

Northern Beaufort County Regional Plan Implementation Committee Meeting

Executive Conference Room, County Administration Building

100 Ribaut Road, Beaufort, SC 29902

August 27, 2010

Attendance:

Members Present: Jim Hicks, Committee Chairman/County Planning Commission Chair; Town of Port Royal Mayor Samuel Murray; City of Beaufort Mayor Billy Keyserling; Gerald Dawson, County Councilman; William McBride, County Councilman; Paul Sommerville, County Councilman; Vernon DeLoach, Town of Port Royal Councilman; Brian Flewelling, County Councilman; Joe DeVito, Joint Municipal Planning Commission;

Staff Present: Libby Anderson, City of Beaufort Planning Director; Linda Bridges, Town of Port Royal Planning Administrator; Anthony Criscitiello, County Planning Director; Ginnie Kozak, Lowcountry Council of Governments (LCOG); and Robert Merchant, County Long-Range Planner;

Other Attendees: Alice Howard, MCAS Beaufort; Geri Lester, DHEC Region 8; Nick Davidson, DHEC Region 8; Joe Lee, Town of Port Royal Councilman; Bill Evans, Resident of Lady's Island; Carol Crutchfield, Beaufort County School District; Angela Williams, Lowcountry Economic Network; Van Willis, Port Royal Town Manager; Reed Armstrong, Coastal Conservation League; Luke Thompson, Island Packet/Beaufort Gazette and Valerie Truesdale, Beaufort County School District Superintendent.

CALL TO ORDER: Chairman Jim Hicks called the meeting to order at approximately 9:30 a.m. Chairman Hicks asked the guests to introduce themselves.

REVIEW OF MINUTES: The June 25, 2010, meeting minutes were reviewed. **Motion:** Councilman Gerald Dawson made a motion, and Councilman Brian Flewelling seconded the motion to accept the June 25, 2010, meeting minutes as written. The motion was carried unanimously (FOR: Hicks, Murray, Keyserling, Dawson, McBride, Sommerville, DeLoach, Flewelling, DeVito).

The July 19, 2010, meeting minutes were reviewed. **Motion:** Joint Municipal Planner Commissioner Joe DeVito made a motion, and Councilman William McBride seconded the motion to accept the July 19, 2010, meeting minutes as written. The motion was carried (FOR: Hicks, Keyserling, Dawson, McBride, Sommerville, DeLoach, Flewelling, DeVito; ABSTAINED: Murray).

OVERVIEW OF EDUCATION IN BEAUFORT COUNTY

Chairman Hicks introduced Doctor Valerie Truesdale, Beaufort County School District Superintendent. Doctor Truesdale gave a power point presentation that included:

- Vision
- Mission
- Strategic Plan
- Accomplishments
- Focus Areas
- State Report Card Comparisons

Hand-outs were provided to members.

Discussion following the presentation included:

- Age range of children at Early Childhood Development Centers
- Family involvement
- Concerns about infrastructure
- AMES Academy
- Impressive changes to school system

Note: Chairman Hicks recessed the meeting at approximately 10:30 a.m. and reconvened at approximately 10:45 a.m.

STATUS REPORT FOR THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

Ms. Kozak provided hand-outs to committee members and provided an update of the TDR program to the group. The TDR study work is being paid for by the Department of Defense. At the May meeting, discussion was held about new and additional tasks to be done by the consultants. An amendment was submitted to address these additional tasks and just recently was approved to include these extra tasks. The consultants are now looking at the TDR sending and receiving area boundaries, at integrating more small sending area landowners, developing some sort of administrative system optimizing private sector involvement instead of just a bureaucratic system, and how the program will work with form based code. Both phases of work that have been done to date have been done using the traditional zoning, not form based code. Symposiums will be scheduled with officials from successful TDR jurisdictions. Information will continue to be presented to this group

Ms. Kozak re-established the JLUS Technical Committee to work on the TDR project with the private sector, i.e., banks, real estate developers, etc., as representatives. This Committee has met twice already (handed out notes from second meeting). One of the actions that the Technical Committee recommends is that a small scale pilot

program should be started right away. The Committee is working on that. Staff members of the affected jurisdictions are looking at this now and will be developing some detailed recommendations on how to make a small pilot program work. Ms. Kozak shared a timeline with the group outlining tasks and projected completion dates. Expected completion date is January 2011.

Chairman Hicks asked for clarification on what will be completed by January.

Ms. Kozak expects to have a very detailed implementation plan on how to make this program work and a pilot program ready to roll by the end of January. Once the program is established, it will be up to this group as the policy committee to recommend that the program either go forward or not. The County, City and Town Councils will also have to agree to go forward because the program will include the adoption of ordinances to implement it.

Ms. Kozak reminded the group that the TDR program started, not as a planning exercise, but as a result of negotiations during the development of the AICUZ overlay zone and the approval of the AICUZ overlay zone by three Councils. There was quite a bit of opposition to the overlay district ordinance among the small and large land owners who were losing some of their development rights in the sending area. This was the main method that was suggested and adopted as a way to compensate people for losing development rights. It was an agreement involving Councilman Dawson and various people on the planning staffs so there would be some issues if the program is dismissed.

