

A work session meeting of the Beaufort City Council was held on December 6, 2011 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, 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 5:00 p.m.

DISCUSSION WITH REGIONAL AREA PARTNERS

Update on Rail to Trail Project from Beaufort County

A representative from the county did not come to the meeting. **Libby Anderson** said the county had received a grant for the rail trail from the federal government of about \$1 million which was approved by the county. The project is approximately \$1.3 million. They propose to go 2.1 miles from Depot Road north to the Parris Island Gateway (280). Mayor Keyserling asked if this route was negotiable so that more area could be involved, and Ms. Anderson said they are hoping for other funding sources for that. Mr. Dadson said he had met with Friends of the Beaufort Rail Trail and some county representatives, and they are working on means to get a connection to Allison Road. He added that he'd offered the MOU for the rail trail. Ms. Anderson said the bus livability grant is still available, but the amount that can be used on the rail trail is "still up in the air." Mayor Keyserling said the bus livability part is "not realistic." Ms. Anderson said this could be accomplished in the next 12-18 months. Mr. Dadson said the expected date to go out to bid is the end of summer / early fall of 2012.

Mayor Keyserling asked if the city could do a piece of it in conjunction with a private source; Mr. Dadson said he had offered that to the Friends of the Rail Trail group. Ms. Anderson said Jane Frederick, Dean Moss and Friends of the Rail Trail have been invited to a meeting to discuss this idea. Mayor Keyserling said if there's a private entity who could partner with the city, they "could get things moving through the Redevelopment Commission." Ms. Anderson said if that opportunity comes up, there is commitment to the project and they "would seize that."

Mr. Dadson said the TIGER 3 grant proposal includes the railway head part of the rail trail. Councilman O'Kelley asked what, if any, plan is on the table to make the Easley trestle plan happen. Mr. Dadson said that's part of the engineering. Ms. Anderson said last year there was an application put in by the city to stabilize the trestle, and the county applied for a grant for the Tech trestle. Ms. Anderson said the Tech trestle needs more work than the Easley trestle does. Councilman McFee said the Easley trestle is very walkable. Councilman O'Kelley said they may be picking this part of the trail to do "because most of it is in the county." In addition, he commented that in Cottage Farm, it looks like land has been graded. Mr. Dadson said they haven't gotten to the point of taking up the gravel. BJWSA has taken up the rails and wood, however.

Mayor Keyserling said in regard to the TIGER grant, Paul Trask had come up with the idea that the right-of-way up to Highway 170 is wide, and on either side of it, a water feature could be put to take up storm water along Boundary Street. Councilman O’Kelley said if that intersection is redesigned, they could put in pipes up to that point. A member of the public expressed concern about parking, and Ms. Anderson said those design details need to be worked out, and they hope to start doing that next week.

WASHINGTON STREET PARK OWNERSHIP DISCUSSION

Ms. Anderson said council had a copy of a memo regarding this. The owners’ address is that of the city, and the city has paid a stormwater fee as long as they’ve had it, for about a decade. The deed was recorded in 1941. The neighborhood association would like to have a restroom facility in the park. The issue of ownership needs to be resolved, the city attorney has said, through a “quiet title action.” Councilman Sutton said it’s a natural step to solve this matter and move ahead on the project. Councilwoman Beer agreed.

Councilman O’Kelley said that Henry Moss, when he was city manager in the 1970s, told Councilman O’Kelley that Jim Sanders, the city attorney at the time, had researched the matter, and in his opinion, the park belonged to the City of Beaufort. It was “left to the black children of Beaufort,” Mr. Moss had said, and “since there’s no real entity that encompasses that,” and since it was done during a segregated time, Councilman O’Kelley doesn’t feel that they need to do a quiet title. Adding restrooms will not adversely affect the park, which has always been a park. A quiet title action is usually done in other circumstances, and it could be expensive. He asked Ms. Anderson if research had been done, and Mr. Dadson said it had, which is how they came to this conclusion. If someone were to put in a claim, Councilman O’Kelley said, they might need to do a quiet title then, or if the city wanted to sell it. Mr. Dadson said they could have problems if they apply for grants – for something like the restroom, for instance – and don’t have evidence of who owns the park. Mayor Keyserling suggested Councilman O’Kelley talk to Bill Harvey.

Mayor Keyserling said Liza Hill has done a park plan, and there was a discussion to challenge the neighborhood to collaborate with council to do certain things to improve the park. The restrooms were the “most grantable” feature for the city to take on. Ms. Anderson said it could be a hindrance for funding to not know who the owner of the park is.

Dwayne Smalley, Northwest Quadrant Neighborhood Association, said there is a group apart from the neighborhood association that believes they have a claim of ownership on the property. He said it’s hearsay, but he believes there was a group in the 1970s who were designated the overseers of the park. Councilman O’Kelley said that “puts a different spin” on the matter. He said quiet title action will take 3-4 months if goes smoothly. Councilwoman Beer said she’d also heard in the past that the park didn’t belong to the city.

REQUEST BY REDEVELOPMENT COMMISSION TO TRANSFER PROPERTY- 1403 LAFAYETTE STREET

Councilman McFee said the Redevelopment Commission is spearheading the project, and council needs to determine if it's the appropriate time for to transfer the property to the commission so that they can put out an RFP, etc. Mr. Dadson said the Redevelopment Commission wants to be able to represent their ability to negotiate. They are seeking guidance from council. Council had asked them to be the lead negotiators of the lease on the Old City Hall, Mr. Dadson said. He said there's a zoning process going on. Per the Sector One work book, the Redevelopment Commission wants to get the property back on the tax rolls and also make it "a project that includes affordability in it." So there is a zoning issue as well as the "desire for someone to put something on there." To make the RFP clear and negotiable, Mr. Dadson said, the Redevelopment Commission said it would be beneficial if they were in control of the property during negotiations.

Mayor Keyserling said until council knows what the Redevelopment Commission wants to do with the property, he wonders if council should turn it over. Councilman McFee said he agrees that they should see what the RFP says; Mayor Keyserling said they may want to see the project, too, before they transfer the property to the Redevelopment Commission. Councilman Sutton said he'd like to see a public discussion on the rezoning to see if it will work. The project may not be do-able this year or next. The price point for "affordable housing" may not be the right market. Councilman McFee said the neighborhood would rather see the zoning go through based on what the project is.

The Redevelopment Commission's position is that they can't negotiate an RFP without the title, Councilman McFee said. Councilman Sutton said the Redevelopment Commission is doing their projects, but he personally "never intended for property to be piled up" and have the Redevelopment Commission "do that level of work." He feels that there are other parcels of land that are higher priority than this one. Councilman McFee said that's not the case according to the project book. Councilman Sutton said the Redevelopment Commission hasn't tackled not-for-profit collaboration or the Northwest Quadrant, but they're taking on a small project in Pigeon Point for workforce housing. Councilman McFee said if that's the case, then the project book isn't aligned with the priorities of where council wants to go; the Redevelopment Commission needs to know if the priorities aren't where they need to be, and they need to be given guidance. Council has approved the Project Book, Councilman McFee said, so the Redevelopment Commission believes they're doing council's will.

Mayor Keyserling said this is a more do-able project than many because the city has the asset to leverage with the Lowcountry Housing Trust. They could do a deed restriction, and there could be a certain amount of mitigation of lost parking. The price is flexible, but he feels like the Redevelopment Commission shouldn't feel they need to be deeded the property to do that. Councilman McFee reiterated that the Redevelopment Commission is asking for guidance. Mayor Keyserling said he feels personally that they are moving forward, listening to the

neighborhood and council, and proceeding. The ownership issue, he feels, shouldn't inhibit them from moving forward.

Councilman McFee said the Redevelopment Commission has "been sent on a path," and if the Project Book isn't the direction council wants them to go, there needs to be a workshop to discuss that. Councilman Sutton said the projects in the Project Book haven't been prioritized and won't be until budgeting is done. He feels this particular project is being done "because it's there, not because it needs to be done." Mayor Keyserling said it's a model project, and Councilman McFee said it puts the land back on the tax rolls. Councilman Sutton said he supports that type of project 100%, but he feels that right now there's not a big demand for affordability.

Mr. Dadson said they are filling in the city, and efforts will be going on simultaneously to find other properties to leverage. The city has to get enough interest from developers to risk it and make things happen. The market in the city limits is "warmer" than it is in suburbia, which is what council and the city want. Mr. Dadson said there's higher infill and more building permits issued than since 2008, which is what council wanted to happen. He said there's the issue of priority – the Redevelopment Commission is multi-tracking many projects – and on this property, the Redevelopment Commission has said they recognize that council has a conundrum in regard to getting things engaged in that neighborhood to create a desirable pattern as well as keeping the neighborhood happy *and* solving "the civic space problem of parking." When they put out the RFP, they "want the market to tell them what it is." No one may respond to the RFP, Mr. Dadson said. They are trying to ensure that they have no impediments to having the market respond accordingly. Many types of developers could respond to this, and they want it to be the clearest, cleanest possible RFP.

Mayor Keyserling recalled that council has said it is going to have a joint retreat session in which they look at the Project Book together and identify priorities. He said he's always felt that the Redevelopment Commission should feel like they have the authority to move forward on this kind of project. Mr. Dadson said if that's what council wants, the Redevelopment Commission will be fine with that. Mr. Dadson said there's a strong feeling on the Redevelopment Commission that they want to "incentivize this properly" so they can make it the best project that it should be for this neighborhood. The Redevelopment Commission doesn't want to just give the standard answer of "tax credit."

Councilman Sutton asked who designed the project. Mr. Dadson said the Redevelopment Commission did. In Sector One, they looked at all the available pieces of property, who they were owned by, and how they could use city properties to develop them as the city wants to and get them back into use in the way the city wants to.

Mayor Keyserling said that project's rationale for him is that Pigeon Point has certain issues, as do all neighborhoods. There's an overabundance of rentals there and large lots, so a model of ownership can show that they can do infill there. Also, because the city owns the property, they

can look at leveraging the land. Ideas about multi-family housing, more renters, and breaking up lots make the people in the neighborhood “go nuts,” Mayor Keyserling said, so a project like this might help everyone learn what’s good for the neighborhood. He feels it’s an “obvious good learning project.” Councilman McFee said the Redevelopment Commission feels the same way about a potentially positive model for future developments in all areas of the city.

Ms. Anderson said it is zoned R2 currently; the proposed zoning is General Residential District. Councilman Sutton asked if the zoning is the same in neighboring lots, and Ms. Anderson said most of the properties are zoned R2, but there is some General Residential. Councilman Sutton said there are various lot sizes surrounding the property; Ms. Anderson said only that lot is currently proposed for General Residential. Councilman Sutton said he agrees with the premise of smaller lots. Urban density demands that. He thinks it could be a tough sell, doing something different there than what’s around it. Councilman McFee said the Midtown units are changing density, which is somewhat analogous, and there are adjoining property owners in Pigeon Point expressing interest in the rezoning of their own properties. He said the city isn’t doing this; a private developer is, but the city can “drive it” with the incentives they can offer to get the infill they want. He said if they want to move forward as-is, it “won’t faze the Redevelopment Commission.”

Councilman Sutton said he’d like council to have “final say on the reality” of the development. He wants an idea of what will happen to the property. Mr. Dadson said if the city holds the ownership, and the Redevelopment Commission goes forward with the RFP, council has final control of the project.

Councilman O’Kelley said showing an increase in property values will make the neighboring properties gain interest more quickly than multi-family housing will. Mayor Keyserling said the Midtown homes are “a move-here market, not a move-up market.” Something similar to a multi-family housing development in Port Royal is what he would do if he were a developer responding to an RFP. Ms. Anderson said in regard to rezoning, General Residential allows the flexibility of multi-family housing or single-family housing. Mr. Dadson said controlling ownership answers the Redevelopment Commission’s question and gives council the final sign-off.

Ms. Anderson said if there’s no interest in any dwelling types other than single-family, they can go with R4 zoning. Councilman McFee said fee-simple ownership on attached properties is possible. The Redevelopment Commission wants to go with General Residential to allow greater flexibility in design and development in their market premise. The RFP is focused very much on home ownership, Councilman McFee said, not on rental.

Mayor Keyserling said there is a market for \$160,000 homes. Councilman Sutton asked if he felt they had to be duplexes. Mayor Keyserling said that could keep the prices down, and explained how that can be creatively done. He said he likes the open-endedness but “wants the control on the back-end” by having council have final approval. Councilwoman Beer said the

neighborhood is growing in attractiveness to buyers. Mayor Keyserling said those who've been in that neighborhood a long time need to see "what can be." Councilman McFee said if the Redevelopment Commission can make this work, it will be a "tremendous benchmark" as well as if the market responds to it.

Mayor Keyserling said he feels the Redevelopment Commission has heard what the neighborhood and the city want to see in that neighborhood. Councilwoman Beer said she doesn't have a lot of sympathy for those who complain about losing the parking in Basil Green Park's lot when she feels they don't even use it. Councilman McFee said the adjacent property owners who are concerned about the lesser-zoning use the parking issue as part of their argument.

Councilman Sutton asked what the Redevelopment Commission's motivation is in doing this project, and Councilman McFee said "the intent is to put in rooftops." The project and its design functions are also meant to create a model, Councilman McFee said. He doesn't feel it's "a project for project's sake," as Councilman Sutton said he is concerned about.

Mayor Keyserling asked if, technically, the property has to be rezoned, or if it could be rezoned around what the developer comes up with. Councilman McFee said that's the concern: they will lose developer interest while they have to wait out a rezoning. Mr. Dadson said part of a developer's niche is its costs; if the Redevelopment Commission can solidify what is sold, they can "negotiate the real stuff on the other side of it." Then the cost of the land can be negotiated. Councilwoman Beer said that's the reasoning behind form-based code. Mayor Keyserling said if it doesn't work, he wonders if they have opened the door to a non-conforming use. Mr. Dadson said that area is slated for greater density and a smaller lot size. Councilman Sutton said it's in the comprehensive plan, too. Councilman McFee said the city is still the owner, and it could be rezoned at some later point. Mayor Keyserling said he's just wondering if there's another way to do it. Councilman McFee said when they create a precedent, there's concern, but they are doing what's in the master plan.

Ron Mattingly said he's very much in favor of the project. This is the only real plan in the Sector One plan for Higgonsonville or Pigeon Point. He's concerned, however, that the parking issue could derail the project. In the RFP, he doesn't see the parking being "a big play." He likes the idea of the city keeping control of it because it's a pilot project, and he agrees with the comparison to "Midtown with a lower price point." He likes the idea of attracting young people working in the public sector, and he feels they should talk to some of the public professionals to see if in a few years they could afford such a price point as is being discussed. Mr. Mattingly said he feels that a "pocket park" and a simple bikeway to downtown could also help the neighborhood and could be added to the plan for the area. These are all "opportunities that could be taken advantage of now." He personally has no problem with multi-family housing, he added. He said Basil Green Park is a county property, and Mr. Dadson responded that more than a year ago, the city went on the record as getting its parks back. Mr. Mattingly said the parking issue is "a smoke screen."

Mayor Keyserling told Mr. Mattingly that Mr. Mattingly has brought a new sense of energy to his neighborhood association.

Councilman Sutton said a business owner in the city has told him he's been discussing with the county why he has to pay county business tax. There was discussion about why he might (or might not) have to pay county business tax.

There being no further business to come before council, the work session adjourned at 6:39 p.m.

A regular meeting of the Beaufort City Council was held on December 6, 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 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

MINUTES

The minutes of the work session and regular meeting on November 22, 2011 were presented to council for review. Mayor Keyserling stated that Larry Rowland's name was misspelled as "Rolland." Councilman McFee noted that on page five of the minutes, the proper spelling of the last name is "Deckard," and the captain's wife's first name is spelled "Mare." **On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as amended. Councilman O'Kelley abstained because he was not present at the meeting.**

INTENT TO AWARD GROUNDS MAINTENANCE LANDSCAPING CONTRACT FOR PORT ROYAL AND CITY OF BEAUFORT JOINT SERVICES

Councilwoman Beer, second by Councilman McFee, made a motion to award the contract.

Councilman Sutton told Jerry Ashmore and Bill Davoli of The Greenery that the contract is a new direction for the city and a positive one. He said he constantly hears positive comments about the work the company does in Waterfront Park, but he has concerns about its rapid growth, including growing into Port Royal. The contract makes The Greenery representatives of the city, Councilman Sutton said, and he wants them to continue the excellent level of service as they move forward. Mr. Davoli said all of the employees own shares in the company and are not "just working for a paycheck." Mr. Ashmore assured council that The Greenery will continue to do a good job. Councilman O'Kelley said he was amazed to discover that The Greenery had edged the sidewalk outside his house. **The motion passed unanimously.**

MOTION TO APPROVE FUNDING OF THE CHAMBER OF COMMERCE INVOICE FOR THE CONFERENCE CENTER FEASIBILITY STUDY

Councilwoman Beer, second by Councilman Sutton, made a motion to fund the invoice. The motion passed unanimously.

CITY MANAGERS REPORT

Next week, Mr. Dadson said, St. Helena Parish will meet with council to request that they be allowed to hang their Tricentennial banners from city light poles. Councilman O'Kelley said the Bishop of London may be here for the celebration.

REPORTS BY COUNCIL MEMBERS

Councilman O’Kelley said he had given council and staff a “dissertation on downtown parking” in the form of a memo “to open a dialogue.”

Councilwoman Beer said the previous weekend’s activities were well-attended, and Main Street Beaufort did a wonderful job, as did the other organizations responsible.

Councilman Sutton asked for an update on the mooring field at council’s next work session. Mr. Dadson said that will happen at the next meeting.

Mr. Dadson said the members of the city’s boards and commissions are invited to a social event before council’s December 13 work and regular session at 5:00 p.m.

Councilman McFee described the Arbor Day celebration and the re-naming of the small park to Nils Christensen Park. He said partnerships make this a great community; by way of example, he said Main Street Beaufort has named the Lion’s Club as one of the charity recipients of the Beaufort Beauties funds.

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman O’Kelley, 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 about land acquisition and receipt of legal advice from the city attorney. The motion was approved unanimously.

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

ADJOURNMENT

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously, and the meeting was adjourned at 8:26 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK