

A regular meeting of the Beaufort City Council was held on September 26, 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 Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION

On motion by Councilman Glover, seconded by Councilwoman Beer, Council unanimously adopted the proclamation designating the last week of September, 2006 as Estuaries of the Lowcountry Week in the City.

PUBLIC COMMENT

Donna Starkey, Otto Circle, commented on the condition of the Waterfront Park and expressed her concern with the delay in completing the work.

Councilman Fordham asked for a status of the Park renovation. The City Manager replied that the contract is being enforced and change orders and extensions of time are being negotiated. It has been very frustrating managing events and requests for use of the Park, he said. The completion date according to the contract was September 8, 2006. He pointed out that the promenade, the playground, tabby pavers, the maintenance/restroom building and the walkways and landscaping on the east end still need to be completed. Also, there are corrections to be made in the drainage system.

The Mayor reminded Council the bid from Brantley Construction was \$6.3 million and the next bid was \$9.3 million. By accepting the low bid to save the taxpayers money, change orders are inevitable but the cost will still be less, he said.

PUBLIC HEARINGS

A public hearing was held to receive comment on the proposed **revision to Section 6.6 "Design Districts," Subsection C "Site Design," of the Unified Development Ordinance** adding specific access management requirements for the S.C. Highway 170 Design District. A Notice of Public Hearing was duly published in the Beaufort Gazette on September 11, 2006.

Libby Anderson, City Planner, said this project stems from the Robert Smalls Parkway Joint Corridor Plan which started in 2001. The three main elements are access management standards, design and development standards for development that would occur along that corridor, and the proposal for a multi-purpose trail that would be placed along the front buffer on each side of the

road. The City adopted the plan into the comprehensive plan update and the County implemented various components of the plan. The City and the Town of Port Royal have not done that. She outlined the access management recommendations for Highway 170 and said traffic signal spacing, driveway spacing, driveway design, and a recommendation for a traffic impact analysis are some of the issues addressed. Seven traffic signals are proposed for primary roadway intersections and driveway spacing with proposed standards for curb cuts is another important component. These designs are more restrictive than what the Department of Transportation permits, she said. Ms. Anderson stated these standards have been adopted by the County and the Town of Port Royal is in the process of adopting the same ordinance. She stressed the importance of all three jurisdictions supporting this proposal.

There being no other comments, the public hearing was closed at 6:30 p.m.

A public hearing was held to receive comment on the proposed **revision to Article 3 “Development Review Procedures,”** to add a new section requiring a traffic impact analysis for certain types of development. A Notice of Public Hearing was duly published in the Beaufort Gazette on September 11, 2006.

Libby Anderson, City Planner, stated this revision is also a recommendation from the Robert Smalls Parkway Joint Corridor Plan prepared in 2001. As part of the access management component, there was a recommendation that all three jurisdictions adopt a traffic impact analysis requirement for large new development along Highway 170. Because of the development that Beaufort is experiencing, the interest from the public and the Council in traffic management issues the proposed ordinance is being presented applies City-wide. The County has had a traffic impact ordinance in place since 2003 and staff is recommending the City adopt the identical ordinance for all large projects. This ordinance would apply to new developments that generate 50 or more peak hour trips per day. Examples include a 90 unit hotel, a 75 unit apartment complex, a 50 unit single family subdivision, a shopping center, and a fast food restaurant, she said. The Technical Review Committee composed of staff members has the authority to require the developer to take actions to mitigate the negative traffic affect that is outlined in the plan. The City’s ordinance includes two exemptions from the traffic impact analysis ordinance. If a project is in the Boundary Street Master Plan area, the project is exempted from this ordinance. This provides an incentive to develop in the Boundary Street area and the Boundary Street Master Plan has specifically laid out new rights-of-way, the width of the street, etc. The Downtown Redevelopment area is also exempted because this level of development is not expected to occur in the historic district and a street grid is in place. She answered questions from Councilman Glover concerning smaller projects.

Don Starkey, Otto Circle, said someone needs to conduct impact studies because people will want to know the impact on traffic.

Tim Rentz, of Coastal Contractors, said it is becoming more and more difficult to build work force housing because of the cost to develop property with impact fees.

There being no other comments, the public hearing was closed at 6:50 p.m.

MINUTES: REGULAR MEETING

The minutes of the regular Council meeting of August 22, 2006 were reviewed by Council and on page 11, 2nd paragraph from the bottom; strike the last 3 sentences.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of August 22, 2006 as amended.

MINUTES: SPECIAL MEETING

City Council reviewed the minutes of the special meeting of August 28, 2006 and on page 1 under Call To Order, the last 3 words are to be stricken.

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the special City Council meeting of August 28, 2006 as amended.

MINUTES: REGULAR MEETING

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

REQUEST TO CLOSE PORTION OF BAY STREET FOR TRICK OR TREAT EVENT

A request by Main Street Beaufort, USA to close a portion Bay Street from Charles to Carteret Street on October 26 from 4:15 to 6:00 p.m. for the "Trick-or-Treat in Downtown Beaufort" event was discussed at the September 12, 2006 Council meeting. Because the 4:15 closing would affect the businesses, changing the date and time was suggested. The request was tabled so that Ms. Locke, Main Street Executive Director, could poll her board regarding moving the event to Saturday, October 28th.

Councilwoman Beer moved to close the streets at 4:15 p.m. as requested. Councilman Glover gave second.

Ms. Locke reported the downtown merchant's and Board's decision on changing the date/time for the event was to ask Council to reconsider the request of closing the street at 4:15 p.m. on October 26, 2006. She said a factor in the decision is that there are many other events held in October, including the Art Walk, the Fall Tour of Homes, and the Ghost Tours, that are all ready scheduled and can not be changed.

Councilman Fordham stated if he were a Bay Street merchant he would not want to close his business so he is opposed. Councilwoman Beer said she spoke to the merchants this past weekend and they pointed out that the 4:15 time is a matter of safety for the children. Also, the merchants are giving to the community without asking for anything in return and this may be the only opportunity some children have to trick or treat. Ms. Beer also suggested that the business owners could advise their clients/customers of the need to park elsewhere during that 45 minutes.

Jack Sheehy, Southern Sweets, said the street is full of children during that event; suggesting that last year there was approximately 1,000 who attended. He also mentioned that parents have asked if it would be held again this year and expressed their pleasure that Council closes the streets to provide a safe environment for their children. He asked for Council's support; adding that this

makes Beaufort special.

Kevin Cuppia, Modern Jewelers, pointed out that the merchants do not close their business for this event but instead open their business for the children and parents who attend to enjoy the evening. He explained the event was held on a Saturday in the past but it usually coincided with the Tour of Homes. With the streets closed for the local people, the tourists stayed away. He added that the merchants spend money to ensure the children have a good time and, in his opinion, it is Council's job to make sure it is safe.

Lisa Estees, Estees Law Firm, said she has participated in this event as both a parent and a business owner. There are 4 employees in her business and they make accommodations for the festivals and even though her clients complain they know in advance. She asked Council to consider closing the street at 4:15 p.m. for the safety issue because there are children who are not accompanied by parents and will dart across the street.

Nan Sutton, Lula Burgess, stated this is a beautiful small town that wants to give to the community and keep it economically vital. She said this request is not about closing businesses for an hour besides the Park has been under construction for over a year. She asked Council to reconsider their decision.

Councilman Glover suggested changing the Tour of Homes to Thursday. Ms. Beer explained that the Tour of Homes, the Art Walk, and the Ghost Tours have been advertised and planned for over a year. Mr. Glover said he would support the event this year with the caveat that in the future so many things are not planned at the same time.

Jack Sheehy noted that the Art Walk and the Tour of Homes bring tourists which means increased sales tax, accommodation tax, and hospitality tax monies. The tourists come in on the weekend, so trick or treat was changed to Thursday because Saturday is a big shopping day for the merchants and for the restaurants and closing the street inhibited that.

Councilman O'Kelley said he will vote for the event; however, it is an inconvenience even though it is good for the community. Additionally, it is more than an hour because all the festivals want the streets closed and that affects the Bay Street businesses.

Dick Andrzcck, Bay Street merchant, agreed there are occasions that he loses business during a festival but he accepts it because those people may come back and shop again. He said that the merchant's main purpose is to give to the community and it is not about money but taking care of our fellow man.

Council members Beer, Rauch, O'Kelley, and Glover voted in favor of the event being held on Thursday, October 26, beginning at 4:15 p.m. Councilman Fordham voted nay. The motion carried 4 to 1.

ORDINANCE ANNEXING 0.78 ACRE PARCEL OF PROPERTY

The ordinance annexing a 0.78 acre parcel of property located at 3609 Trask Parkway (US Highway 21) identified as District 100, Tax Map 26, Parcel 153A was presented to Council for second reading

and adoption.

On motion by Councilman Glover, second by Councilwoman Beer, Council adopted the ordinance on second reading. (Copy of ordinance at end of the September 12, 2006 minutes)

ORDINANCE ZONING A 0.78 PARCEL OF PROPERTY

The ordinance zoning a 0.78 acre parcel of property identified as District 120, Tax Map 26, Parcel 153A was presented to Council for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman Glover gave second. The motion passed unanimously. (Copy of ordinance at end of the September 12, 2006 minutes)

ORDINANCE AMENDMENT REGARDING TOUR GUIDE CERTIFICATION EXAM

The ordinance amending Chapter 11, Section 7-11015 of the City Code limiting the number of times an individual may take the tour guide certification exam to four tests in six months was presented to Council for second reading and adoption.

Councilwoman Beer made a motion, seconded by Councilman Glover, to adopt the ordinance on second reading. The motion passed unanimously. (Copy of ordinance at end of the September 12, 2006 minutes)

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 first reading at the September 12, 2006 Council meeting and tabled in order for Council to receive a staff recommendation.

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

Police Chief Dowling recapped the comments from the last meeting. He stated the need to attract quality employees and retain them. Experience is gained through retention and that is the reason to offer the officers an incentive to continue their employment with the City. Applicants look for benefits, salary, working conditions, and workload. The surrounding jurisdictions implemented a salary adjustment in July that has surpassed the City. If this were to take effect in February, the cost to the City would be \$68,125, he said.

The Mayor asked if the department is fully staffed will that help the community policing efforts? The Chief stated all 47 positions in the department were not filled; therefore, some community policing efforts had to go lacking. He said community policing does work and it is important to become involved with citizen groups because they are a great resource. Some of services offered to the community are speaking engagements, participation in National Night Out, Youth Services Division (sixty students from Beaufort High graduated from the student police academy), the Police Movie Club held every Saturday, Kid's Fest, and Kid's Safety Day are just a few programs in which the department is involved.

Councilman Glover stated his concerns about this affecting the budget.

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

ORDINANCE REVISING UDO-OUTDOOR DISPLAY OF MERCHANDISE

An ordinance amending Sections 6.4 and 6.6 of the Unified Development Ordinance pertaining to outdoor display of merchandise was presented to Council at the September 12, 2006 meeting for second reading and adoption along with an alternate more restrictive ordinance prepared for first reading. After discussion and review with the applicant, staff was asked to prepare a third ordinance for this meeting.

Councilwoman Beer made a motion to approve the ordinance (Option C) on first reading. Councilman O'Kelley gave second.

Ms. Libby Anderson, City Planner, summarized the changes that have been proposed for these regulations over the past several months. Currently outdoor display of indoor merchandise is only permitted inside the historic district. During the last Council meeting, Council requested the requirements be the same inside and outside the historic district and those requirements should be to prohibit the outdoor display of indoor merchandise throughout the City; thus, a third ordinance was prepared.

Council voted unanimously to approve the ordinance prohibiting the outdoor display of indoor merchandise throughout the City on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE AMENDING SECTION 8.2/UDO PERTAINING TO STREET STANDARDS

An ordinance amending Section 8.2 of the Unified Development Ordinance pertaining to street standards in the Burton Hill area was presented to Council for first reading.

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

Ms. Libby Anderson, City Planner, stated in May of 2003 Council adopted the Burton Hill Area Street Plan which set out the location of 3 new roads in that area. Two of those roads are extensions of existing roads, she added. However, design standards were never established. The width of the travel lanes were not determined, or if curb and gutter and sidewalks would be required. Development is occurring in the area and the City needs to establish the design standards rather than allowing the private developer to do it. If the developer builds the road according to the standards established by the City, the City would take ownership of the completed roads since they are connector streets rather than private. The future land uses these roads are expected to serve are Limited Industrial, General Commercial, Commercial, and multi-family zones. The type of land uses is important to the design standards, she said. The various options identified as A through E were identified by Ms. Anderson as they apply to the new streets: B.E. Wheatly – "Option C", New Hanover – Option C, and Big John Road – Option E.

Tommy Logan stated that when the request by Neil Trask was presented to the Planning

Commission to name B.E. Wheatly Road they thought it was appropriate to continue B.E. Wheatly Road across Highway 170 to Salem Road and delete the current name of Andrew Clayton Road. This change would only affect one building/business which currently houses Curtis Mathis.

Tim Rentz of Coastal Contractors said they are currently developing a piece of property in that area to relocate their office and warehouse and oppose a bike path and the road design suggested by the planning staff. That design is more of an urban concept and in an industrial area that wouldn't apply. He mentioned several accidents that have occurred in front of their property and to introduce sidewalks and bike paths from Highway 170 onto a narrow road that curves does not make sense. He added that he has a development permit and doesn't want to change his design at this point. Councilman O'Kelley asked if there is an option available to slow the traffic in that area. Ms. Anderson agreed there may be some improvements needed to Burton Hill Road. Additionally, street standards for Burton Hill Road are not being suggested today; however, it may change tomorrow. Mr. O'Kelley said it appears it will continue to be industrial with what is being built and how much need is there for a bike path. The City Manager pointed out the need to develop the desired standards for the future or it will be necessary later to retrofit sections. Also, the zoning can change. Ms. Anderson added that the City will not require Mr. Rentz to change his plans.

Councilman Glover said he agrees with Mr. Rentz that sidewalks are not necessary. Imposing design standards requiring developers to construct components for a roadway system that will never be used is beyond what the City should accomplish. He referred to a recent annexation and rezoning in that area when the community along Salem Road said they needed sidewalks because pedestrian traffic conflicts with vehicle traffic. Instead of requiring the developer to build sidewalks on both sides of Burton Hill Road that may never be used maybe funds should be paid into a fund that could construct the sidewalks along Salem Road that would benefit everyone. He said requiring sidewalks on both sides of the street, the pedestrian traffic would have to resemble downtown. Councilman Fordham said he would prefer sidewalks on one side and maybe a required escrow account could be worked out. Mr. Glover also stated that on street parking interferes with businesses being served by the mail carrier.

Jamie Harrelson said he agrees there would not be enough pedestrian traffic to require sidewalks on both sides of the road. It is not uncommon to see vehicles speeding on Burton Hill Road and agreed it needs to be addressed. He also agrees bike paths would not be beneficial as it is dangerous.

Tommy Logan agreed that Councilman Glover has a valid point. He suggested making the sidewalk wider to accommodate both a bike path and walkway on Salem Road.

Jamie Harrelson asked if he would be required to install the road along the back side of his development. Ms. Anderson said if a road is needed to serve the development and in this situation it might be to Mr. Harrelson's advantage but it is not required.

On motion by Councilman Fordham, second by Councilman Glover, the ordinance was tabled.

REQUEST TO HOLD SHRIMP FESTIVAL ON BAY STREET

The request submitted by the Chamber of Commerce to hold the Shrimp Festival on October 13 and 14, 2006 in the Waterfront Park was approved by Council during their August 22, 2006 meeting.

Due to continued construction activities, the Festival will be unable to utilize the Waterfront Park. Therefore, staff is recommending several street closures and additional staff assistance because of the added cost of holding the festival outside the park.

Councilman Glover moved to approve the request. Councilwoman Beer gave second.

Matt Horn, Assistant to the City Manager, said the closure of Bay Street from Charles Street to Newcastle Street beginning at 5:30 p.m. on Friday, October 13th and closure of Newcastle Street to Church Street and one half block of Newcastle Street from Bay Street north beginning at 4:00 p.m. on October 13th is being recommended by staff as was done last year.

The request was unanimously approved.

REQUEST TO CLOSE STREET FOR BAZAAR

A request from the Carteret Street United Methodist Church to close a portion of Scott Street between Craven and North Streets for their Fall Bazaar on October 14, 2006 from 7:30 a.m. through the duration of their event.

On motion by Councilman Glover, second by Councilwoman Beer, Council approved closing the street on October 14th.

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

An ordinance rezoning a 12-acre portion of a 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 first reading.

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

Ms. Libby Anderson, City Planner, said the Access Management Requirements and the Traffic Impact Analysis will apply to this development since an application has not yet been received from the developer. Councilman O'Kelley expressed concern about sprawl creeping into residential areas.

Jim Tiller, the applicant, said they support the Access Management Plan and want to work with staff on any issues of concern. Actually, their concern was to gain access to the traffic signal planned for the location.

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

ORDINANCE REZONING 5 PARCELS ON DEPOT ROAD FROM R-3 TO R-4

An ordinance rezoning 5 parcels located on Depot Road identified as District 120, Tax Map 3, Parcels 515, 517, 518, 519, and 520 was presented to Council for first reading.

Ms. Libby Anderson, City Planner, said the current zoning of the property is R-3 and the proposed zoning is R-4. The uses are the same. The differences are in the development standards. Staff is concerned that only a portion of the block will be rezoned. The Planning Commission recommended approval.

Councilman O'Kelley made a motion to approve the ordinance on first reading. The motion died for lack of a second.

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

An ordinance revising Section 6.6.C of the Unified Development Ordinance to adopt access management standards for the SC Highway 170 Design District was presented to Council for first reading.

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

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

An ordinance revising Article 3 of the Unified Development Ordinance to add a requirement for a traffic impact analysis for certain large developments 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 referring to concerns expressed earlier by Councilman Glover, asked if the model on page 7 of the handout is used, can the ordinance be triggered if the development exceeds the fifty car AM/PM trip limit. Libby Anderson, City Planner, replied that if there is another development or phase on the property that would make it exceed the trip limit then it would be required. Ms. Anderson offered to contact the County Transportation Planner for his comments since they have been using this plan and consult with Todd Salvagin, a traffic engineer, and report back to Council at the next meeting. Councilman Glover raised other questions for clarification.

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

CITY MANAGER'S REPORT

The City Manager briefly reported on **the stormwater drainage projects**: Federal Street is being completed, Depot Road is under construction; and Duncan/Langhorn will begin in January. Also, funds are being reserved for some of the smaller under \$50,000 type projects. Councilman Glover asked about the problem on Pigeon Point Road that was mentioned during Public Comment at the last meeting. The City Manager replied that is the Department of Transportation's system and the Public Work's Director is working with the DOT to present a solution to Council.

MAYOR'S REPORT

The Mayor reported he received a phone call from Mr. Massally in Washington, D.C. who lives in

Sierra Leone who is interested in Beaufort said that many of the slaves who came to the Lowcountry to raise rice came from Sierra Leone. He is organizing a group of 350 people to come to Beaufort from their capital city, Free Town, to see where their descents live. He is proposing Beaufort become their sister city. Councilman O'Kelley agreed with the proposal.

Donna Starkey interjected it is a great idea for them to visit but it is one of the worse countries in Africa for physical abuse and she is not in favor of supporting this relationship. The Mayor suggested Ms. Starkey chair an investigation committee. Council agreed to consider the proposal. The City Manager asked Ms. Starkey to meet with him regarding a sister city status, research her concerns and then report back to Council.

REPORTS BY COUNCIL

BEER: Councilwoman Beer stated she will be meeting with the Operation Good Neighbor committee at the Baptist Church of Beaufort on October 2, 2006 to determine if the City can partner with them on the Project Repair in order to leverage the funds. She also spoke with the City Planner about changing the program from a specific amount for each house to a maximum amount of funding for the year.

GLOVER: Mr. Glover said he received a call today from the Beaufort Gazette reporter regarding smoking bans which will become an issue soon.

FORDHAM: Mr. Fordham asked how the \$7,500 amount for Project Repair was determined. His concern is that the City should not be in the banking business. Ms. Beer said Council decided on the amount per house and up to ten houses per year.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to receive legal advice related to a contractual matter and for a personnel matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 10:00 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