

A work session meeting of the Beaufort City Council was held on August 28, 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 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 5:00 p.m.

DISCUSSION WITH REDEVELOPMENT COMMISSION AND METROPOLITAN PLANNING COMMISSION CHAIRS

Jon Verity said that they had a very successful meeting with the Lowcountry Housing Trust on August 22. Also, he said, "there appears to be a potential customer coming out of this meeting." The Northwest Quadrant rehabilitation of dilapidated and abandoned buildings project is a clear opportunity for the Redevelopment Commission. It's proposed legislation; Josh Martin went to a meeting and brought back the draft.

On August 13, they met with the Hermitage / Hunter Pines neighborhood groups, Mr. Verity said. The connection of plats was a concern, and Craig Lewis and the Office of Civic Investment redid that sector; now everyone in the neighborhood groups is pleased. Property owners with buildings in the Depot area are on the same page generally, Mr. Verity said. They are continuing discussions with Merritt Patterson and are working on how best to use the Depot building.

They have a draft contract on Lafayette Street, Mr. Verity said, and "good progress is being made there."

In regard to the day dock, **Alan Dechovitz** said there was a draft addendum to the Civic Master Plan for Sector One. Mr. Dechovitz introduced parties with interest in the project who had been involved with getting the addendum to this point and said they could be available to answer questions. Mr. Dechovitz said council had said that some things will have to change to allow economic development. The city had a study done by the Office of Civic Investment and Seth Harry which looked at downtown; it made suggestions on how to strengthen downtown markets. Strengthening investments in the marina area was one of the biggest suggestions, Mr. Dechovitz said. This would attract regional and local consumers to shop downtown. The study focused, too, on attracting a variety of consumer demographic segments which aren't currently offered much, such as young professionals, "up and comers," etc. The west end and the marina are the places to develop that. Within a day's boat ride, there are 50,000 registered boats, Mr. Dechovitz said. The commercial opportunities for those transiting boats can be great. There's a tremendous market available, Mr. Dechovitz said, and the day dock is the first step to capturing that.

The addendum presents a project that consists of:

1. A day dock of a minimum 250' for boats 26' or less on the west end of the seawall, behind the pavilion. It would be strictly for day trippers, not those who would need additional facilities. There is currently no convenient place for them to stop.
2. The construction of a water sports center: a single purpose building of 3000 square feet with 2000' for stacking / storage for kayaks and other rowing devices.
3. There is also a proposal for a 7000 square foot building as an alternative to cover the water sports center plus upgraded marina facilities. Mr. Dechovitz said the exterior will be in the Beaufort style as defined by the HDRB and codified in the form-based code.
4. An ad campaign is needed to appeal to transiting boaters to stop and give Beaufort a try or to come back again if they've been here before; a web and print-based marketing program will help with this.

The Master Plan will be amended, Mr. Dechovitz said. They will meet with the Metropolitan Planning Commission in September. The planning director has said that the proposed uses are consistent with the site's existing zoning.

The Beaufort Rowing Club and Dragon Boat Beaufort have indicated that their preferred facility would be in the downtown area. The rowing club would be able to commit \$10,000 in storage fees at start-up. Main Street Beaufort, the Beaufort Rowing Club, Higher Ground Outfitters, the Beaufort Sail and Power Squadron, and Dragon Boat Beaufort are all supporters. State and federal funds are available to support the recreational aspect of this day dock, and Mayor Keyserling has written a letter in regard to \$250,000 that could be available from those sources.

Mayor Keyserling asked how predicated anything on the high ground is on alternative parking for what's displaced. He also wondered if this is this part of the Master Plan for the high ground that's been passed but is a more defined component. Mr. Dechovitz said ideally, the day dock will attract people to come by boat, so parking's not an issue. The water sports center will have near-term parking in the big marina parking lot that is already there. The rowing club will have some issues with trailers carrying larger boats if they have a meet; they would need the city's permission to rope off part of the lot. The building style will be complimentary to the balance of the site, Mr. Dechovitz said. When it's developed, they will have more parking issues and will need to look at the kinds of parking in the Master Plan. Mayor Keyserling asked if the water sports center was a private sector project, and Mr. Dechovitz said yes. They feel that it can be an attractive project for a developer.

Councilman Sutton said the day dock location has come up for six years, and he doesn't care where it's located, but he asked on what reasoning they had determined its site. Mr. Dechovitz said the merchants and Main Street Beaufort preferred the west end of the seawall at Waterfront Park. They feel that area will be most attractive for people coming to the city as a "waterway gateway." Parallel to the west end is the easiest docking for boaters because of the current, Mr. Dechovitz said. The east end of the seawall is fairly secluded and not very well

lighted, so there could be security concerns at night. Mr. Dechovitz said since this is intended to bring commerce downtown, they had asked the merchants, and this is what they preferred.

Mr. Dechovitz continued that cruise ships pay 50 cents per foot (a third of what boaters at the day dock pay), get free water, and don't generate a lot of money in downtown Beaufort. **Chip Dinkins** said 85% of the downtown merchants were in favor of this location, and only one respondent out of a hundred surveyed was concerned with the cruise ship moving.

Councilman Sutton said he supports the use of the ramp at the west end. The current dock design is not conducive to the launch of kayaks, etc. He asked if there were thoughts about improving the ramp. Mr. Dechovitz said the kayak recovery would occur on the dock itself. The rowing club has offered low-floats for rowing crafts. He feels the issues of launching and retrieving crafts can be worked out. Long-term, if a parking lot is put in at Port Republic, there will be a problem for people who want to park a trailer downtown all day. Councilman Sutton said it's important for him to keep access.

Councilman Sutton said that recently the marina lease was renegotiated, and he asked how much the current marina operator has been involved. It was negotiated in 2009 for ten years, Mr. Dechovitz said. They have talked with **Rick Griffin** and told him what's planned. The city manager has also discussed it with him. Councilman Sutton said there needs to be more aggressive marketing. There are no spots that one can pull up and walk up to a restaurant. Mr. Dechovitz said Mr. Griffin is accommodating to people who want to stay an hour or two. He likes the cruise boat people because they come into the marina store. Mr. Dechovitz said they haven't spoken to him about the 7000' building, but he feels Mr. Griffin would be supportive of it, especially because it puts his facility nearer the dinghy dock and the mooring field. Mr. Dechovitz said he feels that Mr. Griffin has no interest in running a water sports center, but others have indicated that they would be interested.

Councilman McFee asked if the merchants were okay with eliminating the cruise ship from the downtown area. Mr. Dinkins said it could be moved. Mr. Dechovitz said the only fixed provision for cruise ships now is the water service, which they get through a residential hose, and the city could provision a hose further down the seawall. Mayor Keyserling and Councilman O'Kelley said they can be in the middle, which they already are.

Councilman O'Kelley asked if the horse carriage area would be taken over by the water sports center. He asked where the carriage operators would go. Mr. Verity said the buggy rides are important, and there are better ways to do it than it's being done today. They've looked at Bladen Street; if this moves forward, they will have to have further discussion. Councilman O'Kelley said they had mentioned moving the marina office to the water sports center, and that would open up the showers, store, etc. He asked if they had discussed what would be done with what's there now. Mr. Dechovitz said no, but the Sector One Master Plan shows it as green space.

Councilman O’Kelley said Mr. Dechovitz had referred to looking at a developer. Mr. Verity said the city’s not going to build this building: “This would just be for this piece.” Councilman O’Kelley said he’s always had a concern about having the day dock right in front of the pavilion because of disruptions to activities there. The day dock would be 250’, and Councilman O’Kelley asked if it will stay on the west side of the pavilion. Mr. Dechovitz said he believes it does stay on the west side. If it’s 250’, it will stay to the west of it. Mayor Keyserling said he’d walked it out and it goes basically to the east end of the pavilion.

Mr. Verity said the Planning Commission meeting will be in September, and then there will be a public hearing after that with council. Councilman O’Kelley said the primary concern of the public was infringement on the pavilion. Mr. Dechovitz said there will be a small amount of noise with outboards and inboards coming up to that. As far as the view shed impact, the boats are not easy to see unless you’re looking for them, e.g., in Savannah on River Street.

Nan Sutton said she thinks this is “a wonderful step in the right direction.” In regard to the cruise ships, she thinks they should be kept. They might not spend a lot of money in the stores, but 20 out of 50 might be so charmed by Beaufort that they might come back and be future guests of Beaufort. Ms. Sutton feels the dock should be taken to the east end. Nighttime security is “not a concern because it’s a day dock.” Ms. Sutton described what she would do in regard to the day dock if she wins the lottery. She said she loves the plan.

Mayor Keyserling told Councilman O’Kelley that in regard to the pavilion, in 1990 or so, this plan was the original plan, and there was concern about view-blocking then, so it was pushed to the other end. Additionally, Mayor Keyserling said, he doesn’t want to chase anybody away, but they want to make it attractive to the market that the city knows will come. Mayor Keyserling added that cruise ships in Europe moor and run a launch to get people to shore. Someone could start a business doing that, he suggested.

Maxine Lutz asked if the city gets a financial benefit from the cruise ships. It was agreed this was a good question. The 50 cents a day goes to the marina. No one knows who pays the water bill for the hose. North Street said they could be put on the front of the main marina, and Mr. Griffin could charge them more. Councilman McFee said that when he had asked if they could be moored and shuttled in, the cruise ships had said that they would bypass Beaufort. Councilman O’Kelley said if Mr. Griffin put the ships on the outer arm of the marina, it would block off his ability to sell gas. Mr. Dechovitz said a cruise ship represents a much heavier boat than even the largest recreational craft, and the dock might not be able to facilitate it.

Mayor Keyserling asked council if they were comfortable with this as complete enough to go to the Planning Commission. Councilman McFee said he likes the idea of the consolidation of the three buildings. Mayor Keyserling complimented Mr. Dechovitz and the people who had worked on this project.

TOURISM DEVELOPMENT ADVISORY COMMITTEE (TDAC) - PROPOSAL ON USE OF ACCOMMODATION TAX DOLLARS

Mayor Keyserling explained the history of the issues with TDAC, including the marketing summit in which, he said, people who were marketing Beaufort didn't realize that there were others marketing Beaufort.

Jeff Evans said TDAC was asked to find a better way to use the limited funds to get the maximum "bang for the buck." Though they had asked groups to work together to try to consolidate the number of people coming to ask for grants, they were having trouble getting groups to work together, so it was decided that changing the process would help increase cooperation. They determined groups that represent Beaufort, and the idea is to get those groups to work together and with the DMO. He has presented to council a draft of a plan.

Mr. Evans said that TDAC met with the DMO and determined that they hadn't been holding the organizations who'd received grants in the past year as accountable as they should have, so they put together a plan to raise the stakes on accountability and compliance. **Ivette Burgess** sent out a letter to last year's grant recipients asking for documents with specifics, e.g., receipts, ad slicks, etc., to see how the money was being used. Those organizations are to get back with TDAC on September 13 to make a short presentation; TDAC will get that information about a week before. **Robb Wells** said this is standard procedure, and in the future, other criteria can be added in regard to collaboration.

Mayor Keyserling said he can see a working process where everything fits into a classification, and the closer it fits, the higher the ranking, and another criteria would be the extent to which organizations collaborated. If several groups came up with a program in which they worked together, they would get a higher rating than a single group doing a single event. The desired common tie, Mayor Keyserling said, is "city building." Tourism is a component of that, but "it shouldn't be left out on its own."

Mr. Evans said that a cohesive message "requires coordination and compliance with some sort of iconography or look that the city has signed off on as how to present Beaufort." Mayor Keyserling said Main Street Beaufort had stopped their branding process in deference to this process. Mayor Keyserling said that at the marketing summit, the deputy city manager in Greenville said that they don't have a brand: they have "an energy of collaboration: that is their brand."

Councilman Sutton said that council has asked for a long time for requirements for accountability, and it's good the board is thinking about that. He would like to see people thinking about how the DMO fits into the main message for the city of Beaufort since they are getting the lion's share of the Accommodations Tax money. Each group should publicize their event in a way that encompasses the same story as what the DMO is doing. He would like the DMO to annually set a workshop date for applicants to come in and show what their groups

have done and see what they're producing. He advocates the DMO getting a nod in who receives funding, and then council would also approve in order to keep it cohesive.

Mr. Evans said that when the process is put into place, looking at compliance will be easier. **Tony Royal** asked if it would be beneficial for Beaufort to have a vision statement to give parameters. Mayor Keyserling said that is what he is talking about the DMO doing: the Chamber of Commerce does the vision statement, and then others are measured as to whether they are meeting it.

Councilman McFee said his concern with this suggested hierarchy is the funding sources. Mayor Keyserling said the DMO would set the framework, and then TDAC would see to it that it fits within that. Mayor Keyserling said he sees TDAC as the machinery to make this happen, not the DMO, which would only set the framework. Mr. Wells said the DMO's responsibility and goal is still to collaborate. Councilman McFee said the applicants and organizations have always pushed back by saying that if the Chamber of Commerce were too powerful, it would hinder their ability to apply for funding.

Mr. Royal said his group advertises Beaufort through Orvis which sends out millions of catalogs and emails. They mention Beaufort in the write-up to get people here. Mayor Keyserling said if he were in the kayaking business, he would want to collaborate with them. Mayor Keyserling said realtors are very important to this process as well. All the communities have an interest in Beaufort because all tourists are a prospect.

Ms. Lutz said Historic Beaufort Foundation has appreciated the new attitude, and it will be a good thing for HBF. They have been working with Mr. Wells. **Erika Dickerson** said this is a great direction. **Suzanne Larson** said the Lt. Dan Weekend is working with Mr. Royal's organization and "has partnered to do some wonderful thing." Mr. Evans said the next step is to formulate the process.

EXECUTIVE SESSION

On motion of Councilman Sutton, 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 a discussion of contractual matters. The motion was approved unanimously.

Councilman Sutton, seconded by Councilwoman Beer, 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 6:58 p.m.

A regular meeting of the Beaufort City Council was held on August 28, 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.

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.

PRESENTATION OF RECRUITING POSTER FROM USCB

Jane Upshaw came with two art students to thank council for its support and collaboration with the university. She presented a framed poster to the city and copies to each of the council members. Councilman O’Kelley thanked Ms. Upshaw for the reception at the dormitory at the Grace White house. Ms. Upshaw said it was a fitting tribute to have the first residential students in Beaufort living in Ms. White’s house.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 7.2.G.2.B, “ATTACHED SIGNS,” TO CLARIFY THE METHOD FOR CALCULATING THE SIZE OF ATTACHED SIGNS

Mayor Keyserling opened this public hearing. Libby Anderson said that the current ordinance defines the maximum area for wall signs, but it does not detail how that square footage is measured. This is particularly important to sign companies. She described how the area is determined and said this puts into writing what they have been doing for several years. The Planning Commission recommended approval, she said. Councilman Sutton asked if a logo counts as a letter. Ms. Anderson said that counts as part of the sign. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ORDINANCE REZONING A 9.7-ACRE PARCEL OF PROPERTY LOCATED AT US 21 & PARRIS ISLAND GATEWAY, FROM COMMERCIAL REGIONAL DISTRICT TO HIGHWAY COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson showed a graphic of the parcel. The property is a little under ten acres, she said. The Rail Trail runs in front of the property. It’s contiguous to the existing city limits. All services will be available to the property if it’s annexed. The current county zoning is its most intense, and the proposed zoning in the city is comparable; it permits all types of businesses. The zoning in the area is mixed with General Commercial and residential, but most of it is zoned Highway Commercial. In regard to the comprehensive plan, the designation is G-3. Appropriate uses are residential development, neighborhood centers, industrial districts, etc. Sectors 4 and 5 charettes were held, and the

Office of Civic Investment was contacted; they said that Highway Commercial would be consistent with the plans for this area. This is a redevelopment site. There are several nice trees on the property. Infrastructure is available for redevelopment. Public notice has been made, Ms. Anderson said, and there have been no public comments on the proposed rezoning. The Planning Commission heard the request on August 20 and recommended approval. Ms. Dickerson said she thinks it would be wonderful to have this corner of the gateway to the city annexed into the city. **Mayor Keyserling closed this public hearing.**

MINUTES

The minutes of the work session and regular meeting on August 14, 2012 were presented to council for review. **Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes as submitted. The motion passed unanimously.**

ORDINANCE REVISING SECTION 5.4.G OF UNIFIED DEVELOPMENT ORDINANCE (UDO), "SETBACK AND OTHER YARD REQUIREMENTS FOR ACCESSORY USES," TO ESTABLISH A MINIMUM STREET SETBACK FOR GARAGES

Councilwoman Beer made a motion, second by Councilman McFee to approve the revision to the ordinance on first reading. Mayor Keyserling said there was a presentation made on this last week. Councilman Sutton said he's been thinking about the process of how the city evolves; garages of the sort that are problematic would not be able to be built today. With greater urban development, he has concerns that the consequences might be something they don't understand yet. An "accessory use" may not be for parking a car. He urged caution at setting minimum standards.

Mayor Keyserling said that the North Street house used as an example creates a driveway that in the form-based code might not be in the front of the house. Councilman Sutton said every case is different. In the Historic District, if someone wants a carriage house, this may nullify that if it's not looked at more closely. Ms. Anderson said the North Street house could not have a vehicle parked in front of the garage without being on the sidewalk or in the street. The Office of Civic Investment has said that this kind of provision is not unusual, she added. There have been mistakes that couldn't be fixed because there was no provision in the ordinance. Ms. Anderson said if the vehicle is in the garage there's not a problem, but if it's outside it, it can block sidewalk and road access issues. Ms. Anderson said through design they can solve enforcement problems, and that's what they are trying to do.

Ms. Lutz said that Historic Beaufort Foundation had opposed the North Street example, but it's a non-contributing house. The proposed setback would be fine with the Historic Beaufort Foundation, she said. She agreed with Councilman Sutton that they must look at the proposals individually when they come up. Councilman Sutton said each will be different, and that's why he has concerns about saying 20' when it might be better with 23'. Councilman McFee said the intent of the change is that it's being used as a garage and this will preclude a vehicle going into the sidewalk or street. Ms. Anderson said this will hopefully take out some of the arbitrariness out of the permitting process.

Mayor Keyserling proposed that council ask questions before second reading. He and Councilman Sutton said they didn't know which questions to ask yet, though. Mayor Keyserling urged questions be asked of Ms. Anderson before second reading. Councilman Sutton gave an example of a carriage house that works well and said if this is passed, that will never happen again. The carriage house process is a need. When urban density is increased, people need to be able to add space to a structure. Councilman O'Kelley said the ZBOA could still field appeals if an application is denied if the circumstances would allow them to build a carriage house. It's a tool to use if someone wants to fit it in an unusual space.

Councilman McFee asked if the surface leading to the road was being paved. Ms. Anderson said she believed it was impervious. This case didn't need an encroachment permit, and if they had, the DOT might not have allowed it in this situation. **The motion passed unanimously.**

ORDINANCE REVISING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ADD A NEW SECTION 7.7, "STORMWATER," SETTING OUT NEW STANDARDS FOR STORMWATER MANAGEMENT AND CONTROL

Councilwoman Beer made a motion, second by Councilman Sutton to approve the revision to the ordinance on first reading. Ms. Anderson said transect-based stormwater standards have been a council topic for many years in the comprehensive plan and in the municipal stormwater policy. The Office of Civic Investment has developed these standards with Andy Kinghorn. In July, the Planning Commission recommended approval. Ms. Anderson said the focus is on infill and redevelopment and trying to level the playing field; one of the major costs is stormwater. **The motion passed unanimously.**

ORDINANCE REVISING PART 5 OF THE CODE OF ORDINANCES

Councilwoman Beer made a motion, second by Councilman McFee to approve the revision to the ordinance on first reading. Ms. Anderson said the current stormwater standards are in the city code, and now the new standards will be in the UDO. This is a removal of the stormwater standards from the city code and into the UDO. **The motion passed unanimously.**

ORDINANCE REVISING FOUR PARCELS OF PROPERTY AND PARTIALLY REZONING TWO PARCELS OF PROPERTY IN THE WHITEHALL DEVELOPMENT FROM R-4 TO NEIGHBORHOOD COMMERCIAL DISTRICT

Councilwoman Beer made a motion, second by Councilman McFee to approve the revision to the ordinance on first reading. Ms. Anderson explained the history of this project. She said the Planning Commission in February had recommended denial in regard to zoning these six parcels Neighborhood Commercial. At council's public hearing, they recommended a workshop, which was held in July. The applicant then made revisions. The current zoning is R-4; the remainder of Whitehall is Neighborhood Commercial. The original proposal was to zone the whole parcel as Neighborhood Commercial. The revision proposed is to create a buffer of R-4 zoning along Harborview Circle with the remainder to go to Neighborhood Commercial. The rear portion of the four parcels in the buffer would go to Neighborhood Commercial.

Ms. Anderson said Whitehall has always been envisioned as a mixed use development. She reiterated that four of the six parcels would be zoned Neighborhood Commercial, and there would be a buffer of R-4 on two of the parcels (28 and 30). The Planning Commission recommended denial of the current proposal, Ms. Anderson said, based on the recommendation of the Office of Civic Investment until the form-based code is adopted or until the applicant adopts their own form-based code, similar to what was done on Bladen Street.

Councilman O'Kelley said he didn't receive the public comments in his packet. He was given copies. Mayor Keyserling said in his review, he sees a conflict between those who live in a city and a city that wants urbanization, and those who live outside a city and want to maintain their suburbanization. He said after the workshop, the single family dwelling buffer was proposed "to join the urban and suburban." Open space on the water and tree restrictions will affect density, and council tried to give direction to the applicant. Mayor Keyserling said what was presented at the workshop was not acceptable to the Planning Commission.

John Libby, Lady's Island, said he doesn't feel that the need is really there, and the beauty of the watershed will never come back if it's taken away. It's going to have a short range negative impact, and long-range, a developer will benefit the most, while the City of Beaufort will not. Once the green space and water view is gone, it will never come back, he emphasized.

Mayor Keyserling said that according to the master plan, this should be "an urban extension of downtown," and the objections are from those living there who want it to be suburban. "Most of the waterfront would remain open to the public," he said. The city has recommended a more dense urban area with a lot of green space around it. Mayor Keyserling said this is in line with the way they want to grow the city. The neighbors, who are not in the city, "need to have the encroachment on the back side of the property softened," Mayor Keyserling said. They did not choose to be in the city or to be urban. Mayor Keyserling said the Planning Commission is agreeing with the Office of Civic Investment that it's hard to look at one piece without looking at the whole. Ms. Anderson said they felt "form-based code would offer more predictability."

Councilman McFee said there have been conversations with the property owners in Harborview about the interconnectivity on Harborview Drive. He questioned the section to the east (lot 20). He asked why that lot wasn't more buffered. **David Tedder**, representing the applicant, said their access is on Harborview. The UDO requires a buffer there.

Mr. Tedder said that the Office of Civic Investment and everyone who has looked at this has said the density has to be increased in order to create the public open space. Mr. Tedder said the first concern for residents was having commercial up against their property, so they created the buffer; then the second time, there were concerns about people driving through their neighborhood. Now, the developer is ending the connection to Harborview Drive.

The rezoning is in keeping with the comprehensive plan, Mr. Tedder said. The Office of Civic Investment initially told them that they were good to go, but then said they needed to wait for form-based code. He's asking that council approve this compromise which protects the citizens of the county and creates a complementary area that can create the opportunity for open space. It will be collaboration with the city, Mr. Tedder said. The property owners have worked closely with the city for a vision as shown in the comprehensive plan.

Councilman Sutton said he wants to ensure that the road will be closed. It doesn't clearly appear to be closed, he said. Mr. Tedder said "someone has to move first." The applicant doesn't want to do that until the rezoning's done. Councilman Sutton said one "can't accept the principles of form-based code unless the ideas of connectivity can be accepted." Councilman Sutton said what Whitehall will be has been debated for years. Urban density is needed, and open space and public access to water is needed. The developer may never develop this property; it's changed hands four times at least, he said. What is real is "the right to split a zone under current zoning conditions." The battle is protecting those who don't live in the city limits. Councilman Sutton said at least two of the properties there haven't lived there more than three years, and they bought their property knowing what was going to take place. He feels the road should be guaranteed to be closed, and then they must do by-right zoning, in order to get Councilman Sutton's approval. He said "the city is so far ahead of the curve of form-based code"; this will become an urban center that will ultimately require connecting all of the neighborhood around it, including the high school.

Councilman McFee said this has been zoned R-4 in the original plan; there is intent to open road access off Meridian in one of the plans. He knows that Lot 8 is in opposition to the plans, and he doesn't know if they have seen the most current plans. Ms. Anderson said those owners were not able to attend the Planning Commission meeting; their letter was sent the day of the meeting. Mayor Keyserling reviewed the letters and calls made in opposition to the rezoning. Ms. Anderson said the letters sent out to residents August 9 included the plans that existed and were proposed.

Councilman O'Kelley said he wished Mr. Tedder luck, but he can't support this plan. Mayor Keyserling said the concerns the residents raised have been addressed. Councilman McFee said the adjustments Mr. Tedder has made are in keeping with the master plan. Councilman McFee said these plans may have nothing to do with what may ultimately be done with this property. These are the city's plans, not Mr. Tedder's plans.

Mayor Keyserling said before this property is developed, there will be a form-based code. He asked if there were any immediate plans by the applicant. Mr. Tedder said council's approval "would allow better opportunities for the present owners to partner with the developer to create practical plans." They will be more likely to engage with the city than if they didn't know what was going to happen.

Mayor Keyserling said there will have to be engagement with the city either way. If they don't do a PUD, they can do a subdivision. Ms. Anderson agreed. Mayor Keyserling said he doesn't see the problem in moving forward if they have addressed the neighborhood's concerns. They are allowing Mr. Tedder to bring a plan back to the city; it could be form-based code or not.

Councilman Sutton said he wouldn't vote to pass this on second reading if the road is still there. To protect the neighborhood, the need for the planning to be done right is greater than it usually is, he feels. He said he feels they shouldn't wait for form-based code, as long as the road isn't still there. Nothing built in the city today has been on an illustrative plan, Councilman Sutton said. Councilman McFee added, "except McDonald's." Councilman McFee said "the intent gives them the ability to go forward and market the property to another developer." Ms. Anderson said she would suggest that the applicant do a lot recombination plan; the road would be abandoned and incorporated into the adjacent property. They don't want to encourage split zoning. She demonstrated what a lot recombination would do and the certainty it would offer.

Mr. Tedder said he hasn't spoken to his client about that, but it might work. The acreage would have to be resurveyed to prepare a lot division. He will present it to his client in the time between the first and second readings.

Mayor Keyserling said he will support this on first reading. He agrees with Councilman Sutton that he's doing it because he doesn't know if they can hold up a land owner, and the developer is protecting the neighborhood. He asked if the motion is to accept this with the road closed. Councilman Sutton said that's not what's on the table. The fundamental concerns of the neighborhood were traffic coming down Harborview Circle or commercial development up against their houses, Councilman Sutton said. He feels the owners fail to realize that R-4 zoning means 8-10 more families could live on that road. Part of the neighborhood has been in transition for years. It's a small, non-vibrant cul de sac, and the applicant and city are going way out of our way to support the Beaufortonians who live there.

Mr. Libby said that the residential area was there when the owners purchased, so he feels council has a responsibility to them; the developer has the option to build residential homes there. Councilman Sutton said that will happen, but form-based code doesn't change the right of a landowner to develop a property; "It gives them a tool." It's been identified as a higher density than anyone thought it would be, Councilman Sutton said. This zoning is protecting them. He would love it to be open space, but the city can't afford to maintain another open space. Form-based code has not been used.

Mr. Libby said things might be different if residential building comes back; Councilman Sutton said they may want more commercial than residential because of the taxes. There's a need to increase the right type of commercial development "to get people to stay put and walk." Mr. Libby said there is an enormous amount of empty commercial property now in existence. Councilman Sutton said they know that, and they "are not fooled by a developer." Mayor

Keyserling said they are protecting the neighbors by not making them adjacent. Mr. Libby said “this is just appeasement”; residential zoning is now going to commercial. Councilman Sutton and Mayor Keyserling said “it already is.”

Mr. Libby asked how long the Neighborhood Commercial zoning has been there. Councilman McFee said it’s always been there from the original owners, and 50% of the owners now there bought after this developer bought the property. Councilman Sutton said one vision of the property had houses all along the waterfront, and no one would have been able to walk along it. One of the trade-offs the developer has made if that there will now be open space and water access around the residences.

Mayor Keyserling said he would love to see form-based code, and he wishes Mr. Tedder’s clients had brought a special form-based code, but it seems to him that the compromise has happened. The neighbors have the protection they have asked for. **The motion passed 4-1, Councilman O’Kelley opposed.**

AMEND THE FY 2012 BUDGET

Councilwoman Beer made a motion, second by Councilman McFee to amend the budget on first reading. Kathy Todd said there are five components to the budget amendment and explained what they were. In each case there is revenue to offset the expenditures, and there will be no effect on the fund balance. She emphasized that this is an amendment of last year’s budget in preparation for the Comprehensive Annual Financial Report (CAFR) for FY 2012. This will permit its closure. She concluded that the budget amendment is a request for council to commit that base fund so it can be presented as fund balance on financial statements. **The motion passed unanimously.**

AMENDMENT TO BAN ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE IN THE CITY, SPECIFICALLY TEXTING WHILE DRIVING

Councilman O’Kelley made a motion, second by Councilwoman Beer, to approve the amendment to the ordinance on first reading. Councilman O’Kelley said Section F has been added “based on Chief Clancy’s tweaking,” and it “gives the amendment more teeth.” He said the city attorney has approved it. Councilman Sutton said he has concerns about state fines. Mayor Keyserling said this is only first reading. **The motion passed unanimously.**

CO-SPONSORSHIP REQUEST FROM FRIENDS OF THE LIBRARY FOR USE OF WATERFRONT PARK FOR THE ANNUAL FALL BOOK SALE

Councilwoman Beer made a motion, second by Councilman O’Kelley, to approve the county-sponsorship request for the September 28 – 30, 2012 event. Councilman McFee said that in their application they say they’re not selling anything. Ms. Burgess said it’s a fundraiser. Councilwoman Beer said that the application she had was different than Councilman McFee’s. **The motion passed unanimously.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilman Sutton made a motion, second by Councilman O’Kelley, to recommend Gail Westerfield for appointment to TDAC. The following were recommended as appointees to the Beaufort Code Advisory Committee: Councilwoman Beer, representing council and Pigeon Point; John Dickerson, representing the DRB, Pigeon Point and the Northwest Quadrant; neighborhood representative John Gadson, representing Dixon Village; neighborhood representative Beth Grace, representing The Point; Bill Harris and Alice Howard, representing the Metropolitan Planning Commission, and the West End and Mossy Oaks, respectively; neighborhood representative Terry Hussey, representing The Point; Cynthia Jenkins, representing the Historic Beaufort Foundation; neighborhood representative Andy Kinghorn, representing Pigeon Point with a background in stormwater management; Sam Levine, representing the Historic District as a commercial developer; Rod Mattingly, representing the ZBOA and Pigeon Point; neighborhood representative Terry Murray, representing Hundred Pines; Joel Newman, representing the HDRB; Councilman O’Kelley, representing city council, Alan Patterson, contractor and developer; architect Nigel Stroud; attorney Mr. Tedder, representing the Northwest Quadrant; developer Paul Trask, representing The Bluff; developer Steve Tully, representing The Bluff; and Wendy Zara, representing the Redevelopment Commission. The motion passed unanimously.

COUNCIL MEMBER REPORTS

Councilwoman Beer reminded everyone that the 9/11 ceremony in Waterfront Park would take place at 8:30 am.

Councilwoman Beer made a motion, second by Councilman O’Kelley, to resume the Executive Session. The motion passed unanimously.

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

ADJOURNMENT

There being no further business to come before City Council, **Councilman O’Kelley made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously and the meeting was adjourned at 9:25 p.m.**

ATTEST: _____
IVETTE BURGESS, CITY CLERK