

A regular meeting of the Beaufort City Council was held on December 9, 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, 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 Councilwoman Beer. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC COMMENT**

**Mike Rainey** stated the Palmetto trees on Craven Street in front of his shop have not been trimmed in a couple of years and when the wind blows, limbs fall all over the sidewalk. He asked the City Manager if someone could check on this.

### **PUBLIC HEARINGS**

A public hearing was held to receive public comment on the proposed rezoning of 130 parcels of property in the Old Commons Neighborhood. A Notice of Public Hearing was duly published in The Beaufort Gazette on October 26, 2003. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the rezoning.

Libby Anderson, City Planning Director, said the 130 parcels presently zoned under four different zoning districts are proposed to be changed to preserve the character of the Old Commons neighborhood by protecting residential areas from commercial encroachment while allowing opportunities for office and commercial development in appropriate locations. The changes are: Seventy-five parcels currently zoned General Residential are proposed to be rezoned to Traditional Beaufort Residential; ten parcels currently zoned Office Commercial are proposed to be rezoned to TBR; two parcels are zoned Office Commercial and proposed to be rezoned to Neighborhood Commercial; Sixteen parcels currently zoned General Commercial are proposed to be rezoned to TBR; Seven parcels currently zoned GC are proposed to be rezoned to Office Commercial; Twenty-two parcels currently zoned GC are proposed to be rezoned to Neighborhood Commercial; and two parcels zoned both GR and OC are proposed to be rezoned to TBR. The rezoning focuses on the interior of the blocks not along the street, she pointed out. The area being discussed begins at Boundary Street, down Charles Street across Craven Street, up Carteret Street and back to Boundary. The neighborhood is part of The Preservation Subdistrict of the Beaufort National Historic Landmark District. She pointed out the current zoning concerns, impacts, non-conforming uses, and the differences between General Residential and Traditional Beaufort Residential.

**Ruth de Treville Spieler**, 701 Greene Street, wishes to have her property remain General Residential. Additionally, she said the Traditional Beaufort Residential District zoning is the most restrictive of all zoning classifications and could prove to be detrimental to the Neighborhood.

**Jeff Mansell**, 308 Hancock Street, Executive Director of Historic Beaufort Foundation, said the Old Commons Neighborhood reflects the diverse population of the City. The residents realize commercial development is inevitable but want to keep it from encroaching upon the neighborhood. He said the idea of this rezoning request is to maintain a walking neighborhood accessible to many services. The Historic Beaufort Foundation supports the rezoning of the Old Commons Neighborhood, he said.

**Ray Stocks**, 808/810 King Street, said his property is considered non-conforming. He bought it in 1989 as commercial and it still is. His wife intends to open a shop there next month. He wants his property to be zoned Neighborhood Commercial.

**Charlette Brown**, 801/803 Greene Street and 1004 Scott Street, also speaking on behalf of her mother, said they own the three properties in the Historic District together. She asked Council to consider the size of the lots when changing the zoning as there may be a time when her family wants to use the property to help subsidize their income.

**John Gettys Smith**, 901 Prince Street and President of the Old Commons Neighborhood Association, said this neighborhood is rich in architecture and ethnically and economically diverse with beautiful streetscapes. The residents would like the zoning changed to protect its residential qualities and to limit commercial intrusion.

**Marvin Dukes**, 791 Ribaut Road, speaking on behalf of his mother who owns 800 Duke Street, said the commercial structure has housed the accounting firm of Cherry, Bekaert, & Holland for many years. Currently, the property is non-conforming and will continue to be non-conforming under the new zoning designation. He asked Council to zone it so that it will be conforming. The building can't be used for anything else and is not a detriment to the neighborhood, he said.

**Maxine Lutz**, 811 North Street, stated she is in favor of the proposed rezoning because her property is currently zoned General Commercial and not residential. She asked Council to rezone the Neighborhood from commercial because the residents don't want any more commercial intrusion.

**Jeff Path**, 508 Scott Street, said the three houses on his block, zoned GC, face the back of the bank and there is a constant flow of traffic going to the building. He suggested zoning that side of Scott Street Neighborhood Commercial or Office Commercial which would transition commercial down to a residential district.

**Reid Davis**, owner of 502 Scott Street, said she and her husband have worked hard to restore the property as an investment and would eventually like to open a book shop there. She believes changing the zoning would impact the market value of the property. The house is surrounded by commercial use and is not suited for residential use, in her opinion. She suggested considering a transitional type of zoning such as Neighborhood Commercial.

**Dr. Harry Rowland**, Pastor of The Baptist Church of Beaufort, said some of the churches in the neighborhood are concerned about how they will be effected. He said it would be helpful to have this explained to the pastors of the different churches in the Neighborhood and address their concerns. The mayor asked him to schedule a meeting and the city staff could make a presentation

to clarify questions. Dr. Rowland suggested Ms. Anderson meet with the Ministerial Association to explain the proposed rezoning.

**Rebecca Davenport**, 504 Scott Street, said the whole character of the Old Commons Neighborhood will be lost if commercialism continues to encroach. She stated she is in favor of the zoning proposal.

**Mike Rainey**, 801 Prince Street, said he, too, is in favor of the zoning changes. The residents have concerns about future growth of the Neighborhood and would like to keep it residential.

**Scott Shaffer**, 902 North Street, owns the property and has maintained his psychology practice there for approximately 30 years. He said the property is proposed to be rezoned from General Commercial to Neighborhood Commercial. He said he has no objections to the rezoning because he understands he will be allowed to keep his office there.

**Penny Gamble**, 911 Duke Street, bought this property because it is in the Historic District and she and her husband are working to restore it. They are in favor of the rezoning.

**Walter Hill**, 801 Duke Street, said he supports the proposal and urged Council to review the boundaries between the various districts because a neighborhood is created on both sides of the street. Commercial ventures are needed on the boundary of the district and they are important to the community, he said.

**George Singleton**, 1010 West Street, said he opposes this plan because it is flawed and makes no provisions for people with moderate homes. He said they are being pressured to sell their homes and they will be pressured further to leave the area because the taxes will increase. On the basis of what he heard tonight, Mr. Singleton said he objects to the property sizes changing and his instincts tell him this is bad.

Councilman Keyserling stated he understands the use issues but feels diversity can be maintained with smaller lots in this incredibly unique area which is very different from The Point. It is special because the people are living and walking the streets together and solving problems together. He feels after reviewing the details there are some unintended consequences that he hopes can be worked out. Councilman Glover said there were several points brought out tonight that need to be addressed. Councilwoman Beer stated the process is just starting and each issue will be reviewed. The size of the lots concern her. She added that there may need to be two TBR districts.

Maxine Lutz, Ray Stocks, John Gettys Smith, and Ms. Spieler made further comments and recommendations.

There being no other comments, the public hearing was closed at 7:55 p.m.

#### **MINUTES: REGULAR MEETING - OCTOBER 28, 2003**

On motion by Councilman Glover, second by Councilwoman Beer, Council members Beer, Glover, and Rauch voted to adopt the minutes of the regular City Council meeting of October 28, 2003 as presented. Councilmen Fordham and Keyserling abstained as they were not present.

### **MINUTES: SPECIAL MEETING - NOVEMBER 18, 2003**

The minutes of the special City Council meeting of November 18, 2003 were reviewed and on page 1, the “s” was inadvertently left off the Rural and Critical **Lands** Preservation Board under the Joyner Street Property item.

On motion by Councilwoman Beer, second by Councilman Keyserling, Councilmen Fordham, Keyserling, and Rauch voted to adopt the minutes of the special City Council meeting of November 18, 2003 as amended. Council members Beer and Glover abstained since they were absent.

### **MINUTES: REGULAR MEETING - NOVEMBER 25, 2003**

Council reviewed the minutes of the regular Council meeting of November 25, 2003 and the following changes were noted. On page 2, 3<sup>rd</sup> paragraph, change Highways to Transportation and on page 3, Resolution Creating the *BEAUFORT PUBLIC* Arts Commission, Beaufort Public was inadvertently left out.

Councilman Glover moved to adopt the minutes of the November 25, 2003 Council meeting as amended. Councilwoman Beer gave second. Council members Beer, Keyserling and Rauch voted to adopt the minutes. Councilmen Fordham and Glover abstained since they were out of town during that meeting.

### **CHRISTMAS BONUS**

Consideration of an employee Christmas bonus of \$200.00 each was brought to Council by the City Manager.

Councilman Keyserling made a motion to give each city employee a \$200.00 Christmas bonus. Councilwoman Beer gave second.

Councilman Fordham moved to amend the motion to award those employees who make \$35,000 a \$200.00 Christmas bonus and the employees who make \$35,000.01 and over annually receive \$100.00. Councilman Glover seconded the motion.

Councilman Keyserling argued that a Christmas bonus is a bonus and has nothing to do with your duties. It is a gift. The Police Chief stated most of his staff are two-year Patrolman and their base salary is around \$36,000.

Councilman Fordham moved to award the employees who earn under \$40,000 a \$200.00 bonus and employees earning \$40,000.01, \$100.00. Councilman Glover gave second. Councilman Fordham withdrew his first motion.

The City Manager stated approximately 60% of the City employees are in the \$40,000 range. He suggested Council recognize all the employees for their hard work. Councilmen Glover and Fordham voted in favor of the amended motion. Council members Beer, Keyserling, and Rauch voted nay. The motion failed 3 to 2.

Council members Keyserling, Beer, Rauch and Glover voted in favor of awarding \$200.00 to each

City employee as a Christmas bonus. Councilman Fordham voted nay. The motion passed 4 to 1.

**RESOLUTION AUTHORIZING THE CITY TO ASSUME A CLAIM DEDUCTIBLE WITH SC MUNICIPAL INSURANCE TRUST WORKERS' COMPENSATION FUND**

The City received notification that the premium costs for Workers' Compensation insurance are increasing significantly for the upcoming calendar year of 2004. The City is reviewing options to reduce the impact of the premium increase, inclusive of a deductible program.

Councilwoman Beer moved to adopt the resolution. Councilman Keyserling gave second.

The City Manager said the City currently participates in the South Carolina Municipal Insurance Trust (SCMIT), one of the many insurance programs sponsored by the Municipal Association. Phil Cromer, Risk & Safety Services Manager for the Municipal Association and the City's representative for SCMIT, met with the Finance Director, the Human Resources Director and the City Manager before Thanksgiving. During the meeting the City's recent claims experience was reviewed and ways to lower the rates were discussed. Additionally, Mr. Cromer briefed staff on the deductible option being offered by SCMIT to reduce the Workman's Comp costs. The City Manager explained the City's current rate for 2003 is \$193,306. Based on the City's history from 2000 to 2002, the 2004 premium is estimated to increase to \$355,293. The City's average loss ratio for that time period is 105.3% because of several significant claims, compared to the pool average of 54%. One option available is \$15,000 deductible. If the City decides to go with that option, a 33% discount will be received on the premiums with the City paying a premium of approximately \$238,000. He recommended pursuing the \$15,000 option and restructuring the Safety Program to promote significant loss control.

Councilman Fordham made a motion to adopt the resolution agreeing to assume a \$15,000 deductible for each workers' comp claim. Councilman Glover gave second. The motion passed unanimously. (Copy of resolution at end of these minutes.) Councilman Glover requested periodic reports be presented to Council. Hiring a Risk Manager was discussed and the City Manager said he is considering assigning risk management to a staff member.

**ORDINANCE REVISING UDO TO ADD LIVE-ABOARD BOATS & MARINAS**

An Ordinance amending Sections 5.1, 5.2, 5.3, 5.4, and 11.2 of the City's Unified Development Ordinance was presented to Council for first reading.

Councilman Fordham made a motion to approve the Ordinance on first reading. Councilman Keyserling gave second.

Ms. Libby Anderson, City Planner, stated Sections regulating the location of live-aboard boats and marinas were inadvertently omitted from the UDO during drafting of the document. This amendment will be presented to the Joint Municipal Planning Commission at their January meeting. The mayor requested the ordinance, when adopted, be forwarded to the Waterways Commission.

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

**CITY MANAGER'S REPORT**

The City Manager reported that the architect for the Waterfront Park will be in Beaufort on January 6 and 7, 2004 to conduct a series of charettes. One will be on the design of the play park and on the area behind the businesses on Bay Street to consider linking them to the Park and the Memorial Garden. The charette will begin at 5:00 p.m. on Tuesday the 6<sup>th</sup> of January at The Beaufort Elementary School cafeteria. The architect will gather the information at the Tuesday meeting and prepare a drawing for the January 7<sup>th</sup> meeting. On another matter, the City Manager stated a meeting is scheduled with the Town of Port Royal later this week to discuss the recycling program to be sure it is still on schedule as proposed by the Public Works Director a few months ago.

Also, the open space plan recommendation will be presented at the next meeting. Maps are available in the City Manager's office for review prior to the meeting. Councilman Keyserling stated this is an extensive plan and asked if this could be presented at a workshop. The City Manager suggested either holding a workshop after the holidays or an hour before the December 23rd Council meeting. A recommendation for the Construction Management Services for the Municipal Complex Project will be placed on the next agenda, also.

Additionally, staff is working on a revenue participation bond for \$2 million for the Waterfront Park Renovation Project and that will be presented at a meeting in January.

### **REPORTS BY COUNCIL**

**GLOVER:** Councilman Glover said he thought there was a joint meeting with the Town of Port Royal on December 15<sup>th</sup>. The City Manager replied that is to be in January.

**BEER:** Councilwoman Beer reported she enjoyed the Christmas parade and wished everyone a good holiday.

### **EXECUTIVE SESSION**

On motion by Councilman Keyserling, second by Councilman Glover, Council voted to move into executive session to discuss appointments/reappointments to the Building Board of Appeals, the Tree Board and the Public Art Commission, the annual evaluation of the City Manager and a land acquisition matter.

### **OPEN SESSION**

#### **Building Board of Appeals**

Upon returning to Open Session, Councilman Keyserling moved to reappoint William O'Neal to serve another 4-year term on the Building Board of Appeals which will expire November, 2007.

#### **Tree Board**

On motion by Councilman Keyserling, second by Councilman Glover, Council voted to reappoint Frances Parker, Ronnie Reiselt, and Bill Kennedy to serve a 3-year term on the Tree Board which will expire November, 2006.

#### **City Manager's Evaluation**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to increase the City Manager's salary by 1.5% and to extend his contract for another year. (June 1, 2007)

### **ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 9:30 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