

A regular meeting of the Beaufort City Council was held on October 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., City Manager Scott Dadson. 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 Dr. Robert Cuttino. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION –

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating October, 2006 as Domestic Violence Awareness Month in the City.

PUBLIC COMMENT

George Singleton, Beaufort Black Community Council, reminded City Council of the Petition they presented on August 22nd. In the Petition they asked Council to reallocate the remainder of the UDAG money to low to moderate income people for repair of their homes. He asked for Council to make a decision tonight on that request. Also, he referred to the BBCC's request for information under the Freedom of Information Act for copies of documents pertaining to the grant which they reviewed and tagged for copying in September. Now they are asking to review the BSBAC file and the minute books from 1982 – 1992. He said they have not heard from the City Clerk on those requests. They are waiting for that information so they can determine the validity of the use of the UDAG funds. He added that over two years ago, they experienced a similar situation regarding the negative impact of the rezoning of the Old Commons Neighborhood on the poor people in the black community. A letter with recommendations to alleviate the taxes and some other issues was sent to the City but no answer was received. Asking for an explanation of why they have not received the copies they requested, the City Manager deferred to the City Clerk who replied the items have been copied and awaiting pickup. Councilman Fordham responding to the request to vote on the petition said it could be scheduled on the next agenda. The Mayor said his understanding was that after the information was reviewed, it would be placed on the agenda again. Mr. Singleton said their group wants to know Council's position on the reallocation of the funds so it can be used for the purposes stated. The documentation they requested is another issue and has to do with determining the legitimacy of the use of the UDAG monies. They also want to review the documents submitted to the Federal Government for the UDAG funds which seem to be unavailable. The City Clerk replied the files have been in storage and are now available for viewing. Due to numerous moves and the fact that this occurred over 25 years ago, files could have been misplaced. Councilman Fordham suggested the BBCC contact the Federal Government for duplicates. In reply to Mr. Singleton's inquiry of whether Council will vote on the petition tonight, the Mayor stated it should be on the

next agenda but Council would prefer answers to the questions raised as to the legality of the funds. The Mayor added that Council and staff believe everything is in order. Mr. Singleton interjected that their understanding is that there are no strings attached and that it can be reallocated. He said these are still two different issues; the petition and the review of the allocation of the funds which is being reviewed. They think the money has been misused.

Councilman Fordham suggested the petition be scheduled for the next Council meeting. Council agreed they are not prepared to vote tonight. Mr. Singleton said this is a racist country and from a poor and black perspective changes are not being made. Race and class will continue to be part of decisions, he said.

Reuban Green said no black person in Beaufort County is free. He said they have taxation without representation.

Henrietta Good, Beaufort Black Community Council, said they are representing the low to moderate income families in Beaufort. She said the Northwest Quadrant area is predominately black. Her concern is that the remainder of the UDAG monies will be used for drainage. She asked Council to hold the funds until this matter is clarified. She also asked Council to consider when they vote on the petition that the people in this area do need help whether it is intended for them or not.

MINUTES: REGULAR MEETING

The minutes of the regular City Council meeting of September 26, 2006 were reviewed by Council and the following changes were made. On page 6, second paragraph under Ordinance Amending Section 8.2...add "for discussion only"; in the last sentence at the bottom of page 9, under City Manager's Report, Fire Chief should be DOT; same page under Mayor's Report, the man's name was Massally; and on page 10 under Mr. Glover's report, add "which will become an issue soon" at the end of the sentence.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of September 26, 2006 as amended.

ORDINANCE AMENDING FY07 BUDGET

The ordinance amending the FY07 City budget for a pay plan revision for the Police Department to encourage recruitment and retention 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.

The City Manager explained a page of the budget has been added to the ordinance for clarity.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the September 26, 2006 minutes)

ORDINANCE REVISING UDO – OUTDOOR DISPLAY OF MERCHANDISE

An ordinance revising Sections 6.4 and 6.6 of the Unified Development Ordinance pertaining to outdoor display of merchandise was presented to Council for second reading.

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

Ms. Libby Anderson, City Planner, noted this issue has been discussed for several months. The current proposal prohibits the outdoor display of indoor merchandise in the historic district, where it is currently allowed, and outside that district where it is prohibited. The request to amend the ordinance was made by a business owner outside the historic district to allow outdoor displays. Council directed staff to prepare such an ordinance amendment prohibiting that activity city-wide.

Barbara Carpenter, owner of a consignment shop on Carteret Street, said after hearing about this amendment she researched the businesses comparable to hers. Throughout the City there are only ten small businesses to which this applies; six on Boundary Street, three on Highway 170, and one on Ribaut Road with about half of them using outside displays. She stated to adopt an ordinance that treats all businesses the same is wrong because during the day it is difficult to see the displays in the windows of the buildings in the historic district. There are nine businesses located off Bay Street that are affected by this design and need exposure to have a successful business because those buildings were not designed for retail. In fact, seven of the nine are using outdoor displays. She said as a trial, she did not display any merchandise outside her business for two weeks and sales dropped considerably. Another point she made was that the downtown small businesses have diminished, in her opinion. She asked Council to consider the impact of the ordinance on the small downtown businesses.

Joy Lock, Main Street Beaufort, agreed with Ms. Carpenter that to eliminate the outdoor display of indoor merchandise would be detrimental for downtown. She agreed with the first recommendation to make the ordinance more restrictive but not to eliminate it altogether. Downtown businesses depend on being able to display their merchandise outside their business.

Councilman Fordham explained that Council is trying to do the fair thing that is why three options have been presented. Items that would ordinarily be outside can still be displayed according to the proposed ordinance but it prevents items like bathroom fixtures from being placed on the street. Ms. Carpenter said that pertains to Lowes, Walmart, and Kmart. She asked why there should be a prejudice as to what is being sold. The Mayor stated the ordinance determines the difference between indoor and outdoor items.

Councilman Fordham moved to table the ordinance for two weeks to consider the comments heard tonight. Councilman Glover seconded the motion.

Kevin Cuppia, Modern Jewelers, stated Main Street Beaufort has worked for years to direct customers to the businesses on the side streets. Main Street is trying to help businesses downtown not hinder them. He asked why this issue was brought up.

Phil Heilker, Mama's Furniture, explained he presented a request to the Planning Department for an ordinance amendment to treat everyone alike. He said he use to display merchandise outside but was told he could not do that because his business is located in the Design District.

Dick Andrzejczyk, downtown business man, said to continue changing the ordinance is ridiculous and the rules should be the same for everyone.

Council voted unanimously to table the ordinance to the next meeting. (Copy of ordinance at end of the September 26, 2006 minutes)

ORDINANCE AMENDING SECTION 8.2/UDO PERTAINING TO STREET STANDARDS

The ordinance amending Section 8.2 of the Unified Development pertaining to street standards in the Burton Hill area was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Hearing no second, the motion died.

Councilman Glover said design standards are needed for the streets in that area but the plans presented need to be changed. He offered to assist with a redesign.

Mr. Glover moved to bring the item back on the floor for discussion. Councilman Fordham gave second.

Ms. Libby Anderson, City Planner, said staff heard Council say the roads may have been over designed; therefore, a redesign was prepared. She explained B.E. Wheatly Road serves an industrial area, New Hanover, north of Highway 170, serves industrial and commercial land, Big John Road serves commercial land, and New Hanover Road serves commercial and mixed uses. Presenting the redesign, she suggested the street sections for New Hanover Road, north of Highway 170, have two 11 foot travel lanes, one foot curb and gutter on both sides, and on the west side there be a 4 foot sidewalk. For Big John Road: two 11 foot travel lanes, one foot curb and gutter on both sides, and a six foot sidewalk separated from the street by an 8 foot tree lawn. New Hanover Road, south of Highway 170 is a mixed use district, two 11 foot travel lanes; 1 foot curb and gutter on both sides; and 4 foot sidewalks; are being proposed. She asked Council for guidance as to whether this is more appropriate.

Tim Rentz, Coastal Contractors, stated he likes this proposal better than what was proposed at the previous meeting. He asked the City Planner if the designs presented at the last meeting were for all development or just the Burton Hill area. Ms. Anderson replied these specific roads in the Burton Hill area have been laid out as a predetermined right-of-way and need special attention. If a residential subdivision were being built, the developer would comply with subdivision standards.

Don Starkey, 1099 Otto Circle, said bike lanes aren't necessarily needed in developments but there should be a master plan of bike lanes to and from schools, and east, west, north, south, to the parks so developers know there is a plan.

Dick Andrzejczyk expanding on a point made earlier as to whether this proposal is to be consistent throughout the City, said it seems there should be one policy for standards throughout the City that developers can follow.

Merrit Patterson, 317 Laurens Street, said he concurs with the revised plan because it is more appropriate for the area. He added that it seems spot zoning is occurring on a few roads and the business service area has been ignored. He said he has been working with adjacent property owners to develop a regional plan incorporating approximately 240 acres from Highway 21 to the area behind Walmart. It might be useful to view the regional planning area to enhance the value for the City. The area has been incorporated in a TIF and a lot of that growth is funding the Boundary Street improvements. He said they approached the City about regionalized stormwater collection, a unified street plan, and a share in common utilities. Currently developers are doing this one section at a time. He said there are a lot of property owners willing to work with the City to do a regional plan. He used the Beaufort Industrial Park as an example where Beaufort adopted a development agreement to allow a development issue that is much simpler so the Development Board can develop the 217 areas. The City has an opportunity with the 200 acres but a plan is needed.

Answering Mr. Glover's question regarding the standards, Ms. Anderson stated there are no requirements for sidewalks, tree lawn, or curb and gutter. Mr. Glover also asked if this ordinance is not similar to the indoor/outdoor display of merchandise with different standards for different areas. Ms. Anderson agreed the historic district is different and has its own set of regulations. The concept is to establish districts with the standards being different within each district.

Councilman O'Kelley said Section 17 of the ordinance addresses curb and gutter which carries excess water. Since most of that area is unimproved, he said the roads are served by drainage ditches. If curb and gutter are built, where does the out fall go? If it goes to a ditch, how does that affect drainage. Councilman Fordham agreed regional planning would be appropriate. Mr. Glover said since Mr. Patterson brought up a good point, he might assist with suggestions. The Mayor recommended Councilman Glover form a group and make recommendations for Council.

Councilman Glover moved to table the ordinance for further review. Councilman O'Kelley gave second. The motion passed unanimously. (Copy of ordinance at end of the September 26, 2006 minutes)

ORDINANCE REZONING A 12-ACRE PORTION OF A PARCEL TO GC

An ordinance rezoning a 12-acre parcel of property on SC Highway 170 identified as District 120, Tax Map 28, Parcel 138 from Office Commercial to General 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.

Ms. Libby Anderson, City Planner, reminded Council this is a portion of a larger parcel and the applicant requested the rezoning be changed to General Commercial.

Council members Beer, Fordham, Glover, and Rauch voted to adopt the ordinance on second reading. Councilman O'Kelley voted nay. The motion passed 4 to 1. (Copy of ordinance at end of the September 26, 2006 minutes)

ORDINANCE REVISING SECTION 6(C) BY ADDING ACCESS MANAGEMENT REQUIREMENTS FOR HIGHWAY 170 DESIGN DISTRICT

The ordinance revising Section 6.6 of the Unified Development Ordinance to adopt access management standards for the SC Highway 170 Design District 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.

