

A regular meeting of the Beaufort City Council was held on October 11, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., and City Manager John F. McDonough. Mayor Pro Tem Frank Glover arrived late. 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 Cantor Shelton Feinberg of Beth Israel Synagogue. The Pledge of Allegiance was led by the Mayor.

PUBLIC COMMENT

Dean Moss, representing the Beaufort County Open Land Trust, spoke regarding the alterations, additions, and new construction to the BB&T bank building at 700 Bay Street. He said the proposed building will fill the parking lot thereby removing the open space at the corner of Bay and Carteret Streets. This will be a dramatic change to the landscape and intersection and the Trust believes it is a mistake. The Open Land Trust does not oppose the building but the loss of open space. Mr. Moss met with the developer Bill Jones to discuss the possibility of the OLT purchasing that land; however, the cost is beyond the capability of the Trust. They believe the investment of funds to preserve this corner would be well spent and they would be willing to partner with the City if such an acquisition were contemplated. He asked that Council consider preserving this important intersection. He said people will be distressed when the building is there and the trees are cut down.

The Mayor inquired as to whether Mr. Moss had viewed the modified plans that preserve the trees. According to the City Planner, the project is going before the Historic District Review Board tomorrow at 3:00 p.m. in the Friends Meeting Room in the Arsenal.

Councilman Glover arrived at 6:15 p.m.

Dan Denton, Attorney, said he was unable to attend all the Boundary Street Master Plan meetings presented by Dover, Kohl and Partners but he was pleased with the detail in their presentation and when he left he was sold on the concept of roundabouts. He searched the web site and found that a pamphlet was prepared of an indepth study by the Federal Highway Commission in 2000 outlining the benefits and design principles. According to the studies, roundabouts produce less delays than signalized intersections and reduce accidents, he said. Also, double-laned roundabouts may service between 40,000 to 50,000 vehicles per day which exceeds the number of vehicles that travel that intersection. In his opinion, not only would this be more attractive but it would be the best solution for the area as far as traffic flow and access to the businesses and neighborhoods if Council adopts the site plan closing the Ribaut Road Extension. He asked Council to consider using a roundabout at that intersection.

Paul Trask thanked Council and staff for selecting Dover, Kohl and Partners for the planning sessions. He attended several of the sessions and feels much more informed. Mr. Trask said he, too, has become a strong proponent of the concept of the roundabouts. He said he understands Dover, Kohl will return with a formal presentation of various options. He asked if there would be an opportunity for additional public input. One concern he has is that it does not appear to be sufficient funds through the Intergovernmental Agreement with Beaufort County for many of the improvements to Boundary Street and he is curious to know where additional funding can be located. There is a substantial opportunity for Council to have a City Hall which is timeless as shown in the presentation by architect, Christian Sottile. He also thinks the Dover Kohl rendition provides a timeless architectural concept which is critical. He urged Council to consider and adopt the concept set forth on those documents.

Henry C. Chambers, former mayor, said in his opinion, the Dover, Kohl plan is the most innovative, well presented, civic plan in which he ever participated. They were thorough and the project can be done if the details don't get in the way. He said he endorses Mr. Trask's comments that it should be a magnificent, timeless, building and have a hall where all the people of Beaufort can meet. Currently, there is not a facility in the City that can accommodate more than 120 people. Seventy per cent of the plan will be accomplished by private enterprise. The City's job is to determine where signals and intersections are placed. This is a forty year plan and well presented.

Kevin Cuppia, on behalf of the Main Street, USA, Board of Directors, requested that the City make updating the Milner Guidelines a priority to reflect future growth and development. Since the last revision in 1990, there have been many Federal laws that were not addressed such as ADA, he said.

Liz Mitchell, Chamber of Commerce Tourism Marketing Director, reported the Shrimp Festival, the first major festival conducted in downtown Beaufort after the Waterfront Park was closed for renovation, was successful. She thanked the City staff for all their help and presented a Certificate of Appreciation to the City.

Libby Barnes, Chamber of Commerce President, introduced Jennifer Cooper as the Chamber's Communication Coordinator and Holly Ackerman, the Chamber's Operating Officer and interim CEO. She thanked everyone for the last 4 ½ years while she was with the Chamber.

MINUTES: REGULAR MEETING

The minutes of the October 11, 2005 were reviewed by City Council and the following corrections were made on page 1 under Public Comment: Ms. Poovey's and Ms. Stocks' names were misspelled; on page 2, Ms. Poovey's name was misspelled, on the bottom of page 5, *agreed* is to be changed to *voted* and on page 6, the time to close the street for the Halloween event was 4:30 p.m.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of October 11, 2005 as amended.

WATERFRONT PARK – PUBLIC ART PLACEMENT

The Chairman of the Public Art Commission requested the discussion regarding placement of public art be withdrawn from the agenda. On motion by Councilwoman Beer, second by Councilman

Glover, Council voted to table this item for two weeks.

MUNICIPAL COMPLEX SITE PLAN

Dover, Kohl & Partners, Planning Consultants, recently conducted a week long charette on the Boundary Street Master Plan. During that project, they were asked to focus on three areas, one of which was the municipal complex site.

A brief overview of the charette was provided by the City Manager. Dover, Kohl & Partners will return in late November and early December to provide an update and presentation of the plan. There will also be an opportunity at that time for public input. Several weeks later, Council will be asked to either modify the plan or adopt it as proposed. Direction is needed in order to move forward with the plan. Three options were provided by staff for consideration by Council: 1) approve the Dover/Kohl site plan as presented; 2) approve site plan with modifications; or 3) direct Dover/Kohl and Liollo to prepare additional options.

The Mayor spoke to the shortage of space in City offices and the difficulty of locating a room to hold a meeting. Therefore, in his opinion, it is time to make a decision so the City can run more smoothly.

The City Manager said the current plan is shown on the 3.25 acres owned by the City. Based on adding parallel parking on Morris and Palmetto Streets there is a significant amount of parking available within a block. Adoption of this Master Plan in concept would allow staff to move forward with the programming of the buildings and the development of the exterior architecture. Councilman O'Kelley suggested approving the roundabout also. The Mayor said with the site plan presented by Dover, Kohl either a signalized "T" intersection or the roundabout will work and that can be discussed next.

Councilwoman Beer moved to accept the site plan for the 3.25 acres. Councilman O'Kelley seconded the motion.

The City Manager replying to Councilman Glover's question regarding placing the complex on 3.25 acres instead of the 5 acres explained that 5 acres were recommended by the architects in order to provide the 200 parking spaces on the site. Victor Dover and his team maximized the use of the current acreage by utilizing parallel parking in the area to create 320 potential parking spaces. Councilman Glover then asked if that meets the same standards as required for other developments. The City Manager said the planning staff encourages smart growth and walkable communities. He added that the possibility is still there to obtain the vacant lot at Palmetto and Lovejoy Streets; however, the proposal is to approve the plan as presented. Encroachment permits will be applied for from the DOT to use those streets for on street parking once the plan is in place, he said. Councilman Glover said he can't support that concept until the parking is resolved.

Council members Fordham, O'Kelley, Beer, and Rauch voted in favor of accepting the site plan for the 3.25 acres. Councilman Glover voted nay. The motion passed 4 to 1.

Councilman O'Kelley pointed out that Christian Sottile's rendering is reminiscent of the Exchange Building at the foot of Broad Street in Charleston, SC and he would like City Hall to be designed

with that building in mind.

Roundabout

Councilman O’Kelley said he is convinced that roundabouts are good and staff should begin discussions with SCDOT. He moved to adopt in concept a roundabout for the intersection of Ribaut Road and Boundary Street. Councilwoman Beer seconded the motion and left the room briefly.

Councilman Glover said he is not sure about the idea of roundabouts. Council needs to know what the DOT, the County, Lady’s Island residents, St. Helena Island, Fripp Island, Port Royal, and the people who use Ribaut Road and Boundary Street think about it, he said. Input is needed from the various users first.

Councilmen Fordham, Rauch, and O’Kelley voted in favor of adopting the roundabout at Ribaut Road and Boundary Street in concept. Councilman Glover voted nay. The motion passed 3 to 1.

HISTORIC REVIEW BOARD DISCUSSION

Libby Anderson, Planning Director and staff liaison to the Historic Review Board, provided a brief history of the Historic District and the HRB, beginning with 1969 when the Beaufort National Register District was established, in response to issues raised at the last City Council meeting. Additionally, she listed the current membership requirements as set out in Section 2.7.D of the Unified Development Ordinance and the various training offered to the Board. She clarified the status of the National Historic Landmark, addressed the issues of hiring an architectural advisor, and the size of the meeting facility while answering questions posed by Council.

Bill Kennedy, 203 Hancock Street, asked when the business license was granted to the Board Chairman since he is not a City resident nor does he own property in the City. Ms. Anderson refrained from answering since that question will be addressed by the City Attorney.

Gen. George Crist stated the Business License office told him and his attorney that the Chairman was granted a license in March of 2005 and did not have a license prior to that time.

Bill Kennedy stated when Dr. Mark Barnes, Senior Archeologist of the National Park Service Regional Office in Atlanta, addressed various agencies in Beaufort recently only one member of the HRB was in attendance. Mr. Kennedy suggested the HRB consider visual impact of projects. The two upcoming projects will set a standard for the future and Council needs to make sure the Board follows the guidelines.

Kim Poovey, Bay St. business owner, said she researched the Milner Report and the UDO and found the Report addresses the need for compromise because growth and preservation in a historic district can divide a community. Construction in the Historic District is not what the people are opposed to, she said. They do object to construction contrary to the Milner Report and its guidelines. A modern style building on the corner of Bay and Carteret Streets is not in the best interest of the City or the National Historic Landmark. When she attended the HRB meeting, she found the Chairman to be rude and unprofessional. Referring to training for the Board, she indicated if the members don’t have time to attend training, they should not be serving.

Donna Starkey said she attended the HRB meeting and agreed with Ms. Poovey's characterization of the Chairman. She asked Council to declare a moratorium for sixty days on approvals.

Don Starkey said when it has been brought to our attention that the designation will be changed from a one to a two, something should be done. Tourism is a big business. He said development is good but it should fit with the district. Instead of compromises being made, there were conflicts and there needs to be a working group between the Board and the developers. If an advisor is to be hired, someone should know the salary, if it is in the budget, and how to accomplish it if it isn't. He supports a moratorium until these matters can be resolved. The Mayor restated Ms. Anderson's comment that the funding for an architectural consultant is in the budget.

Maxine Lutz, 811 North Street, said the current HRB members are inexperienced except for the Historic Beaufort Foundation's appointee who served before. The Foundation offered training one morning but only one member other than Ms. Steele attended. Ms. Lutz suggested checking to see how much training they have had. She believes that a Board that makes decisions that impact the community should take the time to be trained and not make excuses. One of the projects reviewed by Dr. Barnes that he said places the community in jeopardy is up for final approval at the HRB meeting tomorrow.

Dewitt Helm, 406 New Street, said progress and the Landmark Designation are the problems. He expressed his concern with the Board considering such an important project when there is a question about the Chairman. He asked Council to place a moratorium on these decisions until it is decided that the Review Board is properly constituted.

Jerry Stocks, 808 King Street, said during the last Review Board meeting approximately 10 people spoke against the project being proposed. She asked Council if public opinion counts.

Ray Stocks said the HRB Chairman is the architect that proposes a 57 foot building in Port Royal. In his opinion, he is not qualified to serve on this board. Mr. Stocks asked Council to consider delaying the HRB meeting tomorrow or place a moratorium on the project until the chairman's qualifications are determined.

Jeffery Pollack, Spanish Point, said he spoke to people outside the Historic District who don't have the same view point as those who live in the Historic District. Even though they are sensitive to those issues, they are also concerned that Beaufort doesn't stop growing. There are some people that say they want intelligent development but there are people who believe that they don't want any development at all. We don't think that is the best idea for the city.

John Gettys Smith, 901 Prince Street, said when he moved to Beaufort, he thought the people appreciated historic structures. He doesn't think that is true now and it disturbs him. All the magazine articles mention Beaufort's unique qualities and it appears there are people who want to destroy that. There are two buildings before the Review Board for consideration and one is a 3-story modern building that is not similar to any other building on that street.

Kim Poovey read information she retrieved from the City's web site that referred to the preservation and protection of the historic downtown district.

The Mayor said the chairman's qualifications have to be resolved before the meeting tomorrow. Councilman Fordham suggested the chairman could recuse himself and the meeting continue as scheduled. Councilman Kelley pointed out that Council has appointment power only and Council cannot exercise authority over the Board. Councilman Glover agreed. Councilman Fordham referred to the minutes of the HRB meeting where height was a problem and the design was compared to the 3 story historical structure, The Secession House. The Mayor said it is not Council's decision as to whether the project meets the Milner guidelines or the Secretary of Interiors Standards. He recommended the City Attorney research this matter in the morning in advance of the 3:00 p.m. meeting. He said he would like the architectural advisor to be hired as soon as possible, even as early as tomorrow.

Henry Chambers, who was mayor when the Historic District was established, said the Secretary of Interior's Standards were never defined as it relates to Beaufort. He suggested Council meet with the Secretary of Interior in Washington to resolve the issue about losing the designation and determine what will compromise the District. If a project meets the Standards and does not compromise the District, it should be approved. He also commented on the public discussions regarding the HRB's Chairman who is a professional. He stated Council should not be dealing with personalities in public.

Councilwoman Beer agreed with the constant concerns and would like to meet with the Secretary of Interior. Councilman Glover also agreed. He said he continues to hear about height but there are existing historic structures that are 3-stories.

Councilman Fordham moved to send a representative to Washington to meet with the Secretary of Interior to determine the Guidelines as soon as possible. Councilwoman Beer seconded the motion.

Mayor Rauch suggested also having Milner representatives return to Beaufort to help resolve the discrepancies with the Guidelines.

Maxine Lutz said she spoke to one of the Milner architects on the phone today and was told he would submit comments from their meeting by the end of the week. She added that HBF also supports updating the Milner Guidelines as suggested by Main Street Beaufort.

Ray Stocks said he cannot believe that when the Architectural Review Board was established that an appointment can be made but the Board member can't be removed. Councilman O'Kelley pointed out there is a procedure but Council is not sure of the facts and there must be a cause for removal.

Council unanimously voted to meet with the Secretary of Interior in Washington.

Councilman Glover commented that vote doesn't solve the problem for tomorrow's meeting unless the Attorney resolves the statements.

Bill Kennedy read a portion of the ordinance that Council may remove a Council appointed member for cause by unanimous vote. Councilman O'Kelley explained Council does not know if the

allegations are correct. The Mayor restated that the City Attorney will address whether the chairman is qualified to serve.

Kim Poovey made the comment that the chairman holds a current business license but when he was appointed, he did not.

Donna Starkey said the question should be was he qualified at the time of appointment.

REQUEST TO CLOSE PORTION OF STREET FOR BAZAAR

A request from Carteret Street United Methodist Church was presented to Council requesting a portion of Scott Street from Craven to North Streets be closed on October 22, 2005 from 9:00 a.m. to 3:00 p.m. for their Fall Bazaar.

Council members Beer and Fordham, both members of Carteret Street United Methodist Church recused themselves.

On motion by Councilman Glover, second by Councilman O'Kelley, Councilmen Glover, Rauch, and O'Kelley voted to approve the request, subject to approval by SCDOT and traffic control by the City's Police Department.

REQUEST FOR LETTER OF SUPPORT TO ACQUIRE & REHABILITATE SPANISH TRACE APARTMENTS

A letter from Mike Rodgers, Vice President of Lawler-Wood Housing of Knoxville, Tennessee requesting a letter of support to assist the firm in receiving tax exempt bonds to acquire and rehabilitate Spanish Trace Apartments, located at 2400 Southside Boulevard, was presented to Council.

Councilman Fordham moved to provide a letter of support. Councilman Glover gave second.

Mr. Rodgers said the 11 two-story garden-style apartment buildings that contain a total of 88 apartment units were constructed in the 1970's. Lawler-Wood is currently under contract to purchase the apartments and would like to use the proceeds from a tax-exempt bond allocation to finance the purchase and a rehabilitation of the property which has been exclusively dedicated to housing low-income tenants. Their plan is to update the interior and bring at least 5% of the apartments into compliance with ADA. He said the work will take less than a year to complete and would not require the relocation of any of the tenants. The current 20 year Section 8 contract from HUD expired and is on annual renewals. They would request another long term renewal of the contract that would help them to procure the financing for the project. If they do not receive support for the project, he said they would probably not continue with the contract. It would then be up to the current owners to renew the contract or opt out. Mr. Rodgers explained that there would be no liability on behalf of the city by providing a Letter of Support.

The City Manager deferred to the Police Chief for a report on public safety and the crime statistics. Chief Dowling replied there are shootings, stabbings and an increase in drug complaints occurring at the Apartments. The City Manager suggested tabling this until a further review of the crime statistics for the complex can be completed. Mr. Rodgers said with that information his company

would employ a property management agent that would sign tenants to leases and be on site during working hours. In an effort to improve the situation, they would set up a meeting with the head of the property management company and the police to get a better understanding. Chief Dowling stated Section 8 allows people with criminal history to be prohibited from renting. In reply to the Mayor's question as to whether Mr. Rodgers could first meet with the police department before a decision is made on the Letter of Support, Mr. Rodgers agreed to come back at the next meeting.

On motion by Councilman Fordham, second by Councilwoman Beer, Council voted to table this request for two weeks.

ORDINANCE AMENDING PURCHASING REGULATIONS

An ordinance amending Section 1-4004 of the City Code regarding purchasing regulations by adding a resident vendor preference provision and small and minority business notification program was presented to Council for first reading.

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

Councilman Glover asked for more information regarding Section h.2 to which the City Manager responded there are specific requirements to follow for solicitations. He added this ordinance is based on Beaufort County's ordinance which the City was asked to consider by the County Administrator and one of the County Council committees as a way to help the smaller businesses.

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

MAYOR'S REPORT

The Mayor reported he attended a meeting today with Stephen R. Walsh from Broad Street Partners, LLC of Winter Park, Florida who is interested in developing a parking garage downtown. Two members of the Redevelopment Commission also attended the meeting. Broad Street Partners would like to prepare a market analysis as to the feasibility of building a parking structure that would be surrounded in retail and residential. As a result of the meeting, he suggested the Redevelopment Commission pursue this endeavor; therefore, a motion would be needed.

Redevelopment Commission

Councilman O'Kelley made a motion to empower the Redevelopment Commission to place a priority on getting a parking garage downtown. Councilman Glover gave second. The vote was unanimous.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley noted that real estate sales and renovations are on the rise and it appears the economy is stronger. He said he is curious to know how many applications for renovations have been made.

BEER: Councilwoman Beer stated she has attended the Friday Morning Contractor's Meetings for the Waterfront Park and things are going well. She also assisted the Chamber of Commerce this

weekend by selling tickets at the Shrimp Festival. Many people attended the event.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to move into executive session to discuss a contractual matter, a legal matter and a land acquisition.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:55 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