

CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
July 10, 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. Proclamation Proclaiming August 3 - 5, 2018 as Gullah/Geechee Nation Appreciation Week
- B. Proclamation Proclaiming August 24, 2018 as Beaufort County Black Chamber of Commerce Day

IV. PUBLIC COMMENT

V. PUBLIC HEARING

VI. MINUTES

- A. Worksession and Regular Meeting June 12, 2018
- B. Worksession June 19, 2018
- C. Regular Meeting June 26, 2018

VII. OLD BUSINESS

- A. Ordinance Rezoning Four Parcels of Property on Salem Road from T4-Neighborhood District to T5-Urban Corridor District - 2nd Reading
- B. Ordinance Rezoning Three Parcels of Property on Palmetto Street T4-Neighborhood District - 2nd Reading
- C. Ordinance Rezoning Three Parcels of Property on Southside Boulevard from T4-Neighborhood District to T3-Neighborhood District - 2nd Reading

- D. Ordinance Adopting Revised Beaufort Development Code - 6-Month Amendments to the Code - 2nd Reading

VIII. NEW BUSINESS

- A. Appeal of Short Term Rental Application Fee
- B. Request from the Beaufort Regional Chamber of Commerce to allow alcohol sales and street Closure for the Annual Beaufort Shrimp Festival - October 5 and 6, 2018
- C. Request for Street Closure and Co-Sponsorship for First Friday Event - Friday, September 7, 2018
- D. Request for Co-Sponsorship for use of the Waterfront Park from Friends of the Beaufort County Library for annual Fall Book Sale - September 27-30, 2018
- E. Acceptance of Firehouse Subs Public Safety Grant
- F. Authorization to approve Release Agreement regarding Lafayette Street
- G. Approval to accept grant award from Community Development Block Grant (CDBG) Program for Community Infrastructure, \$1,000,000
- H. Resolution committing to Mossy Oaks Drainage Project

IX. EXECUTIVE SESSION

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of Law: Discussion regarding Personnel, Planning Department
- B. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Laws: Discussion regarding Contractual Arrangements, Beaufort Regional Chamber of Commerce

X. REPORTS

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

XI. ADJOURN



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/5/2018
FROM: Ivette Burgess, City Clerk
AGENDA ITEM TITLE: Proclamation Proclaiming August 3 - 5, 2018 as Gullah/Geechee Nation Appreciation Week
MEETING DATE: 7/10/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Backup Material	7/5/2018

P R O C L A M A T I O N

WHEREAS, Beaufort County, SC is one of the oldest counties in South Carolina; and

WHEREAS, at its founding Africans were brought into what became established as the City of Beaufort in the Port Royal region; and

WHEREAS, these African people populated the islands of the Port Royal region which had already been occupied by the indigenous people for which many of the Sea Islands have been named; and

WHEREAS, the islands of Beaufort County include Port Royal, St. Helena, Lady's Island, Dataw, Polowana, Hilton Head, Coosaw, Warsaw, Hunting Island and several others; and

WHEREAS, these African people came to be known as "Gullah/Geechee"; and

WHEREAS, Queen Quet, Chieftess of the Gullah/Geechee Nation who is the visionary for this celebration is a native St. Helena Island in Beaufort County, SC

WHEREAS, the City of Beaufort has continued to recognize the legacy of Gullah/Geechees as part of the "Gullah/Geechee Nation Appreciation Week for the past two years; and

WHEREAS, we support the series of activities taking place throughout Beaufort County and in the City of Beaufort to honor the history and legacy of the Gullah/Geechee Nation and to honor the souls of the Emanuel 9 and the legacy of the Gullah/Geechee churches and spiritual empowerment of this community; and

WHEREAS, we join in the theme for this year's "Gullah/Geechee Nation International Music and Movement Festival, "Time fa Shout!"

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims August 3-5, 2018 as

GULLAH/GEECHEE NATION APPRECIATION WEEK

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 10th day of July 2018.

BILLY KEYSERLING, MAYOR

ATTEST:

IVETTE BURGESS, CITY CLERK



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM:
AGENDA ITEM Proclamation Proclaiming August 24, 2018 as Beaufort County Black Chamber of
TITLE: Commerce Day
MEETING 7/10/2018
DATE:
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Backup Material	7/6/2018

PROCLAMATION

WHEREAS, the myriad of contributions ~~that~~ the Beaufort County Black Chamber of Commerce has made to provide meaningful services to improve the lives and livelihoods of the citizens of the City of Beaufort, Beaufort County, and other Counties of the State of South Carolina, they are deserving of special recognition; and

WHEREAS, in 1999, the Beaufort County Black Chamber of Commerce was established to address the disparities in the African-American community and, hence, has grown to address other issues of the greater community; and

WHEREAS, the Beaufort County Black Chamber of Commerce provides services and programs such as micro-lending products and workshops to individuals and small businesses; financial/housing literacy and workshops to our citizens; emergency repairs and owner occupied rehabilitation to homeowners; assisting more than 349 homeowners across the State of South Carolina to avoid foreclosure in conjunction with the SCHelp Program of the South Carolina Housing Finance and Development Authority as ways to improve the lives and livelihoods of the of many citizens; and

WHEREAS, the Beaufort County Black Chamber of Commerce has completed the construction of a state-of-the art business center located at 711 Bladen Street, Beaufort, South Carolina, for the purposes of continuing to promote these services to the public; and

WHEREAS, the Beaufort County Black Chamber of Commerce's office will be known as the BCBCC Multiplex Center with the Grand Opening scheduled for Friday, August 24, 2018; and

WHEREAS, with the Grand Opening of the BCBCC Multiplex Center, the services provided by the Beaufort County Black Chamber of Commerce will continue to have a positive impact on the lives of many citizens of Beaufort County and surrounding communities in the Lowcountry of the State of South Carolina; and

WHEREAS, I would like to take this opportunity to commend the BCBCC for their efforts on behalf of the City of Beaufort for their contributions to better the lives of our citizens.

NOW, THEREFORE, I, Billy Keyserling, Mayor of the City of Beaufort, do hereby proclaim Friday, August 24, 2018 as:

BEAUFORT COUNTY BLACK CHAMBER OF COMMERCE DAY

in the City of Beaufort, and I call upon our citizens and Elected Officials of the City of Beaufort, Beaufort County, and the State of South Carolina to join the City in recognizing the work of the Beaufort County Black Chamber of Commerce, whose members are providing meaningful services to improve the lives of the citizens of Beaufort, Beaufort County and the surrounding communities in the Lowcountry of the State of South Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 10th day of July 2018.

Billy Keyserling, Mayor

ATTEST:

Ivette Burgess, City Clerk



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/5/2018
FROM:
AGENDA ITEM
TITLE: Worksession and Regular Meeting June 12, 2018
MEETING
DATE: 7/10/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Minutes	Backup Material	7/5/2018

A work session of Beaufort City Council was held on June 12, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray and Mike McFee, and Bill Prokop, city manager. Phil Cromer was 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.

CALL TO ORDER

Mayor Keyserling called the work session to order at 5:03 p.m.

EMPLOYEE NEW HIRE RECOGNITION

Sarah Farrow introduced **Jennifer Ryan**, a new municipal court employee.

Fire Chief **Reece Bertholf** introduced **Paulo Pacheco**, a new fire department employee.

Police Chief **Matt Clancy** introduced **Keith Kestner-Smith**, **Seth Jones**, **Anthony Turner**, and **John Gaffney**, new police department employees.

DISCUSSION: CITY OF BEAUFORT COMMUNICATIONS PLAN

Mr. Prokop said the communications plan was among the city's goals two years ago, but "it's one we didn't do very good job on." He said Chief Bertholf had stepped up and offered to work with staff on this program.

Chief Bertholf presented a communications plan for the next three years. He said he would make notes about council's questions and responses to it. He said the plan begins with "wisdom," which he presented from **Jeff Bezos** and Mr. Prokop. He then presented the goals of the communications plan and what the city would do to reach them.

Councilpeople suggested Chief Bertholf's communications should brand the City of Beaufort – not its government – as a place "where history, charm, and business thrive."

The assets that would be used include citizens, staff, departments, and many others, Chief Bertholf said. He described the goals of the plan and the actions staff would undertake in relation to each one.

Mr. Prokop said Police Chief **Matt Clancy** had said that all new police officers would go through the exam that tour guides must pass in order to work downtown; all city staff might do the same thing, as part of the city's "ambassador program."

Chief Bertholf said Mr. Prokop has requested that he, city staff, and Chief Bertholf as the communications coordinator go into the neighborhood groups to "meet with them face-to-face."

Chief Bertholf described how staff would use the city communications schedule to organize communications.

Mayor Keyserling said information comes from many places, and an area where that has failed is that council sometimes reads about what the city is doing in the newspaper. Mr. Prokop said all communications would go through him first.

Chief Bertholf said this communications plan will be implemented July 1. They have done “test press releases,” which they had been sent to council first, he said. Councilman Murray said he’s fine being copied on these, and he suggested that council members should also subscribe to the city’s Facebook pages.

Chief Bertholf discussed the actions around the “history, charm, and business” theme. He discussed the various media that would be used to brand the city.

The structure of the communications plan, Chief Bertholf said, begins with the city manager’s office. The communications manager will “wrangle in all the information,” he said, so it all goes out from one source, and he will also manage the social media contractor. Department heads will do what they have been doing (e.g., the city clerk will work on Freedom of Information Act notices, the city website and Facebook page, and administrative press), Chief Bertholf said.

Mr. Prokop said **Ivette Burgess** is developing a new city website with a staff committee. Ms. Burgess said it should be ready by November and would be “very interactive.” Chief Bertholf said he’s seen sites that this company has designed, and he thinks the city’s will be “quite dynamic.”

Chief Bertholf said there would be quarterly evaluations and adjustments of the communications effort. They will evaluate using social media statistics, website hits, and subjective reports from staff and “the community.”

Chief Bertholf described current communications initiatives. **Peggy Simmer** will be distributing information from the city’s neighborhood association meetings to other neighborhoods. Another initiative is to “put the city manager on camera” to discuss what’s happening in the city, he said. The city has been doing project synchronization, Chief Bertholf said, and now there will be synchronization among department heads to ensure that the information going out is consistent.

Mayor Keyserling said there is a new local TV station, and he has met with a representative of it. He will be meeting “with the person who’s in charge of content,” too. Mayor Keyserling did a show on WHHI in the past, and he knows that the station would have to “buy a lot of content,” so he will talk to them about doing a show that they wouldn’t have to pay for.

Mayor Keyserling said there should be a focus group within the neighborhood association to ensure “better coverage” of the neighborhoods for the emails **Libby Anderson** sends out. What’s known as “Mossy Oaks” is actually comprised of 4 or 5 neighborhoods with a variety of demographics, he said, and some of them don’t have neighborhood associations and need to have them. Mayor Keyserling said he doesn’t know how this should be done, but “it’s an effective innovation,” and “I don’t think that it’s maximized its potential.” He said Dixon Village also needs a neighborhood association.

Councilman McFee said that because of the socioeconomics of some neighborhoods, their residents are not on social media and websites much, so the city needs to communicate with them in other ways. Mr. Prokop said they would be going to neighborhoods that don’t have associations. Councilman McFee said all of the current neighborhood associations came from other associations nurturing them.

Councilman Murray said traditional media has “contracted,” so he thinks it’s important to engage stakeholders in different ways. He feels the good work the city does needs to be shared.

Mr. Prokop said the staff wants to show “pictures of people,” and because government is “about people,” they want to “make it a little bit more personal than the typical government.”

Mayor Keyserling said this is a small enough community that council is made up of “community builders,” not just legislators, and he thinks this is a way to build community. Chief Bertholf said when it’s announced that “the city manager and his team” are coming to talk to a neighborhood, he feels “like people will come” to that meeting.

Councilman Murray said a challenge in asking for feedback on social media is that it is time-consuming. After generating content, staff needs to be responsible for responding to some of the questions and comments, he said. Chief Bertholf said social media needs to be monitored and someone needs to interact with it.

Shawn Hill said the Facebook post about “the ‘before’ and ‘after’ of the Boundary Street project reached almost 22,000 people, had 150 shares, and about 98 comments.”

Councilman Murray recommended *Citizenville: How to Take the Town Square Digital and Reinvent Government* to Chief Bertholf; Mayor Keyserling said he’d be happy to give Chief Bertholf a copy.

SHORT TERM RENTALS OVERVIEW – HOST COMPLIANCE

Mr. Prokop said Host Compliance was engaged to monitor and manage short-term

rentals. Now the city knows where every short-term rental is, what each short-term rental's revenues are, and whether that amount is what has been reported, he said. There are currently 82 short-term rentals in the city, with applications in for 12 more, Mr. Prokop said; Host Compliance found 9 illegal short-term rentals.

Sammy Negron said the number of short-term rentals under review by Host Compliance is different than the number of short-term rentals in the city. The contract with Host Compliance has a 6-month trial period, he said, so he is offering this update.

According to the live Host Compliance dashboard, there are 87 short-term rentals in or near the City of Beaufort, 4 short-term rental units have been added in the last month, and 95.4% of the "short-term rentals with a street address" have been identified, Mr. Negron said.

Mr. Negron said when data was obtained from Host Compliance, the city "went ahead and purged . . . the data" it had on short-term rentals. The number of short-term rentals within the city limits was 159, according to Host Compliance's initial count, but some were not in the city limits, were inns/hotels, exceeded the 30-day limit for short-term rentals, etc. The verified number of short-term rentals after eliminating those is 78, he said.

After contracting with Host Compliance, 9 properties were identified that were non-compliant with the short-term rental ordinance, Mr. Negron said. Today all of those are in the process of getting permits to comply with the ordinance. Only one business has refused to respond to the city's letters, he said, and that information has been forwarded to the code enforcement officer, who will go to that business in-person.

Mr. Negron showed a sample of the letters that are sent to non-compliant short-term rentals from **Justin Rose**, business license inspector. He said the city wants to help these businesses to be compliant, not to collect fines, etc. Mr. Negron said the city wants to make the process even easier for short-term rentals, with one fee to obtain a short-term rental permit.

Mayor Keyserling asked "where we stand" with the neighborhood thresholds for short-term rentals. Mr. Negron said no neighborhoods have met the short-term rental cap yet; Mr. Rose can bring the dashboard up and see where the short-term rentals are concentrated; he can look at an application and see if the neighborhood is anywhere close to capacity. Mr. Negron said he would like Host Compliance to know the number of rooftops in a neighborhood and the number that would meet the 6% cap, so Mr. Rose would be able to have that information.

Councilman McFee said Pigeon Point / Higginsonville and the Old Commons are the neighborhoods that are closest to meeting the cap.

Mayor Keyserling asked about the hotels popping up on Host Compliance. Mr. Prokop said that happened the first time Host Compliance was activated, but then the hotels were purged.

Councilman Murray asked if Host Compliance calculates all of the revenues for all of the short-term rentals in the city, "or just the ones that we were missing out on." He also asked if this could be compared to "collections" to ensure that short-term rental owners are reporting "appropriate revenues." Mr. Prokop said they would be using it for that "after the first year."

Councilman Murray asked if there were a way to code accommodations taxes that come in from short-term rentals, as opposed to those coming in from "traditional accommodations." Mr. Prokop said they are working on that with MUNIS. Councilman Murray said that would help them see "if we're missing out on revenues."

Mr. Negron discussed the "estimated" versus "reported" revenue page on the Host Compliance database.

Councilman Murray said he knows the state of South Carolina sued Airbnb, and Airbnb is now required to collect state accommodations taxes, but local accommodations taxes were not "part of the argument." He asked if the city is able to get information from the Department of Revenue about "what some of these folks are reporting." Mr. Prokop said no, but Host Compliance can tell them which short-term rentals are with Airbnb.

Mr. Negron said when an applicant comes to apply to operate a short-term rental, if they comply with all aspects of the ordinance, then they have to have a safety inspection to get a permit. The information is updated on Host Compliance, and then that short-term rental is monitored. He said this is a good tool so city staff has to do the least amount of research possible. Without it, staff would spend "countless hours" doing what the Host Compliance search engines do, Mr. Negron said.

Mr. Negron showed various breakdowns of data on the database. The short-term rental listings trend spiked up in the winter, then went back down, and then briefly back up.

Councilman Murray said he is excited about this as a compliance tool, but it's also "a heck of a data mine for us," and **Robb Wells** and the Convention & Visitors Bureau (CVB) could use the data to see trends with short-term rentals and integrate it with their data about hotels and inns. He said Mr. Wells should have access to this data, as should Beaufort Area Hospitality Association (BAHA), so these organizations can get a better idea "of exactly what's happening."

Mr. Negron said 87% of rentals are for one to seven nights (a week or less); Councilman Murray asked if that could be broken down further. Mr. Negron said he would look into that. Councilman Murray said a goal of the CVB is to get visitors to stay longer, and this

is a way to look at what trends are happening. Mr. Negron said the number of rental nights is regulated by the ordinance.

Mr. Negron showed “bedrooms and bathrooms,” which shows “what is being offered out there.” Councilman Murray noted that according to the dashboard, 3% of the short-term rentals have “0” bedrooms.

Mr. Prokop said this has been used as a compliance tool, but there are other things it could be used for. Mr. Negron said this could be used as part of the city’s communications plan; the data in it could be extended to others in the community.

Councilman Murray asked how many of the other non-compliant short-term rentals – other than the one who had recently appealed the \$1,000 application fee and was denied by council – have paid that fee. Mr. Negron said he knows that the non-compliant businesses are in the process of obtaining permits, but he doesn’t know whether they’ve paid the \$1,000 fee.

Mr. Prokop said staff is looking at changing the letter that non-compliant short-term rentals are sent, so it would say that if the owner applies within 10 days of receiving the letter, the application fee is \$250, but if s/he does not apply within that time, the fee is “going to \$1,000,” which is what it is now.

Councilman Murray said the Short-Term Rental Task Force had recommended the application fee and penalties for short-term rentals that had been found to be operating illegally and wanted to be in compliance, and he had advocated for a lesser fee when the ordinance was written, but this amount was what was put in the ordinance. Now he feels more strongly about the need for compliance, but he thinks the city has an obligation to make it clear for people who might intend to operate a short-term rental that they have to be in compliance.

Mr. Prokop said a press release was put out about compliance, but in fairness, someone from North Carolina might not have read that. Councilman Murray said maybe there should be a blast every 6 months to remind people that their short-term rentals need to be in compliance. He said he had pointed out to the woman whose appeal council denied that on Airbnb’s site, it says hosts should check with their local jurisdictions about requirements.

Chief Bertholf said Ms. Anderson had said that 4 or 5 people who had non-conforming short-term rentals have paid the \$1,000 “reinstatement”/application fee. Councilman Murray said the revenues that those properties have generated could be pulled, and at \$200 to \$300 a night, they have probably made more than the \$1,000 amount of the reinstatement fee.

Mr. Prokop told **Lolita Huckaby** that Host Compliance has a 6-month money-back

guarantee, and the city has a 1-year contract with the company.

There being no further business to come before council, the work session was adjourned at 6:22 p.m.

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman Murray made a motion, seconded by Councilman McFee, to enter into Executive Session for a discussion of contractual arrangements. The motion passed unanimously.**

DRAFT

A regular session of Beaufort City Council was held on June 12, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Mike McFee and Stephen Murray, and Bill Prokop, city manager. Phil Cromer was 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.

Councilman Murray made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously.

CALL TO ORDER

Mayor Keyserling called the regular council meeting to order at 7:09 p.m.

Councilman Murray made a motion, second by Councilman McFee, to amend the agenda to include a public hearing on the FY 2019 budget ordinance. The motion passed unanimously.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

PUBLIC COMMENT

Mike Thompson, 4001 Jones Street, said loud cars and motorcycles “from outside the city” traverse locations within it, like Wal-Mart, Lowes, and Chick-fil-A. This is unlawful per the city’s ordinance, he said. This noise is “constant,” and Mr. Thompson thinks the drivers “think this is okay” and that “nobody cares.” The sound has been measured “at 130 to 140 dBA,” he said, and he has brought this up to county council, the sheriff’s office, and municipal police officers.

Mr. Thompson believes there are “hundreds of cars every day” that produce this level of noise. He suggested sending the ordinance to auto parts dealers because that’s where people buy the equipment to put on their vehicles “to make them as loud as they can.” He said other cities handle this problem different ways.

Mr. Thompson knows that the police have decibel meters, and he would like for them to “write some tickets” for noise violations, some of which can be heard “from a mile away.” The police write speeding tickets, so he’d like them to enforce this ordinance, too, because the noise is becoming “a pandemic.”

Mayor Keyserling said the city manager would look into this. Mr. Thompson said he thinks if a few tickets are written for noise violations, “the word will get out.”

PUBLIC HEARING: ORDINANCE REZONING THREE PARCELS OF PROPERTY ON

PALMETTO STREET T4-NEIGHBORHOOD DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said the rezonings in the public hearings tonight stem from the Beaufort Code update and are initiated by the City of Beaufort. This one is three vacant lots that face Palmetto Street. She showed the existing zoning map. 1410 and 1402 Palmetto Street are T3-Neighborhood (N), and 1408 Palmetto Street is T5- Urban Corridor (UC). 1408 Palmetto Street and a portion of 1402 Palmetto Street are in the Boundary Street Redevelopment District overlay, she said.

Ms. Anderson described the uses permitted in T3-N and T5-UC, where single-family development is not allowed. In the Boundary Street Redevelopment District, the parking standards change, and staff does design review, she said. The proposal is for all of the parcels to be zoned T4-N. This is an office/residential district, Ms. Anderson said, and in general, commercial development is not permitted. The Boundary Street Redevelopment District overlay would be removed where it applies.

The reason for this rezoning is that all three parcels are owned by a group that would like to redevelop them, which requires that they all have the same zoning, Ms. Anderson said. Also, 1402 Palmetto Street is split-zoned by the Boundary Street Redevelopment District, which she said is “not a good situation for redevelopment.” The properties total an acre, and staff feels “a value-adding redevelopment proposal” would be a benefit, she said.

Standard public notice was made, Ms. Anderson said, and no public comments were received. The Metropolitan Planning Commission (MPC) recommended approval of this rezoning. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: ORDINANCE REZONING FOUR PARCELS OF PROPERTY ON SALEM ROAD FROM T4-NEIGHBORHOOD DISTRICT TO T5-URBAN CORRIDOR DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said these 4 parcels are on Salem Road: Randel’s Lawnmower Equipment is at 1499 Salem Road; 2505 Salem Road is a strip shopping center that includes Duke’s BBQ; two outparcels at 1521 and 1523 Salem Road are currently vacant.

Ms. Anderson said T4-N is office/residential zoning, but commercial uses are generally not allowed, so the current zoning is in conflict with the current uses and possible redevelopment. T5-UC is the proposed zoning, and it would correct this conflict, which arose with the change from the UDO to the Beaufort Code. T5-UC is most similar to Highway Commercial zoning, which is what the parcels were originally zoned.

This is consistent with the Comprehensive Plan, Ms. Anderson said. Standard public notice was made, and no public comments were received. The MPC recommended approval of this rezoning at its June 7 meeting, she said. **Mayor Keyserling closed this public hearing.**

**PUBLIC HEARING: ORDINANCE REZONING THREE PARCELS OF PROPERTY ON
SOUTHSIDE BOULEVARD FROM T4- NEIGHBORHOOD DISTRICT TO T3-NEIGHBORHOOD
DISTRICT**

Mayor Keyserling opened this public hearing. Ms. Anderson said this rezoning is proposed by staff and was brought to the city by a property owner. These three parcels are on Southside Boulevard; two parcels have single-family dwellings, and one is currently vacant. She showed photos of the dwellings at 2601 and 2607 Southside Boulevard.

Current zoning of these parcels is T4-N, Ms. Anderson said; a building on the vacant lot would have to be elevated 2' above grade, it has a 0' to 15' build-to line, and it's subject to design review at the staff level. Staff proposes T3-N zoning, which is what the zoning is in the nearby Broad Street neighborhood, she said. With T3-N, there would be a 15' setback for development of the vacant lot, and the building would not have not be elevated and would not be subject to design review, Ms. Anderson said.

Staff believes this is consistent with the Comprehensive Plan, Ms. Anderson said, and she showed surrounding properties. Standard public notice was made, and questions were received from homeowners but there were no further comments, she said. The MPC recommended approval of this rezoning at its June 7 meeting.

Amelia McKinnon, Duncan Drive, asked if the other neighbors on Duncan Drive would be affected when these properties are rezoned. Ms. Anderson said the zoning on Duncan Drive is T3-S, so the proposed zoning for these parcels is more compatible with that zoning.

Charity Hall, 1204 Duncan Drive, asked if this property was going to be in the Town of Port Royal now. Councilman McFee told her it would not be. Ms. Anderson said these properties will remain in the City of Beaufort, and she explained the "level of intensity" of the permitted uses of different zonings.

Ms. Anderson said all staff reports and other materials that council receives are available online at cityofbeaufort.org. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: 6-MONTH AMENDMENTS TO THE BEAUFORT CODE

Mayor Keyserling opened this public hearing. He explained the vision of the Civic Master Plan and the change from the UDO to the Beaufort Code, including the 6-month review of the code.

Lauren Kelly since the code was adopted nearly a year ago, staff has tracked anything that needed to be adjusted or modified. There have been amendments for the new AICUZ map adopted by the county and for the reduction to 6% of the short-term rental cap from the Short-Term Rental Task Force's recommendation of 8%, she said.

Ms. Kelly discussed trends under the Beaufort Code, including interest in alternative development patterns and fewer zoning variances sought for setbacks.

Ms. Kelly said there have been

- questions about language in the new code from applicants, staff, and city leadership;
- “unintended omissions” in the new code, and
- new items that arose since the new code’s adoption.

The Redevelopment Commission recommended that the “development committee” be reconvened for their feedback, Ms. Kelly said, which staff did; there were then MPC work sessions, and at the MPC’s June 7 meeting, they recommended 65 code edits, of which she said about 50 were “very nuanced,” and the changes were for “clarity.”

Ms. Kelly went through “several notable updates” that are being considered for modification:

- Accessory structures, especially on waterfront lots – In the new code, structures like carports and sheds don’t always have to be located between the house and the water.
- Attached garages – These could be attached in houses that are on the waterfront if the second floor of the garage addresses the street with a balcony, for example.
- General approach to accessory structures – Ms. Kelly said this proposes more flexibility, as long as it meets the lot area requirements, though 4 structures is still the limit.
- Uses – Ms. Kelly said staff and the development community thought they could do a better job of combining use standards; she gave some of the examples.
- Before the code was adopted, there was discussion of accommodating artists with home occupations and how they could display their art for sale, Ms. Kelly said. The overlay was not carried over into the code, but its standards were incorporated in other ways. Home occupations can display merchandise for sale on a porch if the merchandise is made on the premises, she said, and there are limits to the amount of porch space the merchandise can take up. It cannot be in the yard and cannot be “offensive,” Ms. Kelly added.
- Short-term rentals – These proposals clarify that boats are permitted as short-term rentals, and add some requirements (e.g., in lieu of the monitored fire alarm). They place limits on the number of adults and vehicles per bedroom in short-term rentals, and clarify that when proposed short-term rentals are subject to property owners’ associations or homeowners’ associations, or are in marinas, an owner needs to get permission from those organizations to have a short-term rental.
- Farmers’ markets – There were standards for these in the past, Ms. Kelly said, but they were lost with the food truck ordinance’s addition, and they appear not

to be permitted. Also, standards were added that are modeled on the Town of Port Royal's farmers' market.

- Residential lighting standards – The motion-activated lighting requirement was removed.
- Modified the amount of required open space based on Whitehall and City Walk – Ms. Kelly said these are in line with Port Royal's open space standards, and are more flexible than the county's. Stormwater can be included in open space as long as it is an amenity, she said. The county's standards are 5% to 10% higher than the city's in similar areas.
- Major subdivision process – Ms. Kelly said the city's process was found to be different than the Town of Port Royal's or the county's during the Whitehall process. She explained the current process in the City of Beaufort. In the county and Port Royal, major subdivisions don't go to the planning commission; they go to a staff committee. State law says a planning commission or staff can approve major subdivisions, Ms. Kelly said. The city, the public, and interest groups want to maintain public input, while having processes similar to the Town of Port Royal and the county. Under this proposal, properties of 10 acres or more would go to the MPC, which would review a sketch plan for the major subdivision, and then it would go to the staff level for further approvals. The MPC would no longer review the preliminary plat. This is a little easier, she said, but it still maintains the public's opportunity for input, which "it seemed like everybody was in favor of."
- Landscaping non-conformities – If you're spending \$25,000 or more to improve a building, Ms. Kelly said, and the landscaping is non-conforming, this triggers a responsibility to update the landscaping. The old Atlantic Inn on Boundary Street and the laundromat on Ribaut Road had "vast parking lots," but they added landscaping, and now both look a lot better, she said.

Ms. Kelly reviewed the next steps with this update.

Rikki Parker, Coastal Conservation League, said the two of the changes Coastal Conservation League supports are the increased open space requirement and the revision process for major subdivisions. The group feels the existing process works – the first Whitehall plan is a good example of the importance of public comment – but Ms. Parker understands the desire to have the major subdivision process be more like Port Royal's and the county's. **Mayor Keyserling closed this public hearing.**

PUBLIC HEARING: FY 2019 BUDGET ORDINANCE

Mayor Keyserling opened this public hearing. Mr. Prokop said the proposed expenditure to fund city operations is \$22,975,810. The "property tax rate" is 73.57 mills. Because of the reassessment, "that could have rolled back to 69.5 mills," he said, and the city "could have increased the millage by 6.4 mills," but it's been increased by 1.02 mills to 74.59 mills, which covers the General Fund, debt, and a new 2 mil "reserve fund."

Mr. Prokop said on a \$280,000 home, taxes would increase by about \$50, and on Lady's Island, they could decrease for the same value home by \$46 because of the assessment. The stormwater fee is proposed to increase \$30 to \$135, he said. The city estimates it will have to put out a bond for \$5 million to solve stormwater problems in 9 areas of the city. There has to be a reserve of 20% as a requirement of the bond, Mr. Prokop said, so the fee needs to be increased by this amount on both taxable and non-taxable properties.

Mr. Prokop said if a local option sales tax were passed in Beaufort County, there would be no need for the increase for the reserve fund.

Lise Sundrla said the BAHA board was installed last month. This week, they will meet and discuss the budget and would like to come back following that meeting if they have comments. They will also be looking at the hospitality ordinance amendment, she said. **Mayor Keyserling closed this public hearing.**

MINUTES

Councilman Murray made a motion, second by Councilwoman Sutton, to approve the minutes of council's work session and regular meeting on May 8, 2018. Councilman McFee abstained from the vote because he was not present at the meeting. **The motion to approve the minutes as submitted passed 3-0.**

Councilman Murray made a motion, second by Councilwoman Sutton, to approve the minutes of council's work session on May 15, 2018. Councilman McFee abstained from the vote because he was not present at the meeting. **The motion to approve the minutes as submitted passed 3-0.**

Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of council's work session and regular meeting on May 22, 2018. The motion to approve the minutes as submitted passed unanimously.

ORDINANCE ANNEXING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY

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

ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY T5-UC/RMX

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

ORDINANCE ANNEXING FOUR PARCELS OF PROPERTY

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

ORDINANCE ZONING FOUR PARCELS OF PROPERTY LOCATED ON PORT ROYAL ISLAND

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

ORDINANCE APPROVING THE SALE OF SURPLUS CITY PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO TRANSFER

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading. Mr. Prokop said this is a small property that is not buildable in Verdier Bluff, and the selling price is \$50. **The motion passed unanimously.**

FY 2019 BUDGET ORDINANCE

Councilman Murray made a motion, second by Councilwoman Sutton, to approve the ordinance on first reading. Mr. Prokop showed the General Fund budget by department. The total operating budget is \$17,660,321; this is in the General Fund, he said. The Parks and Tourism Fund is \$3,504,985; the Stormwater Fund is \$1,065,306; the State Accommodations Fund is \$549,311, and the Redevelopment Fund is \$12,000.

Councilman McFee thanked staff for its work on the budget. The stormwater issues in the city have become “hugely . . . important to us over the last three years,” so he supports the increase in the stormwater fee. For a city of Beaufort’s size and financial resources, “spreading” this cost “over all of our citizens” makes sense, and while he would prefer not to increase the millage at all, he now feels that large projects that are upcoming, and some ongoing projects, “would be diminished by not maintaining” a reserve fund. Councilman McFee said he knows the county and the school district will “have increases this year . . . even with the rollback possibilities from the reassessment.” He’s resisted increasing fees and taxes while he’s been on council, but he’s seen what happens when maintenance is put off. Waterfront Park repairs “may have cost us several million dollars” because maintenance should have been “ongoing,” but it was not, so he supports the 2 mil reserve to avoid taking on more debt for future maintenance and necessary repairs to infrastructure, and because he feels “it’s important to have that money for those opportunities.”

Councilwoman Sutton said she agrees with Councilman McFee. She feels the 2 mil reserve is important and feels a 1 mil reserve “wouldn’t be enough to cover what we need to cover.” Before the past 8 years, hardly anything was done for the City of Beaufort’s infrastructure, except for “sidewalks in Mossy Oaks,” Councilwoman Sutton said, and there was a “\$6 million Waterfront Park bill.” She said she had read an article that said that in municipal governments that didn’t raise taxes, “the infrastructure was crumbling.”

Councilman Murray said taking care of infrastructure “requires an appropriate level of funding,” so the question is what that level is and what is happening in the economy. He has been “candid” about his thoughts on the reserve mil, he said. He supports the \$30

stormwater fee increase for various reasons. However, SCE&G is about to add 2% to all city users' bills for the undergrounding of lines on Boundary Street, Councilman Murray said, so he thinks there needs to be "sensitivity" about generating "any revenues" by adding fees and taxes to citizens' bills.

Councilman Murray shared 2016 census data about Beaufort's median income level ("about \$46,000/year") and per capita income ("23,000/year"). Just over 20% of Beaufort's citizens are at or below the poverty line, he said; a median mortgage in the City of Beaufort of \$1,600 per month, and a median rent is \$839 per month, although the recently released affordable housing study "pushes it closer to \$1,200 a month." He said, "\$40 or \$50 of the 1 mil increase probably isn't that big of a deal," but there is "a cumulative effect of the cost of living continuing to increase," which has "a compounding effect on folks' bottom line," so he questions whether residents should be putting money into "their own reserve" fund or the city's.

Councilman Murray said while the fund balance could be bigger, "it is not depleted." If the 2 mil reserve is not passed, "we're left with a \$538,935 balance," he said. The city is "also owed at least \$400,000 from FEMA for [Hurricane] Matthew expenses," Councilman Murray said, and if the concern is funding capital projects, the city is about to spend \$5 million in "borrowed money" for Mossy Oaks and "other troubled stormwater areas," which will take up most of Public Works' "capacity and capability for at least the next year," except for work on "some critical infrastructure issues" that must be addressed. He concluded that he opposes the 2 mil reserve because it will only generate \$184,000, which is not a significant amount of money in terms of the large capital projects it could fund, "but it is a significant amount of money to ask our residents to pay in addition to the \$30 stormwater fee."

Councilman Murray made a motion to amend the budget to eliminate the 2 mil reserve. The motion died for lack of a second.

Mayor Keyserling said he doesn't "disagree with anything anyone has said." This is the 14th city budget he's voted on, and he feels "we've basically dodged" this issue each time before this one. He described reasons money was spent to repair infrastructure in the city that had not been maintained. Mayor Keyserling said, "We're going in a good way" and the city is managing projects "better than we ever had," so he hopes people have confidence in the city and believe that it will be taking care of maintenance as the needs arise.

Mayor Keyserling said, "We've slowly eaten away at the fund balance," which is "historically an insurance policy." The city doesn't know what will happen with the reimbursement with FEMA money that Councilman Murray had mentioned. Mayor Keyserling hopes when the stormwater bonds are paid off, the fee will be reduced, and "we won't have to get in that position again."

Councilman McFee said on the median house price in Beaufort, the amount of the increase would be about \$21 on residential properties, not an additional \$40 as Councilman Murray had stated. Also, he said, about 38% of the city's residents are renters, which means they won't pay the additional tax; their landlords will. Councilman Murray said it might not happen immediately, but the increase would be passed down from property owners to their tenants. There was a general discussion about the amount of the increase for the reserve fund on houses of various values at 4% and 6% property tax rates.

Councilman Murray said with increases in the stormwater fee and property taxes, and the 2% increase from SCE&G, there would be an increase of "a little over \$100 increase for residents," which is "significant for a lot of our folks."

Councilman Murray said, according to **Kathy Todd's** fund balance analysis, there was an increase in fund balance of \$271,261 between 2016 and 2017; he speculated about why that had occurred, and said that the amount of private development in the city now is leading to "significant increases in revenue," so he expects "revenues will exceed estimates again this year and the following year." Councilman Murray said he's arguing that while a reserve fund "would be nice," it is not "critical at this juncture, given the socioeconomics of 20%" of the city's residents.

Councilman Murray made a motion to amend the budget for a 1 mil reserve; Councilman McFee seconded the motion for discussion.

Mayor Keyserling asked Mr. Prokop his opinion on the impact of a reduced reserve mil. Mr. Prokop said the "cost of doing everything locally . . . is skyrocketing." The city also wants to have funds for its match for grants, he said. Mr. Prokop hopes the city will get FEMA funds to build the reserve back up. The city received a grant for work on The Arsenal, he said, but now asbestos has been found in parts of it, so there has to be remediation, which is a new cost that the grant the city got for the originally planned work doesn't cover. Mr. Prokop said the city doesn't want to increase taxes, but it has to be able to fund future projects. He said again that there needs to be a push to establish a local option sales tax for "extra resources," because without it, the city's hands are tied when it needs revenues.

The motion to amend failed 1-3, Councilman McFee, Mayor Keyserling , and Councilwoman Sutton opposed.

The original motion to approve the budget ordinance on first reading passed 3-1, Councilman Murray opposed.

AMENDMENT SEC 7-13003 – HOSPITALITY FEE ORDINANCE

Councilman McFee made a motion, second by Councilman Murray, to approve the amendment on first reading. Mr. Prokop said this would raise the percentage to the

Greater Beaufort-Port Royal CVB – the city’s DMO (designated marketing organization) – to 5% from 4.4% and would reduce the amount to the nonprofit organizations that apply for funds to support tourism from 1.7% to 1.1%.

ORDINANCE SETTING ELECTION, RELATED DATES, AND FILING FEES FOR TWO MEMBERS OF CITY COUNCIL

Councilman McFee made a motion, second by Councilwoman Sutton, to approve the ordinance on first reading. Ms. Burgess said filing opens when the ordinance passes, and it closes August 15, 2018 at noon. The filing fee is \$150. **The motion passed unanimously.**

APPEAL FROM DECISION OF PARK & TREE ADVISORY COMMISSION (PTAC)

Councilman Murray made a motion, seconded by Councilman McFee, to approve the appeal. Mayor Keyserling said Action Tree could not attend the meeting; Mr. Prokop said they had given notice of that at 4:30 p.m. today.

Mr. Prokop said the intent of the Action Tree in applying for a permit was to cut the tree down. When they were not permitted to do so, they “trimmed the limbs,” which does not require a permit because the live oak was not over 24”. They did not cut the tree down, he said, but after the tree was trimmed, the certified arborist on PTAC examined it and said the tree would have to be taken down because of the way it had been trimmed.

Action Tree asked for their appeal to be covered at the June 26 council meeting, Mr. Prokop said.

A live oak is designated as a specimen tree when it is 12” DBH (diameter at breast height), Councilman McFee said, and this tree is 20” DBH. The request is to waive the mitigation fee, which Action Tree hasn’t incurred because the tree wasn’t removed, he said. Councilman McFee reviewed “the particulars of the case” that council knows.

Councilman Murray said two certified arborists have said the tree should come down because it is going to die because of the way it had been trimmed, which is why the mitigation fee was assessed. “Intent matters,” he said, and **David Tedford** of Action Tree had applied for a permit to remove the tree. Though the tree might “live forever,” Councilman Murray said, two certified arborists have said it needs to come down.

Mayor Keyserling said if the applicant asked for council to postpone the appeal, he has no problem “waiting for them.” Councilman Murray said he feels this appeal should have been handled at the May 22 council session. Mr. Tedford has done this work since the 1980s, and he only gave 30 minutes’ notice that no representative of Action Tree would be attending tonight, Councilman Murray said, so he favors upholding the fine.

There was a general discussion of what would happen if the appeal is denied.

Councilman McFee asked if anything gives Mr. Tedford “the latitude not to remove the tree.” Mr. Prokop said he doesn’t believe so.

Mayor Keyserling said the motion is to “grant the appeal of the fine for having not followed the rules.” **The motion failed unanimously.**

CITY MANAGER’S REPORT

Mr. Prokop described upcoming events and said DragonBoat Beaufort would be putting the new “day dock to use for a very great cause.” Also, Water Festival is coming up in July, he said.

CAPA sent a letter thanking the city for its support of the organization through the ATAX (Accommodations Tax) grant, Mr. Prokop said.

There will be a joint session with the Town of Port Royal and city council at 6:00 p.m. June 18 at the Keyserling Cancer Center, Mr. Prokop said, and there will be a council work session June 19. The second reading of the budget will be at council’s regular session on June 26.

An update on the stormwater engineering study and work plan will be done in the next two to three weeks, Mr. Prokop said; Mossy Oaks residents will be notified.

Mr. Prokop said he has a lease-purchase agreement for 16 acres in Commerce Park for Oliver’s Clean Burn, LLC, which will bring about 20 well-paying jobs.

MAYOR’S REPORT

Mayor Keyserling said he and the city manager met with the Beaufort County Heritage Tourism Corporation (HTC) and heard presentations by a company that is interested in running a ferry “various places,” but beginning with a route from “essentially Hilton Head to Beaufort.” He said the proposal is for local governments to lend the company the money, which would then be reimbursed to them. The purpose of the presentation was informational, and no action was taken on this, he said.

The Port Royal Sound Foundation’s Maritime Center is looking at a project to build labs and dorm buildings on land near the center, Mayor Keyserling said, where they could have camps and other activities. The organization also told HTC that it is proposing “to create a water trail” throughout Beaufort County. He thinks this is a good idea and could be a way to “tie all of our historical sites together.” The foundation did not make a specific ask of HTC, which Mayor Keyserling said “has no money” and doesn’t award money, but it could “conceivably, as a group, go to respective ATAX committees and support a project or help set priorities.”

Mayor Keyserling said he would not be here for next week’s work session, and he explained that he would be at a meeting about nuclear and other waste in the sea that

could affect seismic testing and drilling, and the following day, he would be meeting about support for the Sanford-Clyburn Bill to turn the Reconstruction Era Monument “into a national park.” It’s been rumored that the six permits for seismic testing on the coasts could be issued this week, Mayor Keyserling said.

Food Lion has a branded, reusable grocery bag and had a contest to illustrate it, Mayor Keyserling said. A student from Bridges Preparatory School created one of the pieces that was selected, and she got to give \$1,000 of credit at Food Lion to Lowcountry Food Bank. Also, for every bag Food Lion sells, they will give 6 meals to the food bank, he said.

COUNCIL REPORTS

Two of the three students whose “PollPit” project placed second in the College of Charleston’s ImpactX program are in town, Councilman Murray said; they’ll be living here for the summer and working out of Beaufort Digital Corridor (BDC). They have an LLC, have “hired a developer,” put together a business plan that mentors at BDC are reviewing, and started a GoFundMe page, he said. Their goal is to raise \$20,000, and they’ve raised over \$3,800 so far. They will introduce themselves at council’s work session next week, Councilman Murray said, and on June 21 at 5:30 p.m., there will also be an opportunity for the public to meet the students and hear their elevator pitch at BDC.

Councilman Murray said he, Mayor Keyserling, and US Representative **Mark Sanford** visited with people at Geismar and met representatives of the Rail Equipment Manufacturers’ Trade Association, which Geismar’s president will head up for the next two years, so they “put in a plug for Beaufort” with the association’s representatives and pitched the available parcels at Commerce Park.

Councilman Murray said the Food Lion bags are “very cool,” and he thinks as part of its communications responsibility, the city should communicate with businesses before the single-use plastic bag ordinance goes into effect. Mr. Prokop said he thought the county was going to be the lead marketer on this, but he will check.

Councilman Murray thanked primary candidates for offering themselves for service.

Councilman McFee said the Unity Song program was excellent.

Alzheimer's Family Services will host its annual dinner theater this coming Friday, Councilman McFee said, and guests will get a Food Lion bag as a gift.

There being no further business to come before council, Councilman Murray made a motion, second by Councilman McFee, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 9:19 p.m.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/5/2018
FROM:
AGENDA ITEM
TITLE: Worksession June 19, 2018
MEETING
DATE: 7/10/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Minutes	Backup Material	7/5/2018

A work session of the Beaufort City Council was held on June 19, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Pro Tem Mike McFee, Councilwoman Nan Sutton, Councilmen Stephen Murray and Phil Cromer, and Bill Prokop, city manager. Mayor Billy Keyserling had an excused absence.

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

CALL TO ORDER

Mayor Pro Tem McFee called the work session to order at 5:00 p.m.

PRESENTATION: POLLPIT PROJECT PROPOSAL

Culley Desinger described what the PollPit app does, including collecting public opinion and responding to it. They will make a version available for the public to test and respond to. Topics are ranked on the app; city representatives can comment and will be the top commenters. The app is meant to help promote dialogue, Mr. Desinger said.

Mr. Desinger said the idea of the app was in response to the team's generation not being involved in politics because they don't feel they have a voice. This app gives them that opportunity to speak and be heard, he said.

These students are from the ImpactX program at College of Charleston, Councilman Murray said. Mr. Desinger said he is a business major; **Bryan No** said he is a computer science major and the project's "techie." **Karisha Desai** said she is a political science and economics major.

The ImpactX program has 21 students in it who have applied and interviewed for it, Ms. Desai said. The teams are made up of a humanities major, a business major, and a computer science major, and each team chooses one of the United Nations' 17 "sustainable development goals" to "change the world," she said – this group's is "peace, justice, and strong institutions" – and then they "create an app off of that." The groups compete for a portion of \$10,000 in business seed funds, Ms. Desai said. The next steps are to raise money and to develop the app, which is what the team is doing at Beaufort Digital Corridor (BDC).

Councilman Murray said he found out about the ImpactX program from Mayor Keyserling, and **Matt D'Angelo**, the BDC board's vice chairman, went to the college and watched the pitches the students made, and then invited the PollPit students to come to Beaufort for the summer. Lowcountry Rotary Club is helping to subsidize this, Councilman Murray said.

Kevin Klinger, the BDC board of directors chairman, said Lowcountry Rotary Club is excited about this app idea. They're trying to develop BaseCamp at BDC, and they want

to bring companies to the Corridor that will be fully developed. Mr. Klinger said if the students' app is implemented effectively, a community could be connected to its politicians, and it could be a strong connection: "more immediate" and more interactive than just going to a website.

Mayor Pro Tem McFee said at city council's last two retreats, they had discussed improving the city's communications; there is a communications coordinator now, so he could direct council and others to PollPit to respond. Mayor Pro Tem McFee asked about a way to determine the validity of the questions, to prevent someone from commenting about Councilman Murray's hair color, for example. Mr. Desinger said when people log in, they must use their real names, so it's not anonymous. If something gets a certain number of down votes, it is automatically taken off the app (e.g., if the comment "doesn't belong there" or is too mean). Mayor Pro Tem McFee clarified that the individual commenter could be contacted if necessary. Mr. No said the algorithm is built to allow the community to check itself and to communicate *with* one another. It's more "dialed in on . . . improving the community," he said, not just for people to comment on something like on Facebook. There will be a stricter verification process for the people in the city who are responding, Mr. No said.

Councilwoman Sutton asked who this would be marketed to when the app is done. Mr. Desinger said they plan to reach out to clubs and the "more active" neighborhood associations, and then to local organizations that represent groups that aren't as able to make it to meetings.

Ms. Desai said they had pitched the app as "a type of virtual town hall." Mr. Desinger said links could be posted; Mayor Pro Tem McFee said council livestreams its meetings on Facebook and could make that available.

Councilman Murray described how BDC felt this app dovetails with the city's strategic goal #3.

Mr. Prokop said **Reece Bertholf** is the city's communications manager, as well as the fire chief, and the students could contact him.

In regard to capital needs, Mr. Desinger said they need \$13,000 to get on the app store, but they're not in a hurry to do that. Mr. Klinger said he and Councilman Murray are helping to get the students to a place where they "can attract funding." Ms. Desai said they received \$3,000 as a prize for their "demo day pitch," and they are set up on GoFundMe. Councilman Murray said the goal on GoFundMe is \$20,000, and they have received \$5,000 in less than two weeks. Councilman Murray thanked Lowcountry Rotary Club for its support for the BDC and this project.

In the end of July, Mr. Desinger said, the "MVP" will come out, and then they will work with the city and the community for input. Mayor Pro Tem McFee is housing one

student, Councilman Murray said, and another person in the community will be making a townhouse available; Mr. No is staying with him.

Lauren Kelly said she likes “the silent majority” idea, because communication with them is a concern of the city’s. She suggested that people with young children could be reached by contacting local schools, which would also fit the planned timeframe for the launch.

DISCUSSION: SPANISH MOSS TRAIL EXTENSION

Dean Moss, director of Friends of the Spanish Moss Trail, presented the “Spanish Moss Trail Master Plan and Downtown Beaufort Connector.” The idea of the extension has been floated for a while, he said, and after a PATH Foundation representative was in Beaufort, they created a presentation about the connector, including a route, what the trail would look like, etc. It would provide a connection to the Spanish Moss Trail, downtown Port Royal, MCAS, TCL, Beaufort Memorial Hospital, and Beaufort Plaza, Mr. Moss said.

Mr. Moss said he has discussed this with the mayor, the city manager, and the city’s planning staff. When completed, the trail will go from the beach at Port Royal to a bridge in Whale Branch. The route for this would go on the right side of Depot Road to Bay Street and then all the way downtown, he said.

Mr. Moss showed the concept of where the extension would start at Charles Street, then along the front of Freedom Park. He showed photos now and drawings of what it would look like with the trail there. The trail would run along the sea wall, he said, but there is a revision proposed to what he is showing in this presentation. This proposal is somewhat modified from the initial proposal, he told Councilman Murray; the path doesn’t go into Waterfront Park. At the seawall, the trail is proposed to be at grade, so the climb would not be as steep as was originally planned, Mr. Moss said.

At the Bluff, there are two lanes of traffic and a parking strip and a sidewalk, Mr. Moss said. The proposal is to narrow the travel lanes to 11’, which gives them room for the trail and a landscape buffer. It will also slow traffic down, which was a goal of the Boundary Street project, he said; this approach would remove the parking along the Bluff. They have discussed this with the Parking Committee, which has considered this extensively. Mr. Moss told what might be done with trees that are in the parking strip because of the need to go around them.

Mr. Moss said the barrier at The Bluff would need to be as “transparent” as they could get it. He discussed the trail on Bay Street after The Bluff portion. On Ribaut Road, the road widens and provides “a lot of extra space out there,” he said, and they can easily put in the trail without disrupting the landscaping. He showed what the trail would look like along Depot Road, including at the end of it (i.e., at the Spanish Moss Trail), where it is currently “a sweeping, kind of unmanaged intersection” that would be straightened

out and cleaned up.

Mr. Moss said the mayor's idea is to "end the formal trail" at "Hamar / Adventure / somewhere in the Bladen Street area," and "move the traffic [on] a trail through signage and sharrows, and conceivably some right-of-way improvement out onto King, Prince, or maybe North" Streets, making "it a network – a trail – of essentially signed and sharrowed rights-of-way along existing roads that would carry things out into the center of the peninsula," with "the ability to move forward up to Boundary Street, where the student housing is coming in, the post office," and downtown, then "out to Carteret and the university." The Friends of the Spanish Moss Trail "prefer The Bluff," Mr. Moss said, because it offers "an opportunity for one of the most beautiful trail passageways in the country," but it's more important to them to make a decision about a route so they can get permitting, etc.

"This is an expensive project," Mr. Moss said, and it could "approach \$2 million" if it's done as the Friends conceive of it. He said many aspects of this project would take time, including raising money and dealing with the Department of Transportation (DOT).

Mr. Moss said he understands Mayor Keyserling's interest in a project that would focus on citizens instead of tourists, but he feels "a huge piece" of this plan is to enable people to "get safely downtown," which he feels focuses on residents as much as on tourists. The group has made this presentation to the Downtown Beaufort Merchants Association, he said, and the group was interested in it. Tourists would have a safe way to get "where they needed to go," Mr. Moss said, so it benefits them as well as downtown merchants.

Mr. Moss said the trail would be landscaped, signed, and marked, and about 8' to 10' wide. It would be "separate from traffic . . . for safety's sake." He's met with residents along The Bluff, and most of their responses were positive. "One of their interests is slowing down traffic along that stretch," he said, and they made suggestions such as "providing pedestrian crossings." Mr. Moss said those residents would like the trail to "focus the energy out onto the edge of The Bluff, rather than in – next to their homes – on the sidewalk."

The comments on the proposed trail extension have been positive generally, Mr. Moss said. The biggest concern has been the loss of parking if the trail is put along Bay Street. He feels that parking spaces for downtown events could be found. The concern is that people pull over and sit on Bay Street to "decompress" in "one of the most beautiful places in the country," Mr. Moss said, and this plan would take that opportunity away. He said Mayor Keyserling's idea would prevent that from being an issue. Mayor Pro Tem McFee said that the price would be higher for Mayor Keyserling's plan; Mr. Moss said, "The cost might go down," given that the path would be done with signs and sharrows.

Councilman Cromer said the part of North Street that Mr. Moss is talking about for the

trail extension is “pretty narrow.” Mr. Moss explained that the sharrows tell drivers that they’re in “a shared right-of-way,” and bikes will be “in this space with you,” so drivers have to “accept that and slow down and deal with it.” King and Prince Streets have wider rights-of-way, he said, but that would push people “a little further from downtown” if they’re on the trail. Until the city’s preferred route is known, Mr. Moss said, it’s hard to work out what the costs might be.

Mr. Moss said since the Spanish Moss Trail opened, it was driven by the PATH Foundation, Mr. Kennedy and the Cox Foundation, and the Friends of the Spanish Moss Trail, so the county’s attitude has been “this is kind of your trail and we’re helping out.” It is the county’s trail, he said, but county administration and elected officials don’t feel that way. If this extension gets done, Mr. Moss said, it needs to be tackled as a City of Beaufort project, since the Friends of the Spanish Moss Trail can’t deal with DOT, for example.

Mr. Moss told Mr. Prokop that essentially the county has not written an agreement with the PATH Foundation; “there have been handshake agreements, more or less,” he said. The PATH Foundation has arranged and paid for surveying, etc. In only on one section was the normal procurement process followed, Mr. Moss said. Otherwise, the county authorized the use of the right-of-way, and the PATH Foundation came in and built the trail. They put in the money to build it, and then were paid back by the county, including with some of its ATAX funds, he said. Mr. Prokop said, “It’s a legitimate ATAX expenditure.” Mr. Moss said the trail never appeared as a capital project on the county’s capital projects list. The county doesn’t “really claim it very well,” he said, even though it’s the county’s trail.

The Spanish Moss Trail is the most heavily used recreation facility in Beaufort County, other than the beaches on Hilton Head, Mr. Moss said, but it’s “kind of a stepchild in terms of the maintenance.” There was a real problem with that in one place where there was no maintenance, but that’s been worked out; “the tunnel” is a similar issue, he said. The county tends to be “somewhat dismissive” of the trail, Mr. Moss said, and he doesn’t want that to happen with this extension.

Mr. Moss told Councilman Murray that 50% of trail funds have come from the Cox Foundation, with 25% from the county, and 25% from among the city, Port Royal, Beaufort Memorial Hospital, Friends of the Spanish Moss Trail, and citizen donations. The total spent on the trail so far is about \$9 to \$10 million.

Mr. Moss said, “If we move reasonably soon” on the trail extension, apart from funding, “we’ve got the ability to utilize PATH.” A key person there is getting ready to retire, and Mr. Moss doesn’t want to lose him or the PATH Foundation contractor.

As a first step, Mr. Moss said, if the city wants to proceed, he’d like to get a resolution on the route as soon as possible. PATH could come and talk about improving rights-of-

way and about how sharrows might work; if the route goes down Bay Street, they should get an engineer engaged as soon as possible “so we can get some dollars,” he said.

Mr. Moss told Mayor Pro Tem McFee that as far as they know right now, the right-of-way along Depot Road is “sufficient.”

Councilman Murray said the connector was listed on the city’s capital improvements plan (CIP), so council formally endorses it. As far as the route, he understands Mayor Keyserling’s argument about “using it as an investment tool through those neighborhoods,” and he also understands the argument about the view shed and the need to make the trail “as unobtrusive as possible.” There is a concern about parking, so Mayor Keyserling’s arguments make sense, Councilman Murray said, but on the other hand, the idea of this extension is to create a connector to downtown, and that should be as safe and efficient as possible. He said King Street is very narrow and has several blind intersections, so that would be a concern for him. Councilman Murray also thinks this could be “an iconic path for the county” if it’s done right. He likes the modified route with no connector to Waterfront Park. He’s concerned about the view shed and making “those handrails . . . blend” in.

Councilman Murray asked if there would be a way to have a few parking spaces around Beaufort Elementary School, so people could still pull off and take pictures. Mr. Moss said he’s sure they could do that.

Councilman Murray said funding “is going to be our big issue,” and council and the city have “prioritized critical infrastructure,” so he doesn’t know where the money would come from in this fiscal year. Mr. Moss said he understands, but he wanted to put this on the table. He said he’d be available to talk any time. Friends of the Spanish Moss Trail representatives would be meeting with neighborhood groups at the city’s monthly meeting tomorrow, he said.

Councilwoman Sutton said her biggest concern is that she doesn’t see losing 58 parking spaces along Bay Street as an option. She also feels that while residents may take the view of the bay for granted, visitors to downtown Beaufort are likely to pull into those parking spaces to enjoy “that iconic view.” Councilman Cromer agreed with her. He feels North Street is “too narrow,” so sharrows might not work there.

Councilman Murray said Mayor Keyserling has some safety concerns, but there have been very few incidents on the trail, even in those places that don’t have “eyes” on them.

Mayor Pro Tem McFee said he agrees with Councilwoman Sutton that it would be difficult to give up those parking spaces. Unlike other parts of the trail, people would be on this extension in the evening, especially coming from downtown, but they could be

removed, he said. He understands the costs would be higher for this than for the mayor's idea, and the grade on The Bluff would be a challenge. Mayor Pro Tem McFee agrees with Councilman Cromer that North Street "or some of the interior streets" don't provide "a lot of opportunity . . . unless you got all the way over to Prince, which has the highest right-of-way, probably, [of] the parallel streets in the core," which have "some pretty static, immovable cemetery walls" and other things "that are not going to be very giving" of "additional space and function along the streets."

Mr. Moss said another option is to "kind of reimagine Bay Street on The Bluff," and "bring them up off the street, all the way up to Adventure" Street, then "sharrow Bay Street and really slow traffic down right along that one section," putting "the trail inside the parking along the street" and "figuring out how to combine the bikes" with the vehicles and pedestrians, who could cross the street to the sidewalk on the other side of the street.

Councilman Murray said there is a 10'-wide sidewalk on the other side of The Bluff. If cost was not a consideration, he asked if the street could be realigned and the sidewalk made 5' or 6' wide, and if that would allow room to have some of "the parking, a buffer, *and* the trail." Mayor Pro Tem McFee said he doesn't think that would work unless the size of the trail was reduced because "you have to have 33'" for "parking and the two lanes, with no separation." Also, the sidewalk varies in size and may be as small as 6' or 8' in some places, he said, so they couldn't take 5' from it everywhere. The idea of this plan was to keep pedestrians from having to cross the street, which would create "more safety issues," Mayor Pro Tem McFee said.

Councilman Murray said he doesn't feel all of the 50-some parking spaces on Bay Street are utilized, so he asked if there could be a compromise on the spaces if capacity were created on the other side of Bay Street; he said they could "challenge city staff to find the offset" for the 20 to 30 spaces that are needed for the trail.

Mike Sutton said this is a new concept, though it's been discussed for a long time. He said DOT – not the city – owns these roads, and DOT won't let the city "manipulate" them. He asked if it would be "smart to study any east to west roads that could be made one-way." Also, the parking on Bay Street could be flipped to the other side by moving "the center line to the road to the left," Mr. Sutton said. The parcels on Bay Street would have curbside parking and wouldn't add cost to the project. Mayor Pro Tem McFee said there are specimen live oaks that could not be part of the road. Mr. Sutton said there are roads all over the county that go around live oaks.

Mr. Sutton said the marina improvement and phase two of the Sasaki plan also need to be considered with this plan. He thinks this is an excellent idea and feels there should be discussions about "vital ways you could do it." No ideas "should be dismissed," he said.

Edie Rodgers said a boardwalk along the marsh was proposed at one point, but it "went

away” when there was “an absolute uproar about it.” She thinks the Open Land Trust would object to having parking “up there.” Mr. Moss said Mayor Keyserling wants a connection to Boundary Street, but he hasn’t said how that might be done. Mayor Pro Tem McFee said this would be an additional connection to the trail going down toward Waterfront Park.

Ms. Rodgers asked if there are parameters for eventually finishing the Spanish Moss Trail, or if there would be “many spurs along” it. Mr. Moss said there are connections already, and some that have been planned and others being discussed. These are “part of the trail,” he said, but he doesn’t know what the future holds.

Mayor Pro Tem McFee asked **Edward Dukes** his opinion about The Bluff. Mr. Dukes said Mayor Keyserling initially liked the plan. Mayor Pro Tem McFee said the Civic Master Plan shows a boardwalk along The Bluff, but that idea “was abandoned.” That boardwalk was not intended to be a connection to the Spanish Moss Trail because that didn’t exist, he said. The idea of keeping a trail extension on The Bluff would mean involving a number of partners, Mayor Pro Tem McFee said. It would reduce the visual impact, but it would be a different experience than many have had along the lower bluff, he said. He also noted that there would be ADA issues to be considered.

Councilman Murray said people get used to the way Bay Street looks, and it’s “comfortable,” but he’s not sure that the open parking and cracked asphalt where the live oaks are is the best use of the space. What is proposed is different, but it might be a better use of the space, he said. Splitting the trail around the oaks might add to the experience of the view shed and of travelling down Bay Street, Councilman Murray said, so he feels they all need to keep open minds about these ideas.

Councilman Murray asked for a timeline in a perfect world. Mr. Moss said ideally, by the end of July they could be in a position to work on a route. He knows there are issues and tradeoffs with every idea, so this is why Friends are seeking feedback from many sources.

Mr. Moss told Mayor Pro Tem McFee that he has talked about this with the Open Land Trust board and staff, but he’s not talked to them about potentially mitigating parking on Bay Street.

Mr. Prokop said Ms. Kelly and **Libby Anderson** had met with the mayor yesterday. Ms. Kelly said Mayor Keyserling is definitely in support of “getting across Ribaut Road,” which is “the biggest challenge.” If they use sharrows, there should be a clearly defined network to different places in the city, she said. She and Ms. Anderson looked at North and King Streets, which have 30’ to 35’ rights-of-way, while other streets’ rights-of-way are 60’. They also discussed how to create a route or loop for the trail extension that includes the Cultural District, Ms. Kelly said.

6-MONTH AMENDMENTS TO THE BEAUFORT CODE

Mr. Prokop said staff has met with the development committee, the Metropolitan Planning Commission (MPC), and many others about the update to the code.

Ms. Kelly reviewed the steps since adoption of the Beaufort Code and how staff has noted questions and comments about it to improve it. They looked at unintentional omissions from the old ordinance, and new things that have come up since the code was adopted. They have about 65 updates, she said. The RDC met with staff in March, and the commissioners suggested that staff should meet with the development committee, which they did in April. There were 2 work sessions with the MPC, Ms. Kelly said, which made a recommendation to approve these updates.

Ms. Kelly said she would focus on the changes to policies or regulations (e.g., screening trash cans for short-term rentals). There are really only about 7 “decisions to be made,” she said, so she would highlight those, and if council has questions about other items, she would answer them.

Ms. Kelly said the proposed change to 2.6.1.F stemmed from how 303 Associates wants to use space in the old Kmart shopping center. It would allow the first floor of a building that is used for particular kinds of uses to be higher than 15’. Currently, if you want to have a convention center, for example, you could have a 20’ first floor, but it would count as two stories, so you could only have three more stories, she said; this proposes that you could go to 24’ on a first floor for these uses, and you could still have 4 more floors.

The MPC recommended that this provision apply in the Boundary Street Redevelopment District only, she said. Mr. Prokop asked if a shopping center on Lady’s Island would be able to do this. Ms. Kelly said they would not be able to have a first floor of up to 24’ because they aren’t in the Boundary Street Redevelopment District, but they could apply for a variance. The MPC wanted to limit the scope of this to the area from which the comment was initiated, she said.

Councilman Murray asked if there would be any reason not to extend this to some other commercial corridors. Ms. Kelly said they could, but she noted that in other areas, a building could still have a 20’ first floor, for example, but it would count as two floors, so the building could only have an additional three 15’ floors. This was originally for RMX and T5-UC districts, she said, which would include other commercial corridors, if council wanted to extend this option elsewhere than just on Boundary Street.

Making display/sales for home occupations more flexible for artists – Ms. Kelly said this came out of the idea of an Arts Overlay District. Being more flexible means allowing artists to work out of their homes or an accessory structure, she said, and to display their products to allow make their businesses to be more viable. What is proposed is that for exterior display, which currently isn’t allowed, artists would be permitted to

display their “products that have been produced on [the] premises” on their porches, covering “up to 25% of the floor/wall area,” Ms. Kelly said.

During the Beaufort Code process, another concern with artists displaying their work was that some of it might not be “appropriate for all ages,” Ms. Kelly said, so Section 1.2 of the code speaks to that: “Items that are offensive” per the provisions of that statement are not permitted, and items can’t be displayed in artists’ yards. If these proposed changes were adopted, the only Arts Overlay District item that would remain would be pre-approved house designs, Ms. Kelly said, and staff might bring that up after the code update process.

Mayor Pro Tem McFee said citizens had expressed concerned about the display of items, and he asked if there has been feedback from neighborhoods. **Sue Derrenbacher** said she thought of the 25% of the porch because the amount is “objective” and reflects the 25% of the home that can be used for the home occupation. The only thing that wasn’t addressed was “the size of a single piece of art,” she said, so it could be a large mural, which might not be good, “depending on the subject matter” of the mural. Ms. Derrenbacher thinks the time a mural spent on the porch might be short because of weather. Mayor Pro Tem McFee said artists would still need to abide by Section 1.2.

