

A regular session of Beaufort City Council was held on February 26, 2019 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray and Phil Cromer, and Bill Prokop, city manager. Mike McFee had 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 Keyserling called the regular council meeting to order at 7:11 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Cromer led the invocation and the Pledge of Allegiance.

CHARACTER EDUCATION PROCLAMATIONS

Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation of Mason Kirsch as the Beaufort Middle School student of the month. The motion passed unanimously. Councilman Murray read the proclamation, and Mayor Keyserling presented it to Mr. Kirsch.

Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation of Christian James as the Mossy Oaks Elementary School student of the month. The motion passed unanimously. Councilman Murray read the proclamation, and Mayor Keyserling presented it to Mr. James.

PUBLIC HEARING: 2019 NEEDS ASSESSMENT

Barbara Johnson, affordable housing manager with Lowcountry Council of Governments, made a presentation about the 2019 Community Development Block Grant (CDBG) program. The annual Housing and Urban Development (HUD) allocation is \$20,234,514 for 2019. The main grant categories are community infrastructure, community enrichment, neighborhood revitalization, business development, and special projects, she said, and she described the projects under each, various deadlines, which projects fall under each grant, and the maximum and minimum amounts of funding that can be requested in each category. The city overall is 51.56% low- and moderate-income, Ms. Johnson said.

Ms. Johnson described CDBG performance thresholds (e.g., there can be no more than one “ready-to-go” project).

Ms. Johnson described the three objectives of the Beaufort County/Lowcountry

Mayor Keyserling asked about the role of a harbormaster. Mr. Prokop said that was one purpose of his call to Charleston about its marinas, which do not have harbormasters, but they do have a marine patrol in the Charleston police department. He said the harbormaster role is considered “passé” there. The City of Beaufort is looking at having the Department of Natural Resources come to Beaufort “to train our people to be proper enforcers on the water,” Mr. Prokop said, with “more activity on the water” with “our own boat and our own control.”

Councilman Murray said the harbormaster’s role has been more for management of the day dock and the mooring fields. Mr. Prokop said that would be part of the contract with Safe Harbor, which would manage both.

Councilman Murray asked if there could be a city council work session with the operator, so council and the public could meet them after the contract is finalized. Mr. Prokop said yes.

Alan Dechovitz said he believes that the right marina operator would “bring higher-dollar tourism,” and Safe Harbor Marinas would bring “substantial” capital investment; the “free cash flow” might enable the city to pursue the next phase of the Sasaki Plan. Mr. Dechovitz added that **Rick Griffin** has been a good partner to the city.

Mike Sutton said the marina is a city-owned asset, and this is an opportunity to reinvest in the downtown marina. Safe Harbor is the only operator that presented a plan to invest in the marina. The numbers will be “much different than we’re used to,” with Safe Harbor operating it, he said, but “it’s not a cash cow.” Not a lot may happen in the 3-year “discovery phase,” but if it hasn’t happened within the 7-year “execution phase,” the city needs to have an exit plan, Mr. Sutton said.

Safe Harbor is not interested in the marina parking lot or in “vertical construction,” Mr. Sutton said, only in the marina itself. The city manager will have to figure out the cost to the city and the return, he said, adding that the city would need to build the bigger fuel system that is needed.

If money is made at the marina, Mr. Sutton said, the city would need to know how to spend those profits. He suggested questions for Safe Harbor about things that “are going to come up,” and said council should be prepared for those. This is the only operator that has the credentials to “put the infrastructure back together,” Mr. Sutton concluded.

Lisa Sundrla, Beaufort Area Hospitality Association (BAHA), said the organization is very excited about Safe Harbor, which is committed to long-term growth. BAHA feels that Safe Harbor sees an opportunity for reinvestment in the downtown marina, and with its “long track record,” Safe Harbor would “bring new and innovative opportunities” for the marina and would sustain it “as a part of our community.”

Mr. Prokop said if the lease is finalized, Safe Harbor has committed to creating a special fund for Beaufort Pride of Place. **The motion passed unanimously.**

APPROVAL TO AUTHORIZE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN BEAUFORT JASPER WATER SEWER AUTHORITY (BJWSA) AND THE CITY OF BEAUFORT FOR CREDITS FOR INFRASTRUCTURE ^[L]_[SEP]

Councilman Murray made a motion, second by Councilman Cromer, to approve the authorization. Mr. Prokop said, unlike other jurisdictions, the City of Beaufort has never had an agreement to utilize CDBG credits “when we’ve had them,” and this is a 5-year agreement to “build up credits toward infrastructure improvements in the future.” **The motion passed unanimously.**

RESOLUTION SUPPORTING THE SPANISH MOSS TRAIL DOWNTOWN CONNECTOR ^[L]_[SEP]

Councilman Cromer made a motion, second by Councilman Murray, to approve the resolution. Louis Rabinowitz, 2106 Bay Street, said he must be “late to the party on this thing.” An article about the connector in *The Island News* said people have been working on this project for a year, he said, but he had “just heard about it last week.”

Mr. Rabinowitz shared a story about a 10-day “street blockage on Bay Street,” about which he’d called City Hall to ask “what was going on.” They didn’t know, so he called 2 councilmen, and the second, Councilman Murray, said he’d get the city manager involved. The city manager came to Mr. Rabinowitz’s door “10 minutes” later, and told him that Bay Street “belongs to the state,” so he “didn’t have any idea” what was happening with the work being done on it.

Mr. Rabinowitz said Bay Street belongs to the state, but the right-of-way across Bay Street from his house is mowed by the city; there is a sidewalk on his side of Bay Street, so the city does not mow it.

Mr. Rabinowitz said when a neighbor asked him about the “rumor” that the Spanish Moss Trail is “going to come down Bay Street” and “go into the business district,” Mr. Rabinowitz replied that he didn’t know about that. The neighbor pointed out that there was surveying going on, and 2 days later, Mr. Rabinowitz read in *The Island News* that “they were looking for . . . a name for this thing that’s going in front of my house,” but no one had talked to Mr. Rabinowitz or his neighbors about it.

Mr. Rabinowitz said that whatever happens on Bay Street affects 5 residences, including his. Each house only has one entrance and one exit, so “whatever you’re planning to do affects us,” he said. Emergency services come down Bay Street, and he doesn’t know if the connector would affect that; UPS, FEDEX, garbage, and recycling all use the right-of-way, so they might be affected, too, Mr. Rabinowitz said. The 5 residences are “the only ones” that would be “affected by this thing,” and at least 3 of them haven’t been spoken to, so “it’s like a secret,” he said.

Mr. Rabinowitz asked what a resolution means and how Bay Street residents are notified about what is happening there, adding that he hasn't read about it in the *Beaufort Gazette*. He feels the connector would have more of an effect on him and his neighbors than residences elsewhere on the Spanish Moss Trail experienced.

Mayor Keyserling expressed the city's gratitude to the Friends of the Spanish Moss Trail, who brought the trail to the community. The city has put little money into the trail, he said, and it has worked on its maintenance with Beaufort County. He explained why the connector was proposed. Representatives from Friends of the Spanish Moss Trail have met with council 3 or 4 times, he said, and have explained what they are proposing. One day, Mayor Keyserling said, the Spanish Moss Trail will be as important to the city as Waterfront Park is, and it will bring opportunities for health and fitness to the community and visitors.

Mayor Keyserling asked **Dean Moss** to provide an update on the connector. Councilman Murray said first, he would like to explain his response to Mr. Rabinowitz's call about the Bay Street closure, which had surprised him. Since then, the city has worked with South Carolina Department of Transportation and its partners and contractors to let city council and staff know when there are street closures, he said. Mayor Keyserling added, "We get surprised by these things very often." Mr. Rabinowitz said that closure "was done by BJWSA."

Mr. Moss apologized to Mr. Rabinowitz and any other property owners with whom the Friends of the Spanish Moss Trail have not yet spoken, but it's still "very, very early in this process," and the Friends "are dedicated to that disclosure." The proposal would put a 10' sidewalk along state highway right-of-way adjacent to Depot Road and Bay Street, from the Depot trailhead to Beaufort Elementary School, he said. There are questions about how to move from the school to downtown, so no decision on a route has been made yet, Mr. Moss said. Before that decision could be made, they need the surveyors' work to know where utilities, trees, etc. are, and he would be likely to bring options to council at that time, he said, to determine "the proper alignment and location of a trail."

This would be "the city's trail," Mr. Moss said, so the Friends wouldn't pursue it if the city doesn't want it. They have not raised funds yet, so they don't know how much support might be available. He said the city has said a number of times that it doesn't have money to put into this connector, so if it proceeds, finding the funds "presents a challenge to us all."

Mr. Moss said all that's been done is presenting an initial concept and obtaining survey information, and "no promises" have been made. He knows there are a lot of concerns about trees and other things, but nothing that is done would affect the trees. Parking is a concern, and the Friends' objective is to retain as many parking spaces as they can on

the trail side of Bay Street. Nothing will happen on this project at all until city council is ready to have it happen, Mr. Moss said.

Councilman Cromer asked when Mr. Moss expected the surveying to be finished. Mr. Moss said he expects it is already done. The city will see the survey, he believes, in March; it will be a useful and “very complete data set . . . for many purposes.”

Councilman Murray said he supports the idea of the connector, and he has been open about his concerns about the connector’s route and cost. He thought property owners had been notified along the potential project’s corridor, so he asked that the Friends be sure to do that. This is not “a done deal,” he said, and council is not in agreement about the plans; he doesn’t believe the Friends of the Spanish Moss Trail are firm about anything yet, either.

Councilman Murray said he was tagged on social media, asking about the *Lowcountry Weekly* article, which made the connector sound like it was a done deal. Staff and council were not notified about the naming contest, he said. Out of 50+ comments on social media about the connector, Councilman Murray didn’t see any that were positive, which he found “a bit shocking.” He supports the resolution because it provides documentation to the Friends for their fundraising efforts, but there is concern about the view shed, parking, and trees along the connector route.

Councilwoman Sutton said she read all the social media comments and was shocked that none of them were positive. She “would love a connector,” but having read those comments, she feels “we’re going to have to be very careful.” People were very worried about the trees, for example. Councilwoman Sutton asked if there would be another opportunity to “get a larger group of public comment” on the connector.

Mayor Keyserling said social media has lead people to believe there’s a plan for the connector when there’s not. The resolution is meant to help the Friends of the Spanish Moss Trail raise money, but “we’re so far away from that.” He supports the resolution with the same caveat Councilman Murray made about financial commitment. Council has always supported cycling and connectivity, he said, “but this is not a plan”; it is “a stage in a query.” Mr. Moss heard council’s concerns at the meetings he’s attended, Mayor Keyserling said, and council didn’t discourage the surveying, which would show “what fits” on Bay Street.

The next step is to see “what’s there,” Mayor Keyserling said, and then a refined concept will be next, followed by a plan for funding, and engaging engineers for design, if it comes to that. Social media has people thinking that the city is “trying to sneak something by,” he said, but he doesn’t “think the alarms should be going off.” There will have to be a planning process, and “it would have to go through SCDOT,” Mayor Keyserling said, and there are many other steps, including whether the Friends can raise the money. He added that he would be voting to support “exploring the opportunity”

tonight.

Mr. Rabinowitz asked what a resolution is and how many readings a resolution has. He was told there is one reading. He then asked about “the notification of 5 families” on Bay Street, which would be “more affected by this than anybody else.” He knows the connector “is going to change my life,” because it will “affect how I get out of” and into “my yard,” and how “others get into my yard.” Mayor Keyserling said council or Friends of the Spanish Moss Trail wouldn't affect his ingress and egress; SCDOT, which “owns a good bit of right-of-way,” would be the only ones who would affect that.

Councilman Murray asked the Friends to assist the city with notifying property owners “moving forward.” He asked Mr. Moss about “next steps.” Mr. Moss said when the survey is complete, the PATH Foundation will draw up “much more detailed concepts for . . . our consideration,” though they would not be as detailed as engineering drawings. Mr. Moss thinks he might come to council in April or May for a work session, and he'll bring those drawings for a discussion. The public can discuss the drawings then, he said.

Councilwoman Sutton asked if they are just surveying Bay Street or if they're including any “inside streets for an inside path.” Mr. Moss said their instructions were to survey only Bay Street. He told Councilman Murray that he doesn't know if the survey goes “below The Bluff” because a path there would be more expensive and more complicated. “The least impactful solution . . . is to stay effectively on the street,” Mr. Moss said.

Mayor Keyserling said the Friends' website and the city's will have notice of any discussions or “action items,” which are also sent to the *Beaufort Gazette*. The photo and some information in the article in *Lowcountry Weekly* were “premature,” he said.

Ms. Sundrla said Mr. Moss had made a presentation to the BAHA board of directors, which then sent a letter supporting the concept to city council. The association continues to support this concept, she said, and hopes council will continue to move forward with it.

Mr. Sutton said he's hearing that the plan “requires a 10' swath of concrete.” He feels the public will be “enraged” by this “concept,” so council should stop this now, instead of letting the Friends go forward before council hears from the public about its “outrage” over “this 10' sidewalk” on Bay Street. This would “forever change the look of” The Bluff, he said. Mr. Sutton is seeing Beaufort change “one little piece at a time,” and this connector would “affect us all, and we may be sorry for it.” Other things could be done besides “a super-highway walk-path for cyclists and joggers,” he said.

Mayor Keyserling said he feels differently than Mr. Sutton, but he is supporting “the exploration.” He hopes there will be support for connectivity, and there would be

alternatives presented to “what we saw on social media.” He would like other options to be explored that are “less intrusive and less expensive.” Mayor Keyserling said council is “not surrendering the alternatives” by voting for this resolution.

Councilman Murray said he appreciated Mr. Sutton’s comments, but they surprised him because of Mr. Sutton’s work when he was on city council. Additionally, he said, this is “probably the third hour of public debate on the connector,” and council has been very candid about its concerns with the project. There is a long way to go before this connector happens, Councilman Murray said, and the resolution doesn’t commit council to anything; it allows public debate and allows Friends to go out and seek private funds for the connector.

Councilman Cromer said he supports connectivity, too. In the resolution, he would like numbers 3 and 4 under “NOW THEREFORE” to be “pulled out.” Councilman Murray said he’d support that amendment. **Councilman Cromer made a motion to amend, striking numbers 3 and 4 from this section of the resolution. Councilman Murray seconded the motion.** Mr. Moss said if it’s “more comforting” to council to remove those, it would not affect the Friends “ability to do what we’ve got to do.”

The amendment passed unanimously. The amended motion passed unanimously.

AUTHORIZATION TO ALLOW THE CITY MANAGER TO ENTER INTO AN ENGINEERING CONTRACT WITH MCSWEENEY ENGINEERS FOR REPAIR OF PILINGS AT WATERFRONT PARK ^[11]_[SEP]

Councilman Murray made a motion, second by Councilman Cromer, to approve the authorization. Ms. Todd said this is for engineering for the repair of the remaining pilings in Waterfront Park. An RFQ (request for qualifications) went out for an engineering firm, and two proposals were received. The review committee, which Ms. Todd described, reviewed the proposals and “firmly recommends McSweeney Engineering,” which is the most experienced firm and the most familiar with the pilings at Waterfront Park. There will be an RFP put out for the design and construction of the pilings, she said.

Councilman Murray said the contract isn’t in council’s packets, and they have not had a chance to review it, so he would not vote to approve it.

Councilman Cromer asked Ms. Todd if this is for work on the remaining pilings, and Ms. Todd said yes; they have “already done the other ones.”

