

A work session of the Beaufort City Council was held on December 15, 2009 at 5:00 p.m. in the City Hall Conference room, 302 Carteret Street. In attendance were Mayor Billy Keyserling, Council members Gary Fordham, Donnie Ann Beer, Mike Sutton, and 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 6:58 p.m.

DISCUSSION REGARDING BEAUFORT-PORT ROYAL STORMWATER POLICY STATEMENT

Mr. Dadson said that in the city's comp plan and other plans, including a water volume policy the county recently adopted, ways to reconcile differences between jurisdictions have been considered. When the county plan was adopted, staff began to talk with county stormwater staff about its implications. Concerns with a concentrated light imprint policy and, because density is allowed more in Port Royal and Beaufort, and infill and infrastructure is desirable there, the language seemed prohibitive of that and contradictory.

Various staffs and engineers and the Coastal Conservation League discussed moving logically toward plans for water volume, quality, light imprint, etc. They tried to create a policy statement for how to move forward. He gave the parts of the comp plan that apply to this to council in their packets. There is a "planning push behind it." A regional watershed is a public improvement that benefits properties all around it, i.e. Southside Park. Parks in many cities are at the receiving end of water drainage; it can be a practical infrastructure element. They felt some other regulations being passed were missing the planning and land use marks. He showed a graphic demonstrating the effects of lower density and high impervious surfaces. Water runoff can't be avoided, but done correctly, density doesn't have to have a terrible impact.

What the city and town crafted was a policy statement which was not meant to adopt anything or position anyone but is a possible guide to where to go, i.e., how to negotiate with and mitigate issues with the county. He summarized the policy statement for council. In the various bodies of water, a one-size fits all policy "doesn't necessarily get you where you want to go." They need to embrace good infill, smart growth, the comp plan and the Northern Regional Plan. The first step recommended is another joint meeting on best management practices, ordinances, policies, etc.: a broad conversation about intent. Mr. Dadson said these are the times to do this to get ahead of the curve.

Mayor Keyserling asked how to get even further ahead. He said when Mr. Ahern made a presentation to the Implementation subcommittee, Mayor Keyserling felt an opportunity was available in collection systems that other places can't or don't do. All stormwater is taken care of on-site on a project he's working on. Mr. Dadson said that's exactly what he means: making each property able to handle "all the sins of the world" is opposed to doing something on a larger level re: water quality. Each site should be responsible to some extent, but there's a community trade-off between the two. What's the public asset that must be implemented so that the burden is appropriately put in the right spot? The road network and open spaces (golf courses and retention ponds) are equally important in urban planning.

Mayor Keyserling said in the future the BJWSA will run a set of pipes from gutters to reuse the water. In places where there's an infrastructure, why can't recycling be looked at now? Mr. Dadson agreed that the issue should be added in. The next level of stormwater management requires stormwater runoff to be treated and dealt with. Mayor Keyserling said The Bluff is a perfect example of where it could be done to irrigate public spaces. He'd love in a policy statement to say that where there's an adequate collection system, it should be used to recycle the water back into public and/or private use. Mr. Dadson said who treats stormwater and how is an issue; the system off Depot Road has that recycling ability built into it. The next step should be to think about this, do a joint presentation with Town of Port Royal in January, and add the kinds of things Mayor Keyserling mentioned.

Councilman Sutton said most stormwater systems in place that are owned by the state aren't maintained. Mr. Dadson said there's an agreement as to setting fees; "we've elected to maintain...assets that aren't ours." Mayor Keyserling said he wants to go further to say that the stormwater is an asset to be used. Mr. Dadson said the soil is also a great asset, "if you can get to it."

David Lott said that he wanted a better comprehension of the actual stormwater situation – what's being collected, what's in waterways, "what is run-off?" etc. He feels the main questions are: What are we doing now? And what is the problem? He said the problem is too generally stated in the current policy and needs to be more specific. Mr. Dadson said the county has presented a one-size-fits-all policy, and the city and town need to go back to how it's currently collected. A main objective was to recognize infill and development. Water is monitored now at stations. There is data they can go to. Mr. Lott said monitoring is important, but it's necessary to know what the flows are, too.

Councilman Sutton said having a better understanding of where we are is important and wanted to know if county had some mapping of where the outflows are. Mayor Keyserling said there should be some drawings of that somewhere. Councilman Sutton said if 40% of Northwest Quadrant is developed, what happens with stormwater; where does it go? Mr. Dadson said he'd like to have all this worked out before it's even necessary to deal with this.

Merritt Patterson said that he has done stormwater studies and the vision statement says action must be taken on water deterioration, and he doesn't think that's correct. For example, sewage into the river's been eliminated; a tertiary plant has been put in. He believes the water system isn't deteriorating and is functioning very well as it is. There are no significant pollutants in most area waterways with some exceptions, such as the May River. He said stormwater management needs to be considered as a cost-benefit analysis. He suggested doing nothing, in that he believes there is no problem to be solved. If a problem is identified, then capital can be spent. He continued with an example of what he meant. He said a pond in Southside Park would not be any more environmentally favorable than not having one. He believes farming has been put out of business and that's where the phosphorous was coming from. He feels we have much better water than we've had in the last 50-100 years.

Mr. Dadson said the policy's point is that application of a universal standard is counterproductive and there should be a plan specific to the city and Port Royal. Doughnut holes of regulation are as bad as

doughnut holes of development. There must be an understanding of how the standards work together. Mr. Lott said the volume of stormwater is the same no matter what's done, and the question is where it goes after it falls. He wants to know that and what the impact of that is. He looks at the data he's seen on the Beaufort River and it doesn't have a crisis problem now, but there issues that need to be addressed. He wants to know why it doesn't have a problem and to know how to do what's being done to prevent a crisis. He thinks collecting stormwater can be good and bad. He said the county has done something, and jurisdictions should be reasonably congruent in their environmental regulation; he wants to know whose congruence will be gone to. Congruence is reasonable, NOT one-size-fits-all regulations. Mr. Dadson said that's what he's saying: they want to have the standards be applicable to Beaufort and Port Royal's special circumstances and not to impede infill and development. Maybe county needs to modify their standards where they're abutting Beaufort and Port Royal.

Councilman Sutton said he feels Mr. Patterson is "putting milk back in the cow" and he believes "we should be pro-active, not reactive." He feels there are clearly differences in the water since his childhood and he disagrees that there are no problems. Reed Armstrong said the science all counters Mr. Patterson's conclusions. The May River contamination was a "bell-ringer" of infrastructure outpacing stormwater management. The county and town of Bluffton have been trying to assess what went wrong there. There are 160 impaired waterways in the county now, some of which he listed. Mayor Keyserling said the Beaufort-Port Royal Metropolitan Planning Commission may take care of all this and suggested moving on. Mr. Lott said "science is needed in front of us," not people's recollections about their childhood's waters. He thinks the word "impairment" is inflammatory and inapplicable. Mayor Keyserling said there is a lot of science that's been done and it should be boned up on. Councilman Fordham said that when he was growing up, before they could swim in the river, they had to have typhoid shots.

DISCUSSION REGARDING REVISING TOWNHOUSE STANDARDS AND THE APPROPRIATENESS OF TOWNHOUSES IN THE HISTORIC DISTRICT

Libby Anderson said there is an ordinance amendment re: the style in design districts *where they're already permitted* and also discussion about where they should and shouldn't be allowed (i.e., the Historic District). She reviewed the major changes to design. The Planning Commission recommended approval. Local architects were surveyed and the Historic Beaufort Foundation was included for input. At the public hearing, the issues that arose were about the design standards possibly increasing townhouse cost and the impact on the elderly and handicapped. Townhouse units are usually 2 or more stories. With regard to the cost, elevation, stoop and sidewalk will add cost, but it will be worth it for aesthetics. Encouraging diversity in housing stock demands design standards to keep the attractiveness and quality of design.

Mayor Keyserling offered some existing examples of townhouse developments to indicate what is no longer desired. He asked for an example in the city of something that's been built that is more in line with what the city is looking at. Councilman Sutton asked why the standard was being used now; it mandates and limits what an architect can do. Ms. Anderson said the elevation of 2-3' is very important. Councilman Sutton said 3' eliminates slab on grade construction. The regulation removes a major design technique. Ms. Anderson said this is to encourage infill development per the comp plan.

Mayor Keyserling said parking in front is another issue, as is placement on lot. These kinds of issues will be what a form-based code will deal with, and the aesthetics will be left to the design architect. Sophisticated townhomes can be built 2-3' *below* grade. Creativity shouldn't be taken away from designers to do something new. He agrees with Councilman Sutton that regulations vs. design could lead to "too cookie-cutter" designs. Councilman Sutton asked how a town home with garage could be built; Ms. Anderson said the garage would be in back.

Angela Hegstrom asked if 2-3 single-family homes would be one single structure. Ms. Anderson said they're like row houses that are attached, single-family *attached* dwellings. They're one unit vertical, with no space between them, but each has its own lot line.

John Gadsden said Beaufort historically hasn't built houses on slabs for practical reasons. He hopes the porches will be preserved as will the not-building-on slabs. He doesn't want to see the start of "a trend that might change part of what we like about Beaufort." Mayor Keyserling said the change is a design standard and will not change where they can be built. The Historic Review Board will ultimately regulate the design future. Mr. Gadsden said he'd like to see a statement that said the historic basis will apply. Mayor Keyserling said this doesn't talk about districts at all. Councilman Sutton said he's not certain the Historic Review Board wouldn't approve a wonderful plan by an architect. He said, "Milner said you shouldn't do townhomes like the King Street" /Historic District example. The Historic District is different, and he can't visualize them working there, but that could change in 20 years. Mayor Keyserling said if Milner is to be incorporated into an ordinance, this is not the time to do it. Councilman Sutton said a workshop on infill is necessary. There will be future growth in the Historic District .

Debra Johnson said she gave an example in the Historic District at the public hearing. Parking at the Habitat houses doesn't work by the way it was designed. She is also concerned about surface areas of townhomes. Ms. Anderson said stormwater run-off would have to be addressed when the lots are platted. She believes it's 80% impervious surface per lot. Mayor Keyserling said this doesn't exempt them from having to manage their stormwater. Ms. Anderson said the minimum width has been kept at 16'. Mr. Lott said the Planning Commission didn't talk about the elevation issue. There need to be ways for people to build less expensively in this town if infill is to work. The status quo is impossible. Ms. Johnson asked what about this change will accomplish less expensive building. Ms. Anderson said that calling it the lowest-cost housing won't sell the infill. Quality, attractiveness, etc. will accomplish that. Ms. Hegstrom said people are concerned that they'll be too much like apartments and these design ideas (like fronting the street) will help, but people might not want these next to their single-family homes. Councilman Sutton said zoning doesn't allow these in 70-80% of the city. It is probably more appropriate in higher-density areas. Ms. Hegstrom agreed.

Councilman Fordham said that his wife in the mid-1980s and two other ladies developed Island Pines townhouses of 20-units and they were competing against a condo project across Battery Creek and they sold out first. Mayor Keyserling said those were an example of slab on grade. Market will drive what can be sold, so something needs to be made that will be attractive to the marketplace. He has a problem with dictating too much to the design. Mr. Dadson said attractiveness to the marketplace is different than attractiveness to the general public/neighborhood. Mr. Dadson said design could dictate

elevation and the 2-3' could be gotten rid of, as long as it's said that there must be elevated-ness. Mr. Dadson said he grew up around slab on grade, and it's not good; some lift should be encouraged to have an elevated profile. Councilman Sutton said he understands placement, rear parking, and sidewalks, but he doesn't understand why elevation is being dictated.

Mr. Gadsden said Beaufort has organically developed by not building slab on grade. **Harley Laing** said the Planning Commission didn't discuss the elevation and he isn't sure they can contribute further. He sees the Historic District as a separate issue. Mayor Keyserling agreed that the Historic District is a different discussion. Ms. Anderson said council could agree to some parts of the change and would be ahead. Councilman Sutton said he's concerned most about regulating everything about a building and hoping someone comes and builds it. Ms. Anderson said if the only issue is elevation, they could be directed to strike that and move on. Mayor Keyserling asked if anything is designated about facades. Ms. Anderson said that would happen through the design review process. A lot of progress has been made on the most important issues.

Evan Thompson said the Historic District merits a discussion at a separate meeting. Significant zoning issues wouldn't allow the construction of townhomes, i.e. setbacks. He'd like to talk about historic densities in the Historic District and creative ways to do that without going the townhouse route, i.e., duplexes. Current zoning wouldn't allow the city to build back what was here historically. He offered to make a presentation in January.

Ms. Johnson said she was asked to come as a Northwest Quadrant representative. As a neighborhood association, they would support NOT having townhouses there, realizing there are large blocks that could be used as townhouse developments. Mr. Gadsden said in the Historic Review Board meeting there was a discussion and they'd rather see no townhouses in some communities that are more traditional and really residential, but maybe they could be in neighborhood commercial districts.

DISCUSSION ABOUT ALLOWING INDOOR ENTERTAINMENT IN THE LIMITED INDUSTRIAL DISTRICT

Ms. Anderson said that this change to the UDO has been discussed, and she reviewed the particulars and history of the issue. The Planning Commission voted to recommend keeping on the same course and added a couple conditions: indoor entertainment only could be done in existing buildings; not in the AICUZ footprint; and only accessory-use restaurants. They didn't narrow the range of uses. Ms. Hegstrom said this is at the other end of the zoning spectrum from "light industrial zoning." There could be "massive amounts of people" frequenting the live entertainment. She thinks they should have to go for a complete zoning change for light entertainment in a light industrial area. Live entertainment would be on highway commercial. **Lisa Bryan** said there will be more traffic.

Councilwoman Beer said they tried to rezone the Depot Road area and the neighborhood didn't want it. It's open to interpretation. Mayor Keyserling said this is driven by Mr. Mooma's case. **Burt Mooma** said that light industrial tax is a lot more because there are these other things under it, like commercial. He should be able to do commercial in a light industrial area, he feels, and it used to be that way. He feels like they should be able to put in a highly intensive gym. Councilman Sutton proposed a special exception clause which would give a chance for it to be reviewed case by case. He asked if existing structures would be grandfathered in. Councilman McFee said they wanted special

exceptions but not new instruction regarding it. Councilman Sutton said the bigger issue is that these areas have sat dormant for many years. He said the issue is that the street has been put in. Ms. Hegstrom said “absolutely not.”

Dartha Pierce said she’s been in her home for 43 years. She knows there are limited industrial areas in other parts of the city. The property next to her is surrounded by single-family homes and wouldn’t be suitable for live entertainment. During school hours and after school care, it’s already difficult to navigate because of traffic. She described the businesses further back on Depot Road. She said what needs to be considered is these properties that would be around the light entertainment. Mayor Keyserling said Ms. Pierce has made the case for special exception. By nature of the way the city’s grown, there are 5-7 industrial areas, and they’re all different. This ordinance says that if someone in that particular district wants to change the use of the building, on a special exception, they can apply to. No one’s come from other areas that have this zoning except in the Depot Road area. Ms. Hegstrom said this is a zoning change, period. Councilwoman Beer said it’s similar to when there’s a school in an area, which dictates that no one can put in a bar. Ms. Bryan asked if a special exception was the same thing as looking at each industrial area separately. Mayor Keyserling said it’s about looking at each *property* separately in light of what’s around it. Councilman Fordham said that it doesn’t come to council; it goes to the ZBOA.

Ms. Anderson said the criteria for special exception are case by case: is the proposed use compatible with existing land uses in the area? They look at site plans, road access and facilities, the comp plan, noise, dust, etc., all in relation to the surrounding area. Ms. Anderson said she feels the AICUZ needs to stay in there. Mayor Keyserling said it governs itself. Ms. Anderson said the city has property in the AICUZ that is zoned light industrial. Mr. Dadson said this goes to first reading in January 12. Mayor Keyserling said nothing automatically happens if it’s passed.

DISCUSSION REGARDING ADOPTION OF 2006 RESIDENTIAL BUILDING CODE

Mr. Dadson said the state hadn’t ruled on the 2006 IRC and then they did in September. They have one year from adoption by the State. Ms. Anderson said it’s enforced and they’re playing catch-up. Councilman Sutton asked if it complements the existing building code, and Mr. Dadson said yes. Ms. Anderson said the applicant chooses.

REPORTS

Mayor asked if interviews would continue at the work session on the first week of January for the Redevelopment Commission applicants.

Ms. Hegstrom asked if the Redevelopment Commission positions were paid and was told no. She asked if its projects need to be brought to council for approval, and Mr. Dadson said only if it needs to be underwritten. State statutes determine and limit their powers. He said their powers are listed on the website. He said the city comp plan calls for more redevelopment and this focuses on moving things forward.

ADJOURNMENT

There being no further business to come before city council, Councilwoman Beer made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously, and the meeting was adjourned at 9:24 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK