

A work session meeting of the Beaufort City Council was held on April 24, 2012 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members George O’Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

Donnie Ann Beer had an excused absence.

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

CALL TO ORDER

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

BOARDS AND COMMISSION INTERVIEWS

Tim Wood was interviewed for a position on the ZBOA.

DISCUSSION WITH REDEVELOPMENT COMMISSION AND METROPOLITIAN PLANNING

COMMISSION CHAIRS

Jon Verity said the bids are in for Lafayette Street, and three are very good. One proposal looks at swapping the property for \$150,000 in streetscaping. One didn’t say how much it would put in for streetscaping, and one offered about half that for streetscaping. Mayor Keyserling asked about the kinds of projects proposed. Mr. Verity went on to describe the sizes of the homes, which are “quite a variety.” The price range on the three bids is \$159 – 190,000, \$100,000 per unit, and \$229, 000 each for a bid with six single family cottages.

On the day dock, Mr. Verity said he and others will meet soon with Rick Griffin. Mr. Verity shared the schedule for the charette process on Sectors 4 and 5. The Rail Trail continues to be active, Mr. Verity said. The Von Harten Building continues to have plans put together. There will be a meeting about the Commerce Park marketing tomorrow at 10 am. The Lowcountry Produce got the Governor’s Award for Lowcountry Life. Patrick King of Lowcountry Housing Trust, Mr. Verity said, is frequently available and the relationship continues to be a good one.

Mayor Keyserling asked, in regard to the day dock, if **Demetri Martin** was still working on a text amendment for the Sector One narrative. Mr. Verity said the city manager has all of the information. Mayor Keyserling asked if Lowcountry Housing Trust has found someone to hire. Mr. Martin said they will make an offer this weekend.

Mayor Keyserling said there have been e-mails and phone calls from hospital employees about intersection safety. He said it appears their unwillingness to work with the city on planning now has become finger-pointing when it’s DOT issues. 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. Mr. Verity said he will set up a meeting. Councilman Sutton

said he would be glad to be a part of that meeting. Mayor Keyserling said there's not necessarily a problem, but there's not been enough face-to-face talking.

Mayor Keyserling said in regard to the Commerce Park, Mr. Verity and he had discussed how the marketing and oversight fit within the Redevelopment Commission, or if it is better to go with a different group of people altogether, or if it should be a subcommittee of the Redevelopment Commission. The Alliance was about to elect officers, and one of the leadership was to be an elected official. They were asked to postpone the election of officers and a chairperson because the mayors, as well as the county's and Alliance's own research had shown that this was not the way to go. The mayors were given a month to make a decision, and the goal will be for 4-6 leaders to come back and have as a representative someone from the private sector, not an elected official or staff, a strong individual with an industrial background. Mr. Verity said they could bring in people from the surrounding areas as candidates, not just the city proper. Someone with national contacts would be good, so a part-timer might be a good candidate.

UPDATE ON BOUNDARY STREET PROJECT

Josh Martin said there are surveying marks on the Boundary Street corridor. Phase One has grown, he said, to be "the whole corridor as far as we can make it with the money." There are different pots of money being used, Mr. Martin said. They are trying to use federal dollars with the least amount of red tape possible. The local funds are the "most friendly and flexible." Everything needs to be ready to go by June 2013.

The federal funds will remain in areas that don't require a full environmental statement with the National Environmental Policy Act (NEPA); they are "hoping for a categorical exclusion." They won't have to go through a full impact study if this is granted. They are working on right-of-way exchanges on the Boundary Street and Robert Smalls corridor, with the exception of the Trask property. The slip lane will come in as infill happens along the corridor because of funding and timing.

Mr. Martin said the local side will 1) operate on the parallel road that will run across the street from the realigned intersection; the right-of-way of the new parallel road will be similar to Bladen Street; 2) in Beaufort Plaza, a new Main Street portion will be constructed and run along the strip mall. The Trask family has redesigned and restriped their lots; 3) the boardwalk that will run along the existing marsh frontage will be completed as part of this project; the trailhead park, Mr. Martin said, they hope they can fit in.

Mr. Martin said the primary design exception permit for the realigned intersection has finally been obtained; the drawings have to be resubmitted but that will be the last step. This will allow the designers to "go as fast as humanly possible."

Councilman O'Kelley said the boardwalk will go along the marsh, but he asked if it would go along properties owned by individuals and businesses now. He wondered if the city would have

to take those properties. Mr. Martin said they hope not; they would like to work out easements, but if they can't it will hug the marsh with an elevated boardwalk. Councilman O'Kelley asked how many people will park at the courthouse and go to Beaufort Plaza on it. Mr. Martin said it's meant to be recreational. Mr. Dadson said it's meant to meet up with the Rail Trail. Councilman Sutton said the ability will be there, but there's no way to know how many people will use it.

Mr. Martin said the use results in other areas like this are "phenomenal." Mr. Martin said that in decades, that would be a Waterfront Park, and the boardwalk would be good to have. Councilman O'Kelley asked if it would be lit at night, and Mr. Martin said they are not down to that level of detail yet, but he assumes so. They are looking at options on how to use the stormwater "in a non-engineered way." It would be built into the design of the streets, not as a "separate event that occurs." They are trying to get it to look "as urban as possible." All the power lines on the corridor are going down, Mr. Martin said.

The first construction will be at Beaufort Plaza and the connection back to Pickpocket and may be done this year. Councilman Sutton said the parallel road is essential for this project to work. Mr. Dadson said the negotiations have already started, and Mr. Martin said it will come second because of the right-of-way.

Mayor Keyserling said his concern is that given the neighborhood, until it's transitioned more, he's nervous about the path down on the marsh from a public safety perspective. He said it may create an opportunity for some businesses to use those areas outside.

Councilman McFee confirmed that the intersections would be "T" intersections, not roundabouts. **John Dickerson** asked about how often one could get on and off the boardwalk. Mr. Martin said that's not finalized yet.

Mr. Dadson said a challenge for the Redevelopment Commission is that the way path has put out a \$600,000 challenge grant. The county has money in it, too. As a community, he feels that the challenges are to make the loop work, to get it to Allison Road, and to get to Port Royal. This interconnectivity will create a lot of excitement. Mr. Dadson said the money is out there and he challenged the Redevelopment Commission to see how they can get people to get donors and build on the challenge as "the ultimate leveraging."

UPDATE ON BLADEN AND DUKE STREET PROJECTS

Lamar Taylor presented a handout on the Duke Street project. The total percent of project completed is 13% but they're not yet into "the heavy dollar items" yet. Beginning next week, they will do that work and be billed for it. They had a delay because when they started excavating for the drainage, they found very old lines. BJWSA was asked to replace the total water system there and that's been done, so they can get back to the road project.

Mr. Taylor said they anticipate some design changes; the Department of Commerce has approved the plan to replace storm drainage. They are also looking at change order #2 to do from North to Bay Streets. Originally they stopped at North, but they have enough money to do it at around \$50,000 and it's in for approval with the Commerce Department. They will improve the area around the courthouse intersection with street lights, striping, etc.

Councilman O'Kelley asked if the Horse Trough Park would encroach on Bladen, and Mr. Taylor said it wouldn't. Councilman O'Kelley said there's a difference in Exhibit 2 and 3. Mr. Taylor said Exhibit 3 is the original scope of the project. Mr. Dadson said it does round up the two ends to make the turning radius complete. At the courthouse and the park, it will be 22' at the narrowest point, Mr. Taylor said. West of the Horse Trough Park, there's area for streetlights, too. Mr. Taylor explained why the change orders were made. Mayor Keyserling said North Street is still a separate project; Mr. Dadson said "this just gets us to Bay Street." They will be able to do a part of Prince Street, too, Mr. Taylor said. Councilman McFee asked if the parking was pervious, and Mr. Taylor said it was.

Mr. Taylor said in regard to easement acquisition, five are in place and three have agreed to sell but haven't signed yet.

In regard to Duke Street, they have received approval from the Commerce Department for the first change order request and are awaiting approval on the second and third. Mr. Taylor said the planned work is from Bladen to Harrington Streets, and if it's completed in 2012, the Commerce Department will hopefully give another grant. Mayor Keyserling asked Mr. Taylor to describe what the finished plan would be like on Duke Street. Mr. Taylor said there will be new light fixtures, sidewalks, and more. On Duke Street, they have talked to homeowners who will allow parallel parking in front of their homes. In some areas, they may lose a few because of sight distance. The neighborhood has bought in, Mr. Taylor said. If they start May 5, they will have both projects going concurrently. Bladen should be done by the end of July, and Duke by the end of November.

STREET LIGHTING AND TRAFFIC SIGNAL UPGRADES IN DOWNTOWN

Libby Anderson said the street lights are to be changed for safety and improved maintenance. The project area for Phase One is the core commercial area. They have submitted an encroachment permit to DOT and were told they had insufficient detail. The lighting contractor has determined where the fixtures will be. 75 fixtures will be installed, 13 more than are had today. Areas that don't have decorative light now, will get them. The conduit on Bay Street will need to be redone, Ms. Anderson said. They will install irrigation lines for the plantings on Bay Street. Councilman Sutton had suggested water to be used for festivals, so there will be valve boxes installed. Three interlocking brick rows, about 2' wide, will be used to close it up. Electric outlets will be on all poles for Christmas decorations, Ms. Anderson said. In regard to banners, she said plans are being made for banners; there will be a clear zone of 10' which should be adequate. \$375,000 capital costs are estimated; TIF 1 will be the funding, Ms. Anderson said, and there will be a light bill.

Mayor Keyserling asked if there will be “enough juice for electric cars to plug in on the poles.” Mr. Taylor said they will have 400 amp service. Mr. Martin said it will require a different plug. Councilman Sutton said it might be possible. Mayor Keyserling said if they are putting in the infrastructure, they should be able to support it. Councilman Sutton said one pole could be designated. Mr. Dadson asked when the poles there now were put in, and the consensus was 1997.

Councilman O’Kelley commented that when the streetscape was done for Bay Street, there were waterlines servicing the buildings that probably go right through that area, so they should be mindful of what might be there when they cut the concrete. Mr. Taylor said a lot of it will probably have to be hand work.

Mayor Keyserling asked if, on Duke Street, there will be more of an opportunity to work with BJWSA. Mr. Taylor said they are replacing the water lines on Duke as well. Ms. Anderson said undergrounding the lines across the street will make a difference, but there are no plans for other undergrounding of power lines yet.

Mr. Dadson said that they should keep in mind that about \$24.4 million of capital projects are being done in which the city’s contribution is about \$1 million. In the last calendar year, in these investment zones, there have been a substantial number of commercial and residential permits which haven’t been seen since 2008.

MAST ARMS

Isaiah Smalls said in 2010 there were discussions about upgrading intersection signal rebuilds with DOT. This project will allow the city to get 3 upgraded mast arms for the price of standard signalized intersections. The city will cover the costs above standard installation. SCDOT will provide all traffic signal equipment for the upgrade and engineering will be provided via an MOU between the City of Beaufort, SCDOT and Beaufort County. The mast arms are about \$55,000, Mr. Smalls said, and they have to deal with the construction and the foundation. These will be down the Charles Street corridor. Mr. Smalls said Bay Street will have one mast arm. The curb line will change a little, but it shouldn't have an impact on the buildings, he said.

Councilman O’Kelley asked if the curb sticking out will affect passing cars; Mr. Smalls said it’s very wide and will make it better than before in terms of tidiness. Councilman McFee asked if there were pushbuttons for the sidewalk crossings. Mr. Smalls said there were, and they will be on independent poles. Mr. Smalls said he believed they were audible.

The bike race is May 1; Mr. Taylor said the intersection at Newcastle will be paved this week. Mr. Dadson said it’s in good condition; if it’s paved and rains, there will be oil slicks.

The meeting adjourned at 6:33 pm.

A regular meeting of the Beaufort City Council was held on April 24, 2012 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members George O'Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

Donnie Ann Beer had an excused absence.

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

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 Dr. Patrick Perryman of First Presbyterian Church, and the Pledge of Allegiance was led by the mayor.

PROCLAMATION OF MAY 13, 2012 AS FIRST PRESBYTERIAN CHURCH DAY IN BEAUFORT

Councilman McFee, second by Councilman Sutton, made a motion to approve the proclamation. The motion was approved unanimously. Councilman McFee read the proclamation. Dr. Perryman accepted the proclamation from Mayor Keyserling and made a brief statement.

PROCLAMATION OF MAY AS JEAN RIBAUT MONTH

Councilman McFee, second by Councilman O'Kelley, made a motion to approve the proclamation. The motion was approved unanimously. Councilman McFee read the proclamation. **Mary Lou Brewton** accepted it the proclamation from Mayor Keyserling on behalf of a variety of historical groups.

Councilman McFee made a motion, second by Councilman Sutton, to change the agenda, moving items B and E under New Business. The motion passed unanimously.

PUBLIC COMMENT

Katherine Lang, on behalf of the Beaufort History Museum, said May 19 will be the official opening of the museum. She said some of the museum's collection of fine art has been hung in City Hall, and she described some of those paintings.

Merritt Patterson, 317 Laurens Street, said the city has taken action to increase business in the area, and to that end, he offered "a history lesson" about commercial development in the area; he said "much of the land remains vacant to this day." He showed a number of maps and graphics on the overhead by way of showing the 200 acre area that could be developed in lieu of the Commerce Park. He said council doesn't see it as a planned area since 1986. He thinks there's opportunity there and it needs to be put in to level the playing field."

PUBLIC HEARING: UDO AMENDMENT REVISING SECTIONS 2.2, 2.5, 3.22, 4.7, 5.1, 5.4, 6.3, 7.2, 7.3 AND 7.5 OF THE UNIFIED DEVELOPMENT ORDINANCE, TO ADD AN INDUSTRIAL PARK DISTRICT AND MAKE RELATED CHANGES PERTAINING TO INDUSTRIAL PARK DEVELOPMENT

Mayor Keyserling opened this public hearing. Ms. Anderson said annexation of the Beaufort Commerce Park necessitates a new type of industrial district and that it be incorporated into the UDO. This is envisioned to be a placeholder until form-based code is adopted. The range of uses is much narrower in the Industrial Park district than in the Limited Industrial zoning. She showed the proposed standards for the Industrial Park district. The only lots to be rezoned are in the Commerce Park. She discussed the changes planned for lots zoned Industrial Park in regard to tree removal, landscaping, signs, design review of landscaping plans, and a traffic impact study (which has already been done by the county for this park). To expedite division of the plats, subdivision review will be handled at the staff level.

Ms. Anderson said that the Planning Commission reviewed the proposal and recommended approval of it but asked staff to look at Limited Industrial zones to increase equitability. The current Limited Industrial zones in the city would not be affected by this zoning change, only the Commerce Park.

Jayson Gardner, Chamber of Commerce, asked if the parcels fall in the AICUZ. Ms. Anderson said yes, and they have been in communication with the MCAS. The proposed height of the buildings is rather high, but is permitted in the AICUZ.

Dean Moss, said he was the former chair of the Lowcountry Economic Network, and he's in favor of the ordinance. A more streamlined development process there will be beneficial, he feels. **There being no further public comment, Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ORDINANCE REZONING SEVEN PARCELS OF PROPERTY LOCATED IN OR NEAR THE BEAUFORT COMMERCE PARK, FROM INDUSTRIAL PARK DISTRICT AND RURAL DISTRICT (COUNTY ZONING) TO INDUSTRIAL PARK DISTRICT (CITY ZONING)

Mayor Keyserling opened this public hearing. Ms. Anderson pointed out the seven parcels to be part of the Commerce Park and that are proposed to be rezoned. Six parcels are owned by SCB&T and a 62-acre property is owned by Clarendon. None of the properties are developed. All parcels are to be rezoned to Industrial Park District. The six SCB&T parcels are currently zoned Industrial Park under county zoning. The Clarendon parcel is zoned Rural. The annexation and zoning are consistent with the comprehensive plan. In regard to infrastructure, five of the six parcels owned by SCB&T are served with water and sewer, and the other two are not. Public notice was made and no public comment was received. The Planning Commission unanimously recommended the annexation and rezoning. **There being no public comment, Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 6.10, "BLADEN STREET REDEVELOPMENT DISTRICT," TO ADD STANDARDS FOR SIDE AND REAR YARD SETBACKS AND FOR BUILDING MASS

Mayor Keyserling said these hearing matters are also up for action later in the meeting. **He then opened this public hearing.** Ms. Anderson said this amendment pertains to the Bladen Street Redevelopment District. She offered a “history lesson” about the district. Work on it began in the summer of 2010 when a streetscape project was approved. The original ordinance was adopted in January 2011. The ordinance adoption process began with the HDRB and at three Planning Commission meetings. There was a public hearing, then a council workshop, and then it underwent two readings on 12-12-10 and 1-11-11. The amendment was made first through Planning Commission review twice, a public hearing, and first and second readings before council.

Ms. Anderson said the Bladen Street code was designed specifically to address the parcels in the Bladen Street streetscape area. She showed a graphic of this. Bladen Street comes through the center, and all the lots fronting it were proposed in Summer 2010. There were also lots fronting Duke and some coming down side streets. It was adopted in the Bladen Street code.

Most of the lots in the Bladen Street code have a specific site plan, Ms. Anderson said. She showed an example of one of these, which calls out specific development standards for each building in the area. Most lots in the Bladen Street code have these plans, but two did not have a specific site plan. If there isn’t a site plan, and it’s not listed in the larger code, it must be addressed. The two gaps were the side and rear setbacks and aspects of the building mass. To fill the gaps, staff proposed amendment; she showed the new wording to address the side and rear setback issue and a provision to address maximum height of the principle building and the accessory structure.

Ms. Anderson said the current height limit for these lots is 50’ (the Boney property) and the other is 42’ under the current code. The Bladen Street code measures average roof height, to the peak of the roof, which is more restrictive. **There being no public comment, Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ORDINANCE REZONING TWO PARCELS OF PROPERTY ON BLADEN STREET TO BLADEN STREET REDEVELOPMENT DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said there are two properties proposed for rezoning: one is at Bladen and King Streets, which is a vacant lot currently zoned Office Commercial District. The maximum height is 50’. The second property proposed is at Bladen and North Streets and has a one-story building most recently used for retail (the former Koth’s store). Both are in the Historic District. It’s zoned Neighborhood Commercial District. They are proposed to be rezoned Bladen Street Redevelopment District.

Ms. Anderson said these properties were included in the code adopted in January 2011. The properties were envisioned to be in the plan. The lots zoned Bladen Street were done in phases. The city wanted to work with owners who would accept the Bladen Street code and not force owners into it. She showed the history of the meetings pertaining to this matter; nine parcels were originally rezoned, then another one, then two more in May, and a final parcel in

June of 2011. There were 18 public meetings involved in this. She reiterated that these lots were envisioned to be in the code “from the get-go.”

Public notification was made, Ms. Anderson said. The Planning Commission heard the rezoning request last week and made a motion to recommend approval, but it was defeated on a vote of 2-3. There was not a motion for denial.

Julie Goode, Executive Director of the Historic Beaufort Foundation, said they are concerned about any parcel being removed from HDRB oversight. The Metro Planning Commission recommended defining boundaries of the Bladen Street Redevelopment District, and Ms. Goode said the Historic Beaufort Foundation “strongly concurs.” The Bladen Street Redevelopment District is “slowly creeping into the National Landmark Historic District.” She feels that this is a dangerous precedent to set. The Historic Beaufort Foundation believes rezoning is “redundant,” Ms. Goode said.

Councilman O’Kelley said that Ms. Goode had implied that this project would “creep into other areas,” and he wondered what evidence Ms. Goode had that the city was endeavoring to creep into the Historic District. Ms. Goode said that it was discussed in last week’s council work session. They have heard that there are other property owners who are interested in being in the Bladen Street Redevelopment District. Ms. Goode entered a letter into the record.

Conway Ivy said Historic Beaufort Foundation strongly supports infill in the Historic District. He said the Bladen Street code is “basically one size fits all” for developers to know what to expect. A builder can exceed the limits of the code, and there’s nothing to require comparison of one structure to other structures in the Historic District. Historically, the HDRB would look at the compatibility of a proposed structure relative to the proposed buildings. Every infill site will be different, so maintaining the compatibility of structures has always been the HDRB’s purview on a site-by-site basis.

Mr. Ivy said the two parcels under consideration are on the edge of the Historic District boundary and under those guidelines. He pointed out the Federal Courthouse and said under the Bladen Street code, someone could build a building 55’ or higher without appropriate review of compatibility to all of the structures along Bay Street which opens up the view shed to harm.

Mr. Ivy said they are also “concerned about the potential for the expansion of this type of approach to other parcels in the Historic District.” They would like to have council limit it to these areas, or “they will have spot zoning.” Mr. Ivy showed the Beaufort zoning map and the parcels in questions. The Beaufort Historic District is “an overlay on the zoning map,” he said. He pointed out that the location of the Bladen Street Redevelopment District has rendered the authority of the HDRB unclear over land in the Bladen Street Redevelopment District. So they request that no decision be made until the issue has been clarified, and the public allowed to be fully informed about the issue. They recommend that the council amend the map to create a

new Historic District overlay to combine it and the Bladen Street Redevelopment District, Mr. Ivy said. These lots could be in the Bladen Street Redevelopment District, but there would be an overlay for architectural review over these two parcels. Historic Beaufort Foundation feels that to have compatible architecture, it should be left in the hands of the HDRB. The board has approved 95% of the applications; there has been criticism of speed and process, but that can be handled administratively, and the Historic Beaufort Foundation has made recommendations toward that end. Mr. Ivy entered a letter into the record.

Michelle Knoll came as a supporter of the Historic Beaufort Foundation. She praised the city's efforts, form-based code, and the Bladen Street Redevelopment District. She said she is concerned about the lack of review by the HDRB. Form-based code can work with the Historic District review processes, she said, and does so in other communities. She pointed out the value of boards such as the HDRB, which opens the review process to the community. Waiving HDRB review can affect the National Register of Historic Landmarks status, Ms. Knoll said. She said she hopes council will consider the importance of the status. She asked that council support the Bladen Street Redevelopment District but hold off until the role of the HDRB can be clarified.

Pete Palmer, 1401 North Street, said he feels the only objective achieved by this is to remove the HDRB from oversight. He said "if a mistake is made here, it can be remedied." Removal of the HDRB from this is a "primrose path I think we'll end up regretting."

Maxine Lutz, 811 North Street, said she is in support of Historic Beaufort Foundation's position. The group has been a part of all of the Bladen Street meetings and has been in support of it as the Bladen Street Redevelopment District developed. They have been involved and endorse the Bladen Street Redevelopment District. These two parcels were not initially included because the property owners didn't want to be included, but they do now. Other property owners have been contacted to be included, and this is what is perceived as the "creeping." She feels the Bladen Street Redevelopment District must be limited, and that council "should see that it goes no further."

Jay Weidner, a trustee of the Historic Beaufort Foundation, said the establishment of the Historic District mandated citizen oversight, and the HDRB is a result. It seems that they are being removed from the process because the citizens might disagree with the council or staff. He said "It's worked for 40 years." At the Metro Planning Commission, Mr. Weidner said, someone asked if the properties are being removed from the Historic District, and Ms. Anderson said in effect that they would not be removed, but just wouldn't be subject to HDRB review. He feels there's no point in being in the Historic District if there is no HDRB review.

There being no further public comment, Mayor Keyserling closed this public hearing.

MINUTES

The minutes of the work session and regular meeting on April 10, 2012 were presented to council for review. Councilman McFee noted that on page 8, "KT" should be Kathy Todd. **On**

motion by Councilman Sutton, second by Councilman McFee, council voted unanimously to approve the minutes as amended.

ORDINANCE REGARDING THE ANNEXATION OF THE LAND KNOWN AS BEAUFORT COMMERCE PARK

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

ORDINANCE REZONING SEVEN PARCELS OF PROPERTY LOCATED IN AND NEAR THE BEAUFORT COMMERCE PARK, FROM INDUSTRIAL PARK DISTRICT (COUNTY ZONING) TO INDUSTRIAL PARK DISTRICT (CITY ZONING)

Councilman McFee, second by Councilman Sutton made a motion to amend the UDO on second reading. The motion passed unanimously.

UDO AMENDMENT REVISING SECTIONS 2.2, 2.5, 3.22, 4.7, 5.1, 5.4, 6.3, 7.2, 7.3 AND 7.5 OF THE UNIFIED DEVELOPMENT ORDINANCE, TO ADD AN INDUSTRIAL PARK DISTRICT AND MAKE RELATED CHANGES PERTAINING TO INDUSTRIAL PARK DEVELOPMENT

Councilman McFee, second by Councilman O’Kelley made a motion to amend the UDO on second reading. The motion passed unanimously.

ORDINANCE REVISING SECTION 6.10 OF THE UDO, “BLADEN STREET REDEVELOPMENT DISTRICT,” TO ADD STANDARDS FOR SIDE AND REAR SETBACKS AND FOR BUILDING MASS

Councilman Sutton, second by Councilman McFee, made a motion to amend the UDO on second reading. Councilman Sutton said in regard to the mass and height discussion, he can’t see a building there of 55’. The current zoning involved a neighborhood study of the properties in that area; the zoning has allowed 50’ buildings for many years, and it’s not been reached. He asked an architect why it’s 55’, and he didn’t get a direct answer, but Councilman Sutton said that there’s no sense that a building would ever be designed at that size. He clearly hears that the Historic Beaufort Foundation’s issue isn’t building height; the zoning allows building to those numbers, but they aren’t built to that height. 50’ is a tall building for Beaufort but “the average height isn’t getting there, and the architectural design doesn’t even get you there.” A 38’ commercial building seems ideal to him to fit in. He said he had “scaled the numbers to see what would work,” and there’s no history of a building that works to 55’. He reiterated that none have been built. The height is an issue in one area, but this only applies to two lots, not the entire district. He feels the matter could be looked at on a larger scale, even if 55’ is passed tonight.

Councilman O’Kelley said he tends to agree with Councilman Sutton. These are small lots, he said, and he was a partner in the ownership of Harold Boney’s lot. He doesn’t see someone coming in and putting a 55’ structure on these lots. He mentioned that the Verdier House is over 50’, as is the old Belk’s building. He has “real doubt that this would ever happen,” and he would never do anything to hurt the rating as a Historic District from that corner to The Point.

Councilman Sutton said he wants to keep open the ability to have a larger discussion about height.

Mayor Keyserling said since the comprehensive plan, the city has been working on the concept of the form-based code for the entire city and how it will work. They proceeded to go ahead with Boundary Street because there was money, and there is an understanding that as development happens, they'll be wrapped into the form-based code. What they do in the special districts will be subject to form-based code. He asked how this property differs from the property across Bladen Street which was zoned with public hearing and public notice. Everyone was for it at that time. Mr. Boney and Mr. Freeman want to do it now. He noted that a new member of the Planning Commission had not been briefed on the history of this matter when the PC heard the application. Mayor Keyserling said this is an ongoing process, and as the design districts are experimented with and calibrated, there are a number of open-ended issues. He has had meetings with Mr. Ivy, read e-mails, and thought of his own experiences and has concluded that this is "a process of learning to do things differently as we go."

Mayor Keyserling said he's not sure that they should throw out the review by the HDRB, but everything needs to be looked at – all of the review processes – to figure out which fits what as part of the final form-based code. He hasn't given up on the HDRB, and maybe they need to work on the process; he said Councilman McFee and Councilman Sutton have agreed. But tonight, Mayor Keyserling said, there are two people who have signed agreements and sold easements, and the streetscape is about more than the buildings. They want to have a continuous sidewalk and streetscape. He will vote for it because "it's movement and improvement." He suggested they could vote to reduce it to 50'.

Mr. Ivy said in regard to Councilman Sutton's focus on height, he was correct in saying that the focus is not on height but on the compatibility of architecture. A 55' building on a narrow lot wouldn't make sense, but it still needs to be reviewed on a site-by-site basis. The review process is a city architect who reviews the plans, but he doesn't live in Beaufort and maybe not even in the state of South Carolina; he feels those who review things should be "entwined in the community."

There is a requirement for a citizen board to be in place, Mr. Ivy said, and if the review process is replaced with what is in the form-based code, the citizen board would be eliminated, which eliminates the Historic District, since that's a criteria for having one. Mr. Ivy said it's about mass and scale, how it fits in, and where there are adjacent structures, it's important to look at them. Calibration is said to be the focus of the form-based code; Historic Beaufort Foundation didn't oppose the city's Bladen Street Redevelopment District, he said. What's been done there they have supported.

In regard to the question of what has changed between now and May, Mr. Ivy said the Historic Beaufort Foundation was not aware of some of these ordinances. The informing process is difficult to keep track of, which he acknowledged is part of their job as citizens. However, the

city, he feels, should do more to keep citizens informed. Mr. Ivy said “all this has come up in the last 8 or 10 days.”

Mr. Ivy said council indicated that this is focused on capital improvements, easements, sidewalks, etc.; there are no site specific plans for these properties for them to look at. If the current owner doesn't want to build on the property and wants to sell it, they don't know what the future buyer might want; that buyer could find out what's allowed on that property.

This issue is important to Historic Beaufort Foundation and Beaufort, Mr. Ivy said. He strongly urged council to look at the language in the original ordinance, because he believes they would see that it's unclear whether the review of the HDRB has been eliminated. He also urged them to consider the zoning overlay so that HDRB would have the architectural review and the advantages of the Bladen Street Redevelopment District can all “flow through.” This proposal would allow all the benefits that would come through, other than taking away HDRB's review for buildings being built. If council isn't willing to agree to that, the issue is about the size of buildings to be built on these parcels.

Councilman Sutton said Mr. Milner didn't live in the City of Beaufort, either. Mr. Ivy said Milner wrote a report and the city architect is reviewing ongoing processes in a very active area. The city architect used for years successfully to help interpret Milner was an outside consultant as well. They may not have to reach outside the area anymore for a city architect.

Mr. Weidner said the verbiage about a peak roof is not descriptive enough and should be tightened up. **The motion passed unanimously.**

ORDINANCE REZONING TWO PARCELS OF PROPERTY ON BLADEN STREET TO BLADEN STREET REDEVELOPMENT DISTRICT

Councilman Sutton, second by Councilman O'Kelley, made a motion to approve the ordinance on second reading. Kathy Lindsey, attorney and resident of Beaufort, asked if the City of Beaufort has a position as to whether the Bladen Street Redevelopment District is under the HDRB's purview or not. Mayor Keyserling said currently the district is under review by the city architect. Ms. Lindsey said these two parcels would be treated the same, and Mayor Keyserling said yes, just like the parcels across the street from them.

Mr. Palmer said in regard to Ms. Lindsey's question, in the original draft of the Bladen Street Redevelopment District, appeals were to go to the HDRB, but that's been eliminated. Appeals now go to the DRB, which works *outside* the Historic District. Ms. Lindsey said the important issue isn't the appeal to an outside city architect, it's involvement of the public. Beaufort is part of the National Historic Landmark District. Pushing this Bladen street District further without public involvement begs the question of whether a model is being created which pushes the public out. Councilman O'Kelley said the city and council are always open, except for Executive Sessions on contract or personnel matters, so “all of its business is done in public.”

Mr. Ivy said, as to the issue of the review by the HDRB, he encouraged council to read the ordinance very carefully. He said it's unclear, and "unless council is clear, (they) are moving ahead at some peril." Councilman O'Kelley said the UDO is a living document, and they can change it to make things better for the public.

Councilman Sutton said there's room for another look at the review process, including the HDRB process in Bladen Street and the concept of some overlay, which he's researched. He asked how the Bladen Street Redevelopment District document can be used with the HDRB which has preservation and conservation district manuals, the UDO, the zoning, and Milner standards that HDRB needs to understand to decide appropriately. He thinks the HDRB board is the best he's seen in some time. He feels frustrated by Historic Beaufort Foundation, not HDRB; he thinks Historic Beaufort Foundation is a partner that's not doing what it needs to do. He gave some examples of this. The city has done a lot of brick and mortar preservation, Councilman Sutton said, and their partner hasn't. HDRB can be included in the process. Review guidance should always be looked at as a way to get better. Any redevelopment zone that can fall under those guidelines, he'll support. Historic Beaufort Foundation needs to be able to support the ideals that support that. He agreed with Councilman O'Kelley's earlier statement that "the document changes all the time."

Mayor Keyserling said he has made reference to a document council received today which is a memo from **Craig Lewis**, lead planner of the Office of Civic Investment, which says that Opticos, the county's consultant, is ready to give the city the form-based code. Before then, Mr. Lewis recommended that the review and development review processes should be streamlined. The advisory committee should be comprised of Metro Planning Commission, ZBOA, HDRB / Historic Beaufort Foundation, City Council, etc. Mayor Keyserling went on to read the rest of the memo. Mayor Keyserling said council is likely to vote favorably on this matter. He said he feels that they have learned in the last two weeks, and the issue remains open. Stormwater is being done, overhead wires being buried, sidewalks being laid, etc., and "that's what's driving this urgency."

Mr. Ivy said he's standing on the shoulders of others in Historic Beaufort Foundation. He said the complicated review process Councilman Sutton referred to has happened in other places and can be dealt with. It doesn't have to slow down the process. In regard to Historic Beaufort Foundation's revolving fund, \$300,000 was invested in restoring the Arsenal.

Scott Meyers, 601 Bay Street, asked what is keeping out those properties that are located in the district but not opting in. Mayor Keyserling said if easements are given up, the Bladen Street Redevelopment District plan allows you to come to the curb, as opposed to setbacks. One property is office commercial and will allow mixed use. Everyone didn't come in right away because they were being asked to give up land at reasonable costs, but they weren't ready at that time.

Beth Grace, North Street, said in regard to a previous comprehensive plan, “the targets moved so quickly,” and this is happening tonight, too. She would “love to see caution and slowing down.” She feels there are too many issues on the table. The memo from Mr. Lewis that Mayor Keyserling cited was brought up but insufficient public notice was given. Mayor Keyserling said that was not why he had brought it up. BG said the process would be more complete if they took another month to work out the details. They need more basic information. Ms. Grace said that “no one comes to Beaufort to look at the Regions Bank building.”

Terry Hussey said she found it telling that no one had stood up in favor of this issue. “Passing this,” she felt, “would show disrespect for the citizens of Beaufort.”

Councilman McFee said he appreciates the concerns expressed, but the matter been discussed for two years. The movement the city has made on the Bladen Street Redevelopment District has been well-documented and well-publicized. This is “important to the optimum direction for the city,” Councilman McFee feels. The city has been a partner with Historic Beaufort Foundation through the process. The documents under discussion have been discussed many times before. It’s not a lack of respect; they would have liked to have had all these people who were in attendance at every meeting. It’s not a foregone conclusion that council will vote in favor, but it’s something council has worked very hard on. Councilman McFee asked why no one had taken issue with the Dowling property as opposed to the Freeman and Boney properties. If the issues now were just as important in May of 2011, they have been aired then, he said. He said there is no one on council “who hasn’t put countless hours toward this direction.” Modifications will happen on this, he has no doubts. There is no disrespect meant to any group or the citizenry; the process has been worked on for a very long time, Councilman McFee reiterated.

Mr. Ivy reiterated that the council should look at the ordinance, and Mayor Keyserling said that they have done so for the past eleven months. **The motion passed unanimously.**

AMEND THE FY 2012 BUDGET

Ms. Todd said at the first reading there were four categories for the amendment, which she reiterated for the second reading.

- Increases to “Other Funding Sources and Uses” related to the issuance of the Hospitality Revenue Bonds
- Transfers out of General Fund and TIF Funds to fund planned capital project activity
- Reclassification of the State Accommodations revenue within the General Fund to reflect the transfer in from the State Accommodations Tax Special Revenue Fund
- Increase revenue related to insurance reimbursements that were not originally budgeted

Councilman O’Kelley, second by Councilman McFee, made a motion to amend the budget on second reading. The motion passed unanimously.

ORDINANCE TO BORROW BOND FUNDS

Ms. Todd said since the first reading, they have decided to issue a general obligation bond for \$1.85 million; it's allowed by the city to be issued for corporate and public purposes. It is a ten-year bond. Bond counsel will issue an RFP to financial institutions with a quick response expected in May. Principle amounts have been estimated. Interest will be determined once the RFPs are received. In the ordinance there is a pre-payment option without penalty in this bond offering. Mayor Keyserling clarified that if they sell property in the Commerce Park they can apply it to the loan. **Councilman O'Kelley, second by Councilman McFee, made a motion to accept the ordinance on first reading. The motion passed unanimously.**

REQUEST FROM RIVERVIEW BAPTIST TO HOLD PUBLIC ASSEMBLY AT THE BEAUFORT COUNTY COURTHOUSE LAWN

Councilman Sutton, second by Councilman O'Kelley, made a motion to approve the request for the May 3, 2012 event. Mr. Dadson said this is for permission to assemble, and the county will give permission to use this property. **The motion passed unanimously.**

REQUEST FOR STREET CLOSURE FROM THE MEMORIAL DAY COMMITTEE TO HOLD MEMORIAL DAY PARADE

Councilman Sutton, second by Councilman O'Kelley, made a motion to approve the request for the May 28, 2012 event. The motion passed unanimously.

REQUEST FOR STREET CLOSURE FROM TABERNACLE BAPTIST CHURCH FOR THE ANNUAL RUN/WALK FOR CHRIST

Councilman O'Kelley, second by Councilman Sutton, made a motion to approve the request for the May 26, 2012 event. Councilman McFee said this coincides with the Gullah Festival downtown. He asked if these streets have been closed before during Memorial Day weekend during Gullah Festival. Mr. Dadson said for a brief period of time in the AM, yes. It's at 9 AM and is expected to last less than an hour. **The motion passed unanimously.**

REQUEST FOR STREET CLOSURE FROM FIRST PRESBYTERIAN CHURCH

Councilman McFee, second by Councilman O'Kelley, made a motion to approve the request for the May 19 and 20, 2012 event. Bill Harvey said the church will put a tent out in front of the church for the centennial celebration. It's from Craven to Fellowship Hall. Councilman McFee asked if North stays open. **The motion passed unanimously.**

REQUEST FOR CO-SPONSORSHIP FOR USE OF THE WATERFRONT PARK FROM THE KNIGHTS OF COLUMBUS TO HOST FLAG DAY CELEBRATION AND MILITARY CONCERT

Councilman McFee, second by Councilman O'Kelley, made a motion to approve the request for county-sponsorship of the June 14, 2012 event. Staff recommends for approval, Mr. Dadson said. **The motion passed unanimously.** Roy Spurlock explained what the Knights of Columbus does. They have traditionally done this, he said, until a few years ago as "a fun, non-political event." They decided they wanted to come back downtown "where everything

happens.” There will be a band with patriotic music. Steve Mendoza and Mr. Dorsey were also in attendance.

ADJOURNMENT

There being no further business to come before City Council, Councilman O’Kelley made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously, and the meeting was adjourned at 9:30 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK