.**

MINUTES

Councilman Cromer made a motion, second by Councilman McFee, to approve the minutes of the city council work session and regular meeting on August 27, 2019. The motion to approve the minutes as submitted passed unanimously.

STREET CLOSURE REQUEST FROM DOWNTOWN BEAUFORT MERCHANTS ASSOCIATION FOR FIRST FRIDAY EVENT

Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the November 1, 2019 event. Rhonda Carey introduced **Eric Thibault** of the Downtown Beaufort Merchants Association and said the request is for street closure for a First Friday event. The September First Friday was to have been the week of Hurricane Dorian, so it didn’t take place, she said; the group is asking to replace the street closure that didn’t take place at that time with this one in November.

Mr. Thibault said when the city closes the streets for First Fridays, it takes months of planning. The September First Friday was to be the biggest one of the year, with 3 classic car clubs’ cars and the popular band, Soul’s Harbor, he said. They are trying to make up for the cancelled First Friday with the one in November, to have a great community event, he said, “but also to help the businesses downtown that lost a lot of revenue” during the period of the “hurricane debacle.” **The motion passed unanimously.**

REQUEST FOR ALCOHOL WAIVER FOR FALL ART WALK

Councilman McFee made a motion, second by Councilman Cromer, to approve the request for the October 26, 2019 event. Ms. Carey said this would be for galleries and studios to give out wine and for people to carry it on the street as they went from place to place during ArtWalk. **The motion passed unanimously.**

STREET CLOSURE REQUEST FROM FIRST PRESBYTERIAN CHURCH FOR THE “SAILING CHURCH KICKOFF LUNCHEON”

Councilman McFee made a motion, second by Councilman Murray, to approve the request for the September 29, 2019 event. Ms. Carey said this is a request from the church because they are concerned with “the movement of members during the event,” so this is for their safety, as the majority of the picnic’s events would be held outside. The church is mindful of providing ingress and egress for the inn, she said, so they would work with the inn to ensure it is not affected by the street closure. The police department has said it would work with this if council approves the closure tonight, Ms. Carey said.

Mr. Prokop said the city has “to get state approval for” street closures, and the requirement is to apply 30 days before the event. The groups know the SCDOT (South Carolina Department of Transportation) policy, he said, but they don’t follow it and as in this case, “make requests a week ahead” of an event. Mr. Prokop said they have to follow policy, and he warned that the state might not approve this street closure, even if city council does. Ms. Carey said she’s explained this to the church applicants. She feels that as the group was planning the picnic, discussions arose about safety, so they thought it was prudent to explore the possibility of closing the street, even though they might not get SCDOT approval.

Mayor Keyserling suggested publishing this policy on the online application material, and Ms. Carey agreed.

Councilman Murray said he thinks it’s worth asking SCDOT for permission, but he agrees with Mr. Prokop, and the applicants need to abide by the policy. Councilman Cromer, Councilwoman Sutton, and Councilman McFee all agreed. **The motion passed unanimously.**

STREET CLOSURE REQUEST FROM BEAUFORT COUNTY VETERANS AFFAIRS FOR ITS ANNUAL VETERANS DAY PARADE

Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the November 9, 2019 event. ^{SEP} Carl Wedler said that Beaufort County Schools don’t recognize this holiday, so the group is going to have the parade on a Saturday, so they can “get student participation.” Four students who wrote essays about veterans are going to be the keynote speakers at the post-parade event, he said.

The parade will follow its traditional route initially, but it will end by the Best Western, so parade goers can join the celebration in Waterfront Park, Mr. Wedler said.

Ms. Carey said the request is for the waiver of park fees and for police support for traffic management. The parade begins at 10 a.m., and the event in the park will be from 11 a.m. to 2 p.m.

Councilman McFee raised a discussion about “starting and ending a parade at two different places” and about lots that would provide free parking for the staging of parade floats. Councilman Murray said the parade usually goes back to Bladen Street, so the organizers might want to notify spectators that this time, it will end on Newcastle Street. Ms. Carey said the organization would post a map of the route. Councilwoman Sutton said that someone could also walk down Bay Street and move people who are there before the parade begins. **The motion passed unanimously.**

CO-SPONSORSHIP REQUEST FROM GULLAH TRAVELING THEATER FOR USE OF WATERFRONT PARK FOR “A CHRISTMAS TASTE OF GULLAH”

Councilman Murray made a motion, second by Councilman McFee, to approve the request for the December 7, 2019 event. Ms. Carey said this is a request from Gullah Kinfolk to move the show to Waterfront Park before the boat parade. **Anita Prather** described her vision of the event in the park. It’s a collaboration with others to bring people to Beaufort the first weekend of December, she said. The group has been working with the CVB and Ms. Carey to create “a joint marketing plan” with other groups. All the entertainment is free and open to the public; all people have to pay for is the food, Ms. Prather said.

Councilman Murray suggested that Ms. Prather reach out to **Jonathan Green** about participating, and she said she would. **The motion passed unanimously.**

APPROVAL OF DOWNTOWN MERCHANTS ASSOCIATION REQUEST FOR FY2020 FUNDING L
SEP

Councilman Murray made a motion, second by Councilman Cromer, to approve the funding request. Mayor Keyserling said staff has asked to table this. Councilman Murray asked to hear the presentation about why they were requesting tabling.

Ms. Todd said the city has received another request for Hospitality funds, and because they didn’t have a guideline for when the presentations for the funds were due, staff is asking for approval of the Downtown Beaufort Merchants Association’s request to be tabled so council could consider the second request. She explained how the Friends of the Spanish Moss Trail, which is a nonprofit organization, could qualify for the requested \$5,000 for the trail connector.

Mayor Keyserling said if there aren’t any guidelines and rules for these funds, “it’s hard to say no” to staff’s request to table it. Ms. Todd said \$22,000 is available in hospitality funds, and it’s up to council to decide how it’s distributed.

Councilman Murray said the Spanish Moss Trail’s presentation was delayed. If the project were “shovel-ready,” he would be open to deferring the vote, but the Downtown Beaufort Merchants Association “gave a great presentation,” and the city might be able to find another source for the \$5,000 the Friends of the Spanish Moss Trail are requesting.

Mayor Keyserling said the trail connector is “a significant project” that would be coming to council in many ways, once there is a plan. Councilwoman Sutton said the connector is still an “ethereal” thing, and she doesn’t see any urgency to provide funds for it now. **The motion passed unanimously.**

ORDINANCE REZONING (MAP AMENDMENT) OF PARCELS R120 005 000 0257 0000 (2408 OAK HAVEN) AND R120 005 000 043 0000 (FLAG LOT SOUTH OF 2408 OAK HAVEN), AND PORTIONS OF R120 005 000 0236 0000 (2406 & 2409 OAK HAVEN) FROM T3-S TO T5-UC

Councilman McFee made a motion, second by Councilman Cromer, to approve the rezoning ordinance on first reading. The motion passed unanimously.

Ms. Prather said she'd neglected to mention that the Gullah Christmas event is called the "Historic Beaufort/Sea Island Holiday Celebration," and the theme is "Love and Unity in Our Community of Diversity."

CITY MANAGER'S REPORT

Mr. Prokop said he had a check from Hargray for \$18,550 to be used downtown and in Waterfront Park this year. He thanked the company for its continued support.

Mr. Prokop said **Linda Roper** had attended a conference in Myrtle Beach. Ms. Roper said the conference's emphasis was on parks and planning. One of the playground equipment vendors had a drawing, she said, and to win, you had to be present at the exhibitor's social. She was, and the City of Beaufort won a playground structure. She called Mr. Prokop, and he called city attorney **Bill Harvey** who said she could accept it on behalf of the city. It's valued at \$38,000, Ms. Roper said. There will be installation costs, but it will go to Washington Street Park, where there is already a grant for other playground equipment.

Mr. Prokop said SCDOT called him Friday to advise him that it will be paving Bay Street in October. It was last done in 2013, but this time it will be paved over 3 or 4 nights, he said; it wouldn't be done during Shrimp Festival, but it might be done right after it.

Councilman Murray asked if Bay Street needs paving when it was done relatively recently and when other streets need it much more. He asked if the paving could wait another month, when there are fewer tourists than in October. Mr. Prokop said according to DOT, this is when it is scheduled to be done. Councilman Cromer said if the city tries to change the date, DOT might "drop it altogether."

Mr. Prokop said there would be meetings about this, but he wanted to advise council about it. He had asked DOT about paving it in January, and he was told that they knew not to do it during Shrimp Festival. Ms. Roper said asphalt couldn't be poured in January. August would be a better month to do it, Councilman Murray said; October to December is when downtown is busiest. Mr. Prokop said he would get more details soon.

Mr. Prokop said he wanted to clarify some things that had been said about the city on social media.

- The parking area behind Lowcountry Produce is now part of the city's parking

system, he said. The building owner and the city agreed to this, and they have been notifying people about the change for two weeks. There was also a comment posted online that Lowcountry Produce was closing because someone misread the sign, he said, but it is not.

- No recent restaurant closings had anything to do with the city, Mr. Prokop said, but there have been no social media posts about the 7 new restaurants that are opening soon.

Mr. Prokop said he wanted council to know that the city is in the process of updating its master plan. Fortunately, there are “prime examples of great planning and forward-thinking to share,” he said, showing photos of Beaufort 44 years ago, as Waterfront Park was being built, and then the park today. He also shared comments from travellers about Waterfront Park. Mr. Prokop said the pictures show an example of change that really made a difference in Beaufort. Not all change is bad, he said. Some of it really makes a difference, like Waterfront Park did. He asked if people could imagine what Henry C. Chambers and the city council at the time went through. He said it’s important to look forward, not to be stuck in what we have now.

