



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
May 26, 2020

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

REGULAR MEETING - Electronic Meeting - 7:00 PM

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

I. CALL TO ORDER

A. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mike McFee, Mayor Pro Tem

III. PUBLIC COMMENT

IV. MINUTES

A. Special Council Meeting March 31, 2020

V. OLD BUSINESS

A. Ordinance and Leasing Transitional Parcels in Parks and other Property Owned by the City for Restaurants to provide Outdoor Dining Services - 2nd Reading

VI. NEW BUSINESS

- A. Request for City support from Sea Island Carriage Company and Southern Rose Carriage Company due to COVID-19
- B. Annexation and Zoning of Parcel at 3484 Trask Pkwy to RMX
- C. Ordinance amending certain provisions of the Code of Ordinances of the City of Beaufort, South Carolina, to authorize meetings to be held by telephonic or other electronic means, and matters related thereto - 1st Reading

VII. EXECUTIVE SESSION

A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Receipt of Legal Advice.

VIII. REPORTS

- City Manager's Report
- Mayor Report
- Reports by Council Members

IX. ADJOURN



Special Council Meeting Meeting Minutes – Electronic Meeting

March 31, 2020

I. CALL TO ORDER

5:30PM

Mayor, Billy Keyserling - All members of Council in attendance (Mike McFee, Nan Sutton, Phil Cromer, Stephen Murray and Mayor Keyserling).

II. INVOCATION

A. Mike McFee, Mayor Pro Tem

III. COUNCIL ORGANIZATION

A. Re-Appointment of Municipal Judges - Ned Tupper and Mary Sharp.

Motion to approve made by Cromer and seconded by Murray.

Bill Prokop, City Manager, stated it was the same contract as before and that the position had been advertised for thirty days.

Motion to approve was unanimous.

IV. PUBLIC COMMENT

No Comments

V. NEW BUSINESS

A. Approval to allow donation of City used vehicles to Hampton County

Motion made by Murray and seconded by McFee.

Matt Clancy, Police Chief, gave an overview of the request and asked Council if they would approve the donation of three police vehicles to Hampton County Sheriff's Department.

Mr. Prokop stated that this process is the same one the City did with the Technical College of the Lowcountry two years ago, donated fleet that is extremely old.

Motion to approve was unanimous.

B. Ordinance amending Part 5, Article C (Beaufort Redevelopment Incentive Program) and Part 10, Chapter 3 (Incentive reimbursements grant program for certain annexations) - 1st Reading

Motion to approve was made by Murray and seconded by Cromer.

David Prichard, Community and Economic Development Director, gave an overview of amendments for consideration and reiterated what was discussed at the January 21, 2020 and March 10, 2020 Worksession meetings, when City Council reviewed the incentive ordinances for redevelopment and annexations.

Motion to approve 1st Reading was unanimous.

C. Approval of Resolution regarding COVID-19 and proposed actions

Motion to approve made by Murray and seconded by McFee.

Mr. Prokop stated that the City urges the citizens to practice social distancing and to follow all orders from the Governor so we can do all our part in slowing the spread of COVID-19. Unfortunately, we have some that have not taken this seriously. Public safety is our main concern.

Mayor Keyserling asked if the Governor's order should be imbedded in the resolution. Councilman Murray felt the language in the resolution had enough weight in it that we do not need to include the Governor's order. Councilman McFee concurred.

Councilman Cromer expressed some concerns as to not being sure on how much could be done regarding the order except maybe ask store owners to limit how many patrons they allow at one time, otherwise, they will still have crowds.

Motion to approve was unanimous.

VI. REPORTS

City Manager's Report - Mr. Prokop thanked our first responders for all their efforts during this virus. He also wanted to thank the communications team; they have been doing a great job keeping citizens updated. Mr. Prokop addressed comments he had received about parking enforcement downtown. Some of the citizens feel that all Park Beaufort does is walk around and write tickets. Mr. Prokop stated that was false, that they do more than write tickets; they collect the monies, they clean and fix the meters when necessary but most of the time they are dealing with customer service. Our normal number of tickets issued are about 60 a week. In the last two weeks about 17 had been issued, most of these tickets are for citizens parking in driveways, loading zones and at designated free curbside parking. Unfortunately, we have a small percentage that feel the rules do not apply to them. Currently, we are doing minimal enforcements.

Mayor's Report - Mayor Keyserling reported he heard some concerns of stores being overcrowded and it is more than some of the big box stores.

Councilwoman Nan Sutton - Councilwoman Sutton stated she received a call from Bo Hodges at Adams Outdoor Advertising. Mr. Hodges offered the use of his small digital board to make public announcements to the community. She felt that this was a good idea and wanted to put it on the table.

Councilman Mike McFee - Councilman McFee wanted to clarify a statement Mr. Prokop said about the numbers at MUSC. McFee stated the it is "to date" not "today". He also commended the first responders as well. In addition, he gave a big thanks to Russell Baxley, President of Beaufort Memorial Hospital, for his social comments in reference to the front lines and the hard work they are all faced with daily. Councilman McFee stated that it takes a village to combat this COVID-19.

Councilman Murray - Beaufort Digital Corridor (BDC) met Friday and had a meeting via zoom. The BDC is currently closed to the public until further notice. BDC voted to postpone Our Live Work Save program which is a program that would have launched this summer working with some colleges and students. Shelley Barret, Executive Director from BDC, is leaving and moving West where her significant other will be doing his residency. The BDC is currently looking for her replacement. Councilman Murray expressed that it has been a tough couple of weeks for small business owners and dealing with the bureaucracy of unemployment. He expressed he has been doing a lot of research and if anyone has questions or concerns, they can reach out to him or Charlie Stone from Beaufort County Economic Development Corp., who has been doing a great job getting the information out to small businesses. Shout out to the Black Chamber of Commerce, who has hired their new president today. The Black Chamber has also been doing a great job of informing the citizens. Councilman Murray's final thought was about a statement a Hilton Head Island Councilman made in their meeting last night, "it is not about me, it is about us".

Councilman Cromer - Councilman Cromer mentioned the word council was misspelled in the resolution that was read today in the Now Therefore section. Affordable Housing Task Force had not decided yet if future meetings will be held via Zoom. He asked council if they received and read the article that Lolita had emailed to them and asked if we had anything in the pipeline that would create a problem for us. Mr. Prokop said no.

Councilman Cromer made a motion to adjourn the meeting and Murray seconded the motion.

VII. ADJOURN

6:20PM

Disclaimer: All City Council Worksession and Regular Meeting minutes are recorded. Live stream can be found on the City's website at www.cityofbeaufort.org (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/21/2020
FROM: William Prokop, City Manager
AGENDA ITEM TITLE: Ordinance and Leasing Transitional Parcels in Parks and other Property Owned by the City for Restaurants to provide Outdoor Dining Services - 2nd Reading
MEETING DATE: 5/26/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	5/22/2020

ORDINANCE

CREATING AND LEASING TRANSITIONAL PARCELS IN PARKS AND OTHER PROPERTY OWNED BY THE CITY FOR RESTAURANTS TO PROVIDE OUTDOOR DINING SERVICES

WHEREAS, heretofore, by Executive Order of the Governor, restaurants have been limited during the Covid-19 emergency declaration to pick up and delivery services for off-premises consumption; and,

WHEREAS, by Executive Order 2020-31 dated May 3, 2020, Governor Henry McMaster provided for and authorized restaurants to begin providing outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

WHEREAS, the services provided by restaurants to the citizens of Beaufort, and the individuals employed in these businesses, are vital to the local economy and the financial health of the City; and,

WHEREAS, it is beneficial to the City and its citizens to assist where possible local restaurants in this time of emergency due to Covid-19; and,

WHEREAS, numerous restaurants are located adjacent to City parks and other lands owned by the City; and,

WHEREAS, it is in the best interest of the City to authorize and allow such restaurants to provide outdoor customer dining on such parks and other City lands; and,

WHEREAS, such authorization will be limited in scope to Transitional Parcels not to exceed 400 square feet, and will be temporary in duration for the period of Emergency Declaration due to Covid-19; and,

WHEREAS, the Code of Ordinances requires an Ordinance for the lease of City property;

NOW THEREFORE be it ordained by the City Council of Beaufort, South Carolina, in Council duly assembled, and by the authority of the same, as follows:

This Ordinance shall apply to all restaurants and food service businesses located adjacent to City parks and other City owned property. With respect to these businesses, there shall be created a “Transitional Parcel” adjacent and contiguous to the property operated by the restaurant, with an area of approximately 20 x 20



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/21/2020
FROM: Rhonda Carey, Events/Tour Coordinator
AGENDA ITEM TITLE: Request for City support from Sea Island Carriage Company and Southern Rose Carriage Company due to COVID-19
MEETING DATE: 5/26/2020
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Memo	Backup Material	5/22/2020



CITY OF BEAUFORT

MEMORANDUM

TO: William Prokop, City Manager
City Council

FROM: Rhonda Carey – Events/Tour Coordinator

DATE: May 22, 2020

SUBJECT: Request for City support from Sea Island Carriage Company and Southurn Rose Carriage Company

The impact of the Covid-19 pandemic on Southurn Rose and Sea Island Carriage companies, the two local horse carriage tour operators in Beaufort has been especially burdensome as the tourism business sector is one of the last business category deemed non-essential in South Carolina and was restricted from operating until May 21st. The businesses are facing financial hardship as the loss of business revenues continues to have significant impact on their ability to maintain their operations as they awaited for the opportunity to re-open. Additionally, as the impacts of the pandemic continue to strain the economy for the near term, tour operators in particular, will likely continue to suffer significant overall declines in revenue as well as other business-related losses.

In anticipation of re-opening, both Sea Island and Southurn Rose carriage companies have been preparing to implement a number of new operating policies and health and safety measures that align with new Federal, State, and local guidelines and mandates to ensure customers are comfortable and reasonably protected as they enjoy their tours. Each company has begun to train staff and work out plans for equipping carriages with protective shields, as well as develop more comprehensive sanitation protocols. Additionally, both would like to participate in Mayor Keyserling's "free mask" program to have them available to distribute to tourists at our storefronts and Kiosk location.

In order to maintain viable and sustainable business operations through what in effect is a comparatively limited and shortened operating season, Nichole Myers of Sea Island Carriage Company and Rose White of Southurn Rose Carriage Company, respectfully request and thank the City for consideration of the following support measures that will assist our ability to continue business operations and move ahead during the remaining season and uncertain outlook of the tourism industry once permitted to re-open.

Request for temporary waivers/modifications of ordinances.

Adaptive measure/enhancement to conduct tours:

Use of a small Bluetooth speaker and microphone system inside the carriages while conducting tours. This will allow riders to clearly understand the presentation as guides will be using masks and or face shields as a protective measure during tours. The system will be set up with small speakers mounted to the backside of each row of seats to ensure the sound is contained within the reach of the passengers and carriage only.

Temporary Slot times June – August 2020

To maximize operations during the cooler parts of the Summer days, we request an additional slot time of 9:20am for the day's first tour as operations are often suspended in compliance heat threshold monitoring guidelines early in the day prior to completing the entire days rotations. In addition, we are requesting a slot time of 7pm. This slot would be used on days that operations are suspended due to heat guidelines and there has been a subsequent drop in temperature that would allow for safe resumption of operations. The slot would only be used, and operations resumed, after the City's Tour Coordinator takes the reading from the heat monitor at 6:30pm, a temperature below 91 degrees is confirmed, (the standard threshold for operating), and recorded.

Support through relief from the financial obligations accrued due to State mandated restrictions from operating and inability to generate revenue during closure.

Both companies are requesting forgiveness of their slot fees due April 1, 2020, (previously postponed to June 2020) and July 1st, 2020 breakdown of billing is as follows:

April – June (pymt due 6/20)	\$11,067.25
July - Sept (pymt due 7/20)	<u>\$11,067.25</u>
<i>Total</i>	<i>\$22,134.50</i>

rrc



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/22/2020
FROM: David Prichard, Community & Economic Development Director
AGENDA ITEM TITLE: Annexation and Zoning of Parcel at 3484 Trask Pkwy to RMX
MEETING DATE: 5/26/2020
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Wood Timber, LLC has requested (see Application attachment) that the parcel at 3484 Trask Parkway (R100 025 000 012B 0000) be zoned Regional Mixed-use (RMX) contingent on the City of Beaufort annexing the parcel. The parcel is adjacent to a RMX district to the north and the Military Reservation (MR) district to the east. See Maps (attached).

The RMX district accommodates regional and community commercial uses. See Table of Permitted Uses (attached).

The future land use designation is O-2, which identifies appropriate land uses as conservation areas, parks and greenways, agricultural and forestry uses, limited civic uses such as schools, very low-density residential development and clustered development (maximum density: 1 dwelling unit per 10 gross acres). Ref: 2009 Comprehensive Plan, p.61. See Future Land Use Map and FLU O-2 Designation (attached).

The parcel is in the 70 - 72 DNL noise contour. See MCAS Noise Contours (attached)

Public Notices: Published in The Beaufort Gazette on March 31, 2020; in the Island Packet on April 2, 2020. Signs posted on property on April 1, 2020. Postcards sent to adjacent property owners on April 6, 2020.

PLACED ON AGENDA FOR: *Action*

REMARKS:

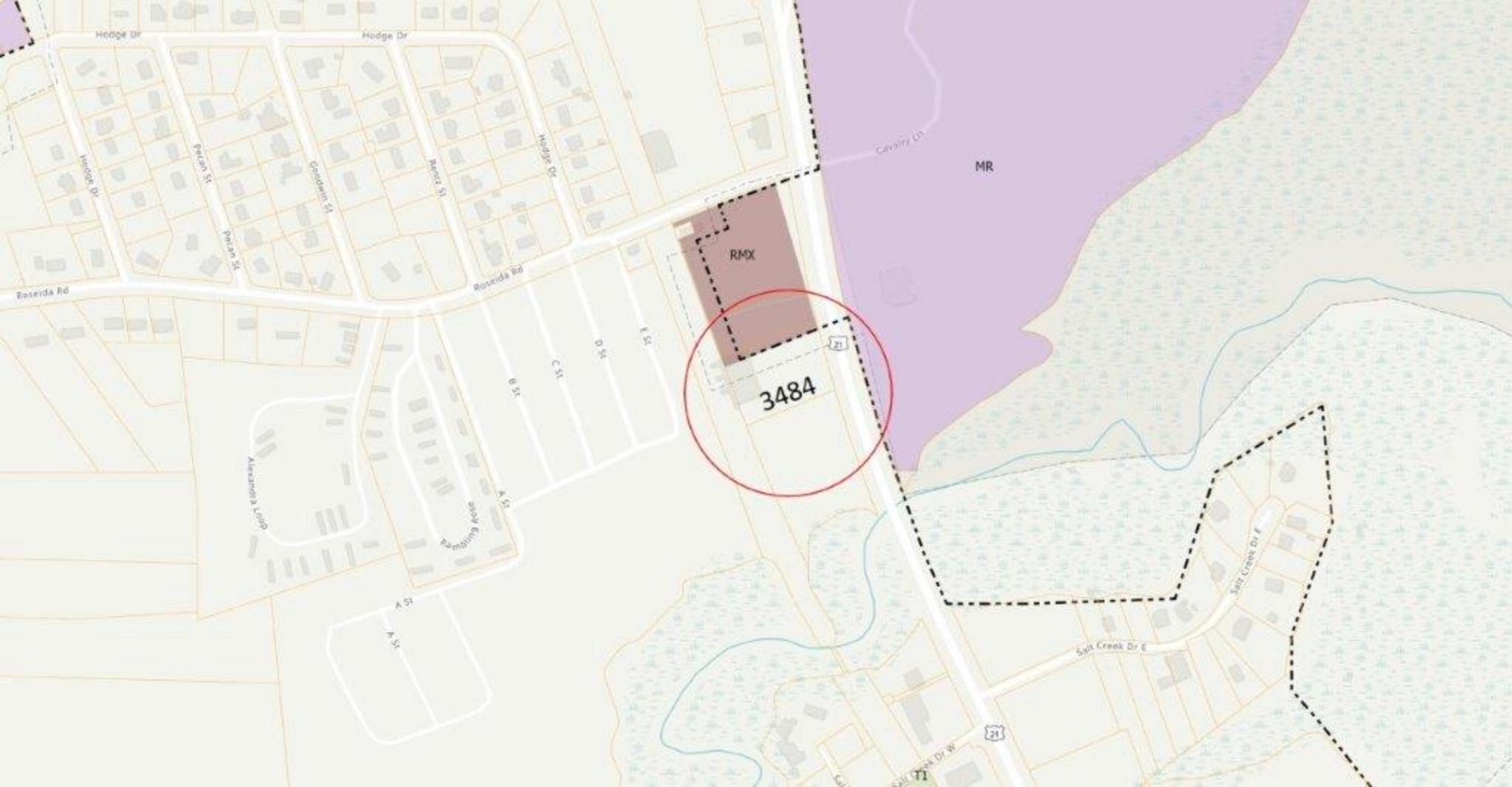
A public hearing was held on this matter, April 28, 2020. There were no public comments.

On May 18th, 2020, The Metropolitan Planning Commission unanimously recommended approval of both the annexation and the zoning designation of RMX.

ATTACHMENTS:

Description	Type	Upload Date
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Map 1	Backup Material	5/22/2020
Map 2	Backup Material	5/22/2020
Table of Permitted Uses	Backup Material	5/22/2020
Framework Poster	Backup Material	5/22/2020
Comp Plan Excerpt	Backup Material	5/22/2020
Beaufort MCAS AICUZ Map	Backup Material	5/22/2020
Staff Report to MPC	Backup Material	5/22/2020



District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.

G. **Prohibited Uses (—):** The use is prohibited in the specified district.

3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4. The zoning designation of water is the same as the land it is adjacent to.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
RESIDENTIAL												3.3
Household Living												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	C	C	C	C	C	C	C	C	C	C	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
Group Living												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
PUBLIC AND CIVIC												3.4
Civic / Government Facilities	C	—	SE	SE	P	P	P	P	P	P	—	3.4.2.A
Educational Facilities												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
Parks and Open Space												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
INSTITUTIONAL												3.5
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—
Day Care Facility												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use												

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Group Day Care Home (7-12 clients) & Commercial Day Care Center (>12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Treatment Facility	—	—	—	—	SE	SE	SE	P	—	SE	—	—
Health Care Facilities	—	—	—	—	—	—	P	P	—	P	—	—
Religious Institution	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
COMMERCIAL												3.6
Entertainment												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
Office	—	—	—	—	P	P	P	P	P	P	—	—
Overnight Guest Accommodation												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
Retail & Restaurants	—	—	—	—	C	C	C	P	—	C	—	3.6.2.D
VEHICLE- AND BOAT-RELATED USES												3.7
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
INDUSTRIAL												3.8
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
Light Industrial Services	—	—	—	—	A	—	C	C	P	—	—	3.8.2.A
Manufacturing and Production Services	—	—	—	—	A	—	—	C	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
COMMUNICATION & INFRASTRUCTURE USES												3.9
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
FORESTRY, AGRICULTURE, HORTICULTURE												3.10

P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use



VISION BEAUFORT

2009 Comprehensive Plan

LAWRENCE
GROUP



- PRESERVED OPEN SPACE (O-1)**
 The O-1 sector represents the basic "green infrastructure" of the community providing critical habitat for wildlife; protection of water quality and protection from flooding and erosion; and needed recreation and greenspace for the human habitat. This category, indicated in dark green on the Framework Map, comprises lands that are already non-developable, such as wetlands, conservation easements, required stream buffers, and parks.
- RURAL/CONSERVATION LANDS (O-2)**
 This sector includes areas that are prime candidates for moving into the O-1 sector through conservation easements or other open space acquisition/protection measures. This sector consists of lands that should be off-limits to development except occasional conservation neighborhoods at very low densities due to environmental conditions, urban service factors, and proximity to the MCAS operations.
- GROWTH RESERVE SECTOR (GR-1)**
 The GR-1 sector is intended as a holding zone or reserve area for future urbanization in the northern Beaufort County region. Care should be taken to ensure that this area not be developed as a low-density suburban subdivision as there is sufficient land area to create an urban center supported by walkable neighborhoods.
- MODERATE DENSITY RESIDENTIAL NEIGHBORHOODS (G-1)**
 The G-1 sector is intended for relatively moderate density residential development. It includes areas that are not likely locations for redevelopment, as well as lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks, existing services, and utilities. In addition, poor/wet soils that not typically appropriate for development are included in this sector, which is intended for relatively low-density development.

- URBAN NEIGHBORHOODS/TNDs (G-2)**
 The G-2 sector contains denser, mixed-use development at the scale of neighborhood centers, indicated by the small (1/4 mile) circles, and suburban, residential development at the scale of walkable "traditional neighborhoods" shown in orange. This type of residential development creates an identifiable center organized around a small public square or green, often with some civic facilities or a building such as a church or a small store.
- NEIGHBORHOOD MIXED USE & CORRIDOR MIXED USE (G-3)**
 The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development, marked by the dark purple 1/2 mile radius circles. Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. Corridor Mixed-Use areas (G-3B) are intended for a mixture of regional-serving commercial, residential, and institutional destinations.
- DOWNTOWN BEAUFORT (G-4)**
 This sector is comprised of areas with existing development, with a relatively dense street grid, and which are appropriate for redevelopment or additional development. This area is, in large respect, appropriate for redevelopment and new infill development and well served with infrastructure (roads, utilities, etc.), and access to services and amenities.

- CIVIC & INSTITUTIONAL USES**
 In addition to the geographic sectors, the Framework Plan indicates two related special land uses: the existing schools and other civic sites such as the hospital, the university and technical college, and the library. These civic and institutional uses properties are related to the community's permanent civic and green infrastructure since large pieces of land on many these properties will continue be undeveloped open space.
- INDUSTRIAL/EMPLOYMENT CENTERS: SPECIAL DISTRICT (SD)**
 As regional employment centers, industrial districts also fall into the G-3 sector. Industrial development is shown around the existing Beaufort Commerce Park and in areas where industrial and distribution facilities are currently located or approved for development by current zoning.
- NEIGHBORHOOD CENTERS**
 Neighborhood Centers, shown as the small black circles on the Framework Map, are based on a 1/4 mile radius (a typical 5-minute walk) from a key intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.
- REGIONAL CENTERS**
 Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger circles on the map.



Source: Thomas Hylton

Rural area outside of a historic Pennsylvania town center

FIG 1.2 OPEN SPACE SECTOR 2 (O-2): RURAL/CONSERVATION LANDS

This sector includes areas that are prime candidates for moving into the O-1 sector through conservation easements or other open space acquisition/protection measures. This sector, shown in medium green on the Framework Map, consists of lands that should be off-limits to development except occasional conservation neighborhoods at very low densities. These areas may be legally developable based on current federal, state, and local regulations. However, they are areas that based on environmental conditions, urban service factors (distance from existing City services and difficulty in providing efficient services and infrastructure such as roadways, for example), and proximity to the MCAS operations (as identified by the AICUZ zones) should be lightly developed or undeveloped, remaining in a rural or natural state.

These areas include lands identified as rural and preserved lands for future preservation in the *Northern Beaufort County Regional Plan*. Future parks and open space identified in the *City of Beaufort Comprehensive Plan Update 2004* were also incorporated into the O2 category.

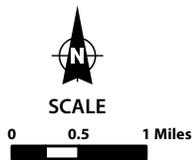
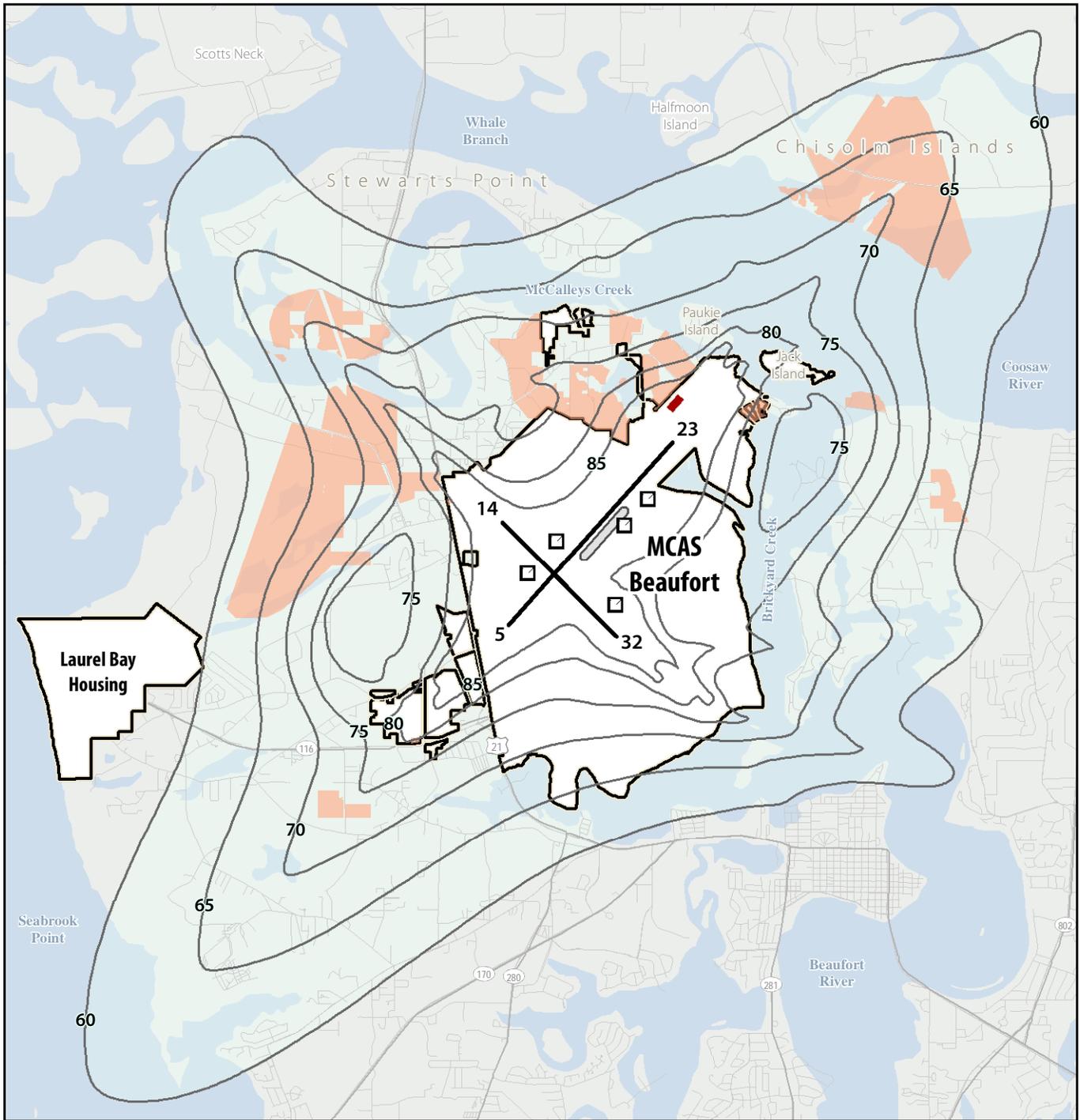
For Beaufort, this sector also consists of:

- proposed greenspace and greenways
- future rural and preserved lands
- 100-year floodplain
- 100-ft. riparian stream buffer
- Air Installations Compatible Use Zones (AICUZ) accident potential zones (APZ's)

The AICUZ noise zones are designed as a tool for local planning agencies. The US Department of Defense measures noise in and around the base to determine what land use activities are compatible in the area. This area, shown in hatching, outlines uses that are conditionally compatible as well as incompatible; therefore, caution should be exercised when developing within a noise zone.

APPROPRIATE LAND USES/DEVELOPMENT TYPES:

- conservation areas
- parks & greenways
- agricultural and forestry uses
- limited civic uses such as schools
- very low-density residential development and clustered development (maximum density: 1 dwelling unit per 10 gross acres)



- Legend**
- Vertical Landing Pads
 - 2013 Noise Countour (db DNL)
 - Runway
 - FBO
 - LHD Facility
 - Major Road
 - MCAS Beaufort Base Boundary
 - USMC Land Protected Under Restrictive Easements
 - Waterbody

Figure 4-1
AICUZ Noise Contours
MCAS Beaufort
MCAS Beaufort AICUZ
Beaufort County, SC

Note: The location of Vertical Landing Pads, FBO, and LHD Facility, as well as the Flight Tracks and Noise Contours are based on the 2010 USMC F-35B East Coast Final EIS.



Staff Report for City Council

From the Department of
Community and Economic Development

May 11, 2020

1 SUBJECT

Annexation: Wod Timber, LLC has requested that the parcel at 3484 Trask Parkway (R100 025 000 012B 0000) be annexed into the City of Beaufort, SC.

Zoning: Contingent of annexation Wod Timber, LLC has requested that the parcel be zoned Regional Mixed-use (RMX)

Size: 2.00 acres

Current Zoning [County]: Industrial (S1)

Current Land Use: vacant commercial

Future Land Use: O-2 – Rural/Conservation Lands

Comprehensive Plan: in accordance in terms of service area, but in contradiction to FLU.

The Beaufort Code: In accordance with 10.2.1.C.3 of the *Beaufort Code* the Metropolitan Planning Commission shall have the power and duty to recommend the annexation of parcels into the City limits for adoption by City Council.

Public Notices: Published in The Beaufort Gazette on March 31, 2020; in the Island Packet on April 2, 2020. Signs posted on property on April 1, 2020. Postcards sent to adjacent property owners on April 6, 2020.

2 STAFF ASSESSMENT

The parcel is adjacent to an RMX district to the north and the Military Reservation (MR) district to the east. See Maps (attached).

The parcel to be annexed is within two miles of the primary service area and is therefore in accordance with the 2009 comprehensive plan.

The RMX district accommodates regional and community commercial uses. See Table of Permitted Uses (attached).

The future land use designation is O-2, which identifies appropriate land uses as conservation areas, parks and greenways, agricultural and forestry uses, limited civic uses such as schools, very low-density residential development and clustered development (maximum density: 1 dwelling unit per 10 gross

acres). Ref: 2009 Comprehensive Plan, p.61. See Future Land Use Map and FLU O-2 Designation (attached).

The parcel is in the 70 - 72 DNL noise contour. See MCAS Noise Contours (attached). New construction requires measures to reduce noise by 30 dB.

3 STAFF RECOMMENDATION

Annexation:

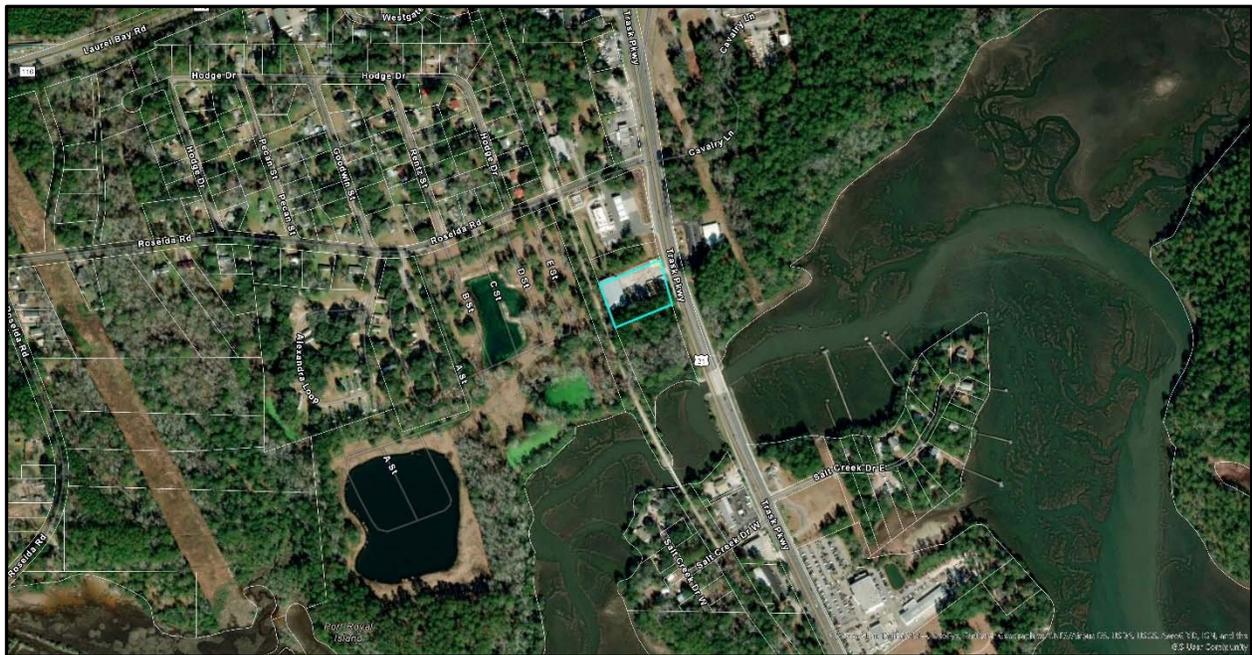
Given that the annexation will help to fill a gap in the city jurisdiction, staff recommends the annexation.

Zoning:

Given that zoning the parcel “RMX” extends the City’s RMX district; and

Given that RMX is an appropriate zoning district along a highway corridor

Staff recommends that the parcel be zoned RMX.



3484 Trask Parkway



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/22/2020
FROM: William Prokop, City Manager
AGENDA ITEM TITLE: Ordinance amending certain provisions of the Code of Ordinances of the City of Beaufort, South Carolina, to authorize meetings to be held by telephonic or other electronic means, and matters related thereto - 1st Reading
MEETING DATE: 5/26/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	5/22/2020

O R D I N A N C E

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO AUTHORIZE MEETINGS TO BE HELD BY TELEPHONIC OR OTHER ELECTRONIC MEANS, AND MATTERS RELATED THERETO.

WHEREAS, the City of Beaufort, South Carolina (the “City”) is a municipal corporation of the State of South Carolina (the “State”) located in Beaufort County, South Carolina, and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities;

WHEREAS, Section 5-7-160 of the Code of Laws of South Carolina 1976, as amended (the “S.C. Code”) provides that “[a] majority of the total membership of the council shall constitute a quorum for the purpose of transacting council business”;

WHEREAS, the Freedom of Information Act, which is codified at Title 30, Chapter 4 of the S.C. Code defines a meeting as “convening a quorum¹ of the constituent membership of the public body, whether corporal or by means of *electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” [emphasis added];

WHEREAS, in keeping with the provisions of the S.C. Code, Section 1-3003(a) of the City’s Code of Ordinances (the “City Code”) defines and describes the requirements for a “quorum” of City Council of the City, the governing body thereof (the “City Council”) and further defines and describes the rules of procedure for the meetings of the City Council;

WHEREAS, the City Council recently enacted an emergency ordinance on March 19, 2020 (the “Emergency Ordinance”), the provisions of which temporarily suspended certain procedural rules of the City Council in response to social-distancing guidelines and executive orders and allowing for electronic and telephonic meetings; and

WHEREAS, such telephonic and other electronic meetings have proven successful and effective under the Emergency Ordinance and in light of the current public safety considerations associated with 2019 novel coronavirus, and the potential for future public safety considerations, including those attendant to the adverse weather events that seasonally affect coastal cities, the City Council finds that great benefit may be realized from authorizing meeting by telephonic or other electronic means whenever necessary and convenient for carrying out the business of the City, to include certain boards and commissions associated with the City.

NOW, THEREFORE, BE IT ORDAINED by City Council, duly assembled, and by authority of the same, as follows:

SECTION 1. Amendment to Part 1, Chapter 3, Article A, Section 1-3003. Part 1, Chapter 3, Article A, Section 1-3003 of the City Code is hereby amended and restated as follows (underlining

¹ Quorum is further defined by Section 30-4-20(e) of the S.C. Code as “a simple majority of the constituent membership of the public body.”

shows added language for illustrative purposes only; ~~strike-through~~ shows removed language for illustrative purposes only):

Sec. 1-3003. – Quorum and rules of order.

- (a) Three (3) council members serving shall constitute a quorum for the conduct of business at any meeting. The mayor is considered as a council member for this purpose. The mayor or mayor pro tempore shall preside, except that in the absence of both, the members present shall elect a presiding member. A member present but disqualified from voting on a question by state law due to a conflict of interest shall not be counted for purposes of a quorum. Council members may attend any regular, special, or emergency meeting of council by telephonic or other electronic means, and shall be considered present for all purposes, if the meeting has been properly noticed, and all council members and members of the public can hear the public proceedings and be heard. Any number of council members, including all, may attend telephonically or by other electronic means. Council members in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by council.
- (b) Except as otherwise required by state law or this Code, all proceedings shall be governed by Robert's Rules of Order, Newly Revised 11th–~~10th~~–Edition (hereinafter “Robert's Rules?”), and the mayor or other presiding member shall act as parliamentarian. Questions of order shall be decided by the mayor without debate, subject to appeal to the council. To the extent Robert’s Rules require a physical presence of the council for purposes of constituting a quorum, such requirement is waived so long as the council maintains a quorum under Section 1-3003(a) hereinabove. Further, to the extent Robert’s Rules or any other procedural rules, procedures or regulations conflict with any other provision of this Code, the provisions of the code shall be controlling in all instances.

SECTION 2. Amendment to Part 1, Chapter 3, Article A, Section 1-3005. Part 1, Chapter 3, Article A, Section 1-3005 of the City Code is hereby amended and restated as follows (underlining shows added language for illustrative purposes only; ~~strike-through~~ shows removed language for illustrative purposes only):

Sec. 1-3005. – Voting requirements.

- (a) All actions of council shall be by majority vote of members present (either physically or by telephonic or other electronic means) at a public meeting.
- (b) Every member of council present shall vote on every question except when required to refrain from voting by state law.

- (c) The vote on every question shall be by voice vote unless a roll call vote is requested by any member and the vote by name shall be recorded in the council minutes by the clerk. For any meeting of council where one or more members of council are participating electronically, all votes shall be made by roll call vote.
- (d) No member of council may leave the council chamber (or the electronic forum, as applicable) while in public session without permission of the presiding officer.
- (e) Any member of the council may, if he desires, have his reasons for voting for or against any measure recorded in the minutes.
- (f) Consistent with the provisions of the South Carolina Ethics Act, No member of council shall vote on any matter ~~question of a private nature,~~ in the event of which he is has a conflict of personally or pecuniarily interested., ~~in accordance with the South Carolina Ethics Act.~~

SECTION 3. Amendment to Part 1, Chapter 3, Article A, Section 1-3008. Part 1, Chapter 3, Article A, Section 1-3008 of the City Code is hereby amended and restated as follows (underlining shows added language for illustrative purposes only; ~~strike-through~~ shows removed language for illustrative purposes only):

Sec. 1-3008. – Appearance of citizens; public participation.

- (a) Subject to the terms of the applicable agenda for any meeting, ~~Any~~ citizen of the city shall be entitled to make an appearance (either in person or via electronic means) before the mayor and council at any ~~regular~~ meeting concerning any and city matter, with the exception of personnel matters.
- (b) With respect to any electronic or virtual meeting of council and subject to the terms of the applicable agenda for such meeting, members of the public may also participate electronically, as follows:
 - (1) *Public Comments for Electronic Meetings.* Individuals wishing to provide written comments for any public comment period may submit written comments to the clerk no later than one hour prior to any meeting of council, and the mayor shall read such comments aloud during the applicable public comment period. Individuals wishing to speak during the public comment period may sign up with the clerk no later than one hour prior to the scheduled time for the public hearing. The clerk shall contact those who wish to speak at the public comment period by phone, in the order the requests were received, to admit them to the public comment period.

- (2) Public Hearings for Electronic Meetings. Individuals wishing to provide written comments for any such public hearing may email comments to the clerk no later than one hour prior to the scheduled time for such public hearing, and the mayor shall read such comments aloud during the public hearing. Individuals wishing to speak at the public hearing shall sign up with the clerk no later than one hour prior to the scheduled time for the public hearing. The clerk shall contact those who wish to speak at the public hearing by phone, in the order the requests were received, to admit them to the public hearing.
- (3) Electronic public comment periods and public hearings shall otherwise be conducted in accordance with all other rules and procedures of council. Notices of public hearings shall include detailed instructions regarding the manner in which the public hearing shall be held.

SECTION 4. Amendment to Part 1, Chapter 9, Article C, Section 1-9024(c). Part 1, Chapter 9, Article C, Section 1-9024(c) of the City Code is hereby amended and restated as follows (underlining shows added language for illustrative purposes only):

Sec. 1-9024. – Officers, meetings, quorum, liability.

- (c) Quorum. A simple majority of commissioners serving at the time of any meeting shall constitute a quorum. Commissioners may attend any regular, special, or emergency meeting of the commission by telephonic or other electronic means, and shall be considered present for all purposes, if the meeting has been properly noticed, and all commission members and members of the public can hear the public proceedings and be heard. Any number of commissioners, including all, may attend telephonically or by other electronic means. Commissioners in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by the commission. All procedural rules of the commission shall be revised in order to permit and allow for electronic meetings.

SECTION 5. Amendment to Part 1, Chapter 9, Article C, Section 1-9034. Part 1, Chapter 9, Article C, Section 1-9034 of the City Code is hereby amended and restated as follows (underlining shows added language for illustrative purposes only):

Sec. 1-9034. – Operation.

The board shall choose its own officers, make its own rules and regulations, and keep journal/minutes of its proceedings. A simple majority of the members shall constitute a quorum for the transaction of business. Board members may attend any regular, special, or emergency meeting of the board by telephonic or other

electronic means, and shall be considered present for all purposes, if the meeting has been properly noticed, and all board members and members of the public can hear the public proceedings and be heard. Any number of board members, including all, may attend telephonically or by other electronic means. Board members in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by the board. All procedural rules of the board shall be revised in order to permit and allow for electronic meetings.

SECTION 6. Amendment to Part 3, Chapter 3, Section 3-3006. Part 3, Chapter 3, Section 3-3006 of the City Code is hereby amended as follows (underlining shows added language for illustrative purposes only; ~~strike through~~ shows removed language for illustrative purposes only):

Sec. 3-3006. – Operation.

The commission shall elect a chairperson and a vice-chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The commission shall make its own rules and regulations and keep minutes of its proceedings. A simple majority of the available ~~seated~~ members shall constitute a quorum for the transaction of business. All meetings of the commission shall be open to the public. Commission members may attend any regular, special, or emergency meeting of the commission by telephonic or other electronic means, and shall be considered present for all purposes, if the meeting has been properly noticed, and all commission members and members of the public can hear the public proceedings and be heard. Any number of commission members, including all, may attend telephonically or by other electronic means. Commissioners in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by the commission. All procedural rules of the commission shall be revised in order to permit and allow for electronic meetings.

SECTION 7. Amendment to Part 5, Chapter 1, Article A, Section 5-1007. Part 5, Chapter 1, Section 5-1007 of the City Code is hereby amended as follows (underlining shows added language for illustrative purposes only; ~~strike through~~ shows removed language for illustrative purposes only):

Sec. 5-1007. – Quorum; number of votes required for affirmative action.

A simple majority of the ~~seated~~ available members of the building board of appeals shall constitute a quorum. The concurring vote of three (3) members of the building board of appeals shall be necessary to decide in favor of the applicant on any matter brought before the board. No board member shall act in a case in which he has a personal interest. Board members may attend any regular, special, or emergency meeting of the board by telephonic or other electronic means, and shall be considered present for all purposes, if the meeting has been properly

noticed, and all board members and members of the public can hear the public proceedings and be heard. Any number of board members, including all, may attend telephonically or by other electronic means. Board members in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by the board. All procedural rules of the board shall be revised in order to permit and allow for electronic meetings.

SECTION 8. Addition to Part 5, Chapter 1, Article G, Section 5-1207. Part 5, Chapter 1, Article G, Section 5-1207 of the City Code is hereby amended by adding Section 5-1207(c) (underlining shows added language for illustrative purposes only):

Sec. 5-1207. – Public hearings and notification.

(c) Any public hearing hereunder may be held electronically under the procedures applicable to council for electronic public hearings in Section 1-3008(b), *mutatis mutandis*.

SECTION 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, is held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 11. Effective Date. This Ordinance shall be effective upon second reading and enactment.

CITY OF BEAUFORT, SOUTH CAROLINA

BILLY KEYSERLING, MAYOR

(SEAL)

Attest:

IVETTE BURGESS, CITY CLERK

1st Reading: May 26, 2020
2nd Reading & Enactment: June 9, 2020

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY