

A work session meeting of the Beaufort City Council was held on December 13, 2011 at 6:00 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.

Mayor Keyserling called the work session to order at 6:00 p.m.

#### **UPDATE ON MOORING FIELDS**

**Rick Griffin**, harbormaster, said there'd been a site visit on November 17, 2011, and there "should be something to look at" this week. He described the area that had been surveyed. **Libby Anderson** said the grant should be heard about in March. Councilman Sutton asked what the next step will be if the grant funds don't come through. Mr. Griffin said they haven't made a plan for that yet. Councilman Sutton confirmed that they have money in hand for the permitting. There was discussion of what the grant funds would cover. Councilman O'Kelley said there are usually 30-31 boats by his count. Mr. Dadson said those that aren't attached to a mooring field can be limited. Mr. Griffin said if it's designated by the Coast Guard as a mooring field, it can be controlled.

Councilman Sutton said if they get the permit process completed, without further funding, they can look for fundraising "to get the buoys started." He'd prefer not to wait on the grant for a decision about the next step. When they have the permit, they should start discussing how to regulate a mooring field. Mr. Griffin said the permitting process will go into next year. Councilman O'Kelley asked Mr. Griffin, if a mooring field is established, and other boats "roost over in the cut" for a long time, if that could be controlled. Mr. Dadson said "this is part of that process." When mooring fields are established, they can regulate almost everything except overnight anchoring.

Councilman O'Kelley said at Factory Creek, there are some boats that stay a long time. Mr. Dadson said it's clear between bridges. Mayor Keyserling said once a mooring field is established, one can add under that permit as long as one stays within the parameters of a mooring field. Councilman McFee said anchorage isn't limited; they can put as many boats as they have in the anchorage. Mr. Griffin said they have five years, once they have the permit in hand, to build the fields. Councilman Sutton said they will "have to chase some boats out" from among those that don't want to pay. Mr. Dadson said he has collected some addresses for Mr. Griffin of mooring fields he could use for research.

Councilman Sutton asked Mr. Griffin for clarification about the steps being taken, and Mr. Griffin said the permitting process is moving ahead, and the engineer is ready to present an exhibit. The engineering firm is contracted to design the field. Mr. Griffin feels the engineer is

“fairly close” to being done since he has an exhibit to show. Councilman Sutton asked him Mr. Griffin to let council know when it’s completed.

### **UPDATE ON DOWNTOWN STREET LIGHTING PROJECT**

Planning and Public Works staff have worked on a plan to replace downtown street lighting in response to council concerns about street lighting and safety, Ms. Anderson said. Also, the fixtures to be replaced were specialized and had costly maintenance and repair. Ordering parts can take six months. Staff is proposing to replace the gooseneck lights. Ms. Anderson described the phases of the efforts, which she said are tentative in the third phase. Certain lighting standards need to be maintained throughout the area. There are 62 fixtures, and they will go up to 75 for more lighting downtown and to light with decorative features places that don’t currently have them. She described the areas that will get replacement and new lights. The cost is \$375,000 at the high end, and it could be paid through with TIF funds, Ms. Anderson said.

The conduit on Bay Street needs to be replaced; the current one isn’t up to standards, Ms. Anderson said. They need to bore under the sidewalk or open it up (“trenching”), the latter of which is thought to be the better option. The crepe myrtles and hanging baskets need to be hand-watered now, and this would allow them to be watered on a timer.

Ms. Anderson showed photos of the brick strip on Bladen Street that will be used on this project “for aesthetics and irrigation.” The brick will go from the curb, three bricks back toward the buildings. At this point, Ms. Anderson said, they are looking for confirmation from council that they’re on the right path. They have made an initial contact with the DOT.

Mayor Keyserling asked if these posts could become antiquated like the ones the city currently has. Ms. Anderson said SCE&G likes this fixture. Mr. Dadson said the ones the city has now were “a special order.” Councilwoman Beer said it’s a matter of safety with the lighting because the goosenecks leave alleys dark. Councilman O’Kelley asked Ms. Anderson about the difference in height between the fixtures used on Bladen and the goosenecks. Ms. Anderson said they’re 14’ tall, and the lamp is 2’ for a total of 16’. Councilman O’Kelley said the goosenecks are very high. On a 14’ pole, signs will be grab-able. Some of the awnings downtown are long enough to get bent by kids doing chin-ups, so they need to consider that with height on the light fixtures. Councilman O’Kelley asked if the cost for trenching on Bay Street was included in the \$375,000. Ms. Anderson said it was.