The city tries to be as transparent as possible, but there are residents who make false claims and don’t necessarily know about codes and property rights, for example, Mr. Prokop said. Civility is part of Beaufort’s character, and he is a proponent of the Rotary Club’s “Civility Project.” He found it “unacceptable” that someone had referred to the City of Beaufort as a “malignant cancer” during a recent meeting.

Mr. Prokop discussed plans for Beaufort’s future and said this year will see the largest number of permits for construction issued. **Matt Sinclair** will be reporting on the city’s “sustainability efforts” next month, and giving an update on the Beaufort 2030 plan. At the October 15 council work session, **Rebecca Ryan** will be “checking in” by phone to discuss how the city is doing and “probably being a little bit of a cheerleader.”

Annexations are a reality, Mr. Prokop said, and he is pleased with the number of requests the city is getting for them. He discussed the approval process for annexations and the importance of property rights, as well as inaccurate media reports about development and annexations on Lady’s Island.

Mr. Prokop described recent/ongoing projects, including the following: The Arsenal has a new roof and will be getting new windows and bathrooms; repair of the pilings in Waterfront Park; the Greenlawn Drive streetscape project; Twin Lakes Road stormwater improvements, and awaiting permits on the stormwater maintenance for the rest of the Mossy Oaks area. The city is ready for hurricane season, he said, and the debris pick-up after Hurricane Dorian will be done soon.

MAYOR’S REPORT

Mayor Keyserling said he and Mr. Sutton had discussed homelessness in Beaufort, and if

anyone is interested in working on this, he'd welcome that. Councilman Murray said he has talked to some people who are interested in participating.

Mayor Keyserling said mayors and county council had a meeting yesterday, and they discussed putting the local option sales tax (LOST) on the ballot. While each of the bodies will have to eventually pass a resolution after the school bond referendum is over, so as to not confuse voters, the group agreed that they should establish a subcommittee to begin outlining a strategy and public education campaign. Ms. Todd will represent the city on that subcommittee, Mayor Keyserling said.

COUNCIL REPORTS

Councilman McFee said, as a member of the Northern Regional Implementation Committee (NRIC), which is responsible for establishing the subcommittee to work on the Lady's Island Plan's implementation, he was disappointed when the September 27 NRIC meeting was cancelled because the committee seems to be "taking a lax approach to establishing the implementation committee, as we had some specific guidelines / benchmarks surrounding the Lady's Island growth boundaries." Each month that the implementation of the Lady's Island Plan is delayed, the commitment to work on many important issues is also delayed, he said.

Councilman Murray said "Intro to Web Development" will be the last CODEcamp session at Beaufort Digital Corridor; it begins October 12, and people can sign up at BeaufortDigital.com.

Councilman Murray said that like Councilman McFee and Mayor Keyserling, he is frustrated that the Lady's Island Plan Implementation Committee has not been stood up yet. He was invited to attend the Lady's Island Community Preservation Committee (CPC) meeting, but it was cancelled 45 minutes before the meeting started "because there was no agenda." This is "the body that's supposed to review development projects on Lady's Island," he said, and "provide feedback to those developers and also for the Lady's Island Plan Implementation Committee." Six months after the Lady's Island Plan was passed, Councilman Murray said, there are "no by-laws . . . no public posting . . . no public agendas . . . [and] no more formal constitution of that committee than where we were six months ago."

Councilman Murray said he appreciates serving on the Lady's Island Plan Implementation Committee as city council's representative, but he has requested meetings with the chair of that committee several times and has not gotten a response, and he's reached out to county staff about meeting notices with no results. He's frustrated that some of the members of the Implementation Committee "who are in leadership roles on Lady's Island criticize the city for not doing something in [the] spirit [of] the Lady's Island Plan," yet the implementation committee has "done absolutely nothing" in 6 months to turn the vision document into an actual plan. Councilman Murray said he is "trying to engage with the Lady's Island stakeholders on the public's

behalf as an appointee to the Lady's Island Implementation Committee.

Councilman Murray said he spends a lot of time on social media trying to clarify misinformation about the City of Beaufort. Like Mr. Prokop, he gets frustrated with that misinformation, and he knows that they "have to debate from a standpoint of facts." Looking at the pictures of Waterfront Park that Mr. Prokop had shown, he is proud of the city, but he also thinks about growing up here, when the traffic was sparse, and there were "different retail opportunities." Over the last 40 years, Beaufort has gotten "better," but it's important not to grow just for growth's sake, Councilman Murray said. There needs to be a balance. For example, multi-story apartments at the edge of the "village center" on Lady's Island are probably not the right fit, he said, but conversely, on Allison Road, that kind of development is "absolutely appropriate," especially for housing for people working in that area.

Councilman Cromer said he, Mr. Prichard, and **Deborah Johnson** had met to outline topics for the Affordable Housing Task Force. They will be accepting applications until October 1. Council will appoint people from those applications, and he hopes the task force will start meeting in November.

Councilman Murray said the Higher Education Task Force is also accepting applications.

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 8:52 p.m.