Ms. Derrenbacher said the statement says the art has to be made in the home, with the exception of antiques, which wouldn’t be made there. She asked why that’s in there. Ms. Kelly said they had separated what could be displayed versus what could be sold. She read the code and said there hasn’t been a problem with this for people who like to refurbish antiques and sell them. Mayor Pro Tem McFee said antiques are included among things that aren’t made on the premises but that could be sold from a home occupation.

Ms. Kelly said there used to be farmers’ market standards, but when the food truck standards were updated, the farmers’ market standards were lost. This proposes to add in a farmers’ market under “temporary uses,” and the standards were modeled on those of the Port Royal farmers’ market, she said. The gist of the Port Royal standards are that there needs to be a plan and an on-site manager, and the farmers’ market shouldn’t be a flea market/things can’t be re-sold, Ms. Kelly said.

Councilman Murray said it says that the site plan needs to include signs and parking that is clearly delineated, which Port Royal’s farmers’ market doesn’t have. He wondered if the Beaufort farmers’ market is “floundering.” Councilwoman Sutton said it’s always been that way, and she would like it to be as successful as Port Royal’s, but it’s not. Councilman Murray said Beaufort’s farmers’ market is on Wednesdays, and many vendors go to Bluffton’s on Thursdays, which they choose to do because Beaufort’s farmers’ market hasn’t been successful. He wondered if having more regulations wouldn’t further hinder the Beaufort farmers’ market.

Councilman Murray asked about telling farmers' market vendors that they have to clear the trailers "if the lessees of the site are okay with them leaving that stuff there." Ms. Kelly said right now, there is no provision for having a farmers' market or not. There's a list of temporary uses in the ordinance, and "if it's not on the list, it's not permitted." A farmers' market is not on the list, but "we want it to be permitted," so they want to add it, but there are also "wagons and things left all week long" at the site, and she asked if that's "how we want it" to look when the market isn't operating. If they want a farmers' market, she asked if there shouldn't be "rules to maintain the property" that it's on.

Mr. Prokop said what's there currently isn't "really . . . a farmers' market. We have a place where a couple food trucks park." He has "a hard time accepting" that a farmers' market on private property has "to follow our rules." Ms. Kelly said one example of a temporary use is "seasonal sales" (e.g., Christmas trees); there are "rules" for that, "and those are all on private property" for a certain time period, and the vendors "get a temporary use permit, and when it's over, it's over, so I'm not sure how it's different."

Councilman Murray acknowledged that the current farmers' market is "a couple of food trucks" and some produce sales, but if this provision is passed, the farmers' market would have to comply with these regulations, and the city "would told them that the trucks, and the tables, and the stuff that they're storing out there now has to go away." Ms. Kelly said, yes, it would be like Port Royal's farmers' market, where you don't see "the remnants all week long" when you drive past it. Councilman Murray feels the difference is that Port Royal's farmers' market "is on public property." If the farmers' market were in the marina parking lot, he said, which the city owns, they would be able to tell the vendors "to clear out and vacate, because you're not going to store a bunch of junk on the site over the course of the week," but he asked how the city can tell people what to do on their private property. Ms. Kelly said there are some instances where it is done already, but there might need to be more discussion, and this could be added to the code separately.

Ms. Rodgers said people say they miss the farmers' market, and it was once very successful on Wednesdays. They had to move locations several times, "and it just sort of fell apart," so she thinks people would like to know that the farmers' market is supported.

Mayor Pro Tem McFee said it's important to have a farmers' market; at the time the Beaufort farmers' market was in Waterfront Park, there was no Port Royal farmers' market. If someone wants to have one, though, he thinks it should be allowed, but there needs to be a framework for it.

Councilman Murray agreed that there needs to be a contact person and with other proposed regulations; his concern is with the storage of kiosks, etc. not being allowed when the market isn't open. Ms. Anderson said they could scratch that and discuss with the manager how much needs to be left behind, for example, if that's the only concern

with this proposal.

Mayor Pro Tem McFee asked what the ordinance says about someone doing a carnival at Jean Ribaut Square and bringing in a carnival company to do it. Ms. Kelly said it's addressed in temporary uses under "A," and she read from that section of the code. Mayor Pro Tem McFee said he was thinking of "Decoration Day" carnivals of the past. There was a general discussion about carnivals, including one at the Baptist Church of Beaufort, which was a few hours long and didn't have rides or animals. Ms. Anderson said part of the issue might be with a private non-profit having a fundraising carnival, as opposed to a for-profit, commercial circus. The intent isn't to regulate churches' fall bazaars, for instance, she said.

Ms. Kelly said lighting standards would be updated to remove the motion-activated lighting requirement and to model the standards on those of Kennebunkport, Maine. Councilman Murray asked what the measurement was, and Ms. Kelly said it's "lumens."

On 7.4.2.A – community green space and open space requirements – Ms. Kelly said this proposes to increase the amount of green space and open space in new subdivisions. A project like Whitehall would change from being exempt to having 10% open space required; the development actually has 20% open space, she said. Developments with less acreage require a smaller percentage of open space, Ms. Kelly said. The development committee had asked if stormwater was included, and it is, she said, as long as it's an amenity, not "residual space" that has a chain-link fence around it, for example. She said the green spaces within a street right-of-way don't count in the open space requirement, though a green space in the middle of a boulevard might count.

Ms. Kelly said apart from open space, staff discussed uses with the development committee, and some have been streamlined. They also discussed agency regulations, but that's not a part of this update, she said.

Ms. Kelly said the city is the only jurisdiction that requires the planning commission to review major subdivisions. The City of Beaufort does that for transparency and to keep the process open to the public. Currently, a major subdivision is one with 6 or more parcels, and the proposal is to change it to 10 or more acres, she said. The other change is to have the MPC consider the major subdivision at the conceptual / sketch plan level, and then further steps of the process would go to staff via the Technical Review Committee (TRC), which would review preliminary and final plats. This is not totally going the way of the county and Port Royal, Ms. Kelly said, because this would allow more public input than those jurisdictions do.

Rikki Parker, Coastal Conservation League, said the organization "can live with" this proposal. The Whitehall development would have ended up as it did with either process, she said. Coastal Conservation League favored the old process more, but the organization feels – as she said **Chuck Newton** of Sea Island Corridor Coalition, does –

that this would work.

There was a discussion about the history of major subdivision approval, which once was done by city council in the 1970s.

Councilman Murray said he wants public input, but he has an issue with the MPC having approval, because it is made up of appointees who don't all represent the City of Beaufort and whom council does not control. The commissioners "have a different vision for growth" than city council does, he said, and Beaufort's citizens elect council to do that. Councilman Murray asked if it's "abdicating responsibility" to give the MPC this level of approval. Mayor Pro Tem McFee said the TRC would make the final decision. Ms. Kelly said the MPC discussed this and whether it has been a problem, and it hasn't. City Walk is a nice addition to the city, and with the current process, Whitehall reached both internal and public consensus, she said. There have been no instances of non-city members of the MPC making decisions that didn't align with those of the city staff.

Mr. Prokop said in Port Royal and the county, major subdivisions are only approved by staff. Councilman Murray said the public should be notified of major subdivisions and allowed to speak "to some body," which is something he's surprised that the other two jurisdictions don't have.

Councilwoman Sutton said council needs to "protect ourselves," and someone on the MPC might "not align with us," so something could go "too far." Councilman Murray said major subdivisions could still go to the MPC for its review, without the commission having "actual regulatory authority," and then it could be required "to come to council for formal approval." Ms. Anderson said, "State law says that the planning commission approves subdivisions. It says that they can delegate that authority to staff."

Ms. Parker said the county might have "some interest" in changing their way of approving major subdivisions because of problems they have had with a lack of public input. Public comments on Whitehall came from county residents as well as city residents, she said, so there are benefits to having members of the MPC there who represent county residents.

Mayor Pro Tem McFee discussed the importance of having "some level of public comment or review." Mr. Prokop asked what would have happened if the MPC had turned the Whitehall project down, and council disagreed with that. Mayor Pro Tem McFee said it would have to go to court. Ms. Kelly said the first round plan for Whitehall didn't meet the ordinance; when the plan came back to the MPC for the second time, staff "laboriously showed" how the plan met the ordinance. She said staff provided analysis, and the MPC said they agreed with it. This method allows a level of interaction with the public and the developer that would be missing with just staff approval, Ms. Kelly said.

Councilman Murray said he thinks the MPC is the appropriate body for this review, but he has trouble with giving regulatory control to a body of appointees that may or may not represent the city. The initial Whitehall proposal would not have moved forward whether staff or another body reviewed it, he said. Councilman Cromer said he agrees with Councilman Murray and feels “uncomfortable giving that authority away.”

Ms. Kelly said the biggest change would be that MPC “would not approve” a major subdivision but would make a recommendation, and “the authority would be invested in staff.”

Mr. Sutton said he was in on the formation of the MPC, and this process wasn’t articulated then. The MPC was formed with “the idea of getting the public informed” about issues, he said, and there was no discussion “about anything regulatory.” Mr. Sutton said he’d “missed” this major subdivision process in his review of the Beaufort Code. Ms. Kelly said the MPC’s authority was set in the UDO. Mr. Sutton said the planning commission – not the MPC – was in place when the UDO was created. Mayor Pro Tem McFee said verbiage about the planning commission became the MPC’s.

Mr. Sutton said there’s “no reason” for the MPC “to have more authority” in Beaufort than it does in the county and Port Royal. Mayor Pro Tem McFee said the public would still have an opportunity to weigh in on the sketch plan for a major subdivision, and then the preliminary and final approvals would be the TRC’s. Councilman Murray said that means that the MPC would still have “regulatory authority” with the sketch plan, and that’s his “heartburn”: that they have that regulatory authority and are not “just making a recommendation.” He’d also like major subdivisions to come to council for more public hearing, if that’s allowed by statute.

Mayor Pro Tem McFee asked how many opportunities there would be for 10-acre properties in the City of Beaufort, not including annexations. Ms. Kelly said she thinks it’s fewer than ten.

Councilman Murray asked for legal clarification about what can and can’t be done according to the state statute. Mayor Pro Tem McFee said the MPC’s role can’t be eliminated. Councilman Murray said he thinks it’s appropriate for the commission to weigh in, but they should give a “recommendation only,” like everything else that goes before them.

On 11.7.2.A – landscaping nonconformities – Ms. Kelly said if you’re doing a project that costs a certain amount, and you have non-conforming landscaping, you must invest up to 5% of the project cost to bring the landscaping into conformity. Examples are parking on the street that’s not screened, visible HVAC units, or a parking lot with no trees in it, she said. Two examples of this that were done are the laundromat on Ribaut Road and the Oasis Inn on Boundary Street, both of which look much better. The current threshold is \$10,000 for the improvement costs, and the update would be \$25,000, Ms.

Kelly said.

Councilman Cromer said he can see this for exterior improvements to a building, but he asked if it's triggered by internal improvements. Ms. Kelly said both internal and external improvements count; it's spelled out in the code, but for example, it would apply to a hotel doing new interior renovations, but not for getting new furniture or a new roof. It doesn't apply for maintenance, she said, and the requirement is only for bringing non-conforming landscaping into compliance. Ms. Anderson said most newer projects have decent landscaping already. Ms. Kelly told Mr. Prokop that new equipment wouldn't count in the project cost.

Ms. Kelly said staff proposes that council approve one code update next week, which would include all of these changes.

Mr. Prokop asked, if he only has a one-bedroom short-term rental (like an Air BnB in his residence), if he would have to screen his trash cans. Ms. Kelly said yes. Mr. Prokop said neighbors who don't have short-term rentals don't have to screen their trashcans. Ms. Anderson said the city is holding short-term rentals to a higher standard than a single-family residence. Other commercial uses have to screen their trash receptacles, and having short-term rentals keep up their properties better is a trade-off for their residential neighbors.

Mr. Prokop said the owners of short-term rentals might move into their property after a year, and they would have that trash screening that they probably wouldn't take it down. Ms. Anderson described what screening entails.

Ms. Kelly said there is a higher standard for short-term rental properties because a commercial use is a higher intensity use than a regular residential use.

Mr. Sutton described why he thinks there shouldn't be a different standard for short-term rentals, and he suggested staff needs to "stop the madness" of having "more regulations." Mayor Pro Tem McFee said the city holds short-term rentals to a higher standard; Councilman Murray said he thinks that's being done, but he feels there should be different standards if someone rents out a room in their residence, as opposed to renting out the whole house. Mayor Pro Tem McFee said all residences only have one bin for trash and one for recycling. Ms. Kelly said the bins don't need to be screened per se; they just shouldn't be "visible." The short-term rental owner could leave the bins behind the house.

Mayor Pro Tem McFee said codes enforcement notes if trash bins are left on the street; Councilman Murray said neighborhood associations also do that. Ms. Kelly said under the Beaufort Code, the purview of short-term rentals went from the ZBOA to staff. This provision could be changed to say the trash should "not [be] visible from the street,"

rather than “screened.” Mayor Pro Tem McFee said that would help, because as it is, it appears that an enclosure needs to be built for the bins.

Councilman Cromer asked about 3.7.2 – enclosure of minor and major vehicle services and repair. CARS, the auto repair shop on Boundary Street, can’t put wrecked cars behind the building. Ms. Kelly said this is specifically for new facilities and uses in T4-N and T5-UC zoning.

Councilman Cromer asked about dealerships that have cars for sale without screening. Ms. Kelly said this is for businesses doing major vehicle servicing and repair, and the change proposes that a “visibly” wrecked car – not one waiting on an oil change – needs to be stored in an enclosed structure. Mr. Prokop said he thinks the definition should be clearer.

Councilman Murray asked for an example of T5-UC zoning, and Ms. Kelly said Sea Island Parkway is an example. She said, depending on how a property is developed, it could either be RMX or T5-UC further out on Boundary Street. Councilman Murray said these are historically commercial corridors, and if a new structure is required to store wrecked vehicles, it “creates an exorbitant cost for some of these business owners.”

Councilman Cromer feels these businesses would “move to the county.” Mayor Pro Tem McFee said it could be changed so that wrecked vehicles could be stored behind a building or otherwise “out of sight,” rather than in an enclosure. Ms. Kelly said T4-N and T5-UC are urban, “walkable, mixed-use” areas, and there, “wrecked cars are supposed to be in a building.” Toward “the more Highway Commercial” zoning, it’s “a little bit more flexible,” she said.

Mr. Prokop said “the practice of the industry” is to use “internal space for mechanical work” and leave wrecked cars “screened” outside, so the wrecked cars don’t “take up a chunk of space in their shop.” Councilman Murray said a wrecked car could also leak “potentially flammable” fluids.

Councilwoman Sutton said requiring a building to store wrecked cars is “a little onerous,” and she asked if they couldn’t be screened, instead. Councilman Murray said, “The argument is . . . prohibition by regulation.” No auto body repair business could afford to build a building large enough to enclose all of its wrecked vehicles on Boundary Street or “one of those commercial corridors” where the building would have to meet design standards, so this “discourages those types of businesses right off the bat,” in certain locations.

Ms. Anderson said this provision only applies in certain areas. Previously, you couldn’t have major car repair on Ribaut Road because it was adjacent to residential, she said, but now you can do it, though it has to be done in a building. Mayor Pro Tem McFee

said these requirements do not apply in RMX, just where there is a mix of residential with commercial.

Ms. Kelly said an auto repair business has been proposed on Boundary Street that will have an office building in the front and another building for the wrecked cars in the back.

Ms. Kelly told Mr. Prokop that there are currently non-conforming uses, such as the CARS shop. If he were to buy CARS, the standards for it would remain as they are, she said, so this provision wouldn't inhibit the sale of these types of businesses.

There was further general discussion of current auto repair businesses and what they would have to do if they were to improve their businesses more than 50%. The CARS building is currently assessed at \$22,000, Ms. Kelly said. There was speculation that if CARS improved the building, and those improvements cost more than \$11,000, the business would have to have a building in which to store wrecked cars. Ms. Anderson said improving the CARS building might not require them to put the wrecked cars in a building.

Ms. Kelly said this provision is already in the ordinance, and the proposed change is meant to make it more flexible than it currently is. Staff added that if full compliance can't be achieved, the building must comply "as much as possible," she said.

Mr. Prokop asked where in the city vehicle service and repair businesses could have outside storage of wrecked vehicles if they can't have it on Boundary Street. They could have them in "most of the city, beyond the trail," Ms. Kelly said; on Highway 170, beyond the Spanish Moss Trail, "you can choose between RMX or T5-UC," and "it can happen" in RMX. Various people suggested other areas in which outside storage of wrecked cars would be permitted.

Ms. Kelly said it sounds like the definition of "wrecked" should be added.

Councilman Cromer asked about short-term rentals on boats, which are not required to have monitored fire alarms, but must have Coast Guard vessel safety checks. Ms. Anderson said the checks must be done one time for boats that are short-term rentals. Mr. Sutton said a short-term rental boat has to be in a licensed marina, which provides some regulation. Ms. Anderson said the short-term rental applicant would call the Coast Guard, get the report, and bring it to the city; the Coast Guard is trained to do these kinds of checks, as opposed to the building inspector, who is not. Ms. Kelly said the fire marshal and the fire department recommended this.

There was a discussion about the Coast Guard Auxiliary doing the inspections. Councilman Murray said, "Who knows what you're going to get back." Mr. Sutton said

the marina is liable for a short-term rental that is in it, so the marina has a vested interest in the boats' safety.

Councilman Murray said the city could have its own checklist, rather than "relying on the Coast Guard Auxiliary." Ms. Kelly said this was only for the monitored fire alarm component of short-term rentals on boats, but there are other things that would be checked by the city, though not all short-term rental checks apply to boats.

On 4.6.1.H – outdoor display of merchandise – Councilman Murray asked for more clarification and if "we're getting a bit into the weeds" with some of the regulations, such as about "administrative authority" over the arrangement of merchandise, screening requirements for vending machines and realty advertising racks, and constructing the racks of wood or metal. Councilwoman Sutton said requiring racks to be made of wood or metal is probably to prevent having "those big, ugly plastic things."

Ms. Kelly said this is "pretty much what we had in our previous ordinance," except for #6, "Gifts to the Street," which was added because of questions they'd received about businesses with benches or planters outside their establishments. This was added for things that are not merchandise but "something that enhances the street." There's never been a problem with this, so there were not a lot of modifications in the code update.

Mr. Prokop asked why newspaper racks were excluded. Ms. Kelly said she didn't know, but she could research that.

On 4.6.3.A.7, Councilman Cromer asked about the prohibited "unnatural roof colors," and said "City Hall has a blue roof." Ms. Kelly said the intent was for the building's roof to be green. Mayor Pro Tem McFee said "unnatural" is subjective, and he thinks it refers to "non-earth tones." Ms. Kelly said the idea of this was that a "natural" color is one that the materials used for the roof would be naturally (e.g., if it was a tin roof, it would be red; if it was copper, it would be green; if it were galvanized metal, it would be silver); "it wasn't like the paint that was applied to it" that colored the material.

On 5.4.1.A.2, Ms. Kelly said a permit is required for pruning "landmark" trees, which are the biggest of all trees. A palmetto is a landmark tree, but they don't want people to have to get permits for cleaning up the fronds, she said. This clarifies that it is just applies to overstory trees. Also, there is a provision about a certified arborist being on-site to make sure the work is done properly, but this wasn't clear, Ms. Kelly said, so this clarifies that the certified arborist has to be on-site for "guidance and direct supervision," and the work must meet ANSI A300 standards.

Councilman Cromer said on the driveway locations, waterfront lots aren't allowed a circular driveway. Ms. Kelly said the conditions are like those all the way down Ribaut

Road for those houses that face the water; a garage or accessory structure could be in front of the house, so obviously the driveway would need to be there to get to it.

There being no further business to come before council, the work session adjourned at 8:22 p.m.

DRAFT



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/5/2018
FROM:
AGENDA ITEM
TITLE: Regular Meeting June 26, 2018
MEETING
DATE: 7/10/2018
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Minutes	Backup Material	7/5/2018

A regular session of Beaufort City Council was held on June 26, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Mike McFee, Stephen Murray, and 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.

CALL TO ORDER

Mayor Keyserling called the regular council meeting to order at 7:10 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

PUBLIC COMMENT

Dr. **Kenneth Brown**, Beaufort ENT and Allergy Associates, 1231 Ribaut Road, said his office has merged with Charleston ENT and Allergy, so they have applied for a larger sign for the new business, but they have been told that they cannot have one of comparable size because of the sign ordinance. His office was built in 2002, he said, which was shortly after the UDO came out. The monument sign was made to the city's specs and cost \$14,000, he said. Dr. Brown named other costs for the building the office is in and the total of his property taxes and business license fees. The merger was "to try to stay a private practice," rather than being a hospital practice, he said. Dr. Brown wants to maintain the practice's branding and would like the sign to be grandfathered in. He doesn't think he should tear down the "attractive sign" and build a new one that is one-third its size in order to change what's on it.

Mayor Keyserling recommended Dr. Brown meet with the city manager. The Beaufort Code was created last year, he said, and he thanked Dr. Brown for keeping his business in the city. He also described the percentage of property taxes that go to the City of Beaufort.

Kathy Todd introduced **John Troyer**, finance director for the Town of Hilton Head, who came before council to discuss the "Certificate of Excellence in Financial Reporting." Mr. Troyer said the Government Finance Officers Association has awarded the certificate to the City of Beaufort, and he reviewed the levels of review that those chosen to receive it have to undergo.

Chris Nietert, a representative on the Mossy Oaks Stormwater Task Force, said there is a \$30 stormwater fee in the new budget for the area, and she supports it. **Jack Nietert** said he had co-chaired the Beaufort-Port Royal Task Force on Sea-Level Rise, so he fully supports the increase in the stormwater fee for infrastructure changes that the Mossy Oaks area needs.

FY 2019 BUDGET ORDINANCE

Councilman McFee made a motion, second by Councilwoman Sutton, to approve the budget ordinance on second reading. Ms. Todd said the total operating budget for the City of Beaufort for FY 2019 is \$22,975,810, which is supported by a tax of 72.59 mils, a portion of which is debt-service related. An additional 2 mils are for a reserve mil for future capital infrastructure. The General Fund is \$17,660,321, and the budget also includes TIF 2, Parks & Tourism, Stormwater Utility, State Accommodations, and Redevelopment Funds, she said.

Ms. Todd told Councilman Murray the only increase on the master fee schedule is the stormwater fee, which will increase by \$30 to \$135.

Councilman McFee asked Ms. Todd to explain “the millage increases with the rollback for the reassessment, and exactly what” the “net increase” was. Ms. Todd said, “The net increase is about 1 mil over last year . . . We had to roll back our millage, based on reassessment,” which was a little over 5%. The CPI adjustment and “growth” were added, and totaled a little over 9%, she said, but only 2.72% was applied “to the overall millage, bringing it to . . . 74.59” mils.

Councilman Murray said he supports the budget except for the 2 mils for the infrastructure reserve. His concerns about it include the following:

- The burden on city residents, especially given the results of the housing study council just learned of in the Redevelopment Commission meeting – The \$30 stormwater fee is a burden that will affect all parcels, he said, as will the 2% SCE&G increase for undergrounding utilities on Boundary Street. The burden will be approximately \$100 more per family annually, which is significant to a large portion of the population in Beaufort, he said.
- Capacity – Stormwater issues will be handled as quickly as possible, but Public Works will be at capacity for a year or 2, so Councilman Murray questions the ability of Public Works to take on additional capacity in the near future.
- Reserve – There is a small reserve for critical capital projects, Councilman Murray said. Grants can’t be counted on, but he expects **Deborah Johnson** will continue to generate grant funds.
- Fees and taxes – There is improved private investment now, and he is optimistic it will increase. There will be additional business license fees and property taxes without the reserve mils, Councilman Murray said.

Councilman Murray made a motion to amend the budget ordinance to have a 1-mil reserve. Councilman Cromer seconded the motion.

Mayor Keyserling said he doesn’t plan to support the amendment. He has been mayor for 10 years and spent 4 years on city council. The issue of preventative maintenance has been raised every year of those 14, he said; there’s always been a small reserve.

He's "so comforted" by "the performance of staff," and Boundary Street and the day dock have been completed.

Mayor Keyserling feels council all supports the stormwater fee. He doesn't believe the total amount will be an additional \$100 "for the less fortunate," and he doesn't believe property owners will raise rents to make up for the additional costs they'll pay on the properties they rent out.

Mayor Keyserling said as the city was recovering from the recession, there was an "emergency mil increase" for one year. The 2 mils in this budget are proposed to set aside "less than \$200,000" to "stay ahead of maintenance problems," he said. Waterfront Park cost \$3 million to build and around \$6 million to renovate because no preventative maintenance had been done in that time. The level of maintenance for the stormwater systems that will be installed is unknown until the systems are in place, Mayor Keyserling said; whether there will be capacity to put in gates to prevent the tide from coming in is also unknown, and these are the things he sees this reserve going to.

Mayor Keyserling feels the reserve will enable staff "to keep up [with] problems" and stay a little ahead of them to keep them from getting worse. At the end of the year, they will see what was and wasn't needed, and they won't need the 2 mils in the future if forecasts are positive. He said this reserve mil will be "on a trial basis," like the emergency mil was.

Mayor Keyserling said "a tax is a burden," but as he said to Dr. Brown, what taxpayers pay to the city versus what the city gives is "a pretty good deal." Most people think everything on their property tax bill comes to the city, he said, but that's not the case, and "in the context of other taxes, this is a minor increase." Mayor Keyserling said if the city has to dredge ponds as part of the stormwater project, for example, and the equipment breaks down, then that is an expense that was not budgeted for, so this reserve mil would go toward that.

Mayor Keyserling said he has not supported a tax increase for 14 years until now. Since March, he hasn't "yet . . . had one person come forth and raise the issue" of this reserve mil. It's not popular to raise taxes, he said, but it is "popular to give the city residents what they need."

Councilman McFee said the city has been successful with grants, but it needs to have matching funds for them. He feels staff has given council "what works best for us," and he trusts them. He, like Mayor Keyserling, feels that this will be a one-year tax, so he'll support it.

Councilwoman Sutton said she supports "the mayor and Councilman McFee." As a councilperson, she is so happy with the city manager, whom she trusts and respects, as well as "his great staff." Last week, Mr. Prokop asked for this reserve mil for matching

funds for grants, she said, so “if Bill says we need that, I think we should give it.”

Councilman Cromer said he supports having a reserve, but he feels “maybe we ought to take baby steps here,” so he supports it being 1 mil, not 2 mils.

Councilman Murray said he thinks the idea of “a tax increase versus no tax increase” is being oversimplified. The 2% utility increase will be on all city residents’ power bills, he said. Based on a survey of the public present, the average monthly power bill is about \$200, he said, so over 12 months, there will be a \$48 annual increase in the average SCE&G bill, plus a \$30 increase in the stormwater fee. This is a \$78 increase, he said, and “the mil is a moving target.” He agrees that the reserve mil won’t immediately affect “the 45% of residents that rent” housing, but “it is going to affect them” when the increases are passed down, Councilman Murray said. The money residents pay for this increase can’t be given back “once we take it from them,” he said, and 47.5% of residents “are already cost-burdened [by] their housing, which means they’re paying over 30% of their total income towards housing,” and 29.8% of homeowners are already cost-burdened by housing, he said, yet “we’re asking for a significant increase.”

In addition, Councilman Murray said, at this time, the city has its “plate full [with] infrastructure projects,” there is “a bit of a reserve” if it’s needed for a grant match, the city is “owed some money by FEMA” – which he acknowledged is “a long shot” – and he is “pretty optimistic about the future.”

Councilman Murray asked Mayor Keyserling to clarify what he’d heard him say: “For 14 years, you and previous councils have failed to address infrastructure and reserve policy, and so now this year, we need to . . . make up [for] all of that by adding all of these fees.”

Mayor Keyserling said, “It’s a little unfair” to include the SCE&G fee, because it “was part of the Boundary Street” project, and SCE&G “came to us after the fact.” Councilman Murray said there was a council action to support issuing the fee. Mayor Keyserling said the original proposal was to put the fee on Boundary Street owners’ bills, but council agreed to make it citywide. Councilman Murray said the question is about the millage.

Mayor Keyserling said he is hopeful that the economic base in Beaufort will grow, thanks in part to Councilman Murray’s leadership on economic development. He thinks this represents “a very progressive step forward” to “announce a new budget category” that sends staff a message that “as a policy matter, the city is going to do” a new project, and it will be doing business by “looking forward, rather than looking backwards and figuring out how we’re going to pay for deterioration” of infrastructure.

Councilman Murray argued that “there is nothing progressive about a reserve fund.” Mayor Keyserling said it’s not a reserve fund; it is a fund in the budget that will be set

aside to do what staff has asked “for a long, long time, which is to get ahead of maintenance.” Councilwoman Sutton said, “I think it’s very progressive.”

Sue Derrenbacher, Northwest Quadrant, said she’s lacking information about what the regulations and policy are that would be used to make decisions about what the reserve fund would be used for. It’s been said that it would be for matches for grants, she said, but “those things can be things we want” or “things we need.” Then someone said it’s for “critical infrastructure,” Ms. Derrenbacher said, so she wonders “what is in writing about the reserve fund.”

Mayor Keyserling told Ms. Derrenbacher that “anything that comes out of that fund” must have a council vote on a budget amendment before the money can be “moved from that account.” He said Ms. Todd might be able to speak about the guidelines. Ms. Todd said since the reserve is “for critical capital infrastructure,” she’d recommend it be put “in a committed fund balance,” which would require more vetting from council. It would be locked in until council vets and releases it for a specific purpose.

Ms. Derrenbacher again asked what the funds would be used for. Mr. Prokop said a perfect example is a grant the city received “to fix up The Arsenal.” While doing work, they found out there’s an asbestos issue that will cost \$175,000–\$200,000 to remediate, and the city doesn’t have that in the grant funds.

Mr. Prokop said if the average home is \$284,000, those homeowners won’t “suffer with a 1 mil tax increase.”

The amended motion failed 2-3, Mayor Keyserling, Councilwoman Sutton, and Councilman McFee opposed.

The original motion passed 3-2, Councilman Murray and Councilman Cromer opposed.

AMENDMENT SEC 7-13003 - HOSPITALITY FEE ORDINANCE

Councilman Murray made a motion, second by Councilman Cromer, to approve the amendment on second reading. Ms. Todd said the percentage of distribution was 4.4% to the DMO, and it would now be 5.0%, and the 1.7% for nonprofits in support of tourism would be reduced to 1.1%. **The motion passed unanimously.**

ORDINANCE SETTING ELECTION, RELATED DATES, AND FILING FEES FOR TWO MEMBERS OF CITY COUNCIL

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

AUTHORIZATION TO APPROVE RETAIL OFFICE AGREEMENT BETWEEN THE GREATER BEAUFORT-PORT ROYAL CONVENTION AND VISITORS BUREAU (CVB) AND THE CITY OF BEAUFORT

Councilman McFee made a motion, second by Councilman Cromer, to approve the agreement. Mr. Prokop said the lease is virtually the same as the one with the Chamber of Commerce; the only major change is the term of the lease, which was for 99 years; this is for 10 years, and it must be in place for a year before any changes are made. **The motion passed unanimously.**

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE GREATER BEAUFORT-PORT ROYAL CONVENTION AND VISITORS BUREAU (CVB)/DESIGNATED MARKETING ORGANIZATION (DMO) AND THE CITY OF BEAUFORT

Councilman Murray made a motion, second by Councilman McFee, to approve the memorandum of understanding. Mr. Prokop said the only change would be having semi-annual reviews, which were quarterly in the previous agreement. **The motion passed unanimously.**

ORDINANCE REZONING THREE PARCELS OF PROPERTY ON PALMETTO STREET T4-NEIGHBORHOOD (N) DISTRICT

Councilman McFee made a motion, second by Councilwoman Sutton, to approve the ordinance on first reading. Libby Anderson said these 3 parcels are in the Higginsonville neighborhood. They have various zonings, but an owner seeks to develop the parcels together, so one zoning is needed for that. 1410 and 1402 Palmetto Street are T3-N, and 1408 Palmetto Street is T5-UC, she said; also, 1408 Palmetto Street and a portion of 1402 Palmetto Street are in the Boundary Street Redevelopment District. T4-Neighborhood is the proposed zoning to allow them to be redeveloped as single-family dwellings, Ms. Anderson said. The property owners support the rezoning, and the Metropolitan Planning Commission (MPC) recommends approval.

Ms. Anderson explained how some of the property had ended up in the Boundary Street Redevelopment District and also why the T4-N designation was determined to be the one that would be best for these parcels. **The motion passed unanimously.**

ORDINANCE REZONING FOUR PARCELS OF PROPERTY ON SALEM ROAD FROM T4-NEIGHBORHOOD DISTRICT TO T5-URBAN CORRIDOR DISTRICT

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on first reading. Ms. Anderson said this is also a zoning request from the city. It came to light during the Beaufort Code review. These are 5 parcels on Salem Road. The zoning was Highway Commercial under the UDO, and it was downzoned to T4-Neighborhood, which is not appropriate for commercial development, and these parcels have retail and a restaurant on them. T5-UC is the recommended zoning, Ms. Anderson said.

Councilman McFee said since this zoning is higher intensity, and parts of the property back up onto residential, it “has to be more substantially buffered.” Ms. Anderson said yes; while the uses would be the same, “there would be some additional . . . landscaping standards,” which is “probably the reason we originally went to the T4-N, but . . . in

hindsight,” because of “the development on those lots, it created two nonconformities,” so she thinks “this is a better designation.” Any redevelopment on these lots would be subject to the current landscaping and screening standards, Ms. Anderson added. **The motion passed unanimously.**

ORDINANCE REZONING THREE PARCELS OF PROPERTY ON SOUTHSIDE BOULEVARD FROM T4- NEIGHBORHOOD DISTRICT TO T3-NEIGHBORHOOD DISTRICT

Councilman Murray made a motion, second by Councilman McFee, to approve the ordinance on first reading. Ms. Anderson said these 3 parcels on Southside Boulevard were rezoned to T4-N during the Beaufort Code process. To the west, there are T3-N lots, and there is T3-S to the north, she said. The proposal is to rezone these to T3-N which is “exclusively single-family” residential, Ms. Anderson said. **The motion passed unanimously.**

ORDINANCE ADOPTING REVISED BEAUFORT DEVELOPMENT CODE, 6-MONTH AMENDMENTS TO THE BEAUFORT CODE

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. Lauren Kelly reviewed the 2 changes to the Beaufort Code so far. Since the code was adopted, staff has kept track of all questions about it – to ensure that it was clear – noted where there were omissions, and added new things that have arisen, she said. There are 64 proposed modifications, of which about 7 are “significant.”

Ms. Kelly reviewed the history of the review process (e.g., development committee, MPC, work session with council). She said there were 6 items about which council had comments during its work session:

1. First floors of some buildings can be 24’ and count as one-story – Council recommended that this apply to anything that is T4-UC, to open it up beyond the MPC’s recommended limitation of it to the Boundary Street Redevelopment District.
2. Requirement for short-term rentals to screen trash facilities – Ms. Kelly said this was to apply to short-term rentals in residential districts, and after discussion, it was determined that the trash cans could be “screened from view from any public right-of-way,” rather than the short-term rental owner having to create an enclosure.

Councilman Murray said short-term rental owners are being asked to screen their trashcans, even though that’s not required in the short-term rental ordinance. Ms. Kelly said it is required currently in certain districts. Ms. Anderson said it is also required for commercial properties, and a short-term rental in a residential neighborhood is a commercial – not a residential – use. Staff will talk specifically to property managers about dealing with the cans, she said.

Councilman Murray said he has an issue with staff saying they sometimes require short-

term rental owners to comply with a regulation that is not required by the ordinance. Councilwoman Sutton said she knows of short-term rentals that are still residential because they rent out a bedroom in their residence, not the whole house. One of them puts its trashcan as far behind the house as they can. She said it's "a grey area" when the short-term rental is "not fully commercial."

Mayor Keyserling asked if this could be dealt with in the short-term rental ordinance. Ms. Kelly said that ordinance is in the Beaufort Code. The interpretation was that these are more commercial properties, which are required to screen their trashcans, she said, but it's not been clear. This is to make the short-term rental ordinance as clear as it can be, but if council feels it doesn't need to be included, it doesn't have to be, she said.

Councilwoman Sutton said she wishes it could say to "screen the best you can." Ms. Kelly said they could add language like "as much as is feasibly possible." Mayor Keyserling said whatever they do, the burden is on codes enforcement to interpret that.

Councilman McFee said this is "onerous" and "over-regulating," and there haven't been issues with this, so he doesn't feel this needs to be in the code update. He sees more residential properties that don't put their trashcans up than he does among the city's 80 short-term rentals. Ms. Anderson said the number is close to 100, but this can be scrapped.

Councilman Murray made a motion, second by Councilman McFee, to amend the motion, removing 3.6.2.C.2 from the code update. The motion passed unanimously.

3. 3.7.2.D.6.A – Clarification and definition of what a wrecked vehicle is – Ms. Kelly said currently the ordinance says "in a very particular zoning district," a major or minor vehicle service and repair business would have to store "all cars in a fully enclosed building." Staff would like to amend that to say that "only cars that are wrecked would be stored in a fully enclosed building, so we added a definition of 'wrecked vehicles'" based on an industry standard.

Mayor Keyserling asked if this is "a little more business-friendly," and Ms. Kelly said yes, that was why it was changed, and the definition was added to make it clearer. Councilman Murray said in council's work session, they had touched on the idea that this is meant to be "prohibition by regulation," which "discourage[s] investment in these types of businesses in certain districts" – something he is "okay with" – but he "wants us to be clear with what we're doing" because if a business like CARS "complains to us that they can't make" improvements to its building "and still make money, we understand that we clearly passed the ordinance." Councilman Murray concluded that he doesn't "think it's going to be an issue because" he doesn't think "any of these businesses will be able to go into those districts and make money."

Ms. Kelly said a major vehicle service and repair business has applied to go into a T5-UC

district on Boundary Street; “their primary business is not servicing wrecked vehicles,” so she thinks “this category is open to a lot of different uses . . . It’s not just collision-based.”

4. 3.12.2 – Farmers’ markets – Ms. Kelly said they looked at the key elements, and the biggest point of discussion was storage of things on-site when the market wasn’t open, such as picnic tables and trash cans. Since the work session, staff had boiled this down to needing an on-site manager and “a plan,” she said, and the farmers’ market can’t be a flea market, so there are limits to what can be sold.

Councilman Murray said it appears that all that has been changed was “the addition of the word ‘strategy’ on item F.” He asked if there were any other changes. Ms. Kelly said there were: “a formalized site plan” was originally required “to show where everything was,” including parking for vendors and customers; this site plan requirement was eliminated. Instead, as part of the management plan, the city would need to “know what you’re going to do,” she said.

Councilman Murray feels the “strategy for removal or storage of trash/recycling, tents, kiosks, vans, trailers, or other market equipment when the market is not open” is ambiguous. If he were to come to staff with a farmers’ market proposal that meets “all of the other requirements,” but his “strategy is that half of the trailers and tents are going to stay on the site,” he asked if that would be “an acceptable strategy that meets the requirements of the ordinance.” Ms. Kelly said the intent was that if the site the market is on “is going to be used for something else” during the week, “we should have allowances.” When approving a plan, “you would look at those extenuating circumstances,” she said. If the reason for Councilman Murray’s strategy was that he was “going to use” the tents and trailers “during the week, that could be a good strategy,” Ms. Kelly said, but “if you weren’t going to use them during the week, it might not be a good strategy, because you’re just using the site for storage, which might not be permitted in that district.”

Councilman Murray said he questions “the ability to require removal on private property,” which is what the current site of the farmers’ market is, and it’s “governed by a nonprofit” that “let’s folks keep stuff onsite.” Ms. Kelly said the question is about what the site is being used for – if it’s being used as “a parking lot for commercial vehicles,” then “it should be treated as a parking lot”; if it’s being used as “a yard storage facility,” that would need to be permitted in that district.

Mayor Keyserling said he thinks Councilman Murray is saying that it’s a parking lot, so someone should be able to remain parked there. Councilman Murray said he agrees with what Ms. Kelly is saying, but someone could provide a strategy to leave food trucks and picnic tables there during the week, and staff would say that’s not acceptable, because it’s being used for a farmers’ market once a week. If staff doesn’t agree with what the site manager wants to leave in the parking lot, the permit for the farmers’ market could be denied, he said.

Mr. Prokop asked if the food trucks are governed by the farmers' market or by Santa Elena Foundation, which leases the parking lot from the county. He also asked if the food trucks are part of the farmers' market. The market is very small, and the food trucks are there more than the farmers' market is, so there is a question of "who are we trying to govern?" Mr. Prokop said.

Ms. Kelly said the food truck ordinance "speaks to not keeping your food truck where you're selling your product." She said the parking lot is "probably not up to our code standards, anyway," because it's always been viewed as "a potential redevelopment site," so there has not been "a will" to invest money "to formalize it as a parking lot" with screening, etc., because "we hope it will transition." Mayor Keyserling said the parking lot is leased for \$48,000 a year. If the property owner/the county is making that much to lease this parking lot, he feels the city should require the owner – not the tenant – "to meet the standards of a parking lot."

Councilman Murray said he's comfortable leaving this change as staff has proposed, but he thinks that they need to be aware of requiring removal on private property.

5. Prohibited materials – Ms. Kelly said the original proposal was to add a prohibition of "unnatural roof colors," but since the work session, it's been changed to "non-traditional roof colors." Mayor Keyserling said he has a problem with regulating roof colors. He understands the intent is to prevent "snakeskin roofs," for example, but colored galvanized roofs can be purchased now. Councilwoman Sutton said blue roofs are allowed in the Historic District.

Ms. Kelly said the spire of City Hall's cupola is made of copper, with a patina that is a "dark green-ish color." She thinks "the original cupola matched" the color of "the rest of the roof," but because the roof is made of "a synthetic material, it didn't age well," and it turned a different color. When authentic materials are used, "you get an authentic result," she said, and when synthetic materials are used, "you kind of don't know what you're going to get in a lot of cases" when the material ages. In the Historic District, Ms. Kelly said, "The closest you have to blue is probably copper," but there is "really no blue there" on the roofs. A blue roof might be used in corporate architecture as part of a business's branding (e.g., a dark blue roof was the first choice of Navy Federal Credit Union, but the Design Review Board [DRB] didn't permit it), she said.

Councilman Cromer said he doesn't "consider blue unnatural." Councilman Murray said the right blue isn't a problem, but there is a house on Sunset Boulevard with a roof that is "electric blue." Ms. Kelly said this is "for where the design standards apply." In T3-N, you can paint a single-family house any color and have any color roof, she said. More applications are coming to staff for approval, which means staff wants clearer standards because there is not a board to administer them, Ms. Kelly said.

Councilman Murray said in the commercial corridors, he wouldn't have a problem with a

dark blue roof; he trusts the DRB and the buildings' neighbors. **Councilman Murray made a motion to amend the motion, removing "blue" as a prohibited roof color. Councilwoman Sutton seconded the motion. The motion passed unanimously.**

6. The major subdivision approval process – Ms. Kelly said she would address a discussion at the council work session. This proposal is that the threshold for major subdivision review would increase from 6 lots to 10 acres or greater, so "the more significant" subdivisions would go to the MPC for review, she said. Two other modifications are proposed: the MPC "would approve a sketch plan, which is more of a conceptual-level plan," and the preliminary and final plans would be approved by staff via the Technical Review Committee, Ms. Kelly said. Also, this would add a posting requirement for major subdivisions to match the county's, with posting 15 days "prior to the meeting."

At the work session, council suggested having the MPC make a recommendation after its review, "rather than an approval," Ms. Kelly said, and staff was asked to investigate if there was a way for city council "to be a part of the approval process." The city attorney looked at these issues and said that state law doesn't permit the MPC "to only recommend in the case of subdivisions," Ms. Kelly said; the role of the commission is to "approve or deny," and council is not permitted "to be involved in the approval process of major subdivisions."

Councilman McFee clarified that the MPC would do a sketch approval, and staff would do preliminary and final approval. Ms. Kelly said yes. The intent was to make this a little easier for the developer, she said. Councilman Murray said the "decision tree is very clear." He thought council was abdicating its responsibility to a multi-jurisdictional body. If the MPC is the only way to allow the public to comment on the process, then he is comfortable with it. He said this might also "give . . . some comfort" to those residents on Lady's Island and elsewhere who feel that they don't have the opportunity to participate in the process because they can do so in this "multi-jurisdictional setting."

The short-term rental issue and the color blue were stricken from the motion in the amendment votes, so the main motion is on the table, Mayor Keyserling said. **The motion passed unanimously.**

APPROVAL OF CITY COUNCIL SUMMER SCHEDULE

Councilman Cromer made a motion, second by Councilman McFee, to approve the summer schedule. Mayor Keyserling asked if the dash means "'through' or 'to'." **Ivette Burgess** said it means "to." There will be a council meeting on July 10 and then on August 28, she said. **The motion passed unanimously.**

BOARDS AND COMMISSIONS REAPPOINTMENTS - REDEVELOPMENT COMMISSION (RDC)

Councilman McFee made a motion, second by Councilwoman Sutton, to approve the

reappointment of Steven Green and Frank Lesesne for 2-year terms on the RDC. The motion passed unanimously.

Councilman Cromer made a motion, second by Councilman McFee, to move reports ahead of the executive session on the agenda. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. Prokop congratulated DragonBoat Beaufort for a great race and fundraiser. There were 25 teams, and with the new day dock, they hope to have 36 teams next year.

The Washington Street Park event was a good one, and more are planned, Mr. Prokop said. There was also a nice ceremony at the new United Church building.

Mr. Prokop said the city received a nice letter from the YMCA, thanking the city for its support of the Beaufort River Swim.

The Boundary Street project is 99.08% complete and will come in approximately \$400,000 under budget, Mr. Prokop said. The contractor will start weeding next week.

The city has been advised that the Department of Commerce has been approved "moving forward" with the \$1 million grant request from CDBG, Mr. Prokop said. Representatives of the environmental division will be here in July. There is no "firm documentation yet," but this is "a big step forward," he said.

Mr. Prokop said the city would be "doing a survey in the entire Mossy Oaks area" for input from the area's residents about what they would "like to see at Southside Park." That and an update on the stormwater plan for the area "is being delivered next week by our fire department," which will go "door-to-door," rather than sending it by mail or email.

City Hall will be closed next Wednesday for the 4th of July, Mr. Prokop said, and the next council meeting will be July 10.

MAYOR'S REPORT

Mayor Keyserling said at the United Church ribbon-cutting, they "strongly recognized the partnership with" the city's police and fire departments and the city manager.

Mayor Keyserling said he had written about his trip to Washington, DC in his newsletter. He and others met with various Bureau of Ocean and Energy Management personnel about "buried underwater munitions [and] waste," relative to the six permits for seismic testing. The meetings were "polite and friendly," he said, but they "indicated that the burden of finding . . . the munitions should be on the public, rather than the liability of the seismic testing companies or the Department of the Interior." Though the Department of Defense maps show where the waste was dumped, the federal officials

contend this is “not where the waste is,” he said. “Essentially, if they agree to these permits, they would basically be allowed to do their seismic blasting no matter what may be down there,” Mayor Keyserling said. Marine Fisheries is reviewing the permits for a second time. He felt that toxic waste buried underwater would be a strong argument against seismic testing, but he didn’t sense that “they were as concerned about it as we are.”

Mayor Keyserling said for the Northern Regional Planning Implementation Committee, 8,700 additional residential units and 2.2 million square feet of additional commercial development “really raises some questions.” No matter what road improvement recommendations are made, he said, “by the time those improvements are made, what we have could be non-functional.” Mayor Keyserling’s recommendation is “to do some overlays there,” one of which looks at sea-level rise, and to use Rural and Critical Lands dollars or transfer development rights “to try to reduce [the] almost 9,000 new units over there,” because “paving roads is never going to catch up with growth. Paving roads and improving intersections actually makes room for growth.” There is “interest in adjusting growth boundaries,” Mayor Keyserling said, but he suggested looking “at the whole” of the boundaries, and not “adjust one boundary at a time.” He asked, if the City of Beaufort were to give up “space to grow, where would that space be made up?” He hopes there will be “a good conversation” about steering and managing growth.

Councilman Murray discussed a survey being put together by a “study group” that he saw at the Northern Regional Planning Implementation Committee meeting. Some are suggesting that “if we pull back our growth boundaries,” in those areas, it would somehow “automatically create more rural areas in the county,” he said. Councilman Murray “cautioned that you don’t want to set unrealistic expectations among the residents” that if growth boundaries are moved, the zoning on those parcels is “automatically going to become rural.” Mayor Keyserling agreed and suggested a conversation about this between council and city planning staff.

Mayor Keyserling said he sent a draft of a proclamation around and asked council to send any edits to Ms. Burgess.

COUNCIL REPORTS

Councilman Cromer said Thursday is Carolina Day.

Councilman McFee wished everyone a great July 4th.

Councilman McFee said **David Lott** passed away last Tuesday. Mayor Keyserling said Mr. Lott had served on several boards and commissions and the Short-Term Rental Task Force, so he thinks a letter from the city to Mr. Lott’s widow would be appropriate.

Mr. Prokop wished early happy birthdays to Councilman Cromer on June 28 and Mayor Keyserling on June 29.

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman Cromer made a motion, seconded by Councilman Murray, to enter into Executive Session for receipt of legal advice. The motion passed unanimously.**

Councilman McFee made a motion, second by Councilwoman Sutton, to adjourn the Executive Session and resume the regular session. The motion passed unanimously. There was nothing to report.

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 10:26 p.m.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 6/27/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning Four Parcels of Property on Salem Road from T4-Neighborhood District to T5-Urban Corridor District - 2nd Reading
MEETING DATE: 7/10/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City is proposing to rezone four parcels of property located at 1499, 1505, 1521, and 1523 Salem Road, identified as District 122, Tax Map 29, Parcels 172, 171, 227, and 228 respectively. The lots are currently zoned T4-Neighborhood District (T4-N). All the parcels are proposed to be rezoned to T5-Urban Corridor District (T5-UC). The Beaufort—Port Royal Metropolitan Planning Commission considered this rezoning request at their June 7 meeting and recommended approval. A public hearing on the proposed rezoning was held at the June 12 City Council meeting. First reading of the ordinance rezoning the lots was held at the June 26 Council meeting. An ordinance rezoning the lots (attached) is ready for first reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Salem Rd rezoning ordinance	Cover Memo	6/27/2018

ORDINANCE

AMENDING THE CITY OF BEAUFORT ZONING DISTRICT MAP BY CHANGING THE ZONING DESIGNATION OF FOUR PARCELS OF PROPERTY LOCATED AT 1499, 1505, 1521, AND 1523 SALEM ROAD, FROM T4-NEIGHBORHOOD DISTRICT TO T5-URBAN COORIDOR DISTRICT

WHEREAS, in June 2017, the City adopted a new development code and as part of that process, rezoned all property in the City to the districts set out in the *The Beaufort Development Code*; and

WHEREAS, during adoption of *The Beaufort Development Code*, it was agreed that the code would be reviewed and revised after six months of implementation; and

WHEREAS, subsequent to adoption of *The Beaufort Development Code*, several zoning discrepancies were identified, as well as opportunities for zoning improvements; and

WHEREAS, the lots at 1499, 1505, 1521, and 1523 Salem Road, identified as District 122, Tax Map 29, Parcels 172, 171, 227, and 228 respectively, were, prior to June 2017, zoned for intense commercial development, but where rezoned as part of the Beaufort Development Code adoption to an office-residential zoning that created several nonconforming uses; and

WHEREAS, it is not the intent of the City to limit the development of these lots to office and residential uses; and

WHEREAS, staff has recommended that the zoning of this lots be changed back to a mixed-use commercial zoning district similar to what the property had been zoning prior to June 2017; and

WHEREAS, the proposed rezoning was presented to the Beaufort–Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding rezoning of these parcels on Tuesday, June 12, 2018, with notice of the hearing published in *The Beaufort Gazette* on Monday, May 28, 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 “City of Beaufort Zoning District Map” be amended to change the zoning designation of four parcels of property located at 1499, 1505, 1521, and 1523 Salem Road, identified as District 122, Tax Map 29, Parcels 172, 171, 227, and 228 respectively, from T4-Neighborhood District to T5-Urban Corridor District.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

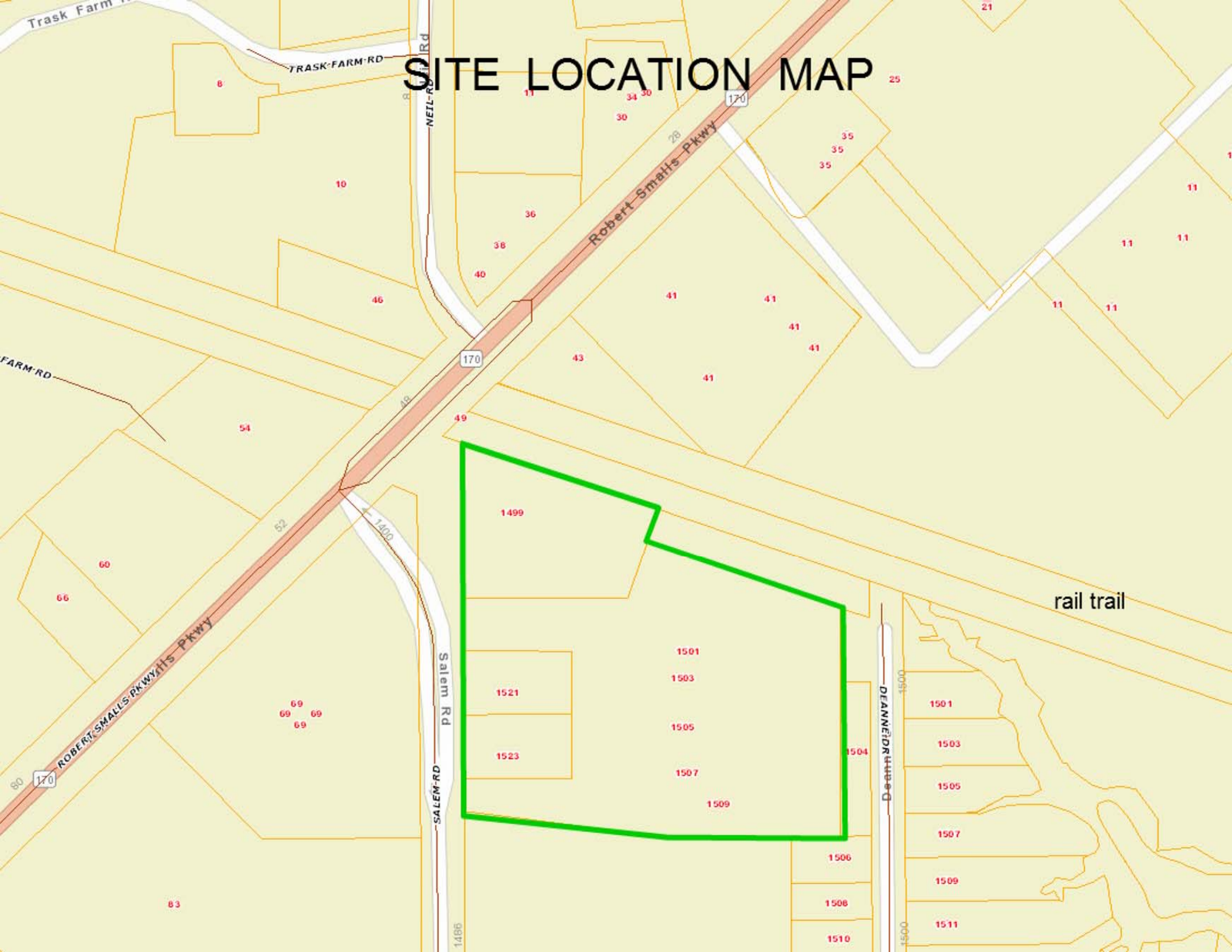
1st Reading

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:** 6/27/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning Three Parcels of Property on Palmetto Street T4-Neighborhood District - 2nd Reading
MEETING DATE: 7/10/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City is proposing to rezone three parcels of property located at 1402, 1408, and 1410 Palmetto Street, identified as District 120, Tax Map 1, Parcels 153, 153A, and 133 respectively. 1402 and 1410 Palmetto Street are currently zoned T3-Neighborhood. 1408 Palmetto Street is currently zoned T5-Urban Corridor. 1410 Palmetto and a portion of 1402 Palmetto are in the Boundary Street Redevelopment District. All the parcels are proposed to be rezoned to T4-Neighborhood without the Boundary Street Redevelopment District Overlay. The Planning Commission considered this rezoning request at their June 7 meeting. A public hearing on the proposed rezoning was held at the June 12 City Council meeting. First reading of the ordinance rezoning these lots was held at the June 26 Council meeting. An ordinance rezoning the lots (attached) is ready for second and final reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Palmetto St rezoning ordinance	Cover Memo	6/27/2018

ORDINANCE

AMENDING THE CITY OF BEAUFORT ZONING DISTRICT MAP BY CHANGING THE ZONING DESIGNATION OF THREE PARCELS OF PROPERTY LOCATED AT 1402, 1408, AND 1408 PALMETTO STREET, TO T4-NEIGHBORHOOD DISTRICT

WHEREAS, in June 2017, the City adopted a new development code and as part of that process, rezoned all property in the City to the districts set out in the *The Beaufort Development Code*; and

WHEREAS, during adoption of *The Beaufort Development Code*, it was agreed that the code would be reviewed and revised after six months of implementation; and

WHEREAS, subsequent to adoption of *The Beaufort Development Code*, several zoning discrepancies were identified as well as opportunities for zoning improvements; and

WHEREAS, the development opportunities presented by *The Beaufort Code* have stimulated interest in three vacant lots on Palmetto Street, but the lots have two different zoning designations with an overlay district being applied to one of the lots and half of another lot; and

WHEREAS, this fragmented and split zoning pattern is an impediment to development of these vacant lots; and

WHEREAS, the City is proposing to rezone these three parcels of property located at 1402, 1408, and 1410 Palmetto Street, identified as District 120, Tax Map 1, Parcels 153, 153A, and 133 respectively; and

WHEREAS, 1402 and 1410 Palmetto Street are currently zoned T3-Neighborhood; 1408 Palmetto Street is currently zoned T5-Urban Corridor; and 1410 Palmetto and a portion of 1402 Palmetto are in the Boundary Street Redevelopment District; and

WHEREAS, the proposed zoning of all the lots is T4-Neighborhood District without the Boundary Street Redevelopment District Overlay; and

WHEREAS, T4-Neighborhood District is found on Palmetto Street in the next block to the south; and

WHEREAS, the proposed rezoning was presented to the Beaufort–Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding rezoning of these parcels on Tuesday, June 12, 2018, with notice of the hearing published in *The Beaufort Gazette* on Monday, May 28, 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 “City of Beaufort Zoning District Map” be amended to change the zoning designation of three parcels of property located on Palmetto Street as outlined below:

<u>Address</u>	<u>Property Identification Number</u>	<u>Existing Zoning</u>	<u>New Zoning</u>
1402 Palmetto St	R120 001 000 0153 0000	T3-Neighborhood*	T4-Neighborhood
1408 Palmetto St	R120 001 000 153A 0000	T5-Urban Corridor*	T4-Neighborhood
1410 Palmetto St	R120 001 000 0133 0000	T3-Neighborhood	T4-Neighborhood

*with Boundary Street Redevelopment District Overlay

This ordinance shall become effective immediately upon adoption.

(SEAL)	Attest:	_____
		BILLY KEYSERLING, MAYOR

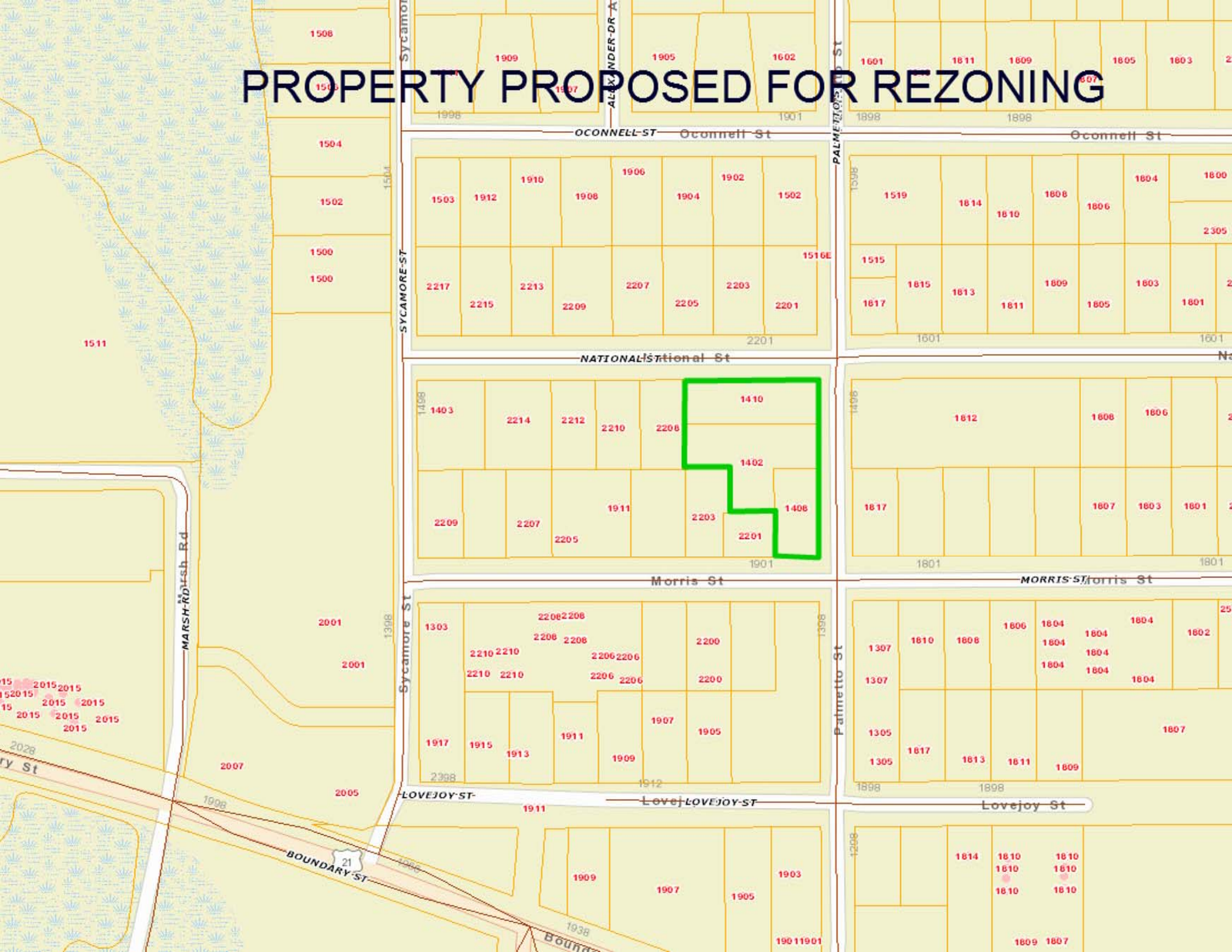
		IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

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

PROPERTY PROPOSED FOR REZONING





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 6/27/2018
FROM: Libby Anderson
AGENDA ITEM TITLE: Ordinance Rezoning Three Parcels of Property on Southside Boulevard from T4-Neighborhood District to T3-Neighborhood District - 2nd Reading
MEETING DATE: 7/10/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The City is proposing to rezone three parcels of property located at 2601, 2605, and 2607 Southside Boulevard, identified as District 120, Tax Map 6, Parcels 173A and 173, Tax Map 8, Parcel 367 respectively. The lots are currently zoned T4-Neighborhood District (T4-N). The parcels are proposed to be rezoned to T3-Neighborhood District (T3-N). The Beaufort—Port Royal Metropolitan Planning Commission considered this rezoning request at their June 7 meeting and recommended approval. A public hearing on the proposed rezoning was held at the June 12 City Council meeting. First rezoning of the ordinance rezoning the lots was held at the June 26 City Council meeting. The ordinance rezoning the lots (attached) is ready for second reading by City Council.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Southside Boulevard zoning ordinance	Cover Memo	6/27/2018

ORDINANCE

AMENDING THE CITY OF BEAUFORT ZONING DISTRICT MAP BY CHANGING THE ZONING DESIGNATION OF THREE PARCELS OF PROPERTY LOCATED AT 2601, 2605, AND 2607 SOUTHSIDE BOULEVARD, FROM T4-NEIGHBORHOOD DISTRICT TO T3-NEIGHBORHOOD DISTRICT

WHEREAS, in June 2017, the City adopted a new development code and as part of that process, rezoned all property in the City to the districts set out in the *The Beaufort Development Code*; and

WHEREAS, during adoption of *The Beaufort Development Code*, it was agreed that the code would be reviewed and revised after six months of implementation; and

WHEREAS, subsequent to adoption of *The Beaufort Development Code*, several zoning discrepancies were identified, as well as opportunities for zoning improvements; and

WHEREAS, the lots at 2601, 2605, and 2607 Southside Boulevard, identified as District 120, Tax Map 6, Parcels 173A and 173, and Tax Map 8, Parcel 367 respectively, were zoned T4-Neighborhood as part of adoption of *The Beaufort Development Code*; and

WHEREAS, the T4-Neighborhood District permits all types of residential uses as well as office development; and

WHEREAS, this block of Salem Road is developed for single-family uses built with generous setbacks; and

WHEREAS, the T3-Neighborhood District does not allow multifamily uses and has development standards that would site any new construction in a similar location on the property to what already exists in this block; and

WHEREAS, staff has recommended that the zoning of these three lots be changed to the lower-intensity T3-Neighborhood District to produce development that is similar in character to the uses that are already located on that block; and

WHEREAS, the proposed rezoning was presented to the Beaufort–Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

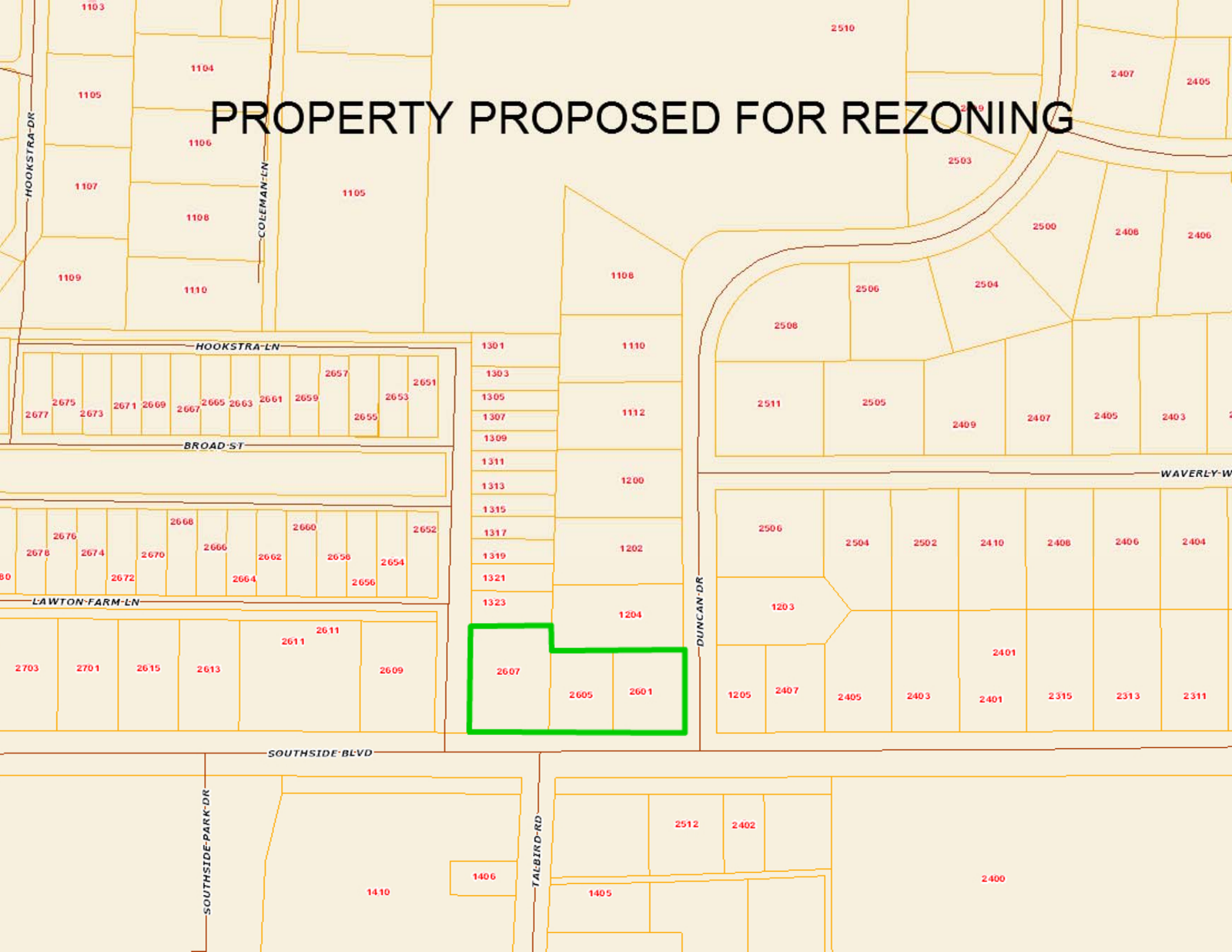
WHEREAS, a public hearing before the Beaufort City Council was held regarding rezoning of these parcels on Tuesday, June 12, 2018, with notice of the hearing published in *The Beaufort Gazette* on Monday, May 28, 2018;

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 “City of Beaufort

This ordinance shall become effective immediately upon adoption.

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

PROPERTY PROPOSED FOR REZONING





CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 6/28/2018
FROM: Lauren Kelly
AGENDA ITEM TITLE: Ordinance Adopting Revised Beaufort Development Code - 6-Month Amendments to the Code - 2nd Reading
MEETING DATE: 7/10/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

As part of the Beaufort Code adoption process in July 2017, a 6-month code update was required to make any necessary adjustments as the code was utilized. The list of amendments comprises sixty-four adjustments which have all been recommended for approval by the Metropolitan Planning Commission. Additional refinement to 5 of these items was made based on discussions at the June 19, 2018 Worksession and June 26 1st Reading.

PLACED ON AGENDA FOR: Action

REMARKS:

Here is a link to a complete, updated Beaufort Code Draft, dated July 10, 2018, that incorporates all of the amendments: http://www.cityofbeaufort.org/Data/Sites/1/media/Departments/planning/beaufort-code-july-10-2018-update-v2_sm.pdf

ATTACHMENTS:

Description	Type	Upload Date
Ordinance adopted the updated Beaufort Code	Ordinance	7/3/2018
Beaufort Code Updates-2 modifications from 1st Reading	Backup Material	7/3/2018
Beaufort Code Updates-complete list from 1st Reading	Backup Material	7/3/2018

ORDINANCE

ADOPTING REVISED BEAUFORT DEVELOPMENT CODE

WHEREAS, as part of preparation of the current *Beaufort Development Code*, it was agreed by the Beaufort--Port Royal Metropolitan Planning Commission and the Beaufort City Council that the new code would be reviewed six months after adoption and appropriate revisions proposed; and

WHEREAS, *The Beaufort Development Code* was adopted on June 27, 2017; and

WHEREAS, since that time, The Code has been used by staff, developers, contractors, designers, and residents on a regular basis; and

WHEREAS, a number of issues have been identified through use of the code by these various groups, most of these issues being clarifications and minor revisions; and

WHEREAS, staff has prepared revisions to numerous sections of the code to clarify, correct, reinstate, and revise the relevant portions of the code; and

WHEREAS, there are 64 revisions in total; and

WHEREAS, these revisions have been specifically outlined in a spreadsheet that identifies the code section affected, the topic being addressed, the proposed change, and the party initiating the change; and

WHEREAS, these revisions have been reviewed with a development group that was assembled to review the draft Beaufort Code; and

WHEREAS, the proposed code revisions have been reviewed by the Beaufort--Port Royal Metropolitan Planning Commission in two workshop sessions; and

WHEREAS, the Beaufort--Port Royal Metropolitan Planning Commission unanimously recommended approval of the code revisions at their meeting on June 7, 2018; and

WHEREAS, it is more efficient to adopt a new version of The Code rather than adopting the 64 separate changes individually by ordinance; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed revisions on June 12, 2018, with notice of the hearing published in *The Beaufort Gazette* on May 28, 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*, that *The Beaufort Development Code* amended September 26, 2017, be revised by adopting a new *Beaufort Development Code* dated July 10, 2018.

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

Beaufort Code - 6-month review Proposed Code Updates - Council Recommendations				updated 6/28/18 by LK
Section #	Topic	Proposed Change	Initiator	Council recommendation
The following 2 items have been modified based on discussion at the 6/26/18 City Council 1st Reading				
3.6.2.C.2	Short Term Rentals - Trash Facilities	Add a section for this and state the Sanitation roll-carts shall be screened from the street in a trash enclosure.	city	Strike this: This has been removed.
4.6.3.A.7	prohibited materials	Change to materials/colors; add a prohibition against unnatural roof colors - e.g., blue, orange, purple	city based on question	shouldn't prohibit blue; this should be allowed based on context. This was updated to read: Nontraditional colors such as orange or purple.

Beaufort Code - 6-month review Proposed Code Updates - Council + MPC Recommendations				updated 6/28/18 by LK	
Section #	Topic	Proposed Change	Initiator	Council recommendation	
The list below is the complete list of proposed changes as recommended by the MPC and modified by Council, including the 2 items have been further modified based on discussion at the 6/26/18 City Council 1st Reading					
2.4.1.E	Driveway locations - clarify that driveways shall be to the side of the house, not the front; this is alluded to in several areas, but not clearly stated	replace the n/a fields under T3-S and T3-N with: <i>there are no parking setbacks, however, driveways shall be located to the side of the lot/primary structure except on waterfront lots meeting the conditions stated in 2.5.4.</i>	city based on question		
2.5.4.A	Special provision for garage locations on Waterfront Lots; sheds should be included	Add 2.5.4.A provision for all detached accessory structures <i>Accessory Structures: notwithstanding the requirements for Accessory Structures in section 2.4.1.C, accessory structures for residential dwellings may be placed in front of the principle building elevation with the following conditions:</i>	city based on question		
2.5.4	Waterfront Lots - attached garages	Add 2.5.4.B for attached garages; clarify that attached garages may not project in front of the front line of the dwelling, even on waterfront lots, unless the following conditions are met, in addition to the conditions specified for detached garages: 1. The upper level(s) contain habitable space 2. The frontage requirement in Section 4.4 is met	city		
2.5.6.D	Covered porches encroaching into interior side setback may be too much; front, street and rear are ok	Modify to read: <i>Covered porches may encroach a maximum of 8' into any required front yard or street yard setback, and to within 5' of any side yard or rear yard setback.</i>	MPC		
2.5.6.F	steps should be able to encroach into rear or side yard setbacks	add that they may encroach to within 5' of any side yard or rear yard setback as well	city		
2.5.6.H / 4.6.1	Fences - materials should be clarified to prohibit barbed wire, chain link in most areas, and electric fences from encroaching into setbacks	Add 2.5.6.H.5. <i>Materials</i> <i>2.5.6.H.5.i Barbed wire fencing is prohibited, except in LI zone - put in 4.6</i> <i>2.5.6.H.5.ii Electric fences are not permitted to encroach into any front or corner side yard setbacks.</i> Add 4.6.1.I. <i>Fence Materials - Chain link fencing is not permitted to extend past the front of the primary structure, except in the LI district.</i>	city		
2.6.1.F	Allow the story height to be up to 24' for certain building types in T5-UC	Modify to read <i>Certain buildings (such as gymnasiums, religious institutions, theatres, convention centers, ballrooms, concert halls, and other assembly facilities) may require finished floor-to-ceiling heights greater than 15' in such instances, the number of stories shall be calculated as the finished floor-to-ceiling height (in feet) divided by 15. Any fractions of a story shall be rounded up to the next whole number, with the following exception: In tthe Boundary Street Redevelopment District, the maximum first floor height for such buildings shall be 24'</i>	applicant	This should apply to all T5-UC areas. - this has been updated	
2.7	Add Overlay acknowledgement to require that the approval of assignment/reassignment or annexation of property requires the execution of an overlay acknowledgement for any of the overlay districts in section 2.7 (historic, retail frontage, etc.).	Add 2.7.1 - Purpose and Applicability - in this section add the administration of this acknowledgement	MCAS attorney		
2.7.3.F	Bladen Street use standards - got more restrictive; modify hotel unit # to remove those restrictions	Add 2.7.3.F.2 - <i>Exceptions to Section 3.2 Table of Permitted Uses: Inns and Hotels are permitted by-right in this redevelopment district, and are not subject to the conditions in 3.6.2.C.3</i>	city		
2.7.4.D.1	AICUZ - Noise Zones - add the Noise Reduction Requirements for construction to match the county's standards	Add a column to the chart for Noise Reduction Requirements as follows (from top to bottom) 0, 25 dB, 30 dB, 35 dB	city		
3.1	Zoning of water is unclear	Add provision describing zoning of water to be the same as the land it's attached to	city		
3.2	Liveaboard Boat permissability	Make Conditional in all districts	applicant		
3.2/3.5.2.A	Group Day Care Home (7-12 clients) and Commercial Day Care Center (>12 Clients) - combine these into 1 use as the permissions are very similar	Combine into Group & Commercial Day Care; reorganize the definitions and conditions to retain the same permissions and standards as currently exist	city based on development committee comment		
3.2/3.6.1.D, E and F/3.6.2.D.2/3.6.2.D.3	Restaurant & Retail Sales and Service -combining both groups, and 2 sub-groups under Retail Sales and Service (Animal Hospital/Kennel, and General Retail/Service) into 1 use type & changing permissions in LI; move Self-Service Storage into the Light Industrial Service use category	Combine uses; keep conditions for Animal Hospital/Kennel as-is; Remove retail and restaurants as permitted by Special Exception in LI; add retail and restaurants as accessory uses to certain Industrial Use Categories; move self-service storage to Light Industrial Service category and retain permissions	city based on development committee comment		

Beaufort Code - 6-month review Proposed Code Updates - Council + MPC Recommendations				updated 6/28/18 by LK	
Section #	Topic	Proposed Change	Initiator	Council recommendation	
3.2/3.7.1.C/3.7.2.B, D and E	Minor and Major Vehicle Service and Repair - permissions are nearly the same; combine into 1 use	Combine into Vehicle Service and Repair; retain permissions as they exist, except as modified below, with conditions.	city based on development committee comment		
3.2/3.8.1.C, D and F/3.8.2.B, C and D	Manufacturing and Production, Warehousing, and Wholesaling and Distribution into one use	Combine into Manufacturing, Warehousing and Distribution use type; keep conditions in specific zones and modify definitions to accommodate.	city based on development committee comment		
3.3.2.D.3.b.iii	Display / Sales for Home Occupations - be more flexible for artists	Chage to: iii. Display: Products that have been produced on-premesis may be displayed on front porches and cover up to 25% of the floor/wall area of the porch. Items that are offensive and violate provisions of Section 1.2 of this Code, are not permitted. Display of merchandise in the yard is not permitted. iv. Sales: Only articles made on premesis, with the exception of antiques may be sold. Non-durable articles (consumable products) that are incidental to the service, that is the principal use in the home occupation, may be sold on premesis.	city based on accommodation of arts overlay district		
3.6.1.F.2.c	This is in conflict with 3.6.2.D.3.d.i	This conflict should be resolved to permit vehicle rentals as an accessory use to self-service storage facilities	city		
3.6.1.F.3	Dry Boat Storage as a stand-alone self-storage use	Dry Boat Storage should be added to the examples	city based on question		
3.6.2.C.1.d	B&Bs - clarify that the 500' spacing is from other B&Bs in T3 or T4-HN zoning districts	Add "in a T3 or T4-HN zoning district" after the first B&B	city		
3.6.2.C.1.g	B&Bs - clarify that there is a resident manager required; this is the intent and was what we had in the previous UDO	Add language that the operation is done by a resident manager, living on the premises.	city based on question		
3.6.2.C.2	Short Term Rentals - outside approvals	Add: j. <i>Outside Approvals Required. For properties that are located in a neighborhood with a property owners' association, written confirmation from the association president that short-term rentals are permitted in the neighborhood is required. In multifamily structures, written approval from the property management association is required. For boats in an approved marina, written permission from the marina manager is required.</i>	city based on question		
3.6.2.C.2	Short Term Rentals - Trash Facilities	Add a section for this and state the Sanitation roll-carts shall be screened from the street in a trash enclosure.	city	Strike this: This has been removed.	
3.6.2.C.2.c	Boats as Short Term Rentals	Add: iv. <i>Rental of a boat in an approved marina</i>	applicant		
3.6.2.C.2.c	Boats as Short Term Rentals	add a 6% cap for boats per marina, regardless of zoning district	city		
3.6.2.C.2.e.ii and iii	Short Term Rentals - Occupancy Standards per room	For primary house rentals, add language that limits the number of vehicles to 1 per bedroom, and the number of adult guests to 2 per bedroom.	city based on question		
3.6.2.C.2e.ii and iii	Short Term Rentals - Occupancy Standards per carriage house	For carriage house rentals, add language that limits the number of vehicles to 2, and the number of adult guests to 4.	city based on question		
3.6.2.C.2.i	Monitored Fire Alarms - not required for boat STRs; Coast Guard Auxiliary Safety Vessel Checks are required	Clarify that boats are not required to have a monitored fire alarm. In lieu of this, documentation that a Coast Guard Auxiliary Safety Vessel Check has been performed is required. The Vessel Safety Check can be arranged through this link: http://www.cgaux.org/vsc/ .	city		
3.7.1.A.4	Parking, Commercial - add clarification that boat parking/storage is not in this category	add exception d. stating: <i>Dry boat storage is considered self-service storage when it is a primary use.</i>	city		
3.7.1.F.3	Dry Storage as an example of Water- and Marine- Oriented Facilities	This should be an accessory use and only permitted in association with a marina. Dry Storage Facilities as stand-alone uses should be considered Self Service Storage (associated change to 3.6.1.F.3).	city		
3.7.2.A.1	Address limo and taxi services in T5-UC; they should be associated with a building	Add 3.7.2.A.1.g: <i>Limousine and Taxi Services: In T5-UC, limousine and taxi services are only permitted as accessory uses to offices housing the business operation. All vehicles associated with the business shall be meet the setback and screening standards for a parking lot.</i>	city based on issue		
3.7.2.D.6.a	Minor Vehicle Services and repair - storage of vehicles - wrecked vs. non-wrecked	clarify that any wrecked vehicles need to be stored in a fully enclosed building. Any non-wrecked vehicles can be stored on-site in a screened enclosure, behind a building.	city	We need a definition of "wrecked vehicles". This has been added in Article 13: Definitions	

Beaufort Code - 6-month review Proposed Code Updates - Council + MPC Recommendations				updated 6/28/18 by LK	
Section #	Topic	Proposed Change	Initiator	Council recommendation	
3.7.2.E.4.a	Major Vehicle Services and repair - storage of vehicles - wrecked vs. non-wrecked	clarify that any wrecked vehicles need to be stored in a fully enclosed building. Any non-wrecked vehicles can be stored on-site in a screened enclosure, behind a building.	city		
3.8.1.B.2	Retail- add as an accessory use	Add "retail" to the list			
3.8.1.C.2	Retail and Restaurants - add as accessory uses	Add "retail and restaurants" to the list			
3.8.1.F.2	Retail and Restaurants - add as accessory uses	Add "retail and restaurants" to the list			
3.8.2	T4-NA - rear setback increase to 25' - clarify that this is when those properties abut residential properties	Modify 3.8.2.A, B, and C to add this language	city based on question		
3.11.2	This section is being reorganized for clarity. Additional sheds and garages are proposed; a side/rear setback reduction is proposed for sheds on small lots; the 15' setback from the primary structure is being modified per the Fire Marshal and Building Codes; decks are added to this section for clarity; greenhouses are being added	see mock-up	city and applicants		
3.12.2	Farmers Markets - add specific standards for farmers markets	<i>Add 3.12.2.I Farmers Markets: Farmers markets shall comply with the following standards:</i> <i>i. Farmers Markets are permitted in T4-N, T5-UC, RMX, IC, and LI Districts</i> <i>ii. An on-site manager is required</i> <i>iii. On-site temporary signage is permitted on the day of the market. This includes, but is not limited to, sandwich board signs, easels, and banners meeting the requirements in Article 6.</i> <i>iii. A management plan is required, including the following</i> <i>a. The regular days and hours of operation on a weekly or monthly basis</i> <i>b. Parking locations for vendors and customers</i> <i>c. Setup areas for vendors</i> <i>d. Signage - On-site temporary signage is permitted on the day of the market. This includes, but is not limited to, sandwich board signs, easels, and banners meeting the requirements in Article 6.</i> <i>e. Location of temporary restrooms, trash/recycling containers, electricity sources</i> <i>f. Strategy for removal or storage of trash/recycling, tents, kiosks, vans, trailers or other market equipment when the market is not open</i> <i>g. g. Rules and regulations for the market</i> <i>iv. At least 60% of the vendors shall sell "Farm Products", the majority of which shall be sold direct to consumer. Farm Products are defined as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, plants, meat, milk, cheese and other dairy products, fish, and value-added products containing the above-mentioned items. Brokers, participants who have bought any farm products from a grower and do not grow anything themselves, are not permitted. Up to 40% of vendors may sell prepared foods. The majority of their sales shall be direct to consumer.</i>	city	Generally agree with permitting Farmers Markets and having standards. Not sure about the storage provision. This should be refined. This was been refined and simplified per the worksession discussion. No further modifications were made.	
4.2.2	Building Design Standards applicability	add provision that these standards apply as conditions to any subdivision variance in T3 zoning districts	city		
4.2.2	Building Design Standards applicability	add provision that these standards apply to any subdivision greater than 15 acres	city		
4.5.3.B.7	Carriage Houses - maximum size	clarify that "footprint" is all area under roof, including porches	city		
4.5.3.B.7	Carriage Houses - maximum size	allow conversions of existing accessory structures that exceed this maximum if the administrator determines that there is no adverse impact on surrounding property	city based on question		
4.5.7.B.4	clarify this to account for the width vs. depth argument; remove minimum width	This should read: <i>The building width not exceed 160 feet along any street frontage. No portion of the building shall exceed 160 feet in any direction.</i>	city based on question		
4.6.1.H	Outdoor Display of Merchandise - merge 4.6.3.E and 4.6.4.G into this section to avoid confusion	relocation of information	city		
4.6.1.H	Add screening requirements from adjacent properties to match what was in the old UDO	Add 4.6.1.H.7 <i>Screening: Outdoor merchandise may be displayed on the site behind buffers meeting the requirements the Required Buffer Width and Planting Chart in Section 5.5.1.</i>			
4.6.3.A.7	prohibited materials	Change to materials/colors; add a prohibition against unnatural roof colors - e.g., blue, orange, purple	city based on question	shouldn't prohibit blue; this should be allowed based on context. This was updated to read: Nontraditional colors such as orange or purple.	

Beaufort Code - 6-month review Proposed Code Updates - Council + MPC Recommendations				updated 6/28/18 by LK	
Section #	Topic	Proposed Change	Initiator	Council recommendation	
5.4.1.A.2	Pruning Permit - clarify that this is just for overstory trees, that pruning needs to be done under the guidance <u>and direct supervision of</u> a certified arborist, and that it shall meet ANSI A300 Standards	Add the word "overstory" to describe tree; add <i>and direct supervision of</i> before "Certified Arborist; add <i>and meet ANSI A300 Standards for tree pruning</i> at the end of the last sentence.	city		
5.6.2.C.1	Mitigation for tree removal that was not approved	Clarify that no mitigation is required in T3, T4-HN or LI districts, etc.... for trees that were removed with approval. For those that were removed but didn't get the appropriate permit, mitigation is required.	city based on question		
5.8.4.A.1 and 2	Light Fixture heights	clarify that the maximum height is for the light post, not including the fixture	city based on question		
5.8.4.B	update lighting standards to match Kennebunkport, ME	change full cutoff requirement from 5,500 to 1,800	city		
5.8.6.B	Motion-activated light requirements in T3 and T4-HN	Remove this provision	council		
6.2.2.G.3	Master Sign Plan sizes	Make a note that no sign may exceed 125 Square Feet	city		
6.5.1.A, B, C, and D	All Freestanding Signs - multiple street frontages to match previous ordinance	Add that for multiple street frontages, signage is permitted on each street	city		
6.6.1A, B and D	All Attached Signs - multiple facades to match previous ordinance	add provision that buildings may have signage on parking-lot facing facades and on multiple facades if they are on a corner lot	city		
6.7.3.E	Directional Signs, Maximum Height	add a provision that parking stall signs may be up to 5'	city based on question		
6.10.1.J	making billboard regulation clearer and more sound; there are only 2 existing billboards in the city	Change to: <i>New billboards are prohibited.</i>	city attorney		
7.2.3.B	Lot access standards for double frontage lots	Add a provision that for double frontage lots, one curb cut on each street may be permitted.	city based on question		
7.4.2.A	Community Green Space and Open Space Requirements - increase in certain situations	increase T3-S to 20% in 10-15 acres increase T3-N to 15% in 10-40 acres and 20% in >40 acres increase T4-N to 10% in 10-40 acres and 15% in >40 acres	city based on comments		
9.9.3 /10.2.D.3 and 4/10.6.2	Process for review of Major Subdivisions	Modify the review of Major Subdivisions as follows: -increase the threshold for major subdivision review to 10 acres or greater -modify the process to require a sketch plan, then Preliminary Plat, then Final Plat. Sketch Plan would continue to go to the Planning Commission. Preliminary and Final Plat would be reviewed by the staff via the TRC. -add posting requirements to match the county. Properties requesting a Major Subdivision would be posted 15 days prior to the MPC meeting	city	consider having a MPC recommendatiion, going to staff for review and then Council for approval; per city attorney state law doesn't permit MPC to recommend (they must approve) nor does it permit Council to be involved in the approval process.	
11.7.2.A	Landscaping Nonconformities	change the threshold amount from \$10,000 to \$25,000	city		
13	add definition of billboard	<i>A large board for displaying advertising of either on- or off-premises businesses or organizations. For the purposes of this Code, any sign over 125 SF is considered a billboard.</i>	city		
13	add definition of Garage, Detached.	<i>A garage or carport that is separated from the main body of the house. It may be physically connected to the house with a covered walk if that walk is unconditioned and does not exceed 2/3 the width of the garage.</i>	city		
Appendix C.2.4	Street Network Diagram - Sector 5 - this should be updated to include the adopted Lady's Island Plan streets	update the diagram	city		
Appendix C.6.5	Boundary Street Section	this needs to be updated to match construction and also broken into two phases and with/without slip lane, per previous Boundary Street Redevelopment District plans	city		



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/5/2018
FROM: Libby Anderson
AGENDA ITEM
TITLE: Appeal of Short Term Rental Application Fee
MEETING
DATE: 7/10/2018
DEPARTMENT: Planning

BACKGROUND INFORMATION:

The owner of 703 Mystic Drive West 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.

The applicant has been renting out a bedroom in the dwelling unit for short term rental. The City adopted its first short term rental ordinance in August 2011. In April 2016, the ordinance was revised to specifically apply to rental of a “portion of a dwelling unit” (ex., a bedroom). The revised language adopted in 2016 read:

Housing, Short Term Rental. A single-family or individual two-family or multifamily dwelling **or any portion thereof**, that is available for use or is used for accommodations or lodging of guest paying a fee or other compensation for a period less than 30 days. When a portion of a dwelling unit is being rented, only one rental party may rent space at one time. If separate parties are renting rooms simultaneously, the use is considered a Bed and Breakfast.

This definition was brought forward in the current code and amended to include boats docked in an approved marina.

According to Host Compliance, 703 Mystic Drive West was first listed as available for short-term rental in September 2016. Host Compliance shows 11 documented stays between September and December 2016, 24 documented stays in 2017, and 5 documented stays in 2018.

PLACED ON AGENDA FOR: Action

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: Linda Roper
AGENDA ITEM TITLE: Request from the Beaufort Regional Chamber of Commerce to allow alcohol sales and street Closure for the Annual Beaufort Shrimp Festival - October 5 and 6, 2018
MEETING DATE: 7/10/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request Letter	Backup Material	7/6/2018



BEAUFORT, SC

REGIONAL CHAMBER OF COMMERCE

Cliff Mrkvicka, Chairperson
Lockheed Martin

Kevin Dukes, Chair Elect
Harvey & Battey, PA

Leigh Copeland, Past Chair
Technical College of the Lowcountry

Evan Wheeler, Director at Large
SCE&G

Christian Kata, Treasurer
Ameris Bank

Russell Baxley
Beaufort Memorial Hospital

Vimal Desai
Holiday Inn & Suites – Beaufort

Chip Dinkins
Plums, Inc.

Pam Flasch
Beaufort Jasper Water Sewer Authority

Tina Gentry
United Way of the Lowcountry

Malcolm Goodridge
Retired

Andy Klosterman
Andrews Engineering

Robert LeFavi
University of South Carolina Beaufort

Frank Lesesne
Anchorage 1770

Whitney McDaniel
Wells Fargo Advisors

Alissa Murrie
Fripp Island

Graham Sommeral
Hargray

Mark Stokes
Bay Street Jewelers

Jay Taylor
Kinghorn Insurance

Jim Wegmann
Weidner, Wegmann & Harper, LLC

Christina Wilson
CAPA

June 21, 2018

Mr. Bill Prokop
City Manager
City of Beaufort
1911 Boundary Street
Beaufort, SC 29902

RE: Requests for **Annual Beaufort Shrimp Festival**, scheduled for Friday, October 5, and Saturday, October 6, 2018.

Dear Mr. Prokop:

The Beaufort Regional Chamber of Commerce respectfully requests permission from the City Council of the City of Beaufort to allow the following items during the 24th Annual Beaufort Shrimp Festival. The festival features a Friday night concert and full day of food and entertainment on Saturday.

- Permission for alcohol sales (beer and wine) and to allow open alcohol containers in the Henry C. Chambers Waterfront Park during the festival from 5:00 p.m. Friday evening, October 5, 2018, until 6:00 p.m. Saturday, October 6, 2018. We have applied for a temporary Special Event beer and wine license from the South Carolina Department of Revenue – Alcohol and Beverage Licensing. We will contract with the Beaufort Police Department and Fire Department for services in order to ensure a safe event site.
- Permission for street closures to host the Run Forrest Run 5K Bridge Run/Walk Saturday, October 6, 2018, from 6:45 a.m. - 10:00 a.m. The route is as follows: Start/Finish line at Freedom Mall at 8:00 a.m., down Bay Street and crossing the Woods Memorial Bridge to Lady's Island, down Meridian Road then back the same route to Freedom Mall. We will request approval from SCDOT regarding closure for Woods Memorial Bridge from 8:00 a.m.-9:00 a.m. We will coordinate with the City of Beaufort Police Department, Beaufort County Sheriff's Department, SCDOT, and the Bridge Section of the Seventh Coast Guard District.



- Permission for street closures at the following times, days, and locations: One direction of Charles Street Extension Friday, October 5, 2018, and Saturday October 6, 2018, to allow loading and unloading of equipment for bands and vendors. Vendors will be required to move their vehicle to an appropriate parking spot after loading/unloading. The other lane of Charles Street Extension will be used for Emergency Vehicles.
- Permission to host an arts and crafts market on the green area across from the Downtown Marina store on Friday, October 5, 2018 from noon – 10:00 p.m. and Saturday, October 6, 2018 from 11:00 a.m. – 5:00 p.m.

Thank you for your consideration and support as we continue to plan successful events that draw both area residents and tourists to our historic downtown district.

Sincerely,

Janessa Lowery
Events Manager | Beaufort Regional Chamber of Commerce



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: Linda Roper
AGENDA ITEM Request for Street Closure and Co-Sponsorship for First Friday Event - Friday,
TITLE: September 7, 2018
MEETING 7/10/2018
DATE:
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Memo	Backup Material	7/6/2018



CITY OF BEAUFORT

MEMORANDUM

TO: William Prokop, City Manager
City Council

FROM: Linda Roper, Dir. Downtown Operations & Community Service

DATE: July 6, 2018

SUBJECT: Request for Street Closures for September 7, 2018 First Friday Event

On behalf of the Downtown Beaufort Merchants Association, we request permission to close a portion of the streets detailed below, from 4:00 PM to 8:30 PM on Friday, September 7, 2018 to allow for set-up and removal of entertainment activities for September's *First Friday Event*. The theme of the event is *Football in the South*. There will activities and events scheduled on Bay street and along both West and Scott streets up to the point of closure.

The details of the closing beginning at 4:00 PM includes:

- Bay Street from Charles to Carteret, West Street and Scott Street from Port Republic to Bay St.

Additionally, we are requesting the City Co-sponsor this event by providing at no cost, Police, Fire and Public Works services needed to provide a safe and successful event.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: Linda Roper
AGENDA ITEM TITLE: Request for Co-Sponsorship for use of the Waterfront Park from Friends of the Beaufort County Library for annual Fall Book Sale - September 27-30, 2018
MEETING DATE: 7/10/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Co-Sponsorship Form	Backup Material	7/6/2018

REQUEST FOR CO-SPONSORSHIP Henry C. Chambers Waterfront Park

Name of Event FRIENDS OF THE BEAUFORT LIBRARY FALL BOOK SALE
 Date of Event: SEPT 27, 28, 29, 30, 2018 Contact person: DEB CHEVAS CO-CHAIR
 Telephone: 630-204-5597
 ALSO: CARTER HOYT, CO-CHAIR
 PHONE: 404-936-5695
 Please check all that apply. Yes No

Are you a "For Profit" entity?	Yes	No
Is this a fund raising event?	X	** X
Is this event open to the public?	X	
Is there a required fee / donation to attend this event?		X
Are you requesting more that two (2) park areas for this event?	X	
Will there be any type of "sales" for this event?	X	
Will this event require more than four (4) hours (includes setup & take down)?	X	
Will alcohol be sold / served?		X

**If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? _____

Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.

Events Coordinator Recommendation: Approved: _____ Denied: _____

Explanation: _____

Forward for Council Deliberation: _____
 Date of Council Meeting

Council: Approved: _____ Denied: _____



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/9/2018
FROM: Matt Clancy, Police Chief
AGENDA ITEM
TITLE: Acceptance of Firehouse Subs Public Safety Grant
MEETING
DATE: 7/10/2018
DEPARTMENT: Police

BACKGROUND INFORMATION:

The Beaufort PD has been awarded a grant in the amount of \$11,280.00 for the purchase of External Defibrillators.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Funding Agreement	Backup Material	7/9/2018



Firehouse Subs Public Safety Foundation, Inc.

12735 Gran Bay Pkwy., Suite 150, Jacksonville, Florida 32258

MEMO OF UNDERSTANDING- FUNDING AGREEMENT

July 9, 2018

Firehouse Subs Public Safety Foundation Responsibilities

- Firehouse Subs Public Safety Foundation will award a check to **City of Beaufort/Beaufort Police Department** for **\$11,280.00** to be used toward the direct purchase of **Sixteen HeartSine Automated External Defibrillators**.
- **All purchases must match the quantities and equipment approved in the original grant request. Failure to do so will put the grant in jeopardy.**

City of Beaufort/Beaufort Police Department Responsibilities

1. To purchase your equipment, *please contact Emily Drag emily@onebeatcpr.com and reference quote #30537* dated 7/9/18, quoted to Firehouse Subs Public Safety Foundation.
2. A check will be remitted to the organization name as stated in this memo of understanding and **must** match the EIN number submitted on the grant request. If there is a change in either information, you must submit a W-9
3. If the mailing address where the check needs to be sent differs from the address on the submitted grant application, please email the Foundation with the correct mailing address
4. Confirm check has been received by emailing Firehouse Subs Public Safety Foundation at procurementfoundation@firehousesubs.com
5. Purchase the approved equipment
6. Verify purchase by providing Firehouse Subs Public Safety Foundation with one of the following:
 - Copies of paid invoices, verifying your organization's name as the customer and matching the vendor quote(s)
 - A copy of the cleared check(s), verifying the payee and payment amount matches the vendor quote(s)
7. Provide Firehouse Subs Public Safety Foundation with all **SIGNED** packing slips confirming receipt of equipment
8. In the event that the purchased equipment costs less than the dollar amount awarded, all excess funds must be returned to Firehouse Subs Public Safety Foundation
 - Please email procurementfoundation@firehousesubs.com with notification of excess funds within 30 days of purchase
 - Excess funds will need to be returned to Firehouse Subs Public Safety Foundation within 90 days of purchase
9. If purchases exceed funding, **City of Beaufort/Beaufort Police Department** is responsible for the additional amount

VERY IMPORTANT: Deadline for submitted documentation is March 1, 2019.

Firehouse Subs Public Safety Foundation

Date

City of Beaufort/Beaufort Police Department Representative

Date

City of Beaufort/Beaufort Police Department Representative Name (Print)

Date



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: William Prokop, City Manager
AGENDA ITEM
TITLE: Authorization to approve Release Agreement regarding Lafayette Street
MEETING
DATE: 7/10/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Backup Material	7/6/2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) RELEASE AGREEMENT

WHEREAS, on November 27, 2012, Gooding Contractors, Inc., Brad Bowden and Lance Gooding (collectively “Gooding”), Eric Brown, and the City of Beaufort / The City of Beaufort Redevelopment Commission (collectively “the City”) entered into an Agreement and Contract for Sale in regard to certain real property located on Lafayette Street in the City of Beaufort; and

WHEREAS, said Agreement was supplemented by a document called “Street Scape Improvement / Agreement for Construction Services” dated April 25, 2013; and

WHEREAS, Gooding desires to be released from all obligations remaining under the subject Agreements and any amendments thereto, and the City has agreed to release Gooding Contractors, Inc., pursuant to the conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties agree as follows:

1. Gooding Contractors, Inc., will convey to the City of Beaufort the portion of the property, which was the subject of the Agreement, which is titled in its name, set forth in Paragraph 5 herein.
2. Gooding Contractors, Inc., agrees to pay to the City of Beaufort the total sum of Twenty-One Thousand and no/100 Dollars (\$21,000.00).
3. The City of Beaufort / City of Beaufort Redevelopment Commission (collectively "the City"), upon receipt of said deed of conveyance and the payment set forth above, agrees to release Gooding Contractors, Inc., its agents, subcontractors, successors and assigns, and Brad Bowden, Lance Gooding (collectively "Gooding"), their heirs and assigns, from any and all liability, past, present, and/or future, including, but not limited to stormwater drainage issues (which includes flooding, ponding in the adjoining streets/SCDOT rights-of-way, site retention areas, etc.), letters of credit, bonds, liability insurance requirements and the like, under the referenced Agreement and Contract for Sale, the Street Scape Improvement / Agreement for Construction Services, and any amendments thereto.
4. The City will release/remove the four foot (4') easements encumbering each of the lots bordering Lafayette Street on the subject property.
5. Gooding shall convey and the City will accept "as-is" the greenspace, park area, alley, sidewalks and improvements on each of said areas, as well as the street lighting completed by Gooding as to the subject property. Upon full execution of this agreement, the City shall be responsible for servicing, maintaining, and improving as may be necessary, and all costs thereof, of said greenspace, park, alleys, sidewalks,

drainage and street lighting.

6. The City shall be responsible for all costs associated with the conveyance/transfer of title of the Greenspace, etc., as set forth herein.
7. The City acknowledges that Eric Brown, although a signatory to the original Agreement referenced hereinabove, is not a party to and has not signed this Release Agreement, and that efforts will be made by Gooding to obtain the signature of Eric Brown on a separate and independent Release Agreement document.
8. This Agreement shall be binding upon the parties hereto, their respective heirs, successors and assigns.

Agreement signed this ____ day of _____, 2018.

The City of Beaufort

By: _____

Its: _____

The City of Beaufort Redevelopment Commission

By: _____

Its: _____

Gooding Contractors, Inc.

By: _____

Its: _____

Brad Bowden

Lance Gooding

SCHEDULE 'A'

ALL those certain pieces or parcels of land, situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, being shown and designated as ALLEY, "GREENSPACE 'A'", and GREENSPACE 'B' of Lafayette Street Subdivision on that certain plat prepared by David S. Youmans, R.L.S., dated April 25, 2014, revised October 16, 2014, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 140 at Page 14.

This conveyance is made by the Grantor and accepted by the Grantee subject to all applicable covenants, conditions, restrictions and easements filed of record in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a portion of the property conveyed to the Grantor herein by deed of City of Beaufort dated June 5, 2013, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Records Book 3245 at Page 2642.

TAX REF: R120 002 000 0093 0000; R120 002 000 0427 0000; R120 002 000 0428 0000



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: William Prokop, City Manager
AGENDA ITEM Approval to accept grant award from Community Development Block Grant (CDBG)
TITLE: Program for Community Infrastructure, \$1,000,000
MEETING
DATE: 7/10/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Grant Award	Backup Material	7/6/2018



Henry McMaster
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Robert M. Hitt III
Secretary

June 22, 2018

Mr. William Prokop
Manager, City of Beaufort
1911 Boundary Street
Beaufort, South Carolina 29902

RE: CDBG #4-CI-18-002

Dear Mr. Prokop:

Congratulations on your successful application for funding under the Community Infrastructure Program. Enclosed is a copy of the grant agreement, which must be executed in order for the City of Beaufort to accept the Community Infrastructure Grant from the Community Development Block Grant Program.

It is necessary that an official with legal authority to execute such contracts sign the three enclosed originals of the grant award (Signature Page of the Grant Agreement) and return two of these originals to this office.

All required reports are due in this office the day after the end of each federal fiscal quarter (January 2, April 1, July 1, October 1). Timely submission of reports will ensure the processing of requests for payments from your grant award. The first reporting date for your grant is October 1, 2018.

This grant award is subject to all the terms and conditions of the Grant Agreement under which this award is made. Please note that most contracts for work of any type associated with activities related to this grant award may not be entered into without first consulting this office to assure that all State and federal requirements are met. Such contracts, to be paid in whole or in part with funds from this grant, must be submitted to the Department of Commerce, Grants Administration for approval prior to execution.

Sincerely,

A handwritten signature in blue ink, reading "Lisa Kalsbeck".

Lisa Kalsbeck
Assistant Director, Federal Programs
Grants Administration

Enclosures

cc: Ms. Barbara Johnson
Finance

Department of Commerce
Grants Administration
1201 Main Street, Suite 1600
Columbia, South Carolina 29201

GRANT AWARD

Grantee: City of Beaufort

Date of Award: June 22, 2018

Grant Title: Mossy Oaks Drainage Improvements

Category: Community Infrastructure

Grant Period: 06/2018 – 06/2020

Award Amount: \$1,000,000

Grant Number: 4-CI-18-002

In accordance with the provisions of Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended and on the basis of the grant application submitted, Grants Administration hereby awards funds to the above named Grantee, in the amount shown above, for the activities specified in the application and within the purposes and categories authorized. The acceptance of this award creates a contract between the State of South Carolina and the Grantee legally binding the Grantee to carry out the activities set forth in the approved grant application in accordance with the terms and conditions of the Grant Agreement. Contracts to be paid in whole or in part with funds from this grant must be submitted to Grants Administration for approval prior to execution. The special conditions for this grant, if any, are as follows:

See attached Special Condition(s) for Community Development Block Grant (CDBG) # 4-CI-18-002.

This contract shall become effective, as of the date of award, upon return of two copies of this grant award which have been signed in the space provided below. Both copies must have original signatures and must be returned within 15 days from the date above.



Lisa Kalsbeck
Assistant Director, Federal Programs

ACCEPTANCE FOR THE GRANTEE:

Signature of Official with authority to execute this contract

Date

Typed or Printed Name and Title of Authorized Official

ATTEST:

Signature of Elected City or County Council Member

Signature of Elected City or County Council Member

CFDA: 14.228

Community Development Block Grant (CDBG) Special Conditions

Grantee: City of Beaufort - Grant #4-CI-18-002

- 1) Within thirty (30) days of grant award, the Grantee must provide to Grants Administration a revised Resolution reflecting the appropriate amount of local funding and containing the required cost savings language.
- 2) A technical assistance visit must be conducted with the grant administrator, local government officials, and subrecipient (if applicable) within 120 days of grant award.
- 3) The CDBG Program Start-up Checklist must be completed and submitted to Grants Administration within 120 days.
- 4) The project must be substantially underway within 6 months of grant award. The Grantee must take appropriate administrative actions to implement the project in a timely manner to insure that the project is programmatically closed within 24 months of grant award. Failure to begin the project or implement it in a timely manner may result in grant termination.
- 5) The Grantee must take appropriate actions to ensure that the local matching funds are documented as expended prior to or prorata with the drawdown of CDBG funds, unless otherwise approved by Grants Administration. CDBG funds may be held if all of the match cannot be documented prior to the final 10% of CDBG funds being drawn.
- 6) Cost savings should be prorated among the funding sources, unless otherwise approved. Cost overruns will be a local responsibility.
- 7) Grants Administration recommends sending the CDBG administrator, rehabilitation inspector or other appropriate personnel to CDBG Implementation and Compliance training sponsored by Grants Administration.

Unless otherwise specified, the Grantee must submit all required information set forth above to Grants Administration within 120 days of grant award.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018
FROM: William Prokop, City Manager
AGENDA ITEM
TITLE: Resolution committing to Mossy Oaks Drainage Project
MEETING
DATE: 7/10/2018
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Backup Material	7/6/2018

RESOLUTION

WHEREAS, the need to address quality of life issues for the City of Beaufort and addressing the concerns and issues of LMI residents is a priority for the City. Community Infrastructure has been identified as a priority community need for the City of Beaufort, and

WHEREAS, the City of Beaufort wishes to address this need by making application to the South Carolina Department of Commerce, Division of Grants Administration for Community Infrastructure.

WHEREAS, the completion of this project would benefit approximately 1,250, of which 60.8% qualify as having low-to-moderate incomes. The project area includes the Mossy Oaks area of the City of Beaufort and a small portion of Port Royal.

NOW THEREFORE BE IT RESOLVED by the City Council of Beaufort, South Carolina, that

1. City Council hereby endorses the City of Beaufort's Mossy Oaks Drainage Project because it will greatly improve the quality of life for the residents in the project area.

2. The City Manager shall be and is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Infrastructure Application for the City of Beaufort's Mossy Oaks Drainage Project, to commit funds in the amount of 10% of the grant to meet the matching commitment of the Community Development Program along with \$898,782 in additional funds needed to complete this project and commit to sharing cost savings on a pro rata basis.

ADOPTED THIS 10th DAY OF July 2018.

**Mayor,
City of Beaufort**

ATTEST:

Clerk to Council



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018

FROM:

AGENDA ITEM Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of

TITLE: Law: Discussion regarding Personnel, Planning Department

MEETING

DATE: 7/10/2018

DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 7/6/2018

FROM:

AGENDA ITEM TITLE: Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Laws: Discussion regarding Contractual Arrangements, Beaufort Regional Chamber of Commerce

MEETING DATE: 7/10/2018

DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS: