

A regular meeting of the Beaufort City Council was held on October 26, 2004 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 Cantor Sheldon Feinberg of the Beth Israel Synagogue. The Pledge of Allegiance was led by the Mayor.

#### **MINUTES: REGULAR MEETING - OCTOBER 12, 2004**

The minutes of the October 12, 2004 regular meeting were reviewed by City Council and on Page 5, third line under City Manager's Report, the sentence is to begin "The City will be applying through LCOG..."

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of October 12, 2004 as amended.

#### **PUBLIC HEARINGS**

A public hearing was held to receive public comment on *revising Sections 5.1, 5.4B, 5.4C, 5.4G, 7.5.I and 11.2D of the City's Unified Development Ordinance*, pertaining to permitted uses in existing structures, accessory structures, accessory uses, parking of trailers at home occupation, and definitions. A Notice of Public Hearing was duly published in The Beaufort Gazette on October 4, 2004. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the amendments.

Libby Anderson, Planning Director, outlined the six proposed amendments to the UDO. The changes include a revision to the Use Table to permit existing single family dwellings as a permitted use in the Commercial Districts, a reduction in building setbacks for non-habitable accessory structures in residential districts, clarification of an existing restriction on the size of garages, the addition of a definition of "Build-to-line", a revision to the Home Occupation Standards to clarify that one vehicle trailer, no longer than 12 feet in length, can be used, and a clarification that outside storage of materials is permitted only in the Highway Commercial and Limited Industrial districts.

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

#### **CONSENT AGENDA**

On motion by Councilwoman Beer, second by Councilman Glover, the following two items were approved.

#### **REQUEST TO CLOSE PORTION OF BAY STREET FOR HALLOWEEN EVENT**

A request to close Bay Street from Charles to Carteret Streets on October 28 from 4:00 p.m. to 6:30 p.m. for *Trick-or-Treat in Downtown Beaufort*.

## **REQUEST TO CLOSE PORTION OF HAMILTON STREET FOR FAMILY FUNCTION**

A request from Leith and Cindy Webb to close Hamilton Street between Laurens and King Street on December 18, 2004 from 12:00 noon to 12:00 midnight for a family function.

### **Question**

Councilman Keyserling mentioned that closing Bay Street during rush hour should be considered in the future because of the impact of the bridge. The Police Chief stated traffic is not a problem during the week and there is ample notice through the radio and newspaper.

Councilman Keyserling recused himself from the chambers due to a potential conflict with the upcoming agenda item.

## **COTTAGE FARM DRIVE**

Attorney D. C. Gilley, representing the Cottage Farm Property Owners Association, appeared before Council regarding the access to and from Ribaut Island across property belonging to the Cottage Farm Property Owners Association. The Association and the developer have reached an agreement for access to the Ribaut Island development for the fastest implementation to complete the work and is in compliance with the PUD approved by Council and the UDO. The agreement will also be coordinated with the City Attorney, he said.

Bill Jones, developer, said he attended a meeting Saturday morning with the Cottage Farm Property Owners' Board and he is in concurrence with the proposed entrance. Councilman Glover suggested checking with the SCDOT engineers to be sure the 25 foot radius is adequate for truck traffic.

Bruce Baxley, Palmetto Engineering, who assisted in the design of the entrance way said that between the railroad tracks and the proposed entrance, there have been some problems with the roll over curb so that will be changed to a radius curb. If additional width is needed on the roadways, the entrance to Cottage Farm may be widened slightly to accommodate landscaping and curbs.

The mayor asked Mr. Baxley about the status of the plan to obtain a bridge permit through OCRM. Mr. Baxley said the bridge issue is still in litigation in Charleston so the alternative is to improve the causeway. Mr. Baxley stated the surveyors will begin tomorrow. He has a few issues to resolve with the survey before proceeding because he is trying to save as many trees as possible. Once that is resolved and the property owners approve the plan, he will proceed with the entrance.

Councilman Keyserling was asked to return.

## **REYNOLDS STREET PAVING PROJECT**

During the last Council meeting, the question of paving Reynolds Street was discussed. The item was tabled at that time in order to survey the homeowners on that street. Fifteen letters were mailed to the property owners with eleven responses. The City Manager said of those surveys, four people were in favor of the street remaining unpaved; four were in favor of paving it, and three said it didn't matter.

The City Manager stated since there is not a consensus of the property owners, it is up to Council on how to proceed.

Councilman Fordham said he would like Reynolds Street to remain as a community neighborhood road and suggested making a decision tonight. Councilman Glover suggested postponing the decision until the other property owners are contacted. The staff will also check on the sewer line and the impact paving the street may have on it.

### **WIGG STREET RIGHT-OF-WAY**

The developers of the former Joyner Street property submitted a request for the City to abandon the City-owned, undeveloped Wigg Street right-of-way adjacent to Joyner Street and behind homes that face Elliott Street. They have spoken to people in the area and they are in favor of the proposal. Staff reviewed the request and recommended approval.

Steve Tully, co-owner/developer of the property, presented a plat showing the proposed new access point further west on Joyner Street. This plan has been reviewed and approved by the Joint Planning Commission and would provide access to the 15 lots in the proposed Fuller Street Subdivision, he said. Mr. Tully and his partner would like to deed the new right-of-way to the City. He suggested the new street be paved in place of Reynolds Street. The City Manager said a request can be made to the County to pave the new street if Council desires.

Additionally, Mr. Tully pointed out they would like to donate to the City that portion of the property that is adjacent to the railroad tracks as an extension of Joyner Street. The City Manager said that would be an option for Council to explore in the future as an extension across to Fripp Street if the railroad is no longer used.

Because of Councilman Glover's concern with the "hammerhead" design at the end of the new subdivision road, Mr. Tully explained that the first plan prepared had a cul de sac. However, the Codes Department preferred the current design over the first because of the size of the Fire Department's hook & ladder truck. The planning director further stated cul de sacs are now required to have a 90 ft. radius and because of the size they consume a lot of the property; therefore, the "hammerhead" design is a permitted option.

On motion by Councilman Glover, second by Councilwoman Beer, Council granted approval to abandon the Wigg Street right-of-way and accept the newly proposed right-of-way as platted, subject to the City Attorney's approval.

Mr. Tully also asked Council to consider accepting, on behalf of the city, a one acre tract of land on the south side of the property possibly during the first quarter of next year as a donation. Since they are only allowed to develop fifteen lots, they decided to leave some open land and not disturb that area; therefore, they are offering the City first choice. He stated they envision that area remaining undisturbed since shards of pottery and glass were found during the archeological survey. It could be accessed by walking beside the railroad tracks and it could be an area for everyone to enjoy. Council will take the offer into consideration and notify Mr. Tully of Council's decision.

### **ORDINANCE AMENDING BUSINESS LICENSE ORDINANCE PROVISIONS**

An ordinance amending a portion of the Business License Ordinance Provisions for insurance companies and for brokers for non-admitted fire and casualty insurers was presented to Council for

first reading.

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

Ross Jones, Finance Director, stated the amendment was submitted by the Municipal Association of South Carolina suggesting the City adopt the ordinance as worded. This revision would allow them to continue collecting revenues from insurance brokers in the City. The reason for this amendment is to change the definition of several words.

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

### **ORDINANCE AMENDING UDO REVISING SEVERAL SECTIONS**

An ordinance amending Sections 5.1, 5.4B, 5.4C, 5.4G, 7.5.I and 11.2D of the City's Unified *Development Ordinance*, pertaining to permitted uses in existing structures, accessory structures, accessory uses, parking of trailers at home occupation, and definitions was presented to Council for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Glover gave second. 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 a meeting has been scheduled for November 16, 2004 at 5:00 p.m. to receive public input on the Bladen Street project. The location of the meeting has not yet been determined. Letters will be mailed inviting property owners who have an interest in that corridor. A follow up meeting with the Point Property Owners Association is scheduled for Thursday, November 4<sup>th</sup> at 6:00 p.m. at the fountain near the pond in the Point to hear an update by Steve Andrews, the project engineer, on the drainage issues and to review the options.

The engineers will present an update on the other drainage projects at the November 9<sup>th</sup> Council meeting.

At the request of the Beaufort Housing Authority, the City Manager and the finance director attended their meeting last week to review the time line on the police/court project to be built on Boundary Street. BHA indicated that they will review their options over the next three weeks and then notify the City of their decision. They are interested in working with the City and keeping their facility in the City.

The Design Review Board gave conceptual approval for two murals to be painted on buildings in the City with three conditions. One will be located on the Piggly Wiggly on Boundary Street and the other on the Greene Street Gym. The conditions are that the art is to have no commercial signage, no link to the business where the mural is to be placed, and the final design is to be approved by Council or their designated agent.

### **REPORTS BY COUNCIL**

**BEER:** Councilwoman Beer reported the Humanities School took United Nations Day on as their

project and Zonta participated. The proclamation adopted by Council at the last meeting was read and the students appreciated being involved.

**EXECUTIVE SESSION**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session to discuss an appointment to the Tourism Management Advisory Commission and the annual review of the City Manager.

**OPEN SESSION**

**Tourism Management Advisory Commission**

Upon returning to Open Session, Councilman Keyserling moved to appoint Heather Sheehan, to represent the Hospitality Association, on the TMAC. Her 2-year term would expire November of 2006. Councilwoman Beer gave second. The motion passed unanimously.

**City Manager's Annual Review**

On motion by Councilwoman Beer, second by Councilman Glover, City Council extended the City Manager's contract for one year with a 3% increase in salary.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 7:55 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