

A work session of Beaufort City Council was held on May 28, 2019 at 5:00 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 work session to order at 5:00 p.m.

EMPLOYEE NEW HIRE RECOGNITION

Police Chief **Matt Clancy** introduced **Alexis Keen** and **Gregory Linacre**, new patrol officers [SEP] in the Beaufort Police Department.

Ivette Burgess introduced **Shantell Miller**, her assistant in the Human Resources department.

PRESENTATION: BILLBOARD HURRICANE FRAMES

Beau Hodges, real estate manager with Adams Outdoor Advertising, introduced **Liz Mitchell**. There are four billboard structures in the City of Beaufort, he said, and “they’re all legal, non-conforming signs.” Three of the signs are 40 or 50 years old, except for the one at the Grainger site, which is current and modern, he said; two are on wooded poles, and the other is a “steel mono-pole.”

Mr. Hodges said he would discuss Adams Outdoor Advertising’s current “hurricane preparedness program.” He showed a billboard on Robert Smalls Parkway just down from Bojangles (where there is another billboard). If a hurricane comes, he said, and the three guys on the Adams Outdoor Advertising crew have time, they lift the structure with a crane to remove the board for safety; the billboard structure is separate from the face. The city’s sign ordinances are designed to not allow sign companies to prolong the life of the non-conforming structure, Mr. Hodges said. The face of this kind of billboard is designed to blow off, which he showed using a model.

At the Grainger site, Mr. Hodges said, there is a lightweight aluminum frame around the edges of the billboard. The vinyl is wrapped around the structure. It is held on by ratchet straps, he said. A pick-up truck with a ladder comes, and the guy pulls the vinyl up, rolls it up, and they go on to the next structure. Mr. Hodges showed a sample of the actual vinyl that is used, which is very lightweight and meant not to be a projectile in a hurricane.

The billboard at Bojangles is made out of wood, Mr. Hodges said. A lightweight aluminum frame might be stronger than the wood. Hurricane frames are made out of

wood “specifically for applications like this.”

Councilwoman Sutton asked how many billboards there are in Beaufort County, and Mr. Hodges said 45.

Mr. Hodges showed a billboard at Parris Island Gateway that was relocated back from Highway 21. The building code at the time required it to be a steel monopole, he said, and he showed how it was designed, which is for it to “blow off” if they “can’t get to [it]” before a hurricane.

Mr. Hodges showed video of taking down first a “steel I-beam” billboard and then a vinyl sign at the Grainger site; the latter process takes “less than a minute.”

Mr. Hodges said Adams Outdoor Advertising can’t upgrade the existing billboards in Beaufort because of the city’s sign ordinance. Councilwoman Sutton asked if the billboards could be fixed after a hurricane or if one was hit by a car. Mr. Hodges said there have been court cases that would say the latter was “vandalism,” so Adams would be allowed to fix it.

There was a general discussion about why the city would not allow Adams Outdoor Advertising to change the signs.

Mayor Keyserling said it’s a question of what it costs to upgrade it, relative to the value of the board. Aluminum is maybe \$2,000, Mr. Hodges said, and he didn’t know that cost on the wood signs. Councilman Murray clarified that for this suggested upgrade, the poles stay the same, but the framework changes. “They just attach around, creating a border to wrap around,” Mr. Hodges said.

Mayor Keyserling said he’s asking about the cost to change the sign versus the value of the billboard. The upgrade would need to be 50% of the value of the billboard, he said. **David Prichard** said that is correct “for bringing something up to code in a flood zone,” but he didn’t know about elsewhere. Mayor Keyserling said they are talking about just “repairing a structure.” If the upgrade costs more than 50% of the value of the billboard, “the code doesn’t matter,” Mayor Keyserling said.

Councilman Murray read an applicable part of the ordinance.

Councilwoman Sutton said, “Technically, you put the sign people out of business” with this aspect of the sign ordinance. Mayor Keyserling said yes; it was meant to “get rid of billboards.” Councilman Murray said the public didn’t like billboards, and the ordinance allows the billboards to stay, but they are “to come down” when they have reached their “life expectancy.”

Councilman Murray said they should discuss whether doing this upgrade would count as

“maintenance,” and they could also discuss whether they want to have billboards in the city. Mayor Keyserling said he doesn't think there would be “support for that in Beaufort.”

Councilman Murray said he doesn't care for billboards personally, and he stands by the city's sign ordinance. He appreciates that Adams Outdoor Advertising is trying to make changes to make the billboards safer in a hurricane. That is “responsible,” he said, but “altered in any way,” which is the language in the ordinance, would cover a modification for hurricane protection. Councilman Murray said this would be an acknowledgement that the city would be allowing the billboards to live longer than they would without modification.

Mr. Hodges said this hurricane frame “has nothing to do with making [the billboard] stay longer.” The wood on it is rotting, he said. The hurricane frames will not “extend the life” of the billboard. Rot repair is allowable as maintenance in the ordinance, Mr. Hodges said, so he asked if that wouldn't mean he could replace the pole.

Mr. Hodges said the leases don't expire. The billboards will be gone “when they decay to the point that they're no longer functional,” he said.

Mr. Prichard read from the ordinance, noting that an “existing non-conforming sign cannot be altered except for maintenance.” Councilman McFee said, “We couldn't have made it any more ambiguous if we tried.” Mr. Prichard said if there is damage to a sign, and the repair exceeds 75% of the fair market value, then “you have to bring it into conformity.”

Mr. Hodges said these arguments have been had all over the country many times; some communities have found a “happy medium.” Billboard companies will probably fight until the end of time to keep billboards in communities, or they could have a conversation like this one, he said, which “works best.” If a billboard is snapped in half, what's underground – 15' to 30' of concrete and steel pole – remains, and what's underground is where the “value lies,” Mr. Hodges said.

Councilwoman Sutton said she doesn't have an issue with upgrading three signs, in part because she has a business and would not want to be told – as the city is telling Adams Outdoor Advertising – that she couldn't operate it this way.

Mr. Prichard said the current sign ordinance was written in 2017 or 2018. He didn't know when the first sign ordinance was written. It could “go all the way back to 2002,” he said. It could have been in the zoning ordinance before that, he said, and he offered to find out. “It's dated,” in any case, Councilman McFee said.

There was a general discussion about the sign ordinance. Councilman Murray discussed the billboards on a highway where there is no billboard ordinance. There is “a bit of

ambiguity in our ordinance” about the repair of signs, he said, and he agrees that the way they are built is a potential hazard in a hurricane, so a compromise could be warranted in order to have “three less potential projectiles.” Councilman Murray said he’s not sure how the modification to the code would be made.

Mr. Prokop asked if Adams Outdoor Advertising knows of other communities that have adjusted their sign ordinances for this. Mr. Hodges said he’s not aware of any; the conversations he knows of were in municipalities who added a hurricane frame because public safety was “the matter of most importance.” Using his model, he showed how the proposed work would not be a structural modification. Councilman McFee told Mr. Hodges that the ordinance is triggered by “any modification.”

Mr. Hodges said Adams Outdoor Advertising goes into action on billboards as soon as a hurricane warning is issued.

Mayor Keyserling said the public safety argument “has the strongest pull” for him, but he wonders if it really is a violation of the intent of those who crafted the original sign ordinance.

Councilman Murray suggested a way the ordinance could be modified for hurricane safety. Councilwoman Sutton said that makes sense to her: to add an allowance for work “to make these signs hurricane-safe and prevent death or property damage.” There are only four of these signs in Beaufort, she said. Mr. Prokop said when they originally did the ordinance, there might have been 20 billboards.

Councilman Murray asked if this would be a ZBOA (Zoning Board of Appeals) issue. Mr. Prichard asked, “Where’s the hardship?” Councilman Murray suggested the hardship could be that Adams Outdoor Advertising is trying to make billboards safer in a hurricane, but because of the ordinance, they aren’t able to. Mr. Prichard feels this would “be punting a decision to the ZBOA” that council should make.

Mr. Prokop asked if the same proposal has been presented to the county. Mr. Hodges said no. Councilwoman Sutton asked if the county has the same billboard ordinance, and Mayor Keyserling said yes.

Mr. Prichard said if they made the exception for hurricane-proofing “the thing that comes off,” he could support that. He thinks the signs should be safer, but if they want billboards “to go away,” they should stick with the ordinance as-is. He said he personally feels it’s a good idea not to have any billboard signs “flying around” in a hurricane.

Mr. Prokop said if the county says “no” to this proposal for its 45 signs, but the City of Beaufort says “yes” for its four signs, that could be a problem, so the city and county could meet and come up with language for this exception to the ordinance that they agree on. Councilman McFee said the county’s sign ordinance “language is more lenient

than ours.” Mr. Hodges said that’s correct; he’s allowed to rebuild a billboard if he can prove there’s been wind damage, for example. He said there was a tornado in Jasper County that Adams Outdoor Advertising was able to prove caused wind-damage, so he was able to modify that billboard.

Mayor Keyserling said he doesn't want to circumvent the intention of the original ordinance, but he feels they could make this exception. Councilman Murray said with an ordinance modification, the public would be involved, there would be debate, and Mr. Prichard could work on language that would allow them to ensure public safety.

Councilman Murray said Adams Outdoor Advertising is a good community partner. Mayor Keyserling said public safety is important, but not extending the life of the billboard is also important.

UPDATE ON THE COMPREHENSIVE PLAN

Mayor Keyserling said his opinion is that the Comp Plan is updated “every year,” and he thinks they don’t need to spend the money on this. In his 11 years in Beaufort government, the city has been “planning solidly,” and they update as they plan, so to spend a lot of money “basically summarizing what we’ve done,” goes “way beyond the state’s intent,” he said.

Mr. Prichard said he believes that they might be able to “make little small changes [to the Comp Plan] as needed.” He discussed reasons he doesn’t favor consultants working on the update and said he thinks he can make it simpler to make changes to the Comp Plan and make it easier to understand.

Mr. Prichard said because planning has been so “impressive” in Beaufort, there are only a “handful of things we do need to add” for the Comp Plan update. He favors incremental modification. Councilwoman Sutton asked if the law says they have to use a consultant. Mr. Prichard said no. Councilman McFee said, “We’re not the norm in the state” in terms of the city’s Comp Plan; other communities might never look at their Comp Plans and update them.

Mr. Prichard made a presentation of the “Assessment of the Current Comp Plan.”

He summarized the South Carolina state statute for comp plans and showed the “state mandated elements” for comp plans.

Staff feels the Comp Plan should be organized “by element,” Mr. Prichard said, and both the public that attended the first public hearing and the Metropolitan Planning Commission agreed with this idea.

Mr. Prichard reviewed what would be in a “general section at the beginning of the Comp Plan and what it would encapsulate.” He then reviewed elements in the organization of

the Comp Plan. In the detailed plans, he suggested how each element would be organized with examples of what the state statute expectation is, and the staff assessment of what should be covered in each element (e.g., “update condition and needs,” consolidate).

For one example of a change, the land-use specifications are more specific than they need to be for this purpose (i.e., that level of specificity is more appropriate for zoning than for the Comp Plan), Mr. Prichard said.

Mr. Prichard said he’s identified where the 2009 Comp Plan’s chapters “would go in the new one.” The appendix of that plan shows “where those elements are” now, he said.

For next steps, Mr. Prichard said, staff will evaluate the relevance of the vision of the 2009 Comp Plan and the Civic Master Plan, and cross-reference with the vision and goals of the current strategic plan; then they will begin assessments of elements with Lowcountry Council of Governments (LCOG), which is doing a few of them, and staff will do the rest.

Mr. Prichard said the city might be able to reach out to have LCOG do further work and has contractual services funds from this year to use, plus \$60,000 budgeted for update services for next year, which might be used for GIS support, for example.

Councilwoman Sutton asked if the only contract so far is to pay LCOG, and staff could do the rest of the work. Mr. Prokop said that’s right, except for “some specialty things, like GIS.”

OTHER BUSINESS: TRANSECT ZONES

Mr. Prichard asked if council feels the transect zones are accomplishing council’s vision and intent for development along multi-lane roads. Plans come in (e.g., Enmark on Ribaut Road) that “aren’t even close to the code,” he said, especially on multi-lane roads. He reviewed a few transect zone codes and said he wants to “make sure that [this] design priority for the city is what you guys want” because he’s concerned that “we will lose investment in the city” by enforcing them.

There was a discussion about various gas stations’ pump placement.

Councilwoman Sutton asked if new commercial business has been lost because of the ordinance and transect zones. Mr. Prichard said he’s only been here 6 months, and “these kinds of issues are problematic.” He thinks there’s a way to balance a “building’s function with the transect zone codes.”

Councilman McFee said the city doesn’t want Beaufort to be “Anywhere, USA” and in working on the transect zones/the Beaufort Code, they tried to consider where “big box” businesses would be. He wants to encourage business and to streamline processes,

he said, but he also doesn't want people to come to Beaufort and find it to be "Anytown, USA."

Mayor Keyserling said McDonald's is an interesting case study. Since redeveloping their building according to the requirements of the Beaufort Code, "their business is booming," he said; the building is attractive and noticeable, "much more so than a traditional McDonald's." In response to the idea that "no one uses the second floor," which was a code requirement, he said he's seen people upstairs "drinking coffee and working" because McDonald's offers free Wi-Fi.

Councilman Murray said the codes and the transect zones were an effort to accomplish long-term what has been done downtown. This doesn't jibe with most communities in the country, and he sees why some developers might be frustrated by it. He feels that the city has tried to find a balance (e.g., with light pole heights). They are thinking about building Beaufort for the way it will be in 50 years, he said. They need to be careful about "monkeying with the ordinances," Councilman Murray feels. If the mandated second story of McDonald's isn't being used today, the idea of the code is that it will be in 10 or 15 years, he said, given the projected growth of the community.

Councilman Murray said the restrictions in some areas are to keep the development community from putting up what they want to put up because "it's cheap and easy to do."

Mr. Prichard said there is a requirement that the entrance to a business be on the road side, for example, but a lot of businesses have their parking in the back. He wants to know if the city could do what the code is intended to do, with acknowledgement that people are getting to those businesses by car and entering from the parking lot. He also feels shopping centers can't have their entrances close to the street.

Four-lane roads are not the same for pedestrians as "a 2-lane Main Street," Mr. Prichard said. He also doesn't want to make a developer build a "more expensive" building "for something that's not even functional." Councilwoman Sutton said she agrees "100%."

Councilwoman Sutton discussed a shopping center in Charleston that has its buildings "on the sidewalk" and entrances in the back. Councilman Murray said Beaufort Town Center is a good example of this done well (e.g., some businesses have adapted by having pedestrian-friendly patios on the street side). The argument for this is that if the buildings are made pedestrian-friendly, it encourages the use of the sidewalk, he said.

Councilman Murray said he understands the additional expense to the business owner, but in 30 to 40 years, Beaufort will be a different city, based on population projections. It will be quicker to jump on the Spanish Moss Trail on a bike at Mossy Oaks than to take Ribaut Road and Boundary Street to get places by car, he said.

Councilman McFee said there's a way to make these developments look better, from a design standpoint, and it "doesn't have to look like the back of a shopping center." Mr. Prichard said they want to encourage economic development, but they also want a beautiful city, so he wants to have that balance.

Councilman Cromer said vegetation dangerously blocks the view of traffic at Firehouse Subs. Mr. Prichard said future expansion on major thoroughfares is a reality they need to think about.

This is the way to control growth in certain areas, Mr. Prichard said. People will complain if Boundary Street is 6-lanes, and if it's not, "they'll complain about traffic."

Councilman McFee said when Mr. Prichard sees things pertaining to this issue that need to be discussed, he can bring them to council. This is what happened with the ZBOA, he said: when they saw trends in the applications that were being brought to the board, they have adjusted the ordinance accordingly. There was never any intent for the Beaufort Code to be "so regimented," and council encouraged its 6-month review, he said.

Mr. Prichard said there is "going to be a village" on Sea Island Parkway. The ordinance allows development to go in there, and it will be "more like Boundary Street." Though "we may lose some of the auto-centric businesses" because of this, that's okay.

Mr. Prokop said Harris Teeter doesn't "do liner buildings," so an adjustment had to be made for them. Mr. Prichard asked if council would "expect a grocery store to be right up on the road," with parking and the entrance in the back. He thinks this is one of the "weird little things" that doesn't fit "what people in society today do." Councilwoman Sutton said these are the ideas of urban planners who "come in and say what this should look like," which she thinks "aren't very practical."

Mr. Prichard said they need to talk about how to accommodate a grocery store in the city. Having a store's building on the street "doesn't make any sense," he said, but there needs to be an alternative to "doing it the way they always do." Councilman McFee said at Publix, the existing buildings served as the liner buildings. He suggested looking at how that adjustment was made for Harris Teeter (i.e., with a commitment to liner buildings "in the future," not necessarily when they built the store). Mr. Prokop described what the plans were for buildings around Harris Teeter (a gas station, a picnic area, and one liner building with a tenant to be determined).

Mayor Keyserling said what drives retail more than zoning and codes are rooftops, driving patterns, and spendable income, so retailers will do what they need to do in most cases. The businesses near City Hall could "do a faux façade," he said, which is "the real issue," not "which way people walk into" the building. The door could be where people park and are coming to the business from, he said.

Mayor Keyserling said the city works well with people and looks at how to make projects work, not to create obstacles. This is as important as “what [developers] have to do,” he said.

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 an update on legal matters. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 6:40 p.m.