



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
May 22, 2018

**NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE,
PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL
INFORMATION**

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."

REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM

I. CALL TO ORDER

A. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mike McFee, Mayor Pro Tem

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Character Education Proclamation - Savanna McLeod, Beaufort Middle School

IV. PUBLIC COMMENT

V. PUBLIC HEARING

- A. Ordinance Rezoning a Parcel of Property Located at 242 Robert Smalls Parkway on Port Royal Island, from C5 to T5-UC/RMX
- B. Ordinance Zoning Three Parcels of Property on Port Royal Island Light Industrial District and One Parcel of Property T5-UC/RMX

VI. MINUTES

VII. OLD BUSINESS

- A. Ordinance Annexing a Parcel of Property Located at 2 Harborview Circle - 2nd Reading
- B. Ordinance Zoning a Parcel of Property Located at 2 Harborview Circle T4-Neighborhood - 2nd Reading
- C. Ordinance approving the sale of surplus City property and authorizing the City Manager to execute documents to transfer - 2nd Reading

VIII. NEW BUSINESS

- A. Street Closure request from the Beaufort County Black Chamber of Commerce for

Grand Opening event on Friday, August 24, 2018

- B. Appeal from Decision of Park & Tree Advisory Commission
- C. Appeal of Short Term Rental Application Fee
- D. Ordinance Annexing a Parcel of Property Located at 242 Robert Smalls Parkway - 1st Reading
- E. Ordinance Zoning a Parcel of Property Located at 242 Robert Smalls Parkway T5-UC/RMX - 1st Reading
- F. Ordinance Annexing Four Parcels of Property - 1st Reading
- G. Ordinance Zoning Four Parcels of Property Located on Port Royal Island - 1st Reading
- H. Notice of Settlement - Grainger vs. Adams Outdoor

IX. REPORTS

- City Manager's Report
- Mayor Report
- Reports by Council Members

X. ADJOURN



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/18/2018
FROM:
AGENDA ITEM
TITLE: Character Education Proclamation - Savanna McLeod, Beaufort Middle School
MEETING
DATE: 5/22/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/14/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning a Parcel of Property Located at 242 Robert Smalls Parkway on Port Royal Island, from C5 to T5-UC/RMX
MEETING DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an application to zone a 1.6-acre parcel of property located at 242 Robert Smalls Parkway on Port Royal Island. The property is identified as R100 029 000 108H 0000. The existing zoning is Regional Mixed-Use Center (C5). The proposed zoning is T5-Urban Corridor/Regional Mixed-Use. This is a rezoning request as a result of a petition for annexation. A staff report on the proposed rezoning is attached. This rezoning request will be considered by the Beaufort--Port Royal Metropolitan Planning Commission at their May 21 meeting. A public hearing on the proposed rezoning is scheduled for the May 22 City Council meeting. This hearing was advertised in the May 7 edition of *The Beaufort Gazette*.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|---|------------|-------------|
| public hearing staff report 242 Robert Smalls | Cover Memo | 5/15/2018 |

CITY OF BEAUFORT
REZONING ANALYSIS AX18-03
PUBLIC HEARING DATE: MAY 22, 2018

Applicant

The applicant is Double J Enterprises, LLC, the property owner. This is a rezoning request as a result of a petition for annexation.

Site

The property is a 1.6-acre lot located at 242 Robert Smalls Parkway on Port Royal Island. The property is located on the north side of the road, just east of the intersection of Robert Smalls Parkway and Old Jericho Road (see attached Site Location Map). The property is identified as R100 029 000 108H 0000. A car dealership is located on the lot.

Annexation Issues

The property is contiguous to the existing city limits. All municipal services will be available to the property upon annexation.

Present Zoning

The property is zoned “Regional Mixed-Use Center” (C5) under the County’s Community Development Code. The C5 zone is the highest intensity commercial zoning district in the County code. The C5 zone permits a full range of retail, service and office uses. The Zone’s intensity accommodates regional and community commercial and business activities. Uses include large commercial activities that serve the entire County and highway-oriented businesses that must be located on major highways. The C5 district allows multifamily dwellings, all types of commercial and office uses, restaurants with drive-thru facilities, and vehicle sales and service.

Proposed Zoning

The proposed zoning of the property is “T5-Urban Corridor/Regional Mixed-Use” (T5-UC/RMX). These are high intensity mixed-use zones. The T5-UC district has design standards intended to foster a walkable urban environment. These districts permit rowhouses, multifamily dwellings, all types of commercial and office uses, restaurants with drive-thru facilities, and vehicle sales and service.

Consistency with Comprehensive Plan

The Framework Plan in the City’s Comprehensive Land Use Plan designates the area as “Corridor Mixed Use (G-3).” According to the comprehensive plan, “The G-3 sector . . . is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development . . .” Appropriate land uses in the G-3 sector include: residential development, neighborhood-serving commercial uses (retail and office), civic uses, and neighborhood centers, regional centers, and industrial districts. The proposed rezoning appears to be consistent with the Framework Map in the Comprehensive Plan.

Consistency with Civic Master Plan and Development Code

T5-UC/RMX zoning is consistent with the recommendations in the Civic Master Plan and the Beaufort Development Code.

Land Use Compatibility

The Robert Smalls Parkway Corridor contains a mix of commercial and retail uses including car dealerships, a home improvement store, and restaurants with drive-thru facilities.

Suitability of Property for Uses Permitted in Current Zoning District

The property is proposed for annexation, so a City zoning designation is required.

Suitability of Property for Uses Permitted in Proposed Zoning District

The property appears to be suited to continued commercial development.

Compatibility of Uses Permitted in Proposed Zoning District with Natural Features

The property is already developed. Some trees may be impacted by redevelopment of the property.

Marketability of Property for Uses Permitted by Current Zoning District

The property is proposed for annexation, so a City zoning designation is required.

Availability of Infrastructure

Water and sewer is available in the Robert Smalls Parkway Corridor.

Public Notification

Letters were sent to owners of all property within 400' of the property being rezoned on May 4. The property was posted on May 7. The public hearing notice referencing this application appeared in the May 7 edition of *The Beaufort Gazette*. To date, no public comments have been received on this application.

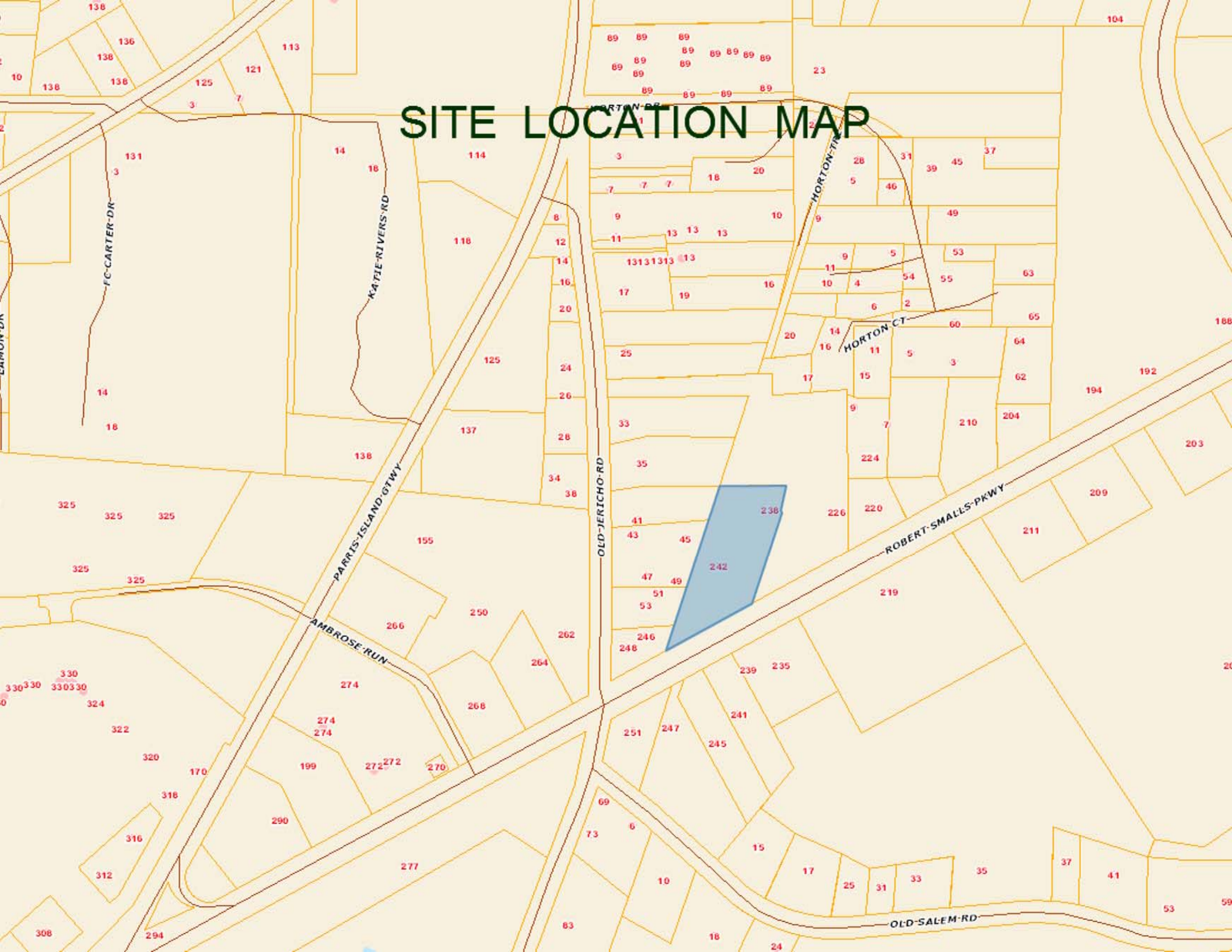
Staff Recommendation

Staff recommends approval.

Planning Commission Recommendation

The Beaufort--Port Royal Metropolitan Planning Commission will consider this rezoning request at their May 21 meeting.

SITE LOCATION MAP





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/15/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Zoning Three Parcels of Property on Port Royal Island Light Industrial District and One Parcel of Property T5-UC/RMX
MEETING DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an application to zone four parcels of property on Port Royal Island. Three parcels are proposed to be zoned Light Industrial District. One parcel is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX). This is a rezoning request as a result of a petition for annexation. A staff report on the proposed rezoning is attached. This rezoning request will be considered by the Beaufort--Port Royal Metropolitan Planning Commission at their May 21 meeting. A public hearing on the proposed rezoning is scheduled for the May 22 City Council meeting. This hearing was advertised in the May 7 edition of *The Beaufort Gazette*.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|---------------------------------------|------------|-------------|
| staff report public hearing 4 parcels | Cover Memo | 5/15/2018 |

CITY OF BEAUFORT
REZONING ANALYSIS AX18-02
PUBLIC HEARING DATE: MAY 22, 2018

Site

The application involves four parcels of property owned by three separate owners:

- 20 Eleanore Fine Road. R100 025 000 0215 0000. A warehouse building is located on the lot.
- 20 Eleanore Fine Road. R100 025 000 0216 0000. This property is currently vacant.
- 101 Schein Loop. R100 024 000 0405 0000. Oliver's Bushhogging is located on the lot.
- 95 Burton Hill Road. R100 029 000 092C 0000. Ray's Collison Center is located on the lot.

Site location maps are attached.

Annexation Issues

The property is contiguous to the existing city limits. All municipal services will be available to the property upon annexation.

Present Zoning

The two Eleanore Fine Road lots are zoned Industrial Zone under the Beaufort County Development Code. The lots are located in the Air Installation Compatibility Use Zone (AICUZ), in Accident Potential Zone 1 and Noise Zone 3.

101 Schein Loop is zoned Industrial Zone.

95 Burton Hill Road is zoned Regional Mixed-Use Center (C5).

Proposed Zoning

The two Eleanore Fine Road lots are proposed to be zoned Light Industrial District under the Beaufort Code.

101 Schein Loop is proposed to be zoned Light Industrial District.

95 Burton Hill Road is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX).

The proposed zoning classifications are the districts in the City code that are most comparable to the zoning districts under the County Community Development Code.

Consistency with Comprehensive Plan

The two Eleanore Fine Road parcels are designated "O2. Rural Lands/Conservation" in the Framework Plan in the City's Comprehensive Land Use Plan.

101 Schein Loop is designated "SD. Industrial/Employment Center."

95 Burton Hill Road is designated as “Corridor Mixed Use (G-3).”

Land Use Compatibility

The proposed zoning designations are compatible with existing uses in the surrounding area.

Suitability of Property for Uses Permitted in Current Zoning District

The properties are proposed for annexation, so City zoning designations are required.

Suitability of Property for Uses Permitted in Proposed Zoning District

No change in land use is expected as a result of the proposed annexation and rezoning.

Compatibility of Uses Permitted in Proposed Zoning District with Natural Features

No change in land use is expected as a result of the proposed annexation and rezoning.

Marketability of Property for Uses Permitted by Current Zoning District

The property is proposed for annexation, so a City zoning designation is required.

Availability of Infrastructure

No change in land use is expected as a result of the proposed annexation and rezoning.

Public Notification

Letters were sent to owners of all property within 400' of the property being rezoned on May 4. The property was posted on May 7. The public hearing notice referencing this application appeared in the May 7 edition of *The Beaufort Gazette*. To date, no public comments have been received on this application.

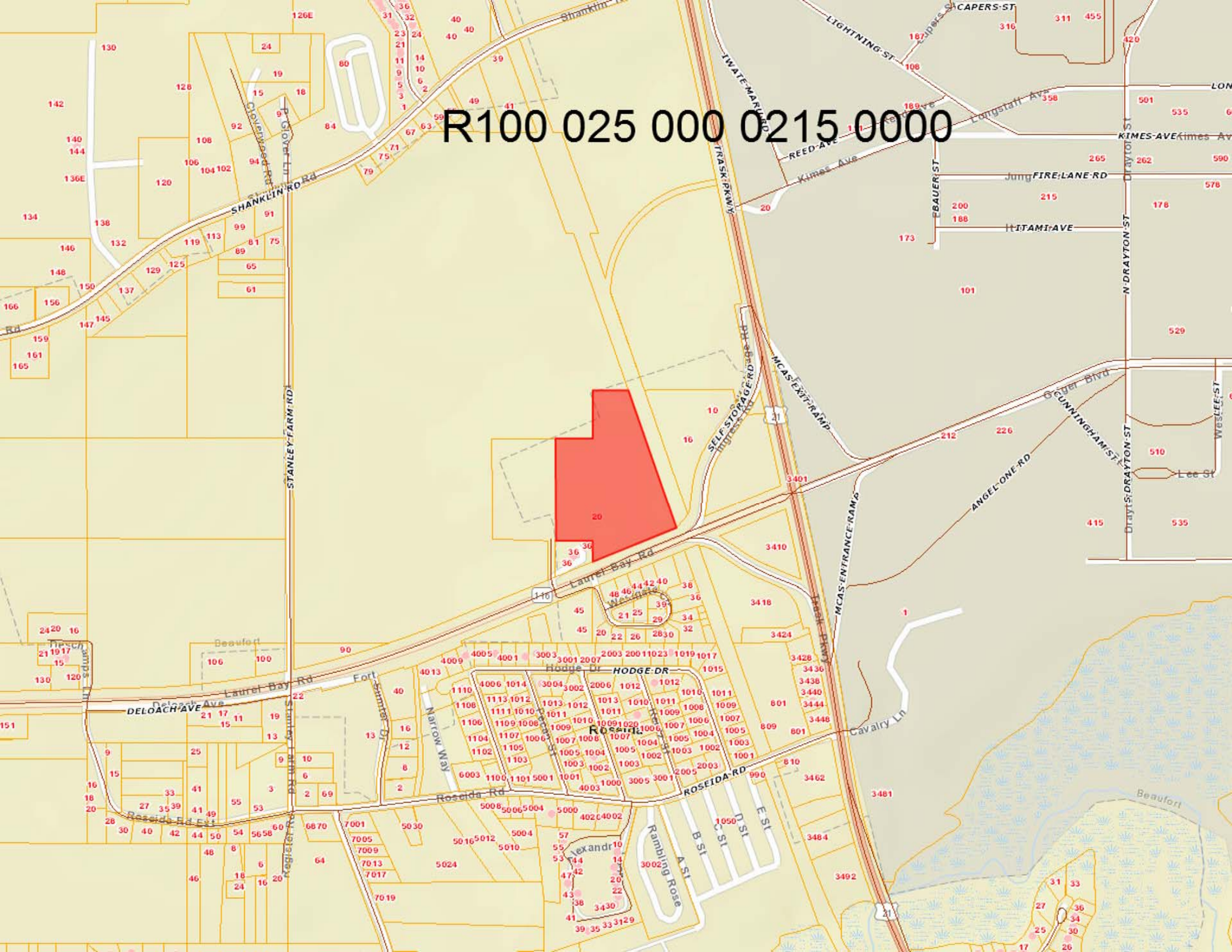
Staff Recommendation

Staff recommends approval.

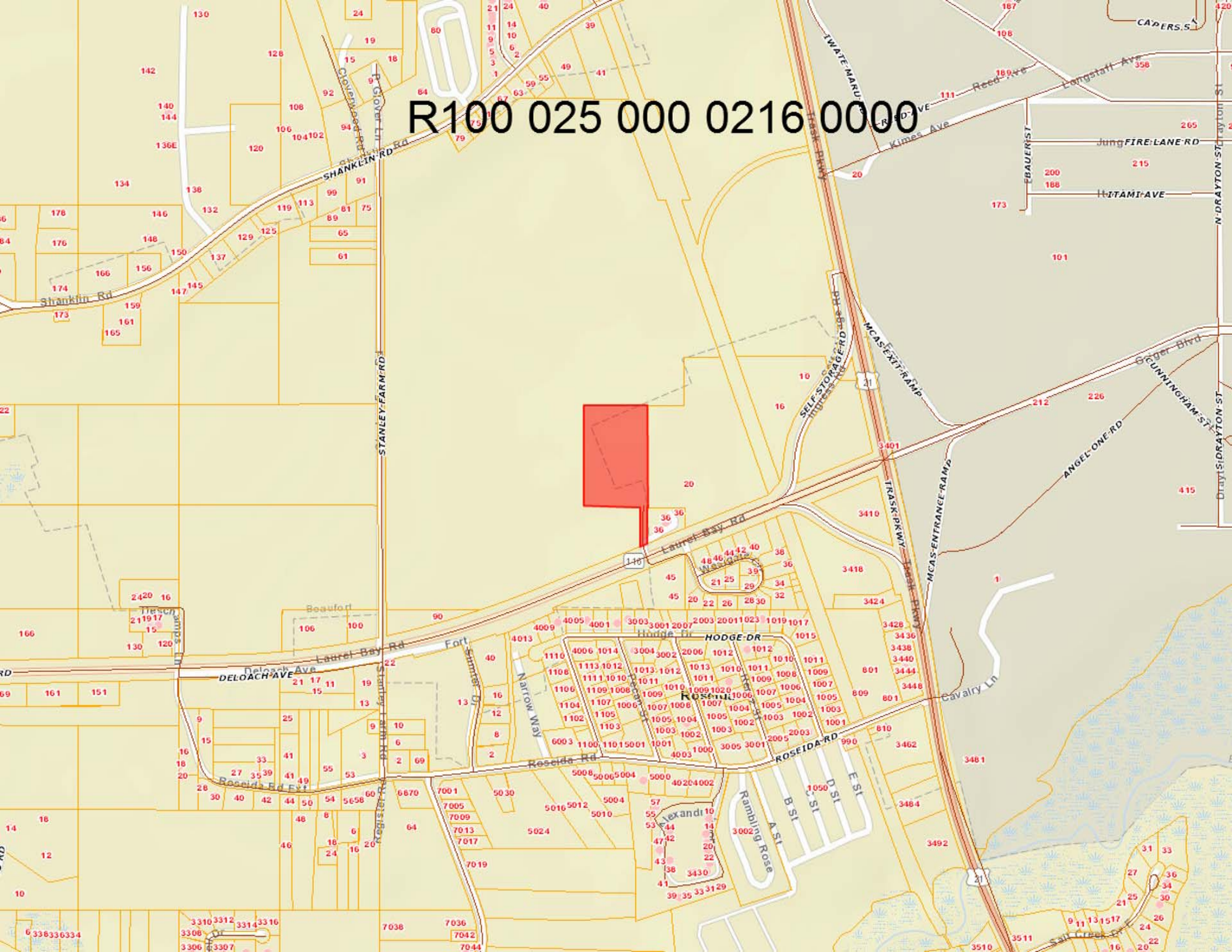
Planning Commission Recommendation

The Beaufort--Port Royal Metropolitan Planning Commission will consider this rezoning request at their May 21 meeting.

R100 025 000 0215 0000

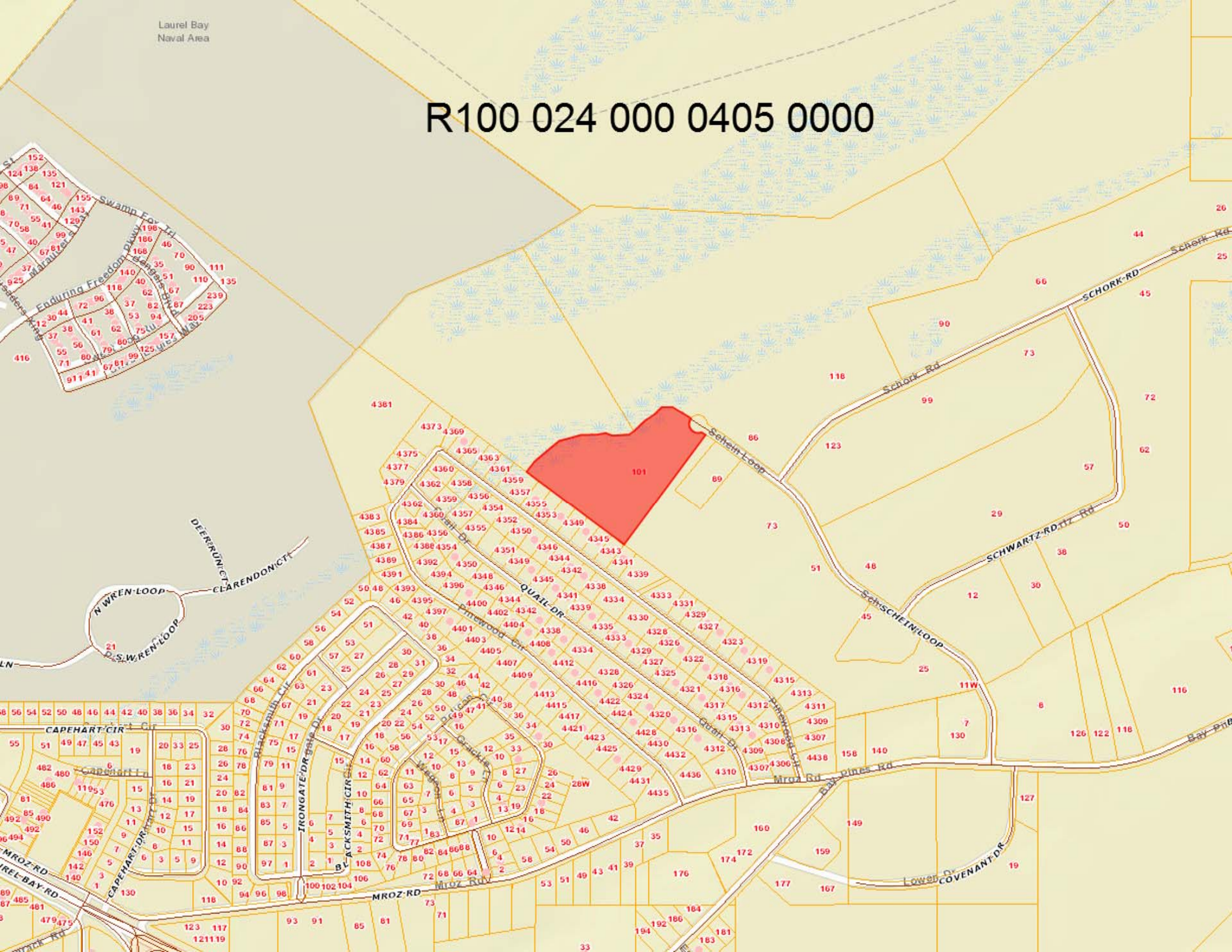


R100 025 000 0216 0000

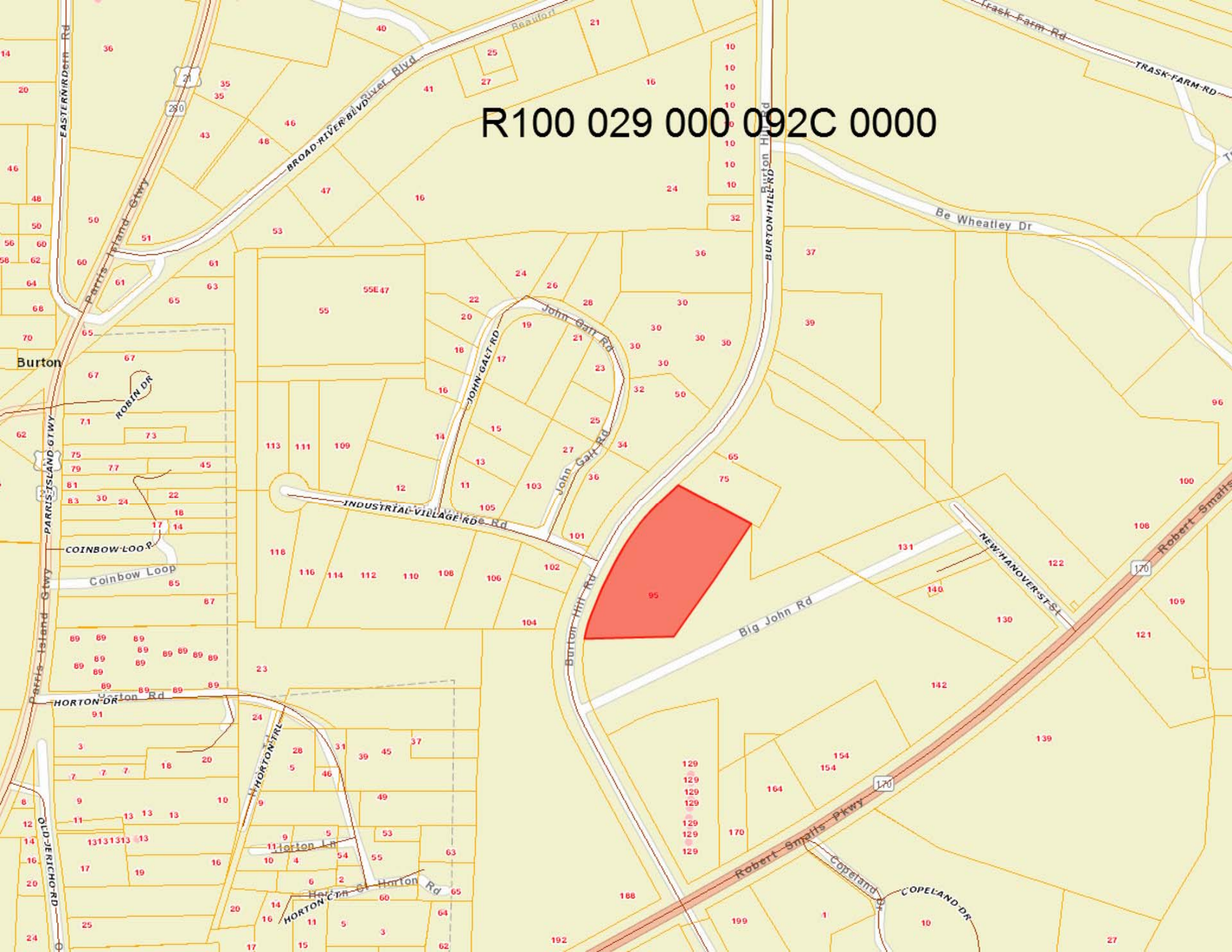


Laurel Bay
Naval Area

R100 024 000 0405 0000



R100 029 000 092C 0000





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/10/2018
FROM: Libby Anderson
AGENDA ITEM Ordinance Annexing a Parcel of Property Located at 2 Harborview Circle - 2nd
TITLE: Reading
MEETING 5/22/2018
DATE:
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for a parcel of property located at 2 Harborview Circle on Lady's Island. The property is identified as R200 014 000 0031 0000. An ordinance annexing the property was given first reading at the May 8 City Council meeting. The ordinance annexing the property (attached) is ready for second and final reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|---------------------------------|------------|-------------|
| annexation ordinance Harborview | Cover Memo | 5/10/2018 |

ORDINANCE

ANNEXING AN AREA INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition dated March 12, 2018 for a parcel of property located at 2 Harborview Circle on Lady's Island has been presented to the City Council; and

WHEREAS, the property to be annexed is identified as R200 014 000 0031 0000; and

WHEREAS, the property to be annexed is highlighted on the attached map; and

WHEREAS, the property (owners) requesting annexation is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to Section 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the petition contains a description of the parcels of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcel, or tract of land, together with improvements thereon, situate, lying, and being on Lady's Island, in Beaufort County, South Carolina, located at 2 Harborview Circle, having and containing 0.5 acres, identified as R200 015 000 0132 0000.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
WILLIAM B. HARVEY, III, CITY ATTORNEY

SITE LOCATION MAP





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/10/2018
FROM: Libby Anderson
AGENDA ITEM Ordinance Zoning a Parcel of Property Located at 2 Harborview Circle T4-
TITLE: Neighborhood - 2nd Reading
MEETING 5/22/2018
DATE:
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for a parcel of property located at 2 Harborview Circle on Lady's Island, identified as R200 014 000 0031 0000. The property is zoned T3 Edge under the County's Community Development Code. The property is proposed to be zoned T4-Neighborhood (T4-N) under the Beaufort Code. The Beaufort--Port Royal Metropolitan Planning Commission considered this zoning request at their meeting on April 16. A public hearing on the proposed rezoning was held at the April 24 City Council meeting. First reading of an ordinance zoning the property was held at the May 8 Council meeting. The ordinance zoning this property (attached) is ready for second and final reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------|------------|-------------|
| zoning ordinance Harborview | Cover Memo | 5/10/2018 |

ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEAUFORT BY ZONING A PARCEL OF PROPERTY LOCATED AT 2 HARBORVIEW CIRCLE T4-NEIGHBORHOOD

WHEREAS, a petition was submitted to the City Council dated March 12, 2018 for annexation of a parcel of property located at 2 Harborview Circle on Lady's Island, identified as R200 014 000 0031 0000; and

WHEREAS, pursuant to Section 2.2.2 of *The Beaufort Code*, an amendment to the "City of Beaufort Zoning District Map" is required to effect zoning classifications for the property; and

WHEREAS, the Beaufort–Port Royal Metropolitan Planning Commission reviewed the proposed zoning of the property and the Commission recommended approval of the proposed zoning; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding zoning of this property on Tuesday, April 24, with notice of the hearing published in *The Beaufort Gazette* on Monday, April 9, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* as amended, that a 0.5 acre parcel of property, together with improvements thereon, and being on Lady's Island, in Beaufort County, South Carolina, located at 2 Harborview Circle on Lady's Island, having and identified as District 123 (formerly 200), Tax Map 14, Parcel 31, shall be zoned "T4-Neighborhood" at the time of second and final reading of the annexation ordinance, and that the "City of Beaufort Zoning District Map" shall be amended to reflect the same.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
WILLIAM B. HARVEY, III, CITY ATTORNEY

SITE LOCATION MAP





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/14/2018
FROM: William Prokop, City Manager
AGENDA ITEM TITLE: Ordinance approving the sale of surplus City property and authorizing the City Manager to execute documents to transfer - 2nd Reading
MEETING DATE: 5/22/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

1st Reading of this ordinance was on 5/8/2018.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-------------|-----------------|-------------|
| Ordinance | Backup Material | 5/14/2018 |

ORDINANCE

Authorizing the City Manager to Enter Into Contract for Sale for City Property in Commerce Park

WHEREAS the City owns property in the Commerce Park located in the City limits; and,

WHEREAS, the City has been approached by Clean Burn, LLC, proposing to enter into a Lease/Purchase agreement for 16 acres located at 48 Schein Loop shown as tax map number R 120 024 000 0408 0000 on the plat of Andrews Engineering attached hereto; and,

WHEREAS, the purchase option price shall be \$20,000 per, or \$320,000, less job creation and other economic development incentives of \$20,000, for a total purchase option price of \$3000,000; and,

WHEREAS, the lease shall be for 15 years, at a monthly lease price that is the amortized amount of the purchase price, plus annual interest of 4%; and,

WHEREAS, on November 1, 2017, Beaufort City Council adopted the “Economic Development Incentives for Commerce Park” attached hereto; and,

WHEREAS, the City and Clean Burn, LLC have agreed to enter into the Lease/Purchase agreement attached hereto, upon approval by Council; and,

WHEREAS, this transaction has been reviewed with the County Economic Development Office, which has approved this economic development project; and,

WHEREAS, this is the type of industry, job creation, and economic development for which Commerce Park was purchased and developed by the City; and,

WHEREAS, City Council finds that it is in the best interest of the City, and its citizens, to enter into contractual arrangement for the lease/purchase of this property; and,

WHEREAS, Section 1-3021 of the City Ordinances requires an Ordinance for the sale or lease of lands of the City;

NOW THEREFORE, be it ordained by the City Council of the City of Beaufort, in chambers duly assembled, and by the authority of the same, that the City Manager shall be authorized to enter into a Lease/Purchase contractual arrangement with Clean Burn, LLC, as follows:

To Lease/Purchase the 16 acre parcel of land in Commerce Park at the corner of Schein Loop and Schwartz Road, 46 Schein Loop, shown on the plat attached hereto, to Clean Burn, LLC for a 15 year lease, at a purchase option price of \$20,000 per acre, less job creation and other economic development incentives as set forth above of \$20,000, for a final purchase option price of \$300,000, amortized for 15 years at 4% APR.

This Ordinance shall be effective upon adoption.

BILLY KEYSERLING, MAYOR
ATTEST:

IVETTE BURGESS, CITY CLERK

1ST Reading _____

2nd Reading & Adoption _____

Reviewed by

A handwritten signature in blue ink, appearing to read "William B. Harvey, III".

William B. Harvey, III, City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/14/2018
FROM:
AGENDA ITEM Street Closure request from the Beaufort County Black Chamber of Commerce for
TITLE: Grand Opening event on Friday, August 24, 2018
MEETING
DATE: 5/22/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|----------------|-----------------|-------------|
| Request Letter | Backup Material | 5/14/2018 |
| Request Letter | Backup Material | 5/14/2018 |



801 Bladen Street • P O Box 754 • Beaufort, South Carolina 29901
(843) 986-1102 • Fax (843) 737-9882 • www.bcbcc.org

April 25, 2018

Ivette Burgess
HR Director/City Clerk
1911 Boundary Street
Beaufort, SC 29902

RE: Road Closure – August 24, 2018

Dear Ms. Burgess:

On Friday, August 24, 2018, the Beaufort County Black Chamber of Commerce will have a Grand Opening of their new building located at 711 Bladen Street in the city of Beaufort. Therefore, please accept this letter as a formal request for a partial closure of Bladen Street (S-483 from Duke Street (S-54) to Prince Street (S-110) on Friday, August 24, 2018 from 8:30 a.m. until 2:00 p.m.

It is my understanding that you will place our request on the agenda for the City of Beaufort Council Agenda for their consideration and approval. You will also request approval from the state.

If you require additional information, please feel free to contact our office. Thank you for your assistance.

Sincerely,

Larry Holman, President/CEO

"WORKING TOGETHER, WE CAN MAKE A DIFFERENCE"



801 Bladen Street • P O Box 754 • Beaufort, South Carolina 29901
(843) 986-1102 • Fax (843) 737-9882 • www.bcbcc.org

April 25, 2018

Ivette Burgess
HR Director/City Clerk
1911 Boundary Street
Beaufort, SC 29902

RE: Road Closure – August 24, 2018

Dear Ms. Burgess:

On Friday, August 24, 2018, the Beaufort County Black Chamber of Commerce will have a Grand Opening of their new building located at 711 Bladen Street in the city of Beaufort. Therefore, please accept this letter as a formal request for a partial closure of Bladen Street (S-483 from Duke Street (S-54) to Prince Street (S-110) on Friday, August 24, 2018 from 8:30 a.m. until 2:00 p.m.

It is my understanding that you will place our request on the agenda for the City of Beaufort Council Agenda for their consideration and approval. You will also request approval from the state.

If you require additional information, please feel free to contact our office. Thank you for your assistance.

Sincerely,

Larry Holman, President/CEO

"WORKING TOGETHER, WE CAN MAKE A DIFFERENCE"



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/3/2018
FROM: Libby Anderson
AGENDA ITEM
TITLE: Appeal from Decision of Park & Tree Advisory Commission
MEETING
DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

Action Tree Service is appealing the decision of the Park & Tree Advisory Commission (PTAC) to assess a \$1,000 mitigation fee for removal of a 20" Live Oak. The attached memo provides background on the issue.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|--------------------------|------------|-------------|
| staff report PTAC appeal | Cover Memo | 5/3/2018 |

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Bill Prokop, City Manager

FROM: Libby Anderson, Planning Director

DATE: May 3, 2018

SUBJECT: Appeal from Decision of PTAC

=====

An appeal from a decision of staff regarding a tree removal application is made to the Park & Tree Advisory Commission (PTAC) (Section 3-3007 of the PTAC ordinance attached). PTAC decisions are appealed to City Council (Section 3-3008).

A permit is required to remove a Specimen or Landmark Tree on a single-family residential lot. A 20” Live Oak is a Specimen tree (see attached excerpts from The Beaufort Code). Action Tree is appealing the decision of PTAC to assess a \$1,000 “mitigation fee” for the removal of a 20” Live Oak at 412 Joshua Court without a permit.

Timeline

The facts and timeline for the case are outlined below:

- Application for removal of 20” live oak (attached) was accepted on 1-16-18.
- Brian Franklin conducted a site visit and denied the request on 1-19-18. Brian left a voice message on David Tedford’s cell and on Action Tree’s main line.
- Action Tree proceeded with removal work on 1-19-18. Photos of the tree are attached.
- Brian received a call from Mrs. Giles from Action Tree, stating that Action Tree had begun the removal work but had stopped work. They apologized and told Brian they were having personnel issues. 1-19-18
- Brian asked Action Tree to have their certified arborist review the tree and make a determination on its health (see attached letter dated 1-23-18).
- Brian then consulted with me. I recommended that Brian take this before PTAC. Brian emailed Action Tree on 2-6-18 and let them know this issue would be on the February PTAC agenda.
- PTAC met on 2-22-18 and had a discussion about the tree. A decision on the issue was tabled until the March meeting so that Amanda Flake, the board’s certified arborist, could inspect the tree. Mrs. Thompson, the property owner, was in attendance; no one from Action Tree attended the meeting. The minutes of the February PTAC meeting are attached.
- Brian visited the site with Amanda on 3-20-18 and Amanda drafted her comments to PTAC (attached).
- PTAC met on 3-22-18 and read Amanda’s letter into the minutes. The Board then made a motion to “remove the portion of the tree that has been “heavily trimmed,” leaving the other trunk, and either to fine Action Tree Service or to require it to mitigate for removing the trunk without permission.” The motion was voted on and passed. Mrs. Thompson, the property owner, was in attendance, but no one from Action Tree. The minutes of the March PTAC meeting are attached.
- Brian emailed Action Tree a follow-up letter on 3-27-18 (attached). Brian followed up with Action Tree via email on 4-24-18.
- Action Tree emailed Brian on 4-27-18 requesting to appeal PTAC’s decision to Council.

CHAPTER 3. - PARK AND TREE ADVISORY COMMISSION

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 park and tree advisory commission for the city, which shall consist of five (5) members who are either residents of the city, own property within the city, or either hold, or are associated with a business that holds a current city business license. Members shall be appointed by the city council. The park and tree advisory commission shall include one certified arborist, two (2) design professionals and two (2) citizen representatives.

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

Sec. 3-3003. - Terms.

All terms shall be for three (3) years. 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 begin a three-year term from date of initial appointment.

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

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 develop and periodically update, an urban forestry management plan which supplements and corresponds to the recommendations of the civic master plan for the city. The management plan shall define the species of trees to be utilized as street and park trees and specify horticultural requirements for the planting, maintenance and preservation of public trees. Further, the commission shall study, investigate and make recommendations to council regarding park design, acquisition and/or de-acquisition

of city parks and open spaces, the planting of utility corridors, the design and maintenance of city playgrounds and recreation areas, the establishment of agricultural and public gardens in city parks and the creation and management of city trails and trail linkages. The commission shall also provide guidelines for the establishment of a city tree fund and make recommendations to city council for the prioritized allocation of monies.

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

Sec. 3-3006. - Operation.

The commission shall elect a chairperson and a vice-chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The commission shall make its own rules and regulations and keep minutes of its proceedings. A majority of the seated members shall constitute a quorum for the transaction of business. All meetings of the commission shall be open to the public.

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

Sec. 3-3007. - Accessory duties.

The commission shall be responsible for the planning and procurements necessary for the annual Arbor Day celebration, the retrieval of required data for recertification as a Tree City USA by the Arbor Day Foundation from city public works, parks and planning departments, provision of park names for city council consideration in the naming/renaming of parks, and shall review appeals of any ruling by the city arborist in regards to denial of tree removal applications on private property. Further, the commission may notify private property owners, in writing, of any tree(s) on their property which pose a potential hazard to the public right-of-way.

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

Sec. 3-3008. - Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the park 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.

5.4: TREE REMOVAL

5.4.1 PERMIT REQUIRED

- A. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:
1. **Permit Required for Removal:** A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2. An exception is granted in single family and 2- and 3- family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.
 2. **Permit Required for Pruning:** A permit shall be required for the pruning of any tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the guidance of, a certified arborist.
 3. **Trees Designated for Retention:** A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.
- B. **Criteria for Reviewing Applications for Tree Removal:** The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:
1. **Health:** Whether or not the tree is in good health, according to a certified arborist report or staff evaluation
 2. **Development Potential:** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations
 3. **Access:** Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic
 4. **Structural Interference:** Whether or not the tree presents a hazard to buildings, structures, or utility lines
 5. **Cost:** Whether or not there are cost-effective alternatives to tree removal
- C. **Tree Removal in Conjunction with Development:** If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1.C). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.
1. **Buffer Areas:** Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.
 2. In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.

5.4.2 EXCEPTIONS

- A. **Infrastructure:** Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has executed an agreement with the city that

- B. **Approach to Meeting Requirements:** This tree coverage requirement may be met through the retention of existing trees, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the tree canopy coverage requirement, as set forth above, must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required. If it is not possible to plant overstory trees, two understory trees may count as one overstory tree.
- C. **Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.

5.3.2 SPECIMEN AND LANDMARK TREES

- A. **Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as “specimen” and “landmark” trees. Such trees shall be defined as those trees which meet the criteria in the following table:

| SPECIES | COMMON NAME | SPECIMEN TREE (MIN. DBH)* | LANDMARK TREE (MIN. DBH)* |
|--|-------------------|---------------------------|---------------------------|
| <i>Cornus florida</i> | Flowering Dogwood | 4 inches | 18 inches |
| <i>Cercis canadensis</i> | Redbud | 4 inches | 18 inches |
| <i>Magnolia grandiflora</i> | Southern Magnolia | 4 inches | 24 inches |
| <i>Ilex opaca</i> | American Holly | 4 inches | 14 inches |
| <i>Juniperus virginiana</i> | Eastern Red Cedar | 12 inches | 24 inches |
| <i>Quercus virginiana</i> | Live Oak | 12 inches | 24 inches |
| <i>Sabal palmetto</i> | Cabbage Palm | 18 feet tall | 36 feet tall |
| <i>Taxodium distichum</i> | Bald Cypress | 16 inches | 24 inches |
| <i>Quercus velutina</i> | Eastern Black Oak | 16 inches | 24 inches |
| <i>Nyssa sylvatica</i> | Tupelo/Black Gum | 16 inches | 24 inches |
| <i>Quercus alba</i> | White Oak | 16 inches | 36 inches |
| <i>Quercus falcata</i> | Southern Red Oak | 16 inches | 24 inches |
| <i>Acer rubrum</i> | Red Maple | 16 inches | 24 inches |
| <i>Ulmus americana</i> | American Elm | 16 inches | 36 inches |
| <i>Pinus palustris</i> | Longleaf Pine | 16 inches | 36 inches |
| <i>Fagus grandifolia</i> | American Beech | 16 inches | 36 inches |
| All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — those species are never considered specimen or landmark trees, regardless of their size | | 24 inches | 36 inches |

*DBH = diameter at breast height (or about 4.5 feet above grade)

- B. **Preservation of Specimen and Landmark Trees:** Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).
- C. **Mitigation for Preserving Existing Trees:** To incentivize saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non-Longleaf Pines, may be used as mitigation credits for that same species. *Example: If a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.*

ARB?



TREE REMOVAL APPLICATION

Department of Planning & Development Services
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7049 / f. (843) 986-5606
www.cityofbeaufort.org

#161 88
PAID
1/16/18 CA

BS
1/16

Application Fee: \$TBD

Refer to Section 5.4 of The Beaufort Code for complete information about Tree Removal Requirements

Applicant Name:

Janice Thompson

(Dave 575-1620 cell)

Property Address:

412 Joshua Court

Applicant E-mail:

Applicant Phone No.: 522 0677

Owner/Contractor Name (if other than the Applicant):

Action Tree Service

Phone Number: 525 6024

For the following reasons:

To Enter Front Door, she HAS to Walk Around The Sidewalk or Bend over, undermining sidewalk, Trip and Fall

PLEASE NOTE: CONTRACTORS ARE RESPONSIBLE FOR REMOVING AND PROPERLY DISPOSING OF ALL TREE DEBRIS FROM THE JOB SITE (I.E. CANNOT BE LEFT ON CURB FOR OTHERS TO PICK UP). TRUNK SECTIONS KEPT BY PROPERTY OWNER SHALL BE IN REAR OF PROPERTY.

Draw map of structure(s) and indicate location of tree(s) to be removed.

Tree(s) MUST be marked with flagging tape. Commercial sites are required to have a tree survey.

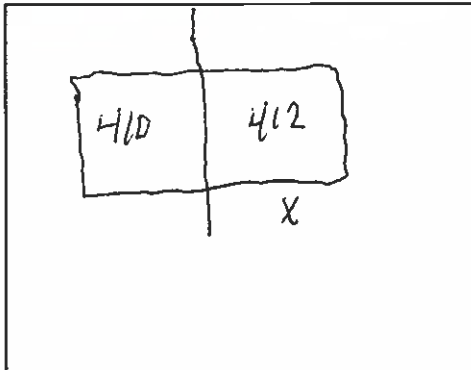
TREE(S) TO BE REMOVED

Type of Tree

Live Oak

Diameter (54" from ground)

20"



PLEASE INDICATE IF TREE IS IN A FENCED YARD CONTAINING A DOG(S).
YES ☐ NO ☒

Do Not Write in This Space

A. REQUEST TO REMOVE TREES APPROVED:



BY:

B. REQUEST TO REMOVE TREES DENIED:



BY:

[Signature]

If denied, you may resubmit your tree survey or you make appeal to the Park and Tree Advisory Commission in writing, 15 days prior to the next scheduled meeting. Submit your appeal request to the Planning Department.

Updated July 21, 2017 | This form is also available online at www.cityofbeaufort.org

1/13/18 LEFT Voice Message

ACTION TREE SERVICE

56 B SAV HWY
BEAUFORT, S.C. 29906
(843) 525-6024

JANUARY 23, 2018

To whom it may concern,

I have inspected the property at 412 Joshua Court, Beaufort, SC. The cuts were made in accordance with ISA standards or nearly so. In a few years you would not know it had been pruned. It will bush out on top and eventually become long and lanky again. That side of the tree is being pushed hard to the right because of the much bigger main tree in front of the house. Any Certified or lay Arborist that walked up to this tree would recommend its removal. It is always going to grow away from the main tree toward the light. The elderly lady in the house has to walk around the tree on uneven ground just to access her front door. The sidewalk, which she would have to just about get on her hands and knees to stay on sidewalk under tree is cracked and severely push up in two places. Constituting a serious trip hazard, which will continue to happen as long as that section of tree is there. If the tree was removed the stump should be left in place. Not only to avoid root damage but grinding the stump would also negatively impact the drainage in her yard. All that being said if the tree is left in a few years it will look normal again and go on to be a healthy tree. I would also like to say that my cutting off the tree was my mistake relating to a personal issue not involving my employer. Which we are working out. Thank you.

David Tedford (843) 575-1620
S.C. State Certified Arborist
5620A

A meeting of the Park and Tree Advisory Committee was held on **February 22, 2018 at 3:00 p.m.** in City Hall, 1911 Boundary Street. In attendance were Chairman Barb Farrior, committee members Amanda Flake, Gordon Fritz, Blake Austin, and Chuck Rushing, and Brian Franklin, city staff.

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.

Chairman Farrior called the meeting to order at 3:05 p.m.

MINUTES

Mr. Rushing made a motion, second by Mr. Fritz, to approve the minutes of the January 25, 2017 PTAC meeting. Ms. Flake abstained from voting because she was not present at the meeting. **The motion to approve the minutes as submitted passed 4-0.**

TREE REMOVAL APPLICATION – 412 JOSHUA COURT

Janice Thompson said she has a beautiful live oak in her front yard. It has “two trunks,” and one “has started to curve toward the sun,” so people entering and exiting her home have to go under the tree, she said, and it’s “easy to bump into.” Ms. Thompson said she doesn’t want to grind the stump down, so as not to affect the other part of the tree.

Mr. Franklin said he had denied Ms. Thompson’s application for removal. An arborist was doing trimming on the tree after Mr. Franklin issued that denial; there’s a letter about that portion of the tree in the committee’s packets. “The overall size of the tree” and its health were the reasons for his denial, Mr. Franklin said. This is a “manmade” problem, he feels, not a problem with the tree, so he wanted to bring it to PTAC to get the committee’s opinions.

Chairman Farrior said the tree is healthy, but it’s creating a hazard to humans. Ms. Flake said she’d prefer to look at the tree herself, and she asked the timeframe on this. Mr. Franklin said that’s up to the committee.

Ms. Thompson described how much of the tree “was chopped” before the trimming was stopped.

Mr. Fritz said he’d talked to arborist **Michael Murphy**, who recommends that these trees be trimmed from the top, which could “arrest that motion.” Mr. Franklin and Mr. Rushing said they have seen the tree. Mr. Austin asked if less than a third of the canopy would be lost with this trimming. Mr. Franklin and Mr. Rushing said probably no more than a third.

Mr. Austin said it sounds like the tree is creating “a nuisance.” If less than a third of the canopy is taken off, his understanding is that it will not have any ill effect on the tree.

Mr. Franklin said he wanted the committee to apply its expertise and then approve or deny the application.

Mr. Franklin said he'd talked to **David Tedford** of Action Tree Service, who said if the limb is left, it would still be a viable part of the tree. Ms. Thompson said, aesthetically, "it looks very unfinished." Mr. Fritz said live oaks, when they're trimmed back, will shoot out new growth for more balance. He said he understands where Ms. Thompson is coming from, but he is "a tree man," and he feels this is a "manmade problem." He can't justify taking out a tree that is "balanced," he said, especially when they can balance it out within a couple of years. It could be an attractive tree again "and add value to your house," Mr. Fritz said.

Mr. Rushing said the tree is similar to how it looked on a Google 2008 map. He agreed with Mr. Fritz that it is a manmade problem, and he feels the solution is "an architectural" one. Ms. Thompson could re-route the walkway and put a little more curve into it in order to get in the front door more easily, Mr. Rushing said.

Mr. Austin said he disagrees about the balance of the tree with the amount of canopy that's been trimmed off. "There's a Dr. Seuss-looking limb" that is going off to the right, he said, and if it's a nuisance to the homeowner, he is leaning toward allowing it to be cut off. He thinks it will be fine as long as less than a third of the canopy is removed.

Mr. Rushing said he'd hate to make an assessment on whether the tree has lost a third of its canopy, given how much the tree service has taken out. If they take the remainder, he thinks that's probably "less than a third of what's left." Mr. Austin said the arborist's notes say the tree is "healed up." Mr. Rushing said the arborist just did this trimming recently, so it can't be healed yet. Mr. Franklin said the trimming was done within the last 2 months.

This piece is 20" DBH, Ms. Flake said. She called it "a large wound" and said decay could get into the root system over time. She said again that she'd like to go look at the tree in person, rather than looking at a picture of it.

Chairman Farrior said she would defer to Ms. Flake because she is a certified arborist. Ms. Flake said she would like to table this application for a month to give the committee time to have a look at the tree. **Mr. Fritz made a motion to table, seconded by Mr. Austin. The motion passed unanimously.**

TREE REMOVAL APPLICATION – 1006 BATTERY CREEK ROAD

George Webb said he has a tree in front of his house that has "quite a cavity in it," and it's leaning toward his house. He moved there in 1985, and the tree is "increasingly close" to his house. Mr. Webb believes it's a live oak, and he said it's "full of vines" that

Brian Franklin

From: Flake, Amanda <aflake@bcgov.net>
Sent: Tuesday, March 20, 2018 4:37 PM
To: Brian Franklin
Subject: Tree Removal at 412 Joshua Court

Brian,

After our site visit today I have determined the following; the pruning cuts on this tree are significant. Typically you want to take no more than 25% of the canopy at one time. However, this means 25% of the whole canopy, not 25% on one major trunk of the tree. Also the pruning cuts do not leave enough viable limbs to make enough energy for this side of the tree and therefore makes me wonder if the tree will recover. My suggestion is that the owner remove this section of tree. The stump needs to be left at an angle so that water will not pool on the surface and cause decay that could eventually lead to root decay. If the rest of the tree starts to decline in the next 5 to 10 years I recommend that the tree company be required to mitigate since they performed the work without a permit from the City of Beaufort.

Thanks,
Amanda

Amanda Flake
Natural Resources Planner
Beaufort County Community Development Department
ISA Certified Arborist, SO-6474A
843-255-2142
aflake@bcgov.net

A meeting of the Park and Tree Advisory Committee was held on **March 22, 2018 at 3:00 p.m.** in City Hall, 1911 Boundary Street. In attendance were Chairman Barb Farrior, committee members Gordon Fritz and Chuck Rushing, and Brian Franklin, city staff. Amanda Flake and Blake Austin were absent.

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

Chairman Farrior called the meeting to order at 3:04 p.m.

MINUTES

Mr. Rushing made a motion, second by Mr. Fritz, to approve the minutes of the February 22, 2017 PTAC meeting. The motion to approve the minutes as submitted passed unanimously.

TREE REMOVAL APPLICATION – 412 JOSHUA COURT

Chairman Farrior read a letter from Ms. Flake, who had gone with Mr. Franklin to look at the tree.

Mr. Fritz said he didn't agree with Ms. Flake's assessment because of his experience with large oaks on his property that had fallen over because of Hurricane Matthew but are coming back after the roots were trimmed. He said he knows that this kind of tree can recover from this type of pruning.

Mr. Franklin said he doesn't disagree with Mr. Fritz, but Ms. Flake is a certified arborist, so he would defer to her opinion. There was a discussion of her assessment and of what had happened, which is that the trimming on the tree "was not done from a pruning standpoint" but with the intention of "a removal," Mr. Franklin said, and the tree company was stopped in that process. If the tree declines and expires, he said, the tree company should bear the responsibility for that.

Mr. Rushing said the tree company cut a major section of the tree without a permit. Mr. Franklin said the company did the work the same day he denied a trimming permit. He called **David Tedford** of Action Tree Service and also emailed the tree company to let them know that he had denied it, but the work took place during that time that he was attempting to contact them. Mr. Rushing said the application was for a permit to remove one of the trunks of the tree; Mr. Franklin said that's correct. Mr. Tedford was apologetic, he said, and Action Tree Service had reached out to Mr. Franklin to apologize and to find out what to do to make it right.

Mr. Rushing asked what the recourse is when something like this is done without permission. Mr. Franklin said he believes it's mitigation or a fine, but he doesn't know what the fine is for doing this to a live oak.

Mr. Rushing said he hears Ms. Flake's letter as saying that the part of the tree that has been "mutilated" should be cut off, and if the remainder dies, then the tree company should be responsible. Mr. Fritz told **Janice Thompson**, the homeowner, that he knows from experience that a live oak can rebound. He told Chairman Farrior that he is opposed to removing it.

Mr. Rushing made a motion to remove the portion of the tree that has been "heavily trimmed," leaving the other trunk, and either to fine Action Tree Service or to require it to mitigate for removing the trunk without permission. Chairman Farrior seconded the motion. The motion passed 2-1, Mr. Fritz opposed.

Chairman Farrior told Ms. Thompson that she has permission to have the trimmed trunk removed, and Mr. Franklin will be overseeing that. Chairman Farrior asked Mr. Franklin about the mitigation. Mr. Franklin said, before the removal, Action Tree Service would have to do the mitigation or pay the fine. He will update the board at its next meeting. Mr. Franklin said he would email Action Tree Service tomorrow and will copy Ms. Thompson on it.

Chairman Farrior said she feels that if the city doesn't take a stand with tree companies about trimming without permission, this practice will continue. This company moved forward without a permit, which she said is "unusual." Mr. Fritz said he thought the committee made a good decision, even though he didn't vote in favor of it.

SOUTHSIDE PARK TRAIL UPDATE

Trail work has commenced at Southside Park, Mr. Franklin said. In the next few weeks, there will be a walking surface. They are shooting for a May deadline, he said.

BOUNDARY STREET PLANTING UPDATE

There are trees in the medians, Mr. Franklin said. They are holding off on the north side of Boundary Street until the overhead power lines can be brought down. Chairman Farrior said she thinks it looks great so far, and Mr. Fritz agreed. Mr. Franklin said there would be shrubs put in on the south side of the street and in the medians while they wait for the power lines to come down. The goal is to complete this by the end of April, he said.

Mr. Fritz said he feels "this is a fantastic legacy for you guys, to have fought for this and got it."

Mr. Franklin said the landscape contractor will do maintenance for the first year, and then it will be turned over to the city. Mr. Rushing asked if ground cover is planned and about weed control and mulching. Mr. Franklin said he had removed the weed fabric from the project that was to be put down because in his experience, it is an impediment to work, and it kills weeds coming up, but if the mulch is deep, weeds will grow on top



SCOTT F. DADSON
City Manager

**CITY OF BEAUFORT
DEPARTMENT OF PLANNING
AND DEVELOPMENT SERVICES**
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7011
FAX (843) 986-5606
www.cityofbeaufort.org

LIBBY ANDERSON
Director of Planning
and Development Services

March 27, 2018

Mr. David Tedford, Certified Arborist
Action Tree Service
56 Savannah Highway
Beaufort, South Carolina 29906

Re: 412 Joshua Court Live Oak

Dear Mr. Tedford:

I wanted to advise you that the City of Beaufort Park & Tree Advisory Commission (PTAC) had a meeting on Thursday, March 22, 2018 at which time the Commission voted to allow Action Tree Service to remove the remaining 20" limb on the live oak at 412 Joshua Court. The Board passed two conditions for the removal of this limb. The first condition of the removal is that the final cut be made at an angle to keep moisture from sitting on the top of the stump that will remain. The second condition is that Action Tree be required to mitigate the loss of this 20" limb because the work was performed without a permit. The Beaufort Code requires mitigation at \$50 per caliper inch for a total of \$1,000. This can be paid by check or credit card to the City of Beaufort, 1911 Boundary Street, Beaufort, SC 29902. This money is to be used to plant new trees around the City. PTAC requested that the mitigation be paid before the removal of the 20" limb is allowed.

As per Section 3-3008 of *The Code of Ordinances of the City of Beaufort, South Carolina*, you may appeal this decision to the Beaufort City Council within 30 days of the date of this letter by filing an appeal with City Clerk.

Regards,

Brian Franklin, PLA

City of Beaufort - Landscape Architect
1911 Boundary Street, Beaufort, SC 29902
Cell. 843.263.8587
PH. 843.525.6348 bfranklin@cityofbeaufort.org



**LIMB THAT WAS REQUESTED
TO BE REMOVED**



AREA WHERE TREE WAS CUT

LIMB REQUESTED TO BE REMOVED



AREA WHERE REMOVAL WAS DONE



LIMB THAT WAS CUT ON



A large, mature tree with a thick trunk and dense green foliage dominates the left side of the frame. A red rectangular highlight is placed on a section of the tree's trunk. To the right of this highlight, a black rectangular box contains the text "AREA WHERE CUTS WERE MADE" in red, bold, capital letters. The background shows a clear blue sky with some white clouds, a house with a grey roof and white trim, and a white car parked on a street in the distance.

**AREA WHERE CUTS
WERE MADE**



CLOSE UP OF CUT AREA





CUT MADE HERE

CUT MADE HERE







CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/14/2018
FROM: Libby Anderson
AGENDA ITEM
TITLE: Appeal of Short Term Rental Application Fee
MEETING
DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The owner of 2606 Harvey Road is appealing the \$1,000 application fee that is applied to “after the fact” short term rental applications. This application fee is set out in the Short-Term Rental Ordinance (attached).

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------|------------|-------------|
| short term rental ordinance | Cover Memo | 5/14/2018 |

2. Short Term Rental

- a. **Specific to T3-S, T3-N, and T4-HN:** Short term rentals, where the owner does not live on the premises, are limited to 6% of the lots in the neighborhood as shown on the City of Beaufort Neighborhoods Map zoned T3-S, T3-N, and/or T4-HN with the following exceptions:
 - i. Structures on the City's List of Vacant and Abandoned Structures being rehabilitated for use as a short term rental; and
 - ii. Short term rentals are prohibited in The Point neighborhood, as shown on the City of Beaufort Neighborhoods Map.
- b. **Minimum Stay:** 2 nights
- c. **Permitted Rental Types**
 - i. Rental of the primary dwelling
 - ii. Rental of an accessory dwelling
 - iii. Rental of a portion of a primary dwelling.
- d. **Parking:** Parking shall be provided on-site and located to the side or rear of the dwelling. On-site parking shall be clearly delineated with an improved surface such as pavement, gravel, or another method approved by the administrator. If formalized parking is provided on the street(s) adjacent to the primary or accessory unit, this may be utilized in lieu of on-site parking.
- e. **Rental Agreement:** The applicant shall provide a copy of the rental agreement that will be used. The rental agreement shall specify the following:
 - i. The minimum stay
 - ii. The maximum number of guests--which shall be based on the number of beds in the unit
 - iii. The maximum number of vehicles permitted at the unit--which shall be based on the number of bedrooms and the design of the driveway
 - iv. Where guests are to park. Where no formalized on-street parking is available, the agreement shall specify that guests are to park on-site and not in the street.
 - v. That the City's noise ordinance applies between 9:00 PM and 8:00 AM
 - vi. Prohibit large gatherings such as weddings and reunions unless specifically approved by the City
 - vii. Pets, if permitted, are not to be left outside unattended
- f. **Property Management Plan:** A property management plan shall be developed and approved by the administrator. The property management plan shall identify a property manager. Where the property owner does not live on the premises, the property manager must be available to appear on the premises to respond a complaint within three hours of being notified by the administrator. Where the property owner lives on the premises, a back-up property manager must be identified unless the owner certifies the unit will not be rented when the owner is out of town. The administrator shall be notified when management of the unit changes. Failure to comply with the approved property management plan shall result in the revocation of the zoning permit (Section 9.4).
- g. **Signs:** No on-site signs shall be permitted.

- h. **Rental Rules:** Rental rules, including use of the sanitation and recycling roll-carts, and emergency contact information including the police non-emergency number, shall be posted in a conspicuous location in the unit.
- i. **Monitored Fire Alarm:** A monitored fire alarm is required. Existing facilities not meeting this requirement shall be brought into conformance within 6 months of the date of adoption of this code.
- j. **Safety Inspection and Licensing:** A Safety Inspection shall be conducted before the Business License for the facility is issued. The facility shall comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County and the state of South Carolina.
- k. **Unlicensed Units:** For units that are found to be operating without approval of the City, the short term rental application fee shall be \$1,000. If the property owner chooses not to submit a short term rental application within 60 days of being notified by the City of being in violation of the ordinance, a short term rental application shall not be approved for a period of 2 years.

3. Inn/Hotel/Motel

- a. **Specific to T4-N**
 - i. Inns up to 10 rooms are permitted.
 - ii. Inns with 11-24 rooms are permitted in retail frontage overlay areas.
- b. **Specific to T4-NA:** This use is prohibited.

D. Retail Sales and Service

1. Animal Hospital/Kennel

- a. **Outdoor Activity:** Outdoor activity is permitted during daylight hours; animals must be boarded indoors at night.
- b. **Permitted Accessory Uses:** Boarding, retail sales, and grooming services are permitted.

2. General Retail/Service

- a. **Specific to T4-NA:** The only types of general retail/service uses permitted are artisan-oriented and trail-related uses. The following conditions apply:
 - i. Freestanding signs are limited to one per lot, with a maximum size of 5 square feet .
 - ii. No outside amplified music is permitted.
 - iii. No alcohol sales are permitted.
 - iv. New construction and exterior changes to existing structures to accommodate such uses shall be subject to Article 4 (Building Design and Infill Standards) of this code.
 - v. Specific to trail-related uses:
 - a. The floor area of each tenant space is limited to 2,500 square feet.
 - b. On-site parking shall be provided at the rate of 1 space per 300 square feet.
 - c. The hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. EST, 7:00 p.m. EDT.
 - d. Any use that includes outdoor seating shall have a trash container available for disposal of goods consumed on the premises.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/10/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Annexing a Parcel of Property Located at 242 Robert Smalls Parkway - 1st Reading
MEETING DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island. The property is identified as R100 029 000 108H 0000. An ordinance annexing the property (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|--|------------|-------------|
| annexation ordinance 242 Robert Smalls | Cover Memo | 5/10/2018 |

ORDINANCE

ANNEXING AN AREA INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition dated May 2, 2018 for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island has been presented to the City Council; and

WHEREAS, the property to be annexed is identified as R100 029 000 108H 0000; and

WHEREAS, the property to be annexed is highlighted on the attached map; and

WHEREAS, the property (owners) requesting annexation is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to Section 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the petition contains a description of the parcels of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcel, or tract of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, located at 242 Robert Smalls Parkway, having and containing 1.6 acres, identified as R100 029 000 108H 0000.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by: _____
WILLIAM B. HARVEY, III, CITY ATTORNEY

PROPERTY PROPOSED FOR ANNEXATION



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/10/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Zoning a Parcel of Property Located at 242 Robert Smalls Parkway T5-UC/RMX - 1st Reading
MEETING DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island, identified as R100 029 000 108H 0000. The property is zoned Regional Mixed-Use Center (C5) under the County's Community Development Code. The property is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX) under The Beaufort Development Code. The Beaufort--Port Royal Metropolitan Planning Commission will consider this zoning request at their meeting on May 21. A public hearing on the proposed rezoning will be held at the May 22 City Council meeting. The ordinance zoning this property (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|------------------------------------|------------|-------------|
| zoning ordinance 242 Robert Smalls | Cover Memo | 5/10/2018 |

ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEAUFORT BY ZONING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY T5-UC/RMX

WHEREAS, a petition was submitted to the City Council dated May 2, 2018 for annexation of a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island, identified as R100 029 000 108H 0000; and

WHEREAS, pursuant to Section 2.2.2.F of *The Beaufort Development Code*, an amendment to the “City of Beaufort Zoning District Map” is required to effect zoning classifications for the property; and

WHEREAS, the Beaufort–Port Royal Metropolitan Planning Commission reviewed the proposed zoning of the property and the Commission recommended approval of the proposed zoning; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding zoning of this property on Tuesday, May 22, 2018 with notice of the hearing published in *The Beaufort Gazette* on Monday, May 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* as amended, that a 1.6 acre parcel of property, together with improvements thereon, and being on Port Royal Island, in Beaufort County, South Carolina, located at 242 Robert Smalls Parkway on Port Royal Island, having and identified as District 120 (formerly 100), Tax Map 29, Parcel 108H, shall be zoned “T5-Urban Corridor/Regional Mixed-Use” at the time of second and final reading of the annexation ordinance, and that the “City of Beaufort Zoning District Map” shall be amended to reflect the same.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/16/2018
FROM: Libby Anderson
AGENDA ITEM
TITLE: Ordinance Annexing Four Parcels of Property - 1st Reading
MEETING
DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for four parcels of property on Port Royal Island. The parcels are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road. The parcels are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively. An ordinance annexing the properties (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-------------------------------|------------|-------------|
| annexaton ordinance 4 parcels | Cover Memo | 5/16/2018 |

ORDINANCE

ANNEXING FOUR PARCELS OF PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition dated April 17, 2018 for four parcels of property located on Port Royal Island has been presented to the City Council; and

WHEREAS, the parcels to be annexed are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road; and

WHEREAS, the properties to be annexed are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively; and

WHEREAS, the properties to be annexed are highlighted on the attached maps; and

WHEREAS, the property (owners) requesting annexation is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to Section 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the petition contains a description of the parcels of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcels, or tracts of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, as follows:

- R100 025 000 0215 0000, 20 Eleanore Fine Road;
- R100 025 000 0216 0000, 20 Eleanore Fine Road;
- R100 024 000 0405 0000, 101 Schein Loop; and
- R100 029 000 092C 0000, 95 Burton Hill Road.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

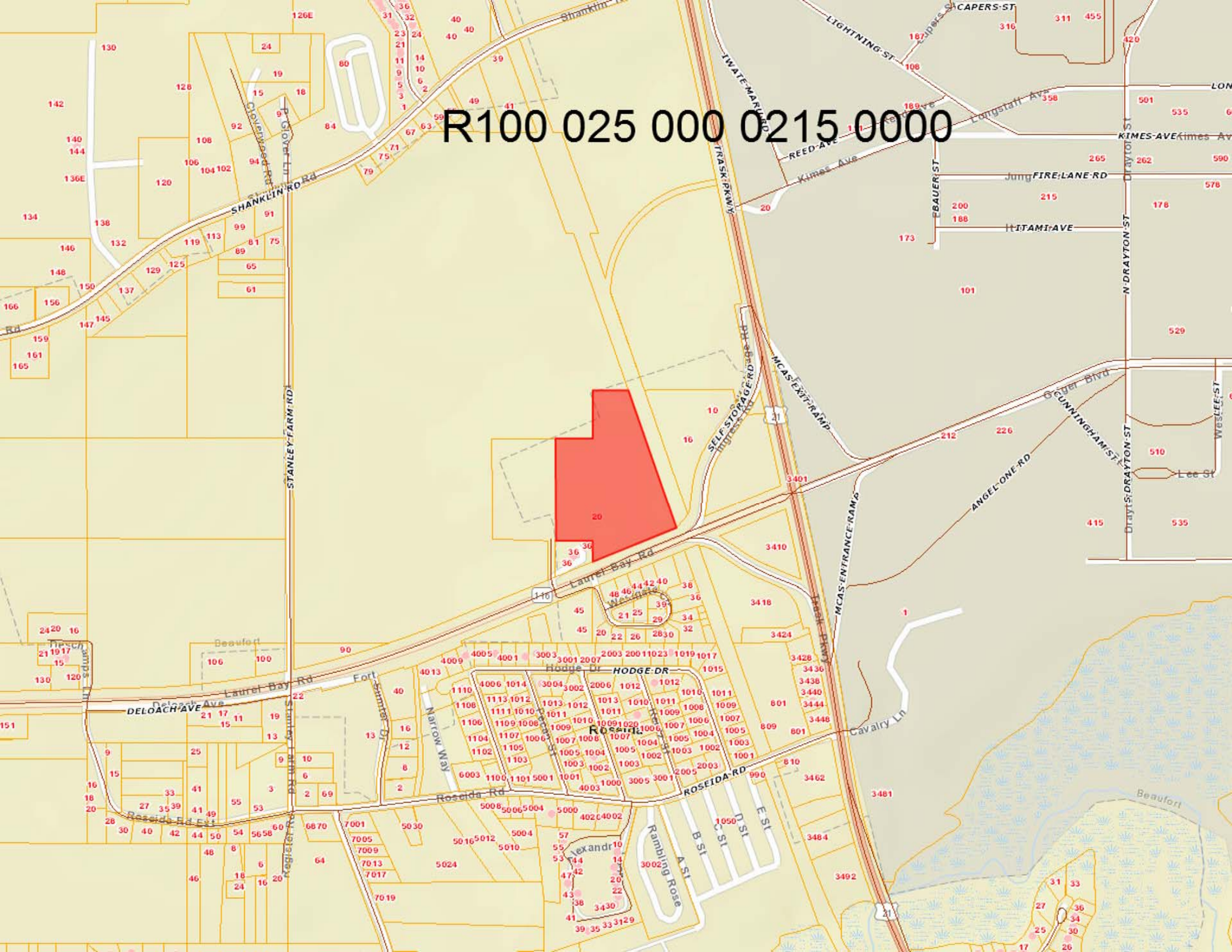
1st Reading

2nd Reading & Adoption

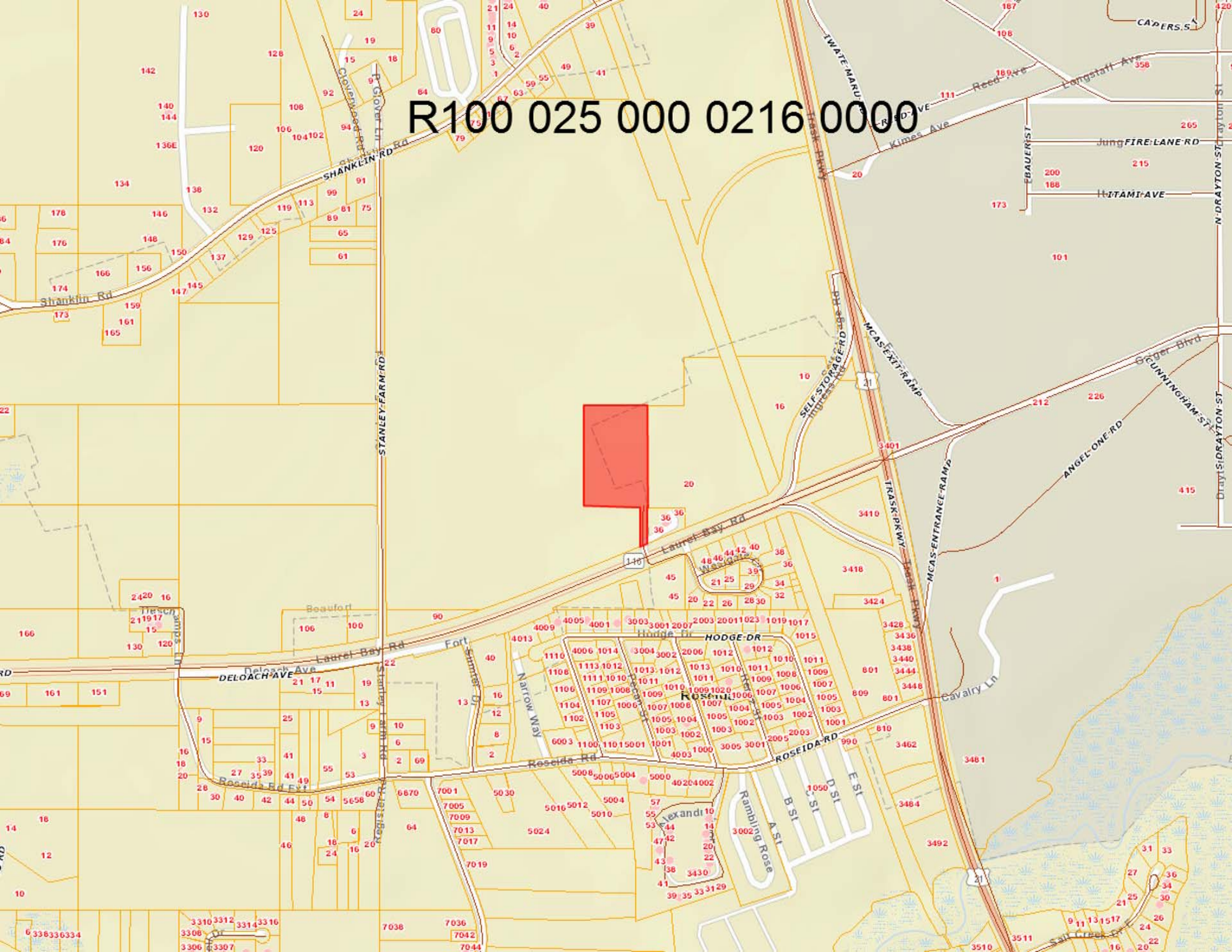
Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

R100 025 000 0215 0000

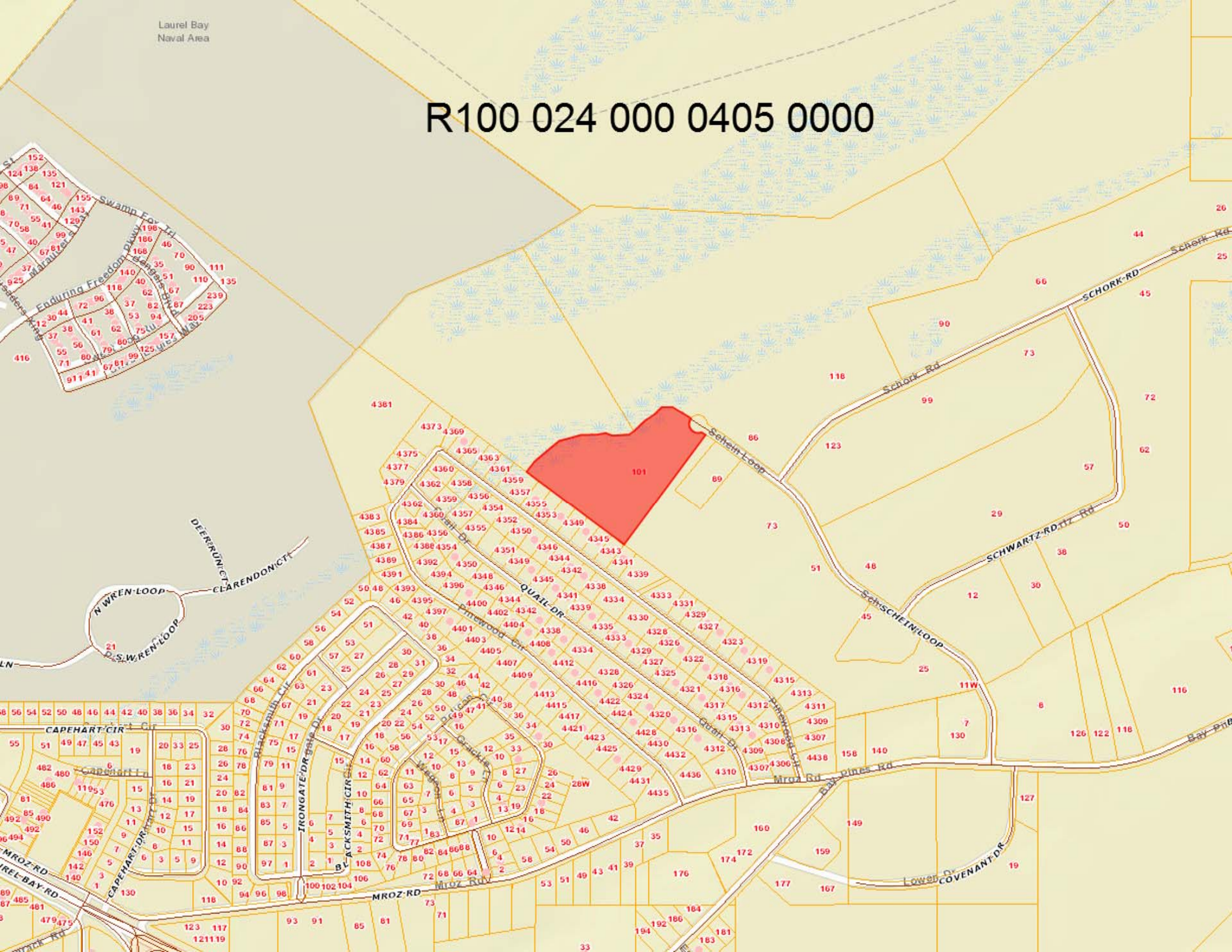


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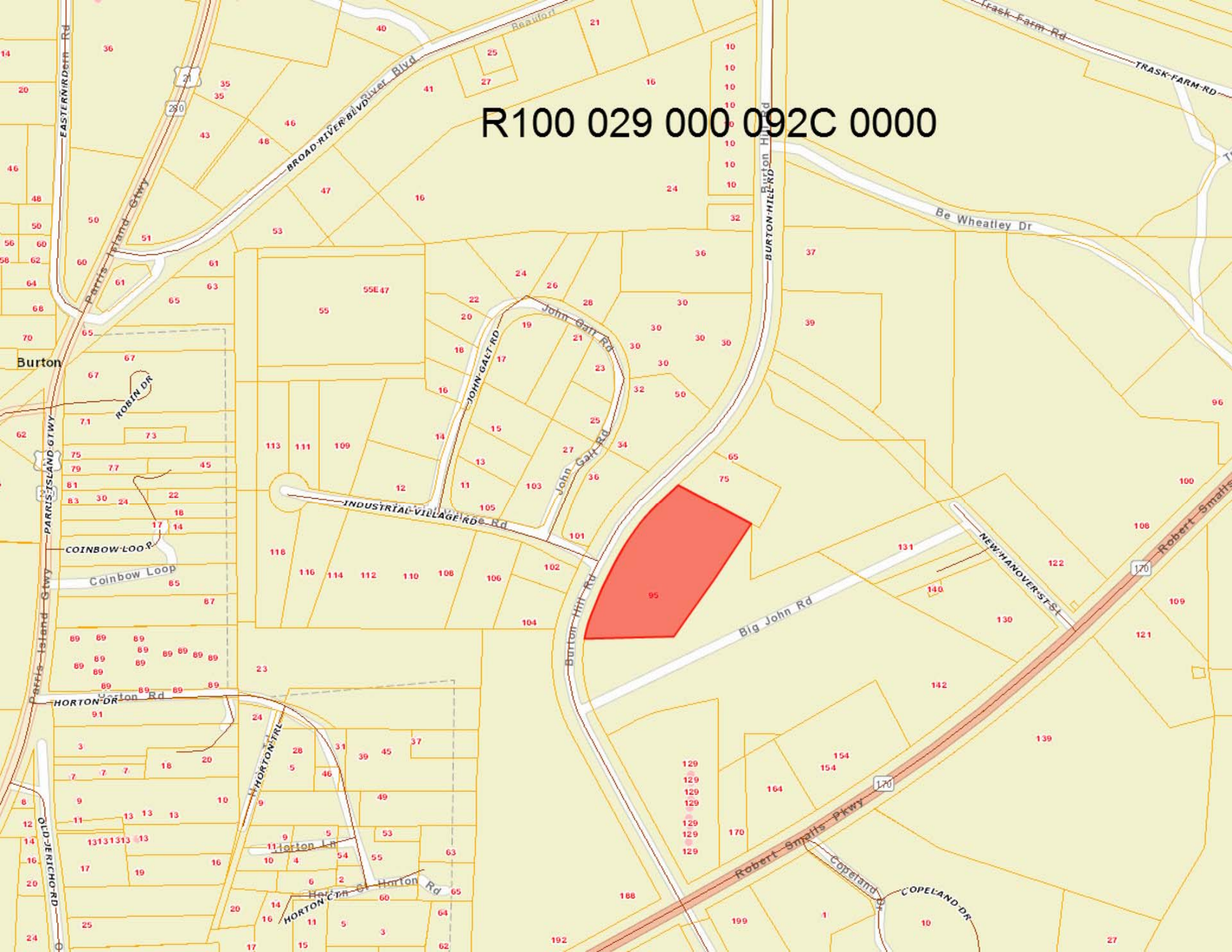


Laurel Bay
Naval Area

R100 024 000 0405 0000



R100 029 000 092C 0000





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/16/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Zoning Four Parcels of Property Located on Port Royal Island - 1st Reading
MEETING DATE: 5/22/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City has received an annexation petition for four parcels of property on Port Royal Island. The parcels are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road. The parcels are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively. Three lots (Eleanore Fine Road and Schein Loop) are proposed to be zoned Light Industrial District under the Beaufort Development Code. One lot (Burton Hill Road) is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX). The Beaufort--Port Royal Metropolitan Planning Commission will consider this zoning request at their meeting on May 21. A public hearing on the proposed rezoning will be held at the May 22 City Council meeting. The ordinance zoning these properties (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|----------------------------|------------|-------------|
| zoning ordinance 4 parcels | Cover Memo | 5/16/2018 |

ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEAUFORT BY ZONING FOUR PARCELS OF PROPERTY ON PORT ROYAL ISLAND LIGHT INDUSTRIAL DISTRICT (3) AND T5-UC/RMX (1)

WHEREAS, a petition was submitted to the City Council dated April 17, 2018 for annexation of four parcels of property located on Port Royal Island; and

WHEREAS, the parcels to be annexed are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road; and

WHEREAS, the properties to be annexed are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively; and

WHEREAS, pursuant to Section 2.2.2.F of *The Beaufort Development Code*, an amendment to the “City of Beaufort Zoning District Map” is required to effect zoning classifications for the property; and

WHEREAS, the Beaufort–Port Royal Metropolitan Planning Commission reviewed the proposed zoning of the properties and the Commission recommended approval of the proposed zoning; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding zoning of this property on Tuesday, May 22, 2018 with notice of the hearing published in *The Beaufort Gazette* on Monday, May 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* as amended, that the property described below shall be zoned as shown below, and that the “City of Beaufort Zoning District Map” shall be amended to reflect the same.

All these certain pieces, parcels, or tracts of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, located and described as follows:

| Property Identification Number | Address | Existing Zoning | Proposed Zoning |
|--------------------------------|-----------------------|-----------------|-----------------|
| R100 025 000 0215 0000 | 20 Eleanore Fine Road | I | LI |
| R100 025 000 0216 0000 | 20 Eleanore Fine Road | I | LI |
| R100 024 000 0405 0000 | 101 Schein Loop | I | Li |
| R100 029 000 092C 0000 | 95 Burton Hill Road | C5 | T5-UC/RMX |

C5 = Regional Mixed-Use Center

I = Industrial Zone

LI = Light Industrial District

T5-UC/RMX = T5-Urban Corridor/Regional Mixed-Use

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

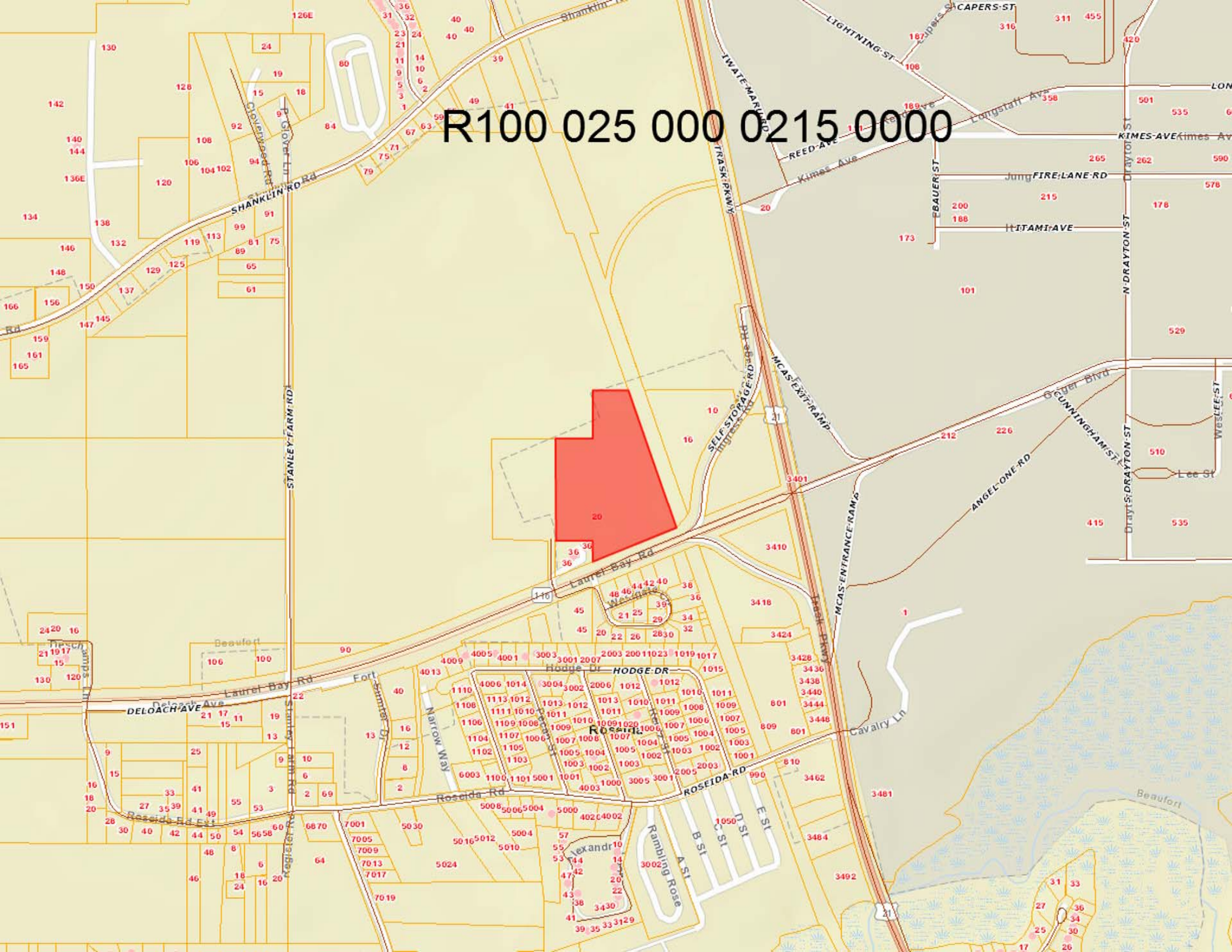
1st Reading

2nd Reading & Adoption

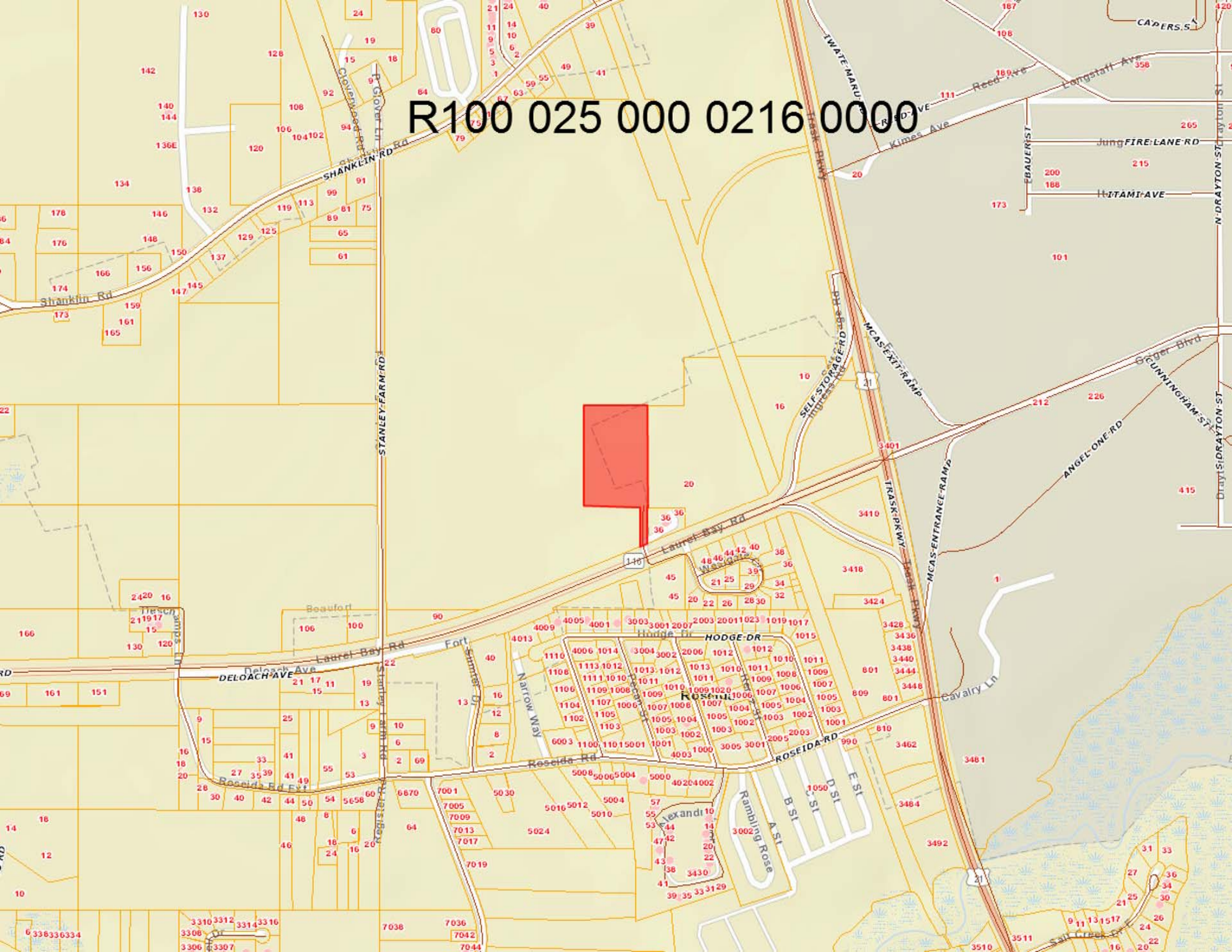
Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

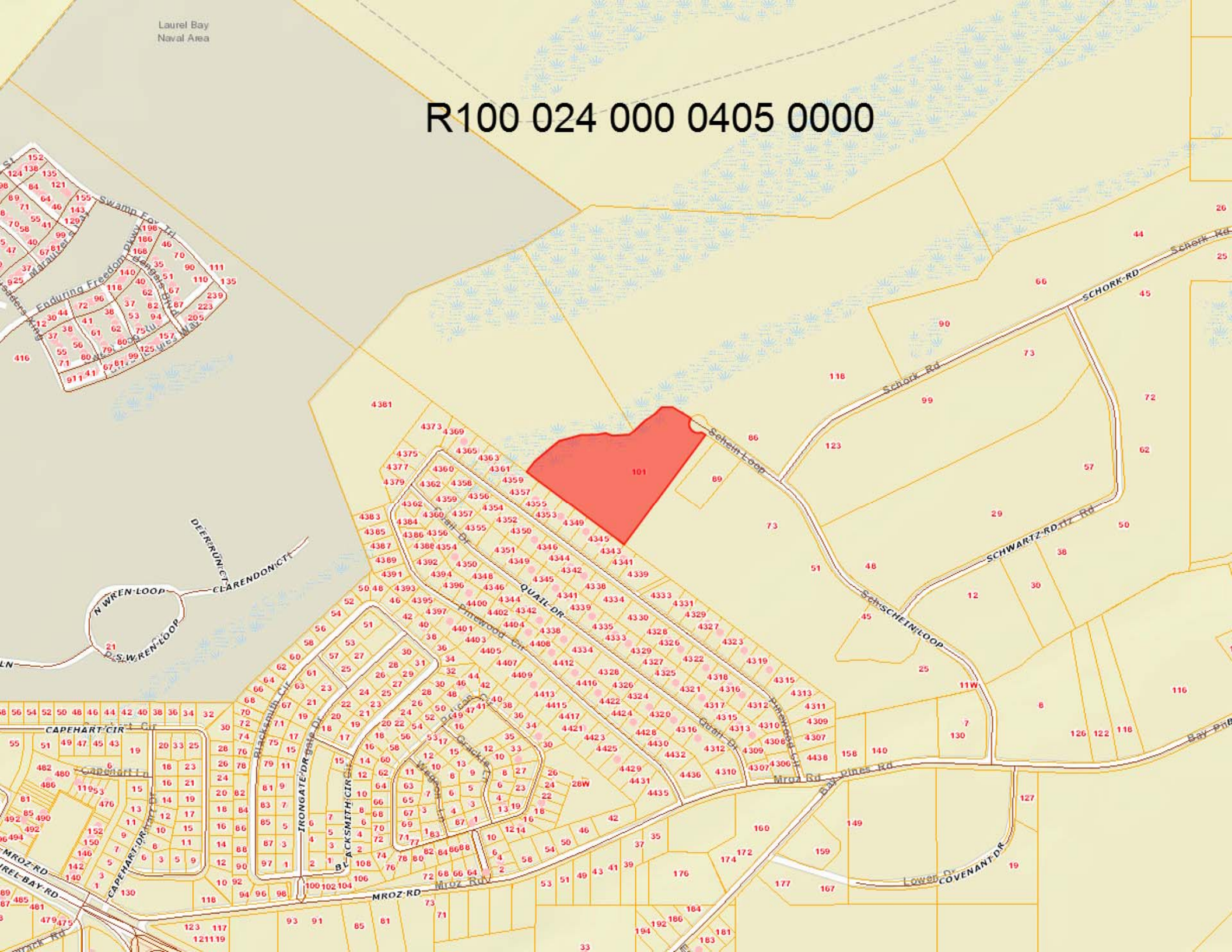
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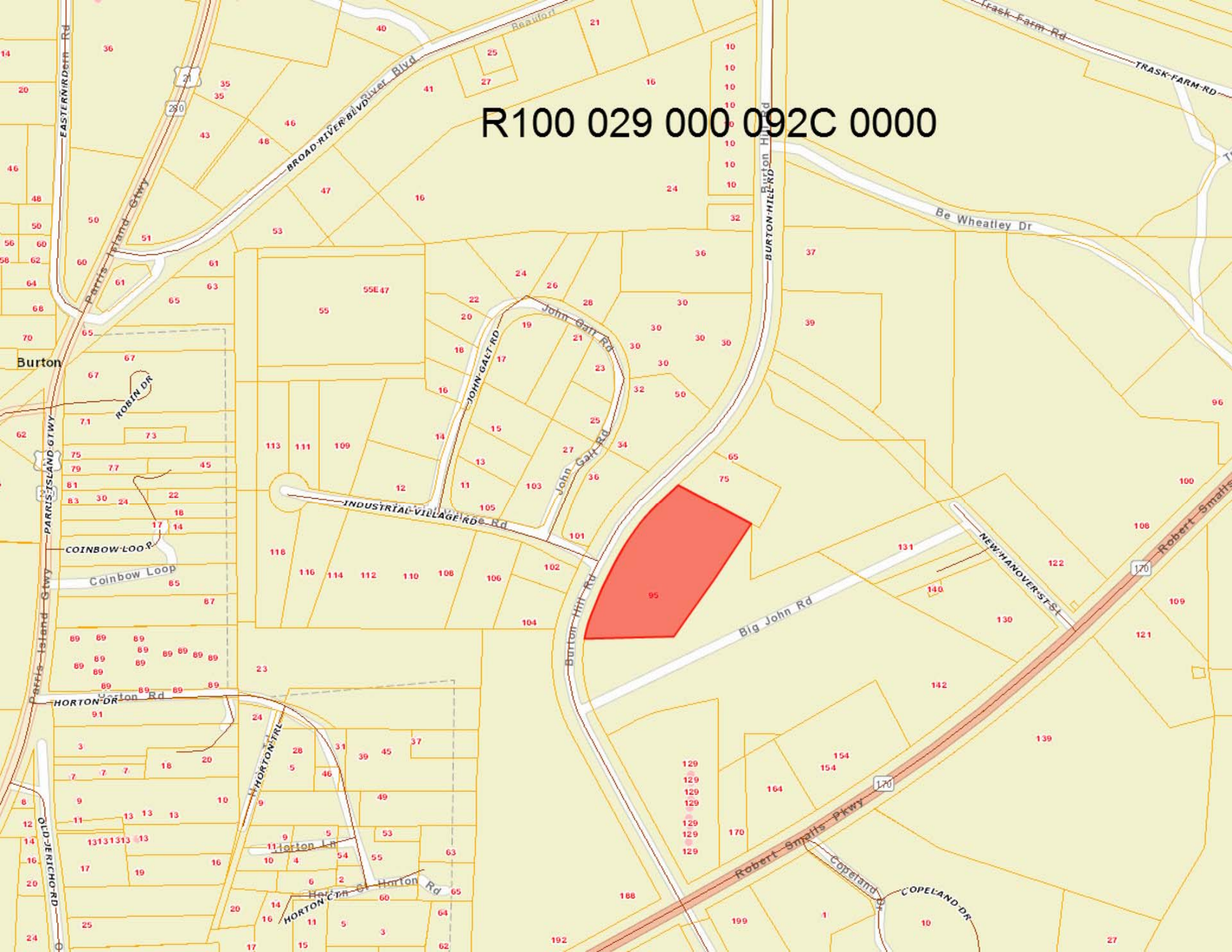
R100 025 000 0216 0000



R100 024 000 0405 0000



R100 029 000 092C 0000





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 5/18/2018
FROM: William Prokop, City Manager
AGENDA ITEM
TITLE: Notice of Settlement - Grainger vs. Adams Outdoor
MEETING
DATE: 5/22/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

| Description | Type | Upload Date |
|-------------|-----------------|-------------|
| Settlement | Backup Material | 5/18/2018 |

ADDENDUM TO SETTLEMENT AGREEMENT

William L. Grainger
v.
Adams Outdoor Limited Partnership
v.
City of Beaufort

Mediation was held in the above matter on April 26, 2018, with John H. Tiller serving as mediator. Present at the mediation were Catherine Bolger, Attorney for Plaintiff, Jeffrey Tibbals, Attorney for Adams Outdoor Limited Partnership, and William Harvey, Attorney for City of Beaufort.

At the mediation, Plaintiff William L. Grainger (“Grainger”) and Defendant Adams Outdoor Limited Partnership (“Adams”) agreed to the terms of a settlement. Subsequently, the City of Beaufort (the “City”) also agreed to the terms of a settlement. This Addendum to Settlement Agreement (the “Addendum”) is executed and deemed effective this ____ day of May, 2018 to include the additional terms agreed upon by the parties, as follows:

1. The City of Beaufort agrees to approve and permit a new billboard at the location designated by Grainger and Adams for a term of seventy-eight (78) months, with no extensions. At the end of this term, the billboard and all structures and hardware will be removed.
2. The City of Beaufort agrees to the remaining terms contained in the Settlement Agreement.
3. All claims between the parties shall be dismissed with prejudice within fifteen (15) days of the installation of the new billboard.
4. The terms of this Addendum are conditioned and contingent upon approval by Beaufort City Council.

ADAMS OUTDOOR ADVERTISING
LIMITED PARTNERSHIP

WILLIAM L. GRAINGER

By: _____

Its: _____

THE CITY OF BEAUFORT

By: _____

Its: _____