

A regular meeting of the Beaufort City Council was held on August 26, 2003 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 Acting City Manager Miles Hadley. 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 Dr. Harry Rowland, Pastor of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

#### **PROCLAMATION - CONSTITUTION WEEK**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating September 17-23, 2003 as Constitution Week.

#### **PROCLAMATION - LITERACY VOLUNTEERS MONTH**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating the month of September, 2003 as Literary Volunteers of the Lowcountry Month.

#### **PUBLIC COMMENT**

**Libby Barnes**, Chamber of Commerce President, thanked Council and City staff for their support for the August 1<sup>st</sup> Welcome Home Marines and Sailors Parade and Celebration held in the Waterfront Park. She expressed how much it meant to the military and their families that so many people in the community welcomed them and appreciated what they had done in support of Operation Iraq Freedom.

#### **MINUTES: REGULAR MEETING - AUGUST 12, 2003**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of August 12, 2003 as presented.

#### **CONSENT ITEMS**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to approve the request and adopt the following two ordinances.

#### **ORDINANCE TEMPORARILY SUSPENDING THE USE OF TWO, FOUR, & EIGHT HOUR PARKING METERS**

Second reading and adoption of the ordinance temporarily suspending the use of the two, four, and eight-hour parking meters in the downtown area and thereby temporarily suspending enforcement of Part 8, Chapter 2, Section 8-2001 of the City's Code of Ordinances (Copy of ordinance at end of August 12, 2003 minutes.)

## **ORDINANCE CLOSING UNDEVELOPED STREET**

Second reading and adoption of the ordinance closing an unnamed and unopened street intersecting Depot Road. (Copy of ordinance at end of August 12, 2003 minutes.)

## **REQUEST TO CLOSE PORTION OF BAY STREET FOR TRICK OR TREAT**

A request by Main Street Beaufort, USA to close a portion of Bay Street from Charles to Carteret Streets on Thursday, October 23, 2003 from 4:30 p.m. to 7:30 p.m. for the Halloween event, "Trick or Treat in Downtown Beaufort", subject to approval by the SCDOT with traffic control by the police department.

## **ORDINANCE REVISING SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE**

The ordinance revising Sections 2.2 "Planning Commission," 2.7 "Historic District Review Board," 2.8 "Design Review Board," 2.9 "Summary of Review Authority," 3.12 "Archeological Impact Assessment," 5.1. "Use Tables," 5.4 "Accessory Uses," 6.1 "Residential District Standards," 6.4. "Measurement and Exceptions," 7.2. Sign Regulations," 7.3 "Landscaping and Tree Conservation," 9.3 "Other Nonconformities," and 11.2 "Defined Terms" of *The Unified Development Ordinance of the City of Beaufort, South Carolina* was presented to Council for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the ordinance revising the UDO on second reading. (Copy of ordinance at end of August 12, 2003 minutes.)

## **PENN CENTER - ACCOMMODATION TAX GRANT REQUEST**

At the June 24<sup>th</sup> meeting, Council discussed the decision made at the previous meeting to not fund Penn Center's request for \$4,000 for a marketing/video and brochures stating the State Accommodations Tax Oversight Committee should be contacted for a decision on whether an organization outside the City can receive the City's Accommodation Tax Grants. During the August 12, 2003 Council meeting, the Finance Director reported that the response received allows all organizations to be considered for and receive Accommodation Tax grants as long as the use of the money relates to improving tourism in the City. Councilman Keyserling asked that a recommendation be made for funding Penn Center's request at the August 26, 2003 meeting.

Councilman Keyserling moved to allocate \$4,000 from the Parks & Tourism Fund for Penn Center's TDAC request for funding their marketing/video and brochures. Councilwoman Beer gave second.

Councilman Fordham said he understands the Oversight Committee's opinion; however, he is opposed to funding Penn Center's request at this time stating a new application should be submitted next year. Councilman Keyserling said the City's TDAC recommended funding after reviewing the application in May and the question arose during Council's discussion as to whether or not they were eligible. Councilman Fordham questioned the parliamentary procedure of Mr. Keyserling's motion. The mayor pointed out that this motion is actually different from the one made in June since that pertained to the list of recommendations presented by TDAC.

Councilwoman Beer moved to table the motion for two weeks. Councilman Glover gave second. Council members Beer, Glover, Fordham, and Rauch voted in favor of the motion. Councilman Keyserling voted nay. The motion passed 4 to 1.

## **DRUG COURT FUNDING REQUEST**

Manning Smith, Attorney and Drug Court Judge, first appeared before Council in June of 2002 requesting financial support for the Drug Court Program. Council granted \$30,000 to cover the six participants from the City.

Judge Smith asked to appear at this meeting to request additional funding for the current fiscal year. An information packet was distributed to each Council member outlining his budget request of \$33,500. Since 2001, sixty-two offenders have gone through the drug court program, he said. Of that sixty-two, twenty-two people were terminated because either they were drug dealers or not ready for the recovery program. Thirty people have completed and graduated from the program and not one has been re-arrested, he said. Since the program began, he added, the City has been responsible for 40 to 50% of the drug force population.

Julie Tabor, Drug Court Chief Counselor, outlined the three phases of the treatment program stating it is an intensive outpatient level program consisting of 9 to 12 hours of services per week with a focus on education.

Councilman Fordham asked if funds are being provided through the county, why should the municipalities pay twice, through both City and County taxes. Judge Smith responded that the county does not provide adequate funding to cover the drug testing, to pay the staff, etc.; therefore, he has approached each municipality for funding on a per capita basis. He said statistics indicate that after an offender has completed the Drug Court Program, unlike jail, only 25% of them ever commit a drug related crime again.

The mayor agreed this is a good program but stated it appears funding will be an ongoing request. Judge Smith explained legislation was passed approximately a year and a half ago that added a fee to each Motion filed by an attorney. Included in that legislation, one million dollars is earmarked for Drug Court. He said he is convinced that within a couple of years, this program will be State and Federally funded as an alternative to incarceration for drug and alcohol problems. He pointed out initially there was a startup grant that was given to the Fourteenth Judicial Circuit that lasted for three years with most of the money being spent in Hampton County.

Elizabeth Smith, Beaufort County Clerk of Court, explained how she prepared the budget for the Drug Court. A per capita count of where each participant was arrested was first developed, with an average of 60% coming from the Town of Hilton Head and the City. Then the cost of running the Drug Court was determined by adding the staff's salary, drug testing costs, and therapists fees, realizing the costs are higher for a new participant because the treatment care plan is more intensive.

Councilwoman Beer said she prefers to support a program that puts tax paying citizens back into the community rather than placing them in jail and costing taxes. Councilman Fordham agreed that it is a good program; however, the City doesn't need to get into the judicial side of it. Additionally, he objects to paying twice. Councilman Glover said he believes in encouraging an effective program but would like staff to prepare a recommendation for the next meeting on how to fund the request. He believes in encouraging an effective program. Councilman Keyserling said he will support the program because a large percentage of the participants are coming from the City and this would be an investment in the future. Further, he asked staff to meet with the Drug Court to

consider other funding sources. Judge Smith pointed out the program involves community service as a sanctioning measure and asked if there are any services that can be provided to the City by the drug court participants to please notify him.

On motion by Councilman Keyserling, second by Councilwoman Beer, Council members Rauch, Beer, Glover, and Keyserling agreed to have staff present a recommendation on funding \$30,000 towards the request at the next meeting. Councilman Fordham voted nay. The motion passed 4 to 1.

### **PROPOSED BRIDGE TO RIBAUT ISLAND**

Prior to the last Council meeting, Councilman Glover met with the developer of Ribaut Island where they discussed the construction of a bridge to the Island. Mr. Glover asked Council to consider adopting a resolution in support of the developer's application to construct the bridge pointing out this would enhance the safety and efficiency of the traveling public and serve the public need. The mayor asked that staff provide input at the August 26<sup>th</sup> meeting.

Councilman Keyserling recused himself due to a potential conflict and removed himself from the chambers. (Copy of form at end of these minutes.)

The City Manager pointed out that a letter from Cardinal Engineering, Inc. had been distributed to Council stating they applied for a permit from SCDHEC and OCRM to build the bridge and to repair the existing access to the island. A decision is needed as soon as possible on which alternative they should pursue in order to begin developing the Island. The City Manager stated staff has no preference; however, the realignment requires a bridge to be built. Staff did state that if a bridge is built they prefer it be constructed of concrete because of the maintenance issue and remove the causeway.

Councilman Glover reminded Council the PUD was approved on the condition that the intersection be designed with safety and efficiency in mind. The staff report stated the intersection appears to be safe but with only the Cottage Farms Subdivision, the traffic is not that heavy. He said there is a potential for accidents without the realignment because the railroad track intersects Cottage Farm Drive. He recommended adopting a resolution in support of a safe and efficient access to both developments rather than delay the developer. The Ribaut Island development can be built using either the existing causeway or a bridge, but a bridge would ensure the realignment to accommodate a safer and more efficient intersection. The mayor asked if staff is of the opinion that the traffic flow on and off Ribault Island would be safer via the bridge. Responding to the question, the Public Works Director said the bridge would better facilitate a safe intersection. The City Manager stated the length of the causeway is 150 feet but the proposed bridge is to be 100 feet long, leaving a portion of the causeway.

Council agreed a resolution supporting the bridge for traffic safety purposes should be placed on the agenda for the next meeting. Additionally, it should include wording that the support is contingent upon the bridge being constructed of concrete.

Councilman Keyserling was called back into the chambers for the continuation of the meeting.

**ORDINANCE REZONING 604 BLADEN STREET FROM OC TO NC**

An ordinance rezoning two parcels of property located at 604 Bladen Street identified as District 120, Tax Map 3, Parcels 215 and 216 from Office Commercial to Neighborhood Commercial was presented to Council for first reading.

Councilman Glover made a motion to approve the ordinance on first reading. Councilman Keyserling gave second.

Ms. Libby Anderson, Planning Director, said the applicant requested General Commercial zoning; however, staff and the Planning Commission recommended Neighborhood Commercial zoning.

Council voted unanimously to approve the ordinance on first reading. (Copy of ordinance at end of these minutes)

**ORDINANCE REZONING 70 PARCELS IN THE BOUNDARY STREET CORRIDOR FROM LI AND HC TO GC AND CP**

An ordinance rezoning 70 parcels of property in the Boundary Street Corridor from Limited Industrial District and Highway Commercial District to General Commercial District and Conservation Preservation District was presented to Council for first reading.

Councilman Glover moved to approve the ordinance on first reading. Councilwoman Beer seconded the motion.

Ms. Libby Anderson, City Planning Director, addressed the issues raised during the August 12<sup>th</sup> public hearing. The two parcels fronting Bagget Street will remain Limited Industrial as recommended by the Planning Commission which is what the property owners wanted. The parcel on Scott Street owned by Mr. Gooding that was not included in this rezoning will be addressed during another rezoning proposal. The current proposal now includes the rezoning of 70 parcels, she said. Sixty-eight parcels are proposed to be rezoned to General Commercial and the two City-owned parcels rezoned to Conservation Preservation. Ms. Anderson explained Mr. Gooding's parcel cannot be included in this proposal because it was not advertised, posted, or reviewed by the Planning Commission as required by law. He has submitted a rezoning application and that request will be before Council at the September 23<sup>rd</sup> meeting.

Councilman Glover said he would like to amend the motion to include Mr. Gooding's parcel in this rezoning. Ms. Anderson stated the State law requires rezoning applications be considered by the Planning Commission, followed by a public hearing. However, the money for the application can be refunded, if Council desires, and the City initiate the proposal, she said.

Councilman Keyserling suggested Mr. Gooding's money be refunded since the City is split zoning his property against his will. Councilman Glover agreed.

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

**CITY MANAGER'S REPORT**

### **Traffic Signal Synchronization**

The City Manager, reporting on the traffic signal system being installed on Ribaut Road and Boundary Street by the SC Department of Transportation, said the last 2000 feet along US Highway 21 couldn't be completed because they didn't have access to poles on Ribaut Road for the fiber optic cable. SCDOT recently notified the City that they have identified a funding source for the \$100,000 needed to place the cable underground. To temporarily reduce the lanes on Ribaut Road, as requested by Council in the recently adopted resolution, the traffic signals will have to be moved and the activator loops in the pavement will have to be dug up and relocated. The Public Works Director stated he received a call Friday from the District Office informing the City that the money has been allocated to complete the underground fiber optic lines. Because they are giving serious consideration to three laning Ribaut Road, they will hold up the completion of the project and the \$100,000 until it is decided what the City wants to do. The mayor said he received a call today notifying him of a meeting to be held in Columbia with Ms. Elizabeth Mabry, the SCDOT Executive Director, on September 11<sup>th</sup> on this matter. Mr. Smalls asked if Council had considered the impact the three laning of that busy road will have on the service vehicles. He added that when that main artery is backed up with traffic, people will detour down side streets. He questioned whether the surrounding residents should provide input. The mayor stated there is a large publication which indicates more cars can be moved through residential areas with a three lane street than on a four lane street. The police chief said he reviewed the document and was unable to find where this plan worked successfully on an island. He added that when the Woods Memorial Bridge is not working properly the traffic on Ribaut Road multiplies. Councilman Glover said \$400,000 has been spent on the signal synchronization system to help facilitate the movement of traffic. Now that DOT has identified the funding source for the other \$100,000 to complete the project, that should take precedent and the request to consider the reduction of lanes should be withdrawn. Councilman Keyserling said Council agreed to ask DOT to do a study and that should be done. The mayor said he is trying to accomplish a safe and efficient way to move the traffic through the City with the least impact upon the neighborhood and every option should be explored. Therefore, he suggested contacting SCDOT and advising them not to prepare the study of the 3-lanes at this time and complete the synchronization system so the funding is not jeopardized. Councilman Keyserling agreed that he, too, does not want to lose the funding. He suggested asking DOT what kind of study would be conducted, how long it would take, and whether or not they can do it before Council decides not to have the study performed. He said that answer could be provided in two weeks. Councilman Glover suggested contacting a SCDOT representative to be present at the September 9<sup>th</sup> meeting to give a report. The Public Works Director stated a meeting is scheduled for next Thursday to discuss the fiber optic process and the request could be made at that time.

Councilwoman Beer moved to ask SCDOT to stop the study and proceed with the synchronization. Councilman Glover gave second.

**Deborah Johnson**, Duke Street resident, raised a procedural question regarding this discussion. She said the citizens who were interested in this matter attended the meeting when it was listed on the agenda. However, it is being discussed now as an off agenda item and action taken to change a vote. She asked Council to take that into consideration that since this item was not on the formal agenda, no one from the community group is here to provide input. Additionally, she said it seems as though the same procedure is being followed with this item as was questioned earlier by a Council member regarding the funding for Penn Center.

Councilwoman Beer withdrew her motion. Councilman Glover withdrew his second. Councilwoman Beer moved to take an off agenda item. Councilman Glover gave second. The motion passed unanimously.

Councilwoman Beer, having voted on the prevailing side of the motion to adopt the resolution, moved to withdraw the resolution requesting the 3-lane study. Councilman Fordham gave second.

Councilman Keyserling moved to table the decision of withdrawing the resolution for two weeks regarding the study. Council members Beer, Rauch, and Keyserling voted in favor of the motion. Councilmen Fordham and Glover voted nay. The motion passed 3 to 2. Councilman Glover recommended this matter be published in the paper so everyone concerned can be present.

### **Request by Cub Scouts to Sell Popcorn**

On another matter, the City Manager stated Cub Scout Pack 283 asked for permission to sell popcorn in front of Fordham's Hardware store on the corner of Bay and Carteret Streets on Saturdays from September 4<sup>th</sup> to November 8<sup>th</sup> during the store's going out of business sale.

On motion by Councilwoman Beer, second by Councilman Glover, Council approved the request.

### **Pigeon Point Park**

The City Manager stated staff is recommending the firm of Wood & Partners of Hilton Head be selected to prepare the master plan for Pigeon Point Park. The fee still needs to be negotiated.

### **REPORTS BY COUNCIL**

**GLOVER:** Councilman Glover, referring to the electrical outage in the Hilton Head and Bluffton area earlier this week, asked staff to check with SCE&G regarding the reliability of the City's system stating people's livelihood is affected when this occurs.

**FORDHAM:** Councilman Fordham asked for a status report on the archeological survey of the Joyner Street/Oxford Ridge property. Ms. Libby Anderson, Planning Director, replied a meeting will be held Wednesday, August 27<sup>th</sup> with the local consultants and the S.C. Department of Archives & History from Columbia in the Planning Department's Conference Room at 3:00 p.m. A report will be submitted at the next Council meeting. Mr. Fordham said he and Councilman Keyserling were assigned to meet with the Hundred Pines Neighborhood; therefore, he will schedule a committee meeting for next week at his home.

### **EXECUTIVE SESSION**

On motion by Councilwoman Beer, second by Councilman Glover, Council moved into executive session to discuss appointments to the Park Utilization Advisory Commission and the Beaufort-Jasper Water and Sewer Advisory Board.

### **OPEN SESSION**

#### **Park Utilization Advisory Commission**

Upon returning to Open Session, Councilwoman Beer moved to appoint Leah Bell as the Greater Beaufort Chamber of Commerce's representative on the PUAC. Councilman Glover gave second. The motion passed unanimously. This 3 year term will expire September, 2006.

**Beaufort-Jasper Water & Sewer Advisory Board**

On motion by Councilman Keyserling, second by Councilwoman Beer, Council appointed David M. Taub to fill the unexpired term of Tom Davis on the BJWSA Board. That six year term will expire July, 2006.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:25 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