

A regular meeting of the Beaufort City Council was held on December 10, 2002 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem Donnie Ann Beer, Councilmen Frank Glover, Gary B. Fordham, Billy Keyserling, and City Manager John F. McDonough. In accordance with 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.

#### **INVOCATION/PLEDGE OF ALLEGIANCE**

The meeting was opened at 6:00 p.m. with an invocation by Rev. Mitch Houston, Pastor of Carteret Street United Methodist Church. The Pledge of Allegiance was led by the Mayor.

#### **OATH OF OFFICE**

Municipal Court Judge Ralph "Ned" Tupper administered the Oath of Office to Councilwoman Donnie Ann Beer and Councilman Frank Glover for their four year term of office to which they were recently elected. (Copy of Oaths of Office at end of these minutes.)

#### **PROCLAMATION - ARBOR DAY**

On motion by Councilman Glover, second by Councilwoman Beer, Council adopted the proclamation designating December 6, 2002 as Arbor Day.

#### **PUBLIC COMMENT**

**Capt. Mark Poindexter**, Lowcountry Rafting Adventures, asked for help in extending the six month time limit on his sandwich board sign which will expire in February. Because he works out of a slip at the Downtown Marina, he said he does not have a physical address and the only signage he has to advertise his business is the sandwich board. The mayor noted that during the Main Street Beaufort meeting this morning, sandwich board signs were discussed. It was apparent that they are making a come back. He suggested Mr. Poindexter discuss this further with the Director of Main Street; however, until the requirements change, the law must be followed.

**General Bill Cobb**, resident of the Historic District, said he and two other members of the Point Neighborhood Association, were present to address one aspect of tourism management that is of concern to them. He reminded council he was the chairman of a committee appointed by council several years ago to review tourism in the city. One area the committee was concerned with was touring vehicles that would be permitted in the city, primarily in the historic district, and limiting their length. The committee also discussed in detail the undesirability of permitting trolley type-vehicles in the district. Therefore, they recommended theme vehicles not be used for touring purposes in the historic district. This recommendation was included in Section 7-1103 of the ordinance. Recently, he and Knute Knudeson appeared before the Tourism Management Advisory Commission and expressed their displeasure with the trolley now touring the district, he said. He said they were amazed to learn that a theme vehicle had been approved to operate there which is in violation of the City's ordinance. General Cobb asked that the permit issued to the operator of the trolley be rescinded.

**Jill Bratland**, Main Street Director, thanked the city staff for their assistance in planning the holiday events including *Light Up The Night* and *Night on the Town*. A special thanks to the Public Works department who were instrumental in getting the decorations up in time. The comments from the public were all complimentary, she said.

**MINUTES: REGULAR MEETING - NOVEMBER 12, 2002**

The minutes of the regular council meeting of November 12, 2002 were reviewed by council and the following changes were made on page 2 under Ordinance Adopting the UDO. In the middle of the last paragraph, the sentence is to be changed to "...to be required to come into compliance, the sign would have to be larger than a certain percentage out of compliance. Also, in the last line, "to" should be deleted after community.

On motion by Councilwoman Beer, second by Councilman Glover, Council members Glover, Beer, and Keyserling voted to adopt the minutes of the regular City Council meeting of November 12, 2002 as amended. Councilman Fordham and the mayor abstained having not attended the meeting.

**MINUTES: REGULAR MEETING - NOVEMBER 26, 2002**

Council reviewed the minutes of the regular council meeting of November 26, 2002 and on page 3, 2<sup>nd</sup> paragraph under Hospitality Association Update, add the following before the last sentence, "All the restaurants in the city were invited to participate in the program, Mr. Goodman said." ; on page 5, 3<sup>rd</sup> line under Councilman Fordham's report, "replaced" should be "placed"; on page 6, 5<sup>th</sup> line from the top, omit "on" from between "is" and "the".

On motion by Councilman Glover, second by Councilwoman Beer, Council members Beer, Glover, Fordham, and Rauch voted to adopt the minutes of the regular City Council meeting of November 26, 2002 as amended. Councilman Keyserling abstained having not attended the meeting.

**ORDINANCE ADOPTING THE UNIFIED DEVELOPMENT ORDINANCE**

The ordinance to adopt the Beaufort, South Carolina Unified Development Ordinance to replace the Official Zoning Ordinance of the City of Beaufort and the Subdivision Regulations, City of Beaufort, South Carolina was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the Ordinance on second reading. Councilman Glover gave second.

Ms. Libby Anderson, City Planner, said this ordinance is a combination of the Zoning Ordinance and the Subdivision Regulations into one ordinance. Beginning in February, 1999 the City adopted a new comprehensive plan and the most important implementation activity in that plan was to update the zoning ordinance which was out of date, she said. Ms. Anderson reviewed the process used and the chronology of the process to prepare the new Unified Development Ordinance. Meetings were advertised and held for the public to become educated about the ordinance and to offer comments. Meetings with the Corridor Development Board and the Board of Architectural Review were also held. She added that she did not think the adoption of the ordinance should be delayed. There are some definitions that need to be added and she would like to propose a change to the Use Table regarding public utilities. She also outlined the changes requested at the last council meeting including free standing and nonconforming signs. One of those changes relates to signs permitted

between February 1998 and the date of adoption of this UDO. Signs which meet the requirements of the 1998 ordinance shall be exempt from the mandatory compliance provisions that would take effect in May, 2007.

Councilman Keyserling said he spent the last two weeks going through the document; however, he feels he does not understand it thoroughly enough to vote on it tonight. He suggested taking an extra thirty days to hold a couple of workshops and review the specifics of the ordinance and how the existing and proposed documents compare. This would ensure that everyone has a better understanding of the ordinance and are aware of the changes. He suggested inviting some of the people who are critical to the process and may not have participated earlier. He asked that two workshops be considered, one to discuss the process, how things were done and how they will be done and secondly to look at the design criteria. Councilman Glover stated he shares some of Mr. Keyserling's thoughts and he would support holding workshops so he could better understand the ordinance. He added that he does not feel comfortable voting when he does not understand all the changes pertaining to the signs.

Ms. Anderson said she spoke to the zoning consultant today about making a side by side comparison. He stated it would be extremely difficult to do that at this point. As the changes were made, it could have been done easier. Ms. Anderson pointed out that a comparison of this type would be very time consuming. She reviewed the changes regarding signs again.

The Mayor said he does not see the benefit of delaying second reading. Councilman Fordham said he would appreciate delaying second reading. Since this process has been going on for over two years, he can't see where two more months will hurt the city. Council members have had adequate time to become familiar with the document and the current zoning ordinance exposes the City to liabilities, the Mayor said.

Councilman Keyserling moved to table the ordinance. Councilman Glover gave second. Council members Keyserling, Glover, and Fordham voted in favor of the motion. Council members Beer and Rauch voted nay. The motion passed 3 to 2. (Copy of Ordinance at end of the November 12, 2002 minutes.)

Council agreed to meet Tuesday, December 17, 2002 at 5:30 p.m. in the City Hall Conference room, to discuss the changes. The City Manager asked for guidance on what additional information and in what format it should be provided. Councilman Glover replied he would like to see how the staff's responses relate to the attorney's questions that were provided earlier. The mayor suggested choosing a project that would have been presented to the Corridor Review Board as a hypothetical example and how the process will change. The city manager reminded council the primary purpose was to streamline the document and make it easier to read. Councilman Keyserling said he will review the ordinance prior to the workshop and then ask questions. The city manager asked that any specific questions be provided in advance of preparing the agenda so they can be addressed.

**Deborah Johnson** said she appreciated council delaying second reading of the ordinance and taking extra time for additional public input. She also asked that a copy of the latest issue be available for the public.

### **ORDINANCE AMENDING SECTION 5-3001, "SUBDIVISION & LAND DEVELOPMENT REGULATIONS"**

The ordinance amending Section 5-3001 of the City's Code of Ordinances pertaining to "Subdivision & Land Development Regulations" by referencing the Unified Development Ordinance was tabled for further study.

### **ORDINANCE AMENDING CHAPTER 6, "ZONING" - CITY CODE**

The ordinance amending Chapter 6, "Zoning", of the City's Code of Ordinances by deleting Articles A-Z and replacing them with a new Section referencing the Unified Development Ordinance was tabled for further study.

### **ORDINANCE REVISING ARTICLE 7, CITY CODE, LICENSING OF S.O.B.'S**

The ordinance amending Part 7 of the City's Code of Ordinances, "Licensing and Regulation," by adding a new Chapter 15 pertaining to licensing of sexually oriented businesses and employees was tabled for further study.

### **ORDINANCE REPEALING PERSONNEL RULES**

The ordinance amending Section 1-6001 of the City's Code of Ordinances deleting reference to the City's Personnel Rules and Regulations to eliminate any perception that City Council is involved in the employment of City employees was presented to Council for second reading and adoption. The city manager pointed out that under the council/manager form of government, it is the manager's responsibility to promulgate the personnel rules and regulations and this ensures that the state law is being followed.

On motion by Councilwoman Beer, second by Councilman Glover, Council adopted the ordinance on second reading. (Copy of ordinance at end of the November 26, 2002 minutes.)

### **CITY MANAGER'S REPORT**

The City Manager reminded council of their annual workshop usually held in January and suggested two different dates for their consideration. Council will consider January 21 and 22 and advise the city manager.

### **REPORTS BY COUNCIL**

**BEER:** Councilwoman Beer commended everyone who worked on *Light Up The Night* which was held November 29<sup>th</sup> at the Waterfront Park. She added that it was well attended and the boats were decorated well.

**GLOVER:** Councilman Glover reported he attended *Night on the Town* on Friday, December 6<sup>th</sup> and wished everyone a merry Christmas.

**KEYSERLING:** Councilman Keyserling stated council voted a couple of weeks ago to allow a trolley tour business to operate in the historic district; however, in doing that the ordinance was not followed. He said he would like council, the TMAC, or a citizen's committee to review tourism and specifically the tours. There needs to be a balance between tourism and quality of life and he receives numerous complaints about odor and traffic, he said. Mr. Keyserling suggested taking some

time on how carriages, buses, and tours are handled in downtown Beaufort. He mentioned TMAC could hold a public hearing to determine the quality of life and the impact of tourism. Additionally, he said by no means does he want to cut tourism short but there may be a better way to make them more compatible. Councilwoman Beer said council needs to be cautious so as not to affect the businesses that depend on tourism.

**EXECUTIVE SESSION**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session to discuss appointments/reappointments to the Board of Architectural Review, the Zoning Board of Appeals and the Tourism Management Advisory Commission, the City Manager's annual review, and a land acquisition matter.

**OPEN SESSION**

**Board of Architectural Review**

Upon returning to Open Session, Councilwoman Beer moved to appoint Muriel Smalley to a 2-year term on the Board of Architectural Review as the representative for the Northwest Quadrant. Councilman Keyserling gave second. The motion passed unanimously.

**Tree Board**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to reappoint Joe Noll to the Tree Board for a 3-year term to expire in December, 2005.

**Zoning Board of Appeals**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to reappoint James Patterson and John Gentry to serve another 3-year term on the Zoning Board of Appeals. Those terms expire in December, 2005.

**City Manager's Evaluation**

On motion by Councilwoman Beer, second by Councilman Keyserling, Council voted to extend the city manager's contract for two years and to increase his salary 3.5 %.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:00 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN FRANK GLOVER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN BILLY KEYSERLING  
ATTEST:

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BEVERLY W. GAY, CITY CLERK