

A regular meeting of the Beaufort City Council was held on August 9, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road with an executive session beginning at 5:30 p.m. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., 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.

CALL TO ORDER

The Mayor called the meeting to order at 5:35 p.m.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Glover, Council moved into executive session to discuss a land acquisition matter.

INVOCATION/PLEDGE OF ALLEGIANCE

The regular meeting was opened at 6:00 p.m. with an invocation by Assistant Pastor Robert Batts of St. Helena's Episcopal Church. 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 18 – 24, 2005 as Constitution Week in the City.

PUBLIC COMMENT

Dan Denton expressed his disappointment in Council's vote during the recent special meeting to close Ribaut Road extension. He said during the June 14, 2004 meeting the majority of Council expressed reluctance to support any plan to close the extension. The newspaper even quoted the Mayor in the June 19th edition as looking at other site plans so it can be left open. He said he was also surprised to read in the paper on the day of the special meeting that the meeting would be held at 4:00 p.m. to see traffic simulations and hear recommendations regarding the Municipal Complex at Ribaut Road and Boundary Street. He added that he was told the justification for closing the extension was based upon the traffic studies but they are not yet available to the public so any one interested would have had to attend that meeting. He referred to the proposed plan for the Municipal Government Center posted on the City's web site and he said this plan was in place prior to those traffic studies. The City Manager clarifying the statement, said that was a 2003 exhibit prepared by graduate students of the Savannah College of Art and Design as a work project with a public presentation. Mr. Denton then read portions of an e-mail from The Beaufort Gazette's website opposing the closing of Ribaut Road Extension. Further he commented on his idea of the difficulty of accessing City Hall. He said he will seek counsel regarding a recourse for closing the intersections close to his law firm.

Councilman Fordham said he contacted Mr. Denton and told him no vote would be taken because it would be a workshop. He asked if the minutes had been found where it was decided that an official vote would not be taken in a workshop. If that was not recorded, the vote at the July 25th special meeting was illegal, in his opinion.

Libby Barnes, Beaufort Chamber of Commerce, thanked Council for approving the location of the 2005 Shrimp Festival, thanked the City and Main Street Beaufort for partnering for the Waterfront Park Restoration Kick Off and the Shovel Parade/ Community Dig, approving the recommendations of the Medical Technology Task Force, approving the business license fee amendment to support the attraction and retention of technology related businesses, and also thanked the City Manager for the presentation made to the Rotary Club on the Boundary Street Redevelopment. She encouraged the City to continue taking advantage of opportunities to keep the public informed.

MINUTES: SPECIAL MEETING

The minutes of the special City Council meeting of July 25, 2005 were reviewed by Council and on the 6th line of page 3, “aside” was misspelled.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the special City Council meeting of July 25, 2005 as amended.

MINUTES: REGULAR MEETING

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of July 26, 2005 as presented.

CONSENT AGENDA

On motion by Councilman Glover, second by Councilwoman Beer, the following three (3) ordinances were adopted on second reading.

ORDINANCE AMENDING UDO PERTAINING TO FLAG LOTS

The ordinance amending Sections 3.19, 5.1, 5.3, 6.1, 6.5, and 11.2 of the Unified Development Ordinance pertaining to flag lots, certificates of appropriateness and drive-thru facilities. (Copy of ordinance at end of July 26, 2005 minutes)

ORDINANCE ANNEXING PARCELS ON HIGHWAY 280 & HARDING STREET

The ordinance annexing a 12.9 acre parcel of property located on S.C. Highway 280 identified as District 100, Tax Map 29, Parcel 112 and a 2.4 acre parcel of property located on Harding Street identified as District 100, Tax Map 29B, Parcel 56. (Copy of ordinance at end of July 26, 2005 minutes)

ORDINANCE ZONING PARCELS ON HIGHWAY 280 & HARDING STREET

The ordinance zoning a parcel of property on SC Highway 280 Neighborhood Commercial and General Residential District and zoning a parcel of property on Harding Street General Residential. (Copy of ordinance at end of July 26, 2005 minutes)

Discussion:

Councilman O’Kelley inquired about the zoning designation of the property with the

apartments adjoining the Harding Street portion being annexed and rezoned. Ms. Anderson stated the Palmetto Apartments are located in Beaufort County; however, the zoning is Urban under the County's Zoning and Development Standards Ordinance.

ORDINANCE AUTHORIZING PROPERTY EXCHANGE

The ordinance authorizing the City Manager to enter into instruments as necessary to exchange property between the City and William T. Jones, owner of the BB&T bank building on Bay Street was presented to Council for second reading and adoption. The City Manager stated that at the last meeting, Councilman Glover asked that the ownership of the parcel on the corner of Bay and Carteret Streets be researched. It is anticipated the title search will be completed shortly and this ordinance can be placed on the August 15, 2005 special meeting for second reading and adoption.

Councilman Glover made a motion to table the ordinance until the research is completed. Councilman O'Kelley gave second. The vote was unanimous.

INTERGOVERNMENTAL AGREEMENT FOR STORMWATER MANAGEMENT

Beaufort County is asking for the City's consent to change the rate structure and to remove the provisions for relief from payment of the Stormwater Utility User Fees, consent to an interim fee of \$40.00 per single family unit until the Stormwater Master Plan is complete, an additional extension until July 2006 to the initial three years that were allotted for the study; and upon completion of the study this consent shall terminate and the County, with consent of the City, shall set new fees. Before changes can be made to the Intergovernmental Agreement between Beaufort County and the City of Beaufort, the City's consent is needed.

Councilwoman Beer moved to approve the changes outlined. Councilman Glover gave second.

Eddie Bellamy, Beaufort County Public Works Director responsible for Stormwater Utility, made a presentation on the proposed changes to the Intergovernmental Agreement for Stormwater Management. This program was initiated to develop a Watershed Master Plan study to determine what was needed to manage the stormwater within the county and to produce a fair and equitable rate structure based on actual impervious surface instead of intensity of development which is what the current rates are based on. He said the Master Plan is anticipated for completion within six months. However, the rate structure study has been completed with three tiers for residential properties based on impervious surface. The average impervious surface, or about 70% of the residents, is 4,900 square feet including both the house and the driveway and their fee will be \$40. The upper 15% of the remaining 30% is 9,000 square feet and they will pay \$60. The lower 15% of the residents will pay \$20 for 2,500 square feet. The rate for non-residential properties will be based on actual impervious surface or a runoff factor depending on the use of the land, he said. The existing ordinance provides for relief based on the value of the property, the income of the individuals, and eleemosynary groups. They will no longer be exempt under the new ordinance. He asked Council to approve the changes and the Mayor to sign a letter in this regard.

Councilman Glover restated what Mr. Bellamy said regarding the rate structure. Mr. Bellamy pointed out the City's current and future collections and said the funding for the City's stormwater projects will be secure. These fees are to go into effect with this year's tax bills that are slated to be

mailed in October.

Council voted unanimously to approve the changes proposed.

ORDINANCE ANNEXING 9 PARCELS ON LADY'S ISLAND

An ordinance annexing nine parcels on Lady's Island, also known as District 200, Tax Map 14, Parcels 2, 2B, 21, 22, 24, 26, 28, 30, and 40, totaling approximately 19 acres was presented to Council for first reading.

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

Ms. Libby Anderson, Planning Administrator, presented the information pertaining to the annexation and zoning of the nine parcels simultaneously. Three of the nine parcels are proposed to be zoned Neighborhood Commercial and the remaining six are proposed to be zoned R-4 which is a single family district. She explained further that NC is a mixed-use zoning district permitting all types of residential uses as well as a variety of retail, commercial, and office uses. The current zoning of Parcels 2 and 2B is Village Center which is a commercial zoning district under the County's Zoning and Development Standards Ordinance. Parcel 40 is currently zoned Community Preservation under the County's Zoning Ordinance which is a single family district. The City's Comprehensive Plan designates this area for a residential mixed-use district therefore the neighborhood commercial zoning is consistent with that plan. One written comment was received regarding the zoning. The Planning Commission will provide their recommendation at their September 12 meeting and presented at the September 13 City Council meeting. Ms. Anderson pointed out that both the City and the County have archeological impact ordinances and a survey will be required for the commercial development component of the property. Councilman Glover asked if interconnectivity can be achieved between this property and Harborview Drive so the residents can access stores located in the Neighborhood Commercial area without traveling Meridian Road. Ms. Anderson replied that the ordinance recommends connectivity and this will be discussed.

J. T. Miller resident of the area being discussed said he and some of his neighbors have a problem with the commercial zoning being proposed. They would like Council to consider the people in the neighborhood, their existing life style, and that they don't want their neighborhood destroyed with commercial trucks and noise. They are also concerned as to what type of people will be moving into their neighborhood. Mr. Miller asked that the residents be notified of the findings of the archeological report. The City Manager explained the process is for the City to have a point of contact through the property owners association and when the City receives the report, it would be provided to Mr. Miller. Mr. Miller offered to have the president of the Meridian Road Homeowner's Association contact the City Manager.

Alex Roden, Harborview Circle resident, suggested the intersection of Meridian Road and Harborview Circle be examined because it is unsafe. The Mayor asked the Police Chief to visit the site to determine if it is a SCDOT related problem.

Councilman Glover asked Ms. Anderson to provide information on how many potential lots would be available in the R-4 zoning before second reading. He also asked if the ordinance could include

the interconnectivity but not allow the construction traffic to use Harborview Drive and Circle. Ms. Anderson said the Design Review Board will be considering the connections and whether they are vehicular or pedestrian. Construction traffic can be addressed in the building permit.

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

ORDINANCE ZONING 9 PARCELS ON LADY'S ISLAND

An ordinance zoning 3 parcels on Lady's Island Neighborhood Commercial and 6 parcels R-4 in an area known as Whitehall Plantation was presented to Council for first reading.

Councilman Glover made a motion to approve the ordinance on first reading. Councilwoman Beer gave second. Council voted unanimously to approve the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE AMENDING UDO PERTAINING TO SANDWICH BOARD SIGNS

An ordinance amending Section 7.2 of the City's Unified Development Ordinance pertaining to sandwich board signs in the Lady's Island Village Center Design District was presented to Council for first reading.

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

Libby Anderson, Planning Administrator, stated this amendment is presented in an effort to develop a consistent set of design standards for the Lady's Island Village Center area. Currently sandwich board signs are not permitted in the City's Lady's Island Design District but are permitted by the County's Lady's Island Village Center regulations. The City received two requests from businesses on Lady's Island for properties in the City limits to display sandwich boards. These signs are allowed in the Boundary Street Design District and the City is trying to develop similar standards on Boundary Street and Lady's Island. The Design Review Board was contacted and they recommended making the amendment.

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

TEMPORARY UDO AMENDMENT – SANDWICH BOARD SIGNS ON BAY STREET

An ordinance temporarily amending the Unified Development Ordinance allowing sandwich board signs to be placed at several locations along Bay Street was presented for first reading.

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

The City Manager stated this request came from the Communications Committee in support of those few businesses that are accessed through the rear of the Waterfront Park that do not have signage on the south side of Bay Street. During the renovation of the Waterfront Park, staff is recommending they be allowed to display a sandwich board to advertise their business. This amendment would only be allowed during construction of the Waterfront Park and will expire when the Park is re-

opened to the public. He gave the regulations for sandwich board signs in the Core Commercial District. Libby Anderson, Planning Administrator, explained certain businesses have a zero lot line and do not have access to private property. The problem with sandwich board signs she said is the sidewalks are not wide enough to accommodate them and can be an obstacle; therefore, the City allows those merchants who are grandfathered to place them as close to the building as possible. Trying to address Councilman O'Kelley's concern, the City Manager suggested amending the sentence (c.) to read as follows: "Sandwich boards and easel signs **may** be located in the public or private street right-of-way. This temporary provision expires when the Park is reopened to the public."

Councilman O'Kelley moved to amend the motion to include the wording recommended by the City Manager. Councilwoman Beer gave second. The motion was unanimous.

Council unanimously approved the amended provision. (Copy of ordinance at end of these minutes)

OFF AGENDA ITEM

On motion by Councilwoman Beer, second by Councilman Glover, an off agenda item was added pertaining to the closing of a portion of Congress Street from Carteret to Scott Streets for the Chamber of Commerce Business After Hours event to be held on August 11, 2005 from 5:00 p.m. to 7:00 p.m.

Police Chief Dowling noted that closing Congress Street will not impact the traffic. He did recommend the applicant contact the one resident on the corner. Libby Barnes, Chamber of Commerce President, stated this is a small business located on the corner of Carteret and Congress Street. Closing the street would make it safer for the people.

Councilman O'Kelley suggested the approval contain a caveat that any requirement for a barricade or police security would be the responsibility of the requester. Ms. Barnes also mentioned that the Chamber has applied for and received permission from the State to serve alcoholic beverages for each of the Business After Hours events.

Council unanimously approved the request.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to discuss a contractual matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 7:45 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O'KELLEY, JR.

ATTEST:

BEVERLY W. GAY, CITY CLERK