

A regular session of Beaufort City Council was held on September 10, 2019 at 7:00 p.m. at Fire Station #2, 1120 Ribaut Road. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, 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 approximately 7:10 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman McFee led the invocation and the Pledge of Allegiance.

MINUTES

Councilman McFee made a motion, second by Councilman Cromer, to approve the minutes of the city council work session and regular meeting on June 25, 2019.

Councilman Cromer said on page 3, the word “possibly” in item #6 should be “possibility.” Councilman Cromer and Councilman Murray abstained from voting on the minutes because they were not present at the meeting. **The motion to approve the minutes as amended passed 3-0.**

Councilman McFee made a motion, second by Councilman Cromer, to approve the minutes of the city council work session and regular meeting July 16, 2019.

Councilman Murray abstained from voting on the minutes because he was not present at the meeting. **The motion to approve the minutes as submitted passed 4-0.**

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

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on second reading. Mayor Keyserling said this was in reference to safety measures for local billboards. Councilman Murray said he feels this ordinance “doesn’t go quite far enough” and might allow “billboards to stay” when the community has made it clear that it doesn’t want them in the city. He voted against it on first reading and said he would vote against it again. **The motion passed 4-1, Councilman Murray opposed.**

ORDINANCE ANNEXING PROPERTY LOCATED AT 302 PARKER DRIVE

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on second reading. Mayor Keyserling said this is property adjacent to Commerce Park. **The motion passed unanimously.**

ORDINANCE ZONING PROPERTY AT 302 PARKER DRIVE

Mayor Keyserling said this is the zoning for that same piece of property. **Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on second reading. The motion passed unanimously.**

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

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

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

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

ORDINANCE REZONING R120 026 000 146A 0000, NEIGHBORING 2811 BOUNDARY STREET

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

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

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

Councilman Murray made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously. Mayor Keyserling said there was no action taken as a result of the session.

ORDINANCE ANNEXING PROPERTY AT 44 AND 50 MILLER DRIVE

Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on second reading. Mr. Prichard said the applicant had spoken to him today and “made it clear that if they didn’t receive T3-N [(Neighborhood) zoning] or above, they have no interest in requesting annexation.”

There was discussion about making annexation contingent upon zoning.

Councilman McFee withdrew his motion and Councilman Cromer his second.

Councilman Murray made a motion to amend the agenda to move item I (zoning of 44 and 50 Miller Drive) above item H (this item – annexation of this property), and to consider annexation of the property to be contingent on approval of the property owner’s requested T3-N zoning. Councilman McFee seconded the motion. The motion passed unanimously.

ORDINANCE ZONING PROPERTY AT 44 AND 50 MILLER DRIVE

Councilman Murray made a motion, second by Councilman McFee, to approve T3-N zoning for the property on second reading.

Mr. Prichard said the original zoning request was T4-N, and it was amended to T3-S (Suburban) at the last meeting. The applicant indicated that he would be “okay with T3-N,” Mr. Prichard said, offering to compare T3-N “with the existing county zoning” to see the differences.

In the county, the property is currently zoned T3-Hamlet Neighborhood (HN), Mr. Prichard said, which allows single-family residential and duplexes. It’s “a little bit more intense than what the city would allow,” he said, because it allows group homes and community residences by right. The city’s T3-N zoning allows single-family dwellings by right; 2- to 3-unit dwellings are allowed as conditional uses, not by right. Mr. Prichard said group dwellings are not allowed in T3-N.

Mr. Prichard explained what “conditional use” means by showing the applicable section of the code for 2- to 3-unit dwellings in T3-N.

Dan Keefer, of Witmer Jones Keefer, said he is representing the applicant, who was looking at T4 zoning because of “the uses that were . . . being promoted” for a “walkable village” in the Lady’s Island Plan. They thought this community could be “more in that ‘Village’ component” with “2 or 3 residential types.” Ideally, he said, it would be mostly single-family residential but with some row homes or townhomes. After the last council meeting, Mr. Keefer said, they looked at T3-N zoning, and they think they “can make that work,” doing the townhomes through “a separate process.” The project is not contingent on having those, he said.

This property is within the growth boundary, Mr. Keefer said. He cited aspects of the “Village Principles” that they want to follow; for example, “walkability is critical,” so they would have sidewalks, “a nice streetscape,” and front porches, but to do that, they need T3-N zoning.

Mr. Keefer said the plan is to tie into the existing road network with appropriate buffering and protection of existing access.

Councilman Murray asked Mr. Prichard to discuss the public process that would have to occur “before we start seeing vertical development.” Mr. Prichard said this development is likely to be large enough to be considered a major development, so the next step would be for it to go to the DRB (Design Review Board) for evaluation, and those meetings would be “open to the public as well.” If what the applicant wants to do it “by-right, it would not come back to city council or the planning commission,” he said. The city’s Technical Review Committee (TRC) of various experts would also evaluate the plans to ensure they meet all of the requirements, Mr. Prichard said; that committee

provides their comments to the DRB.

Councilman Murray asked Mr. Prichard to review what would be required of the developer. Mr. Prichard said they use the "Transportation Engineering Manual" to "estimate what the additional traffic will be from any type of development." He explained what triggers a traffic impact analysis, for which the developer would have to hire a transportation engineer to "evaluate what the impact" of the development "would be on the streets." He then explained the processes for stormwater and tree removal.

Councilman Murray said at its last meeting, council voted in favor of annexation and for T3-S zoning; the applicant had asked for T4 zoning, but council felt that was "considered an upzoning over the T3-Hamlet Neighborhood, which is the current county zoning," and council was not in favor of that. He said Mr. Prichard's presentation showed that T3-N is compatible with the existing zoning, "and in some cases, it's actually a downzoning."

Mayor Keyserling said there are a number of plans (e.g., the Northern Regional Plan, the Lady's Island Plan, Civic Master Plan) that might give "almost a nightmare" to a developer who wants to buy a property and current residents of an area "who don't know what's going to happen to their neighborhood." He explained that the original zoning request "didn't quite fit," so council passed T3-S on first reading, which "allows more opportunity," and "the closest thing we could find to it, frankly, was T3-N, which the buyer says [he] can live with." This zoning would mean there would be no commercial activity in this residential neighborhood, but it would be a "more urban" residential development that would reflect "both the city's master plan and the Lady's Island master plan because it is in what is called the Village Center."

Mayor Keyserling feels T3-N doesn't "do what the T3-S does," since T3-S "is a down-zoning, rather than what was supposed to happen within the Village Center and the growth boundary [per] the Comprehensive Plan and the Lady's Island Plan." Of all of the zoning choices, T3-N seems to work best to protect it from commercial development while allowing "a more urban type of residential," he said.

Billy Powell, 9 Bent Oak Road, said he lives in the neighborhood that would be affected by this development. He doesn't know anyone who is against the development of the property as Mayor Keyserling described it, and his neighborhood doesn't "want to deprive anybody of the right to develop their property," or to own an affordable home, "or to live in a home with sidewalks and a lake." What they don't want is "our neighborhood being negatively impacted by the construction of this," Mr. Powell said. He described the traffic he can see from his front porch, which currently is his neighbors coming from and going to work, and on "Miller Drive [at] Sams Point Road." If 50 homes are developed "at one time," he said, there would be a lot of construction equipment and workers "going into that piece of property that's only accessible from Miller Drive."

The side roads were not designed for “major construction to come in and out of them,” he said. Traffic on the street would go from 5 residents’ vehicles a day to “100 dump trucks” and other construction equipment “a day” during development, which would “negatively impact us.” The development needs to be done slowly to avoid negatively affecting the existing neighborhood, Mr. Powell said. He’s also concerned that crimes like theft would increase during this period.

Mr. Powell asked council to consider how they would experience this development if they lived where he does. He and his neighbors understand that growth is necessary, so they’re not arguing against property owners’ rights or the sale and development of this property; they “just want to know that there is consideration and careful planning,” including traffic impact analysis and other studies of what the development is “going to do to the existing neighborhood.”

Mr. Powell said it helps to have the developer and seller at this meeting. He’s not sure he understands the difference in the T3 zonings, but he does “understand that it’s not a T4.” There are 377 signatures on a petition from those living in the existing community, plus those of others who attended the last council meeting, he said. There are “a lot of people who aren’t necessarily against the development of the property,” Mr. Powell said, but who are concerned “about how it’s going to be developed, and that is going to impact our lives.”

Charlene Richards, 10 Wiggins Road, asked if T3-S allows “multiple-dwelling homes.” Mr. Prichard said it doesn’t. She said, “But the T3-N does.” Mr. Prichard said current county zoning allows duplexes there. “T3-N allows 2- or 3-unit dwellings, but only on the corners and only with an alley running behind them,” he said, noting that it also allows only 2 of these dwellings per block. He then reviewed what is and isn’t allowed in T3-S.

Ms. Richards said she doesn’t “believe 2- to 3- unit buildings would fit in our neighborhood,” where there are none now. “If they want to develop it and keep it similar to what we have – just single family homes – I’ve got no problem with that,” she said, but she doesn’t feel the 2- and 3-unit dwellings would “blend in very well.”

Mayor Keyserling said many people aren’t aware of planning until they’re affected by it. For the Lady’s Island Plan, “there was a dividing line between what would be more urban and what would be more suburban,” he said. That line means that “one side of the street . . . could be different than the other side . . . by the very nature of that plan,” Mayor Keyserling said, “because there has to be a point at which there’s a beginning and an end.” This would be “a different kind of a neighborhood” than it is now, but there wouldn’t be commercial development or high-rises there, he said, though there is no plan yet, so no one knows exactly what will be there. Though it “won’t be the same,” the transition to the different aspects would be gradual, Mayor Keyserling said, and he provided examples of the kinds of things that might be in the neighborhood, such as a common pond for public use, rather than one that was on private property. He

suggested Ms. Richards look at the City Walk development, which blended new homes into a traditional neighborhood of houses that were built from 1940s to the 1960s.

Ms. Richards said that the City Walk development didn't include "multiple-dwelling units" and "2-story houses" among the existing single-family houses in the surrounding neighborhood. Councilman Murray said there are "2-story units in your neighborhood today," though most are a single story. Ms. Richards said 2 of them had just been built.

Councilman Murray said the city worked with the county on the Stantec traffic report using Walmart impact fees. Last November, a referendum brought in \$30 million that is being used for traffic improvements. Already, there is a traffic signal proposed at the intersection of Miller Drive and Sams Point Road, he said, and that would occur whether or not this development happens. Ms. Richards said when that traffic light goes in, "It's going to be a nightmare for the people to get out of" a small adjacent neighborhood.

Dan Westover, 1 Sunrise Boulevard, asked council to "consider an easement through the school during the construction time" because there is "very low tree cover all the way down Miller" Drive, and the street wasn't designed for heavy traffic. Mayor Keyserling said that sounds like something the city could explore if this happens. It would be up to the school board to grant such an easement, he said. Mr. Westover said the city could recommend it. Councilman Murray said the Beaufort Code "encourages road connectivity where possible," so that would be staff's position, and he feels this is worth discussing more, "whether or not we can make it happen."

There was no further public comment.

Councilman McFee said council is very open to the neighborhood's concerns and also supports property rights. Lady's Island residents are "our neighbors," he said, even if they're not council's constituents, so he appreciates their participation in the process.

Councilwoman Sutton said council needs to look at "the big picture." T3 zoning wouldn't allow commercial development, and she believes T3-N is "suitable for this piece of property."

Councilman Cromer agreed. He did not favor upzoning, but he does favor T3-N, which is a downzoning from the current county zoning.

Councilman Murray agreed with what other council members had said. He empathizes with the neighbors, but he's also "a firm believer in property rights." He encouraged all the residents of Lady's Island to read the Lady's Island Plan and to participate in the processes related to the development of Lady's Island. He has heard what all of the residents have said they do and don't want, and he noted that he found out that there is "no way" the pond there could be filled in, which was a concern the neighbors had raised. He said the public coming to the Metropolitan Planning Commission (MPC) and

council meetings “has made a difference,” and he trusts staff will be very careful to see that this project is developed responsibly.

Mr. Powell said the county’s T3-HN zoning “allows more” than the city’s T3-N zoning does. If the county allows more, he asked, “then why are we here?” Mr. Prokop said he has “36 property owners that want to work with the city instead of the county,” so they are requesting annexation; “it’s not just” that way for this developer. These are independent property owners who have come to the city about annexation for various reasons, including customer service. Mr. Powell asked, if the developer could remain in the county and develop “even further than what he’s asking for” from the city, why he would want to annex into the city. He is hearing that it is “harder to get stuff developed through the county than it is through the city,” and he asked if that is because county council has 11 members and city council has 5. Mayor Keyserling said he doesn’t like to pit the county against the city, but he knows that it is simpler to deal with the city because it is “more compact,” “happens to be more customer-friendly,” and has “a smaller customer base.” It’s “the culture of a large government” versus a small government, he said.

Mayor Keyserling explained the agreement with the county in the Northern Regional Plan that applies to the growth boundaries and annexation.

Bruce Richards asked whether the city would take over the drainage for the neighborhood that runs through the subject property and is currently maintained by the county. He said someone at the MPC meeting had “mentioned . . . easy access from the school,” but that wouldn't be the case “unless you can teach fire trucks to swim” because “that’s where the lake is.” Behind the lake, there is a “saltwater slough that was illegally filled in,” and Mr. Richards asked, “What are you going to do about” that, a “line of demarcation that was illegally moved back on the marsh side,” and “construction materials and other illegal waste that are buried on that property to raise the land load?” He asked if that would be cleaned up. Mayor Keyserling said he can’t answer those questions; these issues would be addressed when the developer goes through the regulatory process that was described earlier (e.g., a stormwater plan, a traffic study, DHEC permitting), but that wouldn't happen yet.

The motion in favor of T3-N zoning passed unanimously.

Councilman Murray made a motion, seconded by Councilman McFee, to annex the property. The motion passes unanimously.

REQUEST FOR CO-SPONSORSHIP FOR USE OF THE WATERFRONT PARK FOR THE “REMEMBERING 9/11” EVENT

Councilman Murray made a motion, second by Councilman McFee, to approve the request for the September 11, 2019 event. Mayor Keyserling said **Donnie Beer**, a former city councilwoman, had started this annual event.

Ms. Beer said what happened on 9/11 would never be forgotten, but she nearly did forget to plan the event. That's been done now, and she's asking for council's help and for everyone to attend.

Mayor Keyserling asked if Ms. Beer would like help with the event from someone equally committed to it, and Ms. Beer said she would like help, but "just don't tell me how to do it." He said he feels this could be included among the city's annual events.

Ms. Carey explained an error she'd made on the co-sponsorship form. **The motion passed unanimously.**

CITY MANAGER'S REPORT

Mr. Prokop said he would deliver the bulk of his report at the next council work session.

During the previous week's hurricane threat, Mr. Prokop said he'd found a picture from August 15, 1940 of "the '40 hurricane," which "did several million dollars worth of damage to Beaufort, and it came from the Bahamas." It struck him as coincidental that this happened almost exactly 79 years ago.

Mr. Prokop thanked city staff, emergency management personnel, and first responders for what they did related to Hurricane Dorian. He explained the particulars of debris pick-up by Waste Pro.

Water Festival was a great event, Mr. Prokop said.

About a month ago, the city received a letter stating that after "almost 4 years of appeals," FEMA would be paying the City of Beaufort "the \$484,000 that they owe us from [Hurricane] Matthew," Mr. Prokop said. He thanked Senator **Lindsey Graham** and Representative **Joe Cunningham** for going to FEMA offices in Washington, DC and lobbying on the city's behalf.

Mr. Prokop welcomed back USCB students who are living in Beaufort, the number of which has increased significantly, from 68 last year to about 108 this year.

Councilman Cromer asked if Waste Pro is running behind on garbage and recycling pick-up. Ms. Roper said those routes haven't been running behind, but yard debris pick-up has. She said she would check on the issue he'd brought up.

MAYOR'S REPORT

Mayor Keyserling thanked Mr. Prokop, the fire and police chiefs, and the Public Works director for what they did to prepare for the hurricane and for "chasing that darn storm away."

COUNCIL REPORTS

Councilman Murray also thanked city staff for doing a good job during the hurricane threat.

Councilman Murray said he's disappointed the HVAC at City Hall is down, given that the unit is just a couple of years old, though he's glad it's under warranty and being repaired quickly. He's glad the council meeting wasn't cancelled.

Councilman Murray said Beaufort Digital Corridor would finish out its CODEcamp season with an "Intro. to Web Development" course. More can be found out about it at BeaufortDigital.com. He said "Co-working at the Corridor" is still taking place on Fridays and is free and open to the public.

Councilman McFee and Councilwoman Sutton both thanked staff for their work during the hurricane. Councilwoman Sutton hoped that there wouldn't be any more hurricanes this year.

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 approximately 7:45 p.m.