

A work session of the Beaufort City Council was held April 15, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Pro Tem Donnie Ann Beer and Council members Mike Sutton, Mike McFee, and George O'Kelley, and City Manager Scott Dadson.

Mayor Billy Keyserling was absent.

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

Mayor Pro Tem Beer called the work session to order at 5:00 p.m.

BOARDS AND COMMISSIONS INTERVIEWS

The following were interviewed for positions on the Historic District Review Board: Barbara Laurie, Jeff Evans, Chuck Syme, H. Quinn Peitz, Jr.; John Simpson was interviewed for TDAC.

DISCUSSION ITEM: FORM BASED CODE STEERING COMMITTEE

Libby Anderson said the form-based code committee had taken a break while work was being done on the Civic Master Plan. Now that the Civic Master Plan is adopted, the form-based code committee will be re-established with a new process. They will meet two times a month for 2 hours. The original committee had 20 people on it, which was extremely large for review of a technical document. The group will have 12 members now, Ms. Anderson said, so they have polled those with sporadic attendance to see if they want to be on the board. Including council members, they are at 15 members currently. **Terry Hussey** and **David Tedder** are the co-chairs of the committee. Ms. Hussey said that the consensus was that a smaller number would be more efficient. Ms. Anderson said, "The percentage mix is still good at this smaller size."

Mayor Pro Tem Beer said she would like to be at-large on the committee, and not have to be at every meeting. Councilman O'Kelley said he would be happy to continue to serve on the committee. Ms. Anderson said they think they will re-start in 6-8 weeks when they have a complete draft. They will focus on the ordinance and get it to where they feel comfortable with it. Mr. Tedder said they will study the Civic Master Plan before they jump in. Councilman O'Kelley said when they start on the sectors - they have done Verdier Bluff and Pigeon Point - so that they have a better idea about how to do the process. Ms. Hussey said the process is in flux now, but eventually the committee will want to look at the maps. They have made some progress, but when they start again, it will be swifter. Councilman Sutton said he's encouraged that the committee is smaller and should work better.

Conway Ivy asked for the objectives of the steering committee to be stated and asked "what the deliverable would be." Ms. Anderson said the purpose is to be the first public review of a draft document. There are some policy questions that are best for the public to have input on, so that's a major role for the committee, which is why the diversity of professions and experience is important. The deliverable will be the form-based code with the revised zoning

maps, and then the staff, committee members, and chairs will go to the neighborhoods with associations to talk about the maps with the residents and property owners. This is the second review, and then it will go back to the committee for adjustments, and then it will be presented to the Metropolitan Planning Commission.

Ms. Hussey asked if they would make recommendations for changes, and Ms. Anderson said yes, and they will look at those recommendations and move on; they are particularly going to look at the current ordinance, but not those aspects that are already working well. They will be looking at proposed changes. Councilman O'Kelley said a document like this is "a living document, and part can be killed or a new part can be birthed." He gave the example of Midtown and said once the form-based code is final and passed, it's still subject to amendment and review, just like the zoning ordinance now. Ms. Anderson said they will put in a lot of time and do their best, but there will still be things that will change and need to be updated.

Mr. Ivy asked who would prepare the draft of the code that the committee would go through, and if the committee will be part of that process. Ms. Anderson said the Lawrence Group is still part of the process and will prepare a draft from the draft the consultant for the county prepared. This is similar to the UDO process from 2003. The committee is not writing the document, just reviewing it. Ms. Anderson reviewed what the transect zones would be – she said the ordinance is so important not to jump right into the map; in regard to setbacks, for example, if the new setback is greater or lesser, is it non-conforming? That's why they need to have a complete understanding of the ordinance before they start to look at the maps.

Kathy Lindsey said her neighborhood is almost all built out, and she asked how the process would work: would it include generic transects? And where would they start the process? Ms. Anderson said the Lawrence Group did a survey of all the lots in the city and the structures on them, massing, etc., and developed a sheet on each lot in the city. The point of the form-based code is to develop it around what's there, Ms. Anderson said. That was the first step – doing an area-wide survey to determine the character of each neighborhood. They want to ensure that the character of each neighborhood is not changed.

DISCUSSION ITEM: ESTABLISHING PARK AND TREE ADVISORY COMMISSION

Ms. Anderson said there is not yet a citizen advisory committee that deals with all the parks, so they are proposing to transition the Tree Board back into what it used to be, which is the Park and Tree Advisory Committee (PTAC). It's a 5-member committee; the Tree Board will go away when they do the second reading of the PTAC ordinance, so they need to appoint the PTAC members. Councilman O'Kelley asked if there was a proposal to add more people. Ms. Anderson said there are 4 members of the Tree Board, and 4 on the Southside Park committee. One idea could be to take the Tree Board and appoint all of them to the PTAC, then the chair of the Southside Park committee could be appointed to the PTAC, and that person is a design professional. The Southside Park committee could be a sub-committee of the PTAC.

Don Starkey said they need a committee that can handle *all* the parks. He said he doesn't "want the bureaucracy to get too big." The Southside Park committee should continue as long

as there's money there and get the park to a certain point and then it should dissolve. A commission can be formed for another particular park, if need be, and then it dissolves when it's work is done. Mayor Pro Tem Beer asked if the amount of time the people have been on the Tree Board would count on PTAC. Ms. Hill said currently it's a 3-year term and then reappointment with another 3-year term. They have changed the wording so that it can continue to cycle in people; Ms. Anderson said they have terms, but no term *limits* as long as they are willing to serve.

Mr. Ivy said he knows the committee will be busy, but he would like to request that this committee look at what it would take to bury cables and remove poles in the city. It's been talked about for years and probably hasn't gone forward because of costs, but he thinks they should have a sub-committee look at it. Mr. Dadson said they have already done it, and it's been priced out. Council has ranked projects, and they have placed it in "the non-standard service fund." The Tree Board has worked it out with the utilities and did a lot of work on it.

DISCUSSION ITEM: REFORESTATION FEE PROPOSAL

Ms. Anderson said the purpose of this fee is to generate revenues to plant trees in the public right-of-way and public spaces. The only trees planted in public places in recent years were through grant funded street projects. Hazard trees in the right-of-way have been removed, but they haven't been replaced, and there are dozens of benefits to an urban tree canopy. They haven't had the resources to do this important work, Ms. Anderson said. They need to look for new sources of revenue, so the Tree Board came up with this idea.

The proposal, Ms. Hill said, is divided into private property and commercial and multi-family property. They showed the various fees on an overhead, and Ms. Hill reviewed them. The fees would go toward the re-planting of trees on public property. If a tree were dead, there would be no fee. The board has redefined grand trees, she said, and went on to review what the definition is. The measurements are the same as Beaufort County's in some instances. She went on to discuss mitigation as an alternative to the fees. She showed the example of the Family Dollar on Ribaut Road and their trees in that development. They would have had to pay \$900 for an arborist's report, but without it, the total would have been \$17,000, not \$3,000, to the fund.

Michael Brock said as an experienced landscape designer, it makes sense to get the arborist's report and get the trees not worth keeping out, concentrating on the design of the trees that are worth keeping. This will help people who want to develop to make a more conscious effort in their landscape design.

Councilman O'Kelley said, on private property, if a grand tree dies, the homeowner has to pay to have it removed; where does it stand with changing the homeowner if the tree is dead? Ms. Hill reiterated that homeowners don't have to pay for reforestation of dead trees. She said there is a \$20 administration fee, which is for Ms. Hill's time and the paperwork. That fee will remain, but the \$15 reforestation fee will not be changed.

Alan Dechovitz said there are a lot of undeveloped lots in the city, and trees will have to be removed when they are developed. He asked how this would apply to clearing a space to build a house. Ms. Anderson said this has not made any exceptions for single-family development. The reforestation fee would apply if grand trees were removed. Mr. Dechovitz said council “should consider that seriously,” because people won’t build on those lots because of the price to build on them, post-recession. “It’s an additional burden on the development process,” he feels. People will walk away from home developments because of such charges, Mr. Dechovitz feels.

Councilman Sutton said that when this comes up, he supports reforestation. He is not sure about the formulas and the costs. Anything that adds costs has to be looked at closely. He said to pick a forested lot and do a cost survey on that that could be developed for a single-family dwelling. The impact may not be as great as it could be, because the trees may not be grand trees. Ms. Hill said that’s a great idea, and she would do that. The city had done a study ten years ago of all of the open public areas in the City of Beaufort. They found that 85% of the canopy is laurel oaks, so she’s interested in finding out if that’s the case in a random lot; she expects she will find a lot of laurel oaks on those properties. A 24” laurel oak is usually not a healthy tree, Ms. Hill said, so it’s an easier decision to make about a 24” laurel oak than a 24” Live Oak on a lot where the house needs to be built around it. Councilman Sutton said they could protect too much or not protect enough. He’s confident that the Live Oaks are being protected.

Barb Farris said the reforestation fee is to build up a bank of money to replant the urban forest and to care and maintain the current trees and also to remove hazard trees. Councilman Sutton said they have discussed a fund to get the Tree Farm started. He said all fee discussions are met with resistance, so they have to be careful of the impact of the fee. But he believes they need to build a tree maintenance fund, and it can’t be funded through the property tax.

Ms. Hill said Beaufort County has had a reforestation fund since 1998, and she showed that they have garnered \$651,000 and have used a little over half of it. They take in about \$40,000 per year. **Stephen Murray** asked if they have done cost estimates about how much would be enough. Ms. Hill said the tree is planted back when mitigating; a 2.5” tree that will cost \$225 – \$250. Mr. Murray said they could look at the permits for the trees that were legally removed and could see how much they needed to raise. Ms. Hill said the fee came from looking at county charges, which are \$140 per tree. The per-caliper inch fee is about \$50. She explained how the number was determined. **Michael Brock** said the county isn’t doing maintenance, only beatification and reforestation.

Mr. Dadson said the city currently spends \$25,000 (\$50,000 was requested) for maintenance. Councilman McFee asked if the fees would be spent on the Tree Farm. Ms. Hill said the Southside Park has a revenue stream that could be used to establish the Tree Farm, and the reforestation would be to purchase and replant. It will take time to grow the trees to 10’ and then use them for replanting in the city. Reforestation funds would be used for purchasing trees and planting them in the public.

Katherine Lang said that trees are also important for climate control and energy use. Ms. Hill said they have discussed that on the Tree Board. Ms. Hill said in the city of Charleston, they purchase the tree and the city provides the labor, so that the private property owner benefits, as does the city.

Mr. Starkey asked if there is anything about people who cut trees down and then only pay a \$10 fine per tree. You are supposed to have a permit, he said, and if there's not one, there *should* be a fine. The fine should go to the Tree Fund, and it should be large enough to make getting the permit desirable. Ms. Anderson said a court summons can be issued, and it's a misdemeanor; the city only gets 50% of it. There's a process, and they will do it when they need to, but they it's not a revenue generator.

Tommy Logan said people will take Live Oak trees and cut the limbs out of them until they look like laurel or water oaks. He thinks that's deplorable, particularly along Bay Street. He would like the Tree Board to look into that to stop it. He also said the utility contractors dig up trees, particularly palmettos, to install lines and could do damage to the street arms. Mr. Logan and another gentleman were promised 5-6 years ago by **David Temple** that the power company could eliminate overhead wiring on the Bluff with re-routing, which might be more cost-effective than burying, to avoid the trimming that forces them to cut the wide yoke. Mr. Temple "could fulfill his promise to the city." He's particularly concerned about Hamar to Bladen on the Bluff, Mr. Logan said. Councilman Sutton suggested they do the fire department site as an example, too.

Ms. Hill said this has sat for quite awhile, and she asked if they could move on it quickly after they are provided with the examples.

DISCUSSION ITEM: REZONING PROCESS FOR THE MARINA PROPERTY

DB said that Lenny Martin and Chloe Pinckney had passed away that day.

Mr. Dadson said council needs to ask itself if it is ready to do a first reading next week. If it's not, they need to determine when and under what circumstances they will be ready. He said that council should determine what staff could do to help them with their decisions to be informed.

Councilman Sutton said he wanted it noted that Mayor Keyserling and Councilman McFee were both absent for this discussion. He has heard input online and at the public hearing and thinks they need to look at the memorandum of understanding and look at the zoning sequence; he thinks they need a process before considering doing any zoning. He wants to ensure that the memorandum of understanding is followed closely as to its intent. Councilman O'Kelley said that suits him, and he prefers "that it never come up for a vote."

Mayor Pro Tem Beer said she "can't wrap (her) mind around the concept" and agrees that there needs to be a more careful review and one that clearly states their intentions for the space. Mr.

Dadson said staff has heard the feedback, and “many valid issues were raised.” He thinks they should look at the memorandum of understanding and that council needs to strengthen its position in the memorandum of understanding about design and density in the site and define what it means by public open space and access. Also, Mr. Dadson said, the city owns the property and are a party to the memorandum of understanding, so if council feels it needs to have more detail one way or the other, council needs to direct more of what they feel needs to be addressed.

Councilman Sutton said there needs to be more direction given but also more clarity on the memorandum of understanding with the Redevelopment Commission members. He wants to know if it meets the way the public who have spoken against the development is saying it wants to see that area utilized, and also Phase 2 of the Waterfront Park project. Councilman O’Kelley has been opposed to it, Councilman Sutton said, and Councilman Sutton is also opposed to some of those things that have been said; he doesn’t “intend to do nothing.” It was made Conservation Preservation because of the Waterfront Park and its restoration; “it was a different Beaufort then, as it is now.” They made a decision then to change it to Conservation Preservation zoning in 1998. The expectation might have been that they would find the money to build Phase 2 of the park, but that didn’t happen, and there isn’t even currently funding for the park as it is now. The marina is in decline, and the mooring field will help, but there’s no funding to improve the infrastructure. They need to fund the Waterfront Park “even if we leave things the way they are.” A lot of complaints are from people who don’t live or shop here, Councilman Sutton said, and it’s very difficult to have a debate with people who don’t understand how the government and Beaufort work. He thinks there “needs to be a regrouping.” There needs to be a plan. Making it all green space now would be the worst thing, though that might be good over time.

Mr. Dadson clarified that they want to hold off on action and have a discussion in a work session. Mr. Dadson said they heard enough in the public hearing that they can give an outline of the areas of concern. They could give a document that could help to define it a bit. Councilman Sutton said absent a plan, there can’t be a decent debate.

Mayor Pro Tem Beer read briefly from a statement Mayor Keyserling had written because he was on a trip. She doesn’t want to see a hotel there, “but there needs to be a way to make money.” When they look for more development, she would like to see more development downtown. When Belk moved out of Bay Street, Mayor Pro Tem Beer said, the other stores declined. She would like to see more retail and a drug store downtown.

Kathy Lindsey said when the Waterfront Park Phase 2 was commissioned, she wondered what the estimate was and then suggested that they could look at it in inflationary terms and maintenance. The memorandum of understanding is a legal document; if that were to be renegotiated and redefined, she said, if there’s a way that those concepts could be done more in the public eye, that would be a good idea. Mr. Dadson said he agrees that “they need to do that around a table.” Councilman McFee said the Waterfront Park Phase 2 plan didn’t take

parking into account. Ms. Lindsey said “the public might support a parking structure for open space rather than for River Place.”

LOCAL OPTION SALES TAX (LOST)

Councilman Sutton said to remember the topic of the LOST. The reason council and Bluffton and the Town of Port Royal (and Hilton Head Island was on the fence) wanted LOST was because of these exact issues, and the county council said “no” because they want to work on projects the state owns like roads and bridges. LOST might have been the only tool they had, Councilman Sutton said. All the communities are providing services to many people who don’t live in the city. LOST seems to him to be the only way. He said the county citizens need to go to their county council members to make it happen. It’s not a lot of money, but people would benefit from it on their property taxes, or they “can put pieces of it into a fund that will always be there without being a burden on the taxpayer.” It doesn’t tax food or medicine, he added.

Councilman O’Kelley said he had written a letter about LOST for council to sign, and he has given a copy to the *Gazette* reporter, and it would be sent to the *Gazette* to run. With LOST, he told what the credits would be to homeowners. Visitors pay about 50% of the LOST. By state law, it has to be given back to property owners in the form of a credit. Councilman O’Kelley suggested they discuss matters with the county council and get them to put it on the ballot.

ADJOURNMENT

There being no further business to come before City Council, the meeting was adjourned at 6:59 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK