

A regular meeting of the Beaufort City Council was held on August 28, 2007 at 6:00 p.m. in the County Administration Building, Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem George H. O'Kelley, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, and 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.

PLEDGE OF ALLEGIANCE

Councilwoman Donnie Ann Beer gave the invocation. The Pledge of Allegiance was led by the Mayor.

RESOLUTION

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council voted to adopt the resolution commending J. Edward Allen for thirty-three years of service with the Beaufort County Emergency Medical Services. (Copy of resolution at end of these minutes)

CALEA PRESENTATION

Police Chief Jeff Dowling proudly announced that the City of Beaufort's Police Department is now an accredited agency with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). He listed the benefits gained through the accreditation. Of the 232 municipal law enforcement agencies in South Carolina, Beaufort was the seventeenth to become accredited.

PUBLIC COMMENT

Ray Stocks stated he called the Public Works Department several times to obtain a smaller garbage receptacle which he requested several months ago and only reached a recording. Another item of concern was the signal lights on Ribaut Road and Boundary Street. He asked that the timing be checked now that the McTeer Bridge has been repaired. The Mayor and the City Manager replied that SCDOT adjusted them once and will adjust them again after Labor Day.

PUBLIC HEARINGS

A public hearing was held in compliance with the U.S. Justice Department Guidelines to receive comment on funds allocated through the **Bureau of Justice Assistance Grant Program** to the City's Police Department. A Notice was published in the Beaufort Gazette on August 28, 2007.

Police Chief Jeff Dowling stated this is one of several grants with the Department of Justice that the Police Department has been working on since last year. This grant has been confirmed in the amount of \$19,043.00 which is to be used for the purchase of a Comstat Crime Mapping Program and associated hardware/software and in-car magnetic swipe readers and printers to be used in police patrol vehicles.

There being no comments, the public hearing was closed at 6:27 p.m.

A public hearing was held to receive comment on revising Section 3.15.C “Variances, Approval Process,” Section 4.9.A, “Overlay Districts,” and Article 6 “District Development Regulations of the **Unified Development Ordinance to establish the Beaufort County Airport Overlay District** and to establish standards for development in this district. A Notice of Publication was duly published in the Beaufort Gazette on August 13, 2007. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, explained that County Council adopted an ordinance in May establishing the Airport Overlay District for the Lady’s Island airport. The ordinance requires a disclosure form to be prepared for prospective purchasers of properties in the Approach Zone or Transitional Zone. This form shall be filed with the deed and/or plat at the County Register of Deeds (RMC). The proposed ordinance also outlines the regulations to be implemented which were described by Ms. Anderson. This proposed ordinance is similar to the City’s existing AICUZ in that it establishes height limitations for structures built in and around the airport, requires disclosure notification when property changes hands, and subdivision plats in the overlay district will require a notification to be on the plat. This ordinance does not limit density in the overlay district like the AICUZ does nor does it limit uses.

Councilman O’Kelley questioned whether the notification of the approach and traditional zones should be attached to the deed or included as part of the deed. Ms. Anderson stated she would research the issue.

There being no other comments, the public hearing was closed at 6:34 p.m.

MINUTES

The minutes of the regular City Council meeting of July 24, 2007 were presented to Council for review. The following changes were made on page 2, the next to the last paragraph, the second line should be reworded; page 7, under Council Reports, Badminton is one word and in Councilman Fordham’s report, the 3rd sentence should be sixteen miles; and page 8, under Parking Garage, Councilman O’Kelley’s name should replace Councilman Suten’s name in favor of the agreement.

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council approved the minutes as amended.

MINUTES

The minutes of the special City Council meeting of August 9, 2007 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

MOTION TO ADD AN ITEM

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to add an item to the agenda.

ORDINANCE AUTHORIZING A LAND SWAP BETWEEN THE CITY AND 303 ASSOCIATES FOR THE PURPOSE OF BUILDING A PARKING GARAGE AT THE CORNER OF PORT REPUBLIC AND SCOTT STREETS

The ordinance authorizing a land swap between the City and 303 Associates for the purpose of building a parking garage at the corner of Port Republic and Scott Streets was presented for second reading and adoption.

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

Councilman O’Kelley referred to the small parcel owned by Ms. Rose Mark. Her son Larry is obtaining an appraisal. If that property does not belong to the City, the number of parking spaces to be dedicated to the City upon construction of the parking facility will be reduced to 27 instead of 32. Mr. O’Kelley moved to amend the ordinance to reflect a lesser amount of at least 27 and up to 32 spaces. Councilwoman Beer gave second. Council members Beer, Rauch, O’Kelley, and Fordham voted in favor of the motion to amend. Councilman Sutton recused himself. The motion passed.

Council members Fordham, O’Kelley, Beer, and Rauch voted to adopt the amended ordinance on second reading. Councilman Sutton recused himself. The motion passed. (Copy of Ordinance at end of July 26, 2007 minutes)

ORDINANCE ANNEXING 2808 POLK STREET

The ordinance annexing 2808 Polk Street identified as District 100, Tax Map 26A, Parcel 90 into the City was presented for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Sutton, Council adopted the ordinance on second reading. (Copy of ordinance at end of the July 24, 2007 minutes)

ORDINANCE ZONING 2808 POLK STREET TO GC

The ordinance zoning 2808 Polk Street also identified as District 100, Tax Map 26A, Parcel 90 to General Commercial with the Boundary Street Redevelopment District Overlay was presented for second reading and adoption.

Councilman Sutton moved to adopt the ordinance on second reading. Councilwoman Beer gave second. The ordinance was unanimously adopted. (Copy of ordinance at end of July 24, 2007 minutes)

ORDINANCE REVISING UDO TO REQUIRE LIGHTING OF COMMUNICATION TOWERS OVER 150 FEET

The ordinance revising Section 5.3 of the Unified Development Ordinance, “Specific Use Standards, Other Uses,” to require the lighting of communication towers over 150 feet in height was presented for second reading and adoption.

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

Libby Anderson, City Planner, said the County and the Town of Port Royal have adopted similar ordinances for the lighting of new communication towers and other structures that are higher than 150 feet. Existing structures are grandfathered so this would only apply to new construction. The primary motivation for the change is to protect aerial mosquito abatement flights.

Council adopted the ordinance on second reading. (Copy of ordinance at end of the July 24, 2007 minutes)

ORDINANCE REVISING SECTIONS OF THE UDO FOR NAMING NEW STREETS

The ordinance revising Section 3.1.G of the Unified Development Ordinance, "Development Review Procedures, Summary of Notice Required, and Section 3.6 "Street and Development Names," to revise the procedures for naming new streets was presented for second reading and adoption.

Councilman O'Kelley moved to adopt the ordinance on second reading. Councilwoman Beer gave second.

Libby Anderson, City Planner, explained that the current ordinance requires a public hearing be held to name a new street or change the name of an existing street. The State Law only requires a public hearing to change the name of an existing street. To expedite the process and be consistent with State Law, staff is recommending a public hearing only be required for street name changes.

The ordinance was unanimously adopted on second reading. (Copy of ordinance at end of the July 24, 2007 minutes)

ORDINANCE REPEALING ORDINANCE 24-90 PERTAINING TO BUILDING CODE FEES

The ordinance repealing Ordinance 24-90 pertaining to building code fees was presented for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman O'Kelley seconded the motion.

Libby Anderson, City Planner, mentioned that the new fees will be presented for adoption by resolution later in the agenda. If there is a concern about those fees, the second reading of this ordinance should be deferred.

Councilman Sutton stated he would like to discuss the changes in a workshop. The City Manager mentioned moving it to the upcoming work session scheduled for September 4th.

Councilman O'Kelley moved to table both this item and the Resolution adopting the new building code fees. Councilman Sutton gave second. The motion passed unanimously.

ORDINANCE AMENDING SECTIONS OF THE COMMERCIAL FILMING REGS

The ordinance amending Part 7, Chapter 14 of the City's Code of Ordinances by revising Sections 14001(b), and 14006(c), (d), (e), (f), (g), (h), and (i), regarding commercial filming regulations of the City's Code of Ordinances was presented for second reading and adoption

On motion by Councilwoman Beer, second by Councilman Sutton, Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of the July 24, 2007 minutes)

SAFER GRANT

Fire Chief Wendell Wilburn explained that this is a FEMA grant referred to as a SAFER grant or Staffing for Adequate Fire and Emergency Response. It was created to provide a funding source to municipalities and fire departments across the country that would assist in increasing the number of front line trained firefighters. If the grant is funded, it will allow the fire department to meet staffing requirements of NFDPA Standard 1710 and reinforce the current ISO Class 2 fire protection rating. It is a five year program and requires a commitment from the City. Four additional fire fighters were requested during the FY08 budget; they were not funded and this is an alternative source of obtaining those employees.

The City Manager reminded Council that this meets some of Council's goals but before applying for the grant, the funding will have to be addressed. Before committing to that, staff wanted Council to be advised.

On motion by Councilman O'Kelley, second by Councilwoman Beer, Council approved supporting the grant.

REQUEST BY CODA

A request by the Citizens Opposed to Domestic Abuse for the City to co-sponsor a Prayer Vigil in the Waterfront Park on October 2, 2007 beginning at 2:30 p.m. was presented to Council.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request.

REQUEST BY HBF TO WAIVE FEES

A request from the Executive Director of the Historic Beaufort Foundation for the City to waive fees associated with the restoration of the Beaufort Arsenal was presented to Council for consideration.

Councilman Sutton moved to approve the request. Councilwoman Beer gave second. The motion passed unanimously.

RESOLUTION – BUILDING CODE FEES

The resolution adopting updated building code fees with an effective date of September 17, 2007 was tabled earlier in the meeting.

ORDINANCE AUTHORIZING CITY MANAGER TO ENTER INTO A QUIT CLAIM DEED FOR SALE OF A PORTION OF A R-O-W ON WILSON DRIVE

An ordinance authorizing the City Manager to enter into a quit claim deed for sale of a small parcel of abandoned land belonging to the City located on Wilson Drive to Scott Lee for \$500.00 was presented for first reading.

Councilwoman Beer made a motion, seconded by Councilman Fordham, to approve the sale.

Councilman Fordham inquired as to whether the buyer will pay for the attorney fees and other costs. Councilman O’Kelley moved to amend the motion to include “plus costs.” Councilman Fordham gave second. The vote was unanimous.

Council approved the amended ordinance to include \$500.00 plus costs. (Copy of ordinance at end of these minutes)

RESOLUTION ADOPTING THE NORTHERN REGIONAL PLAN

A resolution adopting the Northern Regional Plan which was reviewed and unanimously approved by the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission on July 2nd was presented to Council for consideration.

Councilman Fordham said he has a problem with the City’s growth boundaries extending to the Whale Branch Bridge and also with using the train trestle for a road across Battery Creek; otherwise, he approves the Northern Regional Plan.

The Mayor expressing his reservations said if rural means suburban then this is not an effective plan and he is not in favor of voting for the plan until Yemassee joins in. There are so many steps along the way to build a road across the Battery Creek, he would not vote against adoption of the Plan because of that.

Councilman Sutton commented that this is the first time all the municipalities have worked on a document that gives the City a chance to build for the future. He suggested Council support this because there will be opportunities to make changes. He said the City may never grow to the Whale Branch Bridge but this plan would protect that area from becoming suburban. However, if Clarendon were to develop, the City should have the opportunity to grow pass the current boundaries.

Councilman O’Kelley said he has the same reservations as Councilmen Fordham and Rauch but Councilman Sutton’s comments make sense. He is not in favor of extending the boundaries to Whale Branch but he will vote for the Plan because he feels it protects that area and allows the City and no one else to extend there. He added that he is not in favor of “leap frogging” to annex.

Councilwoman Beer stated this is a step forward with all the municipalities working together. The plan of fifteen years ago included the City boundaries growing to the Whale Branch.

Alton Aimar, 1723 Riverside Drive, said he served on the committee that developed the Comprehensive Plan that is currently in place with the County and he applauds all the municipalities for their work even if Yemassee has not yet joined in. He asked Council to vote in favor of the resolution.

Laura Von Harten, County Councilwoman, said there are parts of the Plan with which people are not happy. Referring to Section 6.10 of the Plan regarding rural zoning, she read an excerpt which the County is following in developing Okatie.

Council members Beer, Sutton, Rauch, and O’Kelley voted to adopt the resolution. Councilman

Fordham voted nay. The motion passed 4 to 1. (Copy of resolution at end of these minutes)

ORDINANCE REVISING UDO TO ESTABLISH THE BEAUFORT COUNTY AIRPORT OVERLAY DISTRICT

An ordinance revising Article 6 “District Development Regulations” and Sections 3.15.C “Variances, Approval Process” and 4.9.A “Overlay Districts,” to establish the Beaufort County Airport Overlay District and to establish standards for development within this district was presented for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman O’Kelley seconded the motion.

Councilman O’Kelley said he wants the concerns he brought up at the public hearing regarding incorporating the disclosure form for the zones in the airport overlay district in the deed and/or plat to be addressed before second reading. Ms. Anderson said she would check on that.

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

INTERGOVERNMENTAL SERVICE AGREEMENT WITH PORT ROYAL

An agreement between the Town of Port Royal, SC and the City of Beaufort for services performed by the Beaufort Municipal Court Judges and Clerks was presented to Council for consideration.

Councilwoman Beer moved to approve the agreement. Councilman O’Kelley seconded the motion.

Shirley Hughes, Finance Director and Assistant City Manager, said the Town of Port Royal has requested the City provide the same court services as provided to the Town of Hilton Head and the Town of Bluffton. It is difficult for those municipalities to provide a person at court twice a day, seven days a week and they have asked that Beaufort assist them. This agreement is similar to those already approved as far as costs are involved. Each year, prior to budget, all revenues will be reviewed.

Council unanimously approved the agreement.

ORDINANCE AMENDING THE FY08 CITY BUDGET

An ordinance amending the FY08 budget in the amount of \$19,043.00 to be used for the purchase of a Comstar Crime Mapping Program and associated hardware/software and in-car magnetic swipe readers and printers to be used in the Police patrol vehicles was presented to Council for first reading.

Councilwoman Beer made a motion, seconded by Councilman Sutton, to approve the ordinance on first reading. Council unanimously approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

CITY MANAGER’S REPORT

The City Manager reminded Council of the work session scheduled for 5:30 p.m.on Tuesday, September 4th at City Hall.

COUNCIL REPORTS

SUTTON: Councilman Sutton reported he attended the first Habitat Program using the City Grant money for the Block By Block Project Saturday. The Naval Hospital sent seven chief petty officers and they worked very hard. Some concerns he had were the staffing and one Saturday a weekend. He asked if the City can offer space for a dumpster to collect debris which would eliminate the time it takes to haul it away. He said if a dumpster is placed on the street for a period of time, other items are thrown in it so there needs to be a secure zone.

O’KELLEY: Councilman O’Kelley noted that Colonel Chuck Weickhardt, Gail Weickhardt’s father-in-law, passed away recently and his funeral will be held at the National Cemetery on September 5th.

FORDHAM: Councilman Fordham said the last report Council received, the bench warrants with traffic fines imposed by the City Court exceeded \$9,000. He said he asked the City Manager to verify the amount. Another item he addressed is that a report on what Public Works is doing with SCDOT regarding cleaning up the stormwater drainage be on an upcoming agenda.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:50 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O’KELLEY, JR.

COUNCILMAN MIKE SUTTON

ATTEST:

BEVERLY W. GAY, CITY CLERK