Councilman Murray explained his “issue” to Mayor Keyserling, who had needed to step out of the room. **Councilman Murray withdrew his motion and Councilman Cromer his second. Councilman Murray made a motion to table this authorization until council has seen the contracts. Councilman Cromer seconded the motion. The motion passed unanimously.**

FY 2019 BUDGET AMENDMENT #1

Councilman Murray made a motion, second by Councilman Cromer, to approve the amendment on first reading. ^[1]_[SEP]Ms. Todd said this amendment is to record the

following activity relating to grants that the City of Beaufort did and did not receive:

1. The city received an \$11,280 Firehouse Subs grant, and this records the expenditure and revenue related to that grant.
2. The city also received a federal grant for stabilization of The Arsenal, so this increases the revenue line by \$13,249.85.
3. The Highway Safety Traffic Officer grant was included in the 2019 budget, but the grant wasn't received, so this records a decrease of \$60,000.
4. The city received \$32,963.70 from the state for the portion of funding for Hurricane Irma expenses that was not received from FEMA, and this records that revenue.
5. This records a \$5,132.10 decrease to revenue for a federal grant for bulletproof vests.

The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. Prokop said 94 individuals attended one or both of the Beaufort 2030 Future Labs. Data from the labs will be incorporated into the city's strategic plan.

Tomorrow at 12:00 p.m., there will be an update on the Mossy Oaks stormwater project in council chambers, Mr. Prokop said. The public is welcome to attend. Public Works has started on stormwater projects outside of Mossy Oaks, particularly at Azalea Drive, he said, which should be completed by April 1.

The city council retreat will be held March 11 and 12 at the St. Helena library, Mr. Prokop said. It will be live streamed and open to the public.

Mr. Prokop thanked the police department for the arrests for "the most serious crimes we've had in our city in the last few years." He read a letter that Chief Clancy received from the attorney general after a visit.

Police cars are parked at the empty Piggly Wiggly because the US attorney general's office is using Beaufort as a training center, Mr. Prokop said.

A replica of the Santa Maria – the ship that Christopher Columbus sailed in – will be at the marina in Waterfront Park from March 29 to April 7, Mr. Prokop said.

Mr. Prokop said Fire Station #4 has officially had a "soft opening." There will be a grand opening at a later date when "the sewer's hooked up." He complimented the Beaufort/Port Royal firefighters, especially for the good they do in the community, in addition to delivering emergency services. For example, when only one child showed up

to an autistic boy's birthday party, the fire department picked him up at school and threw him a party, for which Mr. Prokop thanked them.

MAYOR'S REPORT

Mayor Keyserling said the United Community Task Force had a fundraiser for "the kids' program," with **Guy Davis** donating two-thirds of his fee back to the organization. Residents of the Old Commons and Northwest Quadrant showed up to support the program, he said.

Mayor Keyserling said he was late to the council meeting because he had hosted a fundraiser at his home for the South Carolina Environmental Law project, which is the firm representing the City of Beaufort and 15 other municipalities and small businesses against seismic testing on the South Carolina coast. He has seen polling showing that 72% of the people in the state now oppose seismic testing.

COUNCIL REPORTS

Councilman Cromer said First Friday is this Friday, and it's the event's fifth anniversary.

Councilman Murray thanked Mr. Prokop and staff for the Future Lab and noted the success of the Beaufort Film Festival.

Beaufort County Economic Development Corporation (EDC) has set priorities, Councilman Murray said, and the executive director will come to the Redevelopment Commission to discuss what the EDC is doing with economic development.

Councilman Murray said Friday is "Co-working at the Corridor," and the public is invited to come to Beaufort Digital Corridor to work in the space for free.

In response to Councilman Murray's earlier comment about his surprise at Mr. Sutton's opposition to the Spanish Moss Trail connector on Bay Street, Mr. Sutton said he wanted to list publicly some of the things that were done during his tenure on city council, which included the purchase of the commerce park, burying power lines, building City Hall, the police department building, and fire stations, the institution of a stormwater fee, and spending \$2 million to improve housing in the city's poorest neighborhood.

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 9:15 p.m.