

A work session of the Beaufort City Council was held on May 10, 2011 at 5:00 p.m. in Council Chambers, City Hall, 1911 Boundary Street. In attendance were Mayor Keyserling and council members Donnie Ann Beer, 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 meeting to order at 5:00 p.m.

DISCUSSION OF SUPPORTING BEAUFORT COUNTY'S IMPLEMENTATION OF A PILOT TRANSFER OF DEVELOPMENT RIGHTS PROGRAM FOR THE AREA SURROUNDING MCAS BEAUFORT

Tony Criscitiello said county council had given first reading approval to the Transfer of Development Rights (TDR) program. The effort has been intergovernmental. Council had been provided a copy of the ordinance, and he gave a presentation about the program. The purpose of the TDR program is to reduce development near the Marine Corps Air Station (MCAS). It is voluntary. TDR sending areas will include all properties within unincorporated Beaufort County that are located within the Airport Overlay District for MCAS and are zoned Rural, Rural Residential, Rural-Transitional Overlay, Rural Residential-Transitional Overlay, and Suburban. Receiving areas will include all properties within unincorporated Beaufort County that are located outside of the Airport Overlay District and the AICUZ buffer and are within the boundaries of Port Royal Island. Beaufort and the Town of Port Royal can participate in the TDR program by designating TDR Receiving areas and submitting a complementary ordinance and inter-jurisdictional agreement.

A TDR bank will be created, as has been done in other successful TDR programs, Mr. Criscitiello said. A certified land trust should be utilized to do this. Staff recommends the creation of this bank. It will prioritize purchases from small to large. It will compensate small landowners. Bank procedures will be developed by county council.

Mr. Criscitiello said the TDR Overlay District will occur concurrently with rezoning; there will be no upzonings on Port Royal Island unless there is a TDR associated with it. To change a zone from Rural to Commercial Suburban will trigger a TDR. The Planning Department will certify a TDR's feasibility. They must have a clear title and be free of liens to qualify for a TDR.

Regarding heirs' property, Mr. Criscitiello's research showed that a purpose of TDRs is to help small property owners. In Burton, there is a likelihood that heirs' property will be found in significant numbers, but to get a certificate from the Planning Department, one has to have clear title, free of liens.

The Planning Department will determine the number of TDRs per property, Mr. Criscitiello said. By right, one is allowed two units to the acre. It is based on density and acres involved. The TDRs "are effective at time of record in the register of deeds office," Mr. Criscitiello said. The Planning Department and county attorney will review easement language for each one.

The property owners in the TDR Overlay District who don't participate do so at base density. The calculation is one TDR for every 3 dwelling units and one TDR for every 5000' of commercial space. The purchase price for TDRs can be negotiated through buyers and sellers after it's certified.

The Development Review Team will grant final approval of development, Mr. Criscitiello said. Developers can have TDRs in lieu of cash payments. The fee amount will be determined by county council based on annual market analysis. Revenues from the TDR program can only be spent on the TDR program.

The Department of Defense has offered \$500,000 to seed the bank and \$50,000 for program operations and maintenance. There are 1,403 potential properties, they estimate. Beaufort County Open Land Trust will be working with the county staff and council on the program.

Councilman Sutton asked if a base value was established yet. Mr. Criscitiello said that will be done in the near future. Given the economy, they want to ensure that values are established at the present rate. Mayor Keyserling said "it will float." The original value was \$34,000 per unit, but as a realtor, Mayor Keyserling said that number is not real. Councilman Sutton said the program's worth five years ago, "is not there now."

Mr. Criscitiello said it will be built into the form-based code particularly as it pertains to Port Royal Island. Mr. Criscitiello said MCAS is excited about this. Mayor Keyserling said it's the first Department of Defense TDR program. Councilman Sutton asked if entities that don't plan to develop could buy TDRs and never use them, such as preservationists. Mr. Criscitiello said it's unlikely, and Mayor Keyserling said one wouldn't need to do that because they could purchase it and get an easement.

Mayor Keyserling asked if there had been a market/attitude survey done. Mr. Criscitiello said Herbert Glaze has asked him to appear at Burton Wells to speak to the district that this will have the most impact on. When the new AICUZ was established, "there was a great hue and cry," Mr. Criscitiello said, because of the potential for development. This program allows the most benefit to properties zoned suburban.

Mr. Dadson said there would be no action on this at tonight's regular council meeting. Protocol is for county council to pass 2 readings, city council to pass one reading, and then the second city council vote and third county council would go together. Mr. Criscitiello said that's fine with him, so he is more likely to get a second reading on it at county council if city council passes it.

Mr. Dadson asked **Libby Anderson** if Joint Municipal Planning Commission had given an opinion on it, and Ms. Anderson replied yes. Mr. Dadson asked when city council would want to put out a statement of support. Councilwoman Beer said in two weeks at the next regular meeting. Mr. Criscitiello said it's going forward though he has to look into the heirs' property matter which is "long, laborious and difficult. Lightning speed" for clearance is 9 months, he said, and can cost a couple thousand dollars. Some heirs may die before title is cleared, and the process would need

to start over again. Resolving that complicated issue is not a good idea, he said, before approving TDRs. There was general assent to the idea of approving a resolution on the matter at the May 24th meeting. Mr. Criscitiello reiterated that “the small parcels are the driving force behind this.”

DISCUSSION ITEMS: DAY DOCK RULES

Mr. Dadson said this matter came out of a review of the marina. Councilman McFee said there were also some violations that precipitated this. **Chief Matt Clancy** said the main issues have been at night; coming into the dock after 10 p.m. is the new violation time. There has been discussion of limiting the time for using the day dock to 4 hours during the day as well. Boaters would have to check in at the marina store when they come in and get a ticket with a time on it. After that time, they would be in violation.

Chief Clancy said he had surveyed some boaters, and they asked questions he hadn't thought of. For example, some people who come to Beaufort might plan a trip that would last longer than 4 hours. Also, a boater might come in at 6 a.m. when the store wasn't open. Other points were raised as well. Rick Griffin, the harbormaster, and Chief Clancy agreed that since they haven't had problems during the day, they could table that idea. The latest problem has been one individual who has slipped in and out of the dock. Chief Clancy said the boat had a lot of issues and the owner didn't have a place to put it, so they were using the marina as a convenience.

Mayor Keyserling said the purpose of the day dock was short-term dockage for small boats, not for cruisers to take day trips from here. Ideally, a mooring would allow them to tie up as long as they want to pay to be here, but the day dock was for dropping people off and for locals to come to town to be downtown for a couple hours. Mayor Keyserling said the Office of Civic Investment is looking at the marina complex; he asked the friendliest way to treat and meet the needs of transients who want to stay a longer time. The safest and most preferable way for boaters, Mayor Keyserling said, is to have a mooring, not a day dock. Mr. Dadson said city council had asked Mr. Griffin to move these issues forward as part of his contract. Councilman McFee called the marina plans from Office of Civic Investment “illustrative,” and Mr. Dadson said they are mostly on the land side of the marina, not the water.

Councilman Sutton said he's in favor of this, and most boaters with a significant investment will find the day dock too small for what they need. He thinks four hours is plenty of time to limit it to and said there needs to be oversight. It was obvious that a boat was taking advantage of the situation before. The dock is too small to have someone docked there instead of in the marina. The marina needs to be free for boats to come in. In the absence of a mooring field, they “have 28 boats moored in the harbor that are not actively engaged sailors.” He feels it should apply to both the dinghies and the boats themselves. He uses the day dock to launch his boat, takes the trailer back home, and then comes back for his boat, doing the same on the return trip, which is the typical use of a day dock. There is a viable marina with space for these. Mayor Keyserling said some of those at the dock are out-of-towners who leave the boat moored if they're leasing it. He said a dinghy storage place might be a good idea. Councilman Sutton said they are

pushing for a mooring field, and it will happen incrementally. "If they're paying to be on a hook," Councilman Sutton said, "the dinghy is there with a relationship to a boat in the mooring field."

Councilman Sutton said the city's system is clearly not regulated. A styrofoam boat "sat there two years because there is no regulation that says that those dinghies can't be there." The mooring field is the long-term answer, and in the interim, a four-hour window on the day dock is appropriate and changing the hours from 10 p.m. to 6 a.m. is appropriate.

Mayor Keyserling said there's an issue with the fact that there's no place to dock a boat without a day dock. Councilman Sutton said they're "pushing themselves out of a downtown ramp." That's an important part of downtown, and regulating it as the city's density grows is even more important. Mr. Dadson asked if they discussed a length of boat, and Chief Clancy said no. Councilman Sutton said in its design it was intended to be day sailors, not a yacht. Mayor Keyserling said he thought it was 24'. Councilman Sutton said it happens so seldom, the issue is to give the right rules to the people who are responsible for responding.

Mr. Dadson asked Chief Clancy if they discussed dinghies. Chief Clancy said the only thing that's changed is the time to 10 p.m.; dinghies were not discussed. Councilman McFee said when they have a mooring field, they can clean that up. Councilman Sutton said he's willing to wait until they get to that, but they have derelict boats moored because they allow them to be. Boats have been clustered together that no one has looked at in months. Mr. Dadson asked Chief Clancy to discuss this with Mr. Griffin. Mayor Keyserling added that they should discuss length, too. Councilman McFee said most people are considerate of that.

Councilman McFee said he feels 10 p.m. is too early to close the dock. Chief Clancy said it's currently 1 a.m. Chief Clancy said they figured people would be out of dinner by 10 p.m. Councilman Sutton said they could regulate that no boat should be there more than four hours. Councilman McFee said it's easy enforcement to have a time limit after which they should be gone, but not for a patrolling car to see that someone's been there four hours. Mayor Keyserling asked Chief Clancy if it were a big deal to go to 11 p.m.

Councilman Sutton said they want the full-service marina to be used more than the day dock. Mr. Dadson asked, if Mr. Griffin is low on rentals, why he didn't open parts up for day usage and small fees, etc. Councilman Sutton said if the day dock were used for short-term use, there could be a sign at the marina to check in for extended stays. Councilman Sutton said the docks "were built backwards."

Councilman Sutton said he's concerned hourly blocks are too cumbersome. The time issue should be on for first reading, Mr. Dadson said, and Chief Clancy can talk to Mr. Griffin about other concerns. Then they can bring that up at first reading. The day dock and the main dock can be tied together to "both of our advantages." Mayor Keyserling asked what the incentive is to get the harbormaster interested in the day dock. It's part of the contract, but it gets ignored, and the police department shouldn't be managing the day dock. Mr. Dadson asked if it can be

enforced by a private contractor instead of the police department. He said Chief Clancy should consider that possibility, too.

Councilman Sutton asked if there was opportunity or desire to give the authority to enforce to the harbormaster, which he currently doesn't have the power to do. Councilman Sutton said if a patrol officer or a complaint doesn't trigger an officer to go there, nothing happens. Chief Clancy said it's easy at night because a boat is either there or not, and if it's there, it's in violation.

Mayor Keyserling said there's an absence of aggressive marketing that was promised with the contract. Councilman McFee said Mr. Griffin is supposed to be bringing city council more information on the marketing. For the next meeting for first reading, they'll go with 11 p.m., Mayor Keyserling said, as an ending time. Mr. Dadson said Mr. Griffin and Chief Clancy can be there, and they can speak at the work session before the regular session.

DISCUSSION REGARDING MAY 17, 2011 AGENDA ITEMS

Mr. Dadson said there will be an informal presentation on the budget by the city manager. The more in-depth presentations will follow at a work session and first reading.

Councilman Sutton said there's not been closure on the Carteret Street parking issue. Mr. Dadson said they asked planning staff to look at the whole area. It is outside of the current management area, he said. Staff "was asked to run scenarios of managing in that area." There is a section of one-hour parking by the Chocolate Tree and other than that it's unmanaged. The report needs to come back to city council so they can see what they want to do. The question is if they want to manage beyond where they already do, Mr. Dadson said. Councilman Sutton said he'd like to find out more about what's been done and what should be done.

"A lot of small business opened up over the weekend," Mayor Keyserling joked in reference to lots charging for parking during Taste of Beaufort. Mr. Dadson said they need to look at zoning regulations for private parking. Mayor Keyserling said TMAC was to work with Visitor and Convention Bureau to create a vision. Councilman McFee said he was curious to see where they were going with that. Mr. Dadson said TMAC has been participating in the process and city council told them to relate to the city's vision. Mayor Keyserling said in regard to A-Tax, if Visitor and Convention Bureau is to be a part of that process, city council should have a sense of where they are. Councilman Sutton said he'd like to know where Chamber of Commerce and Visitor and Convention Bureau are and how their marketing relates to the future. Councilman McFee said they need to address who the marketing arm is for the city. Councilman Sutton said the question about the CVB and their marketing and how it relates to A-Tax should be answered at a future workshop. Councilman Sutton said city council has asked them to come and discuss that before, and they should be asked again.

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code

of Laws for discussion of property sales and property disposition. The motion was approved unanimously.

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

There being no further business, the meeting was adjourned at 7:06 p.m.

A regular meeting of the Beaufort City Council was held on May 10, 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, 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 7:07 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 CHILD ABUSE PREVENTION

Councilwoman Beer, second by Councilman McFee, made a motion to approve the proclamation. **The motion was approved unanimously.** Councilwoman Beer read the proclamation.

PROCLAMATION PROCLAIMING FOSTER CARE MONTH

Councilman McFee, second by Councilman Sutton, made a motion to approve the proclamation. **The motion was approved unanimously.** Councilwoman Beer read the proclamation. Mayor Keyserling presented the proclamation and the previous proclamation to a representative of the Beaufort County Department of Social Services.

PROCLAMATION COMMENDING PIGEON POINT NEIGHBORHOOD ASSOCIATION MEMBERS

Councilman McFee, second by Councilman Sutton, made a motion to approve the commendation. **The motion was approved unanimously.** Councilman McFee read the proclamation, and Mayor Keyserling presented plaques to four members.

PUBLIC COMMENT

Carl Joye, 15 Meridian Road, wanted to address the “rude” comments made to him by Councilman Sutton about a poem Mr. Joye had written about his son’s school. He read aloud e-mails and some press coverage relating to his concern. He then read poems he had written in response to the issue.

Councilman Sutton made a statement in response. He said that there had been an e-mail dialogue between himself and Mr. Joye about the school issue, at which time he made the statement that upset Mr. Joye. Mr. Joye then took the issue to the press “to be in the blogs,” Councilman Sutton said, and “to keep the conflict alive.” Councilman Sutton apologized that Mr. Joye had been upset and that they had gotten into the dialogue; Councilman Sutton said that the problem that had sparked the dialogue was not solved.

Bob Moquin updated city council that the matching grant for the conference center feasibility and impact study was moving forward. He reported that the firm that would be engaged will come the week of May 22 to meet with stakeholders in the community to arrange those meetings.

The Visitor and Convention Bureau is “going through an exercise” in collaboration with TMAC in meetings the following two evenings. He also acknowledged Officer Carter for his service in the community.

MINUTES

The minutes of the work session and regular meeting on April 26, 2011 were presented to council for review. Councilman McFee said on page 11 of the minutes Larry Holman’s name was misspelled, and Councilman Sutton said on page 4, a reference to a member of the public was supposed to be Gabriel Clausman but was incorrectly transcribed as “General Commercial.” **On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as amended.**

AMENDMENT TO FY 2011 BUDGET TO FUND THE PURCHASE OF POLICE VEHICLES

Councilwoman Beer, second by Councilman McFee, made a motion to approve the amendment on second reading. **The motion passed unanimously.**

ORDINANCE REZONING PARCEL OF PROPERTY LOCATED AT 804 WILMINGTON STREET, FROM GENERAL COMMERCIAL DISTRICT TO GENERAL RESIDENTIAL DISTRICT

Councilman Sutton, second by Councilwoman Beer, made a motion to approve the rezoning on first reading. Ms. Anderson said the property is zoned General Commercial but General Residential surrounds it, which is the proposed zoning. Councilman McFee asked if the uses around the property were also residential. Ms. Anderson indicated on a map where the commercial zoning was and said that the majority of the properties in the area are zoned residential. Some of the commercially zoned properties have been closed for some time. Ms. Anderson said single family is currently not permitted in this area, and the Housing Authority wants to build a single-family dwelling which the city feels is appropriate. **The motion passed unanimously.**

REPORTS BY COUNCIL MEMBERS

Councilwoman Beer said she’d taken a trip to Washington, DC and had met with representatives for the area. Joe Wilson told her that the F-35s are on schedule, which pleased her.

Mayor Keyserling said he had visited with the new commanding officer and he seemed “extremely interested in partnering with the city in variety of creative ways.”

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman McFee, council voted to go back into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina

Code of Laws for discussion of property sales and property disposition. The motion was approved unanimously.

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

ADJOURNMENT

There being no further business to come before city council, Councilman McFee made a motion to adjourn, seconded by Councilman Sutton. **The motion was approved unanimously**, and the meeting was adjourned at 8:31 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK