

A regular meeting of the Beaufort City Council was held on August 24, 2010 at 6:00 p.m. in the Beaufort Municipal Complex, City council Chambers, 1911 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, City Manager Scott Dadson, Mack Cook, and Libby Anderson.

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.

At a work session preceding the meeting, Inez Neal, Erica Dickerson, and David Easton were interviewed for positions on the Historic District Review Board (HDRB), and John Dickerson was interviewed for a position on the Design Review Board (DRB).

CALL TO ORDER

The Mayor called the regular meeting to order at 6:05 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Councilwoman Beer, and the Pledge of Allegiance was led by the mayor.

PUBLIC COMMENT

Rev. Kenneth Hodges congratulated council on their first meeting in the new City Hall complex. He presented a commemorative certificate for the flags in the chambers, which were flown over the state capitol building in Columbia, SC.

Dr. Robert Rhodin questioned the burying of power lines in residential areas of Beaufort such as North Street and adjacent streets on routes where carriage tours travel. There has been interference to the town's charm, and he said he's curious about the plans. Mayor Keyserling said the trimming process is ongoing; per the agreement, the Beaufort City Tree Commission will work with neighborhood associations and SCE&G to determine alternatives to trimming on the scale of what happened this year. Dr. Rhodin asked if there's a route picked out for burying the lines. Mayor Keyserling said a portion of the franchise fee is set aside for that. There is not a specific plan from SCE&G; they will look at it to determine the most efficient way. The next step is a monthly meeting of the Tree Commission.

Rose White of Suthern Rose Buggy Tours said that at a June council meeting she and **Peter White** commented on their difficulty obtaining a license for a tour bus. She had received a letter from the city thanking her for attending the meeting, and saying the matter would be researched, but she's heard nothing since. She read from a section of the ordinance which states that there has to be an inspection for a license to be renewed. She said that Sea Island Tours has never had its bus inspected, and it has been on blocks for 2 years. The owner has paid for his license but is not using it. Spirit of Old Beaufort is the only bus tour by default. The carriage ordinance says there has to be a competitive bid. She would like to have a bus tour,

but if one license is used and one is paid for but not being used, the one being used is a monopoly. Ms. White can't buy a bus and wants to do tours. Additionally, she cited a part of the carriage ordinance that says that if a carriage is not put on the streets once in more than 60 days, they lose their spot rotation. She wants council to look into the matter and figure out a way she can do a bus tour.

Mr. White said they still would like to have a bus tour as soon as possible. The company that renewed their license has made no attempt to get their bus on the street, and the Whites would like them to be delivered an ultimatum to expedite the situation so that the Whites may be able to use the license. Ms. White said she began this process April 15 and research told her at that time that 2 slots were available. Then Mr. Dadson told her on May 27 that just one was available and she needed to apply quickly. Soon after, she found out that there were none left. Mayor Keyserling said council should approach this at a work session. He doesn't know what specifically the city was supposed to get back to them on, but he apologized.

Councilman Sutton said he would like to look at the matter and determine where the weaknesses are. Another operator got a license with no problem, and the Whites have been in the business for years but couldn't get one because of procedural problems. He said that there have been open spots for bus rotations. Ms. White said they couldn't buy a bus until April, and she didn't want to buy one until she found out if there was a slot open. Councilman Sutton said she has a valid argument.

Mr. White brought up the kiosk which was promised to the carriage companies in a March council meeting. The trial period was to be from April to September, and they still have no kiosk. The person who is to build it has been reminded many times. Mr. White would like to have the kiosk there and would like a time-limit to be given after which the city's funds could be withdrawn and the Whites would build the kiosk themselves. Mayor Keyserling said the kiosk was a part of the agreement Councilman Sutton worked on. One operator was to build it, and the city would compensate him. Councilman Sutton said he needs to see if the operators need a kiosk, and if the city promised funds for it; if they were supposed to have one, they can force the issue. He doesn't want to invest in something that isn't going to work. Mr. White said the bus and the kiosk aren't causing verbal battles between the operators. Mayor Keyserling said these matters will be put on the workshop agenda.

Eddie Rodgers commended the council on the chamber's big podium and said it needs microphones. She's concerned there's too much building. She hopes they don't become landlords. She is alarmed by some things and wanted to speak about them.

She agreed with Councilman Sutton that the county should be given the right of first refusal on the old City Hall building. She mentioned that the city had tried to operate the museum and said they shouldn't run an arts center. Mayor Keyserling said for 2 years, the city has been

asking the county, and the library commission has said they don't want the building, but he thinks it's worth revisiting.

Ms. Rodgers said she's disturbed by the suggestion that the city might pave part of Ribaut Road in order to make the change for Highway 21. She feels that paving that road is not the city's job. The city might have to wait for the DOT to fulfill its responsibility. She read Mayor Keyserling's suggestion about using the Boundary Street corridor money for this purpose. Mayor Keyserling said the discussion and recommendation was that the city would go to BTAG, and the surplus money from the original allocations, such as the now-defunct flyover, might be available for reallocation to help Port Royal because moving traffic there would help the city of Beaufort as well. Money allocated North of the Broad would help make the project better for everybody. Ms. Rodgers said if she were representing the county, she feels that widening Highway 17 from Highway 278 to Highway 46 would be an absolute priority, adding that she'll be surprised if Mayor Keyserling can get the county to allocate funds for the Port Royal paving. Mayor Keyserling said working together has proven to be the best way.

Ms. Rodgers said she's also concerned about the increase in downtown crime in the Marina and Waterfront Park. She understands that it accelerates every summer. She wants council to revisit the possibility of surveillance cameras.

Councilman Fordham said preceding the public hearings that he felt "the cart is being put ahead of the horse." He believed the public hearings should be postponed until the Joint Planning Commission can hear them. Mayor Keyserling asked if that could be put on a workshop agenda. Mr. Dadson said people have the right to go through the process in a timely fashion. At the last Planning Commission, they didn't have a quorum and cancelled the meeting. There are only public hearings and no first reading votes at this council meeting. This information will go to the Planning Commission to allow them to make recommendations, and council can decide if they want to do first readings. Councilman Fordham said those who are present for the hearings should have the opportunity to talk, but after the Planning Commission has heard the presentations, then there should be votes. Mayor Keyserling said he wouldn't want to wait another month to be heard if he had made application, just because they didn't have a quorum on the Planning Commission.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 6.5.I TO PERMIT PARKING WITHIN THE SETBACK AREA ON SINGLE-FAMILY LOTS

Mayor Keyserling opened this public hearing. Libby Anderson explained that this is an amendment to the UDO. The Planning Commission has heard this at a July meeting. Currently, the UDO provision prohibits parking within the area of the setbacks. The custom has been to allow it, and there haven't been any problems, so they'd like to revise the ordinance to match the accepted practices and policies. There being no public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED TO THE REAR OF 2408 ALLISON ROAD, FROM R-2 DISTRICT TO OFFICE COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said the applicant for this rezoning is the City of Beaufort. The lot is owned by the owner of 2408 Allison. It is “landlocked.” She explained residential zoning and said that this parcel is being rezoned as Office Commercial District. The owner of this lot (Parcel 278) supports the rezoning, but wants the rear, undeveloped lot rezoned as well. The Planning Commission was scheduled to hear this at the meeting that didn’t have a quorum, and will hear it at its September 13 meeting.

Arlene Bennett, owner of Ribaut Mobile Home Park, said she has received 3 letters from the Joint Planning Commission. She has no objection to the rezoning but has major objections to more construction or development in the area. They rent spaces, not the homes on the land. Since 1997, there have been major problems. After the 1971 flood, they asked for proper drainage which was put in along Allison Road. When they bought the property, the map was called Ribaut Subdivision. She explained the differences in the map then and now. They had their own retention pond and expanded it after the flood to provide a place for stormwater excess for their tenants. When the hospital moved in in 1997, and with more development on Ribaut Road, it’s been an ongoing problem, especially since 2002. They can handle their own water. They thought they had an agreement with SCDOT that whenever they had flooding or excess stormwater, they had to call DHEC to get a pump; they had no problem until this year. Now SCDOT won’t let them pump water off the property, and it’s coming from all over. She would like a moratorium on further development until the proper infrastructure is put in place. She is being subjected to erosion and damages to her property. She said this is the problem of the city, state and landowners in the surrounding areas. It’s “not just a Bennett problem.”

She showed a drawing from the 2007 engineering study about where new office/medical buildings are to be built near the property. She called this “a regional problem.” She showed the costs of what it would take to get it into place. She’s spent \$12,000 to get this problem corrected so far. She showed photos of the park, as opposed to other areas where there is water seepage, prior to heavy rains. She showed the wash out from the parking lot to her land. She also showed photos of mobile homes and the property around them which were affected by others’ stormwater run-off. They’ve had the city, the hospital maintenance supervisor, and SCDOT come out, and all agreed that the water that was coming in was not Ms. Bennett’s water. They rented a backhoe to keep the road clear off Allison Road. The kindergarten is piping its water on to her land. All the mobile homeowners are paying their fair share. There being no further public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 5.3.D.9 TO INCREASE THE NUMBER OF PUMPS PERMITTED AT GAS STATIONS

Mayor Keyserling opened this public hearing. Ms. Anderson said **David Tedder** had submitted a request to have more fueling area at gas stations, which are known as fuel sales. She showed the current wording of the ordinance. “Pumps” are defined as a fueling area for an individual

vehicle and are limited to 8. If more than 4 are proposed, the pumps shall be split and located on either side of the building. The UDO definition isn't consistent with the industry definition of "pumps." She would like to term a "pump" a dispensary that could fuel up to 2 vehicles, i.e., 4 pumps fuel 8 vehicles. The current ordinance limits the number of pumps to 4 (8). Mr. Tedder would like to go up to 8 (16). Staff has surveyed the fuel stations in the city and surrounding areas. The numbers of pumps vary widely.

Ms. Anderson stated that staff feels that an 8-pump station is appropriate for highways, not a neighborhood design. For future development of Lady's Island, it's not consistent with the village atmosphere they want to move toward. The comp plan is to move away from the sprawl model and to have walkable village centers city-wide, including on suburban strips which are to be retrofitted to a more walkable, urban quality. Ms. Anderson said it is difficult to see how 8-pump stations would fit into this. It would be excessive in any area except an industrial or highway zoning. Early discussions indicate areas that would be right for form-based code. It would be "premature" to solidify the sprawl character on certain urban corridors while they are moving toward a new development future, until they "know where the form-based code is taking us."

There is a provision in the ordinance for splitting the pumps, and staff proposes that the wording be changed so that it's not appropriate. This creates a conflict, so they recommend that it be revised to say that the building is put on the corner, and the pumps are on one side of the building. The staff also recommends that the definition of "pumps" be clarified to say that each pump is comprised of two fueling stations. They need to also address the corner situation. They recommend that council and the Planning Commission deny the request for 8 pumps city-wide. Only if the council believes the 4 pump limit is too restrictive should they allow 8 pumps in certain areas. The Planning Commission has a special meeting on this and another issue on August 30.

Mr. Tedder agreed with Ms. Anderson that the city is right to go to form-based code. He feels that "the presentation is important – how we make it look." He said stations on Ribaut Road have lessened as things have "morphed" in the city. He showed photos of various stations that did not make a good presentation. Many of them had split pumps. The Enmark in Port Royal has 8 (16) pumps. They are split, and they kept a large tree and have landscaping. He said that he's looking at the arterials of Beaufort and Port Royal. There are other places where they have 8 pumps and heavy landscaping that could be appropriate for a neighborhood. He asked for consideration of how many cars can fuel at one time; a boat trailer blocks an entire side, causing problems. He agrees that they have the wrong definition of a fueling station. Also, they haven't been asking for mitigation.

He said he has tried to keep his plans as simple as possible. In the suburban areas, the buffer needs to be increased. The special use needs to be similar to what Port Royal did at the Enmark "by landscaping the area pretty heavily." He reviewed his proposal and reiterated that it

includes the landscaping and that the building on the frontage has to be at least 50% as long as the canopy facing the road. Form-based code needs to be designed well and in the proper place. Highway 170 is the highway corridor – the main thoroughfare to go to Hilton Head Island and Bluffton – and he believes it’s an appropriate area.

Mr. Tedder said he’d been was approached by several different groups about this matter. Their economic model to build new stations takes them to 8 pumps; they have said they can do them nicely. He feels that the number of pumps doesn’t matter; it matters how they look. Important questions are: Is it economically feasible? Does it reduce demand at other stations in the area? What is it that they’re trying to do – counting pumps or meeting economic demand in a nice-looking way?

Mr. Tedder said that there is room for more than one approach for a corner lot, such as buffering and landscaping with the building. He has a half-dozen letters of support from people who are knowledgeable about economic development. He would be happy to come to a workshop after the Planning Commission meeting. There being no further public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTIONS 5.1 AND 5.3.D TO PERMIT SHORT TERM RENTALS BY SPECIAL EXCEPTION IN THE HISTORIC DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said that **John and Erica Dickerson** have submitted an application to allow a short-term rental in the Historic District, which is currently not permitted in neighborhood districts. It is only permitted in the commercial districts. With this amendment, short-term would be permitted in neighborhood commercial, office commercial or general commercial. They want it permitted only in the historic district and by special exception. The ZBOA can attach relevant conditions on their approval. Special exception allows the public to take a detailed look at any proposal and its impact. The ordinance could be written to say that approval would initially only be done for 12 months and then come up for review. The conditions could be adjusted or the special exception not renewed. The Planning Commission meeting where this was to be discussed was cancelled but the matter will be considered at the August 30 meeting.

Ms. Rodgers said she doesn't live in the Historic District, but on those residents’ behalf, she asked if the special exception meant that owners would get a business license and could rent a house “3 days a week, all year long.” Ms. Anderson said yes, anyone would be allowed to rent a dwelling unit for less than 30 days. Currently, they can’t be rented on a weekly basis; it’s 30 days everywhere except in the commercial district. Councilman Fordham asked how the city would know that someone was renting a house for 3 days if the owner didn’t tell the city. Ms. Anderson said neighbors tell, and Councilman McFee said web sites do, too. Ms. Rodgers warned that the city should “brace themselves.”

Mr. Dickerson explained that they wanted to convert 1004 Duke from long-term to short-term rental. The cottage is next to one which they currently rent short-term. The Duke cottage backs up to 710 and 712 Charles Street which is currently zoned commercial residential. They want to make the property more viable financially. Both properties have parking off-street. This property is set up of long-term rental but it would serve the community better as a short-term. He showed photos of the house next door to it and other properties on Charles Street that are currently leased out long-term. Parking for them is a challenge. The 710 Charles Street property that backs up to their property is condemned. They have never seen occupants at 908 Duke. 901 Duke is a long-term rental. The property next to it is not taken care of.

Mr. Dickerson said people want to come and get a feel for the city before they buy homes here. They have spent money, time, and effort to make the properties attractive. Ms. Dickerson showed interior photos of the current short-term rental place. Mr. Dickerson said they have particular constraints to be good neighbors by contract. Mayor Keyserling said as this goes through the process, this may be a work session item. There being no further public comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 7.5 TO ELIMINATE THE PARKING REQUIREMENT FOR CERTAIN GUEST ACCOMMODATIONS IN THE CORE COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said on-site parking isn't required in the core commercial district – retail, restaurants, etc. – with the exception of overnight guest accommodations. But if someone wanted to convert the 2nd floor of a Bay St. building to short-term rental, they would have to have on-site parking. There are short-term rentals, B&Bs (1-5 units) inns (6-24 units) and hotels and motels (25+ units). No matter how many units, they have to have on-site parking. Staff is proposing to eliminate this for all but hotels and motels. The parking demand generated by a short-term rental is much less than a restaurant. Also, there are now several easy to use, pay service parking lots that can accommodate parking demand including short-term rentals. The proposal eliminates the on-site parking requirement. The Planning Commission will consider this at their next regular meeting in September. There being no public comment, Mayor Keyserling closed this public hearing.

MINUTES

The minutes of the regular council meeting on July 13, 2010 were presented to council for review. Councilman Fordham and Councilman McFee pointed out that on pages 5 and 6, "Councilman Fordham" was substituted for the correct "General Fund" owing to an abbreviation error on the part of the recorder. Councilman McFee also said the acronym on page 6 should be CAFR not CAFIR. On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes as amended.

The minutes of the work session on August 17, 2010 were presented to council for review. On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes.

UPDATE ON CENSUS 2010

Terry Seabrook said that in the 2000 census, South Carolina didn't fare well, but this year they are currently up from a rank of 49 to 23. The non-response follow-up has been completed. Beaufort County moved from a 61% to a 72% response rate. The city of Beaufort went from 70% to 71%. The US overall was at 72%, and South Carolina was at 73%.

AMENDMENT REVISING SECTION 6.6.C OF THE UDO TO DELETE THE MINIMUM OPEN SPACE REQUIREMENTS IN DESIGN DISTRICTS

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the amendment on second reading. The motion passed unanimously.

ORDINANCE AMENDING TITLE 1 CHAPTER 8, OF THE CITY CODE OF ORDINANCE PERTAINING TO THE DEADLINES FOR FILING STATEMENT OF CANDIDACY FOR MUNICIPAL ELECTIONS

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

REQUEST TO CONDUCT PUBLIC ASSEMBLY - BEAUFORT LIFE CHAIN 2010, OCTOBER 3, 2010

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the request. The motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

HDRB: Council decided to wait on this appointment.

DRB: Councilwoman Beer, second by Councilman McFee, made a motion to appoint John Dickerson to the DRB. The motion passed unanimously.

A position in the ZBOA remains open.

EXECUTIVE SESSION

On motion of Councilwoman Beer, seconded by Councilman Fordham, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion of pending legal and contractual matters. The motion was approved unanimously.

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

Mayor Keyserling said that while in the Executive Session, council had discussed authorizing Mr. Dadson to sign a settlement agreement between the City and Burton Fire Department. Councilwoman Beer, seconded by Councilman McFee, made a motion to accept the matter that had been discussed. The motion was approved unanimously.

REAPPOINTMENTS

Councilwoman Beer, second by Councilman McFee, made a motion to reappoint Chip Dinkins, Maryanne Solem, and Nick Borreggine to the Tourism and Development Advisory Committee. The motion was approved unanimously.

Mayor Keyserling said he wants to finish with appointments and reappointments at the next work session meeting of council.

REPORTS BY COUNCIL MEMBERS

Councilman Sutton showed photos of the parking space numbers which end up inconveniently being underneath the cars; he's getting complaints. Mr. Dadson said the merchants said they would rather have numbers on the pavement than a receipt from the kiosk that needed to be returned to the car. Councilman Sutton said people are parking on top of the number. Mr. Dadson said Main Street Beaufort should go back and look at receipt idea. Councilman Sutton said people still can't find out how to get to a kiosk. He doesn't want to wait for the parking company. Mr. Dadson said it's the city's policies, and the HDRB keeps them from taking action. He said this should be an action item. He feels the receipt is the best idea. Councilwoman Beer asked if Waterfront Park is the problem. Councilman Sutton said the area in his photos is in the Marina store lot where they painted the numbers under the cars. Mr. Dadson said they need to go back and ask the best way to do it, which eliminates the aesthetic issue.

Nan Sutton asked Mr. Dadson if there are signs regarding parking coming for Bay Street. Councilman McFee suggested that the signs should be turned on the side on the poles and face the sidewalk. Mr. Dadson said the signs are "not historically significant."

Councilman Sutton said he wants to be sure to follow up with Mrs. Bennett. He said that Mossy Oaks Elementary is getting an addition. Mr. Dadson said stormwater is sheeting off the school and it's not designed for that. Councilman Sutton said there are culverts behind the school; the contractor has elevated a building and has no on-site control for water run-off. Mr. Dadson said they're not required to adhere to city standards. They have been met with, and he said there's been no solution to those problems.

Councilwoman Beer said 9-11 program plans are moving forward. She's hoping for a good turn-out.

Councilman Fordham wants to know what's happening to the old City Hall and Carnegie Building. Mr. Dadson said the Redevelopment Commission is in negotiations with the

Convention and Visitors' Bureau and the Chamber of Commerce in regard to the Carnegie Building, and they will come up with options for council to consider next month. He wants to do something, "not study it to death." The Redevelopment Commission has been given the task, and council can expect to hear back from them after their next meeting, September 2.

ADJOURNMENT

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Fordham. The motion was approved unanimously, and the meeting was adjourned at 8:20 p.m.