

A regular meeting of the Beaufort City Council was held on November 14, 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 Scott Dadson and Councilman-elect Mike Sutton. 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. Bill Griffis of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC COMMENT**

**Jay Weidner**, Calhoun Street resident and former chairman of the City's Parks and Trees Commission, said he will be impacted by the new power poles. While attending the neighborhood information meeting last night, he thought that an experienced arborist should be part of the negotiations. Perhaps having the lines above the trees would provide better looking trees.

### **PUBLIC HEARING**

A public hearing was held to receive comments on an amendment to the Unified Development Ordinance regarding the revision of Section 6.7 "Air Installation Compatibility Use Zone," Section 3.12 "Variances," and Article 9 "Nonconformities," to revise the development standards and permitted uses for properties located in the Air Installation Compatibility Use Zone of the Marine Corps Air Station Beaufort. A Notice of Public Hearing was duly published in the Beaufort Gazette on October 30, 2006. The City of Beaufort/Town of Port Royal Joint Municipal Planning Commission recommended approval.

Libby Anderson, City Planner, explained the reason for amending the UDO is the Joint Land Use Study prepared for the Marine Corps Air Station to prevent encroachment around the Air Station. This Study, prepared in 2004, was endorsed by City Council via a resolution and committing a good faith effort to implement those recommendations. Beaufort County and the Town of Port Royal also adopted similar resolutions. One of the most important recommendations was that the City, the County and the Town develop a coordinated AICUZ ordinance. Currently, the City is the only jurisdiction that has an ordinance in place, she said. Specifically, it was recommended that the standards in the AICUZ, which came from the Department of Defense, be set out in the JLUS. During the last several years, staff from all three jurisdictions, the Air Station, and the Lowcountry Council of Government under the direction of Alice Howard, MCAS, has worked on a coordinated AICUZ. That proposed ordinance is being presented tonight and the Town and the County are also making their presentations this month. The ordinance addresses height limitations around the Air Station and areas where there is a greater potential for accidents. The third area of concern is noise of which there are three levels. For properties located in the AICUZ, the specific zoning designation

is Military Preservation. The proposed AICUZ addresses height, accident potential, and noise. The standards are the same but with overlay district standards to discourage uses with high activity. Basically, the regulations are the same but implemented differently. The structure of the proposed Accident Zone is different than the current AICUZ but the goal and the standards are similar. The Height Zone regulations are not proposed to be changed. The greatest changes are in the Noise Zone. The current ordinance does not address density and advises against building in the Noise Zone. In an effort to comply with those recommendations, the proposed joint AICUZ recommends residential density in the Noise Zone be limited. The 3 areas of regulation of noise are 65, 70, and greater than 75 DNL. The proposed ordinance states that density should be most strictly regulated in the highest noise zone and limited to one dwelling unit per three acres. The proposed density for the 70 decibel noise zone is one dwelling unit per acre and two dwelling units per acre in the 65 decibel zone. Currently, there are five parcels in the City that are in the AICUZ footprint. Three are regulated under the Accident Potential Zone standards and the Noise Zone. Two properties are subject to the Noise Zone, one of which is the Pigeon Point Boat Landing.

**Carlotta Ungaro**, Beaufort Regional Chamber of Commerce, spoke on behalf of the Chamber and the Military Affairs Committee, and asked Council to support the overlay district to protect the Air Station.

**Alice Howard**, MCAS-Beaufort, said they would appreciate Council's support.

There being no other comments, the public hearing was closed at 6:23 p.m.

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

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the special City Council meeting of October 12, 2006 as presented.

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

The minutes of the regular City Council meeting of October 24, 2006 were reviewed by Council and the following changes were made. At the top of the first page in the heading, the Mayor was on "City" business. On page 2, 4<sup>th</sup> paragraph, the minutes reviewed were from the October 10<sup>th</sup> meeting. On the bottom of page 3, insert "per unit" after \$7,500. On the top of page 4, \$7,500 should be \$75,000. On that same page \$500 thousand should have been Seventy-five thousand. On page 5, under Joint Land Use Study, the 4<sup>th</sup> line from the bottom of the first paragraph "Aircraft" is to be changed to "Accident". On page 7, 3<sup>rd</sup> line from the bottom, the SCE&G abbreviation was typed incorrectly.

On motion by Councilman Glover, second by Councilwoman Beer, Council members Fordham, Glover, Beer, and O'Kelley voted to adopt the minutes of the regular City Council meeting of October 24, 2006 as amended. The Mayor abstained since he did not attend that meeting. The minutes as amended passed 4 to 1.

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

City Council reviewed the minutes of the special meeting of October 31, 2006 and on the top of page 1 in the heading, insert "because he was on vacation".

On motion by Councilwoman Beer, second by Councilman Glover, Council members Rauch,

Glover, Beer, and O'Kelley voted to adopt the minutes of the special City Council meeting of October 31, 2006 as amended. Councilman Fordham abstained since he did not attend the meeting. The amended minutes passed 4 to 1.

### **SCE&G TRANSMISSION POLE AD HOC COMMITTEE REPORT**

David Lott, Chairman of the Transmission Pole Ad Hoc Committee, provided an interim report to Council on what they have learned and on the issues they believe to be important.

The Committee has met three times and the staff, the Mayor, and Councilwoman Beer have attended some of those meetings. Research and phone calls with SCE&G representatives have taken place along with submittal of a detailed letter asking for information. Steve Tully and Mr. Lott drove the route of the proposed poles with Mr. Temple of SCE&G and Charlotte Brown and John Gadson have also taken a similar drive and walked Greene Street to understand the alternatives.

His presentation addressed 4 areas. The first was the regulatory background, second was the proposals from SCE&G, third was issues involved in those proposals, and the last was alternatives. He stated he believes there is a gap in the regulation of transmission lines. Referring to State Law, he quoted "any line with a capacity of less than 125 KV is not subject to PSC regulations, approval of a certificate of need nor is it subject to environmental approval." There is no one at the State level that regulates placement and height. He displayed sketches of two plans: the revised initial plan and the underground plan. The IR Plan could be reengineered so that the poles are 60/65 feet tall or 85 to 90 feet tall. They would also bury all distribution lines at no cost to the City. The Underground proposal would route the transmission lines underground with no changes along the old route. The estimated cost of undergrounding, over and above the above ground alternative, is between \$3.5 and 4.5 million dollars. SCE&G believes that under the Franchise Agreement, they are required only to provide standard service. The issues to be addressed are cost, aesthetics, health and safety in construction and electronic omissions from the high voltage lines. Additionally, there are the risks and benefits of undergrounding. Property values and property rights were another issue because it is unclear as to the impact the easements have on the ability of current property owners to rebuild in the event of catastrophic loss. The houses in the Northwest Quadrant are close to the sidewalk; therefore, many of the poles are close to the houses. The Committee will make suggestions as to a remedy at a future meeting.

A discussion ensued regarding eliminating the other utilities from the poles and burying them with the electric lines.

Councilman O'Kelley inquired as to what problems would be encountered with sewer and water if the lines are placed in the ground. Mr. Lott said the engineering has not been done; however, it is easier for the electric company.

The City Manager read a draft letter prepared by the City Attorney, the Mayor, and the City Manager in response to SCE&G's letter clarifying their position regarding the transmission line and reiterating that the ordinance has been approved on first reading. He said counsel is advising that the letter be sent. Council concurred.

Passing the gavel to the Mayor Pro Tem, the Mayor excused himself briefly to attend an award

ceremony for his son.

#### **REQUEST TO CONDUCT TOY RUN**

A request from Southern Scooters to parade through downtown Beaufort for their annual Toy Run on the way to the Salvation Army on North Street on Sunday, December 17, 2006 at 1:30 p.m. was presented to Council for consideration.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request with traffic control by the police department.

#### **REQUEST TO CLOSE STREET FOR WEDDING**

A request to close a portion of Bay Street between Harrington and Church Streets on May 19, 2007 from 3:45 to 5:30 p.m. for a wedding to be held at the Cuthbert House was presented to Council for consideration.

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

Councilman O'Kelley stated closing a major corridor for a private function is setting a dangerous precedent. Councilman Fordham agreed.

The request was unanimously denied.

#### **ADDITIONAL SPACE FOR MIS**

Since the Management of Information Systems was established in 2000, that department has grown and relocated several times. Currently they are housed in a portion of Court and Legal's leased space at Carolina Cove on Boundary Street. The Court will be adding an additional employee in January to assist with Hilton Head's bonding and will need that space.

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

The City Manager added that additional office space is available at Carolina Cove at \$1,250.00 per month not including electric and water. This would be an addendum to the existing lease on a month to month basis and there is money available in the budget to cover this cost until they can be moved to the soon to be built municipal complex.

After a brief discussion, Council unanimously approved the addendum for IT at \$1,250 monthly.

#### **CANCELLATION OF COUNCIL MEETING**

On motion by Councilwoman Beer, second by Councilman Fordham, Council cancelled the second Council meeting in December for the holidays.

#### **ORDINANCE AMENDING FY07 BUDGET (#2)**

An ordinance amending the City's FY07 budget for various purposes was presented to Council for first reading.

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

gave second.

Shirley Hughes, Finance Director, noted any time the figures are changed in the original budget, those changes will be brought before Council in the form of an amendment.

Referencing the \$25,000 received from the State for the preservation of the military base, Ms. Hughes said these funds will be forwarded to the Beaufort Regional Chamber of Commerce to continue their activities. A grant in the amount of \$23,360 from the Victims Rights Program is to be used to purchase a vehicle for the Police Department and requires a match from the City which will be covered in the Police Department budget. Additionally, the agreement with the Town of Hilton Head for services to be provided by the City's Court and Legal department by increasing their contract in the amount of \$15,000 is part of Amendment #2.

The motion to approve the ordinance on first reading passed unanimously. (Copy of ordinance at end of these minutes)

### **ORDINANCE TRANSFERRING NATIONAL GUARD ARMORY TO NATIONAL CEMETERY**

An ordinance authorizing the transfer by limited warranty deed of property formerly utilized as National Guard Armory to the United States Department of Veteran's Affairs for the National Cemetery was presented for first reading. This transfer of property is proposed to be used by the Veterans Affairs for the expansion and enhancement of the Beaufort National Cemetery.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham seconded the motion.

Councilman O'Kelley stated the National Guard had vehicles located on site and expressed concern that DHEC would hold the City responsible for any cleanup or remediation. The City Manager pointed out that the City would not be obligated. Councilman Glover suggested consulting the City Attorney before second reading.

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

### **ORDINANCE AMENDING THE AICUZ**

An ordinance amending Sections 3.15, 4.9, 6.7, and 9.2 of the City's Unified Development Ordinance to revise the Air Installation Compatibility Use Zone Standards to implement the Joint Land Use Plan was presented to Council for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman O'Kelley gave second. The ordinance was approved on first reading. (Copy of ordinance at end of these minutes)

### **ORDINANCE REZONING 3 PARCELS OF PROPERTY FROM MP TO LI**

An ordinance rezoning 3 parcels of property on Laurel Bay Road identified as District 120, Tax Map 25, Parcels 21D, 22C, and 336 from Military Preservation District Commercial to Limited Industrial District was presented to Council for first reading.

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

Ms. Libby Anderson, City Planner, stated the public hearing is scheduled for the November 28, 2006 Council meeting. The properties contain storage facilities and are zoned Military Preservation District Commercial. As part of the JLUS revisions, that zoning district is being proposed for elimination and the restrictions handled through an overlay. The proposed zoning is Limited Industrial.

The Mayor returned at 7:33 p.m.

Councilman O’Kelley asked for a comparison of uses of the two zoning designations to clarify the need to change the zoning. Ms. Anderson replied Limited Industrial allows light industrial services such as auto related uses. The City Manager added that an overlay district will give the military the protection it needs. Mr. O’Kelley referring to a map showing the parcels in the City that are to be rezoned asked if the overlay will affect the whole area even if it is not part of the City. Ms. Anderson replied the overlay is the current AICUZ footprint with most of the land in the county. This rezoning applies to five parcels, three of which are in the Accident Potential Zone. The reason for the change is that the JLUS recommends that all three jurisdictions have the same AICUZ ordinance. The proposal is that the Accident Potential Zone be treated as an overlay not as a free standing district. Mr. O’Kelley said that if the people have not yet been notified nor a public hearing held, first reading should be tabled.

Councilman O’Kelley moved to table the ordinance. Councilman Fordham gave second. Councilmen Fordham, Glover, and O’Kelley voted in favor of the motion. Council members Beer and Rauch voted nay. The motion passed 3 to 2.

Councilman O’Kelley asked that the uses allowed in Military Preservation District Commercial and in the Limited Industrial District be presented at the next reading for comparison.

Alice Howard, MCAS, stated this will clarify the zoning with the overlay zone.

### **MAYOR'S REPORT**

The Mayor reported that a workshop with the Joint Planning Commission regarding the annexation of the McLeod and Clarendon Farm properties is scheduled for November 21 at 5:30 p.m. in the Beaufort Elementary Cafeteria. Councilman Fordham expressed opposition to a workshop. He agreed it would be appropriate to have the Planning Commission make a recommendation then if it is necessary, meet with them. The City Manager stated the City Attorney opined that it is not legally necessary to present this to the Planning Commission a second time. Councilman O’Kelley asked to receive a hard copy of the documents the Friday prior to the meeting to allow time to review them. He asked what is to be accomplished at this meeting. The Mayor replied this would provide an opportunity to ask questions and make comments since the public, representatives from both the McLeod and Clarendon properties, and the Planning Board would be there. The City Manager pointed out it would be presented in two parts: a presentation by the owner’s representatives and then answer questions. He also stated the Executive Summary and the Development Agreements are on line and copies will also be delivered to each Council member. This would help educate

everyone.

**REPORTS BY COUNCIL**

**FORDHAM:** Councilman Fordham reported he e-mailed Council regarding the same **auditors** having reviewed the City’s books for approximately 25 years. He recommended going out to bid for a specific time period. The City Manager suggested staff prepared a recommendation for Council’s review. Mr. Fordham asked for a report on the City’s and LCK’s expenditures from inception to date. Also, he asked for a current report on the court fines levied and collected this year and the delinquent fines.

**BEER:** Councilwoman Beer complimented the members of the power pole ad hoc committee for their work and good work

**EXECUTIVE SESSION**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to discuss an appointment of a person to a public body, namely the Tourism Development Advisory Commission, pursuant to Title 30, Chapter 4, Section 70(a)(2) of the South Carolina Code of Laws and a contractual/legal matter.

**OPEN SESSION**

**Tourism Management Advisory Commission**

On motion by Councilwoman Beer, second by Councilman Glover, Council appointed Stephanie Fairbanks to serve a 2-year term on the Tourism Management Advisory Commission expiring in November, 2008.

**Southside Park Committee**

On motion by Councilman O’Kelley, second by Councilman Glover, Council appointed Don Starkey to serve on the Southside Park Committee replacing (Billy’s appointee)

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:35 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