

A regular meeting of the Beaufort City Council was held on November 8, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. 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 6:00 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was opened with an invocation by Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – NATIONAL HOSPICE MONTH

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating November, 2005 as National Hospice Month in the City.

PUBLIC HEARINGS

A public hearing was held to receive comment on the *rezoning of a 10-acre parcel of property located north of SC 170* near its intersection with Goethe Hill Road, identified as District 100, Tax Map 28, Parcel 123, from "Suburban District" to General Residential. A Notice of Public Hearing was duly published in the Beaufort Gazette on October 24, 2005. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval.

Libby Anderson, City Planner, stated the undeveloped property is on Robert Smalls Parkway with Colonial Heights Subdivision adjoining the property on the west. The proposed zoning permits single-family, townhouse, and multifamily dwellings, she said. The UDO stipulates that no buildings shall be constructed on a lot unless the lot is located on a public or private street. A variance from the UDO will be required to develop the property since it does not have direct access to a street.

Walter Singleton, owner of the property, said there are no specific plans for development but since the adjacent property is within the City limits, he felt if development did occur in the future, the land could be put to a better and higher use if it were annexed.

There being no other comments, the public hearing was closed.

A public hearing was held to receive comment on *revising Section 11.2 "Defined Terms,"* by changing the definition of "Redevelopment" and "Redevelopment Corridor". A Notice of Public Hearing was duly published in the Beaufort Gazette on October 24, 2005. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval.

Libby Anderson, City Planner, said currently the Unified Development Ordinance contains two

incentives for redevelopment. A property in a Redevelopment Corridor undergoing Redevelopment can: (1) receive a reduction in parking requirements and (2) an increase in the amount of paved surface. The first proposed amendment will expand the area entitled to redevelopment. Instead of referring to a *Corridor, Area* will be used and will include “any lot within one-quarter mile of the intersection of Ribaut Road and Mossy Oaks Road” and “the lots on the north side of Calhoun Street, lots on the west side of Carteret Street, the centerline of Bay Street, and the lots on the west side of Ribaut Road”. The second change will redefine “Redevelopment” as “development on land currently vacant but which had a structure demolished within the last five years.”

There being no comments, the public hearing was closed.

A public hearing was held to receive comment on *an amendment to Section 5.5 of the Unified Development Ordinance*, “Temporary Uses”, to allow cargo or freight storage containers to be used as temporary storage containers under certain circumstances. A Notice of Public Hearing was duly published in the Beaufort Gazette on October 24, 2005. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval.

City Planner, Libby Anderson, noted that in May of this year, an amendment to the UDO was adopted that prohibited the use of cargo storage containers for use as permanent storage facilities in all zoning districts except for the Limited Industrial District. It does permit, however, the containers to be used for temporary storage if a building permit has been issued. This request to revise the Unified Development Ordinance is submitted on behalf of Walmart to allow the use of these containers on a temporary basis during the holidays. If the revision is acceptable to Council, staff recommends the amendment be added to the “Temporary Uses” Section of the ordinance and only be allowed in the Highway 170 Design District and not be visible from the street.

Councilman O’Kelley suggested the amendment be worded to cover a 3-month period for any time of year and not just for Walmart at a specific time in case another company has a reason to use them throughout the year. Councilman Glover stated the containers seem to be at Walmart year round. He, too, does not want to amend the ordinance for only one business but for everyone throughout the commercial area whether it be on Boundary Street, Ribaut Road, or Highway 170. In his opinion, if a business has the container hidden from public view, he has no problem with them. Councilman Fordham agreed and added that he thinks the ordinance should be abolished. Councilwoman Beer agrees the ordinance should not be amended for one company for one time of the year. She has no problem with temporary useage and hidden from the public.

Mike Sutton, downtown resident, expressed his concerns with the proposed ordinance as written. He also stated that if these containers are allowed to be used as temporary storage, they will be everywhere. He recommended a time limitation and a fee rather than certain times of the year.

There being no other comments, the public hearing was closed.

MINUTES: REGULAR MEETING

Council reviewed the minutes of the regular Council meeting of October 25, 2005 and on page 2, second paragraph under Ordinance Annexing 9 Parcels..., Councilman Glover stated he made the motion to table but he wasn’t sure who made the second. On page 4, last line under Mayor’s Report,

the words “not be” was repeated; and before the Executive Session, “the Mayor left to attend a school event where his son was receiving an award.” is to be added.

The minutes of the regular City Council meeting of October 25, 2005 were approved as amended with the understanding the tape would be reviewed to confirm who made the motion and the second in reply to Councilman Glover’s question.

NIGHT ON THE TOWN

A request was presented to Council from Main Street Beaufort’s Executive Director to close several streets from 2:00 p.m. to 11:00 p.m. on December 2, 2005 for Night on the Town, to co-sponsor the tree lighting ceremony and to allow consumption of alcohol in the public right-of-way during the event.

Joy Locke, Executive Director, asked that the City’s Public Works Department install the holiday decorations by November 24 in preparation for the event. The street closures include a portion of Bay Street from Carteret to Newcastle Street, a portion of Port Republic Street from Carteret to Charles Street; a portion of West Street from Bay Street through the Port Republic Street intersection and a portion of Scott Street from Bay to Port Republic Street. They would like approval for stage set up and strolling entertainment throughout the event site and for the City to again serve as the co-sponsor for the tree lighting ceremony. Additionally, she requested permission for beer and wine consumption in the right-of-way during the event. Main Street will not be selling alcoholic beverages; however, some of the stores on Bay Street offer refreshments and this would allow the participants to move from store to store.

Councilwoman Beer moved to approve the requests. Councilman Glover gave second.

Council members Beer, Fordham, Glover, and Rauch voted in favor of the motion. Councilman O’Kelley voted nay. The motion passed 4 to 1.

Councilman O’Kelley stated he has a problem with closing Bay Street at 2:00 p.m. because many of the businesses are open and do not participate in the event.

Councilman Fordham moved to reconsider the motion. Councilman Glover gave second.

Councilman O’Kelley stated further that originally the streets didn’t close that early but now because platforms for the choirs and refreshments are set up prior to the start of the event it is necessary. Councilman Fordham said he can appreciate what Mr. O’Kelley has expressed and he believes there are many other merchants that may agree but don’t want to be vocal. He suggested there be a compromise. Councilman Glover asked why the set up can’t be done in a shorter time period. Ms. Locke explained setting up stages is time consuming and companies are hired to construct them and set the sound system. Mr. O’Kelley stated it appears more and more often there are requests to close the street for events which affects his business. Ms. Locke said no one at the merchants meeting this morning commented on closing the streets.

Nan Brown-Sutton, Main Street USA Board Chairman and downtown business owner, agreed with Mrs. Beer who stated most of the businesses are open during the event so they wouldn’t complain.

She does understand the banks, law offices, etc. would be affected but they should advise Council if it is a problem. Ms. Sutton stated even though it is an aggravation, it isn't enough to complain. Also, she doesn't know if the set up can be completed in less time.

Mike Sutton said the event has grown because the citizens enjoy it. He stressed the importance of the business owners attending the meetings to speak either for or against the events. He said setting up is time consuming and suggested the street closing time could possibly be changed to 3:30 p.m.

Police Chief Dowling pointed out that in his memo he mentioned the 1000 block of Bay Street will remain open until 5:00 to allow traffic flow on Charles Street and to allow the two bank drive-in windows to remain open.

Councilwoman Beer moved to amend the motion to change the street closing time from 2:00 to 3:30 p.m. Councilman Glover gave second with the condition that the streets will not be closed prior to 3:30 p.m. on the day of the event. The motion to approve as amended was unanimous.

REQUEST TO BAG METERS DURING HOLIDAYS

A request from the Executive Director of Main Street, Beaufort, USA for the City to provide 2-hour free parking in the Core Commercial District for the holidays beginning Monday, November 14 through Sunday, January 1, 2006 was presented to Council for co-sponsorship.

Councilwoman Beer moved to approve the request. Councilman Glover seconded the motion.

Councilman Fordham objected to bagging the meters for longer than the month of December. Councilman O'Kelley commented that staff's recommendation is to begin on November 25th. Councilman Glover asked if this request is to extend the Christmas season. He would rather the bagging not begin before Thanksgiving.

Councilman Glover moved to amend the motion to bag the meters effective the Friday after Thanksgiving as recommended by staff. Councilman O'Kelley seconded the motion.

