

A regular meeting of the Beaufort City Council was held on January 24, 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., 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

An invocation was given by Dr. Robert Cuttino, retired Pastor of Baptist Church of Beaufort and the Pledge of Allegiance was led by the Mayor.

RESOLUTION – JAMES PATTERSON

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the resolution commending James Patterson for serving on the Zoning Board of Appeals.

PUBLIC COMMENT

Dr. Charles Aimar said he understands the City intends to sell the property on Fuller Street. His concern is that people who built along Ribaut Road thought they would have a rear access to that street. Some of the homes have appendages and have used that road as an egress to Fuller Parkway.

Dr. Aimar stated that even though the residents may not have legal access to that property they still have been using it for the last 40 to 50 years. He asked the Council to carefully consider this when deciding to remove that street.

Joannie Diamond, Hilton Head resident, said she read in the newspaper where people were urged to attend tonight's meeting regarding the Northwest Quadrant. She stated the residents of the area can't afford to fix their homes and they are being pushed out.

Leona Hawkins resides on Johnny Morrall Circle and was upset that the property behind her is being bought for condos and the developers want to evoke her right to use the access road to the water. Ms. Hawkins was informed she is a resident of Port Royal and should contact the County with her concern.

Larry Holman, President of the Beaufort County Black Chamber of Commerce, referred to a conversation he had with the Mayor regarding the UDAG funds during his re-election campaign. The residents of the Northwest Quadrant are concerned about the planning of unreasonable regulations taking place in the area without their participation. Higher taxes and regulations drive up the cost of maintaining and repairing their homes, the lack of a loan program, and the absence of specific policies and programs to assist the residents will drive them out of the NW Quadrant, he said. People of modest means living in the National Historic District need protection against gentrification. Therefore, they ask that Council review the suggestions and discuss them with the

residents over the next year. They want their community to remain a modest, residential area with a reasonable mix of business. They recommend the City consider ways to ensure they will not be economically pushed out of their homes, appoint them to boards and staff projects related to the Northwest Quadrant, develop a program that provides grants and low interest loans to indigenous residents, seniors and low income persons, and use the proceeds of the Federal grant received by the City to repair the Northwest Quadrant. He suggested dividing those funds into 4 parts for grants to seniors, loans/grants to low income residents to repair their homes, low interest loans to African American small businesses in the City, and make a portion of the funds available for other needs in the Northwest Quadrant such as tax assistance and selected infrastructure development. Also, he asked Council to seek additional Federal and City grants, implement ways to provide incentives to small and minority owned businesses in the Northwest Quadrant, explore ways to make low interest loans for home and property development to residents and implement policies to encourage the use of local people to work on the improvement projects underway, set goals for minority firms to be used as contractors in the development of the Northwest Quadrant and City projects, include representatives of residents and African Americans in the project implementation for the area, and find ways for communicating with the Northwest Quadrant other than the newspaper.

Charlotte Brown spoke on behalf of the Old Commons Neighborhood Association and thanked the City for placing the crosswalks and pedestrian sign at the corner of Charles and Duke Streets. The residents are also concerned with the corners of Charles/Congress, Charles/Green, Charles/Washington, and Charles/Duke Streets where the cars are parked too close to the intersections obstructing the view and making it dangerous to cross. They would like Council to consider a safe solution. She also asked Council to consider the Northwest Quadrant community's concerns as presented by Mr. Holman.

Charles Jenkins expressed his concerns with stop signs being placed too high and out of view especially on the 1700 block of Duke Street.

John Moore with Block Construction Company said the people in the NWQ don't have the means to repair their homes. He said he went to one house, on a \$1,000 bid for the City and that would not cover the repairs for the roof, kitchen, and a bathroom. He said it is still livable for them but they will be pushed out.

The Mayor explained the UDAG grant referred to tonight has been reserved by Council for drainage projects.

Christina Wilson said the drain in front of her house on Wilmington and Green Streets has been stopped up since last March. She called and was told someone would check on it. She asked who she should speak to to unclog the drain. Isiah Smalls reminded Council the road belongs to SCDOT. Councilman Fordham asked Ms. Wilson to please report back within a month on the status of the drain. Councilman Glover asked Mr. Smalls to contact SCDOT and to advise him if he is unsuccessful and he will call the district office.

Beverly Snow said her understanding of Urban Development Action Grant money is that cities use the demographics of the low income people in the area in order to receive the money. Those people are to be the beneficiaries of the funds. She said it upsets her to hear that it is being used for

drainage and thinks it should be revisited.

Carlotta Ungaro, newly hired Executive Director of the Chamber of Commerce, was introduced by the Mayor.

Herbert Glaze, County Councilman representing District 8, said he graduated from Robert Smalls High School which originally stood where the County Complex is now. He said neither he nor the District 9 representative were informed of the proposed annexation of Clarendon and McCloud Farms; those areas are being engulfed and the people must have some say so in the government.

Earl Campbell, school board, said after the 2000 referendum was passed, property in Gray's Hill was being considered for a school. The school board was told a school could not be built in the Clarendon area and now he read in the newspaper that the property owner was being asked to sell 50 acres to the school district. He asked what changed in the last five years. He said 16,000 homes will be built there in the next 20 years. The school district was not given that information. The argument was that there were not enough students. He asked that things in the future not be hidden from the people in the northern part of the County.

Jim Atwater complained that not enough information has been given to the public to discuss this issue. He asked if Rose Lawn Estates will be annexed. The Mayor stated information on the proposed annexations will be presented shortly during the public hearing section. He reiterated the fact that unless there is a petition for annexation, property will not be annexed.

George Singleton, 1010 West Street, asked who on Council voted to use the UDAG money for drainage. Council replied to his question explaining rather than borrow from a bank with interest to cover the shortfall for the drainage projects, the City will pay the money back from the Stormwater Utility Fund to avoid a tax increase.

Mrs. Beer mentioned the City offered loans to low income people to make repairs at a very low or no interest rate and apparently no one was interested. Project Repair offers \$7,500 per house up to ten houses per year where the City makes small repairs to improve the living conditions. Mr. Singleton said the people must not have known this. The Mayor clarified that they were loan guarantees for people who wanted to fix their homes or start a business. Bankers would provide the loan with city guarantying it. Mr. Singleton said he is upset that Council voted to use the UDAG money for storm drainage knowing the needs of the black community. That decision should not have happened. He asked Council to reconsider the use of the UDAG money with a public hearing so the public can be part of the process. He polled Council as to whether they intend to reconsider the use of the money.

Henretta Good said she thought the UDAG money was based on the economics of the Northwest Quadrant not drainage. The Mayor explained the grant was acquired in the early 1980's to install sewer on Dataw Island.

PUBLIC HEARING

A public hearing was held to receive comment on an amendment to the Unified Development Ordinance revising **Section 5.3.B.1 "Specific Use Standards, Accessory Dwelling Units,"** to

change several of the conditions required for approval of accessory dwelling units. A Notice of Public Hearing was duly published in The Beaufort Gazette on January 9, 2006. The City of Beaufort/Town of Port Royal Joint Planning Commission recommended approval.

Libby Anderson, Planning Director, said this proposed revision to the Unified Development Ordinance pertains to requirements for accessory dwelling units. The City is encouraging these units particularly for the elderly, income challenged persons, and college students. To make them easier to develop, three revisions are being proposed. Currently, the property needs to be owner occupied. Since that will be difficult to track over time, one of the revisions is to allow accessory units on renter occupied property. The size of the accessory dwelling unit is being reduced to 440 sq. ft. which would allow the unit over a one car garage. The third change would be to increase the maximum size of the dwelling unit from 40 % of the size of the primary unit to 50%.

Mitch Malizia said he owns a rental house that has an accessory unit and he would like to see the ordinance changed.

The public hearing was closed at 7:12 p.m.

HEARING FOR ORDER TO DEMOLISH STRUCTURES

In accordance with Section 5-1024 of the City's Code of Ordinances, a hearing was held on two buildings unfit for human habitation.

2705 Waddell Road

Libby Anderson, City Planner, said Mr. McPherson, the owner of 2705 Waddell Road, was notified of the hearing. During a phone conversation this morning, he said he would not be attending the meeting but would call tomorrow to find out the results. The structure is infested with termites and the Building Official has determined that it is in danger of collapse and not cost effective to renovate. Staff is recommending it be declared unfit for human habitation.

2001 Greene Street

Ms. Anderson noted that Arthur Rivers is the owner of the structure located at 2001 Greene Street and lives in New York. This property is not located inside the Historic District but it is listed on the Beaufort County Above Ground Historic Resources Survey prepared in 1997. Numerous notices were given to the owner. The building official has determined renovation would not be cost effective. Staff recommends this structure be declared unfit for human habitation and the owner given 30 days to demolish it.

Joannie Diamond, Hilton Head resident, stated these houses are adorable and people don't have the money to renovate them. The UDAG money could be used to fix these houses, she said. These people should be given an opportunity to renovate before the City demolishes the structure.

The Mayor suggested talking to Mr. McPherson to find out what he wants to do. Ms. Anderson noted the file on the house on Greene Street dates back to 2002 and the Waddell Road file from March of last year. Councilman O'Kelley pointed out with the poor condition of the structures; it appears they are not salvageable. Ms. Anderson outlined the various steps in the process beginning with a certified letter notifying the owner there is a violation. Condemnation is the last resort, she

said. She pointed out that the owner can be given an extension of time in which to take action on the structure before the City begins the demolition process. An interest free repayment program is offered to the owner and a lien is placed on the property to recoup the cost of the demolition.

The Mayor added that usually the property owner is local and appears at the hearing. He said he would prefer to wait until the next Council meeting before making a decision and have the owners attend.

Councilman Fordham moved that the structures at 2705 Waddell Road and 2001 Greene Street are unfit for human habitation and should be demolished by the owner or the City. Councilman O'Kelley seconded the motion.

The majority of Council agreed action needs to be taken because of the safety issue. Ms. Anderson stated the bidding process has not begun; therefore, there would be at least 30 days before the demolition would begin which provides the owners another opportunity to speak to Council if necessary. The Mayor disagreed because in the past, the owners have come before Council.

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

MINUTES: REGULAR MEETING

The minutes of the regular meeting of January 10, 2006 were reviewed by Council and on page 5, 3rd line from the bottom, there was a duplication of wording.

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of January 10, 2006 as amended.

ORDINANCE REZONING 3 PARCELS ON RIBAUT ROAD

The ordinance rezoning 3 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 to Council for second reading and adoption.

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

Mr. Fordham said Councilman O'Kelley provided the information he requested regarding spot zoning which answered his question.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the January 10, 2006 minutes)

DOCK CONSTRUCTION RESTRICTIONS

At the January 10th meeting, a citizen asked that an amendment be made to the ordinance restricting dock construction. Therefore, at Council's request, Libby Anderson, City Planner, provided background information, and stated Section 5.4.A of the UDO states an accessory structure cannot

be built before the permanent structure. This includes garages, sheds, tool rooms and docks. The ordinance indicates the accessory structure cannot be built before the permit application is on file for the primary structure. The concern is that if the accessory structure is built first, the project may not be completed. Building the dock first may cause a nuisance or safety issue to adjoining property owners.

On motion by Councilman Fordham, second by Councilman Glover, Council moved to have staff prepare an ordinance excluding docks from the UDO and present to the Planning Commission for their recommendations.

BREAK

Council took a ten minute break before continuing with the rest of the agenda.

ORDINANCE ANNEXING 4,151 ACRES KNOWN AS CLAREDON FARMS

An ordinance annexing 4,151 acres of land (21 parcels) on Port Royal Island known as Clarendon Farms was presented to Council for first reading.

Ms. Libby Anderson, City Planner, provided an overview and explained the specifics of the various types of zoning to be applied as part of the Planned Unit Development.

The City Manager addressed the services to be provided by the City and the development fees. He pointed out a public hearing will be held on January 31, 2006, the PUD will be presented to the Planning Commission for their recommendation, and the second hearing will be held on February 14th.

David Tedder, attorney for the owner, said the owners have been working on the plan for years trying to determine the best way to build a community of which the area could be proud. The City staff has been helpful as a Development Agreement and a PUD were prepared. The density assigned to the PUD is up to 3 units per acre; however, he said they cannot predict the future. It will depend on what the market will bring over a long period of time. No immediate development activity is planned. When there is a need for a school, property will be offered to the school board and depending on the number of units permitted, parks will be built. He asked Council to consider annexing the 21 parcels.

Jim Tiller, land planner, mentioned the potential of the railway system becoming transportation for people to get to and from work or as a tourist train. Some of the anticipated uses of the property include a village area, golf course, and a marina village. The big house could be used for a recreational facility that might include equestrian uses as well as other types of recreation. There are environmental concerns regarding nesting eagles and they will be protected with an open space. A park and trail will run the entire length of the marsh edge from the big house to each of the villages, he said. They plan to develop the property with the environment in mind and maintain the quality of the land. The roads will be developed in accord with Beaufort County standards whether they are private or public.

Councilman Glover asked for a clarification on the ingress/egress for the development and how that would affect U.S. Highway 21. Mr. Tedder replied the statistics regarding load capacity have been

researched. There are potentially two entrances and other sites that would have to be explored. Planning is ongoing and functionality of the intersections is important to make the property appealing. Understanding the concern, he noted these are conceptual plans and the traffic will be addressed once the specific plans for the PUD are presented to the City. Mr. Glover suggested Clarendon Drive be the primary entrance which would eliminate the need for another median crossover.

Joannie Diamond said, in her opinion, the traffic will be out of control. She is concerned it will be necessary to use tax money to install roads, water and sewer systems, fire and police departments, and schools. It is unfair to increase taxes.

Gerald Dawson, County Councilman representing District 6, said both these annexations are in his district. He stated Councilman Glaze, who represents the Laurel Bay and Burton areas, was displeased because this information was not shared with both of them. Mr. Dawson said for five years they debated over placement of the north area high school that is proposed to be built in the Seabrook area. During that time, there were arguments that there was no growth plan for this section of the County. However, the City Manager and Mr. Tedder said the City has been working on this plan for years which the Mayor never mentioned. He said the communication has been unacceptable and to function as a government, the communication should be better.

Unidentified man said it appears there are ongoing turf wars. He said he served on the Joint Land Use Committee for the Air Station and one problem was that the County's and City's AICUZ overlays were different. There is a County Land Use Policy which this plan avoids. He agreed the land owners can use their property as they want. Being an adjacent property owner, he is concerned he will be surrounded by massive development that will have an impact. Asking who votes on this annexation, the Mayor answered, "Council."

Edna Crews, Superintendent of Schools, said she is happy to hear it will be about ten years before the property is developed and that land will be donated to the school board but it would have been helpful to have known. Being tasked with making projections, she said it is important to communicate and would like to be included in discussions.

Doug Burke said the residents only heard about these plans on Saturday and asked if there is a rush. He asked Council to slow down to give people time.

According to Councilman Glover, there wasn't a formal plan or an agreement reached until recently; therefore, there was no opportunity to notify the residents years ago.

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

ORDINANCE ZONING 4,151 ACRES PUD

An ordinance zoning 4151 acres of land (21 parcels) on Port Royal Island to Planned Unit Development District was presented to Council for first reading.

On motion by Councilwoman Beer, second by Councilman Glover, Council approved the ordinance

on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR 4,151 ACRES

An ordinance approving a Development Agreement for 4151 acres of land (21 parcels) on Port Royal Island was presented to Council for first reading.

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

Councilwoman Beer referred to a statement made earlier about the cost to City residents on this development, she pointed out the developers have agreed to pay for the services until the development can pay for it at no cost to the taxpayers.

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

ORDINANCE ANNEXING 1024 ACRES KNOWN AS McCLOUD FARM

An ordinance annexing 1024 acres (10 parcels) on Port Royal Island known as McLeod Farm was presented to Council for first reading.

Libby Anderson, City Planner, pointed out this is a 100% voluntary annexation. The proposed zoning is Planned Unit Development with a proposed density of 3,000 dwelling units or 3 dwellings per acre. The property will also be subject to the AICUZ ordinance. She outlined the land uses proposed as commercial, railroad village, residential, and a park district stating the size in acres and zoning.

The service delivery portion of the Agreement and the property to be dedicated for police and fire substations, parks, and schools, was addressed by the City Manager. The development fees are above and beyond what are currently in affect through the Intergovernmental Agreement with Beaufort County.

David Tedder, attorney for the landowners, stated before the Comprehensive Plan for the County and City was developed, a plan to develop this area into a large community was being discussed. They have tried to mitigate the impacts and provide parks and a school. This site has multiple accesses to U.S. Highway 21 and it is contiguous across the marshes of Clarendon. The Development Agreement is similar to the one prepared for Clarendon Farms.

Jim Tiller, land planner, said they hope to use the old Seabrook Railroad, packing sheds, and store as a village center for the community. The property will be developed as commercial as well as other mixed-uses applicable to the historic nature of the area. The remainder of the property will have recreational areas and traditional types of development.

Loretta Close asked if the annexation will meet with the preservation plans drawn up with the Stuart Point/Seabrook Preservation that took 2 ½ years to develop regarding size of buildings? The Mayor asked for a copy of the report in order to answer the question.

Daryl Ferguson said his concern is that the waterways are fragile and the creek is extremely shallow at low tide. He asked if community docks are to be built. Mr. Tiller replied there are plans for kayaks and some community docks. Mr. Ferguson asked Council to consider the waterways the same as they would the land and asked that docks be discouraged.

Councilman Glover made a motion to approve the ordinance on first reading. Councilman O'Kelley gave second. The motion passed unanimously. (Copy of ordinance at end of these minutes)

ORDINANCE ZONING 1024 ACRES PUD

An ordinance zoning 1024 acres of land (10 parcels) on Port Royal Island known as McLeod Farm was presented to Council for first reading.

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

Ann Outlaw, resident of the McCloud Community, inquired if the marina would be built across from her property. She also commented on a report prepared by Duke University regarding food produced in the marshland and asked that be considered by Council.

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

ORDINANCE APPROVING A DEVELOPMENT AGREEMENT FOR 1024 ACRES

An ordinance approving a Development Agreement for 1024 acres of land (10 parcels) on Port Royal Island was presented to Council for first reading.

On motion by Councilman Glover, second by Councilwoman Beer, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

REPORTS BY COUNCIL

BEER: Councilwoman Beer reported the Pigeon Point Park is progressing. The Neighborhood Association will begin selling bricks soon to purchase other items for the Park.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council voted to move into executive session to discuss appointments/reappointments to the Municipal Election Commission and the Historic District Review Board and a personnel matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 9:40 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