The TDR consultants will be back and will be put on the agenda for either the September or October meeting of this committee to discuss status. In summary, by the end of January there will be a detailed implementation plan and how the TDR issue will be adapted to the form based zoning code. When will form based code come into effect assuming all goes well?

Mr. Criscitiello advised the group that the consultants will be coming back around the third week in October. The staff is currently combing through our existing zoning ordinances to determine the kinds of improvements to the code that the County would want to see beyond just the form based code issue per se. TDR's being an example of that kind of situation. It will probably be one year from now before Planning will be able to bring form based code forward for adoption by Councils.

Ms. Kozak stated that the consultants for the TDR project fortunately know the County's form based code consultants because they are both located in California and they've worked together on projects before. The TDR consultant is Design, Community & Environment (DCE).

Mr. Criscitiello pointed out that the County is also using the same consultant, DCE, on Daufuskie Island. When County Council is presented with the Daufuskie Island zoning code, what the Planning Department will be bringing forward is a TDR for Daufuskie Island. Council will see an actual TDR program that is related to a form based code specifically for Daufuskie Island. Methodologies by which the form based code and the

TDRs are synchronized and developed in terms of an approach. So Daufuskie Island will be a test site if you will.

The group continued the discussion:

- Committee has been working on the TDR program for over two years
- Committee has spoken to many consultants
- Need to have a sending area and a receiving area for the TDR Program
- There is a concern regarding the uncertainty of development rights value
- Have \$250,000 from the State for pilot program; may be more coming from the federal government
- With the pilot program, expectation will be that someone is going to buy the development rights
- When cities expand by annexation, the reason for expansion in most cases is that they want to upgrade the density. To receive that increase in density development rights should be required to be purchased.
- January will be the time to decide if there is a viable chance of making the TDR Program work or admit that it won't.

DEVELOPMENT OF A COMPREHENSIVE TREE PROTECTION ORDINANCE

This item is a carry-over from last month with basically nothing new to report. Currently, the consultants are working on the actual ordinance language. The County is in a good position with this project because the grant received came in under the amount we originally budgeted. The County will have an opportunity to work with the Davey Resource Group to integrate what their findings are with the form based code. The County recognizes there are different approaches to different areas in urban, suburban, rural areas. When the consultant was here in late June, it was something that was discussed.

STATUS OF NORTHERN BEAUFORT COUNTY MULTI-MODAL TRANSPORTATION NETWORK

Mr. Merchant started the discussion: As you all remember, the County learned last month it was the recipient of \$3.1 million from the Federal Transit Administration (FTA) through South Carolina Department of Transportation (SCDOT). This was money that the County applied for, for a Northern Beaufort County multi-modal project which includes transit, the 6.7 mile rail trail, along with a number of connecting pathways so that people can get from transit to the trail and to destinations. Since that time, a steering committee has been organized led by Colin Kinton and made up of

representatives from the County Planning Department, the City, Beaufort Jasper Water Authority, Lowcountry Council of Governments (LCOG), and SCDOT. The purpose of this steering committee is to develop a recommendation to make to the Beaufort County Transportation Advisory Group (BTAG) at their September 13, 2010, meeting. The committee has been looking at several things. One is costing out what can be done with \$3.1 million because it's definitely less than the original budget for the project. In addition, the committee is looking at the trail, each segment, how much that would cost, what the conditions of the bridges are, what can reasonably be done with the transit lines. The committee is working with the City to get a better idea about the condition of sidewalks, with SCDOT to learn the right of way width or if we can work with existing without acquiring additional right of way. The goal is by September 13, 2010, the committee will have a recommendation for BTAG on a reasonable way to spend \$3.1 million. Once accomplished, the steering committee can start going further toward design and engineering, feasibility studies for the transit.

Ms. Kozak added that the steering committee is also looking at the transit roads to ensure that whichever route(s) are chosen meet a range of criteria including moving the largest, potential number of people, routes where there will be contributions to the operating funds, from something like the transit incentive program for the military. The local tourism industry, the Chamber of Visitor and Convention, is very supportive, talking about their own form of subsidy for service that would serve tourists. In various areas, what they've done when the money isn't up-front, they use transit as a marketing amenity. The tourism industry will say if you stay here, you'll get free transit between places. We're also looking at a charter service between the hotels and Parris Island Thursdays and Fridays. Ms. Kozak also stated that apparently the County is being watched nationally by FTA. It's the only project like it in the country in a rural area, because Beaufort County is still considered rural, and is proposing a rather interesting approach to multi-modal.

Mayor Keyserling made a motion that this committee which was tasked with the management of the contract or to act as the advisory group on the contract encourage the following:

1. The State should allow Beaufort County to administer the grant
2. The sense of this group ought to be invested on the linear path at least from 170 to Allison Road. This could be done by connecting and improving some sidewalks between Salem Road or Jericho Road and 170 and then from Battery Creek Road into Port Royal over to the YMCA. This could have a huge impact. This is probably where 70% of the people that live in northern Beaufort County could be connected by foot and by bicycle. Mayor Keyserling does not want this grant to be driven by bureaucracy and by staff

but rather to go on record, as elected officials, and say this is what we want and we'll go to Washington and we'll help it.

3. Focus on something that we can accomplish.

Councilman Flewelling seconded the motion.

Chairman Hicks acknowledged the motion and the second. He explained that he went to the Chairman of County Council and said that this committee would be glad to oversee this grant. The Chairman of County Council advised Chairman Hicks to wait until SCDOT and the State defines what the rules are for this grant. Chairman Hicks stated that as part of the discussion portion of this motion, as much as he loves the linear path, he's not sure that the committee should get into defining parameters instead making the linear path a general objective. The Chairman of County Council has not yet granted this committee any authority.

Mayor Keyserling stated rather than wait for Washington to tell us what we can do, we ought to go to them and say this is great, we've got the money, let's use it right. We should get Congressman James Clyburn and Senator Lindsey Graham's office to go with us.

Chairman Hicks addressed the Mayor saying that he will vote against the motion in the sense that until you tell me what the established rules are, I'm hesitant to vote for it.

Councilman McBride stated he would also vote against the motion on the table. Councilman McBride thinks that whenever the funds are coming from a particular granting body, the granting body determines what the rules are on how you get to use the funds and if we go and use them any way we want to, we could put the County in jeopardy.

Councilman Flewelling supports the motion. Mayor Keyserling has offered to take a run up to DC to talk to a few people who were instrumental in getting the grant authorized and available for us. If we can better identify what we can accomplish with that money, it improves our chances for getting the rest of it done. If we can get some part of what we identified done and working and show that it is possible to integrate the rest of the \$21 million that we still would need, that would be a positive benefit. If Mayor Keyserling goes to Washington and can get that kind of authorization, this is a good direction for us to go in.

Chairman Hicks called for further discussion.

Councilman McBride raised the question of what is the possibility of losing the funds. What is the possibility that we would lose these funds and wind up with nothing at all?

Ms. Kozak reminded the group that the grant is called a bus livability grant. She stated it is key to remember that the County applied for this as a bus project with the multi-modal component. Also, funds for this grant will not be sent to Beaufort County up-front. Beaufort County will make the expenditures and then put in for reimbursement of the full amount. The County will have to be reimbursed and it will have to meet the conditions of the bus livability program.

Mr. DeVito supports the statements made by the Mayor. Mr. DeVito stated the committee is not supporting the Mayor because the committee doesn't know the rules but yet the steering committee is getting ready to go to BTAG with something and the rules are still not know. The real key to the statements the Mayor made is the committee should help write the rules and steer the grant spending. Go help them make the decision. It can easily be defended by doing that multi-modal path in the section discussed that when the rest of the money is received to build the transit system, we've already got the way to get the people to the bus stops. In effect, we're doing Phase I and when you go to do Phase II, we're ready to get the people to the stops. It's an easy defense that this is the right way to spend the money so I agree with the Mayor.

Councilman Sommerville expressed his concern with the motion. First of all, this was an application for funds for a specific purpose and SCDOT was the applicant.

Ms. Kozak confirmed that SCDOT was the applicant of record.

Councilman Sommerville continued that the applicant of record is in the process of clarifying the purpose on how these monies can be expended. SCDOT is well versed in our collective desire that we focus on the linear path and not the other two elements of the grant. But for us to jump into middle of that at this point with no authority, his fear is that we're jeopardizing this \$3.1 million. This \$3 million is not the end; the County is going to go back for the rest of the \$24 million.

Ms. Kozak confirmed that an application was submitted on Monday.

Councilman Sommerville continued that if we start playing "fast and loose" with this money or give the appearance that we're going to start playing "fast and loose" with that money, we're jeopardizing our chance for future money. As was pointed out, the money for this work will not be received up-front. This is where we go out and do the work and then we'll look at your expenditures to decide whether or not it meets the terms of that application. If it doesn't, we're not going to reimburse you. The County just spent \$3million of their own money. I just don't agree that it's the right thing to do. And I'm going to vote against it.

Chairman Hicks summarized the motion once more. **Motion:** Mayor Keyserling made a motion, and Councilman Flewelling seconded the motion, **to:**

- 1. Recommend an official request that the grant be administered locally**
- 2. Projects be doable and have a chance of being successful**
- 3. Modification of existing rules be authorized**

The motion was denied (FOR: 4 members; AGAINST: 5 members).

Chairman Hicks had two other items of business before adjourning.

1. Next meeting is scheduled for Friday, September 24, 2010.
2. Councilman Flewelling has an agenda item for the next meeting.

Councilman Flewelling stated he would like to discuss ways to impact the business license structure in Northern Beaufort County. He gave a brief overview of some ideas.

Chairman Hicks asked Ms. Angela Williams to take the lead to bring the study from the Economic Network to the next meeting to review with the committee.

Meeting adjourned at approximately 11:40 p.m.