Ms. Locke explained since parking is a concern with the Park under construction this would be a gesture to encourage people to shop downtown instead of going to a shopping center where there is ample free parking. The Mayor asked if bagging the meters early would be a one-time request because of the renovation. Ms. Locke agreed.

The City Manager offered for consideration a compromise to begin the day after Thanksgiving, but include bagging the 8-hour meters as well which can be accomplished through the ordinance.

Councilman Glover withdrew his motion to amend. Councilman O'Kelley withdrew his second. Councilwoman Beer withdrew her motion to approve the request. Councilman Glover withdrew his second.

ORDINANCE SUSPENDING USE OF 2 & 4 HOUR METERS FOR HOLIDAYS

First reading of an ordinance temporarily suspending the use of the two and four-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 was presented to Council.

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

Councilwoman Beer moved to amend the motion to include the 8-hour meters in the ordinance. Councilman O'Kelley gave second. The motion to amend the ordinance to add the 8-hour meters passed unanimously.

Councilwoman Beer moved to bag the two hour meters on November 13 with all others bagged after Thanksgiving. The motion died for lack of a second.

Councilman Glover called for the question.

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

ORDINANCE REVISING UDO/CHANGING DEFINITION OF REDEVELOPMENT AND DEVELOPMENT CORRIDOR

An ordinance amending Section 11.2 of the Unified Development Ordinance to change the definition of "Redevelopment" and "Redevelopment Corridor" was presented to Council for first reading.

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

Councilman Fordham expressed displeasure that the UDO must constantly be amended.

Libby Anderson, City Planner, replying to Councilman Glover's inquiry as to how this amendment will improve the conditions in the City, stated a property owner approached the Planning Department regarding a lot on Adventure Street zoned Commercial that is vacant. Since it was not in the redevelopment target area, it is not entitled to the redevelopment incentives. Reviewing the issue, staff considered the areas on which to focus and developed this amendment to expand the area and encourage redevelopment.

Councilman Glover disapproved of the reduction in parking requirements. He said if this is to encourage off-site parking, he doesn't support it. He also asked if the increase in the impervious surface adversely affects the stormwater runoff. Ms. Anderson said that would have to be accounted for in the drainage plan.

Council members Beer, O'Kelley, and Rauch voted to approve the ordinance on first reading. Councilmen Fordham and Glover voted nay. The motion passed 3 to 2. (Copy of ordinance at end of these minutes)

ORDINANCE REVISING UDO/ALLOWING CARGO CONTAINERS TO BE USED

First reading of the ordinance revising Section 5.5 of the Unified Development Ordinance "Temporary Uses," to allow cargo or freight storage containers to be used as temporary storage

facilities under certain conditions was presented to Council.

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

Councilwoman Beer moved to amend the ordinance to extend the area to all Highway Commercial zones for no more than three consecutive months. Councilman O'Kelley gave second.

Councilman O'Kelley stated that when this Section of the ordinance was amended and adopted in May, Council did not want the containers to be visible and were concerned that the screening may not be suitable.

Libby Anderson, City Planner, stated if additional storage space is needed, staff would prefer the property/business owner build an addition to their building to be certain it is permitted properly, the City gains the revenue from the permit fee and the additional assessed valuation rather than rent a storage container. Regarding visibility of the container from the street, adjoining property owners were also affected.

Councilwoman Beer moved to amend the ordinance to add General/Highway Commercial to the area where temporary storage facilities are permitted. Councilman O'Kelley gave second.

To simplify the amendment, Councilwoman Beer rescinded her motions.

Councilwoman Beer moved to amend the wording as follows "...used as temporary storage facilities in the General Highway Commercial for no more than 3 consecutive months in any 12-month period on the condition that the containers will not be visible from the street." Councilman O'Kelley gave second.

Councilwoman Beer called for the question.

Council members Fordham, Beer, Rauch, and O'Kelley voted in favor of the motion. Councilman Glover voted nay. The motion passed 4 to 1.

ORDINANCE ANNEXING PROPERTY NORTH OF SC 170

An ordinance annexing a 10-acre parcel of property located off S.C. 170 near its intersection with Goethe Hill Road, identified as District 100, Tax Map 28, Parcel 123, was presented to Council for first reading.

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

Walter Singleton, property owner, replying to Councilman Glover's inquiry as to the access of the property advised there is a 60 foot access easement to the property.

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

ORDINANCE ZONING PROPERTY LOCATED NORTH OF SC 170

An ordinance zoning a 10-acre parcel of property located off S.C. 170 near its intersection with Goethe Hill Road, identified as District 100, Tax Map 28, Parcel 123 to General Residential District was presented to Council for first reading.

Councilman Glover moved to approve the ordinance on first reading. Councilwoman Beer gave second. The ordinance passed unanimously on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE AUTHORIZING CITY MANAGER TO ENTER INTO A QUIT CLAIM DEED REGARDING LOTS 80 & 81 OF 100 PINES S/D

An ordinance authorizing the City Manager to enter into a Quit Claim deed regarding the western halves of Lots 80 & 81 of the Hundred Pines Subdivision was presented to Council for first reading.

Councilwoman Beer made a motion, seconded by Councilman Glover, to approve the ordinance on first reading.

D.C. Gilley, Attorney representing the purchaser, said during the title search it was discovered that the City still owned half of Parcel 38 which is the western half of Lots 80 and 81. Restrictions were placed on the property over fifty years ago to be used as a park with playground equipment which was never carried out. After discussing this with the City Attorney, an ordinance and Quit Claim Deed have been drafted to remove the restrictions and revert any interest back to the heirs/devisees of Harold Eugene Trask upon Council's approval.

Councilman O'Kelley advised that some language in the Quit Claim deed needed to be changed, including the consideration and the association of the owners to the estate.

The ordinance was unanimously approved on first reading.

CANCELATION OF COUNCIL MEETING FOR HOLIDAYS

On motion by Councilwoman Beer, second by Councilman Glover, Council approved canceling the second meeting in December for the holidays and also rescheduled the second meeting in November for Wednesday the 16th.

CITY MANAGER'S REPORT

The City Manager reported to Council the following items:

- 1) The draft **2005 audit** has been received and will be presented to Council at an upcoming meeting
- 2) In response to the **911 Advisory**, B-JWSA will be sending notices with their December water bills
- 3) A workshop will be held on Ladies Island on November 15, 2005 from 6:00 to 8:00 p.m. at the Sea Island Presbyterian Church on the proposed **connector road** which is one of the transportation impact fee projects approved for U.S. Highway 21 and S.C. Highway 802
- 4) An invitation was extended to the elected officials of Beaufort and Jasper Counties to attend a reception at the Okatie Club.

REPORTS BY COUNCIL

FORDHAM: Councilman Fordham inquired about a report regarding the Public Works Director and the Traffic Engineer traveling to Massachusetts to attend the **Roundabout Conference**. The Public Works Director responded that the hands-on workshop was very informative and an actual design of the intersection at Ribaut Road and U.S. 21 was prepared. The traffic engineer is currently working on modeling a traffic roundabout for U.S. Highways 21 and 170 as well as Ribaut Road and U.S. Highway 21. The roundabouts are smaller today and work better because they slow the traffic, keep it flowing, and lessen the impact of collisions, he said. Mr. Fordham asked why the City paid for the **Traffic Consultant** to attend. The City Manager pointed out that Council directed staff to move forward with the implementation of the roundabout concept for Ribaut Road and Boundary Street. An analysis has to take place before the design can be presented to SCDOT for support and approval, he said. Mr. Fordham asked the City Manager to e-mail the information on the total cost to him.

GLOVER: Councilman Glover said he, too, would like a copy of the costs.

BEER: Councilwoman Beer reported she attended the Marine Corps Ball at Parris Island and met the Commanding General of the 8th District.

O'KELLEY: Councilman O'Kelley reported that Chuck Hoelle, Assistant Manager of The Town of Hilton Head, provided a sketch for review showing the dimensions of the **roundabout**. He also mentioned that if businesses are violating the ordinance regarding the **cargo containers**, the Codes Dept. should investigate. He asked the status of the **Veteran's Day Parade** and the start time. Lastly, he reminded everyone that November 10, 2005 is the Marine Corps birthday.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to discuss an appointment/reappointment to the Historic Review Board, a contractual matter, a land acquisition matter, and the City Manager's Annual Review.

OPEN SESSION

City Manager's Compensation

Upon returning to Open Session, Councilwoman Beer moved to approve giving the City Manager a 3% raise and to extend his contract through 2010. Councilman Glover gave second. The motion passed unanimously.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:30 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