

A regular meeting of the Beaufort City Council was held on May 9, 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, George H. O'Kelley, Jr., and City Manager Scott Dadson. Councilman Gary B. Fordham was in the hospital. 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 invocation was given by Dr. Lawrence Miller, Pastor of Grace Chapel AME Church. The Pledge of Allegiance was led by the Mayor.

### **RESOLUTION – SEE AMERICA WEEK**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the resolution designating May 13-21, 2006 as See America Week in the City. (Copy of resolution at end of these minutes)

### **PROCLAMATION – FOSTER CARE MONTH**

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the proclamation designating May, 2006 as Foster Care Month in the City.

### **PUBLIC COMMENT**

**Frances Pringle Cherry** presented 125 more signed petitions against the annexation of the Clarendon and McLeod Farms and asked Council to consider what the annexations would do to the city.

### **PUBLIC HEARINGS**

A public hearing was held to receive comment on the **zoning of two parcels of property located at the intersection of Sea Island Parkway and Sunset Boulevard** identified as District 201, Tax Map 15, Parcels 136 and 137 to General Commercial District. A Notice of Public Hearing was duly published in The Beaufort Gazette on April 24, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission tabled the application so the applicant could provide more information regarding access to the site. Staff has no objections to the proposed zoning designation and would also approve Neighborhood Commercial zoning.

Libby Anderson, City Planner, said this rezoning is the result of an annexation request by Carolina Engineering Consultants. The two undeveloped parcels totaling 6.5 acres are located on Factory Creek on Ladies Island. A multifamily development is located to the right of the property, on Sunset Bluff, and a shopping center is located to the left of the property, on Sea Island Parkway. The county's zoning does not allow stand alone residential development. The proposed zoning is General Commercial which allows all types of commercial and multifamily dwellings. If the

property adjacent to the residential area were to be developed for commercial uses, the ordinance requires a seven foot screening structure to buffer the multifamily area. A development proposal for the property has been submitted and will be considered by the Design Review Board this Thursday at 3:00 p.m.

**Bill Harvey**, who lives near the two parcels, pointed out that Parcel 136 borders on Sunset Boulevard which is totally a residential community. The intrusion of any commercial development is viewed very negatively by the residents. The development proposal calls for 46 condo units in addition to a commercial tract that is undefined, he said. When Beaufort High School was built, the entrance and a signal light were placed on Sea Island Parkway which created a situation where neither of these two properties, if developed commercially, could have access onto Highway 21; that is why the six acres have not been developed, he said. The developer's proposal calls for the traffic from 46 residential units plus commercial units to exit onto Sunset Boulevard at the intersection of Sea Island Parkway where traffic already backs up during peak traffic hours. He asked Council to consider this zoning carefully or don't annex the property until the developer provides access that preserves the integrity of those people who use Sunset Boulevard. He stated further that the previous owner was turned down by the County for a special use permit to build 4 commercial units and 4 residential units on Parcel 136.

**Jeff Ackerman**, Carolina Engineering, stated they represent the developer for this project. Several sketch plans have been submitted and it appears SCDOT prefers the access off Highway 21. The project will be reviewed by the Design Review Board and access will be reviewed at that time. He added that Neighborhood Commercial zoning was not requested because it limits the size of an office or retail unit to 2,500 sq. ft.

**Carol Ruff**, Sunset Bluff resident, said this is not a commercial neighborhood and the residents have protected the property. She can't understand why anyone would consider placing commercial units in their neighborhood. She said the traffic is heavy now without the proposed commercial units.

**Stellena Mumma** said traffic backs up onto Sunset Boulevard between 7:30 and 8:30 a.m. and a development the size being proposed will increase the traffic even more.

**Alton Aimar** complained about the traffic light at the high school intersection stopping traffic at 5:25 p.m. backing up traffic on Highway 21.

**Neil Aimar**, Sunset Boulevard resident, asked for a patrolman to be stationed on their street because of the traffic and to control the speed. He said he doesn't understand how the annexation would be allowed.

Councilman Glover asked if a site plan was available for review. Ms. Anderson answered that one has been submitted for the Design Review Board's meeting on Thursday which is open to the public. The plans could be changed at that time or may not be approved by the DRB. The issue for Council's consideration is the appropriate land use. Mr. Glover said it appears the annexations and rezonings pertain to the site plans and traffic and maybe Council should review them.

**Rev. Reuben Green** expressed his concerns with the animals dying because of all the construction.

**Rev. Venus Young** said the residents north of Beaufort are faced with the same issues expressed tonight. He told Council to listen to the citizen's problems and back off the annexations.

The Mayor clarified, for the public, that the number of houses to be built at Clarendon and McLeod Farms is no where near that which is being stated by the public. The number of units to be built on Parcels 136 and 137 on Ladies Island probably won't be either. Addressing all the concerns about traffic, he pointed out that there are 4,800 subdivided and permitted lots on Ladies Island today that the county has approved and only awaits a building permit. Most of the people sitting in traffic live in the unincorporated areas where no transportation planning has been done and the same amount of people live in the City today as lived here ten years ago. The heavy traffic can be contributed to the growth on Ladys Island and this problem was not created by City Council.

**Bill Harvey** said the same argument was made to the Planning Commission that this is not a site planning issue but they didn't agree. The Commission required the developer to obtain access onto Highway 21 before reappearing before them. Mr. Harvey said Council has the ability to fix the problem by requiring a Planned Unit Development. If the developer is able to obtain proper access onto Highway 21, the situation will be different but he doesn't believe SCDOT will allow ingress/egress between a signal light and a major intersection. Councilman Glover said DOT will negotiate the issues before making a decision. That is why he thinks Council should review the site plan to protect the citizens. Mr. Harvey said this needs to be done correctly and set a precedent by what is allowed and not allowed by the City in a residential area.

**Carol Ruff** said the Sunset Bluff Neighborhood Association also approached the County regarding this property. She said they are begging Council to consider this is a residential neighborhood. She doesn't care where the access is placed because a high density commercial/residential project will change the character of the neighborhood.

**Butch Mumma**, Sunset Boulevard resident, expressed his concern with the statement that it is the County's fault the traffic increased. He said the traffic increased when Publix was built and the traffic light was installed. He wanted to know to whom they should complain once these parcels are annexed and zoned GC and the traffic increases even more. Councilman O'Kelley stated the grocery store is not the reason for the traffic; it is a result of the many people who have moved here. The Mayor responded that the City protects neighborhoods whether they are in the City or not.

There being no other comments, the public hearing was closed at 7:00 p.m.

A public hearing was held to receive comment on the **zoning of two parcels of property located on Old Distant Island Road**, identified as District 200, Tax Map 19, Parcels 24 and 24C, to General Residential District. A Notice of Public Hearing was duly published in The Beaufort Gazette on April 24, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the proposed zoning.

Libby Anderson, City Planner, said Charles Gardner, the owner of the 4.6 acres, is asking to annex into the City. Parcel 24C contains a single-family dwelling. Parcel 24 is undeveloped. Under the County's Zoning and Development Standards Ordinance, the property is currently zoned Rural

Residential District. That zoning category permits subdivision of existing lots to a maximum of 1.2 units to one gross acre and is not intended to promote tract development. The proposed zoning under the City's UDO is R-2 Medium Density Single Family Residential District.

Councilman O'Kelley questioned whether a septic tank or sewer system would be required since the area is low. Ms. Anderson answered there are environmental constraints that will limit the developmental ability of the property in addition to the availability of sewer.

There being no other comments, the public hearing was closed at 7:15 p.m.

A public hearing was held to receive comment on the **revision of Section 6.4 "Accessory Uses," 6.4 "Beaufort Historic District," Section 6.6 "Design Districts," and Section 7.2 "Signs,"** of the UDO to change the requirements for outdoor display and storage of merchandise and for sandwich board signs. A Notice of Public Hearing was duly published in The Beaufort Gazette on April 24, 2006. Staff recommended revising the rules for outdoor display for both the Historic District and the Design Districts to provide more similarity between the two ordinances while still respecting the differences between the two geographic areas. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the staff's proposed revisions to the requirements for outdoor display of merchandise and recommended that the requirements pertaining to sandwich board signs not be changed.

Libby Anderson, City Planner, said this request for a text amendment to the Unified Development Ordinance was submitted by Phil Heilker, owner of Mama's Furniture. This change to the ordinance would allow him to display outdoor merchandise and to display a sandwich board at his business on Ribaut Road. He said the ordinance differs depending on where the business is located in the City and he wants the same opportunities for outdoor displays and signage that other businesses are entitled to. Ms. Anderson agreed that the rules do differ depending on whether the business is inside or outside of the Historic District. Therefore, staff recommends the rules for outdoor displays in both districts be modified to be more compatible. She reviewed the proposed changes for the Display of Merchandise and the Outdoor Display of Merchandise. Pertaining to Sandwich Board Signs or "A"-frame signs, she said currently they are only permitted in the Boundary Street Design District and in the Lady's Island Village Center Design District and are typically used in pedestrian-oriented areas. They can contribute to visual clutter and interfere with pedestrian movement. Staff does not recommend changing the ordinance for sandwich board signs.

**Phil Heilker** said he wants to be treated fairly and his competition can use sandwich boards to advertise. He showed photographs of several other businesses that use sandwich boards and also display their inside merchandise outside.

Councilman Glover asked how this revision would affect K-Mart and Wal-Mart in the display of their plants in the parking lots. Ms. Anderson said those are classified as an outdoor item as are boats and this change addresses the display of indoor merchandise.

There being no other comments, the public hearing was closed at 7:40 p.m.

A public hearing was held to receive comment on the revision of **Sections 6.4, 6.6, and 8.2 of the**

**UDO Pertaining to Sidewalk Construction.** A Notice of Public Hearing was duly published in The Beaufort Gazette on April 24, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission supported the proposed changes, but asked that the amendment be resubmitted for consideration at their June meeting so that staff can provide details on appropriate sidewalk standards.

Libby Anderson, City Planner, said because of the discussions taken place at recent Council meetings regarding sidewalks this revision is being presented after staff review. The UDO only addresses sidewalk construction but only when it occurs as part of subdivision development when a new street is required. The proposal requires a sidewalk be on one side of all streets regardless of the right-of-way width except for cul-de-sacs and for commercial and multi-family development, developers would be required to construct a sidewalk in the street r-o-w that fronts their property.

**Mike Sutton**, 809 Craven Street, said he uses the UDO in his contracting business and it is confusing to interpret. He is glad to see the changes proposed for outdoor displays to help the retailers but he is concerned with the amount of regulatory changes. He doesn't like the burden being placed on developers by adding costs to construction projects because when trying to establish work force housing and affordable housing the direct costs are tied into the development. Those are things that force these types of housing out of the County, he said. The cost for a sidewalk is expensive and shouldn't be required. He suggested involving the people who would pay the cost to decide the changes.

**Alton Aimar** said the citizens are tired of subsidizing developers. He is in favor of having them pay the costs instead of the taxpayers.

**Rev. Green** said other countries keep their sidewalks clean in front of their businesses but not here. People should love their country.

There being no other comments, the public hearing was closed at 7:55 p.m.

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

The minutes were reviewed by Council and the following changes were made. On the top of page 3, the plants will provide **30** MGD not 30,000. Also on page 3, add to the end of the last line in the first paragraph "six to nine years as growth develops" and on page 5, under Duncan/Langhorn, "Engineering for" was left out of the beginning of the sentence.

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of April 25, 2006 as amended.

#### **FULLER PARKWAY**

On motion by Councilwoman Beer, second by Councilman Glover, the Fuller Parkway discussion was unanimously tabled until more information can be received.

#### **DRAINAGE PROJECTS**

City Manager Scott Dadson reminded Council that staff was asked at the last meeting to identify the funding source for the stormwater drainage projects. The three major projects of the compiled list of 28 drainage projects in the City are Depot Road which is a \$712,000 project, the Point or Federal Street project is \$200,000, and Duncan/Langhorn which is \$400,000. The total cost for the list of 28 projects is \$4.3 million. An analysis of the current fiscal year's '06 Storm Water Utility Fund showed a fund balance of \$369,000. Adding the \$350,000 of CDBG reimbursement on the Depot Road project, the total amount available for projects is \$729,000. The personnel and capital expenses are \$105,000, the expenditures for the Depot Road project in this fiscal year are \$350,000, and the Point/Federal Street Project is \$200,000 for a total anticipated expenditure of \$655,000. The StormWater Utility Fund balance of approximately \$74,000 will be forwarded to the next fiscal year.

Reviewing this further into the next fiscal year, about \$315,000 is collected from the storm water fees and the expenditures on a yearly basis are about \$221,669. The balance of \$93,000 can be used toward funding the balance of the drainage projects. But \$185,000 is needed in next year's fiscal budget for the Depot Road and Point projects leaving a deficit of \$90,000. If the contract is signed for the Duncan/Langhorn project the total escalates to \$585,000, he said. Some of the revenue options he pointed out were as follows: To borrow \$1.2 million from the UDAG fund or finance the projects but the payback would deplete the Stormwater balance of \$93,000 left over after operations and capital expenses, leaving no money for smaller projects. He pointed out, too, that there are various other requests for use of the UDAG funds. Other options would be to impose a municipal service district or eliminate one of the projects. Reviewing the options and the current cash position of the City, he suggested limiting the projects in this fiscal year to Depot Road and the Point and not sign the Duncan/Langhorn contract this fiscal year. He recommended borrowing money from the UDAG fund to complete the Duncan/Langhorn project paying back \$60,000 for eight years to finance the \$585,000. He said there is not enough cash to fund the projects and if the money is borrowed from an outside entity, the interest is at least 5% plus the cost for issuance, locking the money up for at least ten years.

After further discussion, Councilman Glover moved to authorize the City Manager to use the UDAG funds to finance the drainage projects and to repay that fund from the Storm Water Utility Fund. Councilman O'Kelley seconded the motion. Council unanimously approved the use of the UDAG funds to finance the drainage projects.

### **ORDINANCE ZONING TWO PARCELS – OLD DISTANT ISLAND ROAD**

An ordinance zoning two parcels of property located on Old Distant Island Road on Lady's Island, identified as District 200, Tax Map 19, Parcels 24 and 24C to R-2 Medium Density Single-Family Residential District was presented to Council for first reading.

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

Councilman O'Kelley said he observed that the land is low and with the County's requirements for setbacks from water courses and the marsh across the road from the southwestern corner of these parcels, he is not certain R-2 will be appropriate.

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

these minutes)

### **ORDINANCE ANNEXING TWO PARCELS - OLD DISTANT ISLAND ROAD**

An ordinance annexing two parcels of property located on Old Distant Island Road, identified as District 200, Tax Map 19, Parcels 24 and 24C 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)

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

The City Manager provided the status of the **Waterfront Park** stating pavers are being installed at both Scott Street and the Marina. The repair to the seawall is about 95% completed and drainage is finished. The tabby pavers which were delivered to the site last week were rejected for noncompliance issues. A new product is being required but that will cause a delay in the final installation date. Staff will continue to work with the design construction managers and the contractor to ensure quality and timely project completion in order to provide a useable site for the Water Festival. A temporary surface will be applied to the dirt for the Festival. The landscaping will be completed after the Festival.

### **MAYOR'S REPORT**

The Mayor reported he attended the Taste of Beaufort on Saturday which was very successful and very enjoyable.

### **REPORTS BY COUNCIL**

**BEER:** Councilwoman Beer reported 350 to 400 adults and children attended the reopening of Pigeon Point Park on Saturday, May 6th. The Park looks very good and the Association is still selling bricks. She is hoping to obtain an historic plaque that will address Dr. Woodward. She asked to have a sign erected cautioning people that children are playing in the area because a child ran out in front of her vehicle on Saturday near the Park. Additionally, the Association would like to have Council adopt rules for the Park that would also address pets. On another subject, she expressed her concern with the manner in which the trees in the Pigeon Point area were cut by the tree trimming contractor. The Mayor said the tree cutting policy needs to be revisited because apparently it is not working. The same thing happened in the Point, he said. Councilman O'Kelley added that it happened in his neighborhood also. Ms. Beer noted that this is not the same company that did the work last year but SCE&G needs to be responsible for the people they hire to do the work. She thanked the Public Works and the Parks Department for all the work they did to complete the Park in time for the opening.

**O'KELLEY:** Councilman O'Kelley stated he was out of town for the opening of Pigeon Point Park; therefore, was unable to attend but he did visit the Park today and commended the staff for the great job.

### **Tree Trimming**

The Mayor asked for a report on the tree trimming. Isiah Smalls, Public Works Director, explained that previously the Park Superintendent spent time with the contractors while they were working. This year because of other projects they were unable to be on site eight hours a day. He agreed they

do need to be educated on tree pruning. He said they will discuss this with SCE&G this week.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:38 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