Ms. Libby Anderson, City Planner, stated this process actually began in 2001 when the County, the Town of Port Royal, and the City prepared the Robert Smalls Parkway Joint Corridor Plan. One of the major components of the Plan was a recommendation that all three jurisdictions adopt access management standards for Highway 170. At that time, Highway 170 was still being widened and they realized that once that occurs, pressure for development intensifies. The best way to preserve the capacity is through access management and specific standards were set out. In 2004, the County adopted those standards into their Development Ordinance. City Council also adopted the Plan but not the access management standards. An ordinance has been prepared based on the Robert Smalls Parkway Joint Corridor Plan. The four main components to the program are the location of new traffic signals, new street connections, curb cuts, and that a traffic impact analysis be required for large new development. Seven new traffic signals are proposed and new street connections. The Traffic Impact Analysis will be addressed through another ordinance on the agenda. She stated it is recommended that large new developments generating over 50 peak hour trips a day, prepare a traffic impact analysis.

Councilman Glover asked why the area between Highways 280 and 21 are not included. Ms. Anderson explained the ordinance is based on the Robert Smalls Parkway Corridor Plan and the area of focus is the undeveloped land from Highway 280 to Broad River. Mr. Glover stated this would be appropriate for Highways 280 and 21 as well. Councilman Glover also made recommendations regarding the proposed signals and the realignment of Highway 802 and Broad River Road to reduce the number of signal lights to six. He asked if this is on the list for improvements with the one cent sales tax referendum; this would be a good opportunity to realign the road. The City Manager stressed the importance of adopting these two ordinances to allow Council to manage the areas within the City's jurisdiction. Mr. Glover also inquired about how multiple developments would be addressed when they don't generate the 50 trips per day alone but collectively they do. Ms. Anderson stated that would be answered during the Traffic Impact Analysis Ordinance discussion; however, she would reply now.

Regarding the Traffic Impact Analysis Ordinance, she said the City has been considering this for a number of years. Traffic has been a major concern with many of the rezonings and projects that have come before Council recently. In order to control that, developers could be required to mitigate negative effects on the roadway system through a traffic impact analysis. This proposal is already in place with the County, she said. If a development generates 50 peak hour trips, a traffic impact analysis is required. The ordinance states the staff will review the report and what it contains. If the development will decrease the level of service, they are required to mitigate by decreasing the density of the development, make construction improvements, alter the development, or pay a fee in lieu of an improvement. The proposal is to exempt development in certain locations and to treat two

areas differently. All developments that generate more than 50 peak hour trips would be required to conduct an impact analysis except for developments on lots in the Boundary Street Master Plan or the Downtown Redevelopment area. The reasons are to create an incentive to develop in urban areas and the road improvements are already mapped out in the Boundary Street Master Plan. Addressing the concern raised about 50 peak hour trips and should the threshold be lower for other developments, she said she spoke to Todd Salvagin, traffic consultant, who said when Hilton Head originally adopted their ordinance; the threshold was very low for triggering the ordinance. They increased it to 100 peak hour trips because they were not getting the results needed.

Don Starkey, Otto Circle, asked for clarification about the Boundary Street area and if there is a type of business that must show they meet the traffic flow. The City Manager replied the land uses and the traffic infrastructure system were tied together into the plan so that the traffic infrastructure matches the maximum density of what can occur within that particular district.

David Tedder made a statement to further clarify the traffic impact issue. The Highway Department requires a traffic analysis for the encroachment permit to create the access on and off for a state highway if trips exceed 200. That will not be exempted by this traffic impact ordinance. Also, several of the areas will be part of the one cent sales tax money or the impact fees for the northern regional plan as it moves forward. The developers who are exempted still have to pay at a different time.

Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of September 26, 2006)

ORDINANCE REVISING ARTICLE 3 REQUIRING A TRAFFIC IMPACT ANALYSIS FOR CERTAIN DEVELOPMENT

The ordinance amending Article 3 of the Unified Development Ordinance by adding a requirement for traffic impact analysis studies for certain large developments was presented to Council for second reading and adoption.

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

Councilman Glover asked the City Manager if DOT has reviewed this ordinance since the roads are in their system. The City Manager replied the County's traffic engineer has reviewed it along with the City's consultant, Todd Salvagin. Mr. Salvagin has written the District Office in Charleston but has not received an answer.

Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of September 26, 2006 minutes)

REQUEST TO HOLD CHRISTMAS PARADE

A request by the Main Street Beaufort Executive Director for the City to co-sponsor the Christmas parade on December 3, 2006 beginning at 3:00 p.m. was presented to Council for approval.

On motion by Councilwoman Beer, second by Councilman Glover, the request was unanimously

approved.

REQUEST TO CLOSE STREETS FOR NIGHT ON THE TOWN

A request was presented to Council by Main Street Beaufort's Executive Director to close Bay Street from Carteret Street to Charles Street at 4:00 p.m.; Bay Street from Charles Street to Newcastle Street at 5:30 p.m.; Port Republic Street from Carteret Street to Charles Street; West and Scott Streets from Bay Street to Port Republic Street until 11:00 p.m. on December 1, 2006 for Night on the Town, to co-sponsor the tree lighting ceremony and to allow consumption of alcohol in the public right-of-way during the event.

Councilwoman Beer moved to approve the request. Councilwoman Glover seconded the motion. The vote was unanimous.

ORDINANCE SUSPENDING USE OF 2 & 4 HOUR PARKING METERS

First reading of an ordinance temporarily suspending the use of two and four hour parking meters in the downtown area from November 23, 2006 to January 2, 2007 and thereby temporarily suspending enforcement of Part 8, Chapter 2, Section 8-2001 of the City's Code of Ordinances was presented to City Council.

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

MAYOR'S REPORT

The Mayor commented on the plans by **SCE&G to bring additional voltage power lines** through the City. There was a meeting today with representatives from Columbia which he attended along with Ms. Beer who represented the Pigeon Point residents. He said his concern is that the power line goes through the residential part of town before going underground from Pigeon Point Park to Ladies Island to handle the increased growth there. His question was how wise is it to have a transmission corridor that continues to carry electricity over homes. He said this is a public health problem that needs to be addressed now; however, the City does not want to discourage this because it would allow more reliable electricity in the city. The SCE&G representatives agreed to come back with a proposal. Another meeting is scheduled for October 16th to discuss this with the homeowners and the public. Councilman O'Kelley said he was told some of the land owners have been approached and some have even accepted money for the easements.

The Mayor also mentioned he received a letter from Jeff Evans of Lowcountry Shakespeare for the City to co-sponsor the event since it was rescheduled due to the construction of the Waterfront Park. This request will be placed on the next agenda, he said.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley said he conducted an unofficial survey of Bay Street closures. The results will be distributed and the response by the businesses was very good.

BEER: Councilwoman Beer said she was called by the newspaper reporter regarding smoking in public buildings and whether she would support an ordinance if presented to Council. She said she would. Smoking in public buildings is not permitted in Georgia or North Carolina and it has not hurt their businesses. She asked Council to be thinking about it until an ordinance can be prepared.

Referring to the **meeting with SCE&G** today, she said she was pleased with the results. She first heard about it from residents in Pigeon Point. Communication needs to be improved between businesses and neighborhoods being affected by changes to eliminate rumors and mistrust. The SCE&G did say they would bring back a proposal and maybe even a choice. She added that the Pigeon Point Watch Neighborhood will be meeting with SCE&G on the 16th at the Green Street Gym at 6:00 p.m..

FORDHAM: Councilman Fordham noted Council is meeting this Thursday at 5:00 p.m. regarding the **Municipal Complex at City Hall**. He said he received an update from the City Manager about the expenditures made to date. He also asked for the same information from LCK.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session pursuant to Title 30, Chapter 4, Section O(a)(2) of the South Carolina Code of Laws: Discussion of negotiations incident to proposed contractual arrangements and a legal briefing pending litigation.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:30 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