

A regular session of Beaufort City Council was held on August 27, 2019 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, Phil Cromer, and Bill Prokop, city manager.

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

Councilman Cromer made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously. Mayor Keyserling said no action was taken.

CALL TO ORDER

Mayor Keyserling called the regular council meeting to order at 7:27 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

PUBLIC HEARING: ORDINANCE TO AMEND 11.6.1.B.2 NON-CONFORMING SIGN SECTION OF THE BEAUFORT CODE ^L_{SEP}

Mayor Keyserling opened this public hearing. David Prichard described the amendment and what it does and does not allow. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ANNEXATION PETITION AND REZONING FOR 44 AND 50 MILLER DRIVE, EAST ^L_{SEP}

Mayor Keyserling opened this public hearing. Mr. Prichard said all of these annexation requests were initiated by the property owners, not by the city. The requests went to the MPC for a recommendation before coming to council.

Mr. Prichard read from the staff report and said the MPC voted 4 to 2 in favor of recommending this annexation application.

Bruce Richards, Lady's Island, presented council with a petition from 366 people who own property on and/or live on Lady's Island. He read *the cover of the petition, which is attached to these minutes for the purpose of entering it into the record.*

Janet Mulcahy, 36 Thomas Sumter Street, described her parents' and family's 30-year history on Lady's Island. She said she is very passionate about this area, and she loves Beaufort, but she has seen the changes on Lady's Island, including "the explosion on Sams Point Road," which she said was "almost too much" (e.g., the traffic circle and the clear-cutting of Oyster Bluff, which caused a bad issue when the wildlife that had lived there were pushed out of their habitat).

The Oyster Bluff developer used a loophole to do what they did, and though the loophole is now closed, Ms. Mulcahy said, the area was “really adversely affected.” She feels “apartments just don’t work,” and “there ends up [being] crime” and other problems at apartments. She has “no problem with affordable housing,” and she asked if Oyster Bluff would be considered affordable housing, where “the workforce could live.”

Ms. Mulcahy said she wants “to be educated,” but while they’re all learning, this annexation could lead to others selling to developers who could do the same thing as was done in Oyster Bluff, with the developers saying, “Who cares about the neighborhood?” The MPC said that only city council could deny this annexation, but the commissioners did recommend that council “keep the zoning the same for our community; don’t change it to this density” that would allow “apartments and hotels,” as the property owner/developer applied for, Ms. Mulcahy said. She would like to see affordable housing on the property.

Ms. Mulcahy said traffic on Lady’s Island is “impossible now,” and “hotels and high-density, cookie-cutter houses” and commercial businesses on Sams Point Road “or wherever they can squeeze it in” will make traffic worse. If city council has to approve this annexation, she said, “do not change the zoning.”

Billy Powell, 9 Bent Oak Road, said the subject property has “been pretty much bare” as long as he’s lived there. At one time, there were plans to build a tree farm there, which the neighborhood approved of. There was a problem with the lake on the property, which created stormwater issues in the neighborhood, he said.

Mr. Powell understands that the city must grow, but he said the neighbors don't understand about the zoning. There are environmental impact issues with the lake, he said, which would “probably devalue our properties” if it’s filled in. The intersection is difficult and dangerous because of traffic, he said, and he believes SCDOT will “take . . . many years” to solve those problems.

This is not the right property on which to build affordable housing, Mr. Powell said. Before it’s annexed, he said the City of Beaufort should look at how many people it would affect negatively before considering how it would affect the city positively.

Frank Martin, Oakwood Drive, said before the current property owners moved in, there was a nature trail that ran through it, then the Martinsons put up a fence and later “drained the pond.” The dirt taken from the pond was used for Sams Point Road, so “that lake is very, very deep,” he said. The owners built all around the property, so the water could come back in, except for on his property, which is “deteriorating,” he said.

Mr. Martin said he had received no notice about the annexation and rezoning request,

and “I’m attached to that property.” He feels that “there is money behind” this request.

This property is not a place for an apartment complex, Mr. Martin said. He said there are accidents on Miller Drive “twice a month,” and he feels a study should be done. No one will be able to get off the road if the property is developed, so the road would need to be expanded, he said.

Mr. Martin is concerned that the neighbors weren’t informed about this. This property is in his backyard, and he thinks it would have been courteous to inform him about the annexation and rezoning. He asked if anyone knows what is going onto this property when it’s annexed and rezoned; he knows it will be “something big” because of the property’s cost.

Mayor Keyserling asked who in the public has read the Lady’s Island Plan and if they saw plans for apartments in it. **Brittany Murray**, 19 Oakwood Drive, said she has read the plan and found some things in it “questionable.” Her children also own 16 Oakwood Drive. Trees on Miller Drive have been tagged, she said, and she has concerns about erosion.

Ms. Murray said she doesn’t know what would be done with this property, but she thinks the owners plan to fill in the lake, which would be “a travesty,” especially since there is a lot of wildlife there since Walmart was built. She doesn’t believe the new owners would “shore up the lake” and make it “some sort of resort lake.”

Joe Triga, 57 Miller Drive East, said multiple generations of residents have spoken about this property. He and his wife moved here 3 years ago from Atlanta, where they have seen the effects of sprawl and overdevelopment. He agreed that there is a lot of wildlife on the property. To be annexed, a property has to be attached to city property, but he doesn’t feel like that is the case here. Mr. Triga feels it’s “significant” that this property wouldn’t sell without being annexed into the city and rezoned.

Dan Westover, 1 Sunrise Boulevard, asked for the annexation request to be read, and asked that it be tabled until there have been traffic and environmental impact studies. Mayor Keyserling said property owners ask to be part of the city via petition, and the property has to be contiguous to the city to do that.

Mr. Westover said the area’s residents were given little notice of this request. Mayor Keyserling said when a property is annexed and rezoned, the owner has to go through the process of getting it permitted, at which time “many of those issues” like traffic and environmental impact would be dealt with. A property owner would not spend money on those studies if they were not going to get permission to develop the property, he said. If the property comes into the city via annexation, it has to have a zoning classification, Mayor Keyserling said.

Chuck Newton said the Sea Island Corridor Coalition (SICC) didn't oppose the annexation, but the organization does have two concerns: First, annexation "extends the continuity of the city's jurisdiction on Sams Point Road," so the next property that wants to come into the city and is contiguous to that property could do so, which was not anticipated in the Lady's Island Plan. His other concern is "zoning shopping." The applicants came to the city because they felt they couldn't achieve what they wanted to with the county, Mr. Newton said, which "sets up a tension with the city and the county that makes these issues so difficult."

Mayor Keyserling said, "The Northern Regional Plan says that if you're contiguous and you go to the county, the county recommends annexation."

Councilman Murray said, "The Lady's Island Plan clearly delineates the growth boundaries . . . which the SICC board of directors, and [Mr. Newton], specifically, supported," so he's surprised to hear Mr. Newton say that he is "surprised" that the City of Beaufort is "annexing properties in that area." Mr. Newton said he's "talking about the follow-on impacts of annexation," which is "a little bit different issue."

Mr. Prichard read from the staff report about the rezoning of 44 and 50 Miller Drive East. The MPC recommended that the parcels be zoned T3-S, which he described. He then read the history of the work on and adoption of the 2009 Comprehensive Plan and the Civic Master Plan as an amendment to it in 2014.

Mr. Prichard read aloud about the necessity of new development being at higher density than it presently is in order to be consistent with the Comprehensive Plan and the Civic Master Plan, and about future land use as laid out in the Comp Plan's "framework plan." The subject parcels "lie in the framework zone 'G-1 moderate density residential neighborhood,'" he said, and then enumerated the zoning districts within G-1 and the "intended uses" there.

Mr. Prichard said the properties at 44 and 50 Miller Drive "are in the community form area 'Village,'" and he described the uses the Lady's Island Plan "encourages" there.

The properties' present zoning in the county is T3-HN, as are adjacent parcels to the west. Mr. Prichard read the intention of this zoning. Adjacent properties to the north are Lady's Island Community Preservation. Multi-family residential is a conditional use, he said, and he read other allowable uses. The city zoning to the south is T3-S, Mr. Prichard said. He read the allowable uses in the proposed city zoning, T4-N.

Mr. Prichard said the property is well-situated for future development. Public infrastructure currently exists, and depending on the plans for the property, that would be reviewed by the city's Technical Review Committee.

Rikki Parker, representing the Coastal Conservation League, said the league has been

active in planning efforts on Lady's Island. The Comprehensive Plan's land-use framework plan designates this area G-1, as well as Village Neighborhood, which allows higher-density residential, with more mixed-use development than in other areas of Lady's Island. Future developers of the property could accomplish the goals of the Comprehensive Plan under the current zoning, she said; under T4-N, "they could do more." Some of the uses under that zoning might not be appropriate, Ms. Parker said, but the current county zoning also doesn't match the way this property is developing, and it's not what the Lady's Island Plan and the Comprehensive Plan recommend. If Harris Teeter pans out, this could be a walkable neighborhood, she said.

T4-N zoning is not appropriate, Ms. Parker said, so the Coastal Conservation League recommends T3-N, which is more characteristic of the type of development recommended under the Comprehensive Plan and the Lady's Island Plan. She told a member of the public that the MPC had recommended T3-S.

Charlene Richards, 10 Wiggins Road, said when the county paved the area's roads, it put in a stormwater drainage system that runs under this property and into the marsh. She asked if the area's residents would drown if this property is annexed into the city because there wouldn't be anywhere for the stormwater runoff to go. Mayor Keyserling said typically there would be an easement given to allow access to the property, so the property and drainage should be protected.

Ms. Richards said every one of the 100 to 150 in the area is on "about an acre," and if similar single-family houses on large lots were built, the residents would be fine with that, but once the property is annexed, they no longer have any control over what is built there.

Peter Somerville said, "Very little development has occurred in the last 10 years to fill in" the "3-mile urban corridor from downtown Beaufort out to Walmart." He asked why they "need to continue to increase the amount of commercial space on Lady's Island if we're not using it now." He suggested that commercial development should occur along the existing urban corridor and said "a gravel road that dead ends is not an urban corridor," so it should not have Urban Corridor (UC) zoning.

This is "a primary affordable housing area," Mr. Somerville said, and he was surprised when Mr. Prichard said at the MPC meeting that he had "never been out to the [subject] property," which means the city's planning staff is "making decisions without ever seeing what the character of the neighborhood is out there."

Mr. Somerville is "somewhat disturbed" that even though the MPC made a different recommendation about the zoning, planning staff continued with "what the developers wanted" in its presentation of the application to council. He feels the zoning shouldn't be the developers' decision. The staff report stated that this zoning would make the property more marketable, he said, which he feels is "picking winners and losers," which

Mayor Keyserling has said is not the city's role. The people who live next to the subject property are the losers because their property will be devalued, while the developer would be the winner, Mr. Somerville said.

Mr. Newton said the Sea Island Coalition is in favor of the MPC's zoning recommendation, and they support zoning that is more in line with the Lady's Island Plan.

Rick Larson, 14 Wiggins Road, said the subject property has "been offered for sale for years," and the realtor had put up on the sign "last year" that its was available for commercial use, but the neighbors "all know it's not." It's been said that "no one knows what's going to be happening" on this property, he said, yet he's also heard that "the infrastructure will be in place when build-out occurs," so he asked how the city could say that if they "don't know what's going in there." Mr. Prichard clarified that he had said there's infrastructure there today, such as the paved street. What Mr. Larson was referring to was "what the requirement was as far as the criteria that the planning commission has to look at," Mr. Prichard said. "They have to say that" the infrastructure is "either in place or it will be there." Mr. Larson said Miller Drive is "a terrible two-lane road" that is difficult "to get in and out of . . . on a good day."

Mayor Keyserling explained council's process to a member of the public.

Kevin Cuppia, 125 Sunset Boulevard, said "the bluff property" is "near and dear to me" because of family connections in the past and some who are still in residence. He said he knows "it's all about the money." He trusts that city council will "do the right thing," even though the neighborhood's residents aren't in the city. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ANNEXATION & ZONING OF PROPERTIES LOCATED AT 11 WILLIAMS STREET AND 13, 17, AND 19 MAYFAIR COURT ^[1]_[SEP]

Mayor Keyserling opened this public hearing. Mr. Prichard read from the staff report, including about the zoning of adjacent properties. He said the MPC is "supposed to look at consistency with the Comprehensive Plan and the Civic Master Plan, compatibility with present zoning and conforming uses of nearby property and with the character of the neighborhood . . . the suitability of the property that would be affected by the amendment . . . compatibility with the natural features . . . whether there's any archeological or cultural resources on the property," and "marketability of the property," which is why he had mentioned marketability earlier.

Mr. Somerville said there is not a primary thoroughfare up there, and the street is not being annexed, so the city won't have "control over that gravel road." He told Mayor Keyserling he's assuming the street would belong to the county and wouldn't be annexed. He asked where the transect zones are on Lady's Island; at Mayfair Court, he's concerned that people will want to be zoned for higher density as the properties next to

them are zoned that way.

Mr. Somerville said again that he sees no transect zones. Councilman Murray pointed out “Village Center” zoning. Mr. Somerville said, “‘Transect zone’ speaks to specific zoning classifications,” and he sees no planning by the city or the county “to define where within the city or the county transect zones should be.” At some point, it might make sense to upzone, Mr. Somerville said, but this is not that time.

Mayor Keyserling told a member of the public that the city and county are doing a traffic study in partnership. Councilman Murray said what that member of the public has seen is a normal traffic count process that SCDOT does.

Steve Holland lives across the street from this property. The professional village there could be expanded, and it would be acceptable because it’s consistent with the current uses, but the possible uses with the rezoning are not consistent, he said. The Lady’s Island Plan and the recommendation of the MPC both suggest that T-5 zoning is “wildly inappropriate for that piece of property,” Mr. Holland said; if they carry high-density zoning into an existing neighborhood, it is inconsistent with the planning that has already been done. There is only one category of zoning that is higher density, he said. Both the MPC and those who worked on the Lady’s Island Plan recommended not to upzone at that high of density.

Mr. Holland feels this process is “how to circumvent that plan,” in order to do what is “to the benefit of the developer.” It’s upzoning and “zone shopping” he said. Annexation is virtually inevitable, he said, but to annex and upzone “speaks to an intent to use the property out of the scope of the community.” Two bodies have recommended different zoning, Mr. Holland said, which makes no sense to him, unless “the whole process” is “tainted.” He said that years ago, when he moved here, a realtor told him that this is government “of, by, and for the developer.”

Mayor Keyserling agreed that the traffic on Lady’s Island is “terrible,” but the people who live there are responsible for it, not the Town of Port Royal (as on Ribaut Road) or the City of Beaufort. The city is trying to avoid further traffic problems by “capturing it” on Lady’s Island, he said; by building commercial there, the residents don’t have to leave the island to shop, etc. The city also supports “the Village Center,” where development is “concentrated” to avoid having it “sprawl out into larger lots,” Mayor Keyserling said.

Mr. Holland said they were told that there would never be a Walmart on Lady’s Island. Councilman Murray said the city spent hundreds of thousands of dollars in legal fees fighting it. Councilwoman Sutton said they also didn’t get a Super Walmart because of the protests. Mr. Holland said it’s difficult to know who is at fault for what.

Carol Ruff owns one of the buildings in the Lady’s Island Professional Village, and she, two other owners, and her neighbors are here tonight. She wants council to be clear

about the property under consideration. "A back road to the Professional Village called Miller Drive," and a road off of it "called Hilda" Avenue are "private streets," she said. Ms. Ruff lives on Sunset Drive, which, like Sams Point Road, is connected by Miller Drive. Mayfair Court is a gravel road that comes off of Sams Point Road and is a dead end. At the end of it is "a ravine" or "a swampland," which Ms. Ruff said she assumes is 11 Williams Drive. Mayfair Court doesn't connect to Williams Drive, which is a "very private road," she said, as are all the roads in the Professional Village.

Ms. Ruff asked if whoever buys the property will "fill in the ravine." She also asked who the neighbors would be and what the property owners or buyer are asking for, including what could happen on the subject property. She asked council to table the application so they could come see the property and see if it's consistent with the private drives and the one-story professional buildings, which she emphasized are "not retail." If 5-story buildings are allowed on that property, Ms. Ruff said, the owners in the Professional Village would probably gate it off so their businesses wouldn't be next to those buildings.

Ms. Ruff asked that council not allow something that isn't consistent with the current uses, but if the developer says that what s/he will be doing there *is* consistent, then those in the Professional Village would agree to that.

Cindy O'Neal also owns a building in the Professional Village and is concerned about the rezoning. "The Lady's Island Plan calls for raised concrete medians on Sams Point Road," she said, "and not allowing left-in or left-out," which will "funnel even more traffic to Williams Street, which is a private road" that, like the Professional Village, "wasn't designed for heavy traffic," so she asked council to consider the density and to not allow traffic from the subject parcel onto Williams Street, because it would travel into the Professional Village, which she said the owners would gate, if necessary. Ms. O'Neal also asked for the elimination of the concrete medians on Sams Point Road.

Merritt Patterson, Laurens Street, said he has owned the subject property for more than 30 years. He feels this property is not the reason for "all the traffic that has come here." He said he has participated in planning in the City of Beaufort and on Lady's Island for more than 25 years. Mr. Patterson wants to know what people want to be done on his properties and then he does it, he said.

In a Lady's Island planning group, a concept was presented that "rural should be rural," with commercial areas in a village center, Mr. Patterson said. His understanding of land planning is that things shouldn't be put where there isn't infrastructure to support them. There is a rural area that doesn't have water, sewer, or schools, and then in the middle, it transitions from least to most dense. Rural areas are being abandoned, and urban areas are growing, he said, and Beaufort is "a receiving area for all of this population" that is leaving the rural areas, so they need to have areas to concentrate the population in. For 32 years, that's been his plan, Mr. Patterson said, and that of all

of “the significant planning groups.”

Mr. Patterson pointed out his properties in this area and discussed development and roads there. He showed the area he has been planning to develop “for 20 years.” The residents on Mayfair Court have lived there for more than 40 years, he said, and “they don’t want anything built on it,” which he agrees with. Mr. Patterson feels it should be a “transition area . . . going to residential.” He pointed out an area where “the plan . . . is to have workforce housing.”

The City of Beaufort and Beaufort County used “Walmart impact fees” to hire a consultant to solve the traffic problems, Mr. Patterson said, and one solution was right-in/right-out, a raised median, and “extend[ing] this road to Miller Drive.” He said he had “explained to them at length” about the private roads, including Miller Drive, and asking how they could “connect to a private road to do what they want to do.” He said the referendum passed, and “the project is proceeding,” the first of which will be “the improvement of the turning lanes at the traffic light, which will include all of these median cuts,” so in six months to a year, “this will be a right-in/right-out only project.”

Mr. Patterson then showed the area as planned by the Lawrence Group for the Civic Master Plan.

The plan is “not to have any traffic going onto Mayfair Court,” which Mr. Patterson said would be “foolish.” He described the collection of stormwater that is planned. Originally, Mayfair Court was to be “paved with the county routine paving money,” but “the Village Center wouldn’t allow” the county to “interconnect with their stormwater stuff,” he said, so the money was spent on paving elsewhere in the county.

Mr. Patterson said, “The zoning has been Village Center on all of the area except for Mayfair Court,” and it’s untrue that he is “upzoning this property.” The requested T5 zoning is the same as the county’s zoning, with the same types of uses proposed; “Mayfair Court is in there” because he is proposing townhouses as a workforce housing development, and he could only have duplexes under the county.

Mr. Patterson said he wants to annex into the city because of the experience of **Sam Levin** on the Whitehall property, which was long and difficult, and now Mr. Levin is involved in litigation.

Mr. Patterson described issues he has had with county planning on various properties he owns that he has attempted to develop. There are too many constraints on reasonable development, he feels. He has ten different plans for the subject property and has looked at low-income housing, self-storage, and the Lawrence Group plan. He said he doesn't mind waiting another 20 years to develop this property. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ANNEXATION PETITION & REZONING OF 302 PARKER DRIVE [L] [SEP]

Mayor Keyserling opened this public hearing. He said this is adjacent to Commerce Park. Mr. Prichard read from the staff report. The MPC recommended approval of the annexation. The applicant requested Light Industrial zoning, contingent on approval of the annexation, he said, and the MPC recommended approval of that zoning.

Councilman Murray introduced **Chris Fisher**, president and CEO of Glass WRX, which will create 50 to 60 jobs in the area. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ANNEXATION & REZONING OF 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD [L] [SEP]

Mayor Keyserling opened this public hearing. Mr. Prichard read from the staff report. The MPC recommended approval of the annexation request and rezoning it as T5-UC/RMX. The zoning request for the parcel that Dominion Energy owns (41 Broad River Boulevard) is Light Industrial, he said.

Mr. Prokop thanked the Dominion representative for the company's planned development. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: REZONING (MAP AMENDMENT) FOR R120 026 000 146A 0000 NEIGHBORING 2811 BOUNDARY STREET [L] [SEP]

Mayor Keyserling opened this public hearing. Mr. Prichard pointed out the parcel on a map. The MPC recommended approval of the rezoning, he said.

[L] [SEP]

Sandy Thompson said Walsh Drive would not be the ingress/egress "for whatever happens there." There should be an access point to Trask Parkway, she said, and that would probably happen in the development phase. She said Caliber has been a good neighbor, and the residents would welcome another neighbor, as long as there is a way to get in and out of the business. **Mayor Keyserling closed this public hearing.**

ORDINANCE AUTHORIZING THE DISSOLUTION OF THE GATEWAY CORRIDOR REDEVELOPMENT DISTRICT

Ms. Todd said this dissolution of the project area is being done in accordance with state law because it is no longer needed. **Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading. The motion passed unanimously.**

Councilman Murray made a motion to move up agenda items M, N, O, and P. The motion failed for lack of a second.

STREET CLOSURE REQUEST FROM HOLY TRINITY SCHOOL TO HOST 5K RUN/WALK, SWING BRIDGE SPRINT [L] [SEP]

Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the October 19, 2019 event. Rhonda Carey said this would be the first event

of this type for this organization. They will use the city's standard 5K route, she said. **Minnie Bullock** said Holy Trinity is located in the heart of Beaufort, and the school wants to celebrate that and thank Beaufort for its support. **The motion passed unanimously.**

REQUEST FROM CHILD ABUSE PREVENTION ASSOCIATION (CAPA) TO HOST ANNUAL GHOST TOURS IN OCTOBER ^[1]_[SEP]

Councilman Murray made a motion, second by Councilman McFee, to approve the request. Ms. Carey said this would be the 27th annual Ghost Tour. Part of the request is for two parking spaces for guides from October 11 to October 31. **Jessie Chapman** said the tours are “a part of Beaufort” and “a great fundraiser.” **The motion passed unanimously.**

ANNUAL REQUEST FROM BORN TO READ FOR USE OF WATERFRONT PARK AND CO-SPONSORSHIP FOR YOGA UNDER THE STARS ^[1]_[SEP]

Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the November 1, 2019 event. Ms. Carey described the request, which will take place in the Contemplative Garden. **Janie Ephland** described the organization and the event, which is supported by the yoga community. She said it's “accessible to all, regardless of disability.” **The motion passed unanimously.**

STREET CLOSURE REQUEST FOR WEDDING PROCESSION ^[1]_[SEP]

Mayor Keyserling left the meeting, and Mayor Pro Tem McFee took up the gavel. Councilman Murray made a motion, second by Councilwoman Sutton, to approve the request for the November 2, 2019 event. Ms. Carey said this is a request from a family for road closures for an hour for a wedding procession from the Baptist Church of Beaufort to the Beaufort Inn for the reception. (The route/closures will be from Charles to King to West to part of Craven Streets.) The police department will manage the closure, she said, and has approved this. **The motion passed 4-0.**

Councilman Murray made a motion to amend the agenda to move up items M, N, O, and P. The motion passed 4-0.

Mayor Keyserling returned to the meeting and took up the gavel again.

ORDINANCE ANNEXING PROPERTY LOCATED AT 44 AND 50 MILLER DRIVE

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. ^[1]_[SEP] Councilman Murray said there have been misleading statements (in local publications, for example) that have led people to believe that annexations lead to development on Lady's Island, but that is not the case.

Councilman Murray said he'd walked the Miller Drive and Mayfair Court properties this week. He feels that the majority of members of city council are Beaufort natives, and they care about Lady's Island, even though the residents there can't vote for council.

The accusations that have been leveled at the City of Beaufort are hard, Councilman Murray said. Annexations are a reality. 20 or 30 years ago, the city “crossed that river,” he said, though some might wish it hadn’t. The county, not the city, allowed the Walmart development, despite the city’s efforts to prevent it from being built, including an expensive legal battle, though the city feels it got a better deal with that development than what was originally planned, he said.

The city supported the Stantec report, and city staff and volunteer time was spent on the Lady’s Island Plan, Councilman Murray said. He personally spent hours reviewing it to ensure the maps were accurate, for example. He understands that Lady’s Island wants “to be left alone.” The City of Beaufort had nothing to do with Oyster Bluff or other development on Lady’s Island, Councilman Murray said. As much as he’d like to leave Lady’s Island alone, he feels the city has a responsibility to it because parts of it have been annexed.

Councilman Murray said local headlines claiming “that annexation is the root cause of development” are “blatantly and patently false.” Annexation is “a factor” in development, he said. The conflict about annexation isn’t between the county and the city, he said, but “between the property owners, the development community, the public, and the local government, (which) is the public.” He understands the frustration and confusion of the residents who are participating in this public process, but he said this is how democracy works.

Councilman Murray feels these properties on Miller Drive should be annexed. There are private property rights, so owners can do what they like on their property, he said. The new developments in the city include Battery Point, Islands of Beaufort, and City Walk, Councilman Murray said, and he asked the members of the public to consider the difference in those developments and the county’s development pattern. Something is going to be built on this site, he added.

An unidentified member of the public said this is “spot annexation” and only touches a school property; there are areas around it that the city isn’t annexing. “There’s a reason we don’t want to be in the city,” he said. He asked that this application be tabled. Councilman Murray said the annexation is in the spirit of the Comprehensive Plan, the Civic Master Plan, and the Lady’s Island Plan, which many groups have endorsed. This property is in the growth boundary, he said, and he feels it should be annexed into the city. Annexation is a public process, and Councilman Murray thinks it should be done.

Mr. Somerville said he agrees that this is within the city’s growth boundary, and the owner has the right to petition for annexation, though Mr. Somerville feels it’s creating a donut hole. The city isn’t annexing the only road that provides access to this property, he said. Councilman McFee said it’s a state road, and it can’t be annexed. “Roads belong to the state, no matter who has the jurisdiction,” he said.

Once this property is annexed, Mr. Martin said, he could also request to be annexed. He is in the county, he said, and his “point of contention” is that Oakwood Drive, which belongs to the county, has “never been fixed in 25 years.” If he requested annexation into the city, he would have to pay city taxes, and the city would provide trash pick-up and sewer, and have to pay for the sewer line to come from Sams Point Road, Mr. Martin said. He’s concerned that what is built on the subject property doesn’t “disturb our tranquil neighborhood.”

Councilman Murray said there is zoning on the parcels now that allows someone to build there. Mr. Martin said he is concerned about the investor, because the property owners want to sell it, and they couldn't do so with the county’s zoning. The neighbors have heard a lot of different things that would go on the property, he said. Also, the lake there has been drained once, and the owners could do it again, Mr. Martin said.

Mr. Powell said he’s concerned about the Sams Point Road frontage. He’s also concerned that this property’s owners haven’t said – like Mr. Patterson did – what they plan to do with the property. These are established neighborhoods in the area, and the residents aren’t requesting to be annexed for many reasons, he said. Mr. Powell feels this request “looks like spot annexation” because it only touches the school property. If the owner were to “expand the school property,” Mr. Powell would support that.

Councilman Murray asked if Mr. Powell would support a single-family neighborhood like that which is along Miller Drive. Mr. Powell said the subject property has been for sale multiple times but it hasn’t sold, so “to make it marketable,” as Mr. Prichard said in the staff report, the owners want to bring the property into the city and offer city services, so “now it maybe will sell.” The established neighbors want to “keep the neighborhood like we want” it, he said, which is how it was when they bought property there. If it could be developed with single-family dwellings, it would have been, Mr. Powell said. He pointed out that the “housing explosion” on Lady’s Island has not happened on the subject property.

Councilman Murray said part of the Northern Regional Plan requires the county to suggest annexation into the city when properties are contiguous to the city. This plan has “been out there for more than a decade,” he said. The 2009 Comprehensive Plan might not help the City of Beaufort to achieve its vision for Lady’s Island today, he said, adding that nothing has been done with the implementation of the Lady’s Island Plan – which is still a “visioning document” – in the past 5 months or to integrate it into regulating documents.

Mr. Powell said until the infrastructure of Lady’s Island, especially the Sams Point corridor going up to Lady’s Island Drive, is “repaired,” it seems like further annexation is putting the cart before the horse.

Mayor Keyserling said unless something is done to control growth on Lady’s Island –

which is “rampant” and has “nothing to do with the city” – they will never “catch up” with putting in infrastructure and improving roads.

Mr. Powell said Lady’s Island residents don’t have the benefits of being in the city currently; the city is annexing a property that won’t benefit the city until it’s developed, and he can’t see how its development would benefit growth on Lady’s Island.

ORDINANCE ZONING (MAP AMENDMENT) FOR PROPERTY LOCATED AT 44 AND 50 MILLER DRIVE

Mayor Keyserling said without knowing they have the zoning, most developers won’t disclose what they are going to do with a property. You can’t annex without a zoning classification, he said. One zoning classification allows “big buildings,” while another allows “more suburban kind of sprawl,” he said, and if they are trying to have a dense, more urban center “for those who choose that lifestyle,” they have Village Center zoning.

Mr. Powell said Village Center is on the opposite side of Sams Point Road. He said Mr. Patterson had “defended his request for annexation” and showed the plans to people who are opposed to them, which Mr. Powell thought was “great.” Yet on *this* annexation, no one is here to defend it, Mr. Powell said, while the people who will be affected by it are here and would like to know why the developers “want it.”

Mayor Keyserling said he’d like to make a motion to table the application in order to “spend some time with the buyer,” so before it’s taken up again, council would have an idea of “what the expectation is.” Councilman Murray said there’s already a motion on the table to approve the ordinance on first reading, and he and Councilman Cromer would have to withdraw their motion and second before Mayor Keyserling could make a motion to table.

Councilman Murray said there would be a second reading and a second public hearing on this application. He’d vote in favor of the annexation now, which the MPC had recommended. For the second reading, the city would invite the property owners and developer to speak, he said.

Mr. Powell said the public learned about the meeting because of signs on the property and word of mouth, while the property owners didn’t have to learn about it that way, yet they didn’t come to this meeting. Councilman Murray said a vote for the annexation tonight would compel the property owners to come to the second reading in two weeks.

Mayor Keyserling said he hasn’t spoken to the property owners, but some council members have spoken to the purchaser, whom he thinks “will be glad to show you what he wants.” The developer has shown his ideas to various council members, Mayor Keyserling said.

Councilman Murray said he has heard about “a bunch of different things” that might go there, so he thinks the T3-S zoning that the MPC recommended is best.

Councilman McFee explained why the trees in the area have been marked.

Mr. Powell asked what the current county zoning is. Councilman Murray said it’s T3-HN, which is primarily single-family residential, plus some other uses. Mr. Prichard read what is allowed in that county zoning. The properties across Miller Drive are zoned Lady’s Island Community Preservation, he said.

Mr. Powell believes the subject property’s owners couldn't get the county to change the zoning, and it’s less difficult to get zoning changed with the city. He said residents are concerned the city’s zoning “won’t match what is already there.”

Councilman McFee said the only way to protect this property from development would be to buy it. He disagrees with Mr. Powell about the ease of changing zoning in the county. Mr. Powell said he’s skeptical that the owners could have gone to the county first. Councilman McFee said when a property is within the growth boundaries, by statute, the county must allow someone who wants to develop it to go to the city to annex and rezone the property. Annexation and rezoning is not always triggered by an owner wanting to build high rises, he said.

Councilman Murray called the question. **The motion to annex the property on first reading passed unanimously.**

Mayor Keyserling made a motion to table the zoning until council could bring in the developer to explain his plans. The motion failed for lack of a second.

Councilman Murray made a motion, “in the spirit of the MPC’s recommendation,” to approve the zoning as T3-S on first reading. Councilman Cromer seconded. The motion passed 4-1, Mayor Keyserling opposed.

ORDINANCE ANNEXING MULTIPLE PARCELS ON MAYFAIR COURT AND WILLIAMS STREET

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. ^[11]_{SEP} The motion passed unanimously.

ORDINANCE ZONING PARCELS AT 11 WILLIAMS STREET AND 13, 17, AND 19 MAYFAIR COURT

Councilwoman Sutton said the residences were in one zone, so this would be “split zoning.” Mr. Prichard said he wrote the ordinance for the zoning that the applicant had requested, and the “MPC just made a recommendation” for T3-N. The zoning council would vote on would be for T3-UC, he said.

Councilman McFee made a motion to amend the ordinance's zoning on first reading from staff's recommendation to T3-N, per the MPC's recommendation. Councilman Murray seconded the motion.

Mr. Somerville said he appreciates the MPC's recommendation. His concern is that Mr. Patterson and his family are well-respected, but so were the owners of the property where Walmart is now, for example. When such properties change hands, the new owners are able to build what they like by-right. Once the zoning is changed, council and the City of Beaufort no longer have a say in what's built there, Mr. Somerville said. Councilman Murray said any project there would go to the Design Review Board, and it might also go to the MPC, depending on its scope.

Councilman McFee told Mr. Somerville that in T3-N zoning, a 5-story hotel couldn't be built on this property.

Mr. Somerville said he wants to see the Lady's Island Plan implemented. **The motion passed unanimously.**

APPROVAL FOR UTILIZATION OF TIF FUNDS FOR FACILITY IMPROVEMENTS [L] [SEP]

Councilman Murray made a motion, second by Councilman Cromer, to table approval of the utilization of TIF funds for facility improvements. The motion passed unanimously.

RESOLUTION IN SUPPORT OF ESTABLISHING A SINGLE AUTHORIZED RUN ROUTE IN THE CITY [L] [SEP]

Councilman McFee made a motion, second by Councilman Cromer, to approve the resolution. Councilman Murray feels there should be more routes, not fewer, and he read a letter from **Joe MacDermant, a copy of which is attached to the minutes of the purpose of entering it into the record,** in opposition to a single run route.

Mr. Somerville said as a Lady's Island resident, he's concerned because there are only two bridges to/from the island, and he might need an ambulance when a 5K is taking place on one of them. He thinks runs should be in areas where they won't cause any traffic congestion.

Councilwoman Sutton asked Ms. Roper if the police chief hadn't stated that he recommended having only one route for runs. Ms. Roper said yes. Mr. Prokop said others, including the county sheriff's office and the state police, also support one route.

The motion passed 4-1, Councilman Murray opposed.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH BEAUFORT COUNTY FOR THE PURPOSES OF COST-SHARING FOR CONTRACTING CONSULTING SERVICES TO DEVELOP A REGIONAL AFFORDABLE

HOUSING TRUST FUND ^[1]_{SEP}

Councilman Cromer made a motion, second by Councilman McFee, to approve the resolution. Councilman Murray said he thinks that “as part of a regional, team effort,” it’s “worth spending \$5,000 to explore the option further,” but he’d also like the city to advocate for the use of “other tools that are recommended” in the “Housing Needs Assessment” report from Bowen’s study.

RESOLUTION TO ENCOURAGE AND SUPPORT AMENDING THE SC CODE OF LAWS, TITLE 56, MOTOR VEHICLES, CHAPTER 5, UNIFORM ACT ON REGULATING TRAFFIC ON HIGHWAYS BY ADDING PROVISIONS DEFINING AND PROHIBITING DISTRACTED DRIVING

Councilman Murray made a motion, second by Councilman McFee, to approve the resolution. Councilwoman Sutton said the resolution includes prohibiting texting, talking on the phone, eating, and drinking. She believes it originated to keep teenagers from texting while driving but has expanded. She said a driver talking to someone else in the car can’t be against the law. Councilwoman Sutton is curious about how many cities have passed this resolution, whether there is an age restriction (i.e., so it applies to young people), and how it could be enforced. If the law were passed, and she drove a few blocks while eating a sandwich in the car, she could get a ticket, she said.

Mr. Prokop said it’s “a model ordinance” that has been passed in Bluffton and, he believes, in Hilton Head. Among other things, “distracted driving” would include driving while talking or texting on a cell phone, eating or drinking, he said. Councilman Cromer said it would prohibit changing the radio station.

Councilman Murray said it's a resolution in support of a state ordinance change. There would be “many more bites of the apple” before the general assembly votes on it. **The motion failed 3-2, Mayor Keyserling and Councilman Murray in favor.**

REQUEST TO RELEASE COMMITTED FUND BALANCE FOR THE ARSENAL WINDOW AND BATHROOM PROJECT ^[1]_{SEP}

Councilman McFee made a motion, second by Councilman Murray, to approve the request. The initial project budget was \$371,313. A grant was obtained for \$100,000, the city provided \$121,313, and through the FY2020 budget process, city council approved the use of \$150,000 in state accommodations tax funds for the windows and bathroom project.

Mr. Prokop said the initial bids in January 2019 were rejected because one that was received totaled \$576,988. Because the cost was so high for both projects, the window and bathroom components were done separately for the June 2019 bid solicitation, in the hope of getting “better pricing from two contractors,” he said.

Of the two bids received for the windows and one received for the bathroom, the combined total from the lowest responsible bidder was \$468,394, so all proposals were

rejected, since the total construction costs were higher than the budget. The same contractors proposed again on the third bid solicitation, with total construction costs of \$455,657, Mr. Prokop said; the total shortfall, including contingency funds for each project, is \$120,000. This request is to move \$120,000 from committed fund balance for capital projects into the Capital Projects fund for use on The Arsenal project, he said. **The motion passed unanimously.**

APPROVAL OF THE CITY MANAGER EXECUTING THE CONTRACT FOR THE ARSENAL WINDOWS PROJECT [L] [SEP]

Councilman Murray made a motion, second by Councilman McFee, to approve the city manager executing the contract. The motion passed unanimously.

APPROVAL OF THE CITY MANAGER EXECUTING THE CONTRACT FOR THE ARSENAL BATHROOM PROJECT [L] [SEP]

Councilman Cromer made a motion, second by Councilman McFee, to approve the city manager executing the contract. The motion passed unanimously.

ORDINANCE AMENDING SECTION 11.6.1.B.2, MINOR ALTERATIONS TO NON-CONFORMING SIGN

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on first reading. Mr. Prichard read the current ordinance and the additional language that the city proposes to add to it. **The motion passed 4-1, Councilman Murray opposed.**

ORDINANCE ANNEXING PROPERTY LOCATED AT 302 PARKER DRIVE

Councilman Cromer made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

ORDINANCE ZONING (MAP AMENDMENT) FOR 302 PARKER DRIVE

Councilman Cromer made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

ORDINANCE ANNEXING PROPERTY LOCATED AT 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

[L] [SEP]

ORDINANCE ZONING (MAP AMENDMENT) FOR PROPERTY LOCATED AT 35 AND 43 PARRIS ISLAND GATEWAY AND 41 AND 46 BROAD RIVER BOULEVARD

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE REZONING (MAP AMENDMENT) FOR R120 026 000 146A 0000
NEIGHBORING 2811 BOUNDARY STREET**

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.

**ORDINANCE APPROVING THE ACQUISITION OF 13.91 ACRES OF PROPERTY LOCATED IN
COMMERCE PARK FOR THE PURPOSES OF CONTINUED IMPROVEMENT AND
EXPANSION IN COMMERCE PARK**

Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously. Mr. Prokop said the Gray family currently owns 27 acres in Commerce Park; the city has agreed to purchase approximately half of those acres for \$417,000, and the family will donate the rest for \$1. Additionally, he said, “thanks to the work of **John O’Toole**,” executive director of the Beaufort County Economic Development Corporation (EDC), and others, the EDC “is going to pay the city for 50% of the purchase” price: \$208,000.

In sum, Mr. Prokop said, the city will get 27 acres of property located in the center of Commerce Park for \$208,000. It is county land and will be annexed into the city. Shortly, Commerce Park “will be the only property . . . [with] available space in Beaufort County for large commercial buildings,” which will hopefully bring in more large employers, so this is “an important step for our future,” Mr. Prokop said.

There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 11:06 p.m.