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CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL WORKSESSION AGENDA
August 27, 2024

STATEMENT OF MEDIA NOTIFICATION

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

WORKSESSION - City Hall, Planning Conference Room, 1st Floor - 5:00 PM

Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting at the City's page; City Beaufort SC

I. CALL TO ORDER

A. Philip Cromer, Mayor

II. EMPLOYEE NEW HIRE RECOGNITION

A. Police Department - Eric Hayes, Christopher Horkan, Dan Thompson

III. DISCUSSION ITEMS

- A. Parks & Trees Advisory Commission
- B. 2024 Transportation Sales Tax Referendum
- C. Wrecker Rotation Fee Schedule Discussion
- D. Through truck traffic ordinance
- E. An Ordinance to amend the Code of Ordinances for the City of Beaufort, South Carolina, to add a new Section 4-1002, adopting regulations for the combined use of utility poles for electric and communication wires in the City of Beaufort, South Carolina
- F. Green Space Application Messick Properties

IV. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/15/2024
FROM: Nate Farrow - Public Works Director
AGENDA ITEM TITLE: Parks & Trees Advisory Commission
MEETING DATE: 8/27/2024
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

The Parks & Trees Advisory Commission (PTAC), at its May 23, 2024 meeting, presented a request to staff for consideration to modify their duties and responsibilities. These duties and responsibilities are currently governed by the *City of Beaufort Code of Ordinances, Part 3, Chapter 3, Park[s] and Tree Advisory Commission*.

A copy of the current code sections governing PTAC activities is attached. Also attached is the request for changes from PTAC.

Summary of Requested Changes to Responsibilities:

- Delete responsibility of maintaining and updating an urban forestry plan for the City.
- Delete responsibility for maintaining requisite data for recertification by the Arbor Day Foundation of the city as a Tree City USA.
- Provide the City Manager, upon request, an assessment of city parks, making recommendations for improvements, decommissioning, and/or the commissioning of parks and open spaces within the city.
- Recommend prioritized allocation of city's tree fund account on an annual basis.

PLACED ON AGENDA FOR: Discussion

REMARKS:

Information is presented for discussion. Following discussion, staff will draft desired edits to the applicable sections of code and bring forward for approval at a subsequent regular meeting of City Council.

ATTACHMENTS:

Description	Type	Upload Date
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PTAC Request
Section 3-3001 to 3-3008

Backup Material
Backup Material

8/15/2024
8/15/2024



City of Beaufort Parks and Trees Advisory Commission
Request to Beaufort City Council
Presented March 28th, 2024
Approved by PTAC May 23rd, 2024

We request that statute Chapter 3- Parks and Tree Advisory Commission, Sec. 3-3005- Duties and Responsibilities be amended as Follows:

Existing Language:

It shall be the responsibility of the commission to maintain and periodically update an urban forestry management plan for the city. The management plan shall define the species of trees to be utilized as street, easement, right-of-way, and park trees when appropriate. It will specify the best practices and horticultural requirements for the planting, maintenance and preservation of said trees. It shall provide the city manager, as requested, with an assessment of the city parks and will make recommendations as to improvements, decommissioning, and/or the commissioning of parks and public open spaces within the city. It shall be responsible for the planning of the Annual Arbor Day celebration and will recommend necessary procurements. It will be responsible for the maintenance of the requisite data for recertification by the Arbor Day Foundation of the city as a Tree City USA. It shall make recommendations to the city council for the prioritized allocation of monies from within the city's tree fund account on an annual basis.

Proposed changes:

~~It shall be the responsibility of the commission to maintain and periodically update an urban forestry management plan for the city. The management plan shall define the species of trees to be utilized as street, easement, right-of-way, and park trees when appropriate. It will specify the best practices and horticultural requirements for the planting, maintenance and preservation of said trees. It shall provide the city manager, as requested, with an assessment of the city parks and will make recommendations as to improvements, decommissioning, and/or the commissioning of parks and public open~~

spaces within the city. It shall be responsible for the planning of the Annual Arbor Day celebration and will recommend necessary procurements. ~~It will be responsible for the maintenance of the requisite data for recertification by the Arbor Day Foundation of the city as a Tree City USA.~~ It shall make recommendations to the city council for the prioritized allocation of monies from within the city's tree fund account on an annual basis.

Final: It shall provide the city manager, as requested, an assessment of the city parks and will make recommendations as to improvements, decommissioning, and/or the commissioning of parks and open spaces within the city. It shall be responsible for the planning of the Annual Arbor Day celebration and will recommend necessary procurements. It shall make recommendations to the city council for the prioritized allocation of monies from within the city's tree fund account on an annual basis.

Rationale:

1. There is not and has never been a City of Beaufort Urban Forestry Plan. There may be some interest on the part of the City of Beaufort in creating such a plan, but it will be the work of years not months.
2. Only city employees have access to the city database that includes the required information for the Tree City recertification reports. PTAC is not able to alter or maintain information in the city databases.

Chairwoman, Barbara Farris called a motion to approve requested changes, with Vice chairwoman, Tamala Conner as the 1st and Gordon Fritz as the 2nd.

CHAPTER 3. PARK[S] AND TREE ADVISORY COMMISSION¹

Sec. 3-3001. Definitions.

Street trees are herein defined as all woody vegetation located in the right-of-way of all publicly-owned streets within the city.

Park trees are herein defined as all woody vegetation which is located in publicly-owned parks and open spaces within the city.

(Ord. No. O-10-14, 4-22-14)

Sec. 3-3002. Creation and establishment of board.

There is hereby created and established the parks and tree advisory commission for the city, which shall consist of five (5) members who are either residents of the City of Beaufort, own property within the city, or either hold or are associated with a business that holds a current City of Beaufort business license. Members shall be appointed by the city council. The park and tree advisory commission shall include two (2) master gardeners or landscapers, one (1) design professional/landscape architect, and two (2) citizen representatives. If a design professional is not available, the commission may utilize the services of a city approved certified arborist.

(Ord. No. O-10-14, 4-22-14; Ord. No. O-16-21, 11-9-21)

Sec. 3-3003. Terms.

All terms shall be for three (3) years. All terms will expire on June 30 of the applicable year. At the end of a term, city council may re-appoint a commission member for another term. Council retains the authority to remove any member of the commission for cause. In the event a vacancy occurs during the term of any member, a successor shall be appointed by city council and will serve out the remainder of the unexpired term. Terms shall be staggered.

(Ord. No. O-10-14, 4-22-14; Ord. No. O-16-21, 11-9-21)

¹Editor's note(s)—Ord. No. O-10-14, adopted April 22, 2016, repealed the former Ch. 3, §§ 3-3001—3-3010, and enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to the tree board and derived from Ord. No. O-05-83, §§ 1—9, adopted April 26, 1983; Ord. No. O-20-83, § 1, adopted Dec. 13, 1983; Ord. No. O-26-90, adopted Oct. 23, 1990; Ord. No. O-08-95, adopted May 22, 1995; Ord. No. O-43-01, adopted Sept. 25, 2001; and Ord. No. O-25-04, adopted Sept. 14, 2004.

Cross reference(s)—Protection of trees, § 3-1010; protection of trees in parks, § 3-2001(a).

Sec. 3-3004. Compensation.

Members of the commission shall serve without compensation. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the administrator.

(Ord. No. O-10-14, 4-22-14)

Sec. 3-3005. Duties and responsibilities.

It shall be the responsibility of the commission to maintain and periodically update, an urban forestry management plan which supplements and corresponds with the comprehensive plan for the city. The management plan shall define the species of trees to be utilized as street, easement, right-of-way, and park trees when appropriate. It will specify the best practices and horticultural requirements for the planting, maintenance and preservation of said trees. It shall provide to the city manager, as requested, an assessment of the city parks and will make recommendations as to improvements, decommissioning, and/or the commissioning of parks and public open spaces within the city. It shall be responsible for the planning of the annual Arbor Day celebration and will recommend necessary procurements. It will be responsible for the maintenance of the requisite data for recertification by the Arbor Day Foundation of the city as a Tree City USA. It shall make recommendations to the city council for the prioritized allocation of monies from within the city's tree fund account on an annual basis.

(Ord. No. O-10-14, 4-22-14; Ord. O-19-19, 11-12-19)

Sec. 3-3006. Operation.

The commission shall elect a chairperson and a vice-chairperson from its members who shall serve for one (1) year or until reelected, or until a successor is elected. A simple majority of the available members shall constitute a quorum for the transaction of business. All meetings of the commission shall be open to the public. Commission members may attend any regular, special, or emergency meeting of the commission by telephonic or other electronic means, and shall be considered present for all purposes, if the meeting has been properly noticed, and all commission members and members of the public can hear the public proceedings and be heard. Any number of commission members, including all, may attend telephonically or by other electronic means. Commissioners in attendance by telephonic or other electronic means shall have all rights, including, but not limited to, the right to make motions, second motions, and discuss and vote on all matters under consideration by the commission. All procedural rules of the commission shall be revised in order to permit and allow for electronic meetings.

(Ord. No. O-10-14, 4-22-14; Ord. No. O-14-20, § 6, 6-9-20; Ord. No. O-16-21, 11-9-21)

Sec. 3-3007. Reserved.

Editor's note(s)—Ord. No. O-19-19, adopted November 12, 2019, repealed § 3-3007, which pertained to accessory duties and derived from Ord. No. O-10-14, April 22, 2014.

Sec. 3-3008. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the park[s] and tree advisory commission. Any person may appeal any ruling of the commission to the city council who may hear the matter and make final disposition of same.

(Ord. No. O-10-14, 4-22-14)

Secs. 3-3009—3-3099. Reserved.

Created: 2024-08-13 14:22:13 [EST]

(Supp. No. 73)



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/21/2024
FROM: Scott Marshall, City Manager
AGENDA ITEM TITLE: 2024 Transportation Sales Tax Referendum
MEETING DATE: 8/27/2024
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

The General Election ballot on November 5 will contain a Beaufort County referendum on the imposition of a one cent sales tax with the revenue generated being directed to infrastructure needs supporting critical transportation projects due to the continued growth of the region. The itemized list of projects associated with the referendum directs \$10 million to the City of Beaufort.

At the July 9, 2024 City Council Work Session, the referendum was discussed with specific focus on the City's \$10 million allocation. At the request of Council members, this item is placed on the agenda for further discussion.

PLACED ON AGENDA FOR: Discussion

REMARKS:

Attached is a summary of the referendum. Additional information and resources related to the Transportation Sales Tax Referendum can be found at <https://beaufortcountypenny.com/resources/>.

ATTACHMENTS:

Description	Type	Upload Date
Transportation Referendum Summary Handout	Backup Material	8/21/2024



PROPOSED 2024 TRANSPORTATION SALES & USE TAX REFERENDUM

BEAUFORT COUNTY PENNY

The goals of the proposed 2024 Sales and Use Tax Referendum (the penny tax) are to address Beaufort County infrastructure needs through the completion of critical transportation and mobility projects amidst historic growth in our region. According to the latest census data, South Carolina is the fastest-growing state in the nation, and Beaufort County is one of the fastest-growing counties within South Carolina. The referendum question, proposed to be placed on the ballot in November 2024, will ask voters to approve a one percent (1%) sales and use tax in Beaufort County beginning the following year (2025) and continuing for ten (10) years, or until \$950 million in funds are raised, whichever occurs first.

COUNTY-WIDE INFRASTRUCTURE PROJECTS

Completion of underfunded Transportation Sales Tax 3 (2018) projects:

- US 278 Corridor Project (\$90M)
- Lady’s Island Corridor Projects (\$60M)
- Sidewalks and multi-use pathways county-wide (\$30M)

Greenbelts (\$50M)

Mass Transit (\$80M)

The Triangle Project – SC 170, US 278, Argent Blvd (\$120M)

Ribaut Road Improvements (\$75M)

SC 46 Improvements (\$50M)

Safety & Traffic Flow (\$100M)

Dirt Road Paving and Resurfacing (\$80M)

Pathway Projects (\$20M)

Municipal Projects:

- Hilton Head Island (\$30M)
- Bluffton - Not Incl. 5B (\$30M)
- North of the Broad -Port Royal, Beaufort, & Northern Beaufort County (\$30M)

Resiliency/Emergency Evacuation Projects (\$55M)

Citizens Led Oversight Committee (CLOC)

If approved, a Citizens Led Oversight Committee would be established, similar to that in use at the Beaufort County School District. This would be a volunteer group who will oversee the referendum projects, schedules, and expenditures.



Beaufort County
SOUTH CAROLINA

Will my taxes go up?

No. Current Sales Tax is 7%. The Green Space Sales tax penny will roll-off at the end of December 2024. If approved, the Transportation Sales Tax will replace the existing Green Space Sales Tax and sales tax will remain at 7%.

Is the 1% sales tax different from property taxes?

Yes. Property taxes are assessed based on the value of the property you own, while sales taxes are generated from the purchase of goods and certain services. The renewal of the 1% sales tax will allow non-property owners, as well as those traveling to the County who shop or make purchases, to help share the burden of transportation project costs.

What will I be taxed on?

Per state statute (4-37-30), sales tax is levied on most retail purchases. Exceptions to the tax are listed in state statute (12-36-2130) include, rent/mortgage, fuel, unprepared foods, medical prescriptions and supplies.

How were the projects chosen?

A 17-member Citizen's Sales Tax Advisory Committee (STAC 1.0) was first established in January 2022. The committee provided a recommendation to County Council in May of 2022 that included a list of projects throughout the County. Instead of moving a Transportation Sales Tax on the ballot in 2022, a Green Space Sales tax was voted on and approved. In July 2023, County Council re-established a citizens Sales Tax Advisory Committee (STAC 2.0) to develop an update list of projects for consideration. The STAC 2.0 used the STAC 1.0 recommendations as starting point. They reevaluated and adjusted the project list and presented an updated recommendation to Council in December 2023. Council then held a series of 5 informational sessions, during which citizen feedback was gathered. The Public Facilities and Safety Committee then incorporated that feedback into the modified amounts and project list you will find on the ballot this November.

What about the status of the 2018 Sales Tax Projects are not complete?

In total there are 34 projects. 4 of the projects (2 pathways complete and 2 Lady Island projects) are completed, 2 are in construction, and 20 are in design.

Infrastructure projects take a long time to develop. Even the most straightforward projects (such as pathways) have the same steps of design, permitting through state and federal agencies, property acquisition and utility coordination. Beaufort County's collection time is much faster than the implementation time for most projects. The Boundary Street Improvement project was completed 13 years after the 2006 sales tax began and 7 years after the collection finished.

What is the status of the US 278 Corridor Project?

The US 278 Corridor Project is in the final stages of the Environmental Review process. As the environmental review process concludes, the project will move into final design, right-of-way acquisition, and utility coordination.

Visit www.beaufortcountypenny.com to review project summaries and track other referendum projects.





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/1/2024
FROM: JJ Sauve
AGENDA ITEM
TITLE: Wrecker Rotation Fee Schedule Discussion
MEETING
DATE: 8/27/2024
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

On April 9, 2024, Council heard from city staff and wrecker professionals regarding the City of Beaufort's wrecker rotation ordinance language. This discussion came about after a citizen complaint of unfair practices and charges involving a rotation wrecker service. Staff's initial recommendation was for the City of Beaufort to adopt by ordinance reference, the S.C. Highway Patrol's Annual Wrecker Fee Schedule. Several members of the wrecker profession spoke out against this fee schedule because they felt that it did not take into account the actual cost of doing business in the Beaufort area.

Staff met with a group of wrecker professionals on May 2 to discuss their concerns. At this meeting the actual costs of doing business were discussed and Assistant City Manager Sauve requested that the group speak among themselves and provide a recommendation to the City regarding what they believed to be an appropriate fee structure. The group chose Greg Felver, of Felver Transport, Towing and Recovery LLC to serve as their spokesperson. Mr. Felver provided the attached fee structure as the collective recommendation of the wrecker group.

Staff's recommendation is that Council either:

(a) updates the current ordinance to adopt the annual S.C. Highway Patrol fee schedule as may be amended and updated from time to time so as to be consistent with the State of South Carolina; or

(b) updates the current ordinance to adopt a City of Beaufort Wrecker Fee Schedule that reflects the requests of the wrecker community, and that shall be updated every two years.

Staff is seeking guidance from Council on which ordinance language to pursue.

PLACED ON AGENDA FOR: Discussion

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Wrecker Fees Memorandum	Backup Material	8/21/2024

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
ASSISTANT CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:
Philip E. Cromer, Mayor
Mike McFee, Mayor Pro Tem
Neil Lipsitz
Mitch Mitchell
Josh Scallate

Tuesday July 2, 2024

MEMORANDUM

To: City Council

From: J.J. Sauvé, *Assistant City Manager*

Re: Wrecker Fees

I. Introduction

On April 9, 2024, Council heard from city staff and wrecker professionals regarding the City of Beaufort's wrecker rotation ordinance language. This discussion came about after a citizen complaint of unfair practices and charges involving a rotation wrecker service. Staff's initial recommendation was for the City of Beaufort to adopt by ordinance reference, the S.C. Highway Patrol's Annual Wrecker Fee Schedule. Several members of the wrecker profession spoke out against this fee schedule because they felt that it did not take into account the actual cost of doing business in the Beaufort area.

Staff met with a group of wrecker professionals on May 2 to discuss their concerns. At this meeting the actual costs of doing business were discussed and Assistant City Manager Sauvé requested that the group speak among themselves and provide a recommendation to the City regarding what they believed to be an appropriate fee structure. The group chose Greg Felver, of Felver Transport, Towing and Recovery LLC to serve as their spokesperson. Mr. Felver provided the following fee structure as the collective recommendation of the wrecker group:

- Standard Wrecker rotation Class A towing fee: \$325.
- Daily storage rate: \$55
- Extreme cleanup, or special operations; \$125 per hour (to be billed at half the hourly rate in 1/2 hour increments)

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
ASSISTANT CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:
Philip E. Cromer, Mayor
Mike McFee, Mayor Pro Tem
Neil Lipsitz
Mitch Mitchell
Josh Scallate

- Administration fee (notification and or court costs) when necessary: \$250
- Yard gate fee (after the first trip during normal business hours): \$75.
- Yard gate fee (after normal business hours, and weekends): \$100.

ADDENDUM

South Carolina Highway Patrol Wrecker Fees



South Carolina Department of Public Safety

2023 Wrecker Rotation Fee Schedule

In accordance with Section 38-600 of the South Carolina Code of State Regulations, the Department of Public Safety publishes a yearly Fee Schedule outlining the maximum allowable fees for each class of wrecker on the SCHP Wrecker Rotation List. The reasonableness of fees on the Fee Schedule is determined by the Highway Patrol on a comparative basis. The fees permitted for calendar year 2023 are listed below:

Rates / Fees		
Class A Wrecker		
Standard Towing Charge	*Special Operations	Storage
\$ 251.00 Flat Fee	\$ 150.00 Per Hour	\$ 40.00 Per Day
<i>*Special Operations are billed at a per hour rate in 1/2 hour increments.</i>		
Class B Wrecker		
Standard Towing Charge	*Special Operations	Storage
\$ 352.00 Flat Fee	\$ 240.00 Per Hour	\$ 50.00 Per Day
<i>*Special Operations are billed at half the hourly rate in 1/2 hour increments.</i>		
Class C Wrecker		
*Standard Towing Charge	Special Operations	Storage
\$ 511.00 Per Hour	**See below	\$ 66.00 Per Day
<i>*Standard Towing is billed at a per hour rate in 1/2 hour increments.</i>		
<i>**Although no Special Operations fee is set for Class C tows, a wrecker service may recover the actual cost of rented/subcontracted equipment or labor necessary to accomplish the job. Proof of these actual costs in the form of an itemized invoice or receipt from each third party providing such equipment or labor must accompany the tow bill.</i>		

Class C services only. Rates for all equipment usage should include the cost of an operator, operating expenses, and the cost to transport the equipment to and from the scene. Fees for service, labor, or equipment not listed below may not be assessed.

Description of Service, Labor or Equipment	Rate / Fee	
Additional Wrecker	\$ 509.00	Per hour
Dump Truck, Dump Trailer or Drop Dumpster	\$ 287.00	Per hour
Rotator/Crane or equivalent	\$ 718.00	Per hour
Truck Tractor with Box Trailer or equivalent	\$ 331.00	Per hour
Truck Tractor with Flat Trailer or equivalent	\$ 332.00	Per hour
Truck Tractor with Landoll/Lowboy/Tilt Trailer or equivalent	\$ 380.00	Per hour
Skid Steer or equivalent	\$ 271.00	Per hour
Forklift or equivalent	\$ 272.00	Per hour
Backhoe or equivalent	\$ 305.00	Per hour
Service Truck (includes all tools and equipment on board)	\$ 202.00	Per hour
Tower Light System	\$ 175.00	Per hour
Complete Air Bag Unit	\$ 864.00	Per hour
Additional Labor (General)	\$ 102.00	Per person/per hour
Additional Labor (Specialized)	\$ 141.00	Per person/per hour

NOTE:

SCHP does not require wrecker services to charge any particular fee-this fee schedule lists the **maximum** fee that may be charged for each class of wrecker. A **lesser** fee may be charged at any time in the wrecker service's discretion.

Standard Tow: A standard tow is defined as responding to the scene, hooking up the vehicle, performing a general clean up if the call involves responding to a collision seen and providing responsible assistance to the vehicle occupants. In the absence of Special Operations as defined below, the maximum fee for a Class A or B tow is the flat rate listed above. Fees for Class C tows are billed at an hourly rate (see notes under fees).

Special Operations:

Special Operations are operations involving the process of uprighting an overturned vehicle or returning a vehicle to a normal position on the roadway which requires the use of auxiliary equipment due to the size or location of the vehicle and/or the recovery of a load which has spilled, or the off-loading and reloading of a load from an overturned vehicle performed to right the vehicle. A wrecker service must receive confirmation on-scene at the time of the tow from the investigating Trooper or an SCHP supervisor that Special Operations are required to perform the tow in order to recover such fees. Special Operations shall **not** be charged for a Class C tow. However, a wrecker service may recover the actual cost of rented/subcontracted equipment or labor necessary to accomplish the job. Proof of these actual costs in the form of an itemized invoice or receipt from the third party providing such equipment or labor must accompany the tow bill.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/20/2024
FROM: Stephenie Price, Police Chief
AGENDA ITEM TITLE: Through truck traffic ordinance
MEETING DATE: 8/27/2024
DEPARTMENT: Police

BACKGROUND INFORMATION:

This is a proposed through truck ordinance to mirror state law. Please see the attached memorandum that will explain the need for these changes.

PLACED ON AGENDA FOR: *Discussion*

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Memorandum	Backup Material	8/20/2024
Ordinance	Backup Material	8/20/2024
Presentation	Backup Material	8/20/2024



Office of the City Manager

Interoffice Memorandum

To: Stephenie Price, Chief of Police

From: Scott M. Marshall, City Manager

cc: Ben Coppage, City Attorney

Date: June 20, 2024

Re: Request for Thru Truck Ordinance, reference your memo of June 20, 2024

Chief –

Thank you for the great work in putting together the background and analysis on the subject issue relative to the stress that commercial trucks are placing on the aging Woods Memorial Bridge. I agree with your assessment and recommendation to codify restrictions at the municipal level to reinforce the existing statutes. The missing component, however, is the penalty for violating and whether we need to specify in the language of our ordinance.

I encourage you to work with City Attorney Ben Coppage to prepare an ordinance for Council's consideration. The background material supporting your memo should be included in your staff report. Once this is drafted, let me know and I will place it on a work session agenda for presentation and discussion.

Thanks again for this.



BEAUFORT POLICE DEPARTMENT

1901 BOUNDARY STREET
Suite 102
BEAUFORT, SC 29902

To: Scott Marshall, City Manager
From: Stephenie Price, Chief of Police
Subject: Request for Thru Truck Ordinance
Date: 06/20/2024

The purpose of this memorandum is to request consideration for a thru truck ordinance for the City of Beaufort.

SCDOT has restricted truck traffic as a through truck route from Ribault Road southbound Boundary Street to Carteret Street to the Woods Memorial/Lady's Island Bridge. Further, is restricted from southbound Ribault Road at the eastbound intersection of Bay Street unless the truck is loading/unloading in the downtown area. Attachment #1 details the signs in place for the observance of the truck route.

The truck designation route is crucial because large, multi-axle trucks pose significant safety risks within the historic downtown area. This predominantly residential neighborhood, which lacks sidewalks, is not suitable nor was it designed for heavy truck traffic. Such traffic can lead to noise pollution, pedestrian safety hazards, increased traffic congestion, environmental harm due to tree foliage clearances, damage to historic infrastructure, and deterioration of the quality of life. Furthermore, the area's narrow streets are not designed to handle large trucks. Preserving this route is also beneficial for the local economy, as it supports tourism by maintaining the area's appeal and safety.

Currently, enforcement of the thru truck traffic has relied on SC Code SECTION 56-5-950. Obedience to and required traffic-control devices. Attachment #2.

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device, applicable thereto placed or held in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.
- (b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by



BEAUFORT POLICE DEPARTMENT

1901 BOUNDARY STREET

Suite 102

BEAUFORT, SC 29902

an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirement of this chapter, unless the contrary shall be established by competent evidence.

HISTORY: 1962 Code Section 46-304; 1952 Code Section 46-304; 1949 (46) 466; 1977 Act No. 147 Section 4.

In October of 2020, with collective community effort the city of Beaufort and the Historic Beaufort Foundation began the project for the Woods Memorial Bridge to be designated as a historic treasure. In January of 2023, the Woods Memorial Bridge was listed on the National Register of Historic Places. As the Historic Beaufort Foundation article states, "This designation gives the community the opportunity to protect the bridge and potential impacts on Beaufort's National Historic Landmark District." Attachment #3.

The potential damage to the historic swinging bridge is also a significant concern. This iconic structure is vulnerable to the stresses imposed by heavy trucks. Although heavy truck traffic is prohibited, we currently lack the effective means to enforce this restriction within the city limits. Implementing better enforcement mechanisms through a city ordinance is essential to preserve this bridge, which is not only a vital part of our heritage but also a key attraction for tourists, contributing positively to the local economy.

Our research has revealed that unless a truck driver uses a professional truck route service for navigation, it is impossible to modify the preeminent mapping software, such as Google Maps, to reflect the designated truck routes. Numerous forums and complaint channels have been inundated with requests for these changes, yet the company has not made the changes. This lack of responsiveness from the service providers exacerbates the problem, leaving the community vulnerable to the unintended presence of heavy trucks in restricted areas.



BEAUFORT POLICE DEPARTMENT

1901 BOUNDARY STREET

Suite 102

BEAUFORT, SC 29902

We have conducted research required with all due diligence to ensure the safety of our community, I request consideration of the administration and city council for a thru truck ordinance in Beaufort City. Attachment #4 is the proposed ordinance language.

Respectfully submitted,

Chief Stephenie Price

Chief Stephenie Price

Lady's Island Drive and Meridian Road



Boundary Street near Carolina Cove



Boundary Street and Marsh Drive



Ribaut Road and Bay Street



Ribaut Road near Beaufort Memorial Hospital



Woods Memorial Bridge

- Restrictions
 - Trucks are required to have less than 3 axles
 - Weight limit of 40,000 pounds
- Malfunctions in 2024
 - Nine reported malfunctions

South Carolina Code of Laws
Unannotated

Title 56 - Motor Vehicles

CHAPTER 5

Uniform Act Regulating Traffic on Highways

ARTICLE 1

General Provisions

SECTION 56-5-950. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device, applicable thereto placed or held in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirement of this chapter, unless the contrary shall be established by competent evidence.

HISTORY: 1962 Code Section 46-304; 1952 Code Section 46-304; 1949 (46) 466; 1977 Act No. 147 Section 4.



Woods Memorial Bridge now on National Register of Historic Places

Posted on January 12, 2023 | By Historic Beaufort Foundation | In NEWS



BEAUFORT, S.C. – The Woods Memorial Bridge, the iconic swing bridge connecting downtown Beaufort with Lady’s Island, was listed on the National Register of Historic Places on Jan. 6.

The designation gives the community an opportunity to protect the bridge and potential impacts on Beaufort’s National Historic Landmark District. With the designation, any federal undertaking regarding licensing, permitting, or funding requires a mitigating review by the State Historic Preservation Office and also requires public comment.

“This designation is important for our City,” said Mayor Stephen Murray. “With so few working swing bridges in the state, we need to protect the ones we have. The Woods Memorial Bridge adds to Beaufort’s character, distinction and beauty, and the National Register listing recognizes that.”

“Historic Beaufort Foundation is grateful to the City of Beaufort for working toward this official recognition of the significance the Woods Bridge plays in helping Beaufort retain its unique sense of place and its association with our maritime and transportation history,” said HBF Executive Director Cynthia Cole Jenkins. “We value the six decades of partnership with the City in protecting and promoting the architectural history of Beaufort.”

The effort to win the designation began in October of 2020. It was a joint project of the City of Beaufort, under the leadership of then-Mayor Billy Keyserling, and Historic Beaufort Foundation.

The City and HBF launched a fund-raising campaign through the City’s Pride of Place Program to hire a professional preservation consultant to put together the research and paperwork necessary for the application to the National Register.

Upon learning of the listing, the consultant, Kyle Campbell of Preservation South, LLC, said, “The Woods Memorial Bridge is one of the historic resources in Beaufort that almost everyone interacts with whether they are a resident or a tourist. It has been an honor to research and prepare the National Register nomination and I hope it will continue to be a landmark for the Beaufort Community for generations to come.”

The Woods Memorial Bridge is now one of five bridges in South Carolina listed on the National Register. The others are in Greenville, Horry, and Richland counties.

The bridge opened in 1959, replacing a swing bridge built in 1927. Originally known as the Lady’s Island Bridge, it was renamed in 1971 in honor of Richard V. Woods, a local South Carolina Highway Patrol trooper killed in the line of duty.

The bridge’s center span pivots open horizontally on a regular basis to allow boat traffic on the Intracoastal Waterway to pass through. In 2022, the bridge opened 1,659 times to allow commercial and private vessels to pass through. That ranged from a low in September of 70 to a high in November of 269. Traffic data for 2022 is not yet final but in 2021, the bridge averaged 13,700 vehicle crossings a day.

The application process, which included researching not only the history but the engineering significance of the bridge, began over a year ago. It was reviewed by the staff of the State Historic Preservation Office, and then moved to the State Board of Review, comprising preservation, history, and planning experts. The State Board of Review approved it in November 2022. The application was then submitted to the National Park Service, which oversees the National Register, for final vetting.

In order to be listed on the National Register, a site must meet seven aspects of “integrity” to achieve a listing: location, design, setting, materials, workmanship, feeling, and association. The structure must be at least 50 years old, and possess some significance in American history and culture. The Woods Memorial Bridge was immortalized in the 1994 Best Picture, *Forrest Gump*. In one of the most famous scenes a bearded Tom Hanks as Forrest is shown running across a Mississippi River bridge, but in actuality, the scene was filmed on the Woods Memorial Bridge.

Definitions.

- The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- *Deviating truck* means any truck in the restricted vehicle classification which travels over a no-through truck route.
- *Hazard material warning placard* means the standard diamond-shaped sign as required by 49 CFR 172, as part of the Hazardous Materials Transportation Act.
- *Person* means any individual, or agent, servant, employee, or owner of a corporation or other business entity, driving or operating a truck, as defined in this section, within the Town limits.
- *Truck* means any vehicle designed, used, or maintained for the transportation of material or property in the following classifications:
 - (1) The term "nonregulated vehicles" (light trucks) means personal pickups and passenger vans, including church school, and public buses. Nonregulated vehicles may operate anywhere within the City limits.
 - (2) The term "regulated vehicles" (medium and heavy trucks) means any vehicle, other than the nonregulated vehicles described in subsection (1) of this definition, that is designed, used, or maintained for the transportation of material, including dump trucks, tractor trailers, and semitrailer combinations.
- *No through truck route* means certain streets as designated by appropriate signage by the City Manager or his designee for no through truck traffic.

Observance of truck routes required; exceptions.

- (a) All trucks in the regulated vehicle classification within the City shall not be operated over and along the no-through truck routes established pursuant to this article unless otherwise provided herein. The following routes shall be designated as no-through truck routes: US State Highway 21 Business (Boundary Street) between SC State Highway 281 (Ribaut Road) and US State Highway 21 (Lady's Island Drive) including the Woods Memorial Bridge. US Secondary Road 6 (Bay Street) between SC State Highway 281 (Ribaut Road) and US 21 Business (Carteret Street). Future additions or modifications to the no through truck routes may be established by a Resolution approved by the City Council.
- (b) This article shall not prohibit:
 - (1) Operation of regulated vehicles that are making pickups, deliveries or which have other specific business such as being en route to repairs provided that the driver can show proof of said business through documents such as bills of lading;
 - (2) Authorized emergency vehicles or other vehicles operated by units of local government; or
 - (3) Detoured trucks, on an officially established detour, if such trucks could lawfully be operated upon the street for which the detour is established.

ORDINANCE 2024/

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO ADD A NEW SECTION 8-1010 TO PROHIBIT THROUGH TRUCK TRAFFIC ON CERTAIN ROADS AND HIGHWAYS IN THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, S.C. Code Ann. § 5-7-30 confers upon municipalities the power to enact ordinances relating to roads, streets, and order within the municipality and provides that a municipality may fix fines and penalties for the violation of municipal ordinances;

WHEREAS, S.C. Code Ann. § 56-5-4210 allows restrictions on loads and weights for certain roads and highways under the jurisdiction of local authorities when necessary to provide for the public safety and convenience on certain roads and highways;

WHEREAS, The City of Beaufort, South Carolina (hereinafter “City”) has received approval from the South Carolina Department of Transportation for the enactment of this ordinance pursuant to S.C. Code Ann. § 56-5-4212;

WHEREAS, The City desires to provide and promote for the public safety and convenient travel along such roadways; and

WHEREAS, the City Council of the City (hereinafter “Council”) has determined that a prohibition on through truck traffic on certain roads and highways in the City is appropriate at this time.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE CITY COUNCIL, in accordance with the foregoing, that the Code of Ordinances, City of Beaufort, South Carolina, is hereby amended by adding a section to be numbered 8-1010, which section shall read as follows:

Sec. 8-1010. – Through truck traffic prohibited.

- (a) No medium truck, heavy truck, or other like vehicle that is designed, used, or maintained for the transportation of material, including without limitation dump trucks, tractor trailers, and semitrailer combinations, shall operate on any streets, roads, or highways which are designated as not being open to through truck traffic by signage placed by the City or the South Carolina Department of Transportation, unless the operator of such truck is carrying out specific business which requires his or her operation of the truck along such streets, roads, or highways.
- (b) The streets, roads, or highways on which the truck traffic described in subsection (a) is prohibited are:

- (1) U.S. Highway 21 Business (Boundary Street, Carteret Street, and Sea Island Parkway) between S.C. Highway 281 (Ribaut Road) and U.S. Highway 21 (Ladys Island Drive), including the Woods Memorial Bridge;
- (2) S.C. Road S-6 (Bay Street) between S.C. Highway 281 (Ribaut Road) and U.S. Highway 21 Business(Carteret Street); and
- (3) Any streets, roads, or highways designated by signage placed by the South Carolina Department of Transportation as not being open to through truck traffic.

(c) This section shall not prohibit the operation of the following on the streets, roads, or highways designated in subsection (b):

- (1) Emergency vehicles or other vehicles operated by units of local government;
- (2) Trucks that would otherwise be prohibited if such trucks have been detoured at the instruction of local authorities or traffic control devices; or
- (3) Personal pickup trucks, passenger vans, and buses.

(d) A violation of this section shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 30 days.

(e) Notice of the requirements of this section shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of street, road, or highway to which such notice shall apply.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2024.

Philip E. Cromer, Mayor
City of Beaufort, South Carolina

Traci Guldner
City Clerk, City of Beaufort, South Carolina

Reviewed as to form by Benjamin T. Coppage, City Attorney



Historic Downtown Beaufort

Through Truck Route Ordinance Recommendation



Proposal: New Ordinance for Enforcement of Through Commercial Truck Traffic

To address concerns about frequent through truck traffic in historic downtown and on the Woods Memorial Bridge, we propose creating a new City of Beaufort Ordinance. This change will preserve and enhance the quality of life for residents and increase the lifespan of the historic infrastructure.

Current Enforcement Ordinance Summary

SECTION 56-5-950

Obedience to and required traffic-control devices

- (a) Drivers must obey official traffic-control devices unless directed by a police officer or if driving an authorized emergency vehicle.
- (b) Traffic rules requiring official devices are not enforceable if the device is not properly placed or legible. Rules without such requirements are enforceable regardless of device placement.
- (c) Official traffic-control devices are presumed to be lawfully placed unless proven otherwise.
- (d) Devices appearing to meet legal standards are presumed compliant unless proven otherwise.

Fine: \$237.50 or as assigned by Municipal Judge



Recommended Restricted Areas

- **U.S. Highway 21 Business:**
 - Boundary Street, Carteret Street, Sea Island Parkway
 - Between S.C. Highway 281 (Ribaut Road) and U.S. Highway 21 (Lady's Island Drive)
 - Includes Woods Memorial Bridge
- **S.C. Road S-6 (Bay Street):**
 - Between S.C. Highway 281 (Ribaut Road) and U.S. Highway 21 Business (Carteret Street)
- **Other Streets:**
 - As designated by South Carolina Department of Transportation signage

Through Truck
Route
Restricted
Area



Established DOT Truck Route



Proposed Restrictions on Certain Trucks:

- Medium and heavy trucks (e.g., dump trucks, tractor trailers) cannot operate on designated streets unless for specific business purposes (e.g. loading and unloading).

Recommended Exemptions

Exemptions:

- Emergency vehicles and local government vehicles
- Trucks detoured by local authorities or traffic control devices
- Personal pickup trucks, passenger vans, and buses

Recommended Penalties:

Penalties:

- Fine up to \$500 or imprisonment up to 30 days

Existing Through Truck Route Signs

Recommendation: The existing sign structure is adequate.

Boundary Street near Carolina Cove



Boundary Street and Marsh Drive



Ribaut Road and Bay Street



Ribaut Road
near Beaufort
Memorial
Hospital

TRUCK
ROUTE



COASTAL EMPIRE
COMMUNITY MENTAL
HEALTH CENTER

Lady's Island Drive and Meridian Road



Woods Memorial Bridge

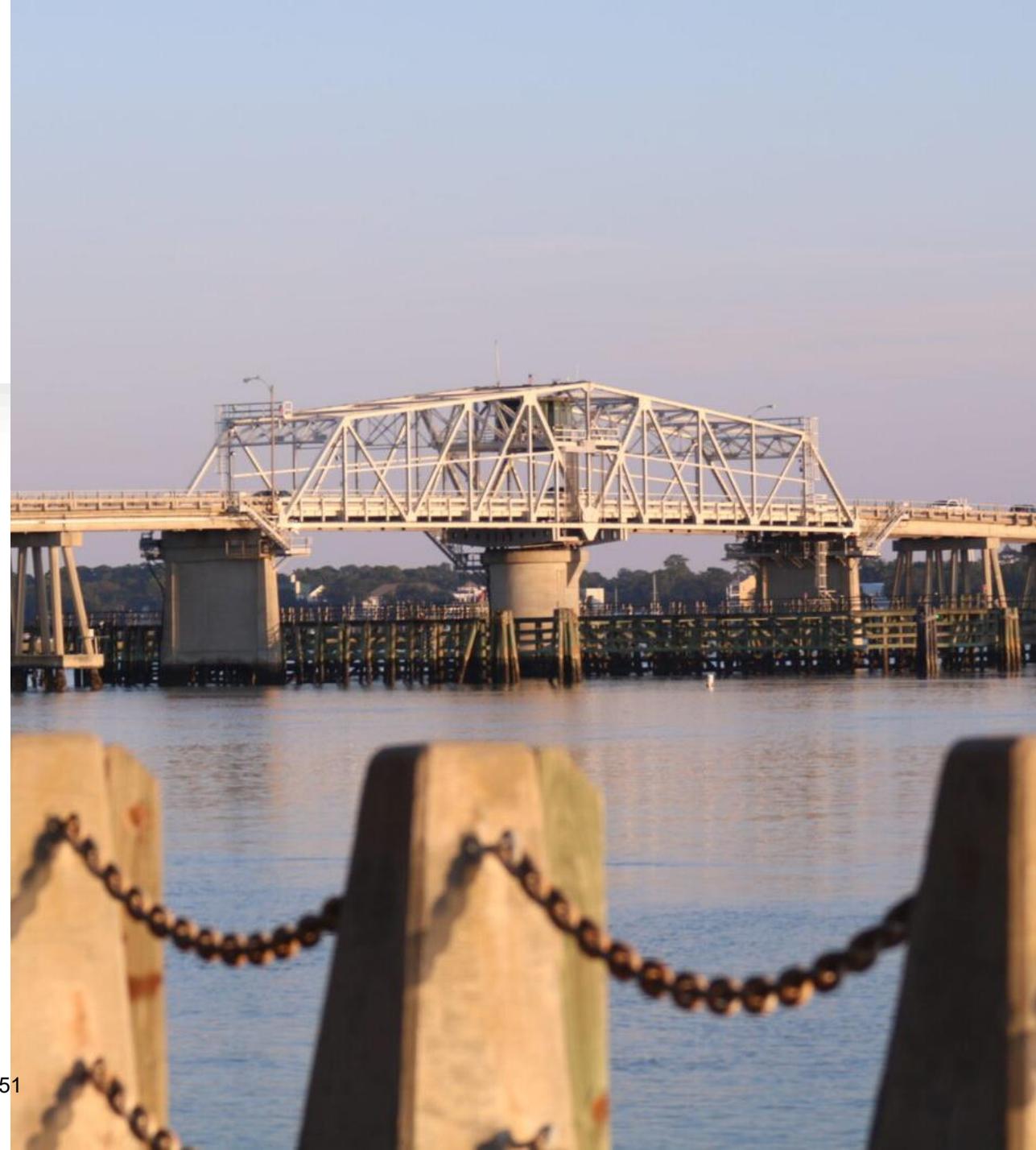
Considerations

Restrictions

- Trucks are required to have less than 3 axles
- Weight limit of 40,000 pounds

Malfunctions in 2024

- Nine reported malfunctions





CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/19/2024
FROM: JJ Sauve
AGENDA ITEM TITLE: An Ordinance to amend the Code of Ordinances for the City of Beaufort, South Carolina, to add a new Section 4-1002, adopting regulations for the combined use of utility poles for electric and communication wires in the City of Beaufort, South Carolina
MEETING DATE: 8/27/2024
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

There have been previous conversations with utility providers regarding consolidation of utility lines and wires over the past few years. The City Attorney has worked with staff and utility providers to develop an ordinance that would require all utility wires to be consolidated whenever a new utility pole is erected or an existing pole is replaced. This ordinance language is in-line with other municipal ordinances found in the state, including the City of Charleston.

This item is on for discussion and input from Council prior to being placed on a regular agenda for first reading.

PLACED ON AGENDA FOR: Discussion

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 4-1002	Backup Material	8/19/2024

ORDINANCE 2024/

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO ADD A NEW SECTION 4-1002, ADOPTING REGULATIONS FOR THE COMBINED USE OF UTILITY POLES FOR ELECTRIC AND COMMUNICATIONS WIRES IN THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, the City of Beaufort, South Carolina (hereinafter “City”) wishes to protect and enhance the aesthetic character of its streetscapes;

WHEREAS, the co-location of electric and communications wires on utility poles which occupy the same right-of-way, and the elimination of unused poles, where practicable, will add to the aesthetic character of the City’s streetscapes;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE CITY COUNCIL, in accordance with the foregoing, that the Code of Ordinances, City of Beaufort, South Carolina, is hereby amended by adding a section to be numbered 4-1002, which section shall read as follows:

Sec. 4-1002. – Co-location of Electric and Communications Wires.

All companies attaching new electric or communications wires shall install such wires on existing poles wherever such combined use is practicable, as determined by the pole owner, and such combined use shall be subject to applicable federal and state law. In the event that a pole is replaced in a manner such that a second pole is erected within the same public right-of-way, each entity that occupies the pole so replaced shall transfer its facilities thereon to the replacement pole within ninety (90) days. In no event shall a pole owner be responsible for any attaching entity’s failure to comply with this section.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2024.

Philip E. Cromer, Mayor
City of Beaufort, South Carolina

Traci Guldner
City Clerk, City of Beaufort, South Carolina

Reviewed as to form by Benjamin T. Coppage, City Attorney on August 8, 2024



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 8/20/2024
FROM: Curt Freese, Community Development Director
AGENDA ITEM TITLE: Green Space Application Messick Properties
MEETING DATE: 8/27/2024
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Background:

The Messick tracts (properties located at Ferry Drive and Inlet Road behind Publix), made a fee simple application to the Beaufort County Green Space program. The application was denied on August 9, 2024, primarily for the need of a formal recommendation by the City Council.

Property Details:

- **Property Address:** Not set, properties located at Ferry Drive and Inlet Rd.
 - **Property Size:** 2.71 acres
 - **Parcel Numbers:** R123 018 000 0528 0000; R123 018 000 0774 0000
 - **Zoning District:** T-4 N
- Uses (some conditional) include houses, 4 story apartments, retail and office, schools, vehicle repair
-

PLACED ON AGENDA FOR: Discussion

REMARKS:

Analysis:

The property is assessed at \$998,000 and is being marketed by Beaufort Properties/Lee Gray as commercial property. The zoning is T-4 N, which is a mixed-use district which allows a variety of uses, from single and multi-family to the majority of commercial uses. The application does satisfy the core eligibility requirements for the County Green Space Program which include the following:

- ü Property is not under Consideration for Development Permit
- ü Property has not received a development permit in five years
- ü Has not sought or currently seeking a rezoning or annexation

- ü Has not been rezoned or annexed within the last five years.
- ü Is not subject to a Development Agreement.

Staff finds the properties would satisfy the intent of the County Green Space program, which is found below:

"The overall purpose of the program is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. It allows for the purchase of development rights and fee simple interest in lands that are threatened by development, which if it occurs, will have a detrimental effect on land use patterns, traffic, public safety, storm water runoff, water quality, or other conservation objectives."

The property is in a prime development area, which if developed, may have a detrimental effect on the aforementioned "land use patterns, traffic, public safety, storm water runoff, water quality, or other conservation objectives." Preserving the property improves the overall stormwater and runoff of the surrounding areas and reduces the potential for additional traffic for the possible high density development T-4 N allows. Preserving the land would also be fully supported by the objectives and vision of the Comprehensive Plan. In addition, preserving open space on the property allows for a more natural and ecological development pattern, wherein wetlands and established tree canopies are preserved next to high density development. This is a pattern not regularly found in the county, and an asset that Beaufort treasures.

Staff Recommendation

Approve letter of support for Messick properties Green Space Nomination.

ATTACHMENTS:

Description	Type	Upload Date
memo	Cover Memo	8/20/2024
Application	Backup Material	8/21/2024
Letter of Incomplete Application County	Cover Memo	8/20/2024
Map 1	Cover Memo	8/20/2024
Map 2	Cover Memo	8/20/2024
Support Letter	Cover Memo	8/20/2024

Date: August 27, 2024

From: Curt Freese, Community Development Director

To: City Council

ISSUE: Beaufort Green Space Nomination

Background:

The Messick tracts (properties located at Ferry Drive and Inlet Road behind Publix), made a fee simple application to the Beaufort County Green Space program. The application was denied on August 9, 2024, primarily for the need of a formal recommendation by the City Council.

Property Details:

- **Property Address: Not set, properties located at Ferry Drive and Inlet Rd.**
- **Property Size: 2.71 acres**
- **Parcel Numbers: R123 018 000 0528 0000; R123 018 000 0774 0000**
- **Comprehensive Plan: Urban Center (Retail, apartments, office)**
- **Zoning District: T-4 N**
Uses (some conditional) include houses, 4 story apartments, retail and office, schools, vehicle repair

Analysis:

The property is assessed at \$998,000 and is being marketed by Beaufort Properties/Lee Gray as commercial property. The zoning is T-4 N, which is a mixed-use district which allows a variety of uses, from single and multi-family to the majority of commercial uses. The application does satisfy the core eligibility requirements for the County Green Space Program which include the following:

- ✓ Property is not under Consideration for Development Permit

- ✓ Property has not received a development permit in five years
- ✓ Has not sought or currently seeking a rezoning or annexation
- ✓ Has not been rezoned or annexed within the last five years.
- ✓ Is not subject to a Development Agreement.

Staff finds the properties would satisfy the intent of the County Green Space program, which is found below:

"The overall purpose of the program is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. It allows for the purchase of development rights and fee simple interest in lands that are threatened by development, which if it occurs, will have a detrimental effect on land use patterns, traffic, public safety, storm water runoff, water quality, or other conservation objectives."

The property is in a prime development area, which if developed, may have a detrimental effect on the aforementioned "land use patterns, traffic, public safety, storm water runoff, water quality, or other conservation objectives." Preserving the property improves the overall stormwater and runoff of the surrounding areas and reduces the potential for additional traffic for the possible high density development T-4 N allows. Preserving the land would also be fully supported by the objectives and vision of the Comprehensive Plan. In addition, preserving open space on the property allows for a more natural and ecological development pattern, wherein wetlands and established tree canopies are preserved next to high density development. This is a pattern not regularly found in the county, and an asset that Beaufort treasures.

Staff Recommendation

Approve letter of support for Messick properties Green Space Nomination.

FEE SIMPLE

GENERAL APPLICANT INFORMATION

APPLICANT NAME: Lee Gray DATE: 7/25/24
APPLICANT ADDRESS: 1448 Gleason's Landing St. Helena SC 29920
Address City State Zip Code
E-MAIL: leegraybpe@gmail.com CELL PHONE: 813 252 3006 OFFICE PHONE: _____
PRE-APPLICATION DATE: _____ ALL PRE-APPLICATION ATTENDEES: _____

EXISTING PROPERTY OWNER NAME: Andy + Audrey Messick YEARS OWNED: 20
EXISTING PROPERTY OWNER ADDRESS: 4700 Gulf Shores Blvd. N. Naples, FL 34103
Address City State Zip Code

GENERAL PROPERTY INFORMATION

PROPERTY ADDRESS: TBD Inlet Rd + TBD Hazel Fern Rd 29907
Street Address City Zip Code
PARCEL ID # (PIN): R123 018 000 0528 0000 ZONING: T4N 0013
R123 018 000 0774 0000
TOTAL ACREAGE: 2.71 EXISTING SURVEY OF PROPERTY? YES NO
CURRENT USE OF PROPERTY: Commercial Land
POLITICAL JURISDICTION THE PROPERTY IS LOCATED WITHIN: UNINCORPORATED BEAUFORT COUNTY
 TOWN OF YEMASSEE TOWN OF HILTON HEAD ISLAND TOWN OF BLUFFTON TOWN OF PORT ROYAL
 CITY OF BEAUFORT OTHER/OUT OF COUNTY _____

*If the property is located in a jurisdiction other than Unincorporated Beaufort County, a governmental jurisdictional letter of support or opposition is required at the time of application. An application will be considered **incomplete** without this letter.*

GENERAL LAND USE DISCLOSURE

IS THE PROPERTY CURRENTLY UNDER CONSIDERATION FOR A DEVELOPMENT PERMIT? YES NO
HAS THE PROPERTY RECEIVED A DEVELOPMENT PERMIT IN THE LAST 5 YEARS? YES NO
IS THE PROPERTY CURRENTLY SEEKING REZONING AND/OR ANNEXATION? YES NO
HAS THE PROPERTY BEEN REZONED AND/OR ANNEXED IN THE LAST 5 YEARS? YES NO
IS THE PROPERTY REGULATED BY A DEVELOPMENT AGREEMENT? YES NO

If yes to any land use disclosure question(s), provide all relevant documents.

GENERAL PROCUREMENT QUESTIONS

IS THERE A LISTING AGREEMENT FOR THE PROPERTY WITH A BROKERAGE FIRM? YES NO
if yes, provide company and listing agent: Beaufort Properties Lee GRAY BIC

ARE THERE ANY KNOWN ENCUMBRANCES AND/OR CONTAMINATIONS OF THE LAND? YES NO
if yes, list all known: _____

ARE THERE ANY KNOWN TITLE ISSUES WITH THE LAND? YES NO
if yes, list all known: _____

PROVIDE A DESCRIPTION OF ALL PARTNERSHIPS (FINANCIAL AND NON-FINANCIAL) N/A

ARE THERE ANY FAMILY MEMBERS THAT ARE STAFF OR GSAC MEMBERS WHERE A CONFLICT-OF-INTEREST MAY OCCUR BY THE APPLICANT AND/OR LANDOWNERS? YES NO
if yes, provide names: _____

IS THE PROPERTY INTENDED TO BE OWNED AND MAINTAINED BY BEAUFORT COUNTY? YES NO
if no, provide entity who will own and maintain (i.e., municipality, state, federal): _____

DESCRIBE HOW THE FEE SIMPLE PROCUREMENT WILL BE MANAGED AND WHAT GOVERNMENT RESOURCES HAVE BEEN APPROPRIATED TO ENSURE LONG TERM OWNERSHIP/MAINTENANCE:

ANTICIPATED TOTAL VALUE OF THE PROPERTY/PROCUREMENT \$ 998,000
describe method used to determine anticipated value: _____

REQUESTED AMOUNT OF GREEN SPACE FUNDS \$ _____

NOTICE TO APPLICANT

Applications for fee simple procurements may require a match of the requested funds. Please keep in mind that the GSAC reserves the right to review each application and determine if matching is appropriate. Bargain sales can qualify for matching requirement. Fee simple purchases for Beaufort County owned procurements shall require public access; fee simple purchases for other government owned procurements may require public access. In addition, the applicant/landowner consents to the necessary restrictive covenants and/or easements to be recorded. Initial here *MS* as a matter of acknowledgment and understanding.

Please provide pictures and any other site information the applicant deems helpful for application evaluation. Staff/GSAC will use this information along with internal resources to evaluate applications.

DISCLAIMER

Applications will not be accepted for properties where development rights were received through annexations, rezonings, and/or other entitlements that occurred after adoption of the Green Space Ordinance (October 3, 2022). In addition, applications will not be considered for properties that are concurrently seeking a rezoning, annexation, and/or development permit. These are considered counterproductive actions being made by a landowner/applicant/political body, by their own accord, which undermines the integrity and spirit of the Green Space Program.

Applicant understands that Beaufort County reserves the right to evaluate applications and determine if the procurement meets the minimum Green Space Program Criteria and Application Process. The Green Space Advisory Committee reserves the right to reject applications and not recommend them for due diligence/additional consideration. In order to ensure the application is evaluated and considered appropriately, the application shall be fully completed to be deemed a complete application. Incomplete applications will not be considered by the Green Space Advisory Committee.

I, the Applicant, have researched the restrictive covenants applicable to the parcels identified in this application and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants.

I, the Applicant, certify that my answers are true and honest to the best of my knowledge. If this application is recommended for due diligence/additional consideration by the Green Space Advisory Committee, I understand that any false or misleading information will result in my application being rejected and may result in Beaufort County recouping funds expended on due diligence.

APPLICANT SIGNATURE *for MS* DATE 7/25/24

PROPERTY OWNER SIGNATURE _____ DATE _____

NOTICE TO APPLICANT

Applications for fee simple procurements may require a match of the requested funds. Please keep in mind that the GSAC reserves the right to review each application and determine if matching is appropriate. Bargain sales can qualify for matching requirement. Fee simple purchases for Beaufort County owned procurements shall require public access; fee simple purchases for other government owned procurements may require public access. In addition, the applicant/landowner consents to the necessary restrictive covenants and/or easements to be recorded. Initial here *[Signature]* as a matter of acknowledgment and understanding.

Please provide pictures and any other site information the applicant deems helpful for application evaluation. Staff/GSAC will use this information along with internal resources to evaluate applications.

DISCLAIMER

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I, the Applicant, certify that my answers are true and honest to the best of my knowledge. If this application is recommended for due diligence/additional consideration by the Green Space Advisory Committee, I understand that any false or misleading information will result in my application being rejected and may result in Beaufort County recouping funds expended on due diligence.

APPLICANT SIGNATURE *[Signature]* DATE 7/29/24

PROPERTY OWNER SIGNATURE *[Signature]* DATE 7/29/24

PROPERTY OWNER *[Signature]* 7-29-24

Fee Simple Procurement Answers

- 1) Lady's Island, specifically the Village Center, has seen a boom of development in recent years. Both the Sea Island Parkway and Lady's Island Drive corridors have a lopsided ratio of developed commercial property to open/green space. The acquisition of this property by the Green Space Program would be a key step in correcting this unsustainable and lopsided ratio. Protection of this property, located in the heart of the Lady's Island Village Center, from development would ensure open space, recreational use, and protection of the County's natural resources. This would be a benefit to Beaufort County and its citizens.
- 2) The overall purpose of the Green Space Program is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. Procurement of this property by the Green Space Program would meet all three of the above criteria, which fully supports the recommendation for due diligence expenditure.
- 3) The natural grade from the intersection of Sea Island Parkway and Lady's Island Drive directs a large portion of its runoff to the marshes just 800 ft. south of this property. Presently, this property is one of the last vegetative buffers with no impervious surfaces between the intersection of Sea Island Parkway and Lady's Island Drive and the salt marshes of Distant Island Creek. With South Carolina containing 20 percent of the salt marshes of the United States Atlantic Coast, procurement of this property is needed to help preserve and protect the natural resources of our salt marsh estuaries and the Port Royal Sound watershed. In doing so, would be in line with the County, State, and Federal protection and preservation goals.
- 4) The cost-benefit use of Green Space funds in the fee simple purchase of this property can best be answered by quoting the Green Space Program's website. "The overall purpose of the program is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. It allows for the purchase of development rights and fee simple interest in lands that are threatened by development, which if it occurs, will have a detrimental effect on land use patterns, traffic, public safety, storm water runoff, water quality, or other conservation objectives." Preservation of this property would enhance the quality of life for all citizens of Beaufort County by protecting the property as an open space and use by its citizens for recreation. More importantly, the threat of development is removed

and with that so are the detrimental impacts of increased traffic, increased concern for public safety, increased stormwater runoff and lessen water quality in the creeks and rivers that make up parts of the Port Royal Sound Watershed.

- 5) The property is currently zoned in the City of Beaufort T4-N Village Center. This zoning is one of the most generous in the City of Beaufort with many retail uses both large and small and multifamily. A fee simple purchase would guarantee this site, located in the heart of the village center, would be protected and preserved. The first paragraph of the Beaufort County's Ordinance 2002/39 states the following: "...the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County's quality of life..." The procurement of this property by the Open Space Program would be beneficial to the citizens of the County as follows:
- a. Preserving the property as an open space with the potential for recreational uses.
 - b. An overall reduction of impervious surface and to create a buffer from other existing impervious surfaces. This would directly lessen the amount of storm water run off into the nearby salt marches
 - c. Preserving this property from development would reduce the potential traffic in an area that is already experiencing traffic/public safety issues.
 - d. Protect and preserve the flora and fauna in an area of the County that has been overwhelmed by growth and development.



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Planning & Zoning

Multi Government Center • 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
OFFICE (843) 255-2170
FAX (843) 255-9446

DELIVERED BY EMAIL

August 9, 2024

Lee Gray
1448 Gleasons Landing Dr
St. Helena, SC 29920

RE: Messick Tracts – Fee Simple Application for the Green Space Program

Dear Mr. Gray:

Thank you for submitting your application to the Beaufort County Green Space Program. Staff has reviewed your application material for the Messick Tracts and has deemed your application **incomplete** for the following reason(s):

- 1) For properties located in a jurisdiction other than Unincorporated Beaufort County, a governmental jurisdictional letter of support or opposition is required at the time of application. At minimum, other governmental jurisdictions shall consider their relevant overarching master plans that have been adopted while composing this letter. *It is the applicant's responsibility to work with the appropriate jurisdiction to obtain the required letter.*
- 2) Under the "General Application Information" section on page 2, information regarding the pre-application meeting for this property is missing. Our records show the pre-application meeting was held on April 12, 2024 and attended by: Lee Gray, Pat Harvey, Mark Davis, and Juliana Smith. Please update your application to reflect this.
- 3) Under the "General Procurement Questions" section on page 3, no information has been provided regarding how the procurement will be managed and what resources have been appropriated to ensure long-term maintenance. Please complete this section. If such resources or management practices are unknown currently, please report so.

You have until the end of the day on August 20th to correct these issues. If you are unable to do so within that time frame, your application will be deemed incomplete and will not be considered during this application cycle.

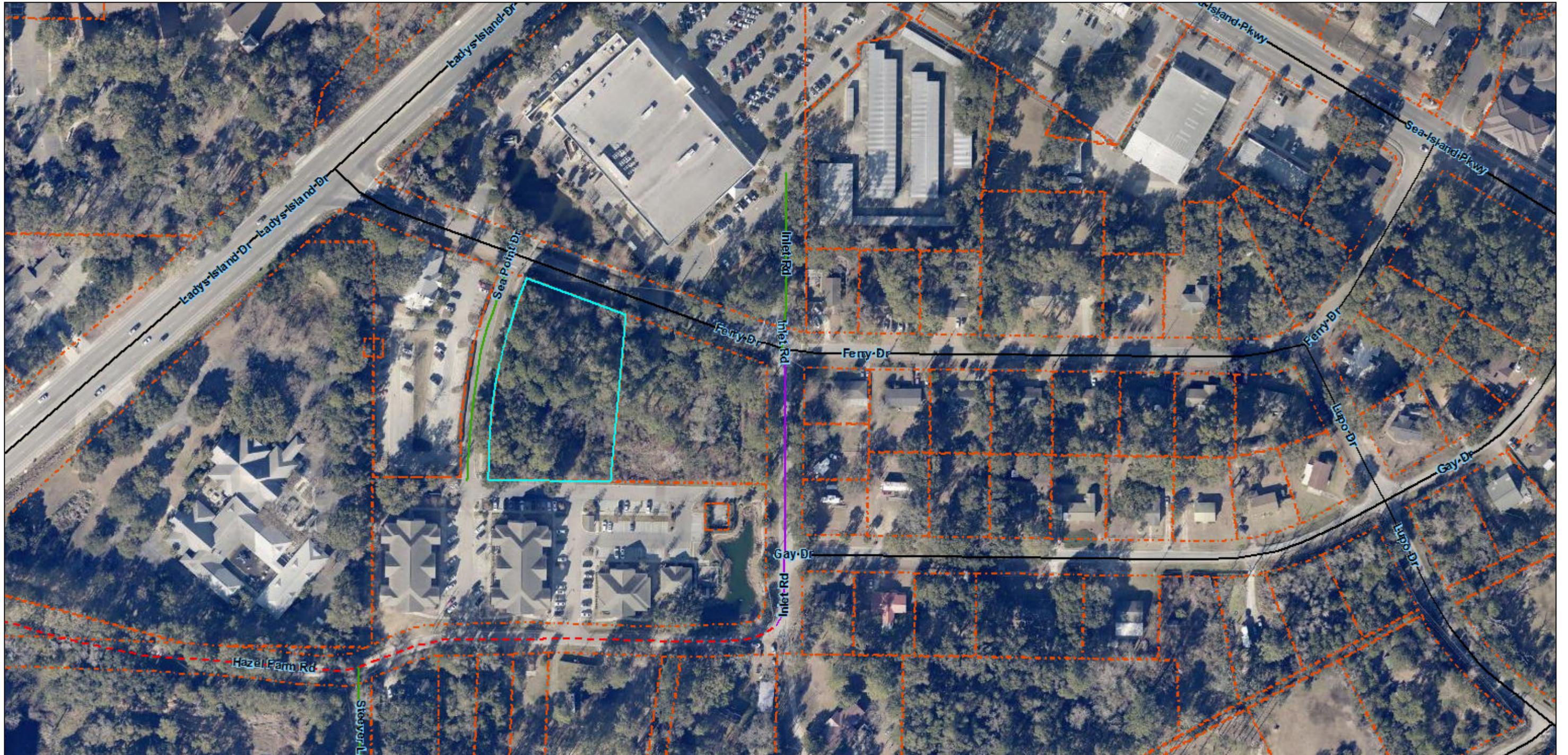
Additionally: Under the "General Property Information" section on page 2, the zoning designation provided for these properties does not align with the City's online-zoning map dated August 2018. This does not render your application incomplete, however, staff requests confirmation that the properties are indeed zoned T4N.

We look forward to receiving the requested updates and thank you for your interest in the Beaufort County Green Space Program. Please let us know if you have any questions.

Sincerely,

Juliana Smith
Environmental Long Range Planner
Beaufort County Planning & Zoning

Messick Properties

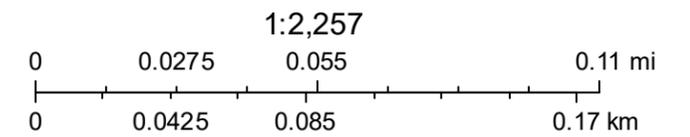


8/20/2024, 9:00:49 AM

Road Classifications

- STATE, PAVED
- - - COUNTY, UNPAVED
- PRIVATE, PAVED
- MUNICIPAL, PAVED
- LiveParcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3



Messick Properties

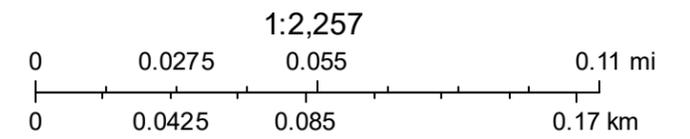


8/20/2024, 9:02:09 AM

Road Classifications

- STATE, PAVED
- - - COUNTY, UNPAVED
- PRIVATE, PAVED
- MUNICIPAL, PAVED
- LiveParcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3



August 27, 2024

Mr. Mark Davis
Deputy Director
Beaufort County Planning and Zoning
Post Office Drawer 1228
Beaufort SC, 29901

Re: Beaufort County Greenspace Program, City of Beaufort, Messick Properties

To Whom It May Concern,

On behalf of the City of Beaufort, I am writing to support the favorable consideration of the application of the Messick properties on Lady's Island for the County's Greenspace program.

The City adopted its Comprehensive Plan in 2021, which prioritized protecting the natural environment and resiliency. In fact, some of the key objectives of the comprehensive plan would be met by supporting this application to permanently protect open space in the City:

Objective 2: Maximize the purpose and function of open space within the city and work with Beaufort Open Land Trust to provide more public access and link these open spaces into a functioning network of green space.

Objective 3: Protect and expand the tree canopy into an urban forest that provides shade, habitat, and a setting for context-sensitive building and developments.

Objective 4: Work collaboratively with regional partners and municipalities on shared standards and preservation goals and metrics.

Objective 5: Continue to balance growth/development, historic preservation, and the protection of the natural environment.

Moreover, the City believes preserving open space on the property allows for a more natural and ecological development pattern, wherein wetlands and established tree canopies are preserved next to high density development. This is a pattern not regularly found in the county, and an asset that Beaufort treasures. Staff finds the properties would satisfy the intent of the County Green Space program, while furthering the City's Comprehensive Plan and values. As such, the City is fully supportive of the application which has been submitted for these properties to be protected from future development through the Beaufort County Greenspace program.

Sincerely,

Philip Cromer
Mayor, City of Beaufort