

A work session of the Beaufort City Council was held on December 8, 2015 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilmen Mike McFee, George O'Kelley, Stephen Murray, and City Manager Bill Prokop. Councilman Phil Cromer 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 Keyserling called the work session to order at 5:00 p.m.

### **EMPLOYEE PROMOTION AND NEW HIRE RECOGNITIONS**

Beaufort-Port Royal Fire Chief **Sammy Negron** introduced **Reece Bertholf**, who was promoted to fire chief, and performed a pinning ceremony.

Beaufort Police Chief **Matt Clancy** introduced three new hires: **Eric Hayes**, **Brandon Zuraw**, and **Robert Fritz**.

**Lamar Taylor** introduced new hires **Neal Desai**, a licensed engineer, **Carl Moultrie**, from The Greenery, **Joe Ciccone**, **Wayne Smalls**, **Fred Miller**, **Luther Mae Hunt**, and **Diedre Milledge**. There are two open positions in parks and one in stormwater, Mr. Taylor said.

### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman McFee made a motion, seconded by Councilman O'Kelley, to enter into Executive Session for discussion of the proposed purchase of property. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 5:22 p.m.

A regular meeting of the Beaufort City Council was held on December 8, 2015 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, council members Mike McFee, George O’Kelley, Stephen Murray, and City Manager Bill Prokop. Councilman Phil Cromer 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.

**Councilman O’Kelley made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously.** Mayor Keyserling said no action would be taken.

#### **CALL TO ORDER**

Mayor Keyserling called the regular meeting to order at 7:00 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Pro Tem McFee led the invocation and the Pledge of Allegiance.

#### **CHARACTER EDUCATION PROCLAMATION – LADY’S ISLAND ELEMENTARY SCHOOL**

**Councilman McFee made a motion, second by Councilman Murray, to accept the proclamation of Arthur Singleton and Byron Crosby as students of the month at Lady’s Island Elementary and Beaufort Elementary Schools, respectively. The motion passed unanimously.** Councilman McFee read the proclamation, and Mayor Keyserling presented them to both students.

#### **MINUTES**

**Councilman Murray made a motion, second by Councilman McFee, to approve the minutes of the work session and regular meeting October 27, 2015.** On page 3, paragraph 3, in the second sentence, Councilman Murray said the minutes read that the mayor said he “has n problem,” but it should be “no problem.” On page 11, Councilman Murray said he had said, “The city is releasing more Accommodations Tax money than the previous year.” (*According to the audio, Councilman Murray said, “I don’t think anyone is getting less than what they received last year,” then went on to cite the example of the Chamber of Commerce, as the minutes noted. – steno.*) Councilman McFee said on page 9, in the last paragraph, Councilman O’Kelley was referred to as “GO,” and this should be corrected. **The motion to approve the minutes as amended passed unanimously.**

**Councilman O’Kelley made a motion, second by Councilman McFee, to approve the minutes of the work session and regular meeting November 10, 2015. The motion to approve the minutes as submitted passed unanimously.**

**Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of the work session November 17, 2015. The motion to approve the minutes as presented passed unanimously.**

**PARKING ORDINANCE AMENDMENT TO REFLECT PARKING ENFORCEMENT AUTHORIZATION, FINES AND PROCEDURES**

**Councilman McFee made a motion, second by Councilman Murray, to amend the ordinance on second reading.** Linda Roper described the process for determining these parking ordinance changes and said they include changes in the rates for the meters on Port Republic Street from 75 cents an hour to \$1 an hour, and on the side streets north of Port Republic Street from 75 cents to 50 cents per hour. This is consistent with the parking task force’s recommendation.

Time limits on Bay Street, and on the side streets from Bay to Port Republic, will change from three and four hours to two hours. This differs from the parking task force’s recommendations, Ms. Roper said, but it is under the length of time that parkers were found to be staying in their spaces; it “also allows for turnover.”

In addition, Ms. Roper said, enforcement times for paid parking will change: from the current range of 10 a.m. – 6 p.m. to 11 a.m. – 7 p.m.; wording has been added to clarify the appeal process for tickets issued by Park Beaufort, and unpaid parking fines increase two times – now on the 31<sup>st</sup> and 46<sup>th</sup> day – after they’re issued. The handicapped parking fine will increase from \$400 to \$500, which matches the city ordinance to the state statutes, Ms. Roper said. The boot fee changes to \$50 from \$60, too.

Councilman O’Kelley asked if the boot fee would be affected by the fine escalation after the 30<sup>th</sup> and 45<sup>th</sup> days. Ms. Roper said, “It’s for nonpayment.” A car is booted after three violations, and because a boot fee must be paid to remove it, she agreed with Councilman O’Kelley that the fine escalation for booted cars “is moot.” Councilman O’Kelley asked, if someone gets a boot, pays for it to be removed, and then gets booted again, if the fine increase would kick in. Ms. Roper said that Councilman O’Kelley had made “a good catch . . . it should be \$50 all the way across.” Councilman O’Kelley said it should be \$100 every time someone is booted, to punish those who consistently ignore the parking laws. **Councilman O’Kelley amended the motion, making the fine \$100 each time a car is booted, unlike other, graduated fines. Councilman McFee seconded. The amended motion passed unanimously.**

Councilman McFee clarified that the change in enforcement times to 11 a.m. – 7 p.m. was a recommendation of the parking task force. Ms. Roper said it was. **The initial motion passed unanimously.**

**STREET CLOSURE REQUEST FROM HOPE HAVEN AND THE 14<sup>th</sup> CIRCUIT SOLICITOR’S OFFICE TO HOST 5K RUN**

**Councilman McFee made a motion, second by Councilman Murray, to table the request. The motion passed unanimously.**

**REQUEST FOR CO-SPONSORSHIP FOR USE OF WATERFRONT PARK FROM CARRIE MAJOR FOR PRAYZ IN THE PARK EVENT**

**Councilman O’Kelley made a motion, second by Councilman Murray, to approve the request for the January 9, 2016 event.** Councilman McFee clarified that 50–80 people were expected,

it's not a revival, no additional police were expected to be necessary, and it would not have amplified music. **Ivette Burgess** said all of that was correct. **The motion passed unanimously.**

#### **ORDINANCE ANNEXING PROPERTY LOCATED AT 226 SEA ISLAND PARKWAY**

**Councilman Murray made a motion, second by Councilman McFee, to approve the annexation on first reading. Libby Anderson** said this property is on Lady's Island at Sea Island Parkway. She indicated the location and surrounding parcels on a map overhead. The property has two vacant buildings on it currently. It is contiguous to the city limits, and all municipal services will be available to the property. It's in the county now and is zoned S-1 Industrial; Ms. Anderson reviewed the permitted uses under that zoning, including the conditional uses. The proposed zoning is Highway Commercial District. Highway Commercial uses are permitted per the regulating plan in the PUD. Surrounding land uses include the Lady's Island (Frogmore) Airport, the future Walmart PUD, the packing shed across Airport Circle, and an HVAC business. The Metropolitan Planning Commission recommended approval of the annexation, Ms. Anderson said.

Mayor Keyserling said before anything happens, if council annexes this property, rezoning is a separate issue. After that, it will have to undergo standard development review, he told the residents present: "The Design Review Board, the stormwater, they'll have to do traffic studies – so you've got three bites at it, is what I'm saying." If council annexes and rezones the property, Mayor Keyserling said, that "doesn't mean anything (will) happen to the property." Outside of council, "it is a staff and regulatory issue."

A member of the public asked if the dive shop is already part of the city. Ms. Anderson said no. Mayor Keyserling said, "It's not part of this application."

**Paula Verity**, Distant Island, asked how she and other residents could stop this strip of development that they don't want. Mayor Keyserling told her one way would be to "convince council not to annex it," but there are other steps in the process. He explained that the future Walmart development on Lady's Island had resulted after the city had "denied them" the ability to develop on that property in 2008. Because of this, the city was sued by the property owner and went through litigation for several years before agreeing to arbitration. All three judges in the arbitration came down in favor of the property owner, Mayor Keyserling explained, because the property on both sides of the road was a PUD created by the county, and when the property was annexed into the city, it "inherited" the PUD. "The court found that an inscription of gross square footage . . . as included in the development agreement was what ruled," he said. Walmart had walked away from the purchase and sale agreement before the lawsuit, Mayor Keyserling said, and when the city lost the suit, "we came up with a settlement" with the property owner that included "some restrictions on a large building," the rear of the property could not face the street, "certain buffers . . . the reduction of density on some of these other developments on Lady's Island," etc., but now the development "will happen."

The development is currently in the permitting process, Mayor Keyserling said, and there are issues with the property's elevations. A traffic study was done, and a plan to deal with

congestion has been worked out with Walmart's neighbor to the west (the produce packing house) and also with SCDOT. There will be a signalized intersection there. On the other side of the road, a separate property – the PUD that would be to the east of 226 Sea Island Parkway – has the same conditions as the Walmart property. 226 Sea Island Parkway is separate from these other properties, Mayor Keyserling said. Whoever buys it will “go through the whole development process,” depending on what they want to build on it. The city annexing the property doesn’t give a developer of it any rights, he pointed out. A buyer would be allowed to have a restaurant there with a drive-thru, but that’s permitted under the county’s current zoning, as well.

Ms. Verity asked if the city's “review process is more stringent than the county’s.” Mayor Keyserling replied, “I don't think it's *less* stringent.” He said city staff, “under the Civic Master Plan and Comprehensive Plan, wants to see the right kind of development.” The city’s process is not markedly different from the county’s. Ms. Verity asked why the city would *not* want to annex this property. Mayor Keyserling said if the property were zoned residential, he “would have second thoughts” because the city has learned that “residential annexation actually costs the city money” because of the fees that must be negotiated with Lady’s Island for fire services. Commercial properties have different tax benefits for the city, they pay for business licenses, and the level of services they want and need, like police protection, for example, is different.

**Swinton Addison**, Distant Island, said the Civic Master Plan is “a wonderful plan for Beaufort” and provides “a good direction for growth,” but it’s only conceptual and gives the public the right to say what they want in their neighborhood and to express their views on a possible strip mall on both sides of Sea Island Parkway. This lot is the only one the residents feel they have a say in, as of today, he said.

Mr. Addison said Ms. Anderson had said that there is to be a buffer installed around the lot to protect the wetlands in the area, and he had some obtained information about setbacks from DHEC. Mayor Keyserling said, “The issue right now is annexation,” not permitting. Any answer Ms. Anderson had given Mr. Addison at the public hearing was “the answer that is general,” while a more particular answer “has to be applied specifically to each property.” Mr. Addison can speak against the development, Mayor Keyserling said, but council is voting on annexation and zoning.

Mr. Addison said that the Metropolitan Planning Commission had recommended approval of the annexation and rezoning. Mayor Keyserling described the composition of the membership of the Metropolitan Planning Commission to the public. Mayor Keyserling reiterated to Mr. Addison that council is “not voting on anything you are talking about tonight.”

Mr. Addison continued that all the water from the area “would end up in the creeks behind lot 226 (Sea Island Parkway),” and then untreated discharge would go into the Beaufort River, which can damage shellfish. The runoff can’t soak into the groundwater system because of the hard surfaces on the developed lots: 226 Sea Island Parkway would add to the current runoff from two golf courses, the new Publix, rooftops of the new apartments, and, potentially,

Walmart.

The May River cost millions to clean up in order to improve the water quality after unchecked development in Bluffton, Mr. Addison said. The city could save those millions now by not allowing more building along Sea Island Parkway. \$33 million is to be spent on the beautification of Boundary Street, he pointed out, including converting developed properties to open space. Mr. Addison said that same “stinkin’ ugly stuff” that’s being removed from Boundary Street will end up on Sea Island Parkway. All local government agencies have received recommendations from DNR in August 2015. “The bottom line” of its report is that “it’s going to create a mess along the highway in the water.” The designs of the Walmart retention ponds will fail without proper management, and “it (will) cost money to reclaim that.” He gave an example of the area behind the YMCA in Port Royal.

Experts Mr. Addison had talked to were not able to appear before council, but they had released statements. Bluffton and Hilton Head have much better regulation and enforcement now of their stormwater after years of environmental damage, he said. The county has been granted its MS4 permit, which gives them better control of their stormwater regulations, but “it takes a couple of years to activate that.” Taco Bell and other construction will have taken place before the city starts its MS4 paperwork. The damage will take place in Distant Island Creek and could get worse. Conservation should take precedence over development, Mr. Addison feels. In past elections, he said, citizens in Beaufort County have voted to spend tax money to *preserve* lands, not to develop them.

Mayor Keyserling asked about the distinction between approving residential and commercial properties in regard to stormwater. Ms. Anderson said it makes a difference if it’s a residential property on an existing lot of record or a new subdivision. In this area, stormwater controls would be similar to what’s in the county; 226 Sea Island Parkway is not in the Historic District or a redevelopment district. It will get the full complement of stormwater controls, which are similar to the county’s, she said. The standards for this property are very similar to what they would be if it remained in the county. Mayor Keyserling asked Ms. Anderson, if he were to build a residence on a lot of record on Distant Island or Lost Island, would he “undergo the same scrutiny that this property will have to go through?” Ms. Anderson said, for an individual homeowner, the city wouldn’t require stormwater controls, but in the City of Beaufort, on an individually platted lot, they do look at the drainage to ensure that it doesn’t affect the neighbors. The standards are a little higher in the city for single-family dwellings than they are in the county, she said.

**Mike Ryan**, Lost Island Road, said his property is the nearest to 226 Sea Island Parkway. He said he really doesn’t think council “want(s) a dog in this fight.” He indicated the problematic intersection. With Wal-Mart and whatever else goes in, it’s going to be a bloodbath “with people trying to get out of Lost Island Road onto that highway.” There’s already a problem with “violations of the law every day . . . on that road.” Mr. Ryan asked council to consider the issues with that road. He said the other points that have been raised are also important, and those should be considered, too, “but the traffic is the real issue.”

**John Holden**, Lost Island, said area residents had submitted a letter that he hoped council had read. Their concerns are traffic and traffic safety, crime, danger to the environment, and affects on property values. Lost Island Road is only an eighth of a mile long. A Taco Bell would make their road “an extension of the restaurant,” Mr. Holden said. The most important concern is traffic and traffic safety. There is a convergence of three entities “with some semblance of responsibility there.” Highway 21 at Lost Island Road going southbound narrows from two lanes to one, which is where the turn is onto Lost Island Road. He said in between Publix and that turn is “an acceleration zone,” very few people pay attention to the laws there, and people use the median as an extension of the second lane, passing those who are turning onto Lost Island Road or whom they think are too slow. Going to Frogmore, there’s a narrow median lane, and pulling into it, there are concerns about people being in that lane to pass. Mr. Holden said what happens at the traffic light will affect the Lost Island Road ingress and egress. No other issues will matter if people lose their lives at that intersection.

Mr. Holden said someone who was driving 90 mph in the median lane hit him and his wife – she nearly died and was unable to walk for 5 months. Every time he drives past the recycling center, he thinks, if he could put the entrance to it elsewhere, he definitely wouldn't put it in the curve. Mr. Holden said that’s where his car was sitting – in the median in front of the convenience center – when it was hit by someone taking the corner at 90 mph. Mr. Holden said he doesn’t want that to happen there again, when things could be done differently. He can live with the traffic that a business there will generate, but he can’t live with this dangerous intersection that has “dangerous ingress and egress.” His concern is that “we are setting this up for disaster.”

**David Woodward**, a Lost Island Road resident, compared this annexation and rezoning to “a two-edged sword.” If they were annexed, the residents would hope to have the city’s pledge to solve their problem, and if they were not annexed, the residents would hope the county would share their concerns. The development, zoning, and annexation issues are all separate, Mr. Woodward said, but traffic planning studies “would have to come after the fact.” People are looking for “a multi-agency solution to the problem” with the county, the city, and the state working to solve problems: the lane reduction, the 55 mph speed, and the left-hand turn lane on the northbound lanes. He asked, if the annexation is successful, that council look for a solution to the problems to satisfy the residents’ concerns. Mr. Woodward said he opposes annexation unless a forward-looking solution is part of that process.

Mayor Keyserling said he’s aware of what has been described. He asked if the concerned residents have met with SCDOT. Mr. Woodward said he has asked twice to meet with DOT representatives but has gotten no return calls, nor has anyone else. None of the residents have met with their state representatives.

**Beth Grace** said the annexation issue is based on the considerations council has heard tonight: “a vast array of issues” come into play in any annexation, and this one is particularly “dicey.” An after-the-fact traffic study is not useful since they already know what is on the table, she said. The highly dense, highly commercial uses in the county’s zoning “are only conditional.” Before

it's annexed, Ms. Grace encouraged council to look at the big picture. The intention of comprehensive planning is "to pull all the entities in" and keep them on the same page, thereby avoiding the kinds of problems Charleston has, for example.

Beaufort County is made up of islands, Ms. Grace said, and there are already problems with causeways that were built instead of bridges. SCDOT's involvement "should be essential before you decide to annex this," she believes. Any low-impact industrial use could be worked with, but the higher impact uses will mean taking on different problems, so council needs to take a comprehensive view before it annexes, which she encouraged it not to do. The city and county should be closely connected on all planning and annexation applications, Ms. Grace said. In the 1990s, Beaufort County was the first in the state to do a comp plan, and it was "really technically scientific." They determined that there should be no more than one residence per 25 acres in Beaufort County, "because we are so low, and we are mostly water." Commercial development lowers the amount of possible residential use.

SCDOT is unlikely to do anything to this road for 30 years, Ms. Grace said. It was planned for development that is lower impact, more rural, and of less intensity. Rather than allowing this type of development in this area, Highway 802 is available for higher impact businesses, she said. Also, the MCAS has "a restricted zone for development because of their airstrip," she said. Diverse economic development is desirable and means keeping the airstrip and limiting the density and development around it to prevent "a big loss of life if there's any kind of accident." Going from "four lanes to two lanes at 50 mph and (having) five or six curb cuts within 200 or 300 yards there (is) impossible."

Economic diversity, "the packing shed, the airport, the soft commercial, water quality, traffic impact, loss of life, evacuation routes: it's a heavy duty decision" for council. Ms. Grace recommends no annexation unless the city would be very clear with the residents about what it would allow: "no intense commercial development" on it, so that developers "can't skip the county, into the city, in order to get an advantage, to have something that the county might not let them have."

Mayor Keyserling reminded Ms. Grace that the Metropolitan Planning Commission had recommended approval of the annexation and rezoning, and a third of the commissioners are representatives of the county. Ms. Grace said not all members of the volunteer boards are trained as well as they should be to view matters comprehensively, and in addition, their membership turns over regularly; the comprehensive plans are done every 5 years, and all of the commissioners might not understand the whole comprehensive view that the state wants them to take. Beaufort needs to avoid the problems Charleston has, Ms. Grace concluded, and it is much easier to *prevent* these sorts of problems than it is "to go in and fix them."

**Reed Armstrong**, Coastal Conservation League, said that in her remarks, Ms. Anderson had said that "this property under the county zoning would allow restaurants with drive-thrus," but that is not his reading of the county's community development code, so he requested that Ms. Anderson "double-check that."

**Paul Butere**, Distant Island, said annexing and rezoning 226 Sea Island Parkway might set a precedent for other properties on the road. This question may be faced repeatedly. Sea Island Parkway is the only road, and there's marsh on both sides: "We can't fix it if it gets broken," Mr. Butere said. Hunting Island is a high volume state park. If there's additional traffic, "we can't take that away, but what we can do . . . is stop more traffic from coming in. . . If this (development) happens, there will be more. We've all seen it," he said, and he asked that this "not be the first one."

**George Johnston**, a Metropolitan Planning commissioner, said he has served on the commission for less than a year. When the commission recommended annexation, two things were omitted: they did "not have the advantage of these folks' correspondence," which was not part of the commission's packet. Also, Mr. Johnston said he was "under the distinct impression that the current zoning did *not* include drive-thru restaurants." He had asked the applicant about the intended use of the rezoning at the commission meeting, and the commissioners were told "Taco Bell," which is "how (it) came on our radar." Mayor Keyserling had made a point of separating annexation and development, Mr. Johnston said, "but if that's the case, and the current zoning precludes drive-thru, the annexation becomes a development issue." Mayor Keyserling said rezoning – not annexation – opens the door to that, but council can't rezone until it annexes.

Mr. Johnston said all this property is subject to sea level rise and storm surge – a subject about which the mayor has expressed concern – and it's one of the five properties that was labeled a "hot spot" in Beaufort. The sea rise task force studied this, and though the city made its best effort to forestall the Walmart, it's going to happen; the annexation, though, "is what we term the Walmartization of (Highway) 21," Mr. Johnston said, and it will "expand and compound what was forced on the city by the courts."

Councilman O'Kelley said he has a conflict and has to recuse himself.

Councilman McFee said he appreciates what has been said tonight, and council does "consider the impacts. We, however, don't own the road." The permitting process in the city on current projects sometimes "takes us 6 or 7 takes with the state." He said he thinks this a difficult issue. "Walmart is coming," and he knows this annexation will "strongly affect the Lost Island ingress and egress." The traffic light at Airport Junction may help with that. There is Highway Commercial zoning on the opposite side of the same intersection, Councilman McFee said, which the city has no control over, though "through the development guidelines, we do have control on 'this' side."

Councilman Murray said he sympathizes with the residents' concerns; "however, it does come with an approval from the Metropolitan Planning Commission." He read land use types permitted under the county's community development code in S-1 zoning (permitted, not conditional uses), and said the conditional uses include restaurants with drive-thrus. If this were an effort "to open up the zoning to allow a wider range of uses from a conservation zoning, I

would probably have more hesitation,” Councilman Murray said, but the county zoning allows uses “you guys would not be in favor of.” He understands the issues of traffic speed and safety, he said, and that’s a problem today, regardless of development proposed in that corridor. Councilman Murray said the residents should reach out to SCDOT and should advocate lowering the speed limit, at a minimum, and the city should advocate on the residents’ behalf for those changes.

Councilman Murray said when spot annexations were done in the 1990s, no full cost-benefit study was done about “what it would cost us to provide services to those locations . . . Distant Island was one of them.” Because this area is in a donut hole, he said, and the city is “required to buy services outside of the boundary of where this site is, I think it is in the best interest of all residents citywide to close these donut holes,” for greater efficiency of service, so he’s in favor of the annexation.

Mayor Keyserling said he would also vote for the annexation. He said he believes “that conditions are bad . . . but it’s not that much more intensive than what exists today,” and he trusts “our zoning and development processes.” Mayor Keyserling said, “The reality is . . . if we (were) serious about dealing with the issue of rising sea levels,” there would “probably (be) no more development on Lady’s Island or St. Helena Island,” but there are no ordinances or rules that pertain to preventing it. The task force is “a volunteer committee that is making recommendations to the city and hopefully the county, and others will take that on.”

It is “not going to cost the city more to service this property (that) wants to be in the city,” he continued. “The traffic problem is going to have to be dealt with.” Mayor Keyserling committed to working with the residents on that, but he told them that “without your legislative delegation,” they would have a hard time getting SCDOT’s attention.

Mayor Keyserling said, in regard to the Walmart site, “any time you have that much activity,” if they proceed with annexation and zoning, they will need to take on this responsibility and ensure that the business that takes over the site addresses the problem as well. **The motion passed 3-0; Councilman O’Kelley abstained.**

#### **ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 226 SEA ISLAND PARKWAY ON LADY’S ISLAND**

**Councilman Murray made a motion, second by Councilman McFee, to approve the zoning ordinance on first reading.** There will be a second reading, Mayor Keyserling said, and council “may choose to try to have a workshop with SCDOT coming to us,” Mayor Keyserling said. “If they want property rights . . . they could move across the street into the PUD . . . They could be 100 yards away (and) really have the same impact that most of you are talking about,” but council “can’t pick winners or losers,” he said.

Councilman Murray asked Ms. Anderson, in the county’s development process, what is required that is different when it’s a conditional use? Ms. Anderson said she was “not completely familiar with the county’s process,” which is a new code, but it would be similar to

the city's in that it's a staff approval. One of the conditions for a drive-thru facility, for example, is that the menu board can't face the street. Councilman Murray asked, "How do they compare (to) . . . our Highway Commercial requirements for a restaurant with a drive-thru?" Ms. Anderson said the location of the drive-thru window and speaker box requirements are similar. The county also has a condition for corner lots, but 226 Sea Island Parkway is not a corner lot. She said she didn't have the information with her that Councilman Murray was requesting. The city has several conditions in Highway Commercial that are "all design-related, in terms of the location of the drive-thru facility, the drive-thru menu board, and the circulation around the building – that type of thing." Ms. Anderson said any development on this property would go through the Design Review Board. The type of development that is proposed triggers the traffic impact study. If the property is developed for an office, it would not trigger a traffic impact analysis, but a drive-thru restaurant like a Taco Bell would. Councilman McFee asked who was responsible for the cost of that, and Ms. Anderson said the property owner is. The DOT, as well as the city, would probably require a traffic impact analysis for the development of a restaurant with a drive-thru, and hopefully they would be "able to approach these projects together, in a unified fashion."

Ms. Anderson said Walmart's traffic impact analysis has been completed and approved by DOT and by the city. Mayor Keyserling asked if "Walmart's existence (would) be considered" as part of a traffic impact study for 226 Sea Island Parkway. Ms. Anderson said yes; Walmart is not yet a permitted project, but "there's an approved traffic study" that took the Publix traffic study into account.

Councilman Murray asked if the city's Highway Commercial zoning "allows adult-oriented businesses." Ms. Anderson said no; they're allowed in Limited Industrial zoning. Councilman Murray said that the county's S-1 zoning allows them as a conditional use, and no public hearing is required.

**Alan Ryan**, Sunset Boulevard, said he is a member of the Beaufort County Airport Advisory Board. If the zoning intensity associated with this property is increased, because of its adjacency to "the critical approach path of the runway to the airport," there may be "additional requirements as far as building height, lights in the parking lots, and retention ponds." Mr. Ryan said he hoped council would take these things into consideration. Mayor Keyserling said, "In the development review, it will," and he asked if Mr. Ryan was representing a position of the airport board. Mr. Ryan said he was present at the meeting "as a citizen," not as a representative of the board. Mayor Keyserling said, "We can't confuse the two positions." He feels the airport board should "get on top of these things, rather than coming in at the end." The airport board director should be looking at this, Mayor Keyserling feels. He would like to hear from the board about these "valid issues . . . Help us, and not come in at the end of a conversation." Mr. Ryan said he would "pass that on." The airport "could be encroached upon in this process," the mayor said, "and we would like them at the table sooner rather than later."

Ms. Anderson said planning staff tries "not to wait on those sort of important issues," so when representatives of a potential project on this property came to the pre-application conference,

staff reached out to the airport director, **Jon Rembold**, “to inform the applicant of everything they’re required to do,” such as filling out certain FAA forms because it’s in the overlay district. The city must log this project – or any other potential project – into the FAA’s system and let the applicant know they need to review the lighting, etc. That is underway, Ms. Anderson said, if the Taco Bell proceeds, and if not, the next applicant will be informed of that process as well.

Mr. Woodward asked Ms. Anderson “if the traffic study that was done for Walmart is still valid if new effects have been introduced.” When that study was done, there was no anticipation of further high-intensity development on that road, he said. Ms. Anderson said the traffic studies project traffic into the future, so planning staff contacts the county traffic engineer for the correct projection of the increase in traffic; they do anticipate that traffic will increase in the modeling. Ms. Anderson said, “They need to understand what the preapproved uses are there” in order to “project a certain amount of increase” over a five-year period. Mayor Keyserling said they can’t ask that the study be redone, but if the project proceeds, “the traffic study . . . will need to use the most fresh data” so as not to “miss the intensity.”

Mr. Woodward said there is an opportunity, if the various landowners hear about people’s concerns and coordinate amongst themselves, to reach a solution to correct the problem of the entrance to the Walmart and the entrance to the PUD property. Councilman Murray asked Mr. Woodward what solution he would propose. Mr. Woodward replied, “Realignment of the end of Lost Island Road” to connect with a parallel roadway that had an exit and a traffic signal at the Walmart entrance, “and not have reintroduction of high-density traffic onto Lost Island Road and back into the roadway . . . That would probably address a lot of our concerns.”

Mr. Johnston remarked that every time “traffic impact analysis” is mentioned, “people bow their heads,” but he’d “like to recall the ingress and egress to our current Publix supermarket. Who did the traffic impact analysis for that scrambled egg?” he asked. Mayor Keyserling said he thought that was “SCDOT standards, not city standards.”

**Hal Bullen**, Lost Island Drive, said he had rented space in the warehouse, and during tomato season, there were “23 tractor trailers around Airport Road.” He said, “That road is blocked,” even if it’s only for 4-5 weeks a year. This is going to have an impact on the Walmart. **The motion passed 3-0; Councilman O’Kelley abstained.**

Councilman Murray asked if Ms. Anderson would provide council with comparisons of the county’s S-1 Limited Industrial zoning and the city’s Highway Commercial zoning, including “some of the conditional uses,” before second reading of the ordinance.

Councilman Murray said he hears the residents’ concerns, and “the community (will) struggle with this” as Beaufort County is developed. He encouraged the public to “participate more in the avenues we have in this county for preservation”: through the Open Land Trust, by choosing to have conservation easements on their property, or by advocating through the county’s Rural and Critical Lands committee “before we get to this late hour in the development process.”

## **CITY MANAGER'S REPORT**

Mr. Prokop said SCE&G tree trimming would be done in mid-2016 in Pigeon Point and on Ribaut Road from Boundary Street to North Street. There will be neighborhood meetings and a demo in the Pigeon Point area. They will issue press releases and "put everything we can on the website," but they know there "will still be complaints." **Liza Hill** oversees the trimming, and an independent arborist checks on it after it's done.

Mr. Prokop said the city had requested FEMA funding: to further repair damage that had occurred during the flooding at the Pigeon Point dock – the first repair was a month earlier – to repair damage to Waterfront Park, and for mitigation. A meeting with nine FEMA representatives was "very positive," he said, and since then, there's been another meeting, so obtaining \$5000 for the second replacement at Pigeon Point "looks good." They are working on the forms and interviews for that. The cost of an engineering study for the understructure at Waterfront Park is \$41,000, and mitigation money could offset any damages they might have.

In regard to the day dock, all required permits have been submitted and have to go through multiple state and federal agencies. They do not expect to hear anything for 5 or 6 months. Mayor Keyserling asked if they could be considered concurrently. Mayor Keyserling said they are going to multiple agencies, and the engineers expect it to take that long.

The grand opening of the fire station will be January 8 at 10:30 a.m., Mr. Prokop said.

Mr. Prokop said **Jim Armstrong** and **Kevin Limehouse** of Charleston County had given a customer service presentation that day. Staff and landscaping contractors were invited.

Mr. Prokop thanked council for the first monthly introductions of city employees. He invited council to the employee holiday luncheon.

Councilman McFee asked about marina repairs and the fire suppression system for the transient dock. Mr. Prokop said they're getting ready to put out the RFQ, hopefully in January. They have the funds for it; he noted that it is separate from the day dock.

## **REPORTS BY COUNCIL**

Councilman McFee said he appreciates council's presence at the parade and at Night on the Town. He had attended the Clover Club tea, and said "it was a very nice event."

## **MAYOR'S REPORT**

Mayor Keyserling said Night on the Town and the Shrimp Festival the previous weekend were good, and many people told him "what a great little city we have."

There being no further business to come before council, **Councilman O'Kelley made a motion to adjourn the meeting. Councilman Murray seconded. The motion passed unanimously**, and the meeting adjourned at 8:52 p.m.