



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070

CITY COUNCIL AGENDA
WORKSESSION AND REGULAR MEETING
APRIL 26, 2011

NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

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."

WORKSESSION - PLANNING CONFERENCE ROOM, 1ST FLOOR

I. CALL TO ORDER **5:00 P.M.**
Mayor Billy Keyserling

II. DISCUSSION WITH RDC AND METRO PLANNING COMMISSION CHAIRS

III. DISCUSSION ITEMS

- A. Riverview Charter School Resolution
- B. Appointments For City Representation – Stormwater Utility Board and Lowcounty Council of Governments

III. AGENDA ITEMS REVIEW

- A. Discussion regarding May 10, 2011 Agenda Items
- B. Review of April 26, 2011 Regular Agenda Items

REGULAR MEETING – COUNCIL CHAMBERS, 2ND FLOOR

I. CALL TO ORDER **7:00 P.M.**
Mayor Billy Keyserling

II. INVOCATION AND PLEDGE OF ALLEGIANCE
Donnie Beer, Councilwoman

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

IV. PUBLIC COMMENT

Time Designated for Council to Receive Comment from the Public

V. PUBLIC HEARING

- A. Ordinance Rezoning Parcel of Property Located at 804 Wilmington Street, from General Commercial District to General Residential District

VI. MINUTES

Review of Worksession and Regular Meeting March 22, 2011, Worksession and Regular Meeting April 12, 2011, Worksession April 19, 2011

VII. OLD BUSINESS

- A. Ordinance Rezoning a Parcel of Property Located at 1004 Duke Street, from General Residential District to Neighborhood Commercial District – 2nd Reading
- B. Amendment Revising Sections 5.1 and 5.3D of the UDO to Allow Entertainment Uses Such as Community Clubhouses in Residential Zoning Districts – 2nd Reading

VIII. NEW BUSINESS

- A. Amendment to FY 2011 Budget to fund the Purchase of Police Vehicles – 1st Reading
- B. Resolution Authorizing Finance Director, Mack Cook to co-sign on all account of the City of Beaufort
- C. Public Assembly/Parade request from Tabernacle Baptist Church to host annual Run/Walk for Christ on May 28, 2011
- D. Resolution forming City of Beaufort and Town of Port Royal Joint Committee regarding future joint Fire Department
- E. Request letter from the Gullah Festival regarding their annual event on May 26-19, 2011
- F. Request for waiver of Noise Ordinance from Main Street Beaufort for the Annual Event, The Taste of Beaufort May 6 and 7, 2011

IX. REPORTS

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

XI. ADJOURN

CITY OF BEAUFORT
REZONING ANALYSIS RZ11-05
PUBLIC HEARING DATE: APRIL 26, 2011

Applicant

The applicant is the City of Beaufort Planning Department.

Site

The property is located at 804 Wilmington Street, in the Northwest Quadrant neighborhood of the Historic District (see attached Site Location Map). The property is identified as District 120, Tax Map 4, Parcel 346. The lot is owned by Lowcountry Housing and Development Authority, an arm of the Beaufort Housing Authority. The property is undeveloped. The Housing Authority desires to build a single-family dwelling on the lot. The lot is approximately 4,900 square feet in area.

Present Zoning

The property is currently zoned “GC General Commercial District” (GC). The GC district is a fairly intense commercial zone. All types of office and retail uses are permitted, including restaurants without drive-thrus. Limited Vehicle Service (ex., a “quick lube”) is permitted, but full service vehicle repair is not allowed. Fuel sales are permitted by special exception and with conditions outlined in the ordinance. Multifamily dwellings are permitted, but single-family dwellings and townhouses are not allowed.

The attached map shows the current zoning pattern in the area. The subject parcel is shown in red. This area of the Northwest Quadrant is primarily residential in nature. In staff’s opinion, this area of the neighborhood is “overzoned.”

Proposed Zoning

Staff is proposing to zone the lot “GR General Residential District” (GR). GR zoning would permit the Housing Authority’s desired use--single-family development. The residential portions of the Northwest Quadrant are already zoned GR. Staff considers the proposed zoning a “placeholder,” until the recommendations from Office of Civic Investment are received and adjustments to the overall zoning of the neighborhood can be made.

Consistency with Comprehensive Plan

The Framework Plan in the City’s Comprehensive Land Use Plan designates the area as “Urban Neighborhoods/TND (G-2).” The G-2 Sector contains denser, mixed-use development at the scale of neighborhood centers, and suburban, residential development at the scale of walkable “traditional neighborhoods.” Appropriate land uses in the G-2 sector include: single-family and multifamily residential, neighborhood mixed-use centers, neighborhood-scale commercial uses (retail and office), civic uses, and light industrial uses. An excerpt from the Comprehensive Plan describing the G-2 district and the Neighborhood Centers are attached.

Land Use Compatibility

Single-family development is the predominate land use in the area; however, there are several nonresidential uses nearby. A police substation is located at 1205 Duke (zoned GR), and two warehouse structures (former City office and storage buildings) are located at 1302 and 1304 Duke (zoned GR). An abandoned corner store is located adjacent to the property at 1401 Duke Street.

The former Frogmore Lodge is located at 1407 Duke. The building next to the lodge at 1409 Duke is said to have been used as a fish store at one time. These lots are zoned GC.

Suitability of Property for Uses Permitted in Current Zoning District

The property is currently vacant and is of sufficient size to accommodate construction of a single-family dwelling.

Suitability of Property for Uses Permitted in Proposed Zoning District

The lot is less than 5,000 square feet. It may be difficult to develop the lot for a commercial use due to on-site parking requirements.

Compatibility of Uses Permitted in Proposed Zoning District with Natural Features

This is an urban infill lot. As a result, there should be no negative impacts on natural features aside, possibly, from trees.

Marketability of Property for Uses Permitted by Current Zoning District

Given the size of the lot and the presence of surrounding residential land uses, the property may be more marketable in a purely residential zoning classification than a commercial classification.

Availability of Infrastructure

Water and sewer are available on the east-west streets and will need to be extended to serve the subject lot. There is no on-street parking in this block of Wilmington Street.

Public Notification

Letters were sent to owners of all property within 400' of the property being rezoned on April 8. The property was posted on April 11. The public hearing notice referencing this application appeared in the April 11 edition of *The Beaufort Gazette*. To date, staff has received no public comments on the proposed rezoning.

Staff Recommendation

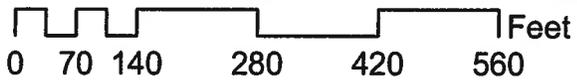
The GC zoning in this area of the Northwest Quadrant is too intense. The zoning should be adjusted to reflect the type and intensity of development in the surrounding area, as well the recommendations in the comprehensive plan. The Civic Master Plan currently being prepared by the Office of Civic Investment will likely recommend changes to the zoning. In the meantime, it is important that this small project, which is compatible with the surrounding neighborhood be allowed to proceed. Staff recommends approval.

Planning Commission Recommendation

The Beaufort--Port Royal Metropolitan Planning Commission considered this rezoning request at their April 18 meeting and recommended approval.

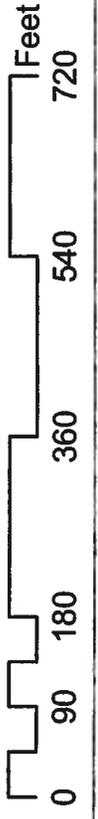
Site Location Map R120 004 000 0346

Created March 23, 2011

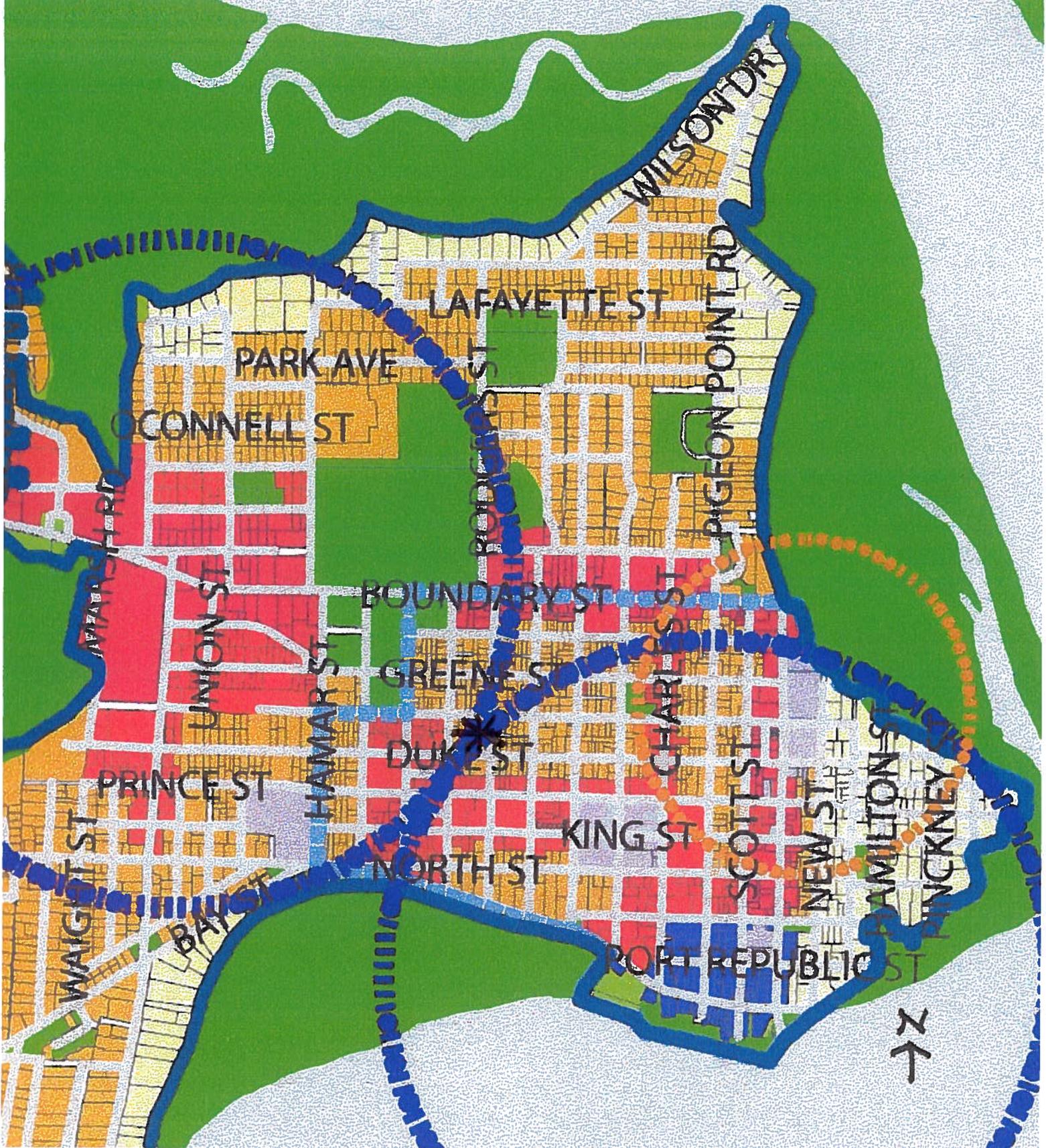


Current Zoning R120 004 000 0346 0000

Created April 6, 2011



**EXCERPT FROM FRAMEWORK MAP
FROM COMPREHENSIVE PLAN**





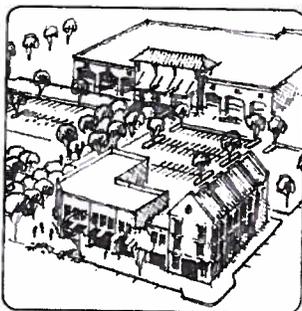
Mix of housing types in a new neighborhood



Neighborhood-scaled mixed-use building



Housing and civic uses in a neighborhood



A grocery-anchored mixed-use development is a typical neighborhood center, which may include retail, office, civic/institutional and residential uses.

FG 1.5 GROWTH SECTOR 2 (G-2): URBAN NEIGHBORHOODS/TNDs

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. Local, slow-speed streets form a connected network, with larger collector streets. Paths form pedestrian connections linking sidewalks to internal parks and preserved open space along the boundaries of the neighborhood. This pattern of development can be more environmentally sensitive to its context and can provide improved public health benefits for citizens through its capacity for safe walking and cycling.

G-2 lands are typically close to thoroughfares and at key cross-road locations. For Beaufort, the G-2 sector specifically includes areas that are already developed with neighborhood-serving retail and service uses or at key cross-roads where future development of this type is likely to occur.

The G-2 designation is also used in areas where a mixture of higher density residential types (e.g., small lot single family houses, townhomes, apartment or condominium buildings, or mixed-use buildings) are already occurring or would be appropriate to transition between higher intensity commercial uses and existing lower density neighborhoods, and take advantage of proximity to existing centers of commerce, education, or employment such as the university, downtown, and the hospital.

APPROPRIATE LAND USES/DEVELOPMENT TYPES:

The following community types and uses are appropriate in the G-2 sector:

- traditional neighborhood developments
- single-family and multifamily residential
- neighborhood mixed-use centers
- neighborhood-scale commercial uses (retail and office)
- civic uses
- light industrial uses

FG 1.6 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. A neighborhood center might typically contain 80,000 to 120,000 square feet of commercial uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center. A conceptual mixed-use neighborhood center for Sea Island Parkway and Lady’s Island Drive was designed at the charrette and is detailed later in this section.

A work session of the Beaufort City Council was held on March 22, 2011 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Mike Sutton, Mike McFee, Gary Fordham, Mayor Keyserling, City Manager Scott Dadson and Assistant City Manager / CFO Shirley Hughes.

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

Mayor Keyserling called the meeting to order at 5:01 p.m.

DISCUSSION WITH REDEVELOPMENT COMMISSION AND METRO PLANNING COMMISSION CHAIRS

Joe DeVito, chairman of the Joint Municipal Planning Commission (JMPC), said he'd like to include the Beaufort representative on the JMPC in these work sessions with council. He said of the three meetings of the JMPC, there has now been a presentation by each represented area: Town of Port Royal, City of Beaufort, and the county. The JMPC is struggling with the short-term rental issue. He felt there was a wall between the JMPC and city council. They were looking at the broader picture of how quickly or slowly to move. On those bigger issues, these meetings with city council will help to provide direction to the JMPC. The 30-day rule in state law is also a problem for them; they don't know whether to pass it on or to recommend that city council bring it back to the JMPC.

Transfer of Development Rights (TDR) came before the Planning Commission the previous night, Mr. DeVito said, and there was a lot of discussion about it. The JMPC recommended it to county council and recommended that city council endorse the pilot program as well. Mr. DeVito said that the city may ultimately need to have Receiving Areas within the city.

Mr. DeVito said the Town of Port Royal is looking at putting an overlay district on every commercial development in the town that is not currently in an overlay district. There were concerns about cost and bureaucracy.

Mayor Keyserling said that at the last work session, city council discussed stormwater. The municipalities believe best management practice begins with land use and goes from there. There's a one-size fits all policy statement, but that makes larger lots and sprawl a possibility and is not good for land owners. Mr. DeVito said stormwater has been before the JMPC before. When it needs to be brought up, if the standard changes, it will be brought before the JMPC again. Mr. Dadson said Opticos anticipates having the framework to present in late spring or early summer as land use is the first best management practice. The costs of managing need to be part of the planning process, Mayor Keyserling said. He's also glad the JMPC group is coming together. Mr. DeVito said he's liked what he's felt so far.

Councilman Sutton said there is little discussion of when negative issues come up. When the JMPC is presented something for review, there may be long debates, and he wondered if

projects have come before the JMPC that shouldn't have been before it to begin with. On short-term rentals, the UDO needed to be changed, Mr. DeVito said, which is why it came to them, though it is a policy question, not a planning question, and the JMPC was uncomfortable with policy-making. It made sense to look at the policy when that issue came out, but opening it to public comment meant that they had to hear about who was operating illegally, etc. Councilman Sutton said he wasn't comfortable with the JMPC discussing the short-term rental issue in their commission, and he told Mr. DeVito that they "should feel free to punt it back to city council if need be."

Mr. DeVito said the gas pump issue brought about a really good change to the UDO. That wasn't a policy issue. He said they would send back matters to city council that involve policy-making in the future.

Mayor Keyserling told Mr. DeVito that the JMPC should attend the charettes, and Mr. DeVito said they're all committed to it and looking forward to it.

Mike McNally presented city council with a handout as to what the Redevelopment Commission is doing. He said the retreat was very valuable. He named new Redevelopment Commission members and explained the various committees and who is on them.

The Residential Committee of the Redevelopment Commission set goals and priorities, he said, and many of the goals were in the same areas of concern. Everyone wants to get a project or a major portion of one completed in a year. They want to complete the feasibility assessment on the Duke Street property which is their pilot project. He said the work the Office of Civic Investment is doing is helping the city, and the Redevelopment Commission's work is great. They are continuing to look at funding sources and have been to meetings toward that end. They are working on suggested incentives such as pre-approved designs, permit streamlining, etc. Work is taking place on developing standards for city-owned properties. They want to prioritize projects and review ordinances and recommend a plan to remove dilapidated structures.

Projects in the pipeline are 1407 Duke Street, which is a historically significant structure, but the building is of no value. There is a possibility they will package it with a city lot to make it more appealing to a builder. If a builder were to do the renovation of the house, Mayor Keyserling clarified, they would swap a city property for a lot on which the builder would build a workforce house. **Wendy Zara** said there might not be any Redevelopment Commission funding at all in this case. Mr. McNally said they are attempting to limit risk, which everyone wants. In the Northwest Quadrant, some form of partnership will be put together so all have some risk but no one has it all. The Redevelopment Commission has no desire to be a developer; they want to facilitate deals in RFPs with builders. At this point, they want to find a lot that is fallow that will be put back on the tax rolls. Mr. McNally said they have 6 projects where they are talking to landowners; Ms. Zara said some people have approached the Redevelopment Commission about infill.

On the Commercial and Economic Development Committee, Mr. McNally said there is a possibility of taking over the Von Harten building and a vacant lot across the street. There are discussions with Gary Kubic pending on the county buildings in the Northwest Quadrant. The old City Hall building RFP didn't yield anything, so they are developing a new approach to marketing the property.

The Office of Civic Investment and the committee are investigating what incentives have worked elsewhere, so they can compile those and present them to the mayor and council.

Mr. McNally said the LCOG HOME funds application has been submitted and recommended by staff for approval, pending a 4-28-11 board vote. He reviewed the candidate structures.

Mr. McNally discussed the Bladen Street CDBG – Duke Street to Bay Street appraisals and revisions to the construction plan. There is a \$500,000 SCDOT plan for a portion from North Street and Bay Street intersection to be an entranceway into the Bladen Street Redevelopment project. He said SCDOT assured them that this effort will be well behind the city's and the Redevelopment Commission's efforts.

Jon Verity said he'll be requesting the quarterly report from the Office of Civic Investment that will be submitted to the city manager's office per the Lawrence Group's contract.

Ms. Zara, chair of the Finance committee of the Redevelopment Commission, said they have worked on several different aspects of finance. They have a budget which has been significantly reduced. Many things have been assigned to them out of the revenue stream that can't be covered now because of the reduction in parking revenue, and they're "trying to get that figured out." They looked at the CIP, and there is an item for redevelopment, though it's not an allocation.

They can't do projects without financing so they're looking at other not-for-profits and organizations. They have determined that the Lowcountry Housing Trust (LCHT) is eager to participate with the Redevelopment Commission. She briefly explained what the LCHT has done and can do. She said they are well-respected by the state, which has problems with projects that were funded when times were good but not completed. The funding is limited now and they won't deal with "one-man shows" anymore, she said.

She described some of what the LCHT does, such as pre-development acquisition, a revolving loan program, etc. For a family of 4 in Beaufort County, 80% of median income would be eligible for a mortgage of \$159,300, which teachers, firemen, etc. could be able to get. The LCHT guarantees a minimum leverage of 4 to 1. If the city participates with them, they guarantee to leverage at that rate, and any money they put into the trust comes back to the city. She described the process that would follow.

Mayor Keyserling asked the minimum contribution; Ms. Zara said in the presentation they said they wanted \$100,000 + \$30,000 annually for operating, and she feels certainly “something can be worked out.” Ms. Zara said she told LCHT that if there were real projects that the Redevelopment Commission could bring to them, then the LCHT could tell them what the city would need to put up and how LCHT could match it. Ms. Zara said this is a good time to have this conversation, since it’s budget time.

Councilman Sutton said he’d like to have future conversations with Ms. Zara “about the endgame.” Ms. Zara said the maximum for financing is 120% of median. The Northwest Quadrant is the beginning, but there are houses all over the city that could qualify for this money; there are many opportunities. The LCHT is in the historic district in Charleston, and they have similar issues there and here.

Councilman Sutton said if they control the land, they can get the house built; they can work with the bank on the loans, which is difficult. The “city needs control of the dirt,” he feels. Ms. Zara replied that “there’s not much dirt to control.” Councilman Sutton said there are bank-owned lots that those developers bought and are losing. Once control of the soil is gained, they should have the goal of vertical growth. He asked, if someone owns a lot and can’t get a loan, they have the equity and the land, and they live on St. Helena, “how do we get them back in the city?”

Ms. Zara said they’re looking at grants. She asked, if they had \$50,000 and a few potential builders, and they look like they would qualify, “how does the house get built?” Councilman Sutton said the developers need to know they can build a house cheaply enough that they can compete with the houses already there. Habitat for Humanity has built more houses for less money without incentives and has built up the tax rolls. Ms. Zara said it’s a combination of solutions.

Ms. Zara said their subcommittee has also discussed incentives, some of which have a perceived cost to the city. Mayor Keyserling said they need to present some models as to what they want to do, what it would cost, who potential partners might be, and do a presentation like the city’s department heads do. The Office of Civic Investment has said they will present the Redevelopment Commission with “projects with potential.” Mr. Dadson said this is just one piece; the incentives can include many things. The Planning Commission and city council will get many “decision points” in the future, which is what the city wanted. They will all be coordinated at once, which is what he and Ms. Hughes have wanted to see. Mayor Keyserling said he finds it “overwhelmingly positive to see this many pieces in motion.”

Historic District Review Board (HDRB) Demolition Regulations

Libby Anderson said at a work session, city council had discussed HDRB’s purview in demolition. The concept of their authority was discussed and it could be strengthened or lessened. The board is meeting later in the month and decided they were happy with the ordinance as it was. A *denial of demolition* would stay the demolition for 180 days. Mayor

Keyserling said he understands that sometimes a good one is saved, but he asked if there's another category of buildings that don't have that value and are on the list. **Donna Alley** said it's important to bring it to the board to answer those questions. She said the Mather Auditorium was a good example, and the board fought for it and stressed its importance to the campus instead of a parking lot that would not celebrate what the building was. It's only a delay, but it's a public discussion.

Councilman Sutton said the ordinance "doesn't read 180 days, but that's rubber-stamped on them all." There are other steps in it that aren't heard about. The rest of it should be deleted if there is "simply a demolition or no demolition response." The 180-day waiting period until the permit can be issued for demolition is intended to delay it so that things can happen, but those things are the responsibility of a citizen board, city council, or its coffers.

Joel Newman said the ordinance isn't clear; he said fellow HDRB member Michael Rainey feels that the only thing important is that someone doesn't decide to tear down a building and then it's gone without review. The process has a slowing effect for people to evaluate the building and see if it has historic value, etc. During the cooling off process, Historic Beaufort Foundation, for example, might be able to find something to be done instead of demolition.

Mr. Newman said every time the conversation happens, in the historic district or not, it goes: "Maybe something can be done." It's put off because it's obviously in need of saving, or they've said, "You should consider this and see Historic Beaufort Foundation before you demolish it," because it might create a less useable zoning restriction, for example.

The structures are known to be historic or significant, etc., Mr. Newman said. When someone seeks a permit to demolish, the staff could tell them to go to Historic Beaufort Foundation before they pay the fee, have a review, and go to HDRB who will tell them the same thing, anyway. They would just be shifting the onus to somebody else, and they weren't sure that improved the process. It "only made the process different." Mr. Newman felt that if someone went directly from the permit office to the Historic Beaufort Foundation, who said it was okay to demolish, it shouldn't come to the HDRB to begin with. The HDRB doesn't have a higher level of authority or greater knowledge; they just say "step back and wait."

Councilman Sutton said the HDRB is meant to help the person who wants the demolition to "see the light," and city council wondered if they were doing that if they could only offer the 180 days. He said if it's so important that Historic Beaufort Foundation comes and presents it to council and says the city should exercise eminent domain to save it, they have never had that discussion. Ms. Alley said there are "tools further into the ordinance." If a building came to them, and it were deemed so significant that they could come to council, they could ask it to be designated a historic structure, such as if someone wanted to demolish the Pour House, for example.

Julie Goode said she's concerned that all this would come to Historic Beaufort Foundation and they would say yes or no and skip the city entirely. She doesn't think they should "be singled out on their own as the only yes/no body." Mr. Newman said Historic Beaufort Foundation seems to be the only party to identify significance or lack thereof. They have had two examples of this so far. In one case, they asked the owner to try to get someone to move a building off his lot; they had denied it so that if he couldn't find a partner, he could take it down after 180 days. They also approved the demolition of a plantation house.

Ms. Alley said there is a historic site survey, and all the significant structures were determined in 1998. That's what the HDRB uses to make historic determination. She said her office and Historic Beaufort Foundation would like the ordinance strengthened, not weakened. Councilwoman Beer asked if the owner *has* to be put on the register, and Ms. Alley said yes. Ms. Goode said there are special circumstances when they can be compelled to, but in most cases the owners have to approve it. Ms. Alley agreed that the language could be tweaked but she doesn't want to see the ordinance done away with.

Mr. Newman said it's a last step where something is looked at, it's "in some listing," it's taken care of at the city desk, and it gets an automatic 180-day review based on its historic significance, *or* it comes to the HDRB, and they suggest partnerships or approve the demolition.

Councilman Fordham asked Councilman Sutton about the structures with trees growing out of them he had discussed at previous meetings. Councilman Sutton said once they get a certificate of denial, there's no change to be made. Councilman Sutton said there's been frustration that going to Historic Beaufort Foundation "seems to be all someone can do." There are other measures that could be done if they were taken to council, but that isn't done. They could use eminent domain, but what do they do with it once they own it? "If it's habitable, why would you go for demolition, anyway?" Councilman Sutton asked. Historic Beaufort Foundation should be notified immediately, anyway, as soon as the application is made, he feels.

Councilman McFee said if the first step in the application is to go to Historic Beaufort Foundation, that step takes place prior to going to HDRB, so the 180 days doesn't begin at that time. Councilman McFee said he won't make a historic designation determination; he'd go to Ms. Goode, too. There are partnerships and advocacy already built in. Council's advocacy here is with its partners in that same time frame, Councilman Sutton said. He likes the idea of applicants being told to talk to Historic Beaufort Foundation right away.

Mayor Keyserling said with this process, applicants would bring more to the HDRB than "I want to tear it down." Mr. Dadson said 180 days could start at application, but the fee could be processed to the builders, historical advocates, etc., who could say they would like to save the building. By the end of the 180 days, outside the district, the time would be used by the housing advocates to advocate. They are letting people know about it, and opportunities will happen. The board will get a report. Mayor Keyserling said managing time through the schedule can be frustrating. Someone may have to wait 29 or 30 days for an HDRB meeting. He feels there

should be advocacy through every part of a regulatory process. This offers predictability, he said.

Councilman Sutton said to fix it, they “need to determine what needs to be changed to make the second step happen.” The current language doesn’t make it happen at all like they are saying they want it to. Ms. Alley explained what happens now to make it as expedient as they can. Historic Beaufort Foundation gets their package a week before the meeting, as does the board. Ms. Goode said Historic Beaufort Foundation would get the application for demolition as soon as it’s filed, and they wouldn’t have to wait on a staff report, etc. Ms. Goode said that would be very helpful.

Councilman McFee said the advocacy seems to be happening, and he asked if there could be clarification of the language. It’s not said in the ordinance, and there seems to be “a disconnect” when they have already fixed that. Ms. Alley said legal language is one thing, and procedure (which can be changed) is another matter. Mayor Keyserling asked how much of the process has to be in the ordinance. Councilman Sutton said someone could argue that they don’t have to talk to Historic Beaufort Foundation. Ms. Alley said they have an option to do things; Councilman Sutton said he wants it to be clear that “there is a sequence of events that unfold.”

Mayor Keyserling said it would be helpful for Ms. Alley to have a flow chart, and then they will look at the ordinance to see if it’s doing what they want it to. Ms. Anderson said it would be better for the changes to be in the standard operating procedures, not the ordinance, because “if any little thing changes, the ordinance would need to be changed.” Ms. Anderson said there needs to be a pre-application conference with owners who are on the list of historically significant structures. Ms. Alley said some people know they’re on the survey and some don’t. Mayor Keyserling asked them to bring back a checklist for council to examine.

Staff Report on the Municipal Complex

Keith Whatley, Project Manager with LCK Construction, said the complex is three projects including the city building, police building, and street renovations, which have taken 3 months longer than was anticipated. There have been many delays to get utilities in to price and schedule, etc. They did the last storm drainage dig the previous week, and within 2-3 weeks, the paving will be complete. The City Hall is complete “except for the snag of the lights beeping.” He’s meeting with the manufacturer’s electrician to determine if the installation is correct. The “backup lights test themselves all the time,” he said; the manufacturer has come up with an audio alarm that used to be just a blinking red light and they can get set off easily and have to be reset. They hope to get this resolved by cutting the wire.

Mr. Whatley said that in the police building, the previous chief said they technically aren't holding cells, so they weren't inspected by SLED, but the current police chief would like for them to be certified, and they have been trying to make this happen for a year. They are an

inch shy on the width for the cells and need a variance from SLED. Someone is looking it over, and he said they hope the letter is on its way.

In the police/court building, Mr. Whatley said, the HVAC system was to be cut off on nights and weekends, and they were told that there would be no one in the buildings, but there are. With the air running in the police side and not the court side, there were condensation problems. He explained how this problem would be solved.

Before the waterproofing was put on the buildings' stucco, there was water intrusion, Mr. Whatley said. They found where it was coming from. The contractor took off the water *barrier* (not water-proofing) put it back on, and applied waterproofing. There are still a couple leaks, but that's being solved. He added that all the signs up in the complex currently are temporary, and they have received complaints that "everyone wants to pay a traffic ticket everywhere."

Councilman Sutton said he's proud of the product but frustrated by the problems. He'd like to know what the vendor will credit the city back for the problems. He would like to know when the police building will be done. An architectural issue has caused the problems in the building, and he hopes the architect learned how to build a building in the Lowcountry. Mr. Whatley said the Tybek was approved as a water barrier. The architect signed off on the building's construction.

Ms. Hughes said the complex is within \$50,000 of budget, and they expect to be within budget when it's finished. Councilman Fordham said when they used to be in the city court building, there was a ½" gap in the front doors. Mr. Whatley said the doors have "sweeps" in them like the back doors on the city hall building. Those doors have been replaced twice. Mr. McNally offered to report to Councilman Fordham on his concern the following day.

There being no further business, the meeting was adjourned at 7:07.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

A regular meeting of the Beaufort City Council was held on March 22, 2011 at 6:00 p.m. in Council Chambers, Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

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

The Mayor called the meeting to order at 7:12 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Reverend Amanda Atkin of Baptist Church of Beaufort, and the Pledge of Allegiance was led by the mayor.

Councilman Sutton made a motion to include on the agenda an Executive Session regarding land acquisition, sale or lease. Councilwoman Beer seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Walter Gay told council that he had contacted SCDOT about potholes and was told they would require a special request from council. Mayor Keyserling asked if the city manager was aware of where the potholes were. Mr. Gay said there is “a big one” over near First African Baptist Church and near the Rhett House Inn that are causing visitors on the buggy and walking tours to be jostled or fall. He agreed to give a list of the potholes he’s aware of to the city manager.

PUBLIC HEARING: ORDINANCE REZONING SIX PARCELS OF PROPERTY AT 88 ROBERT SMALLS PARKWAY TO HIGHWAY COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. **Libby Anderson** showed a graphic of the parcels. This is the site of the Stokes Honda dealership. Two of the parcels are in the Beaufort city limits and four are in Beaufort County. A petition has been submitted to annex them into the City of Beaufort. The applicants desire to demolish the existing building on the site and put up a new building. To develop the site as they desire, the development would straddle the two property lines between the city and the county, so they must all be located in one political jurisdiction. The six parcels currently have three different classifications, all of which are proposed to be rezoned to Highway Commercial District to support the current and proposed activity.

Ms. Anderson showed a map of the current city zoning, noting that there is a mix of zoning along Highway 170. Public notification has been made and no public comment has been received on the rezoning. Staff recommends approval, and the Planning Commission heard the rezoning proposal last month and also recommended approval. There being no public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 1004 DUKE STREET, FROM GENERAL RESIDENTIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said this is a single lot and showed a graphic of the property. The property is located in the Beaufort Historic District. The lot is about 220 square feet and has a single family dwelling on it. It is considered a contributing historic resource. The house is about 750 square feet. The proposed zoning permits all kinds of residential uses as well as low-intensity office and commercial uses. Ms. Anderson pointed out the zoning on properties near the proposed rezoning. The comp plan designates this area as G-2 for mixed use development; land uses include residential, neighborhood mixed use centers, and neighborhood commercial, including retail, office, and civic uses. Public notification letters were sent out, and notices ran. The two comments received were included in council's agenda packets. Staff recommends approval. The site is near Charles Street, which has urban infrastructure. There is a precedent for interior lot rezoning on Washington Street, a block north of this Duke Street site. The comp plan provides support for the rezoning. The Joint Municipal Planning Commission unanimously recommended approval.

Dwayne Smalley, 802 Charles Street, is among the third generation of his family to live at that address. He is not in favor of the commercial rezoning. He does not like the rezoning as a solution to the short-term rental issue. None of the residents around the site are in favor of the rezoning, either, he said. "Pretty much everyone supports the short-term rental policy," he said, "but no one wants to see it rezoned commercial." He had attended the Joint Municipal Planning Commission meeting. The precedent Ms. Anderson cited does not seem to him to be sufficient justification for rezoning this commercial because what she cited is an empty lot and didn't benefit the neighborhood. He characterized the Joint Municipal Planning Commission deliberations as rationalizing the fact that it has taken so long to come up with a short-term rental policy that they "can't hold up these owners any longer." It was also stated that the investors have put a lot of money into the property, which he agreed with, and that it's time for them to get money out of it. Finally, he said, it was said that they wouldn't wait to consider the long-term impact of such a rezoning, as they needed to do something now.

Residents of the area had spoken against the ordinance change at the Joint Municipal Planning Commission meeting, Mr. Smalley said; a renter of 9 months spoke in favor of it. Mr. Smalley supports short-term rentals at the site but doesn't support "creating a loophole just because it's in the Northwest Quadrant." He doesn't believe this same solution would be applied "for someone else who wants to conduct short-term rentals in another neighborhood." He has been involved in Northwest Quadrant issues for two years. Good ideas have been put forward, including 100 points just in the study group's plan for neighborhood revitalization. Rezoning from residential to commercial was not in the plan, so he asked why it's being allowed at this time. He said there needs to be a short-term rental policy designed that works for the whole city, not create loopholes. When the current owners sell the property, there will be new owners; his family has been in the neighborhood for 90 years, and he would like to be there at least another 30 or 40. He feels council will be creating a problem for the residents. He

suggested that the council come up with a temporary licensing process for the short-term rentals until a complete ordinance for the city can be drafted.

Councilman Sutton complimented Mr. Smalley's presentation. He pointed out that two of Mr. Smalley's family properties are zoned Neighborhood Commercial District. Mr. Smalley said he believed they were zoned residential. Mayor Keyserling said it was clear that the lot was clearly subdivided, the only one in at least two blocks. Had it not been subdivided, Mayor Keyserling said, it would be the same as the ones between it. Mr. Smalley called that "a new and novel argument," that at one time it was zoned something else. He feels going forward, in a neighborhood, residentially-zoned district, they are trying to find a solution to the short-term rental issue for the entire city, while ignoring that this rezoning can have a long-term impact on the neighborhood it's in. He asked what's to stop the next person who buys a residentially-zoned lot, invests some money, and then decides they want to flip it to a commercial property. Mayor Keyserling replied that that is a hypothetical question, but there's not likely to be another such lot that is surrounded on three sides by neighborhood commercial zoning. He agreed that it's unfortunate that the two issues have been conflated. The short-term rental was raised before the planning for the city, sector-by-sector, Mayor Keyserling said. Mr. Smalley said the residents are concerned about the encroachment that could be beginning to happen if council allows this precedent and that there's nothing to stop something similar from happening in the future.

Mr. Smalley said the residents understand that Charles Street is zoned commercial, but this property is not on Charles Street. He reiterated that his concern is less with the zoning than with this action as a solution to the short-term rental issue. Councilwoman Beer said pieces of property have been rezoned on Ribaut Road "because it made sense." When the city goes to form-based code, it will change everything, she added.

Chris Lempesis said he is the nine-month renter Mr. Smalley referred to. He lived in the house and confirmed that it's tiny. The neighborhood "has a lot of great folks" and is surrounded by commercial businesses. He has lived next door to short-term rentals and had a good experience. From his experience, he feels this is not a detriment to Beaufort and hasn't been harmful. He feels this is about one piece of property, not about short-term rentals. There being no further public comment, Mayor Keyserling closed this public hearing.

MINUTES

The minutes of the work session on March 1, 2011 were presented to council for review. On page 6 of the minutes, Councilwoman Beer noted that Erica Dickerson's first name was incorrectly spelled Erika. **On motion by Councilman McFee, second by Councilwoman Beer, council voted unanimously to approve the minutes as amended.**

MS made a motion, seconded by DB, to table agenda Items A-C under Old Business in the meeting agenda at the owner's request. The motion was approved unanimously.

BUSINESS LICENSE APPEAL – BUS ROTATION SLOT

Officer William Carter, Tour Coordinator, said Mr. Gay's bus was inspected per the ordinance and was found to be able to be used for business. Councilman Sutton said he understood the bus was inspected and is up to standards to operate and has a taxi permit on the back. Officer Carter said yes. **Councilman Sutton** said the license to operate was temporary, so he **made a motion, second by Councilwoman Beer, to restore the previously issued year-long license to run throughout its term.**

Rose White, Suthern Rose Buggy Tours, said her business had tried to get a bus license since last April. She reviewed the ordinance and their experience with Mr. Gay's appeal of the revocation and reinstatement of his license. Mayor Keyserling told her that the license was restored on the same basis on which it was issued, and Officer Carter will continue to monitor Mr. Gay's operations and anyone who observes it not being used properly "has the right and obligation to report it."

Ms. White said her company would still like to have a bus license and cited that in the ordinance there are both local and non-local licenses available. They would like to have one of the non-local licenses transferred to a local license, so they can run buses, especially in inclement weather. They would also like consideration for running a bus tour in their carriage slot on hot days or to use one of the non-local spots on a regular basis.

Councilman Fordham said they need to apply for the license. He is in favor of voting against the issuance of any licenses, should a vote come, owing to the continual fighting between the Whites and Mr. Gay. Mayor Keyserling said a resident wouldn't be eligible to apply for a non-local license. They could get a waiver, possibly, by applying for it, but he didn't know to whom. The city manager or Officer Carter might be able to tell her if they could qualify for it. Mayor Keyserling said TMAC was charged with looking at all of the tours. Council can neither issue a license nor change the ordinance without public notice and discussion.

Peter White said they have been working hard for a year to get a bus license so they can use a bus in the hot season. They have gone through the proper channels, he said, and feel "blindsided" by the reinstatement of Mr. Gay's license. Mayor Keyserling told Mr. White it "is not really about you. It's about the ordinance. The license suspension and restoration was about that." The debate is not about the carriages and the customers, it's become about the operators, Mayor Keyserling said, which was what raised Councilman Fordham's ire. He suggested that the Whites speak to the city manager and Officer Carter to see if there is a process they can put forward on their behalf.

Councilman Sutton said the sequence of events for tourism issues is to bring them to the TMAC table for consideration of how the business of tourism can be done better. Council will then consult with TMAC about how tourism can be done best. It's been reconvened and he suggested Mr. White draft a memo to TMAC about "the business you know best, including the bus rotations and how there may be a need for a bus in the carriage slot rotation and how that

would work.” The discussion needs to be had in the workshop format with TMAC, Councilman Sutton said. He’s not comfortable doing a single-line item regarding tourism when they have reconvened the TMAC board. Councilman Sutton said council is aware that the ordinance is not perfected and the most recent change regarding the license revocation after 60-days of non-use still needs some work, as evidenced by recent events. He asked Mr. White to please use TMAC to resolve the issues because there will be more changes in the ordinance related to tourism if it’s brought to council via TMAC. Many frustrations have been solved, and “things are a lot better than they were a year ago,” Councilman Sutton said.

Ms. White said their concern is not what Mr. Gay does with his business but that this summer when it’s hot, they can continue to provide tours for visitors. **The motion passed unanimously.**

BUSINESS LICENSE APPEAL – CONSIDERATION OF PENALTY WAIVER

Mr. Dadson said that as a part of the business license audits, staff discovered a discrepancy with Insurance Specialists. A letter was sent and there was a meeting for clarification. Staff, the city attorney, and the business license administrator are satisfied that they have clarified the appropriate amount has been paid for business licenses. They can only go back three years; the penalty is large, and staff recommends approval of the waiver of the penalty. “Everybody is clear that we now know how to collect this particular business license,” Councilman McFee said.

Mandy Michaels from Insurance Specialists provided background on how the company operates. They have offices – and business licenses – in Atlanta and Norcross, GA. There, they don’t report gross receipts to the city. In Beaufort, they have an office, but it is “strictly an administrative center.” They don’t sell or service policies here. There was some confusion among the accountants in Atlanta who were not familiar with Beaufort ordinances, and the administrative office in Beaufort. The business will pay the taxes they owe, she said, but they are asking council to consider the appeal regarding the penalty. Councilman McFee asked for clarification on the nature of the amount the business was in arrears. Ms. Michaels said in the other cities in which they do business, they are not required to record gross receipts. They now have local accountants, who submitted a letter detailing that the way the business’s gross receipts were recorded was incorrect, because they included collected premiums and commissions, which created “a huge difference.”

Councilman Sutton said the firm and the city appear to be in agreement now about where the firm stands. Councilwoman Beer said it sounds like a mistake that has been taken care of. Mayor Keyserling said the firm sets an example of “the kind of business we want more of— people living and working downtown.”

Councilwoman Beer, second by Councilman Fordham, made a motion to waive Insurance Specialists’ penalties. Councilman Sutton confirmed with Councilman McFee that this is the correct figure. **The motion passed unanimously.**

REQUEST FOR WATERFRONT PARK USAGE CO-SPONSORSHIP FROM COMMUNITY BIBLE CHURCH FOR "SOUL PATROL EGG HUNT"

Councilwoman Beer, second by Councilman Fordham, made a motion to accept the request for the event, slated for April 23, 2011. Councilman Sutton asked why the event was slated for six hours. A church representative said the actual event is scheduled from 11 am – 2 pm, and the additional time requested is for "set-up and tear-down." **The motion passed unanimously.**

REQUEST FROM CHILD ABUSE PREVENTION ASSOCIATION TO HOST ANNUAL "CAPA ANGEL WALK" ON THE SIDEWALKS IN THE DOWNTOWN AREA

Councilwoman Beer, second by Councilman Fordham, made a motion to accept the request for the event, slated for April 30, 2011. **The motion passed unanimously.**

REQUEST FOR WAIVER OF OPEN CONTAINER FROM THE GUILD OF BEAUFORT GALLERIES FOR THE ART WALK

Councilwoman Beer, second by Councilman Fordham, made a motion to accept the request for the event, slated for March 26, 2011, 4-9 pm. **The motion passed unanimously.**

REQUEST FOR STREET CLOSURE FOR THE BEAUFORT MEMORIAL CYCLING CLASSIC

Councilwoman Beer, second by Councilman Sutton, made a motion to accept the request for the event slated for May 3, 2011, 4 – 11 pm. **The motion passed unanimously.**

MAYOR'S REPORT

Mayor Keyserling encouraged council members, when they talk to people on the street, to encourage them to help with the Beaufort 300 efforts.

REPORTS BY COUNCIL MEMBERS

Councilman McFee responded to Councilman Sutton's concern about the conflict of the bike race and a council work session by saying that no conflict would occur this year.

Councilman Sutton reiterated encouragement for support of Beaufort 300 and for the charettes.

Mayor Keyserling said April 3, a celebration will be held at City Hall for a Brigadier General designee who grew up in Dale. She is coming back from Afghanistan to receive it, then returning to Afghanistan.

Councilwoman Beer said Lt. Dan Weekend is progressing and encouraged help and contributions.

There was a brief conversation with the Scout guests, and Councilwoman Beer encouraged their attendance at a work session as well. Mayor Keyserling suggested they take a field trip to a charette.

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman Fordham, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion of land acquisition, sale, and lease. The motion was approved unanimously.

Councilwoman Beer, seconded by Councilman Sutton, made a motion to come out of Executive Session and resume the regular session. The motion was approved unanimously.

ADJOURNMENT

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously, and the meeting was adjourned at 9:07 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

A work session of the Beaufort City Council was held on April 12, 2011 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Mike Sutton, Mike McFee, Mayor Keyserling and City Manager Scott Dadson. Councilman Gary Fordham was absent.

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

Mayor Keyserling called the meeting to order at 5:00 p.m.

Carlotta Ungaro introduced Blakely Williams, the Chamber of Commerce's interim president.

DISCUSSION OF RESOLUTION CREATING A JOINT COMMITTEE WITH THE TOWN OF PORT ROYAL IN REFERENCE TO THE NEW FIRE STATION

Mr. Dadson said city council had a draft resolution before it that would create the group with members from the Town of Port Royal and the city of Beaufort. The two municipalities will share a fire station. They have been working together since 1994. The center is around Mossy Oaks Drive. The money came from bond proceeds. Mr. Dadson said "there is a new understanding of how we move forward." The main station, it was agreed, should be that station, though it may not be in its current location. Mayor Keyserling said the Mossy Oaks location is not salvageable physically, and the trucks come out between two schools. The new roof is a "Band-Aid" on the facility.

Mr. Dadson asked if the matter should be moved to the agenda. Councilman Sutton asked what the composition of the group and the charter are. Mr. Dadson said it's not that specific, but he can write that in. Councilman Sutton said he'd like to know what sort of personnel would serve on the committee, what specific tasks they would do, the time frame under consideration, and their charter.

Mr. Dadson said he would put that information in the "Resolve" section. He feels the committee should begin after both bodies pass the resolution with a 2-3 month timeframe. The renewal of the contract "goes on and on," he said. Mayor Keyserling said there should possibly be a resolution to put the two municipalities on all trucks eventually. Mr. Dadson said the committee could consider that to continue to build the relationship.

DISCUSSION OF ON-STREET PARKING ON THE 400 BLOCK OF CARTERET STREET

Mayor Keyserling said this was "a carry-over." Mr. Dadson said it was sent around to all staff who have dealt with this issue further out than the downtown core: public works, police, etc. The area under discussion currently is in front of Dr. Freedman's office, across from the Carteret Street Church. Options could be to assign the closest parking space as handicapped; one-hour time spaces; two-hour time spaces; continuing the metering down from the City Loft; or letting parking spaces remain as-is. Mayor Keyserling said the issue is that there are no meters for the spaces in front of the doctor's office, so when his patients come, they cannot

park for appointments, because there are people parked there all day. Councilman Sutton asked if this ties into the Chamber of Commerce Visitors' Center bus parking.

Mayor Keyserling said they are interrelated issues. He had asked the Visitor and Convention Bureau if they would reconsider the use of their parking spaces, which are unused in the winter. Those spaces, in front of Rainey's Antiques, could be "secondary spaces" and bagged for buses to park short-term.

Councilman Sutton said in front of the downtown churches, parking is not allowed during the week, but on Sunday it is allowed. Mayor Keyserling said the Tabernacle parking is for funerals. Councilman McFee said they put yellow cones up if there's a funeral. He disagreed that there's a yellow curb in front of the church. Councilman Sutton said "the bigger picture issue" is that large spaces open for buses could be tweaked to be more available, and he wondered why that was not the case with the blocked yellow spaces in front of churches that people park in, anyway, on Sundays. If there's discussion of parking on Carteret Street, he said, "there are many holes on it."

Mr. Dadson said they have a defined parking area as it's regulated. This is the same issue as residents of the Point had when they came forward with a plan for parking: "Unmanaged parking exists beyond the managed district." If more parking is open in the managed area, that may solve the issue, but they need to know how far they are willing to go beyond that area. Redevelopment of Carteret Street will eventually lead to USCB, and if it takes off, they'll need assistance with parking, and that will have to be dealt with. Mayor Keyserling said Dr. Freedman has elderly patients and will at some point have to think about moving his office if his patients can't park. Mayor Keyserling doesn't want to see a business leave the greater downtown area because of parking.

Mayor Keyserling enumerated the businesses on Carteret in this block and said his inclination is to go a block at a time. If it's in businesses' interests to turn over parking, the city should help with that. Mr. Dadson said "managed parking is paid parking." He reiterated the five options he had offered before. Mr. Dadson thinks "it should be comprehensive." He also feels the underutilized spaces should be managed during the week. There was some general discussion of the parking issues in the area under consideration.

Councilwoman Beer said if meters are put at Dr. Freedman's, they would need to know how long his patients normally take. Councilwoman Beer said "no solution would be perfect," and went on to discuss the left-right "jog" on Carteret Street. Mr. Dadson discussed the ways that Carteret Street has been slowed down. There is agreement that Highway 21 can be moved to Highway 280, he said, and this will change management of parking on Carteret Street. Mr. Dadson feels the parking committee should study "How far do you really want to take this?" as the most comprehensive way to deal with it.

Councilman Sutton said there's not a city map present in the conference room to aid in the work session discussion. He said staff should present documents showing what Carteret Street

parking is presently and matters that would influence future parking decisions. Mr. Dadson said something like that could be put together, and they could decide how far they want to define the area and stages of change. Mayor Keyserling said they might create another ad hoc committee involving stakeholders, not use the Bay Street parking committee.

Councilman Sutton said changes are happening daily in some lots in the downtown area. The Baptist church is regulating its parking, which affects weekly parkers. The Hendricks Furniture property has also been gated for church parking use. Councilman Sutton said all of that is illegal according to the ordinance; they are not to be altered without city approval. Regulated parking on Carteret Street will push the problem in a different direction. He would like to know the churches' long-range intentions, and he wants to know how they can work together with the city.

Mr. Dadson said city council seems to be saying that they would like staff to put the material together and city council can decide on how to "chunk" the tasks to make it as big or small as they like. Mayor Keyserling said he'd like the doctor to get some kind of answer as soon as possible, but it should be done in the context of the bigger picture.

Mayor Keyserling said the Office of Civic Investment has done work around USCB, and he asked if they have thought about this. Mr. Dadson said yes, and he would find out their information and "use it as the base." Mr. Dadson said he heard that city council wants new stakeholder players on the committee and said he thinks "we can get something together."

Councilman McFee said he feels they still need to look at The Point, too. Councilman Sutton said this will segue into that. Councilman Sutton iterated questions that need to be answered about the parking in that area. **Josh Martin** joined the table, and Mr. Dadson said he would get information from the Office of Civic Investment.

DISCUSSION REGARDING CITY REPRESENTATIVE APPOINTMENT TO STORMWATER UTILITY BOARD

Councilman Sutton said there is a citizen interested in serving on the board, but he can't make the next two meetings of the Board. The candidate has a civil engineering background, and Councilman Sutton thinks he's an ideal candidate, but he has other commitments. Councilman Sutton asked if he could be appointed, even though he'd have to wait to serve, since the position is a non-voting position. Mayor Keyserling said he thinks he's the right candidate for sure. Mr. Dadson said whoever's appointed can have information transferred to them, and they can continue to do that until this candidate is put in place.

Councilman McFee asked if the city hadn't asked for a stronger voting position in an e-mail or letter. Mr. Dadson was unsure. The technical intergovernmental agreement is what is before them now; he detailed what the main agreement is and what the intergovernmental agreement is. Hilton Head has put the new framework on the table for the intergovernmental agreement. The Town of Port Royal, City of Beaufort, the county, and Jasper County would like to see a more regional framework and approach and another regional player should be brought

in, but Hilton Head and Bluffton want to go on their own. Mr. Dadson said having this new person on the board by May would be good. Mayor Keyserling said this appointment will be on the next regular session agenda. Councilman Sutton said he'd make contact with the candidate before then.

DISCUSSION REGARDING LOCATION FEASIBILITY ASSESSMENT FOR RIVERVIEW CHARTER SCHOOL

Allison Thomas said Riverview Charter School is seeking a permanent home; they have a leased space until June 2012. They are actively pursuing additional facility opportunities because they will have outgrown their current space. The organization is evaluating different sites, and they want to discuss with city council the possibility of Beaufort Elementary.

Mr. Dadson reviewed the city's involvement in the matter and a listing of potential sites, not ranked; a feasibility assessment; and a draft resolution of support for city council's consideration. He summarized the resolution. Beaufort Elementary is the preferred location. "A lot of good has come out of that facility," Mr. Dadson said. A letter to the school board letter discussing and approving the school's position from the Office for Civil Rights was included in council's materials, Mr. Dadson said.

Eric Brown distributed a "memo of intentions and opportunities." Mr. Brown discussed the charter, the vision, and its translation into a permanent facility. Riverview Charter places a lot of value on citizenship, he said. His job is "to endeavor to allow the modeling of good behavior to occur": Beaufort Elementary is close to a neighborhood, natural landscape, etc. that offer these opportunities.

He discussed 6 points of benefit to the public realm. There is a need for some shared public spaces such as galleries or a shop front where the students could run a store, etc. "The Bay Street façade would activate the space," he said. The Farm-To-Table Program is required to be at least in close proximity to the students. This could become a community downtown garden that the students engage in, as well as the rest of the community. The surrounding streets could be redefined, maybe with the building of out-buildings which would benefit both the school and the public realm.

The current site of Beaufort Elementary, Councilman Sutton said, has a logistical challenge with current school operations. It was underutilized at one point, but things have changed, and they don't know what is happening now. The neighborhood is half-empty, Councilman Sutton said, and there is bussing in of students now; Riverview Charter School would be the same thing, he feels. He wondered what the next step was. He asked how city council can help to keep Riverview Charter School in the city limits and how to work with the school board under financial constraints. How does the school board give them the keys and let them make it a vibrant facility, he wondered. Mayor Keyserling asked how much of the school they would need.

Ms. Thomas said when the move to a new facility occurred would depend on the number of students at the time. She understands Beaufort Elementary is large enough to have a permanent facility there. They are “forever growing.” They either need time and the ability to grow where they are, or they need to come up with an ideal site quickly because they are at maximum capacity now. Their lease and the opportunity for further expansion run out next year. There is a cost issue; they’re “treading water” by paying rent, and that diminishes the pool available for them to invest in something greater later. Mayor Keyserling said they are 1.5 years away from their drop-dead date with certainty.

Ms. Thomas said a percentage of students at Beaufort Elementary now are in the AMES Academy magnet school, some are zoned there, and a portion of the school is for special needs students. She has heard there are currently 600 students in the facility, divided between those 3 groups, and she believes that’s fairly evenly distributed among the groups. Mayor Keyserling asked if they could share the space as they grow. Ms. Thomas said they would be amenable to a variety of circumstances. They are potentially a buyer, a renter, or a long-term lease-holder, and they pay that back to the school district.

Councilman Sutton asked about the end user – the parents putting their children into the program – and the difference in their tax bill. Mayor Keyserling said there is no difference. Councilman Sutton said it would cost \$25 million to build a new building, which is money out of someone’s pocket while they have debt service currently. A majority of the tax base is for school infrastructure

Ms. Thomas said the city is very supportive; the district has been clear that they would like to see the school remain within city limits. If they can come up with the circumstance, they need only work through the details. There are many funding opportunities for which the city would be a strong community partner. Creative financing and structuring and “a passion for finding a successful solution will go a long way.” She thinks this site has the most going for it on many levels. They just need to make sure that the money works in the short- and long-term.

Mayor Keyserling said he still doesn't understand why one public school pays rent and another doesn't. He feels it should be a “revenue wash.” He added that “a public school is a public school.” The downtown area is a huge priority for the city, as is maintaining economic and racial diversity, which would be enhanced in that neighborhood. The neighborhood association can't meet in the Greene Street Gym because “the community center is no longer for the community,” Councilwoman Beer said.

Mayor Keyserling suggested mobilizing grass roots support which he believes is there. On top of the resolution, that would be extraordinarily important. The neighborhood has grown exponentially, and the city is committed to its continued growth while maintaining diversity, as Riverview Charter School is. Ms. Thomas said they drew from all around Northern Beaufort County. They are unique in that they have their students with them for Kindergarten – 8th grade. She feels parents might seek to move to a neighborhood where their children can walk or bike to school for many years. There is “a positive ripple effect making it worth it for parents

to change their world for the extended period of time that their kids are in school” there. Councilwoman Beer said Mossy Oaks grew because of those two schools.

Mayor Keyserling said people moved closer to Mossy Oaks schools within the last ten years, hopeful of that. In Northern Beaufort County, 6 school seats of 10 are filled, Mr. Dadson said. Ms. Thomas said they “are always a school of choice.” Mr. Dadson went on to discuss ways the resolution “can be a powerful tool for the city council to support the school.” He said the Office for Civil Rights has said this neighborhood and the whole city of Beaufort “are local redevelopment opportunity sites.” He felt the language in the resolution “could be strengthened.”

Councilman Sutton said the school hasn’t been discussed in terms of Northwest Quadrant infill opportunities or Bladen Street development. City council wants Riverview there as much as Riverview Charter School wants to be in that space for many reasons, he said. The neighborhood is underutilized because many families left. Mayor Keyserling said he would like this to be “part and parcel of what we’re doing – it’s a neighborhood issue – and part of the city council’s commitment to rebuilding from within.” Mayor Keyserling feels the statement should be polished to reflect that this school is to the city like the university is to the city; both “enhance the quality of the inner city...It’s a necessary component of that.”

Ms. Thomas reiterated the school’s mission of experiential learning. If they’re to create meaningful experiences for students, they have to have community engagement. This is the best way to enhance the students’ opportunities. They have structured their long-term growth plan to build the community engagement component first and the classroom last. “The experience is first” to their mission, Ms. Thomas said.

Mr. Brown said the timeframe is a challenge because they are outstripping their facility, and the design and engineering are looming. Mr. Dadson said he would “beef up” the draft resolution, and city council can add what they like, and Riverview Charter School can, too. He asked if it was worth sending a letter to the school board chair. Councilman Sutton said Mr. Washington should be informed that there will be future discussion on this. Mayor Keyserling said the Northwest Quadrant neighborhood should be involved right away, too.

National Charter School Week is May 1-7, Ms. Thomas said, and there will be school tours all week and other events. Mr. Dadson suggested inviting appropriate neighborhood associations to see the school. There was general agreement that this would be a good idea.

DISCUSSION ABOUT ESTABLISHING JUST COMPENSATION FOR BLADEN STREET STREETScape PHASE II

The Redevelopment Commission has passed this resolution. This money will give them access to easements and right-of-ways to finish the Bladen Street project. They have agreed with these compensations, and they can reimburse the project with CBGB funds. He recommended adding this to the city council agenda for that evening’s meeting. Councilman McFee said the just compensation was derived from two appraisals. Based on the representations of cost and

valuation, the Redevelopment Commission feels this is the appropriate value. The requirement is that the Redevelopment Commission must adopt it, and the city council must adopt it, in order to access the CBGB money if they decide to go forward with this.

REVIEW OF APRIL 12, 2011 REGULAR AGENDA ITEMS

Mr. Dadson said city council would add to its agenda a commendation of Carlotta Ungaro, the reappointments of judges and the city attorney, and a change to the date of a street closure for an event.

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion of Contractual Matters and Personnel. The motion was approved unanimously.

Councilwoman Beer, seconded by Councilman Sutton, made a motion to come out of Executive Session and resume the regular session. The motion was approved unanimously.

There being no further business, the meeting was adjourned at 7:05 p.m.

A regular meeting of the Beaufort City Council was held on April 12, 2011 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike Sutton, Mike McFee, and City Manager Scott Dadson. Councilman Gary Fordham was absent.

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

The Mayor called the meeting to order at 7:13 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Councilwoman Beer, and the Pledge of Allegiance was led by the mayor.

Councilman McFee amended the agenda to include a change in the date of the Point Association's event to May 7; commendation of Carlotta Ungaro; and reappointment of the city attorney and judges.

PROCLAMATION PROCLAIMING APRIL AS SEXUAL ASSAULT AWARENESS MONTH

Councilwoman Beer, second by Councilman McFee, made a motion to approve the proclamation. The motion was approved unanimously. Councilwoman Beer read the proclamation and Mayor Keyserling presented it.

PROCLAMATION PROCLAIMING APRIL AS FAIR HOUSING MONTH

Councilwoman Beer, second by Councilman McFee, made a motion to approve the proclamation. The motion was approved unanimously.

COMMENDATION OF CARLOTTA UNGARO

Councilwoman Beer, second by Councilman McFee, made a motion to approve the proclamation. The motion was approved unanimously. Councilwoman Beer read the proclamation.

PUBLIC COMMENT

Maxine Lutz, 811 North Street, spoke as a representative of the Old Commons neighborhood. The recent shooting on Washington Street caused residents to raise the issue of empty residential lots being used as parking lots: "These are areas for crime to happen," she said. Abandoned lots are converted into parking lots by Carteret Street businesses; using them this way "creates decay." It also creates lower property values. Unenforced ordinances create inequities for the residents there.

There also appears to be an unenforced ordinance relating to landscape screening for the lots at the Baptist Church of Beaufort and St. Helena Church. St. Helena parishioners required payment for parking in their "lot" during Water Festival, she said, but they prohibit its use by

others by putting up chains and posts; the ordinance prohibits these anywhere, but especially in the historic district. Ms. Lutz requested that council rectify these instances of unenforced ordinances.

Peter White, Suthern Rose Buggy Tours, said he is frustrated by the ongoing bus permit/bus problem. He said his concerns had “nothing to do with the TMAC meeting” to be held the following day. He offered council an “update” since the permit revoked from Sandlapper Tours was reinstated on March 22. On March 20, the bus did a 2-person tour and then was taken home. It has not been used since and is sitting parked. On the past Saturday, Mr. White was in the buggy kiosk and saw a family of 5 request a bus. The family was told they had to call Spirit of Old Beaufort, but that bus was not available, so the family was turned away. Today, they were “bombarded” with requests for bus tours because of rain. Twenty people were sent to buy tickets for Spirit of Old Beaufort tours, he said. Walter Gay was seen but did not give any tours on his bus. Mr. White repeated that he is very frustrated as “the violation of the new ordinance continues,” he said.

MINUTES

The minutes of the work session and regular meeting on March 8, 2011 were presented to council for review. **On motion by Councilwoman Beer, second by Councilman Sutton, council voted unanimously to approve the minutes as written.**

The minutes of the work session on March 15, 2011 were presented to council for review. **On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as written.**

ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BLADEN AND PRINCE STREETS FROM OFFICE COMMERCIAL DISTRICT TO BLADEN STREET REDEVELOPMENT DISTRICT

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the ordinance on second reading. Libby Anderson showed a graphic of the location. The properties are being zoned in phases as the property owners are met with. The owner of this property is very interested in being brought into this new zoning designation. The parcel is undeveloped. **The motion passed unanimously.**

ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 1004 DUKE STREET, FROM GENERAL RESIDENTIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Councilwoman Beer, second by Councilman McFee, made a motion to approve the rezoning on first reading. Ms. Anderson said this is a lot off the intersection of Duke and Charles and is adjacent to a Neighborhood Commercial District zoning. The Planning Commission recommended approval, and council has had a public hearing on the matter on March 2, 2011. **The motion passed unanimously.**

AMENDMENT REVISING SECTIONS 5.1 AND 5.3D OF THE UDO TO ALLOW ENTERTAINMENT USES SUCH AS COMMUNITY CLUBHOUSES IN RESIDENTIAL ZONING DISTRICTS

Councilman McFee, second by Councilwoman Beer, made a motion to approve the amendment on first reading. The Planning Commission recommended approval in February, and the public hearing was in January, Ms. Anderson said. Planned neighborhoods have such uses in their zoning regulations as a PUD. This amendment provides the opportunity for pools, clubhouses, etc. to happen in other neighborhoods as conditional uses in residential zoning districts; the certain uses must be owned, operated, and managed by the POA or neighborhood association. Mayor Keyserling said this is essentially for new neighborhoods. Ms. Anderson said, yes, it most likely to happen in newer neighborhoods. **The motion passed unanimously.**

RESOLUTION AFFIRMING THE MISSION OF THE REDEVELOPMENT COMMISSION

Councilwoman Beer, second by Councilman McFee, made a motion to approve the resolution. Mr. Dadson said the resolution would reaffirm actions council has taken to date. They gave charters and directives to the Planning Commission and the Redevelopment Commission in two retreats and in the comp plan. He said this resolution will reaffirm the Redevelopment Commission's mission to carry out the comp plan; the commission's Work Plan is its directive, though the commission's role and action can be expanded as necessary; the entire political and geographic area of the city is considered to be a redevelopment area; and the commission is free to coordinate with other jurisdictions when working in the interests of the city of Beaufort.

Councilman McFee said as the seated member of the Redevelopment Commission, these are the action plans the Redevelopment Commission has always operated under. This is a reaffirmation of the Redevelopment Commission as the directing force for the council in moving forward with the comp plan. **The motion passed unanimously.**

RESOLUTION ESTABLISHING JUST COMPENSATION FOR BLADEN STREET STREETScape PHASE II

Councilwoman Beer, second by Councilman McFee, made a motion to approve the resolution. Mayor Keyserling said the Boundary Street Plan requires easements, and to qualify for federal funds, this is a step that must be taken. **The motion passed unanimously.**

REQUEST FOR STREET CLOSURE FROM THE POINT NEIGHBORHOOD ASSOCIATION

Councilman McFee, second by Councilwoman Beer, made a motion to approve the street closure for the May 7, 2011 event from 12 pm – 2 pm. The motion passed unanimously.

PUBLIC ASSEMBLY REQUEST FROM RIVERVIEW BAPTIST CHURCH TO HOST ANNUAL NATIONAL DAY OF PRAYER

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the request for the May 5, 2011 event. The motion passed unanimously.

APPOINTMENTS

Councilwoman Beer made a motion, second by Councilman Sutton, to reappoint Judge Ned Tupper, and Associate Judge Mary Sharp. The motion passed unanimously.

Councilwoman Beer made a motion, second by Councilman McFee, to reappoint city attorney Bill Harvey. The motion passed unanimously.

MAYOR’S REPORT

Mayor Keyserling said he will be out of town in the coming week to attend a workshop.

REPORTS BY COUNCIL MEMBERS

Councilman McFee said the Redevelopment Commission had “reaffirmed the strategies of the Office of Civic Investment and the review of the Boundary Street Plan and subcommittee meetings.” He added that “there is very positive activity and a lot of stuff going on.”

Mayor Keyserling added that as issues come up and council gets calls about areas of concern, he suggests that they “be run past the city manager to make sure they have the assent of people who are working on it full-time to increase communication.”

ADJOURNMENT

There being no further business to come before city council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously, and the meeting was adjourned at 7:43 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

A work session of the Beaufort City Council was held on April 19, 2011 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Mike Sutton, Mike McFee, and City Manager Scott Dadson. Mayor Keyserling and Councilman Gary Fordham were absent.

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

Mayor Pro Tem Donnie Beer called the meeting to order at 5:00 p.m.

EXECUTIVE SESSION

On motion of Councilman McFee, seconded by Councilman Sutton, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for receipt of legal advice. The motion was approved unanimously.

Councilman Sutton, seconded by Councilman McFee, made a motion to come out of Executive Session and resume the regular session. The motion was approved unanimously and the meeting resumed at 5:18 pm.

Councilwoman Beer explained the work session process to the members of the public present.

DISCUSSION WITH RIVERVIEW BOARD REGARDING RESOLUTION IN SUPPORT OF DOWNTOWN LOCATION FOR CHARTER SCHOOL

Mr. Dadson reviewed the resolution and explained its action through the council thus far. Councilman Sutton said the absence of any school board members at the work session is “not so significant” because “this is about what we want to see in our city.” He discussed property taxes and how those apply to school funding. He said, “getting the money to do things is on the back of the business community.” He indicated a map of 4% and 6% properties. The 4% properties don’t support the school system in that they don’t pay a county tax bill. The number of those who support school operations throughout the county is exponentially greater than those who don’t. There needs to be an increase in the number of residents to support the businesses, which in turn will support the schools, he said.

Neighborhood schools are part of the comprehensive plan, Councilman Sutton said. Riverview Charter School has an 8-year program and is therefore “an incubator basis for a neighborhood.” Parents choose where to live based on the children they have in school, Councilman Sutton said. The *concept* of the school is what the city council is supporting in the resolution, not necessarily specifically Riverview Charter School itself.

Councilwoman Beer said a constituent had called her, upset because city council is considering this and her child goes to Beaufort Elementary. Councilwoman Beer told the caller that “this is not the only place in the world this school could go.” There’s “so much empty space and that

affects taxes,” she added. The caller said city council didn’t care about scattering the Beaufort Elementary students, but Councilwoman Beer said there are many empty seats in schools in Beaufort County, and there will have to be changes. Councilwoman Beer said the coordination among the Office of Civil Rights, the school board and Riverview Charter School might facilitate the ability for currently zoned Beaufort Elementary students to be given priority enrollment in Riverview Charter School. She reiterated that council is considering the Beaufort Elementary location as *one* of the best possibilities for Riverview Charter School.

Councilman Sutton said city council can do this resolution, but they need “the energy and support of the parents to facilitate the next step in the process.” He asked what council can do next beyond the resolution. The comprehensive plan and neighborhood-by-neighborhood studies position the city uniquely now, and getting Riverview Charter School to stay in the city limits is an important priority. If Beaufort Elementary had stayed an 8-year program, Councilman Sutton feels “it would be a more vibrant place today.” If Beaufort Elementary *became* an 8-year program, the base is not there, so most of the students would have to be bussed in. He called the area “an empty zone.”

Denise Jones said she has a 5-year-old enrolled at Beaufort Elementary. She has concerns similar to those that Councilwoman Beer’s constituent had expressed. She feels this is saying that her child “doesn’t deserve to go to school at Beaufort Elementary.” She is concerned with what’s best for her daughter *and* for the community. She hears that there may be an opportunity for some of the children at Beaufort Elementary to go to Riverview Charter School, but she believed that Riverview Charter School “only had so much room to grow.” She wondered if because her daughter lives in the Northwest Quadrant, she would be among those allowed to go to Riverview Charter School.

Councilman Sutton said he dreams that *all* the children in downtown Beaufort will go to the Beaufort Elementary location. He wants an 8-year program, in a neighborhood, that’s going to stay there. Ms. Jones asked how many spaces there would be for bringing children into the Riverview Charter School program. **Alison Thomas**, Riverview director, said the key word is “coordination.” The charter can be amended, and with the Office of Civil Rights’ support, they have lottery procedures and the agreements are revisited every year. There will be an opportunity to talk about going in and amending those things with the cooperation of the school board and the Office of Civil Rights.

Mr. Dadson said the children in the neighborhood around the school only represent a 1/3 of the capacity that can go in that school. Questioning his figures, **Jennifer Morillo**, school principal at Beaufort Elementary, said that she was “shocked and appalled” to hear that this resolution by the city was being considered. She said Beaufort Elementary has recently moved from below-average to average. They have 600-660 students. No one has asked her *her* plans for Beaufort Elementary. She is concerned that the city is not working with the students and parents already

in Beaufort Elementary on “reinvesting and reinforcing infrastructure,” which is what they say they want to do by locating Riverview at her school.

Councilman McFee said they have neighborhood action teams that have worked in every neighborhood in the city. The communications with the school board and the residents is the greater problem, he thinks. Ms. Morillo asked if any member of city council had visited Beaufort Elementary or Riverview Charter School. No one on city council had, nor, they agreed, do any have a vested interest in either school.

Ms. Morillo said she feels council is positioning the argument as “us against them,” that being the city vs. the school board. She said she had read about the resolution in the previous week’s newspaper and was not aware of the work session until a reporter called her to see if she’d be there. Councilman McFee said this is not about Beaufort Elementary specifically, and wherever Riverview Charter School moves, the city council resolution is that community schools are important. If they could adapt the location so that Riverview Charter School could be in the city, too, that would be excellent. He stated that there are weaknesses on both sides in terms of communication. Ms. Morillo said she “wants due diligence done for Beaufort Elementary.” She feels the existing school could be the community school city council is saying it wants.

Councilman Sutton asked if she can create an 8-year program as the principal and Ms. Morillo replied “absolutely.” Councilman Sutton said his concern is “a depleted neighborhood around that school,” and the city hasn’t focused on building the neighborhood, and neither has Beaufort Elementary. Councilman Sutton said in the Northwest Quadrant, he wants “a vibrant walking community” with students who can come into the school. Ms. Morillo said that Councilman Sutton had not approached her to collaborate with him in order to revive the dying neighborhood, but they seem to have come to Riverview Charter School and suggested that the city partner with them. She said the paper had said this idea was “city-led.”

Councilman Sutton said Riverview Charter School is “moving somewhere” because they’re at capacity and they came to the city. They had considered moving to Habersham. As a city council, they want school in the city. Councilman Sutton said Beaufort Elementary has grown, “but how?” He asked “who shares the school.” Ms. Morillo said there are 496 “community kids,” 120 AMES students, some of whom were originally zoned for her school, and 90 special needs students, most of whom were zoned for Beaufort Elementary. In addition, next year they’ll have a Montessori program with 40 students, many of whom will be zoned for Beaufort Elementary. She emphasized that these are “programs within a school, not schools within a school.” They are all Beaufort Elementary students, and she is their principal. The idea that they are schools within a school is inaccurate. Councilman Sutton said that cleared up a misperception for him. Councilman Sutton said he supports the concept of an 8-year program “or any program that will help us build our city in the downtown core.”

Robert White, chairman of Riverview Charter School, said “there’s no effort to push anyone out of Beaufort Elementary”; they are looking for a place to build their school, which is also a public school. They’re all part of the same school system, just with different charters. Finding a location in the city that’s affordable is a challenge, he said, and the help of city staff was needed to find ideas of where to go. They are passionate about what they want for their school and its students, as Ms. Morillo is about Beaufort Elementary, he said.

Councilman Sutton said the resolution does not say that Beaufort Elementary is THE site. There is “a whole docket of other sites.” Councilman Sutton personally prefers that site, where “there’s a great school now,” and if they can keep that going, they want that school at capacity with parents who want to have their kids in the city limits of Beaufort. There’s been no consideration of city-building in decisions about where schools are built. It’s been solely a financial decision. Ms. Morillo asked what the plan is for parents to move into the neighborhoods’ empty houses, if Riverview Charter School uses Beaufort Elementary for their school. Councilman Sutton said 40% of the lots in the neighborhood are currently without houses on them. She said she wants to know how moving Riverview into Beaufort Elementary would make the city “more vibrant.” Councilman Sutton said great schools will make parents want to live there. The hope is that they will buy, rent, or build in the area.

Ms. Morillo said 40% of the community that Beaufort Elementary is meant to serve is empty. By putting Riverview Charter School at Beaufort Elementary, the hope seems to be that people will move there. She said the city has said this proposal would cause reinvestment, and she doesn’t understand how that will happen. Councilman Sutton said it’s already starting. “The positive PR that goes with a school like Riverview Charter School helps us to build a city,” he said. The comprehensive plan and the neighborhood-by-neighborhood studies are all part of the city’s pro-active approach to determine what Beaufort is and how it can grow and what’s not working; one of those things that’s not working is the dead neighborhood around the school system.

Ms. Morillo said she wanted to know where the data is to support this idea. Councilman Sutton said he is using common sense and what he knows is wrong from his experience, which is that the vibrancy of the city is based on a school system where the parents want to be involved. When they do, they “invite the elected officials to events and engage the community.” They also “don’t stand for the poverty around the schools.” There has been no indication from the school board that they care about Beaufort, Councilman Sutton added, or what this community needs; he hasn’t seen that communication, only that they say repeatedly what the county school system needs.

Councilman Sutton said he believes that a vibrant community can support a school. Ms. Jones said the children in the “dead community” will have to be bussed out because the charter school will move in, and not everyone will be able to go to Riverview Charter School if it’s at Beaufort Elementary. Many people don’t want to live in the area because of the costs, she

added. Councilman Sutton said “the neighborhoods are blighted and there’s no silver bullet.” The land is there, there are services, and there’s a school there, but he sees no return on the investment. The city needs to be rebuilt.

Ms. Jones asked where the money would come from if Ms. Morillo were to run an 8-year school and where the money comes from for Riverview Charter School to run their “exciting school.” Councilman McFee and Councilman Sutton agreed that Beaufort Elementary should be supported, and, Councilman McFee said, “It should have been all along.”

Ms. Thomas said she doesn’t think this is a matter of “this school vs. that school.” They are a “school of choice,” so they’re separate from the others in the district as a charter school. The school board has effectively stated that they want Riverview Charter School downtown, but there are only limited opportunities downtown. She has no interest in “poaching.” Riverview Charter School wasn’t interested in Shell Point when it might have been closed because that’s “not their MO.” She said they bring a lot to the table and went on to detail some of the programs at Riverview Charter School such as a community food bank and the farm-to-table program. These programs are critical to the Riverview Charter School’s educational program, she said. Wherever they locate, they feel strongly that “it will make a strong positive impact on the community.”

Ms. Thomas said they are not going to *not* consider and discuss sensitive opportunities that could help everyone involved; if they find them, they shouldn’t turn away from them. Mr. White said in a perfect world, both schools should be revitalizing the community they’re in.

Ms. Morillo asked what happens to the students who are at Beaufort Elementary currently if Riverview Charter School moves there. Councilwoman Beer said if the neighborhoods continue to flounder, there may not be a Beaufort Elementary at all. With 5000 empty seats in schools throughout the county, the school board may decide to close Beaufort Elementary. There was a plan if Shell Point had closed, Ms. Morillo said. She understands that the city is only doing a resolution. Councilwoman Beer said that because of where the school is located, this is the PREFERRED location. That’s the city’s opinion, Councilwoman Beer said. Ms. Morillo asked what the long-range plan is for the students who are at Beaufort Elementary now. Councilwoman Beer said she doesn’t know what the school board has in mind. The Office of Civil Rights will dictate what can or can’t be done; they may not approve it.

Councilwoman Beer said the Mossy Oaks neighborhood is so large because of the schools there, and the city wants the same thing for the downtown area. She went on to explain the city’s perspective on bringing in residents and property owners to keep the city growing through reinvestment.

Ms. Morillo asked that the city work with the *existing* programs at Beaufort Elementary because she believes “that folks would reinvest based on what’s there now.” She’s surprised no

one has ever considered working with Beaufort Elementary on this effort. Ms. Morillo said she believes in choice schools and choice programs. She said she's "opening the door to collaboration" with the city. She is growing and making Beaufort Elementary the vibrant place the city is saying they want a community school to be. She and the stakeholders in the building have a long-range plan and they'd be glad to share it. Councilman Sutton said learning these things is the reason for work sessions.

If they could have two schools with the same mission, and they "helped the city to wake up and grow itself, that would be great," Councilman Sutton feels. It would be great if *all* the Beaufort County schools were above average, he said. Ms. Morillo said it takes leadership, transparent communication, and a willingness to collaborate. Councilwoman Beer encouraged Ms. Morillo to encourage the parents to get involved. Ms. Morillo said her population of parents is diverse. 73% of her students are on free and reduced lunch; to see the parents of her students, city council would need to come to them. They won't be coming to city council. Councilwoman Beer said she hopes it works out to everyone's benefit. Councilman Sutton said he hopes the school board members who represent Ms. Morillo's district will help her to create an 8-year program there.

DISCUSSION OF THE REVIEW OF THE MARINA CONTRACT

Mr. Dadson said this is yearly conversation with **Rick Griffin**, harbor master, on how things are going with the marina lease and operation agreement. Staff has no specific comments, though they "should probably be more specific about wear and tear issues in the contract." Councilman Sutton said they had a contract and ideas about where they go, and he wanted to have regular conversations of this sort. Little has been done, other than putting up security gates, Councilman Sutton said, and Mr. Griffin agreed. Councilman Sutton asked Mr. Griffin to tell what has been done in terms of infrastructure since the renewal.

Mr. Griffin said they renovated the showers and laundry, put a new roof on the store, and made other repairs and maintenance that cost \$70,000 in 2009; the average spent on maintenance is in the \$30,000 - \$40,000 range, he said. Councilman Sutton said there was a long discussion about a day dock and that didn't happen for many reasons, but at the same time, it's Mr. Griffin's responsibility as part of the lease. There are no issues with it, Mr. Griffin said, that he is aware of. Councilman Sutton asked "the terms of anything to do with the day dock." Mr. Griffin said regulation has stepped up, and there's a new registration form for boats docked there. They're not all registered yet, but they have a good base now.

Mr. Dadson said the city paid for the cost of the gates' as a capital improvement. Councilman Sutton asked what the hold-up was on a mooring field program. There needs to be a physical feasibility study done, Mr. Griffin said. He said he has a permit request and got a partial bid, and it looks like \$10,000 for the permit. The high-end bid was \$5000 to run through the paperwork and forms; there are engineering drawings, charts, etc. that have to be done before a permit can be obtained. Mr. Griffin said he knew the city wanted a mooring field, and cash flow is what

is keeping it from happening. Mr. Griffin said his revenues and the number of boats docked at the Marina are way down. Councilman Sutton considered how much of that is caused by free mooring opportunities. Mr. Griffin said the reason for the mooring field is to control the boats docking at the Marina. Councilman Sutton asked how the city council can help him get a mooring field. Mr. Griffin said funding is all that is stopping one from happening. There is a possible grant opportunity, Mr. Griffin has heard, and he could use collaboration with the city on funding opportunities.

Councilman Sutton said transient boats are a problem, as are sunken boat issues, and local boaters would love a mooring field. Mr. Dadson said the operating costs are to be borne by the operator; Mr. Griffin has to have the ability to pay money back. There is a revenue stream in a mooring field, Councilman Sutton said, and Mr. Griffin agreed. He needs the city's help with finding funding for the permitting process. He said the general fund should be spent to capitalize projects. Mr. Dadson said capitalization "would be based on the pro forma Mr. Griffin would create, based on what he thinks he can get back from it." Mr. Dadson said if they have a mooring field, then boats that are not in it can be controlled. The city understood that with a mooring field, they have more control of the bridge-to-bridge area, Councilman Sutton said. There was some discussion of how the mooring fields would operate and the authority that comes with them.

Chief Matt Clancy said, "If you have a designated mooring field, you control that field." Councilman Sutton said they have many indications that they need a mooring field. The sunken boat and other nuisances also need to be taken care of. There was discussion of the sunken boat problems and how no one would take care of it, though it is "a stone's throw from the day dock." Enough sunken boats, etc., Councilman Sutton said, and at some point they lose control of the whole thing. Mr. Griffin said he feels supported by the police and council. The vigilance he has shown is the minimal level they expect from a harbor master, Councilman Sutton said.

Chief Clancy and Councilman Sutton discussed a problematic "day dock guy" who presents "a chronic issue," Chief Clancy said; the man doesn't respond to the citations he's been given, and it's not addressed as to where the police should go from there, when the usual remedies don't work. Councilman Sutton said that needs to be addressed, even if the man leaves, to make use of the enforcement opportunity. The mooring field is the first step, Councilman Sutton feels. With a court summons, it is up to the judge to do something. Chief Clancy didn't know the amount of the fine. Councilman Sutton said he'd like to be in court, if the man shows up, to see what the judge does. Mr. Dadson said council can change the rules on the day dock, and staff can investigate what the rules are and more clearly define them. Chief Clancy said it's clear that they aren't supposed to be there on the day dock, and Mr. Griffin agreed. Councilman McFee said they "need to create time restrictions with more bite." Mr. Dadson said staff can look at the rules and come up with ideas for better tools for the police, for Mr. Griffin, and for council to consider. Chief Clancy said when a summons is left for someone, it's not warrantable. If it's

handed to someone, and they don't show up in court, it's warrantable. Councilman Sutton said "that's the teeth in the rules."

Mr. Griffin said he's not seeing any economic improvement and went on to cite some examples. Councilman Sutton said an audit process is part of the contract. Mr. Dadson said Mr. Griffin has always turned over paperwork when the city has asked for it. Councilman Sutton said all city business needs to have audits done. Mr. Dadson said staff can look at the permitting paperwork for the mooring field "and see whether it's worth doing." There was further discussion of particulars of the mooring field and how it would be accomplished. Councilman Sutton said he wants "to start the process."

Councilman McFee asked if there's to be a capital reserve account from the lease payments. Mr. Griffin said the money goes to the general fund. Councilman McFee said they should have a reserve fund so it doesn't all go into the general fund. Mr. Dadson said as a practical matter, there isn't revenue coming in to pay for capitalization.

Mr. Griffin described the boating infrastructure grant and its purpose. He or the city would pay the match. US Fish and Wildlife gives millions to the state each year for programs like this one, Mr. Griffin said. Federal money is distributed to the states, but it hasn't been available because, Mr. Griffin said, they can't apply until the entity in DNR managing it in the state applies for the money, which he doesn't want to do.

Mr. Griffin has concerns about the condition of the main dock, built in 1994 with an expansion in 1995. It's "the economy model," he said. The decking was set down in sections to save money, and the nails are almost all out. They have screwed down every board. They're turning the boards over for appearances' sake. "Tired docks" and 280 v electricity are the main complaints he gets. The bolts that hold the pontoons to the wood are all rusted and it's not feasible to replace them. The dock, he said, is nearing the end of its lifespan, probably sooner rather than later and especially if there's a big storm. Councilman Sutton said that's capitalization and that has to be budgeted for. Mr. Griffin said when there's been a bad storm, insurance replaces what's damaged. Councilman McFee said if they do what Mr. Griffin thinks are the most necessary improvements, he needs to tell the city how they can be phased to be able to do them.

Councilman McFee said that Mr. Griffin is to have "a comprehensive marketing plan," and he has to generate activity with marketing in the down economy. He thinks it would be appropriate to maximize on the marketing "so people know we're here." There may be shared opportunities with the Chamber, for example, for marketing.

DISCUSSION REGARDING FY 2011 BUDGET AMENDMENT FOR THE PURCHASE OF POLICE VEHICLES

Mr. Dadson asked if city council found this self-explanatory. It's upgrading and putting the city in a better fiscal position with current dollars, he said. Mr. Dadson said they're "moving money around." The overall number of old Crown Victorias in the fleet has been reduced, Chief Clancy said. Mr. Dadson said city council has charged staff with finding assets to sell; this gets them back in line with the scheduled replacement of capital.

Councilman McFee asked about the end-budgeted carriage tour revenues. **Shirley Hughes** said there was discussion of Lanier taking over the carriage tours; it's "unrealized revenue," and therefore the adjustment. The insurance reimbursement was for "the 2 totaled vehicles." Ms. Hughes said the police department had appropriations in the budget, there is some left over, and they are using other vehicle sales, insurance reimbursement, etc.

Of the vehicles parked on Palmetto Street, Chief Clancy said the officers who will be driving them are in training. Mr. Dadson said this was a responsible way to view their resources. There was further explanation and discussion of the two pick-up trucks in inventory. Mr. Dadson said this was city council's direction – to view capital in this way – and staff supports it.

DISCUSSION OF THE BEAUFORT COUNTY EMS / FIRE CRA STUDY

Chief Sammy Negron described how the group was put together. The fire chiefs met with William Winn and each department let them know their concerns and expectations with their study. For the Beaufort and Town of Port Royal fire departments, many of these came from the ICMA study.

According to Chief Negron and his power point presentation, these were the "items of interest" from the study:

- **Call processing:**
 - Times need improvement - CRA said 2 dispatchers could work on it at the same time and can immediately initiate response.
 - CAD data entry results in inaccurate recorded times –human error
 - The lack of a quality assurance program in the dispatch center – Chief Negron said someone needs to be looking over the dispatchers' shoulders to ensure they're accurate.
 - Additional personnel are needed in the dispatch center – Mr. Winn said they are being trained. There are too few allocated.

- **First responder program:** through all the districts, there are differences and inconsistencies among the fire department, EMS, or in combination. Chief Negron described 9 issues:
 - EMS certification is not consistent among fire departments
 - All fire departments should follow the same protocols
 - Assign Advance Life Support (ALS) fire service personnel to staff reserve ambulances "mainly in Bluffton"

- Call prioritization for first responders
- EMS should provide first responder training
- Training beyond first responder is optional for all fire departments
- One medical direction for fire and EMS
- Fire service should not transport but should respond to medical calls, according to CRA. Councilman Sutton asked why they would say this. Chief Negron said he was disappointed by the report because it failed to address the costs associated and the fact that because they respond to medical calls, there's no urgency on the part of Beaufort County to provide the same level of service Beaufort can provide.
- EMS service is supplemented by fire service.

Councilman Sutton asked if the county did a press release on the CRA report. Chief Negron said yes. Mr. Dadson said the city was asked to participate in the selection of the group. Chief Negron said the report says there's no national standard for the EMS to go by, so it's acceptable to have an 8 minute response time for EMS. Chief Negron said "for us, that's unacceptable," because they have a 5 minute standard (or less). Councilman Sutton asked hypothetically what the impact would be if city council were to tell them not to do any more medical responses; would the county be able to make up for that? Chief Negron said his people can provide a level of service that can be life-saving, and they have a moral duty to continue serving. Mr. Dadson said they don't have a *legal* duty, though. What's being asked is what the county would do if they didn't respond, Mr. Dadson said. The county can cover the city of Beaufort and Town of Port Royal without the municipalities' departments, Chief Negron said, within the 8 minute response time. Councilman Sutton said the taxpayer is paying for EMS twice, to get the difference between a 5-minute and an 8-minute response time.

- Issues not addressed by CRA:
 - Cost of providing emergency medical response by the fire departments not addressed in the study.
 - No additional EMS or quick response vehicle units recommended for Beaufort or the Town of Port Royal
 - Service delivery based on the joint municipal agreement between the city, Town of Port Royal, and Beaufort County.

Councilman Sutton suggested considering the costs and sending the bill to Beaufort County.

- Our recommendations
 - Continue providing first responder service pending implementation of recommendations by CRA
 - Respond only to high priority medical calls
 - Consider billing for first response EMS service – Chief Negron asked to whom they would send a bill. CRA recommended that Beaufort County EMS not bill if

the patient is helped with oxygen, etc., but isn't transported. Mr. Dadson said the county bills insurance and the city cannot.

- Maximize use of new quick response vehicles for all first responder medical calls
- Ensure minimum staffing levels to allow use of the new QRVs at all times or at least during peak times
- Continue to pursue assignment of a Beaufort County EMS QRV to the Town of Port Royal. Chief Negrón feels they shouldn't give up on it just because the report didn't recommend it.

- Consider in the future if the need arises to staff Beaufort County EMS reserve ambulances in Beaufort / Town of Port Royal stations with fire/medics operating under the Beaufort county license.
- Persuade Beaufort County EMS to initiate a fire/medic program and the Beaufort county paramedics would be assigned to city/town fire stations. This doesn't solve the transport problem, Councilman Sutton said, and the county still isn't providing the level of service the citizens deserve.

Mr. Dadson asked if there weren't private transportation providers; the hospital is owned by the county. He asked if doing transport wasn't in their best interest. Chief Negrón agreed that "that's their money maker." Councilman Sutton said "there's no paradigm shift going on." Mr. Dadson said if the issue is transport, the hospital or private transportation would want to figure out how to do proper transport. Chief Negrón said this wasn't examined at all in the CRA study. He felt the study was protective of the way Beaufort County EMS is doing business.

Discussion continued about "how to figure out the commonalities of the money issue between the two," as Mr. Dadson put it. Chief Negrón said the study recommended having one fire chief and one county fire department with EMS but geographically, it can't be done. Mr. Dadson said the political practicality is "nil." Councilman Sutton asked hypothetically what the savings would be to the taxpayer if the city got out of the EMS business. He reiterated his stance that the taxpayers are being double-charged. Redistribution per capita would be the most practical way to do this, Mr. Dadson said.

Chief Negrón said bottom line, they will continue to respond and in a more efficient manner. He also thinks they should continue to hold the county accountable for what the city and town are doing for them in getting there first. They have relied on the city responding first for years, he said.

DISCUSSION REGARDING THE PROPOSED RESIDENTIAL RENTAL INSPECTION PROGRAM

Libby Anderson said this proposal addresses long-term rental of residential properties. This issue has arisen because of the discussion of short-term rentals. Staff is developing an inspection program for rental units; about 50% of the units will likely turn out to be rental, Ms.

Anderson said. They have analyzed code issues, and city council received a handout about these. Many of the violations are in rental properties. Addressing the code violations would increase the quality of rental housing.

This would occur in the time between tenants, as one is moving out and another is moving in. A checklist was provided in the city council's packet. They suggest going citywide and England Enterprises would inspect for \$100 to be charged to owners, and then \$50 for a re-inspection if it were necessary. This would be part of the city code, Ms. Anderson said. Staff would work with the county to get the 6% property owners' list.

A drawback of this is that the rental owners should be paying for a business license; this will start "catching" them if they don't have one, which means more revenue, but there may also be some push-back from those who didn't know they needed a business license. Councilwoman Beer said they could give everyone a grace period to comply. Councilman McFee said the inspection program shouldn't be the way to discover that people aren't paying for their business license, and the additional fee "may be onerous" for the owners.

The business license in the first year would be \$77, Ms. Anderson said. Councilman McFee said they "can't set down a standard"; if the city inspects the unit and something happens, he wondered if the city is liable. Ms. Anderson said they can verify that at the date of the inspection it was one way: a snapshot of how it was when inspected. Councilman McFee said an inspection won't reduce the number of cooking fires.

This is an idea, Ms. Anderson said. Staff can explore further with neighborhood associations. Or if it's too much government intervention, that's fine, too. There's been a lot of discussion of rentals lately and this seemed like a good idea. This brings up the quality of the rental unit, Councilwoman Beer said. Councilman Sutton said the inspection process would be "obviously positive," but he's not comfortable with a company doing it for a fee. 40-50% of the homes in Beaufort are rentals. Like Councilman McFee, he said, the business license component concerns him; he's unclear about how one drives the other and a private company doing the enforcement is problematic. He doesn't feel it's right "to go after an annual fee." No one in Codes can know when one tenant leaves and a new one starts, Councilman Sutton added. Councilwoman Beer said they could make it a yearly inspection. Councilman Sutton said maybe if it were tied into the annual business license renewal it could work. If half the properties are rentals, they "need some eyes on the houses," Councilman Sutton said. Mr. Dadson and Ms. Anderson said city council can decide if they want staff to look at this further or not.

Ms. Anderson said commercial rentals do not have an annual inspection, just the initial smoke and fire alarm inspection. Councilman McFee said he knows there are issues in this area, as a real estate professional. He thinks they can get good feedback from the neighborhood associations. Councilman McFee feels the business licenses are more important than inspections. "There's some subjectivity to all of this," he said. Councilman Sutton agreed that

inspection has to be tied to the business licenses and therefore annual. Councilman Sutton said “it would need to be city-wide, or it’s not going to happen.” Mr. Dadson recommended city council ask their constituents if they think there’s a problem. Councilman McFee said he talked to 2 property management companies, and they do a better job of inspecting their properties when renters leave than the city would. He said others he knows would fail miserably, though, in an inspection.

Mr. Dadson said business licensing, codes, and zoning are interconnected, which is why they’re all housed together in City Hall. He would like “more integration for the customer and for the city.” Ms. Anderson said people are beginning to understand that Beaufort is a rental community; they may not know the extent of it, but they know it’s out there. A discussion ensued about abandoned properties that have been defaulted on. Mr. Dadson said it needs to get in the code enforcement “hopper” so that something will happen.

DISCUSSION REGARDING COUNTY PARTICIPATION IN FUNDING TRANSPORTATION MODEL

Ms. Anderson said the county is asking local governments for \$2000 each to fund a regional transportation model. This has been discussed since 2008 and will use the current census data. This is just one tool, Ms. Anderson said and will help them make the decisions that need to be made. Staff recommends doing it, Mr. Dadson said. Ms. Anderson said this gives the city “a seat at the table.”

There being no further business, the meeting was adjourned at 9:01 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

CITY OF BEAUFORT
DEPARTMENT REQUEST FOR
CITY COUNCIL AGENDA ITEM

*** (Deadline for Submission - Wednesday Noon
Prior to Tuesday's Meeting) ***

TO: City Council

DATE: April 22, 2011

FROM: City Manager

AGENDA ITEM TITLE: Ordinance Rezoning a Parcel of Property Located at 1004 Duke Street, from General Residential District to Neighborhood Commercial District – 2nd Reading

MEETING DATE: April 26, 2011

BACKGROUND INFORMATION: (Attach additional pages if necessary)

1st Reading Held on April 12, 2011

APPROVAL BY CITY MANAGER: () **APPROVED** () **NOT APPROVED**

CITY ATTORNEY APPROVAL REQUIRED () **YES** () **NO**

PLACED ON AGENDA FOR:

REMARKS:

Council action:

2nd Reading and Approval

CITY OF BEAUFORT
DEPARTMENT REQUEST FOR
CITY COUNCIL AGENDA ITEM

*** (Deadline for Submission - Wednesday Noon
Prior to Tuesday's Meeting) ***

TO: City Council

DATE: April 22, 2011

FROM: City Manager

AGENDA ITEM TITLE: Amendment Revising Sections 5.1 and 5.3D of the UDO to Allow Entertainment Uses Such as Community Clubhouses in Residential Zoning Districts – 2nd Reading

MEETING DATE: April 26, 2011

BACKGROUND INFORMATION: (Attach additional pages if necessary)

1st Reading Held on April 12, 2011

APPROVAL BY CITY MANAGER: **APPROVED** **NOT APPROVED**

CITY ATTORNEY APPROVAL REQUIRED **YES** **NO**

PLACED ON AGENDA FOR:

REMARKS:

Council action:

2nd Reading and Approval

ORDINANCE

AMENDING SECTION 5.1, "USE TABLES," AND SECTION 5.3.D, "USE STANDARDS, COMMERCIAL USES," OF THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE TO ALLOW ENTERTAINMENT USES SUCH AS COMMUNITY CLUBHOUSES AND POOLS IN RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Unified Development Ordinance currently does not permit Entertainment uses such as pools and community clubhouses in residential zoning districts; and

WHEREAS, community facilities such as pools, tennis courts, and community clubhouses are often included as amenities in planned communities; and

WHEREAS, the City wants to encourage developers of planned communities to utilize the standard zoning districts in the Unified Development Ordinance rather than to utilize the Planned Unit Development option; and

WHEREAS, there is at least one planned community that has been developed under the standard zoning districts that includes community facilities such as a pool and a clubhouse; and

WHEREAS, staff has prepared an amendment to the Unified Development Ordinance that allows community facilities such as pools and clubhouses as conditional uses in residential zoning districts; and

WHEREAS, this amendment has been presented to the Beaufort--Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on January 11, 2011, with notice of the hearing published in *The Beaufort Gazette* on December 20, 2010;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Unified Development Ordinance of the City of Beaufort, South Carolina* be amended as follows:

1. Delete the current Use Tables in Section 5.1 "Use Tables" and replace them with new Use Tables to read as shown on the attached sheets.
2. Revise Section 5.3.D "Specific Use Standards, Commercial Uses," by adding a new paragraph 9, "Entertainment," to read as follows, and renumbering the existing paragraphs as appropriate:

9. Entertainment

Indoor and Outdoor Entertainment are permitted subject to the following standards:

- a. The use is owned and managed by the neighborhood association or property owners' association in which the use is located.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

CITY OF BEAUFORT
DEPARTMENT REQUEST FOR
CITY COUNCIL AGENDA ITEM

*** (Deadline for Submission - Wednesday Noon
Prior to Tuesday's Meeting) ***

TO: City Council

DATE: April 11, 2011

FROM: City Manager

AGENDA ITEM TITLE: Amend the FY2011 to fund the purchase of Police vehicles

MEETING DATE: April 26, 2011

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

This action amends the budget for the purchase of additional police vehicles as outlined in the attached materials.

APPROVAL BY CITY MANAGER: **APPROVED** **NOT APPROVED**

CITY ATTORNEY APPROVAL REQUIRED **YES** **NO**

PLACED ON AGENDA FOR:

REMARKS:

Council action:

Approve first reading to amend the FY2011 budget and schedule second reading for May 10, 2011

DESCRIPTION	FY 2009	FY 2010	FY 2010	FY 2011
	ACTUAL	FINAL BUDGET	As of 4/22/2010	AMEND #3
GENERAL FUND				
REVENUES				
Taxes	7,064,626	6,923,699	5,352,614	7,313,704
Licenses & Permits	3,706,174	2,747,655	1,965,168	3,234,662
Intergovernmental Services	1,284,519	1,138,960	963,766	1,298,040
Charges for Services	1,392,164	1,375,283	577,803	1,039,919
Fines & Forfeitures	341,328	311,450	279,104	280,100
Miscellaneous	401,560	1,842,263	107,626	142,022
Total Operating Revenues	\$ 14,190,371	\$ 14,339,310	\$ 9,246,082	\$ 13,308,447
Appropriated Fund Balance/Transfers	-	-	-	713,635
GO Bond Debt Service Tax Revenue	-	1,158,290	919,795	1,159,376
Total Operating & Debt Revenues	14,190,371	15,497,600	10,165,877	15,181,458
EXPENDITURES				
Non-Departmental	282,718	734,809	518,721	710,810
City Council	139,887	156,855	121,928	171,818
City Manager	678,988	604,103	449,308	617,700
Finance	562,580	509,530	351,017	475,980
Information Technology	239,583	302,126	223,782	353,131
Court & Legal	516,994	469,394	273,142	384,698
Planning	958,657	541,942	366,981	516,296
Police	3,871,421	3,741,871	2,717,195	3,780,527
SRO Officers	181,700	206,310	163,604	216,662
School Crossing Guards	36,077	47,354	25,316	36,900
Victims Rights	57,592	61,599	44,285	59,281
Fire	2,036,691	1,963,394	1,654,230	2,591,726
Port Royal Fire	575,303	650,422	463,305	709,110
Public Works Administration	175,106	338,750	256,982	339,828
Streets	679,762	601,645	575,297	514,532
Parks	1,140,710	731,338	550,276	545,737
Traffic Control Maintenance	133,700	142,302	91,309	148,322
Vehicle Maintenance	62,890	121,153	86,499	67,277
Stormwater	314,053	945,068	582,619	525,897
Solid Waste	907,246	939,548	469,172	788,184
Debt Service	851,632	529,797	0	467,666
Total Operating Expenditures	\$ 14,403,290	\$ 14,339,310	\$ 9,984,968	\$ 14,022,081
GO Bond Debt Service	-	1,158,290	1,158,290	1,159,376
Total Operating & Debt Expenditures	14,403,290	15,497,600	11,143,258	15,181,458

Memorandum

To: Scott Dadson
From: Shirley Hughes
Date: 4/15/2011
Re: Purchase of Additional Police Vehicles

You are in receipt of the memo from the Police Department requesting to purchase additional vehicles using Insurance Reimbursement proceeds, available capital funds, trade-ins of 7 vehicles, and unbudgeted carriage tour revenues. Through this process, the department will reduce its fleet from 54 to 49 vehicles. In addition, it will be using vehicles that are more fuel efficient.

Butler has the state contract for Dodge 2010 vehicles.

The amount needed after trade-ins and use of Insurance from totaled vehicles and other available budgeted amounts = \$59,875 plus tax.

We did not budget for Carriage Fees of \$53,462. There are also funds in MISC revenue that were not budgeted that could be used to make up the difference. We can reduce the amount needed if we considered transferring the second City Hall pick-up to Police (savings = \$19,500).

Total for new	\$112,684
Transfer Truck	-19,500
Trade In value	-22,000
Sales Tax	<u>+4,983</u>
Total due	76,167
Current budget-capital	-7,000
Insurance Reimbursement	-15,705
Carriage Fees	<u>-53,462</u>
	-0-

I have also looked at areas in the budget that may be overspent – example: Burton Fire, City Council contract services, Finance audit and tuition assistance as well as Fire for items for new truck, Stormwater, Streets and Traffic equals approximately \$305,000.

We did not budget for State Revenue Sharing (\$227,340 – should have one more payment this FY), Misc revenue, Other Insurance Reimbursement, approximately \$312,000.

This proposal makes sense in that it updates some vehicles, reduces the number of vehicles overall and provides vehicles that get better gas mileage and it will reduce maintenance costs.

If we choose not to go forward – we are short on useable vehicles, maintenance costs continue to escalate and we have unusable vehicles taking up space around the complex.

My recommendation is to accept the proposal – transfer the spare City Hall Truck to Police and go forward.

RESOLUTION

WHEREAS, Chief Financial Officer/Assistant City Manager, Shirley D. Hughes is resigning from the City of Beaufort effective May 13, 2011; and

WHEREAS, two signatures are required on checks written on all accounts of the City; and

WHEREAS, until a new Chief Financial Officer and/or Assistant City Manager is hired or designated , City Council appoints Finance Director, Mack Cook to co-sign checks along with City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Beaufort, South Carolina, does hereby, and in due form, authorize Finance Director, Mack Cook to co-sign on all City of Beaufort account effective May 13, 2011.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 26th day of April 2011.

BILLY KEYSERLING, MAYOR

ATTEST:

IVETTE BURGESS, CITY CLERK

CITY OF BEAUFORT, SOUTH CAROLINA
APPLICATION FOR PARADE OR PUBLIC ASSEMBLY PERMIT
to be filed NOT LESS than ten days before event
P. O. Drawer 1167, Beaufort, S.C. 29901
Phone (843) 525-7070

Name of Applicant: ABRAHAM SIMON
Address: 911 Craven Street Beaufort Phone # 524-0376
Name of Sponsoring Organization: Tabernacle Baptist Church
Address: 911 Craven Street - P.O. Box 1564 - Beaufort, S.C. 29901
Date of Parade/Public Assembly: May 28, 2011
Route Proposed (Giving Starting & Termination Points): See attached

Approximate Number of Persons, Animals & Vehicles Constituting Parade:

100

Time Parade Will Begin : 8:00 Am Parade will Terminate: 10:00 Am

Parade Will Occupy All of the Width of the Streets to be Traversed NO

Parade Will Occupy Only a Portion of the Width of the Streets to be Traversed Yes

Location of Assembly Area: Front of Tabernacle Baptist Church

Time Units Will Begin to Assemble: 7:00 Am

Interval of Space Between Units in Parade: N/A

Type of Public Assembly (including description of activities)

Run/Walk for Christ (Race)

Description of Recording Equipment, sound amplification equipment, banners, signs, or other devices to be used: Customized signs will be posted evening prior to indicate Run/Walk route

NOTE: IF THE PARADE IS DESIGNED TO BE HELD BY AND ON BEHALF OF OR FOR ANY PERSON OTHER THAN THE APPLICANT, THE APPLICANT FOR SUCH PERMIT SHALL FILE A LETTER FROM THAT PERSON WITH THE CITY MANAGER AUTHORIZING THE APPLICANT TO APPLY FOR THE PERMIT ON HIS BEHALF.

\$25.00 non-refundable application fee is payable when the application is submitted

Abraham Simon Jr.
Signature of Applicant

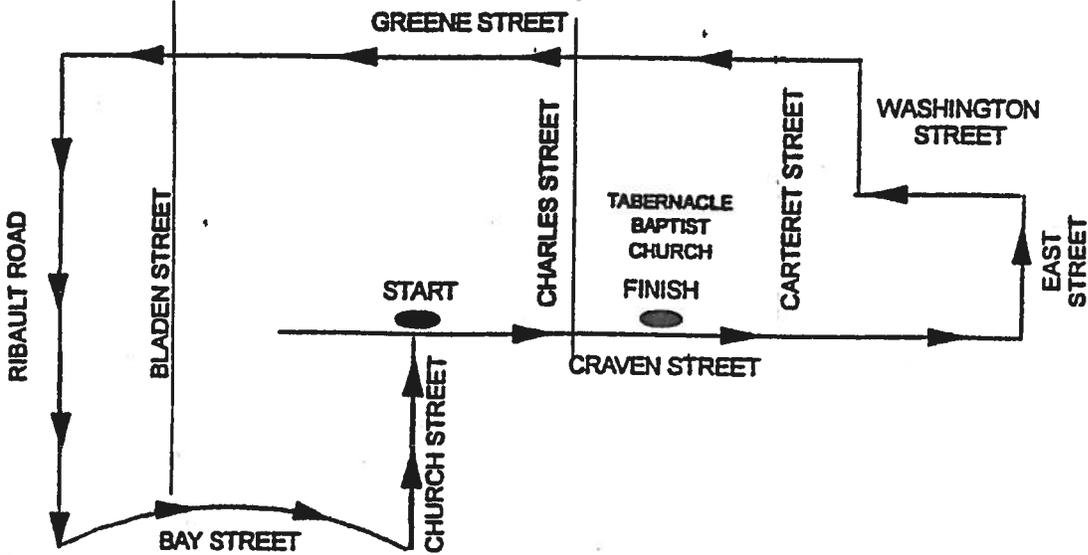
Application Received By: _____ Receipt # _____

Date Application Received: _____

Approved By: _____
City Manager

TABERNACLE BAPTIST CHURCH
3-MILE FUN RUN/WALK FOR CHRIST

RUN/WALK ROUTE



RESOLUTION

WHEREAS, the City of Beaufort (the “City”) and the Town of Port Royal (the “Town”) have shared Fire Department Services since 1994; and

WHEREAS, the City currently has Fire Station 2 that is located in the Mossy Oaks Neighborhood that has served the City and the Town of Port Royal for over 25 years ; and

WHEREAS, Fire Station 2, Mossy Oaks, serves as the “hub” station serving a majority of residents in both the City and Town in roof tops, calls for service, and is geographically central to both jurisdictions;

WHEREAS, moving forward, Fire Station 2 in the Mossy Oaks Neighborhood district is in need of structural upgrades to remain as a facility for firefighters and their equipment; and

WHEREAS, the call volume data and geographic centering of this station make for a better location for Central Headquarters that can serve both jurisdictions; and

WHEREAS, the City of Beaufort and the Town of Port Royal have proven success in working together; and

WHEREAS, the City of Beaufort and the Town of Port Royal will benefit equally if a new Fire Station facility is constructed; and

WHEREAS, the City of Beaufort and the Town of Port Royal will form a committee for the development of a new Joint Fire Station; and

WHEREAS, the committee shall explore all potential sites for a future joint headquarters station; and

WHEREAS, in conjunction with the Fire Chief the committee should produce a fire station prototype or a conceptual drawing detailing the size and associated cost for the project; and

WHEREAS, the committee shall explore all possible options for financing this project and shall set a desired time frame for the design and built for the new station; and

WHEREAS, the committee in conjunction with the Fire Chief shall recommend to each council a Performa for a “as built” design for this project; and

WHEREAS, the committee with the approval of both councils shall be responsible for selecting a firm with an “as built” design prototype that will fit the needs of the City of Beaufort and the Town of Port Royal Fire Departments’

RESOLVED, that the City of Beaufort and the Town of Port Royal will form a committee for the development of a new joint Fire Station that will serve both the City and the Town and bring forth their recommendations to both Councils within 30 days.

IN WTNES THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 26th day of April 2011.

BILLY KEYSERLING, CITY OF BEAUFORT MAYOR

SAMUEL MURRAY, TOWN OF PORT ROYAL MAYOR

ATTEST:

IVETTE BURGESS, CITY OF BEAUFORT CLERK



PO Box 83
Beaufort, South Carolina 29901
www.gullahfestival.net

March 30, 2011

The Honorable Mayor Billy Keyserling
Members of City Council
City of Beaufort
P.O. Drawer 1167
Beaufort, SC 29901

Dear Council Members:

The Gullah Festival of SC, Inc. is hereby making its annual request for use of the Waterfront Park facilities May 26-29, 2011 – Memorial Day weekend. Your assistance is requested in regard to the following items:

1. That the City approves our request to rent 178 parking meter spaces at the Waterfront Park from Thursday, May 26 through Sunday, May 29, 2011;
2. That the City waive all concessionaire fees and grant exclusive rights to the Gullah Festival on the dates indicated;
3. That food and other vendors who lease spaces from the city be located outside of the festival area from May 26 through May 29, 2011;
4. That the City waive all rental fees for the use of the Park and its facilities;
5. That the three (3) docking spaces along the sea wall near the bridge be reserved for excursion boats associated with the festival;
6. That the City grant exclusive use of all available spaces at the Waterfront Park to the Gullah Festival on the dates cited;
7. That the City change parking limits at the Waterfront Park and immediate vicinity (Scott, West Charles, Church, New Castle, Bay, Carteret, including the Bluff) to eight (8) hours and that all meter fees in the Waterfront parking lots be waived;
8. That an alternate parking space be designated for the Marina courtesy car during the period May 26-29, 2011;
9. That the boat ramp at the downtown Marina be closed;

10. That special signs giving pedestrians right of way be erected between Charles and Church Streets May 27-29, 2011;
11. That the City grant a variance to the noise code;
12. That the City grant permission for the Gullah Festival to erect temporary signs;
13. That the City assist with making arrangements for public parking and provide directional signs to those parking areas;
14. That the City waive a portion of the fees for police protection;
15. That the City loan various equipment used for City sponsored events, if needed;
16. That the City provide necessary fencing May 26-29, 2011;
17. That the City provide a City electrician on an on-call basis during regular working and non-working hours;
18. That any disputable changes which directly affect festival operations be discussed with the festival committee before the changes are implemented; and,
19. That if a suitable consensus cannot be reached between the Gullah Festival Committee and the Park Coordinator regarding the changes in question, the Festival Committee has the right to get the opinion of a third party for dissolution of the problem.

The Gullah Festival Committee will:

1. contract with the City electrician for after-hours service if needed;
2. contract with the City Police Department for police protection at all events.

Respectfully,



Charlotte P. Brown
President



Mary Dawson
Director, Arts & Entertainment

Charlotte P. Brown
President

Mary Dawson
Dir., Arts/Entertainment

Reba Pazant
Dir., Finance

Henry Robinson
Dir., Protocol

Roy Hicks
Dir., Logistics

Devry Pazant
Assistant, Finance



April 21, 2011

Mr. Scott Dadson
City Manager
City of Beaufort
1911 Boundary Street
Beaufort, SC 29902

RE: Request for **A Taste of Beaufort**, scheduled for Friday, May 6, 2011 and Saturday, May 7, 2011

Dear Mr. Dadson:

Main Street Beaufort, USA respectfully requests permission from the City Council of the City of Beaufort to waive noise ordinances during the 12th Annual A Taste of Beaufort May 6, 7 and 8, 2011 and allow event clean-up crews and garbage pick-up before 7:00 am during the festival.

Your approval will allow us to clean up the Henry C. Chambers Waterfront Park in a timely manner and return to the park to the City of Beaufort in good condition.

We've contracted with the Greenery, Women Marines and Navy MWR to handle set up, take down and clean up. They will be using leaf blowers and noisy equipment to complete their tasks. We also contracted with Waste Pro and requested they empty totters before 6:30 am on Saturday, May 7 and Sunday May 8, 2011.

We thank you and the City of Beaufort Council for your consideration and continued support of our organization.

Sincerely,

Androula Weiland
Events Manager