Councilman Sutton said this will change what the city does for Christmas lighting. On Bay Street, he said, where events and festivals happen, the poles are not currently fused and can’t be powered up, which creates problems for festivals which need power. Planning ahead, he would like the answer on the ability to fuse in 120v power supplies at the base of the poles on Bay Street. Ms. Anderson said it’s part of the cost, but “the technical folks want it on the top, not the base.” Councilman Sutton said they could maybe do every other pole for festival use. Councilman McFee said if they need to, since they’re trenching, they could do locked boxes for power.

Councilman O'Kelley said when the streetscape was done, there was a box attached to a building, and that's where they would plug in and then tape down cord to the sidewalk. Councilman Sutton said there are only two of those. The power on the light poles now is only available for Christmas lights, not festival events' needs. There should also be a valve in the ground for washing sidewalks, Councilman Sutton said, which can't be done now. It would be nice to have a spigot for use after festivals, he said.

Mayor Keyserling asked if they're "running into a maintenance liability" if the bricks have plantings on them. Councilman O'Kelley said old people and children could trip over them. Councilman O'Kelley said people have to be able to step on the sidewalk when they get out of their car. Mr. Dadson said this is an opportunity to "actually come up with something that works." He went on to reiterate council's suggestions.

Councilman O'Kelley asked if the goosenecks could be used elsewhere. Mr. Dadson said they're keeping them, and they may be recycled. Ms. Anderson said they "plan to cannibalize them for parts." Councilman Sutton said on the "greenscape," they should ask staff to look at areas that it would work, i.e., areas where people aren't getting out of their cars. Mayor Keyserling encouraged Ms. Anderson to look into that. Councilman Sutton suggested looking at the park and the materials that work there. Mr. Dadson said they would do so.

#### **PARISH CHURCH OF ST. HELENA'S USE OF BANNER POLES FOR THEIR TRICENTENNIAL CELEBRATION**

**Jan Pringle**, co-chair of the church's bicentennial, said the church preceded the council and was the local unit of government in the early 1700s. She asked council to allow the church to put up 40 banners recognizing the church's historical importance. They would use the spaces where the tricentennial banners were and use the same company to do their banners. She showed an example of the design. She described some of the plans for the celebration and marketing efforts for the church and the bicentennial. Mayor Keyserling said he thinks this is reasonable. Councilman McFee confirmed that the banners would be two-sided. Ms. Pringle gave council a historical fact sheet about the church.

Mayor Keyserling said USCB had done a 4-6 page advertorial in a US Air magazine.

Mayor Keyserling asked about the time limit for the banners being up and said there should be some agreement on how long they'll be up. Ms. Pringle said they'd like them up when the Lord Bishop comes. Councilman McFee said May would be the next event that would need banners to advertise it. Mr. Dadson said they will take them down whenever council wants them to come down. Councilman O'Kelley said they'd leave them up as long as they can. Mr. Dadson asked **Lanelle Fabian** if banners go down Charles Street. Councilman McFee said they go to the Post Office. Mr. Dadson said it might be a good idea to keep them going down Charles Street.

Mayor Keyserling said Main Street Beaufort has to have the approval of the city to belong to a municipal program. After reading it, the contract is not with the city but with the

Redevelopment Commission, so he is planning to sign it so they can be part of the state program.

There being no further business to come before council, the work session adjourned at 6:58 p.m.

A regular meeting of the Beaufort City Council was held on December 13, 2011 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, George O’Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

**CALL TO ORDER**

The Mayor called the meeting to order at 7:05 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**PROCLAMATION RECOGNIZING BEAUFORT COUNTY AS ONE OF THE NATION’S 100 BEST COMMUNITIES FOR YOUNG PEOPLE**

**Councilwoman Beer made a motion, second by Councilman McFee to approve the proclamation. The motion passed unanimously.** Councilwoman Beer read the proclamation and Mayor Keyserling presented the certificate to Fred Leyda & Margaret Rushton.

**RESOLUTION COMMENDING HEATHER WINCH FOR SERVING ON THE TOURISM MANAGEMENT ADVISORY COMMITTEE (TMAC)**

**Councilman McFee made a motion, second by Councilman Sutton to approve the proclamation. The motion passed unanimously.** Councilwoman Beer read the resolution, honoring Ms. Winch for her role in ending “the carriage wars,” and Mayor Keyserling presented Ms. Winch with a pin. Ms. Winch thanked council, city staff and Officer Hope Able for their assistance. She expressed hope that the future of TMAC would be one that enhances the visitors’ experience.

**PRESENTATION: BEAUFORT REGIONAL CHAMBER OF COMMERCE – BEAUFORT DESTINATION VIDEO**

**Blakely Williams**, president and CEO of the Beaufort Regional Chamber of Commerce, said the Chamber’s video has received many visits from 32 countries and showed it to those assembled.

**PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 1403 LAFAYETTE STREET, FROM R-2 MEDIUM DENSITY SINGLE – FAMILY RESIDENTIAL DISTRICT TO GENERAL RESIDENTIAL DISTRICT**

Mayor Keyserling opened this public hearing. Ms. Anderson showed a map of the area. The property is .9 acre. The Redevelopment Commission is proposing to develop the property through an RFP. Ms. Anderson said the Sector One Civic Master Plan says this development could spur further development in this area. It would suit a range of building types. This site plan in the Civic Master Plan shows an option for how this property could be developed. It’s an aspect of improvements for a part of the downtown area, Ms. Anderson said.

She also showed a graphic of proposed improvements to Basil Green Park, which is adjacent. The parcel is in the Higginsonville neighborhood, but across the street from Pigeon Point. The city owns the property, and through the city and Redevelopment Commission, the city can add covenants to any development on the site to a degree the zoning standards can't. It's currently zoned R2, a single-family zoning. Churches and schools are allowed as conditional uses and community service organizations are allowed by special exception. The proposed zoning is General Residential district to allow maximum flexibility in accordance with the Master Plan. It permits multi-family dwellings. It would be subject to design review by the DRB. She showed a graphic of the current zoning, which is a mixture of primarily residences.

Ms. Anderson said the comprehensive plan goal designation is urban neighborhood or G2, which contains denser mixed use development with single- and multi-family residential, some commercial uses and offices, civic uses, and even possibly light industrial uses. She showed a graphic of the current properties surrounding it and the land uses, which were split between rentals and owner-occupied housing. 4-6 units could be built on the lot without a design exception. There's a unique opportunity for flexible residential development, Ms. Anderson said, such as of an unpaved rear lane or alley for vehicle access for a nice streetscape on Lafayette Street. Basil Green Park is proposed to include a pavilion and playground. In regard to public notification, Ms. Anderson said, property owners in the immediate vicinity were invited to a meeting, and neighbors and neighborhood associations were notified of the Planning Commission meeting and this public hearing. Responses are in the council packet and two additional ones that came in later were given to council.

Concerns that had been raised included:

- Parking – The lot is not assigned for parking and is not developed for parking, Ms. Anderson said. As the principle use of the lot, parking's not permitted in General Residential, but people have been parking there informally, and residents are concerned about the loss of parking when the Basil Green ball parks are in use. The plan shows how 300 parking spaces can be generated in the area through redesign of the park. Parking is not a zoning issue, Ms. Anderson said, though it's clearly a concern. It could be developed today.
- Owner-occupied vs. renter-occupied – Zoning doesn't regulate tenancy, Ms. Anderson said. Zoning only addresses the use.
- Affordability – Will it be market-rate housing? This isn't a zoning issue, either, but is a matter of policy.
- Spot zoning – Ms. Anderson read the Supreme Court description of spot zoning, and this proposed development is not a new use, different than the residential currently in the area.

The Planning Commission considered the zoning request, and the vote to recommend was split among the members present, Ms. Anderson said.

Mayor Keyserling said this is a unique zoning situation. In the four years they have been looking at the comprehensive plan and Civic Master Plan, he said, the purpose of zoning hasn't ever been to create an apartment complex but to create the flexibility to build something original to demonstrate what could be done in that neighborhood and similar neighborhoods in Beaufort. Last week, council determined they would zone the property to allow the Redevelopment Commission flexibility, Mayor Keyserling said, but they wouldn't approve the *sale* of the parcel of land until they are comfortable that it is an appropriate use. So the Redevelopment Commission can go out and solicit ideas. They learned from Pigeon Point that there is an over-abundance of renters, so in Mayor Keyserling's view, he will be looking at the proposals for home-ownership, rather than additional renters. Also, he will be looking for affordable homes for working families that the majority of families in Beaufort could afford to buy.

Mayor Keyserling said he and other council members have gotten "a number of e-mails." When he did a similar project with partners in Port Royal, "people looked askance at the Village of Port Royal," but it was very successful and led to a re-zoning and an overlay. People are always afraid to change, he said, and the idea is to experiment with building density and do something that sets a new, complimentary standard, rather than diminishing character and values.

**Robert C. Middaugh**, 1997 Cuthbert Street, said he believes the neighborhood should stay at R2, single-family. "Lafayette Square was a pain in the neck that was cleaned up," he said, and is now "a pain in the neck again." The Higginsonville neighborhood has improved in the 12 years he's lived there, he said. The house behind him "had drug dealing in it." He described the situation that took place there. Another house was rented to people (who worked) at the Air Station, and there were "black prostitutes" there. He concluded by reiterating that the neighborhood should remain as it is.

**Tim Brutcher**, 1602 Lafayette Street, said at one point, this parcel was sub-divided into a 4-parcel property. This would permit five homes per acre at that density, and now they are "pushing it...to more than double for this area." Affordable housing is not the best circumstance, he feels. A developer would have to improve drainage, where there's a ditch now behind the property under discussion; they would have to do a number of improvements to the property in infrastructure "to the tune," he speculated, "of \$250,000 before a home was built." How the houses would be sold is another issue for him, he said. Will it be developer-driven or city-owned? Mayor Keyserling said it will be a private enterprise, and he personally feels it should be owner-occupied. Mr. Brutcher said he would recommend it go back to four lots and have "the owner be responsible for their own improvements."

Councilman O'Kelley asked if this area is served by city sewer. Mr. Dadson said it has city sewer. Councilman O'Kelley said he would never vote for 11 units on that lot. Councilman McFee said that's just a vision in the Master Plan. Mayor Keyserling said they share the concern that it not be an apartment complex. There are a lot of large lots with small homes in Pigeon Point, and this is an opportunity for people to be creative and see what they come up with. Councilman

McFee asked if Von Harten Street was a state road. Ms. Anderson said she believed so and would check on it. Mayor Keyserling closed this public hearing.

### **MINUTES**

The minutes of the work session and regular meeting on December 6, 2011 were presented to council for review. Councilman McFee said that “Niels” was misspelled “Nils.” **On motion by Councilwoman Beer, second by Councilman Sutton, council voted unanimously to approve the minutes as amended.**

### **ORDINANCE REVISING SECTION 6.10 OF THE UDO, “BLADEN STREET REDEVELOPMENT DISTRICT,” TO CHANGE STANDARDS FOR FLOOR, PORCH, AND STOOP HEIGHT, REVISE MINIMUM BUILDING STORY REQUIREMENTS, AND TO REVISE BUILD-TO REQUIREMENTS**

**Councilwoman Beer, second by Councilman McFee, made a motion to approve the ordinance revision on second reading.** Ms. Anderson said second reading had been deferred for further work. The proposed change to building height would allow one-story buildings on the side streets, though not on Bladen, where the required minimum would still be two stories. The major change is the story requirement on Duke, Prince, and Adventure Street. The easements for Bladen require additional land for right-of-ways. Along Bladen, not all properties have easements, Ms. Anderson said. They are requesting that this revision be added into the ordinance.

Councilman O’Kelley asked where the “back” of the sidewalk is. Ms. Anderson said the curb has two fronts: the parking and the sidewalk. The “back” of the sidewalk is the side closest to the property, where the building is, Ms. Anderson said. She said she would look into adding additional language that would clarify this for everyone.

Councilman Sutton asked if the applicants were waiting on this and if delay would hold up any obligation. Ms. Anderson said not with regard to development, but possibly in regard to easement acquisition. Councilman Sutton said in regard to Bladen Street, he’s confused about the process, and he’d like to table it and have the applicant and the Office of Civic Investment come in to explain what the changes will mean, perhaps with drawings. Issues were found that needed to be dealt with, but they haven’t seen drawings of that or discussions of cause and effect, and they have gotten to second reading with last-minute add-ons. Mayor Keyserling said they knew it would be a work in progress and a model for others. He feels that if there’s misunderstanding among council, there might be discomfort - not for the developers - but among others. There’s the question, Mayor Keyserling said, of not wanting to do something if it’s going to be an unresolved issue that’s holding up development. Councilman Sutton said the only issue he hears is about land acquisition for easements. There will be a holiday break, and there will be a delay if they don’t vote this through. He doesn't want to see it go backwards, but he doesn't see this as good for a second reading as confusing as it is.

Ms. Anderson said these changes have all gone through the developer and are developer-driven. This one in regard to easements, she said, won’t go through until easements are

secured. There are many issues about easement impact. There have been two attorneys, the city attorney, and many others working through this, and this is the resolution of that work. Mr. Dadson said approval “will not lead to unintended consequences.” He said “this district is better generalized.” They can clarify easement language. This doesn’t allow exceptions, Mr. Dadson said, but it brings uniformity to this street. He suggested going forward with this tonight but bringing this district and the two members of the Planning Commission and some Redevelopment Commission members to a work session and get them to sketch this out to answer council’s questions. For the balance of the project, they will be dealing with a better understanding of the language, Mr. Dadson said. There are two off-setting right-of-ways there.

Councilman Sutton asked where the set back is measured from for the rest of the properties. Ms. Anderson said it’s measured from the property line. The easements here are placed over the property. There’s a question of where the build-to line is. The sidewalk, street lighting, and trees will be in the easement, she said. Mr. Dadson said, in a perfect world, one would buy a right-of-way. The proper way to do it is to own, but the legal recommendation was easement, which was supposed to be simpler. Councilman Sutton said the sidewalk will be in the front yard. Mr. Dadson said the sidewalk will be the edge of the property line. If they don’t have the easement, Councilman McFee said, they can’t build on it. Mr. Dadson said in the main Sector One, there “will be this kind of oddity in many cases.” Therefore, council will have to tweak as they go along. It’s “knotty.”

Councilman Sutton said the setback language change is fine for him. He asked about sidewalk width. Ms. Anderson said 9’. Councilman Sutton said in building placement, there’s a 0-15’ build-to line. The easement is 12’, Mr. Dadson said. Councilman McFee said with a 9’ easement, the building would be 3’ off the sidewalk. Mr. Dadson said this will calibrate the street.

Councilman Sutton asked about eliminating the 1.5 story building height. Ms. Anderson said this just eliminated the *requirement* of a 1.5 story building, but they could still build higher or a one-story building on the side streets. Councilman McFee said this doesn’t change floor height requirements; it just gives the flexibility for a one-story cottage, which is more typical in the Northwest Quadrant.

Ms. Anderson said porch depth is not changing. Councilman Sutton asked about porch elevation. Ms. Anderson said there are two options. The height that is out there is the height that the change is recommended for. **The motion passed unanimously.**

Councilman Sutton asked for an architect and drawings in the future to be shown at a work session for this project.

## **NEW BUSINESS**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the street closure of Newcastle from King to North and Church Street from King to North Streets on**

**January 22, 2012 from 6 a.m. - 2 p.m. The motion passed 4-0; Councilman O’Kelley abstained from voting because he is a member of the congregation.**

**REPORTS BY COUNCIL MEMBERS**

Councilman Sutton said there will be no council meeting until January 10, 2012, and he wished Merry Christmas to the council.

Councilman McFee said Founder’s Night Two is planned and will be “action-packed.”

**ADJOURNMENT**

There being no further business to come before City Council, **Councilwoman Beer made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously, and the meeting was adjourned at 8:27 p.m.**

ATTEST: \_\_\_\_\_  
IVETTE BURGESS, CITY CLERK