

A regular meeting of the Beaufort City Council was held on October 26, 2010 at 6:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

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

The Mayor called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Bishop Alden Hathaway of St. Helena Episcopal Church, and the Pledge of Allegiance was led by the mayor.

PUBLIC HEARING: ORDINANCE REZONING 7 PARCELS OF PROPERTY LOCATED AT 33 TEKOA LANE AND TO THE REAR OF 1220 RIBAUT ROAD FROM GENERAL RESIDENTIAL DISTRICT TO GENERAL COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. **Libby Anderson** said this rezoning is for seven parcels owned by Russ Fielden. Six of the parcels are undeveloped and have no addresses yet. One is developed with old homes. All are landlocked except for the 33 Tekoa Lane property. The owner owns lots along Ribaut Road as well. Ms. Anderson showed where the power line and easement lie on a projection of a map of the area. The area is currently zoned General Residential. The proposed zoning is General Commercial District. Ms. Anderson explained the restrictions under each zoning.

Ms. Anderson said the comprehensive plan is looked to for rezoning guidance. The comp plan calls for Neighborhood Mixed Use in this area, which is intended for mixed uses at a neighborhood-serving level – residential, commercial (retail and office) and civic centers. So rezoning is consistent with the comp plan.

A gas station, a day care, a cemetery, restaurants and an auto supply as well as single family dwellings and a mobile home park are in the area today. Infrastructure in the area is near water and sewer but not currently served, so it would have to be brought in. There are trees on the lot that could be worked around. Letters have been sent out and the public hearing notice was run; they have received no comments on the rezoning. They feel the rezoning could encourage redevelopment. The Planning Commission has approved the rezoning. There being no comment, Mayor Keyserling closed this public hearing.

PUBLIC HEARING: ORDINANCE REZONING 2 PARCELS OF PROPERTY ON ADVENTURE AND BLADEN STREETS FROM GENERAL COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Mayor Keyserling opened this public hearing. Ms. Anderson said this request is in the Historic District, a large parcel surrounded by Duke, Bladen, Prince, and Adventure streets. One lot is undeveloped and another has a structure still on it that was the Coastal Contractors office. Both lots are currently zoned General Commercial District. Single-family dwellings aren't currently permitted in General Commercial District but multi-family are.

Ms. Anderson described the restrictions on the current and proposed zonings. Neighborhood Commercial District allows all kinds of dwellings as a true mixed use zone. There is a limitation on the building footprint; it is neighborhood scale and doesn't allow Big Box stores. Ms. Anderson said the comp plan encourages a more uniform development pattern in the area. She showed the development surrounding the properties under consideration for rezoning: offices, cemetery, the Federal Courthouse, and the former Koth's as well as residential.

Ms. Anderson said staff had received no comments but did receive several questions. Staff supports the rezoning with the caveat that the Bladen Street Redevelopment District will be coming forth soon, and they don't want to slow it down. It would supersede the Neighborhood Commercial District, which is fine with the property owner. There being no public comment, Mayor Keyserling closed this public hearing.

DESIGNATING 1105 GREENE STREET AS UNFIT FOR HUMAN HABITATION

Mayor Keyserling opened this public hearing. Ms. Anderson said this building is not designated as historic. The roof has collapsed. She showed photos of the structure. It's open to the elements and has been for at least several years. It's unsafe and unfit for human habitation. The building official said it should be demolished. The owner was served an order to repair or demolish in April. June 9, the Historic District Review Board (HDRB) approved demolition. In June, the owner was sent a letter and didn't respond. The owner signed an October 12 certified letter saying she would need to attend tonight's public hearing. If the owner fails to demolish in the next 30 days, a lien would be put on the property, and the city would demolish it. The owner was not present.

Maurice Ungaro, 417 Heyward Street, said he's visited the site and met with someone interested in buying the property from the owner. He knows there are properties worse than this one that can be reconstructed. The brick walls are sound, he said. He feels the character of the city needs to be maintained. He cited an ordinance that said if repair, alteration, or improvement can be made at reasonable cost, it should be. If the owner fails to comply, the building official can cause it to be repaired, altered, or improved. That is the first priority, he said – repair – before demolition. He said Savannah and Charleston should be models for how to deal with failing properties. Though the house doesn't have historic status, he said, the comp plan calls for a new survey of historic buildings. The Redevelopment Commission takes on properties that could be rehabbed and might consider this property. He's concerned about the loss of historical resources.

Julia Paige Wylie Good, Executive Director of the Historic Beaufort Foundation, supported what Mr. Ungaro said. There being no further public comment, Mayor Keyserling closed this public hearing.

MINUTES

The minutes of the work session on October 5, 2010 were presented to council for review. Councilman McFee noted that on page 8 of the minutes, the devices referred to are mooring *balls* not mooring *walls*. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as amended.

The minutes of the regular council meeting on October 12, 2010 were presented to council for review. On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes as written.

DECLARATION OF 1105 GREENE STREET AS UNFIT FOR HUMAN HABITATION

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the declaration. Ms. Anderson enumerated a variety of findings which concluded that the building should be declared unfit for human habitation. The owner was notified 3 times and has taken no action to repair or demolish the building. The request is that council designate the home as unfit for habitation, and the owner would have to apply for the permit to repair or demolish. They request that if the owner doesn't repair or demolish, the city do it.

Mayor Keyserling asked about the timeline. Ms. Anderson said no one has come forward to save the house. Habitat for Humanity was interested in purchasing the property to demolish but couldn't come to an agreement with the owner, and the group didn't attend the public hearing. Ms. Anderson said the condition of the building is not acceptable to the neighborhood. The building is not currently designated historic. Repairing is great, but there's been no application made to do so. Councilman McFee clarified that the owner has talked with Historic Beaufort Foundation and a private citizen but not the city. Ms. Anderson said the owner was interested in demolition when she spoke with her in August, when a grant for demolition was possibly able to be attained, but it fell through. The owner was told the grant fell through and that it was now her responsibility to demolish it, and there has been no contact since then.

Councilman Sutton said HDRB has reviewed it. In April 2008, he tried to put it in the Block By Block program. The house is not historic. There's asbestos siding under the brick and though the brick looks sound, the structure is not. He would like to save any house he could, but he said this one can't be saved, unlike what Mr. Ungaro said.

He told Ms. Good that owners will tell groups like Historic Beaufort Foundation that they will do the right thing but then the owners don't always follow through. Councilman Sutton said council knows the ordinance is broken in that it allows owners to do "demolition by neglect." Money talks, Councilman Sutton said, and the city needs partners for funds to do rehabilitation or to go after grant money to save houses. He said "the city suffers while deals are talked

about.” Non-profit groups that want to save houses that aren’t on the “to be saved” list didn’t step up when they could have. Councilman Sutton said again that the house is not habitable, and he doesn’t think it’s repairable. Staff needs to be set in motion and non-profits need to step up and find a way to work with the city to save other properties. There are other houses like this out there that can be saved, but this may not be the one that they should fight for. He feels the staff should carry out the ordinance as written.

Councilwoman Beer said she supports a 60-day time limit, after which, if no one is serious and can come together, then they should follow through with the demolition order. Councilman Fordham said he agrees with Councilwoman Beer. Since he’s been in council, he said, they have discussed demolition by neglect. He feels they should enforce the ordinance. Mayor Keyserling said he supports saving the house, but he’ll support this declaration. He encouraged Mr. Ungaro and Historic Beaufort Foundation to save it.

Mr. Ungaro said the neighborhood is worth fighting for. When Mayor Rauch was in office, he thought prohibition of demolition by neglect should be enforced, but didn’t because of money. Mr. Ungaro understands that the city doesn’t have the money now, either, but they have the Redevelopment Commission, and they have power to save properties. Mayor Keyserling asked Mr. Ungaro to provide applicable ordinances for council to read. Mr. Ungaro said the house was built by an African American in that community; there was a sense of pride in 1945 about having a brick house in the Northwest Quadrant. He added that council needs to address the historic preservation aspect of the comp plan. The motion was approved unanimously.

STREET CLOSURE AND PERMISSION TO SERVE ALCOHOL REQUESTS FROM MAIN STREET BEAUFORT, USA FOR THE NIGHT ON THE TOWN

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the requests for the December 3, 2010 event. The motion was approved unanimously.

REQUEST FROM MAIN STREET BEAUFORT, USA CO-SPONSORSHIP FOR USE OF WATERFRONT PARK DUE TO THE BOAT PARADE

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the request for the December 4, 2010 event. The motion was approved unanimously.

REQUEST FROM MAIN STREET BEAUFORT, USA FOR WAIVER OF PARADE PERMIT AND SPONSORSHIP FOR CHRISTMAS PARADE

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the request for the December 5, 2010 event. Councilman McFee clarified for the record that the set up is on Adventure Street, not Bladen Street. The motion was approved unanimously.

AMENDMENT REVISING SECTION 5.3D.9 OF THE UDO TO CHANGE THE CONDITIONS ASSOCIATED WITH FUEL SALES, AND ADDING DESIGN GUIDELINES FOR GAS STATIONS

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the amendment on first reading. Ms. Anderson described the history of the permitting as it applied

to this request by David Tedder. The study committee met to develop recommendations which then went to the Planning Commission, which tweaked them, and sent them back October 11. After a few more minor revisions, the Planning Commission recommended approval. Ms. Anderson said that after a lot of discussion, the study committee and the Planning Commission made many changes to the ordinance, which she reviewed in an overhead projection:

- There are revisions to the permitting process for gas stations in certain areas of zoning.
- The cap on the number of pumps has been eliminated.
- There's been a standard added that limits the number of gas stations at major arterials and on less-travelled streets.
- Additionally, the committee developed specific design guidelines for gas stations, i.e., canopies, lighting, signs, etc.

City council had a workshop on this issue and requested some more specific standards be set for solid buffering/screening when a station is near an existing neighborhood or single-family residential lot, so that was done. Councilman Sutton said the screening issue will become more prevalent as they look at new urban zoning practices throughout the city. The buffering ordinances are weak; buffers may be made of vegetation and then not tended.

Steve Wimberly, owner of the Shell station at 1200 Ribaut Road, spoke and said his station was built in 1991. In 2007, they built a new store to make it more attractive. They wanted to put in more pumps, applied for a variance to do so, and were denied. They also wanted to put a bigger store where the car wash was and said they would screen it. They applied for a variance for that, were denied again, and were told they could bulldoze the whole thing, put the store by the sidewalk, and put the pumps in back, which was not a viable option for them. Instead, they bought a new car wash and expanded that building. He said they had to play by different rules than what's being proposed under the new ordinance. He "feels handcuffed." Someone building a store with 6-10 pumps will take business from merchants who are doing business under old rules. They had to comply with ordinances "and then the rules are changed by new guys who hire an attorney to change the rules."

Councilman Sutton asked Mr. Wimberly what the new ordinance would do to help him. Mr. Wimberly said on Ribaut stations are still restricted to 4 pumps. The new ordinance says he can't put pumps on the side because his lot isn't wide enough. He had to move on because he wasn't allowed to do it. He said if council lets someone have a competitive advantage with 6-10 pumps, it's not fair. "The driving point is convenience and the price of gasoline." Councilman Sutton said his sense is that in the bigger picture, the ordinances weren't good when Mr. Wimberly started, "but the world's changed." There will be another reading/vote on this. Mr. Wimberly said they wanted change, and he understands that times change, but he feels like an unfair competitive advantage is being created.

Councilman Fordham asked Ms. Anderson if Mr. Wimberly is correct. Ms. Anderson said city-wide there's no limit on pumps, but on Ribaut, the permitting process needs a special exception because it's adjacent to neighborhoods, so the special exception process is the way to go. If

they want that many pumps, it's based on design and context. Councilman Fordham said he can't move his building back. Ms. Anderson said she doesn't remember the details, but the city wants to create an urban character, and the building is in front and parking in back. The new design standards still say that in new development, the pumps need to be behind the building, although the Design Review Board may permit them on the side since 2003, but never in front. Existing facilities that want to expand with additional pumps like Mr. Wimberly's, can add them under special exception, and they have to put a decorative wall - 3' at least - to create an edge. In General Commercial, the special exception has always been required, but there's no limit on the pumps on Ribaut now. The motion was approved unanimously.

CITY MANAGER'S REPORT

Mr. Dadson deferred his time to **Ann Bluntzer**, Executive Director of the Open Land Trust, for a presentation.

PRESENTATION: OPEN SPACE PARTNERSHIP BETWEEN THE CITY OF BEAUFORT AND BEAUFORT COUNTY OPEN LAND TRUST

Ms. Bluntzer said Open Land Trust wants to help the city identify land for acquisition and to help de-acquisition currently owned properties. There is a contract for council to peruse where Open Land Trust will work pro bono.

Ms. Bluntzer gave some establishing information about the Open Land Trust. 15,000 acres are protected in Beaufort County. The most recent collaborative project was the purchase and protection of The Green. Public lands – particularly trust and open spaces – are tied into economic prosperity. She showed a map created by Open Land Trust and the city. She discussed land acquisition prioritization. They identify critical habitat, wildlife corridors, and waterway buffers, and historically significant structures; critical conservation properties and correlate land protection priorities with the city and county comp plans; prioritize acquisition by creating a tiered approach to land and resource protection to fit into a comprehensive land protection strategy. Open Land Trust finds additional funding from a variety of sources through grants to purchase parcels throughout the city. She said the city should never purchase at 100% and the partnerships can help prevent that. The council agreed that this would be “a great partnership” and all were very pleased that this is pro bono.

ADJOURNMENT

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Fordham. The motion was approved unanimously, and the meeting was adjourned at 7:28 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK