

A work session of the Beaufort City Council was held on December 11, 2012 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members George O'Kelley, Mike Sutton, and Mike McFee, and City Manager Scott Dadson.

Donnie Ann Beer had an excused absence.

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

CALL TO ORDER

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

CITY OF BEAUFORT/TOWN OF PORT ROYAL ANNEXATION AGREEMENT

Mr. Dadson said the city has been approached by the Town of Port Royal about the agreement not to annex above or below a line of demarcation, which he pointed out. He said **Libby Anderson** would discuss "the quid pro quo of the line exchange." Ms. Anderson pointed out the annexation agreement map. Port Royal has been approached by a business owner about annexation. It's in the city's growth area, but the city can't get to it very easily, Ms. Anderson said. Port Royal thinks they can gain contiguity more easily and approached the city manager about a trade for this parcel.

There has been an owner interested in another parcel, Ms. Anderson said, and if the line is moved, it could come into the city's growth area. In 2001, Ms. Anderson said, an adjustment was made into the Town of Port Royal growth area, but nothing was moved into the city's growth area. The proposed parcel is land-locked and has no street frontage, so the developability of the parcel is limited. Therefore, Ms. Anderson said, Port Royal might give the two parcels in front of it and the lot below it to compensate for the 2001 trade and to improve developability. Mayor Keyserling asked Ms. Anderson if the suggested parcel was two parcels away from the city's boundary, and Ms. Anderson said yes.

Councilman Sutton said there were growth boundaries established, and when a zoning request occurs in the growth boundary, the county is supposed to weigh in on why there's a change in zoning. Ms. Anderson said that hasn't yet happened. Mr. Dadson said the only two parties to the annexation line are the city and the Town of Port Royal. All that's being requested is that the line be changed, he said. Mayor Keyserling said if they were making an annexation petition, they would involve the county. Mayor Keyserling said the county will not dissuade anyone from rezoning. Councilman Sutton said he agrees, but he feels the county "has a dog in this fight." He said they are playing to an individual landowner by allowing them to get in the city for a hypothetical situation. Councilman O'Kelley said this is all the more reason to be selective about what the city will take.

Councilman Sutton said the process seems “a little awkward.” There seems to be no logical planning, “just a business owner wanting something to happen.” He thinks squaring off the growth boundary is great, but to give it to an applicant for something they are merely *proposing* doesn’t seem quite right to him. This doesn’t grow the city logically, he said. It’s taking a productive piece of land out of the city’s growth boundary. Mayor Keyserling said if something was in process, the county would tell Port Royal they would have to find the way to annexation by finding contiguity and work with the city. They are taking this step to position themselves. If the city gets significant frontage on Highway 170, they are positioning themselves for better contiguity, Mayor Keyserling said.

Councilman Sutton said the city “is allowing the Town of Port Royal to step over a cemetery to get a foothold on Highway 170.” A developer in the past “would change the zoning, raise the price, and then nothing would happen.” This is a business owner, Councilman Sutton said, and there’s an assumption that the owner will make a change. Mayor Keyserling said the developer is buying the property with a tenant to do that.

Councilman O’Kelley suggested a different way that the city could square the parcel off in the city’s growth boundary. The piece Ms. Anderson showed is not contiguous, and his suggestion is less of “a gerrymander type line.” Mayor Keyserling said previous councils “did this willy-nilly, not driven by long-term planning. Ms. Anderson said BJWSA had a lot to do with the way the line was drawn. Councilman Sutton said all the urban density has been missed; all the development has been outside the lines. Mayor Keyserling said BJWSA has their sewer plant on the back of all that. Councilman O’Kelley said they would still have all the subdivisions Jim Rentz put in. Councilman Sutton said they should partner with the Town of Port Royal, but they should protect Highway 170 at all costs.

Ms. Anderson indicated the boundary which was as far as the city could go. Mr. Dadson said council is not making a decision tonight, so if they want to give direction, he encouraged the city to continue to talk to Port Royal. Councilman O’Kelley said they should know about the suggestions he and Councilman Sutton had made and continue talking. Councilman Sutton said that before this happens, he’d like a discussion about reaching over boundaries for a business owner with no prior discussion about how boundaries should be dealt with.

Councilman O’Kelley said Highway 170 is at the city’s growth boundary “from there down.” Councilman Sutton said yes, but “the city is about to give a piece back.” If this business owner came to the city and asked for some consideration, per the county partnership, Councilman Sutton asked what the normal process would be for upzoning with eventual entrance into the City of Beaufort. Mr. Dadson explained when the county would have input in that scenario. This is a request from the Town of Port Royal, he said. Councilman O’Kelley said it is likely that someone has an idea for development, and they believe “the Town of Port Royal will be friendlier than the county.”

Councilman McFee said the growth boundaries were established in 1999; what was and is there, he said, still leaves the possibility of making a shift. He agrees with Councilman Sutton that this is because a specific entity wants to do something, and he doesn't feel like the City of Beaufort should be under their time constraint.

Mayor Keyserling said to him "it's not that complicated." The growth boundaries were random, Port Royal has an opportunity, and "if the city can carve out something of equal long-term value," everyone wins. Councilman Sutton said he's willing to continue the dialogue, but as-is it reminds him of "the old days of PUDs." Mayor Keyserling said Councilman Sutton is saying that they should come up with a process before they deal with specifics. Councilman Sutton said the city should be testing the system the way they said they would with the county. They have long-discussed this specific type of issue with the county.

Mayor Keyserling said if they applied to the county to upzone it, then the process Councilman Sutton is talking about should be in play. Councilman Sutton said if the county said no, the municipality responsible for the future growth boundary would hear it. Councilman Sutton said this is already commercial, has been used for multiple types of zoning, and they should find out how it's different than the glass dealer or an amusement park.

Mr. Dadson said Councilman Sutton has a good point in regard to the zoning. There's currently a traffic management plan and a road designed for traffic. Ms. Anderson said the Northern Regional Plan said that this really should be urban; when upzonings happen, they should go into a city when upzoning is necessary. Mayor Keyserling said the Northern Regional Plan said they could upzone but under the city's standards.

Mr. Dadson said the county should offer them a boat dealership in this area with the input of the city. Councilman Sutton said they should look at the whole context of zoning in the corridor. The Town of Port Royal and City of Beaufort are both growing, and this conversation shouldn't be put on hold. Mayor Keyserling said a car dealership would not be allowed on that spot because it's the county's zoning. Ms. Anderson said the idea of getting this property into a municipality is consistent with the Northern Regional Plan. They agreed that the county would be rural and the city urban. She feels they should continue to follow the county's plan. Councilman Sutton said if they want urban changes to happen between municipalities, they have to be able to massage the lines, but he thinks there should be a bigger discussion for the future, and he's "not happy with jumping through hoops for a potential."

MAIN STREET BEAUFORT, USA – WORK PLAN

LaNelle Fabian made a presentation about Main Street Beaufort's plans for the future year. She said some confuse downtown Beaufort and Main Street Beaufort. She showed the area of downtown Beaufort. She called the organization "downtown's revitalization association." She showed the staff members, board members, businesses that are members, volunteers, and the committees and subcommittees. Downtown is a destination, and Main Street Beaufort is the organization that works for downtown, Ms. Fabian said. She went on to show the

organization's budget in terms of funding, where the money comes from, and revenue. She said Main Street Beaufort and Historic Beaufort Foundation are working on a fundraising project for façade renovation. She showed the top priorities of Main Street Beaufort for the coming year.

Ms. Fabian described how Main Street Beaufort will reach out to the 50,000+ local population, e.g., member discount cards, downtown gift cards, etc. Mayor Keyserling asked what happened with the token for the Port Republic lot. Ms. Fabian said they have them; they are \$2, and they are sold to downtown employees. She showed ads that Main Street Beaufort has run to reach Hilton Head Island tourists.

Main Street Beaufort fully supports the day dock, Ms. Fabian said. A National Trust Main Street Center representative said in a recent meeting that "a healthy downtown is good for the entire community." It was suggested that Main Street Beaufort grow relationships with property owners. Ms. Fabian went on to discuss Wi-Fi in downtown. Waterfront Park will be Phase One of this effort. She said the expectation is that people will go to the tables in the park to check e-mail. Ms. Fabian discussed the effort to apply for the Great American Main Street award, including receiving letters of support from the city. She said they are very optimistic about their chances of winning the award, which will be announced in April.

Ms. Fabian discussed the branding charette, which is ongoing this week. Mayor Keyserling said in the future they should look at whether they should have contracts with Main Street Beaufort because of the public dollars for that part of the work plan done with them. Ms. Fabian said they have a contract with the Redevelopment Commission for the entire organization, and the financials are turned in with the Accommodations Tax application.

UTILITY LINES TRIMMING

Mr. Dadson said that a couple of years ago, the City of Beaufort entered into an agreement with SCE&G about tree-trimming. SCE&G gave the city notice on December 6 that they will be doing more tree cutting. The Tree Board has been sent this information. He asked **Liza Hill** to look at it in regard to where power lines could be buried. Mr. Dadson said he'd asked Ms. Hill what the solutions might be to move forward in some of these areas and if the Tree Board could have discussions with SCE&G. He said the transmission line work will begin the second week of January. SCE&G said they will be doing "minor" tree trimming on Green Street and through to Pigeon Point Park. Distribution lines will be in Mossy Oaks and the West End neighborhoods.

Mayor Keyserling said he "would like the Tree Board to take a tough look at it." Councilman Sutton said there's already an agreement with SCE&G. Mayor Keyserling said the board should look to see if it's consistent with the agreement. Mr. Dadson said they specifically asked where the opportunities are, and they "should look to see if there are opportunities to do anything but trim trees in that area." Mr. Dadson said at a minimum the city will do a press release online. Mayor Keyserling said they might want a Tree Board forum. Councilman Sutton said he doesn't want anyone to be misled. The way trees are trimmed has been hashed out already. Mayor

Keyserling said one of the areas that this will have an impact on is North Street. Councilman Sutton said it's invasive or appears to be, and it's on a five-year cycle over different parts of the city.

Ms. Hill joined the discussion. Mr. Dadson said instead of trimming, it might be worth it for SCE&G to do something else. Councilman Sutton said SCE&G is holding up its end of the deal by announcing that they're trimming. Mayor Keyserling said during the negotiations last time, **David Temple** had said it would be cheaper and easier to take some single distribution lines off of Ribaut. He had said he could pay to do that, and Mayor Keyserling said they "should just exhaust every possibility." The trees weren't expected to grow so fast into the transmission lines when the big poles went in. Mr. Dadson said SCE&G has a legal right to trim. Councilman Sutton said they have a responsibility to trim until the public is willing to pay for the lines to be buried. The city has a right to ask them to do it on a lesser frequency. Ms. Hill said if they would trim more frequently, they would do a lot less damage.

EXECUTIVE SESSION

Councilman O'Kelley made a motion, second by Councilman McFee, to go into an Executive Session, pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law for a discussion of industrial prospects. The motion passed unanimously.

Councilman O'Kelley made a motion, second by Councilman McFee to adjourn the Executive Session and return to the council work session. The motion passed unanimously.

There being no further business, the meeting adjourned at 7:00 p.m.

A regular meeting of the Beaufort City Council was held on December 11, 2012 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members George O'Kelley, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

Donnie Ann Beer had an excused absence.

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

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Pastor Michael Coxwell of Meadowbrook Baptist Church, and the Pledge of Allegiance was led by the mayor.

SWEARING IN - GEORGE O'KELLEY AND MIKE MCFEE

Judge Ned Tupper swore in Councilman O'Kelley, with the help of his wife and two granddaughters. Then he swore in Councilman McFee.

MAYOR'S APPOINTMENT

Judge Tupper swore in Mayor Keyserling.

MAYOR PRO TEM APPOINTMENT

Mayor Keyserling said Councilwoman Beer was doing government liaison work for the Red Cross in New York. **Councilman Sutton, seconded by Councilman O'Kelley, nominated Councilwoman Beer to take on the role of Mayor Pro Tem for the next four years. The motion passed unanimously.**

CITY ATTORNEY APPOINTMENT

Councilman McFee made a motion, second by Councilman Sutton, to appoint Bill Harvey to the position of city attorney. The motion passed unanimously.

PUBLIC COMMENT

Pete Palmer, 1401 North Street, thanked council for their work and for caring about the community. He thanked them for their courtesy before, during, and after the election. He said had he been elected he would have done some things and he wanted to share them. The agendas would be clear and produced further ahead of time, on the Friday before Tuesday night's meeting. He said the agenda should pass "the man from Mars test."

On the subject of transparency, Mr. Palmer said he thought that **Craig Lewis** should be acknowledged publically to be the city architect if that is, in fact, his position. In regard to the

city being business-friendly, he would have sat down with business men and women to hear what they had to say. He suggested it would be useful for council to do this. Lastly, Mr. Palmer showed old pictures of Bay Street, all of which showed lateral parking. He said he feels parking should be “friendlier” and that people are less concerned about paying to park than they are about getting a ticket.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 5.1 “USE TABLES,” TO PERMIT OVERNIGHT GUEST ACCOMMODATIONS AS A CONDITIONAL USE IN THE CONSERVATION PRESERVATION DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said that the Andrae Boating Company, doing business as The Charlestonian, would like to use the downtown marina in the Conservation Preservation (CP) District for overnight accommodations. She described those other areas that are zoned CP. The applicant, **Ted Andrae**, would use the boat for overnight accommodation in five guest rooms. Staff has some concerns about a non-water dependent use in the marina waters and wonders if the use works in the marina or mooring field. The “boatel” would be permitted as a conditional use. Staff recommends the following conditions: that the boatel will be in the CP; no more than five guest rooms; only one boatel per dock and no more than six permitted in the downtown marina; the use will be in an approved marina or mooring field; the manager will provide written approval of the use; an on-site manager; a management plan to be approved by staff; written certification from any relevant agencies; proof of insurance; if ownership of the facility changes, the approval is null and void and a new owner must get approval; renewal of the business license is contingent on its abiding by these conditions.

Ms. Anderson said public notice was made; the Planning Commission tabled the matter so they could get feedback from the Redevelopment Commission. The Redevelopment Commission considered the application on December 6 and was generally favorable, though they were concerned that there could be too many boatels in the marina. They also did not want the boatel to cause any obstruction to the civic master plan.

Mr. Andrae offered to answer questions from council. He said the Planning Commission had asked a lot of questions about details. They also appeared before the Redevelopment Commission, and he feels the response has been favorable at this time. There being no public comment, **Mayor Keyserling closed this public hearing.**

MINUTES

The minutes of the work session on November 20, 2012 were presented to council for review. **Councilman Sutton made a motion, second by Councilman McFee, to approve the minutes as submitted. The motion passed unanimously.**

The minutes of the work session and regular meeting on November 27, 2012 were presented to council for review. **Councilman Sutton made a motion, second by Councilman O’Kelley, to approve the minutes as submitted. The motion passed unanimously.**

ORDINANCE REVISING SECTION 6.8.J.8.A OF THE UDO, "BOUNDARY STREET REDEVELOPMENT DISTRICT; ARCHITECTURAL STANDARDS, SIGN," BY ADDING A NEW SECTION PERMITTING FREESTANDING SIGNS ON NONCONFORMING LOTS

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

ORDINANCE REVISING PART 5, CHAPTER 4 OF THE CODE OF ORDINANCES, "FLOOD DAMAGE PREVENTION ORDINANCE

Councilman Sutton made a motion, second by Councilman O'Kelley, to approve the revision to the ordinance on second reading. The motion passed unanimously.

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

Councilman Sutton made a motion, second by Councilman McFee, to approve the ordinance on second reading. Ms. Anderson said six parcels are proposed for rezoning in the Whitehall development. The parcels highlighted are R-4 high density single family residential district. The proposal is for them to be zoned Neighborhood Commercial which is a mixed use zone for commercial and residential activities. Council gave first reading to rezoning of the parcel, and based on its discussions, the applicant revised the request to leave four R-4 lots along Harborview Circle. The front four parcels will be R-4; Harborview Drive will be abandoned and incorporated into the fourth R-4 lot. The parcels behind the R-4 lots will be Neighborhood Commercial. The applicant has submitted a lot recombination plat.

Councilman O'Kelley said he likes this submission better than the last. On the part labeled Neighborhood Commercial, Councilman O'Kelley said he assume **David Tedder** will come back and plat streets, etc. in the future. Mr. Tedder said when form-based code is in place, those parcels will have a master plan.

Councilman McFee said notification was given to neighbors, and he asked if there was feedback received. Mr. Tedder said they were notified of the August meeting, and two neighbors were at the council meeting to hear the discussion. He believes this is consistent with the direction given at first reading in regard to abandoning the road so that it would not have an impact on county residents with an intrusion into the neighborhood. Councilman Sutton said this is the plan he thinks Mr. Tedder should have brought through. Connectivity is strongly desired in this neighborhood, and this is the best that can be provided for a buffer for what may be an urban center.

Mayor Keyserling asked, in the master plan, if there is "anything that can keep space open for an option." Potentially, the neighborhood will want to be connected. He asked Mr. Tedder to consider that in their planning. Mr. Tedder said council can make a new ordinance in time. **The motion passed unanimously.**

ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 308 CHARLES STREET FROM OFFICE COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Mayor Keyserling recused himself from the vote and passed the gavel to Councilman Sutton. Councilman O’Kelley made a motion, second by Councilman McFee, to approve the rezoning on first reading. Ms. Anderson said a public hearing on this was held in November, and the applicant has agreed to change the rezoning request to Neighborhood Commercial. Ms. Anderson said residential and office uses are not allowed in Office Commercial, and that’s why they requested Core Commercial or Neighborhood Commercial zoning. **The motion passed 3-0.**

ORDINANCE AUTHORIZING QUIT CLAIM DEED FOR BARNWELL STREET EXTENSION

Councilman McFee made a motion, second by Councilman Sutton, to approve the ordinance on first reading. Mr. Dadson said there is a title issue, and he is seeking to clarify that. Barnwell dead ends at the Rail Trail and the Depot Building. Long ago, the city kept a portion of Barnwell and closed a different section. The deeds do not reflect all that needed to be done directly. The city attorney has clarified the position; there’s been a quick claim deed done. Mr. Dadson said he and Mr. Harvey recommend that council maintain this configuration. **The motion passed unanimously.**

REQUEST FROM BEAUFORT COUNTY MINISTERIAL ALLIANCE TO HOST ANNUAL MARTIN LUTHER KING JR. PARADE

Councilman Sutton made a motion, second by Councilman McFee, to approve the request for the January 21, 2012 event. Mayor Keyserling said staff recommends approval, and **Ivette Burgess** said there are no changes from when this was held in the past. **The motion passed unanimously.**

MOTION TO CANCEL DECEMBER 25, 2012 REGULAR SCHEDULED COUNCIL MEETING AND ALLOW A SPECIAL MEETING ON DECEMBER 18, 2012, SHOULD IT BE NEEDED

Councilman Sutton made the motion to cancel the meeting, seconded by Councilman O’Kelley. There will be a workshop on December 18, and it will be advertised as a special meeting if that also is to be held. **The motion passed unanimously.**

REPORTS BY COUNCIL MEMBERS

Councilman Sutton said in light of the work on the waterfront, he took a group from his dock to downtown on his boat for lunch, and tied along the sea wall where they could see their boat, but the sea wall was in bad repair because of the oyster clusters and lack of mooring capability. He said he understood why the boating community would never pull a yacht along the wall. Councilman Sutton said he “understands the need to keep moving along this track” in regard to the day dock.

Councilman McFee said the hospital’s emergency center is opening on Thursday, and the Beaufort Museum is opening a river camps exhibit on Thursday.

ADJOURNMENT

There being no further business to come before City Council, **Councilman O’Kelley made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously,** and the meeting was adjourned at 7:48 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK