

A regular meeting of the Beaufort City Council was held on April 22, 2003 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Councilmen Frank Glover, Gary B. Fordham, Billy Keyserling, and Acting City Manager Miles Hadley. Mayor Pro Tem Donnie Ann Beer was attending a Military Affairs meeting in Columbia, SC. 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 Councilman Billy Keyserling. The Pledge of Allegiance was led by the Mayor.

### **PROCLAMATION - MENTAL HEALTH MONTH**

On motion by Councilman Glover, second by Councilman Fordham, Council unanimously adopted the proclamation designating May as Mental Health Month.

### **PUBLIC HEARINGS**

A public hearing was held to receive public comment on the revision of Sections 5.1 "Use Tables," 5.2 "Use Categories," 5.3 "Specific Use Standards," 6.3 "Nonresidential District Standards," 7.2 "Sign Regulations," and 11.2 "Defined Terms" of the Unified Development Ordinance. A Notice of Public Hearing was duly published in The Beaufort Gazette on April 7, 2003. The amendment has been presented to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission.

Libby Anderson, Planning Director, said nursing homes are classified in the "Use Categories" section of the new UDO under the use category "Institutions". The ordinance does not state a permitted district. After discussing this with the zoning consultant, Duncan and Associates, it was suggested that nursing homes be considered "group living" and be permitted by Special Exception by the Zoning Board of Appeals in the General Residential District. Also, institutions will be permitted in the Office Commercial District by Special Exception and in the General Commercial and Highway Commercial District by right. The next revision is to include a "Vehicle Service, Limited" category in Section 5.2. Another change staff is suggesting is that "Car Wash" be changed from a conditional use to a use permitted by right in the Highway Commercial and Limited Industrial Districts. The development standards that apply to residential uses in commercial districts need to be clarified. Three new paragraphs are proposed under Section 6.3 referencing the proper standards. Staff recommends prohibiting electronic reader boards, except for time and temperature signs, which requires revising paragraph 5 in Section 7.2C. Also, staff recommends moving the requirements for church and school signs to Section 7.2.F. which will then require a permit and make administration of the regulations less difficult.

There being no other comments, the public hearing was closed at 6:10 p.m.

A public hearing was held to receive public comment on the adoption of the Burton Hill Area Street Plan as an Official Map of the City of Beaufort as defined by S.C. Code Section 6-7-1210 through 6-7-1280. A Notice of Public Hearing was duly published in The Beaufort Gazette on April 7, 2003. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the draft Street Plan.

Libby Anderson, Planning Director, noted that the City contracted with Wilbur Smith Associates, a transportation consulting firm, in 2001 to prepare a street plan for the Burton Hill Road area. Meetings were held with the owners of large pieces of property in the area to seek public input on the proposal. The Plan sets out the approximate location of the proposed collector and connector streets that would serve multiple properties and connect major roads. The purpose of the Plan is to set up new roads in advance of development. This serves as a guide for the developer and allows the City to reserve the road right-of-way. The street plan was intended to be adopted as an "Official Map" by the City as defined by state law. Once an official map is adopted, no permit can be approved for development until Council either exempts the property from the restrictions, authorizes the issuance of a permit subject to conditions; or initiates action to acquire the property.

There being no other comments, the public hearing was closed at 6:15 p.m.

#### **MINUTES: REGULAR MEETING - APRIL 8, 2003**

The minutes of the April 8, 2003 regular City Council meeting were reviewed and noted that on page 4, 3<sup>rd</sup> paragraph under Project Repair Program, "Development" was inadvertently left out between Community and Block Grant.

On motion by Councilman Glover, second by Councilman Fordham, Council voted to adopt the minutes of the regular City Council meeting of April 8, 2003 as amended.

#### **CONSENT AGENDA**

On motion by Councilman Glover, second by Councilman Fordham, Council adopted the following two (2) items presented on the Consent Items portion of the agenda.

##### **ORDINANCE EXPANDING PUAC MEMBERSHIP**

Second reading and adoption of the ordinance amending Sections 3-3100 and 3-3101 of the City's Code of Ordinances to expand the membership of the Parks Utilization Advisory Commission from 5 to 7. (Copy of ordinance at end of April 8, 2003 minutes.)

##### **REQUEST TO SELL BEER AND WINE DURING CONCERT**

A request from the Director of Arts in the Park to sell beer and wine in the Waterfront Park from 7:00 p.m. to 11:00 p.m. during the concert on Saturday, April 26, 2003.

#### **ORDINANCE ADDING SECTION 5-1003(G) WAVING PERMIT FEES**

The ordinance amending Section 5-1003 of the City's Code of Ordinances by adding a new paragraph (g) giving the Planning Director the authority to waive permit fees for

structures on the abandoned structures inventory was presented to Council for second reading and adoption.

Councilman Glover moved to adopt the ordinance on second reading. Councilman Keyserling gave second. The motion passed unanimously. (Copy of Ordinance at end of the April 8, 2003 minutes.)

#### **ORDINANCE REVISING BEAUFORT REDEVELOPMENT INCENTIVE PROGRAM**

The ordinance revising the Beaufort Redevelopment Incentive Program offering a redevelopment incentive for rehabilitating certain vacant and abandoned structures in the Historic District was presented to Council for second reading and adoption.

Councilman Glover made a motion to adopt the ordinance on second reading. Councilman Fordham gave second. The ordinance was adopted unanimously on second reading. (Copy of Ordinance at end of the April 8, 2003 minutes)

#### **ORDINANCE REVISING UNIFIED DEVELOPMENT ORDINANCE**

An ordinance amending Sections 5.1, 5.2, 5.3, 6.3, 7.2, and 11.2 of the City's Unified Development Ordinance was presented to Council for first reading.

Councilman Fordham moved to approve the ordinance on first reading. Councilman Glover gave second.

Councilman Glover asked if there is an additional cost to discuss the changes with the zoning consultant. Libby Anderson, Planning Director, replied that many of the changes are oversights and there has been no extra cost.

Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

#### **ORDINANCE ADOPTING BURTON HILL AREA STREET PLAN**

An ordinance adopting the Burton Hill Area Street Plan as an official map of the City was presented to Council for first reading.

Councilman Glover moved to approve the ordinance on first reading. Councilman Keyserling gave second.

The Mayor asked why the proposed road was curved instead of continuing straight to form more of a grid. Libby Anderson, Planning Director, explained the eastern parcels have been developed. She stated further these three roads are the most important streets and will be the beginning of a grid of streets to assist in alleviating some of the traffic on Highway 170. Councilman Glover suggested utilizing TIF funds and possibly constructing the plan in segments. He noted that Highway 170 is being developed into four lanes and it is incumbent on the local elected officials to protect the capacity for the future. He suggested reviewing the area from Highway 170 to Broad River and establishing roadways to accommodate the traffic and limit the number of access points on the road. Council

concluded. The mayor suggested staff bring back a plan with more parallel roads for the area.

Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes.)

### **JOYNER STREET STUDY**

Libby Anderson, City Planning Director, stated the Planning Department received a letter last week from the South Carolina Department of Archives and History that stated archaeological resources have been identified on the City-owned Joyner Street property. It appears the remains of the Fuller Plantation, tabby ruins, has the potential to be eligible for the National Register. The City's Unified Development Ordinance contains a section called Archaeological Impact Assessment which requires a brief assessment must be completed before any property is developed in the City, except for a single family lot. If archaeological resources are found, the developer is required to conduct a full scale archaeological impact assessment before they proceed. Therefore, no development can occur on the property nor can it be subdivided according to the UDO until the survey has been performed. The County's Preservation Planner said the assessment for this property would cost between \$3,500 and \$5,000.

Councilman Keyserling said since the former developers, Oxford Ridge, were using tax credits for the project, there was a chance they were required to conduct a survey. The County's Preservation Planner was checking with Archives and History on this possibility but so far he has not heard anything. Mr. Keyserling said the Neighborhood Association would like the property to be developed into an urban park. Since the City borrowed funds from the Open Space Fund to pay the former developers for the property, the Association interpreted that to mean it would remain an open space. They asked the value and if some archaeological significance is found, how does that affect the amount of property available that could be used. The mayor mentioned borrowing from the UDAG fund rather than from the Open Space fund because this loan has delayed the land acquisition program. Councilman Keyserling said if during the investigation, any remains are found, this could be costly and time consuming. The Association members stated if a large portion is determined to have resources, they would like the City to find a grant so the property could remain a natural area. Since there seems to be no choice about conducting the survey and testing, he suggested setting a limit on the amount. The Acting City Manager explained an RFP to conduct the survey would be prepared and sent out.

Councilman Fordham moved to approve up to \$3,500 for the archaeological survey. Councilman Keyserling seconded the motion. The motion passed unanimously.

### **JOINT LAND USE STUDY**

During the April 13, 1999 Council meeting, a Resolution stating the City agrees to participate in the development of the Land Use Study of the Air Station and surrounding local governments was adopted.

The LCOG Executive Director, Chris Bickley, sent a letter to the Acting City Manager requesting a member of City Council be appointed to the JLUS Policy Committee and to confirm the \$10,000 local matching share of the Joint Land Use Study cost. The mayor said since he attended the first meeting, he would continue representing the City.

On motion by Councilman Glover, second by Councilman Fordham, Council appointed the mayor to serve on the Joint Land Use Study Policy Committee and to reaffirm the 1999 Resolution.

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

### **Military Banners**

The Acting City Manager asked for Council 's approval to purchase the two banners from the low bidder Sign D' Sign of Bluffton, SC for \$924.00 as quoted to Councilwoman Beer with the words 'The City of Beaufort Supports Our Troops' and displaying 18 squadron/unit patches in four colors. They are to be hung at the end of Bay Street and Ribaut Road and near the Waterfront Park.

Councilman Glover moved to approve the purchase. Councilman Keyserling gave second.

Councilman Fordham said he and certainly the City supports the military but he feels this is a waste of money. Councilman Keyserling agreed the price is high. Councilman Fordham called for the question. The mayor voted in favor of purchasing the two banners. Councilmen Fordham, Keyserling and Glover voted nay. The motion failed 3 to 1. Mr. Keyserling moved to authorize the City Manager to spend \$500.00 to produce a banner of support leaving more money to contribute towards the BRAC. Councilman Fordham gave second. The motion passed unanimously.

### **Resolutions**

The Acting City Manager stated three resolutions were prepared for approval and signature regarding current legislation. They were as follows: Supporting the final business license tax rate for Telecommunications companies be set at 1.5%; opposing the addition of a \$25 surcharge on top of the 107.5% state assessment added to municipal court fines; and supporting the passage of H.3909 which would allow municipalities to enact a one-cent sales. On motion by Councilman Keyserling, second by Councilman Glover, Council unanimously adopted the three resolutions.

### **Budget Schedule**

The schedule for presenting the FY-04 budget is as follows:

May 20, 2003 - workshop

May 27, 2003 - workshop & 1<sup>st</sup> reading of ordinance

June 03, 2003 - workshop

June 10, 2003 - public hearing

June 24, 2003 - 2<sup>nd</sup> reading and adoption of ordinance

## **REPORTS BY COUNCIL**

**FORDHAM:** Councilman Fordham said a few months ago, he mentioned the City becoming more aggressive in the recycling efforts. He suggested a plan be presented to make recycling mandatory.

**KEYSERLING:** Councilman Keyserling asked the status of the letter to Anne Pollitzer regarding her father 's property and the drainage problem. The Acting City Manager replied the letter will be answered; however, the Public Works Director stated there are several retention ponds in the area.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 7:07 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER    COUNCILMAN FRANK GLOVER

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COUNCILMAN GARY B. FORDHAM    COUNCILMAN BILLY KEYSERLING

ATTEST:

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BEVERLY W. GAY, CITY CLERK