



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

CITY COUNCIL AGENDA
WORKSESSION AND REGULAR MEETING
MAY 22, 2012

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."

WORKSESESSION - PLANNING CONFERENCE ROOM, 1ST FLOOR

I. CALL TO ORDER

5:00 P.M.

Mayor Billy Keyserling

II. DISCUSSION ITEMS

- A. Presentation of FY 2013 Budget
 - a. Planning
 - b. Public Works
 - c. Fire
- B. The Point Neighborhood Association – Utility Petition

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/RECOGNITION

- I. Update on Rail to Trail

IV. PUBLIC COMMENT

Time Designated for Council to Receive Comment from the Public

V. PUBLIC HEARING

VI. MINUTES

Review of Worksession and Regular Meeting May 8, 2012

VII. OLD BUSINESS

VIII. NEW BUSINESS

- A. Ordinance Revising Battery Point Planned Unit Development (PUD) Ordinance Pertaining to the Freshwater Wetland Buffer – 1st Reading
- B. Award of Duke Street Streetscape Contract

IX. EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law

X. REPORTS

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

XI. ADJOURN

A work session meeting of the Beaufort City Council was held on May 8, 2012 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O'Kelley, Mike Sutton, and City Manager Scott Dadson.

Mike McFee was an excused absence.

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

CALL TO ORDER

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

BOARDS AND COMMISSIONS INTERVIEWS

David Lott made a presentation in regard to his reappointment to the BJWSA Board as the City representative. He offered a report on his time there and current issues with the board. He suggested that communication between the board and council could be improved. Councilman Sutton asked about "the balance absent new construction," and Mr. Lott said they would be fine, and the business model should work without relying on new construction.

Councilman Sutton asked, in regard to incentives, if the board had discussed lowering impact fees for redevelopment. Mr. Lott said they haven't yet but that they would the following day; the board knows it's an issue, but historically, it's felt that the present customer shouldn't have to pay for future development. He feels they need more education on the matter. Councilman Sutton said incentives for development need to be considered. Mr. Dadson asked **Josh Martin** if anything had been offered. Mr. Martin said a draft of a complete list of incentives is in the works but not in regard to what's under discussion.

Mayor Keyserling said the schools and the BJWSA have had more impact on bad planning than any county or city planning commission because they had "a push to sprawl." Within the growth boundaries, the city and county are together, and all plans are to the urban core, Mayor Keyserling said; a graduated fee could offer incentive to do the better thing environmentally and fiscally. Discussion continued on how to "sell" this idea. Councilman O'Kelley said the new director is strong and that can help. There was also a conversation about capacity fees.

DNR FUNDING - WATERFRONT ACCESS

Mayor Keyserling said **Isaiah Smalls** had found \$27,000 with a potential source that hadn't been used, making the total \$121,000. **Alan Dechovitz** said he had asked Mr. Dadson to "get professionals involved" to know the correct number. Mayor Keyserling said he'd asked DNR to set aside the money to help enhance water access to downtown, so nothing is committed to at this time. **Shannon Erickson** has said everyone is signed on except Sen. Pinckney.

Mayor Keyserling said in regard to day docks, there is a small group that's not on board with it. Mayor Keyserling has spoken with **Jon Verity**, Mr. Martin, and council; what's really needed, he feels, is a vision of what the waterfront could be, and the mooring field should be a part of it. The day dock should be a part of the long-term vision. Mayor Keyserling felt it got derailed last time because there was no distinction made between transient boats and locals' day tripper boats. Most skippers would prefer an organized mooring field, he feels.

Mr. Dechovitz said he disagreed. Someone with a large boat may want to be at a dock for electrical hook up, etc. It depends, he said, on how long they're going to stay. Mayor Keyserling said the group that proposed it in the past wasn't clear. If they're going to buy fuel, there's an opportunity to take the marina out another row for transients. In the past, people envisioned 60' boats coming and staying all day. The distinction about the day dock's purposes needs to be discussed. Councilman O'Kelley recalled that the majority wanted to build it, but the location was the issue.

Mr. Dechovitz said from a design standpoint, they would like something similar to what Savannah has. He recommended a similar policy: that the day dock would be for small boats, and they would get three hours without paying. They would have to sign in and leave in three hours or get a ticket. A fee can be paid for overnight docking in Savannah, based on the size of the boat. Mr. Dechovitz feels it should be kept as a day dock, though, and they would go to the marina or the mooring field if they wanted to stay overnight.

Councilman Sutton said the current day dock could be improved; Mr. Dechovitz said longer term, a developer who wants to develop the whole site will lead to a lot of other decisions in regard to the horses, the boat launch, etc. Mayor Keyserling, Mr. Dadson, and Councilman Sutton agreed that that's the easiest ramp in town to use.

Mr. Dechovitz said there will be a service vehicle for the mooring field to collect fees. Councilman Sutton said the harbormaster might be able to do that. Mr. Dadson said when the mooring field is established by permit, that will be part of the agreement with the harbormaster.

Mr. Dechovitz went on to discuss the most economical materials for building the dock. Mr. Dechovitz said there needs to be better advertising. Mayor Keyserling said the contract requires the operator to do significant marketing. Those who are on the waterway a lot, Mayor Keyserling has heard, say that this marina is "not very friendly on the radio."

Mayor Keyserling feels the problem is with marketing, not the facility. Councilman Sutton said if it's not being marketed, council should know about it. Mr. Dechovitz said they would have that conversation. Mayor Keyserling said it should be part of Mr. Dechovitz's exploration. Mr. Dechovitz said there are smaller, less appealing places that are packed every night. He feels Beaufort is situated to be very competitive. Many cities, Mr. Dechovitz said, are announcing improvements to their marinas and mooring fields, and Beaufort should take advantage of that.

Mayor Keyserling asked about the tour boats, and Mr. Dechovitz said merchants had been asked informally about whether the tour boats were of importance to them, and the result was that the tours weren't very important to them. Councilman O'Kelley agreed and said people might wander around and eat, but not buy art or do a lot of business with the merchants. Mayor Keyserling said he feels that Beaufort gives the tour boats a lot more than they give back to Beaufort. **Lanelle Fabian** said they add to the vibrancy of the city and the people on them take horse carriage rides. Some merchants make occasional sales to the boat tourists, but they eat all their meals on board the boat.

Mr. Dechovitz said there are enough low-dollar tourists coming to Beaufort already. If the appearance of the marina is upgraded and a day dock and a mooring field put in, they could bring in consumers who would bring in high-dollar sales. He feels that people with substantial income need to be driven here to put their money into the economy. Mayor Keyserling added that ideally they would buy a home here at some point.

ALLIANCE ECONOMIC DEVELOPMENT AND MARKETING

Mr. Dadson said the Redevelopment Commission was asked to meet and discuss this with Alliance members and others and will report on this "at some point." Mayor Keyserling said they need a marketing plan with or without an Alliance.

Mayor Keyserling said Jasper County had voted to postpone a decision. There are 3-4 other "private sector partners" who want to come on. He discussed other members on the board; he said he's tried to reach out to the others in Jasper County. Mayor Keyserling said he'd suggested to the mayors of municipalities – a list of which Mr. Dadson read – that they would be better off as part of the Alliance than not. The expectation is that there will be 4-8 at the table, Mayor Keyserling said, and they'll see what Jasper County does.

This year's and next year's funding will go to the Lowcountry Economic Alliance, regardless of who's at the table, the mayor said. He thinks they should get private sector people on the board and "get the politicians off of it." He's interviewed two people. Mayor Keyserling said Bluffton will decide tonight and Port Royal has made its decision. Everyone, including private sector partners, is "aligned," he said. Unlike the LEN model, the county will be required to come forward with the same amount of money as Beaufort does.

Mayor Keyserling said municipalities are not subdivisions of counties. There's been good work done over coffee, he said, and he thinks ultimately there should be a broader group to market the Commerce Park. He went on to discuss potential opportunities for a small injection molding business.

EXECUTIVE SESSION

On motion of Councilman O'Kelley, seconded by Councilwoman Beer, 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. The motion was approved unanimously.

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

There being no further business, the meeting adjourned at 7:00 p.m.

A regular meeting of the Beaufort City Council was held on May 8, 2012 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O'Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

Mike McFee was an excused absence.

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

CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

MINUTES

The minutes of the work session on April 17, 2012 were presented to council for review. On page 3, in the last paragraph, Councilman Sutton said his statement should have been "you can't get your hands around it," not "you can't keep your hands on it." **On motion by Councilwoman Beer, second by Councilman O'Kelley, council voted unanimously to approve the minutes as amended.**

The minutes of the work session and regular council meeting on April 24, 2012 were presented to council for review. Councilwoman Beer noted that the sentence on page 1: "Mayor Keyserling said they need to have a conversation on whether they want to be a part of the planning process and help reduce the traffic which with their concerned" should have read "Mayor Keyserling said they need to have a conversation about whether they want to be a part of the planning process and help reduce the traffic *with which they're* concerned." **On motion by Councilwoman Beer, second by Councilman O'Kelley, council voted unanimously to approve the minutes as amended.**

ORDINANCE TO BORROW BOND FUNDS

Councilwoman Beer, second by Councilman Sutton, made a motion to accept the ordinance on second reading. Kathy Todd said Paul Trouche has put the RFP out to statewide financial institutions and local banks as well. Publication for notice for sale has been made. Closing could be as early as May 29 on the bonds. Mayor Keyserling said this is the ordinance to permit the city to borrow \$850,000 to be used to pay for the Commerce Park. **The motion passed unanimously.**

APPROVAL OF JAG GRANT

Ms. Todd said the police department has applied of this grant, and council must approve the items to be purchased. The purchases include six Tasers and holsters, cartridges, etc.

Councilwoman Beer, second by Councilman O'Kelley, made a motion to approve the grant. The motion passed unanimously.

APPROVAL OF DOWNTOWN FARMERS MARKET LOCATION, TIMES AND STREET CLOSURE

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the request.

Mr. Dadson said this is an idea to make the Farmers Market into an event which would be held after work hours and would "help celebrate downtown." The market will be on Scott Street between Port Republic and Craven Streets. Mr. Dadson said they want to present a "celebration with a variety of traffic." Ms. Fabian said Bluffton gets about 2000 people at their Farmers Market. The hours will be on Wednesdays from 3-7 p.m. It will be necessary to close the street from 2-8 p.m. There will be farmers, food, and arts and crafts available. There will be a soda booth available for not-for-profits to make a little money, Mr. Dadson said. This will bring the customers and farmers together, he added. Councilman Sutton asked logistical questions in regard to parking.

Councilman O'Kelley said he doesn't support it because people on Bay Street are against it, and it blocks Scott Street. He supports doing it but not during these hours or at this location. He went on to discuss the possibilities for problems with parking and access to it and other businesses. Councilman O'Kelley suggested Freedom Park, and Ms. Fabian said the market was "more of an afterthought" when it was there for two years. Councilwoman Beer said it doesn't have to be permanently located on Scott Street, and if it causes problems, it could be changed.

Councilman Sutton asked why this block was chosen instead of West Street, and Ms. Fabian explained a few of the reasons. Councilman Sutton said he likes the idea, but he agrees that there are already traffic issues. Mr. Dadson asked Ms. Fabian if the fallback is to go back to Freedom Park, and Ms. Fabian said yes. Councilman O'Kelley said the "core commercial area is too tight, and it's hard to get around."

Councilman Sutton asked Councilman O'Kelley what his thoughts were if the market started at 5 p.m. instead of 2 p.m. Councilman O'Kelley said that Mr. Dadson had originally told him it would be after hours. Councilman Sutton asked if Councilman O'Kelley would think it were a better idea if they did it on West Street. Councilman O'Kelley said it would be better, but the bank is there and the Beaufort Inn could be a problem.

Councilman Sutton said he would support doing it later in the day or on West Street. Mayor Keyserling said he agrees with Councilman O'Kelley, but if 5 p.m. would work, Scott Street is the preferred site. Mr. Dadson said they need to have set-up time, so if it's at 5:00, they would need to close at 4:00. Ms. Fabian said they have to have enough time to make it profitable with vendor fees.

Councilman O’Kelley asked if they had considered competing with Port Royal by having it on Saturday mornings. Ms. Fabian said many communities close off blocks for such things during the summer. Mayor Keyserling asked about another location, and Ms. Fabian said it’s been rejected by the merchants. Councilman O’Kelley said any of these are “main arteries, not splinter streets.” He suggested Freedom Park again or somewhere else in Waterfront Park.

Ms. Fabian said they were hoping to open the following Wednesday, but they could start someplace else and look at different options for another space. Mayor Keyserling asked Ms. Fabian about West Street, and Ms. Fabian said they’d have to measure the space and talk with the merchants there.

Councilwoman Beer withdrew her motion and Councilman Sutton his second. Councilwoman Beer made a motion to either go to West Street north of the BB&T to south Port Republic Street at 2 – 8 p.m. or north of the Aimar property driveway to Craven on Scott Street if it were not closed until after 5:00 p.m. Councilman Sutton seconded the motion.

Councilman O’Kelley said he’s uncomfortable with closing streets and would not support it. Ms. Fabian said the businesses experience slow business in the summer, and if they could have even 500 people downtown for the market - instead of 2000, as in Bluffton - that would be a big help. Mr. Dadson said the bottom line is to get those who live in Beaufort to come downtown “and stop and shop.” He added, “If it’s successful, and it’s causing problems, that’s a good thing.” **The motion passed 3-1 with Councilman O’Kelley opposed.**

APPROVAL OF BEAUFORT MEMORIAL RIBAUT ROAD STREETScape

Councilwoman Beer, second by Councilman O’Kelley, made a motion to accept the easement. Mr. Dadson said this is in regard to the public sidewalk on Ribaut Road at Allison. They need to put a sidewalk on private property. It has been done before for public walkways. He explained the benefits of doing this. This would allow the hospital to move forward with their construction. Mr. Dadson showed a graphic of the design. Councilman O’Kelley asked for clarification on the map that council had been given in their packets.

Rick Toomey went on to show the property line where the current sidewalk is and explained the changes that were being considered. Discussion followed as to who owns the property under discussion. Mr. Toomey said he was not certain. Mr. Dadson said they would work it out during the process. **The motion passed unanimously.**

REQUEST FOR WAIVER OF NOISE ORDINANCE FOR PRIVATE PARTY IN THE DOWNTOWN DISTRICT

Councilwoman Beer, second by Councilman O’Kelley made a motion to approve the request. Council perused the staff report. Councilman O’Kelley said it would be until 10 p.m. **The motion passed unanimously.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilwoman Beer, second by Councilman O'Kelley, nominated Don Starkey to serve on the ZBOA. The motion passed unanimously.

Councilman O'Kelley, second by Councilwoman Beer, nominated Tim Wood to serve on the ZBOA. The motion passed unanimously.

Mayor Keyserling recommended Gwen Meyers to serve on TMAC. She's not been interviewed, Mayor Keyserling said, but she's the only applicant. **Councilwoman Beer, second by Councilman O'Kelley, made a motion for Gwen Meyers to serve on TMAC. The motion passed unanimously.**

Mayor Keyserling said he'd like council to consider Mr. Verity to serve as the City of Beaufort representative on the Lowcountry Economic Alliance. **Councilwoman Beer made a motion, second by Councilman O'Kelley, to have him serve in this position. The motion passed unanimously.**

Councilman Sutton said he'd like to know how staff notifies those who are appointed and not appointed. He asked if the city sends a thank you letter to applicants when they're not chosen to serve, and Mr. Dadson said they don't, but they could send a letter of thanks that says also that the city hopes the applicant will be interested in serving later. Councilman Sutton said they should cultivate those who apply.

REPORTS BY COUNCIL MEMBERS

Councilman O'Kelley said there's a substantial dead water oak on the Bluff, which is owned by the Open Land Trust.

Councilman O'Kelley said a magazine has a several page article on the MCAS with a page just about Beaufort, quoting Mayor Keyserling about the F-15s.

Mayor Keyserling said the Beaufort History Museum will open on May 19.

ADJOURNMENT

There being no further business to come before City Council, **Councilwoman Beer made a motion to adjourn, seconded by Councilman O'Kelley. The motion was approved unanimously,** and the meeting was adjourned at 8:07 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK

City of Beaufort Department of Planning and Development Services

MEMORANDUM

TO: Scott Dadson, City Manager

FROM: Libby Anderson, Planning Director

DATE: February 6, 2012

SUBJECT: Amendment to Battery Point PUD Pertaining to the Wetland Buffer

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The Battery Point Planned Unit Development (PUD) Ordinance specifies a 35' buffer surrounding freshwater wetlands (see attached excerpt from the Battery Point ordinance). The subdivision plat for Battery Point shows a 30' buffer (see attached plat). This discrepancy continues to present problems in the permitting process. Staff has conferred with the president of the Battery Point property owners' association who has recommended that the Battery Point ordinance be changed so that the ordinance is consistent with the recorded plats. This would involve a change to paragraph 25 of the Battery Point ordinance as noted below.

25. The buffer located around **freshwater** wetlands shall be at least ~~35~~ **30** feet in width. Pedestrian access for the residents of Battery Point shall be permitted in the buffer.

The Beaufort--Port Royal Metropolitan Planning Commission considered this ordinance amendment at their January 9 meeting and unanimously recommended approval.

attachments

cc: Richard Seymour

subdivision approval of any lots within any phases of the development to insure construction of these elements.

24. All roads shall have a minimum right-of-way of 50 feet. Regardless of the size of the right-of-way all roads shall incorporate curb and gutter systems.



25. The buffer located around wetlands shall be at least 35 feet in width. Pedestrian access for residents of Battery Point shall be permitted in the buffer.

26. The 30 foot drainage easement and drainage ditch therein located within the Battery Point tract along the eastern boundary of the Battery Point tract shall be maintained in perpetuity by a property owner's association and legal provision shall be made for this perpetual maintenance. Alternatively, the easement and ditch may be maintained by the City of Beaufort (or another entity) if the easement and ditch are dedicated to the City of Beaufort (or another entity).

27. Vegetative buffer

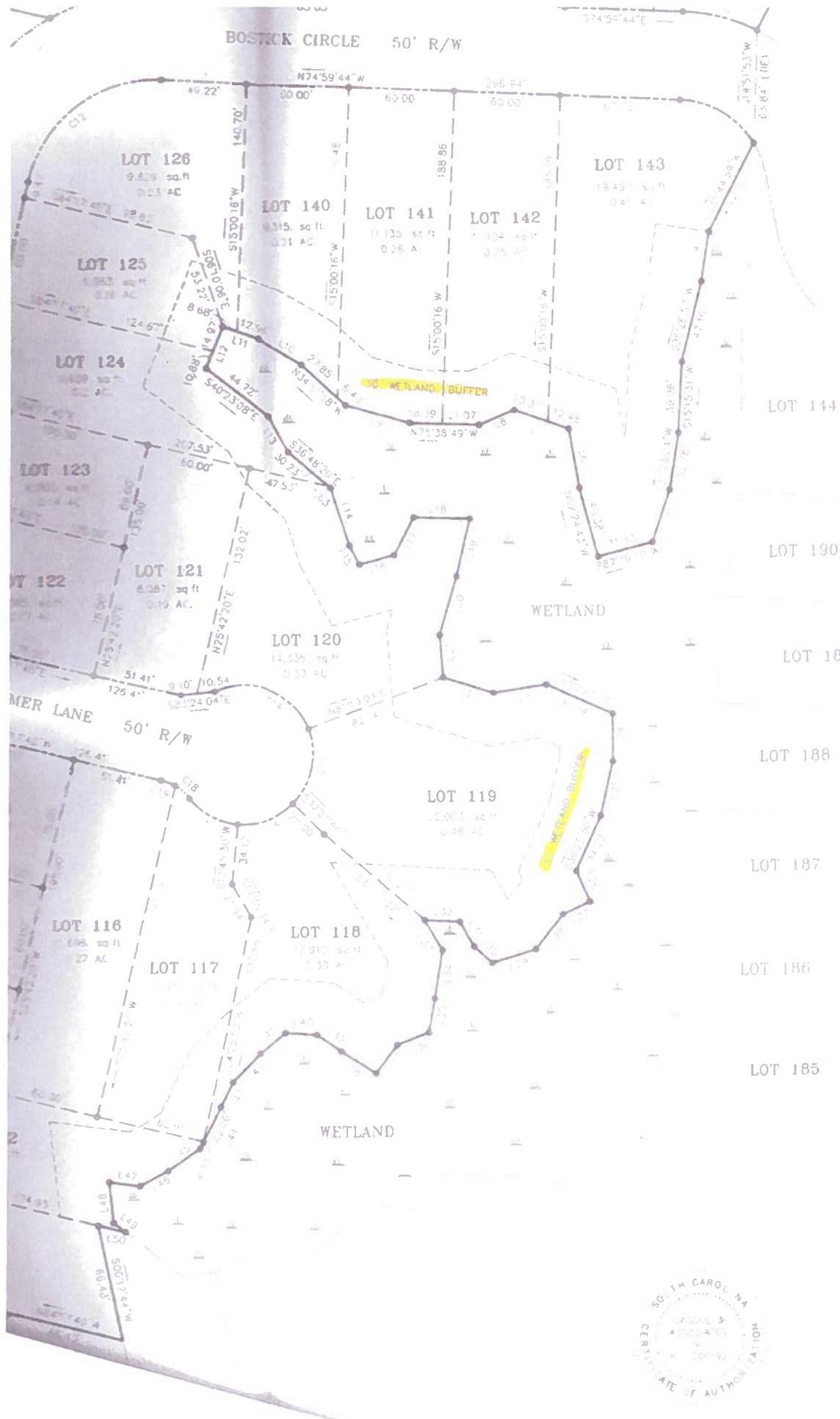
a. A ten foot wide vegetated buffer shall be installed by the developer within that portion of the 30 foot drainage easement (referred to immediately above) which is located along the eastern boundary of the Battery Point tract and along the entire remainder of the eastern boundary of the Battery Point tract - where the drainage easement is not present - separating Battery Point from the Salem Point Plantation subdivision on lots B1 through B8, A72 through A75, A1, the park and drainage basin adjoining those lots, and any other portion of the PUD which may immediately adjoin Salem Point Plantation. The buffer shall be located, installed, and maintained in such a manner that it not interfere with proper operation and maintenance of the drainage ditch.

b. Evergreen plant materials shall be selected and installed in order that the buffer be reasonably projected to reach a height of 10 feet with a vertical capacity of 75% within two years of installation. The buffer shall be installed on all lots and lands within any development phase prior to final approval of any lots within that phase. The buffer shall be maintained in perpetuity by a property owners association or by the City of Beaufort (or another entity) if the buffer is dedicated to the City of Beaufort (or another entity). Appropriate legal provisions shall be made for this perpetual maintenance, with use of easements over private lots as necessary.

Revised Master Plan approved by City Council

First Reading: October 8, 2002

Second Reading and Adoption: October 22, 2002



THIS SURVEY:
 CITY OF BEAUFORT
 PROVIDED FOR R
 OF MEANS CO
 Date of Plan in
 Certified By: *[Signature]*
 Date: *6/1*
 BEAUFORT COU



David E. Casque, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that to the best of my knowledge, information and belief, the survey

ORDINANCE

AMENDING THE BATTERY POINT PLANNED UNIT DEVELOPMENT ORDINANCE AS IT PERTAINS TO THE FRESHWATER WETLAND BUFFER

WHEREAS, there is a discrepancy in the width of the freshwater wetland buffer as described in the Battery Point Planned Unit Development (PUD) Ordinance and as shown on the recorded plats; and

WHEREAS, this discrepancy presents a problem during site planning and construction; and

WHEREAS, the City's Unified Development Ordinance does not require a buffer around fresh water wetlands; and

WHEREAS, staff has proposed an ordinance amendment to revise the Battery Point PUD standards pertaining to the wetland buffer to make the buffer width in the PUD narrative consistent with the buffer width shown on the recorded plats for the subdivision (30'); and

WHEREAS, the Battery Point Property Owners Association is aware of the proposed change; and

WHEREAS, this ordinance was 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 February 14, 2012, with notice of the hearing published in *The Beaufort Gazette* on January 30, 2012;

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 Battery Point Planned Unit Development Ordinance be revised by deleting the current paragraph 25 pertaining to the freshwater wetland buffer, and replacing it with a new paragraph 25 to read as follows:

- 25. The buffer located around freshwater wetlands shall be at least 30 feet in width. Pedestrian access for the residents of Battery Point shall be permitted in the buffer.

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

Duke Street Streetscape Summary of Bids

| <u>Firm</u> | <u>Qualified Bid</u> |
|--------------------|----------------------|
| Cleland Site Prep | \$474,268 |
| JOCO Construction | \$497,453 |
| J/S Construction | \$593,255 |
| Low Coast | \$647,590 |
| Hiers Construction | \$681,500 |
| L-J, Inc. | \$721,431 |
| BES | \$796,100 |