

A regular meeting of the Beaufort City Council was held on January 10, 2006 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., and the Assistant City Manager Ross Jones. City Manager John F. McDonough was out of town on military duty. 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 Rev. Steve Keeler, Pastor of the Sea Island Presbyterian Church. The Pledge of Allegiance was led by the Mayor.

### **RESOLUTION – TIM RENTZ**

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the resolution commending Tim Rentz for serving on the City of Beaufort/Town of Port Royal Planning Commission for six years.

Mr. Rentz thanked Council for allowing him to serve. He then referred to an issue that came before the Planning Board recently and asked Council to consider amending the portion of the UDO that states a dock cannot be built prior to the main structure. This impacts developers and dock builders, he said.

### **PUBLIC COMMENT**

**Martin Goodman**, representing Main Street Beaufort, read a resolution drafted by the Main Street Board dated December 7, 2005 regarding the creation of additional parking downtown. Main Street's Board of Directors resolved to support the design, financing and construction of a building to include retail and residential parking in the downtown area and commits to cooperating with the city to complete this project. He mentioned invitations were sent to various groups including Council regarding an event sponsored by Main Street on January 24<sup>th</sup> from 11:00 to 1:00 p.m. with a presentation by Michael Martindale of Haskell Parking Solutions to gather input to create additional parking or a parking structure downtown.

**Ms. Bessinger**, Pinewood S/D resident, stated she objects to the City annexing Laurel Bay and the eleven acres she owns adjacent to that housing complex. She said the houses and mobile home pads were deeded to a nonfederal entity known as Tri-Command Military Housing, LLC and there are two mortgages and assignments recorded at the Courthouse. She suggested Council investigate more before annexing that area.

### **PUBLIC HEARING**

A public hearing was held to receive comment on the proposed rezoning of three parcels of property identified as District 120, Tax Map 7, Parcels 386, 387, & 388 located on Ribaut Road between

Spanish Point Drive (north) and Spanish Point Drive (south) from R-1 to Office Commercial. A Notice of Public Hearing was duly published in The Beaufort Gazette on December 26, 2005. The City of Beaufort/Town of Port Royal Joint Municipal Planning Commission recommended approval of rezoning the three lots to Office Commercial.

Libby Anderson, City Planner, stated these lots were originally platted as part of Spanish Point and zoned at that time as residential lots. In the past, requests to rezone the ten lots have been received and either withdrawn or denied. In November of 2004, another application to rezone the lots to Office Commercial was presented to the Planning Commission and their recommendation was to only rezone these three lots. The proposed zoning permits offices and all types of multi-family dwellings. Ms. Anderson pointed out that the Comprehensive Plan recommends this area of the community be developed for commercial mixed use.

**Ray Williams**, Spanish Point resident, said a meeting of the residents was held last night with the Mayor, Councilwoman Beer, the City Attorney, and the applicant, Dr. Ralph E. Moore and his attorney in attendance. Of the 100 residents who attended, only 4 were against the proposed rezoning.

Councilman Fordham questioned how the 3 parcels would be accessed if the rezoning is approved by Council. Mr. Williams explained the corner lot will be one of the parcels donated to the Open Land Trust but there will only be one access to the parcels in question onto Ribaut Road as opposed to ten if all the parcels were developed as residential. Mr. Fordham asked if it wouldn't be better to obtain an easement across the corner lot to avoid a curb cut onto Ribaut Road. According to Mr. Williams the corner lot is very narrow with a house on the adjoining property. Also, more traffic would be created at that intersection. Dr. Moore noted he discussed this plan with the Highway Department prior to meeting with the neighborhood and their recommendation was to have one curb cut for the three parcels from Ribaut Road.

There being no other comments, the public hearing was closed at 6:27 p.m.

#### **MINUTES: REGULAR MEETING**

The minutes of the regular City Council meeting of December 13, 2005 were reviewed by Council and on page 2, 4<sup>th</sup> line from the bottom of the page, the "r" was left off recommending; on page 5, the next to the last line above Ordinance Authorizing Sale of... "as" was incorrectly spelled; and on page 6, under #5, delete all of the second sentence except "in-vehicle video systems." And on that same page under #3, second line delete "the" before September.

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of December 13, 2005 as amended.

#### **MINUTES: SPECIAL MEETING**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the special City Council meeting of December 28, 2005 as presented.

#### **ORDINANCE REVISING MARINA VILLAGE PUD**

The ordinance revising the Marina Village Planned Unit Development comprised of 21 parcels and adopted April 10, 2001, reducing the amount of commercial square footage, increasing the number of permitted residential dwellings, and making adjustments to parking and signage was presented to Council for second reading and adoption.

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

Libby Anderson, City Planner, addressed the changes made as requested during first reading. She, with the applicant, clarified the figures shown for the land use tables stating the total gross building footprint will be 56,880 sq. ft. Additionally, the applicant addressed the figures shown for the parking stating in keeping with the current ordinance they are trying to promote residential uses in commercial areas; therefore, the parking requirements have been waived for the loft units. Also, more parking spaces are being provided than required. Councilman Glover mentioned it would be advantageous to have a right turn deceleration lane for each of the two access points. Ms. Anderson stated an encroachment permit will be necessary to close one of the existing curb cuts and adjust the existing one. She reminded Council that the developer is only making revisions to the PUD adopted several years ago. She pointed out it is important to look for mixed uses in a Village which requires people not just commercial square footage and staff supports the idea of increasing the residential component of the project. Councilman Glover expressed his reluctance to support the plan without DOT addressing the traffic mitigation for the curb cuts. Councilman O'Kelley said he is not comfortable requesting the developer to change their plan since the PUD has been approved. Mr. Trask, the developer, explained the curb cut they plan to close is near the signal light at the school intersection and they have reduced the number of cuts from 5 to 2. Also, this property is very narrow between the highway and the river making it difficult to add an additional turn lane.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the December 13, 2005 minutes)

#### **ORDINANCE AUTHORIZING SALE OF PORTION OF WILSON DRIVE R-O-W**

The ordinance authorizing the sale of an abandoned right-of-way from the SCDOT's Highway System on Wilson Drive (a/k/a Road S-191) and back to the City was presented to Council for second reading and adoption. This portion of Wilson Drive abuts and adjoins the residence of Teresa A. Bruce who wishes to purchase the right-of-way for the sum of \$561.00.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman Glover gave second. The vote to adopt the ordinance on second reading was unanimous. (Copy of ordinance at end of the December 13, 2005 minutes)

#### **STORMWATER DRAINAGE UPDATE**

Isiah Smalls, Public Works Director, briefed Council on the stormwater drainage projects. There was funding available in the operations budget to make minor repairs to Battery Shores where there was a silted-in ditch resulting in complaints about stagnant water and diseases, he said. Beaufort County Stormwater Utility Division brought in equipment and cleared the debris. The construction for the Depot Road project, the #1 priority, is anticipated to begin in five to seven weeks. The County is being used for the Duncan/Langhorn Project to save money and because the process is

slower, construction has not begun and cost is to be identified in the near future, he said. The County's help was solicited to address the Point Pond issues and to excavate the silt from the pond. Forty to sixty thousand dollars have been saved off the contract estimated cost by utilizing the County. The silt is being stored for use in the Duncan/Langhorn project. The edges of the bank are being restored and the flood gate still has to be completed. Also, the area of King Street that had deteriorated was resurfaced by DOT.

Councilman Glover referring to the ditch problem behind the Christenson property between Southside Boulevard and Waverly Way asked if a cost estimate had been developed to resolve that problem while working on the Duncan/Langhorn project. Mr. Smalls replied the actual costs have not been determined but he believes both projects can be completed within budget. Mr. Glover also reminded Mr. Smalls of the construction site in that area and whether the size of the pipe was adequate. The Public Works Director replied that when the Southside Boulevard Canal is addressed, that pipe will be removed and replaced with the proper size pipe. Council can determine at that time if action against the property owner is required.

Edna Horne, Langhorn Street resident, stated the ditch beside her house is sinking and has not drained all summer causing her much stress.

#### **STATE CASE MANAGEMENT BRIEFING**

Linda Roper, Municipal Court Administrator, informed Council that Chief Justice Toal began implementing a Strategic Technology Plan in 2002 to integrate technology throughout the courts in the state. Once this system is implemented, the courts will be able to access all the cases statewide. At the present only four counties are on the system. Recently, Beaufort County began implementing the Case Management System and agreed to include all municipalities in the County. Originally, the municipalities were not to be included. Now, in order for them to participate, the County must host them and be responsible for the networking, training, and maintenance. They will be billed annually and will charge the City a portion of the maintenance fee based on the population. Compared to the cost of the City's present court software, the fee quoted will be a significant savings, she said. A decision as to whether the City will participate in this new system must be made by the City Manager by tomorrow. The County will try to convert the City's current data to the new system; otherwise, it will be resolved in about 3 years.

#### **ORDINANCE REZONING 3 PARCELS ON RIBAUT ROAD**

An ordinance rezoning three parcels of property on Ribaut Road identified as District 120, Tax Map 7, Parcels 386, 387, and 388 from R-1 to Office Commercial was presented for first reading.

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

Councilman Fordham expressed concerns about spot zoning and curb cuts onto Ribaut Road. He suggested traffic be routed through Parcel 385 instead of adding another curb cut onto Ribaut Road. Councilman O'Kelley stated the majority of the residents are in favor of this plan and if the parcels remain zoned as they are, there could be ten curb cuts instead of one. Dr. Moore explained there will be one wide curb cut for the 3 parcels. The zoning designation was addressed by the City Planner. Mr. Fordham asked that the definition of spot zoning be provided to him from Black's Law

Dictionary before second reading of the ordinance. Councilman O'Kelley offered to forward that information to Mr. Fordham. Addressing Mr. Fordham's suggestion of placing an easement through the corner lot to avoid a curb cut onto Ribaut Road, Mr. O'Kelley pointed out that the curb cut would be too close to the intersection. Councilman Glover agreed; however, he suggested an easement through Parcel 385 with a right turn exit out of the development onto Spanish Point Drive to the traffic signal and then provide a buffer for the adjoining property owner. Dr. Moore said that was one of the proposals presented to the Highway Department but they prefer one curb cut onto Ribaut Road. The City Planner pointed out the details regarding access will be decided when the development plan is presented. Councilman Fordham said this matter should be decided before second reading and Parcel 385 is deeded to the Beaufort County Open Land Trust.

Council members Glover, Beer, O'Kelley and Rauch voted in favor of the ordinance. Councilman Fordham voted nay. The motion passed 4 to 1. (Copy of ordinance at end of these minutes)

### **CITY MANAGER'S REPORT**

The Assistant City Manager reported the following items:

1. The City Manager would like Council to consider meeting on Tuesday, January 17<sup>th</sup> and the 31<sup>st</sup> in addition to the regular meetings and possibly February 7<sup>th</sup> to conclude any unfinished business before he leaves.
2. The Martin Luther King parade is Monday, January 16<sup>th</sup> and Council was asked who would be riding on the float.
3. Status of **Origination Destination Study** – the County was contacted at the end of December. Additional data was collected in October and they are now making adjustments to the transportation model. The consultant estimates completion near the end of January with a presentation soon after.
4. David McSweeney, **Waterfront Park Construction** Manager, provided an update on the progress of the Waterfront Park renovation construction. The storm drainage is 50% completed; the seawall at the Marina is 75% completed; the restroom/maintenance building is 30% completed and the relieving platform is 100% completed.

### **MAYOR'S REPORT**

The Mayor stated Port Royal Councilwoman Yvonne Butler passed away this morning. Her funeral will be held at Port Royal Methodist Church on Thursday at 2:00 p.m.

2. He said he has the impression Council does not support the proposal to place a **work force housing project** on Fuller Parkway. Also, he has heard some people in the community say the property should be sold to the adjacent land owners. Therefore, he suggested selling the property and using the proceeds to purchase land Council feels is more appropriate for the project. He suggested staff prepare a proposal, if Council concurs. He explained the property was to serve as the subsidy or mortgage assistance but perhaps the proceeds from the sale of the land could be used. Councilman Fordham agreed to offer the property for sale. Councilman O'Kelley disagreed stating it should first be offered to the adjoining property owners. Since it was originally a right-of-way, Councilman Glover stated it could possibly be sold to the adjacent property owners as the previous rights of way have been done. The Mayor asked for a report from staff as to the procedure for selling this property. Councilman Glover asked for a more thorough description of the size, etc. Councilmen Glover, O'Kelley and Fordham stated they have not formed an opinion on the form of subsidy at this time. To ensure the property remains as workforce housing, the Mayor said a restriction or covenant would be placed on the property according to the committee's report.

3. At the last Council meeting, the Public Art Commission's recommendation on placement of public art in the Waterfront Park was presented. The Mayor said a decision should be made regarding the work of sculptor Thomas Glover W. Council agreed and suggested this discussion be placed on the next agenda for action.

**REPORTS BY COUNCIL**

**FORDHAM:** Referring to Mr. Rentz's comment during the beginning of the meeting, Mr. Fordham asked that an ordinance amendment be on the next agenda exempting docks from that section of the Unified Development Ordinance.

**BEER:** Councilwoman Beer attended the Chamber of Commerce's annual meeting where upcoming events were discussed.

**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 Zoning Board of Appeals, a contractual matter, and a land acquisition.

**OPEN SESSION**

**Zoning Board of Appeals**

Upon returning to Open Session, Councilwoman Beer moved to appoint Roy Matthews to serve a 3-year term on the Zoning Board of Appeals. That term will expire in 2009. Councilman O'Kelley seconded the motion. The vote was unanimous.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 9:00 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 GEORGE H. O'KELLEY, JR.

ATTEST:

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BEVERLY W. GAY, CITY CLERK