

A regular meeting of the Beaufort City Council was held on January 9, 2007 at 6:00 p.m. in County Council Chambers, 100 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, 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.

### **PUBLIC COMMENT**

**Gaillard Pinckney**, Pigeon Point resident, stated SCE&G contacted him several months ago about placing a power line over his property. He did not agree to accept the proposal neither did some of his neighbors. However, it appears the line is being placed under Pigeon Point Road and he asked what authority they have to do this. The Mayor replied that is part of the loop around the City and Lady's Island and it crosses the river at Pigeon Point. He added that SCE&G is currently repairing a portion of the existing line but they want to upgrade the existing lines to allow increased voltage. There has been a dispute for the last several months as to whether they upgrade the voltage or not. The City has established a committee to investigate and make recommendations to Council in a couple of months. According to the City Manager their next meeting is January 22<sup>nd</sup> at City Hall.

**Charles Preslowe**, 111 Capers Street, commented on the size of the roll out garbage cans and asked if there are any provisions for elderly or physically challenged people. The City Manager replied there are three different size cans; 95; 65; and a 45 gallon containers. The largest was delivered to everyone. If someone calls the Public Works Department and requests a different size, it is replaced with what they feel is more appropriate. Then, as usual, if someone has a physical problem that makes it difficult for them to roll the cart to the street, a phone call to Public Works will initiate the process to accommodate people with needs.

### **PUBLIC HEARINGS**

A public hearing was held to receive comment on the proposed **rezoning of a .3 Acre parcel of property located at 1411 Palmetto Drive**, Identified as District 100, Tax Map 26A, Parcel 195 to Highway Commercial. A Notice of Public Hearing was duly published in The Beaufort Gazette on December 18, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended Office Commercial zoning as transitional zoning.

Libby Anderson, City Planner, explained the applicant is Henry C. Chambers and the zoning request is the result of a petition for annexation. There is an unoccupied single family dwelling located on the property. Single family dwellings adjoin the property on the north, west, and the east. The lot

immediately adjacent to the east is currently vacant. The current zoning under the County is Suburban District which is residential. The proposed zoning HC is the City's most intense commercial zoning designation and allows all types of office and commercial uses.

Councilman Fordham expressed concern with just receiving the Planning Commission's recommendation the night before the Council presentation. With them meeting the night before the Council meeting that doesn't allow enough time to consider their recommendation.

**Elizabeth Smith** who lives next door to the property in Woodlawn Subdivision said the residents in that area are all older people. They would like the zoning to remain as it is.

Ms. Anderson explained Office Commercial zoning which was recommended by the Joint Planning Commission to be a less intense zoning and is a mixed use zone. It allows all types of offices but limited commercial and all types of residential.

**Don Starkey**, Otto Circle, said he thinks the plan for the property should be presented to Council to see how it fits the new Boundary Street Master Plan.

The public hearing was closed at 6:30 p.m.

A public hearing was held to receive comment on the proposed **rezoning of a 1.14 acre parcel of property located off Fripp Street, known as the "Pickle Factory"**, identified as District 120, Tax Map 5, Parcel 28 from R-1 Low Density Single-Family Residential District to Planned Unit Development District. A Notice of Public Hearing was duly published in The Beaufort Gazette on December 18, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval

Libby Anderson, City Planner, said the building built in 1920 is listed on the Beaufort County Above Ground Historic Resources survey which was prepared in 1998. The building has been vacant and abandoned for many years. According to the ordinance, the property cannot be demolished until the Historic Review Board makes a recommendation for demolition. The property is proposed to be rehabilitated into a 12 unit two-bedroom, multi-family condominium, not demolished. There will be 21 parking spaces as required. The survey indicates the current building maybe eligible for listing on the National Register of Historic Places. The applicant stated that they will pursue this listing and if achieved then the rehabilitation could be done in a manner so that historic tax credits could be received. The building is also proposed to be renovated to meet the LEED standards for construction, no additional buildings are proposed and no trees will be removed. The access will be from Dill Drive which is twenty feet wide and adequate to provide fire service.

**John Daniel**, owner of the property, stated he and his wife met with the Hermitage Neighborhood Association officers to determine what they thought was the best use for the site. After review of the zoning districts, they were advised to consider a Planned Unit Development. This would assure the neighbors of the density and then they hired the architectural firm out of Savannah because of their past experience with revitalization of historic properties. When they met again with the neighborhood association with a proposal of about 18 units, there were concerns of density so they reduced it to twelve units.

**Neil Dawson**, architect, said the preservation of the building is the compelling reason for the request to rezone the property. The twelve units are the right size for this neighborhood and allows an affordable market.

**Evan Thompson**, Executive Director of the Historic Beaufort Foundation, spoke in favor of the project. He referenced the essay written by the high school senior who won the Historic Preservation Scholarship sponsored by HBF and pointed out the comparison in his vision for the property and what is proposed for the “pickle factory”. Another student pointed out statistical facts that the taxes are a mere \$2.13 annually and the value of the building is zero. This structure has been on HBF’s list of endangered properties since the 1990’s, he said. He displayed a 1938 survey of the Hundred Pines neighborhood showing the “Pickle Factory” with none of the existing houses. He said they feel confident that an effort to restore it will enhance the value of the building and its historic heritage. He pointed out that a train used to run through the neighborhood and the quality of life is improving because that railroad is no longer functioning. The number of cars generated by the project will not have a serious impact on the neighborhood.

**Judy Nash Timmer**, President of Hermitage Neighborhood Association, representing the Association said they support the “Pickle Factory” renovation with two conditions. These are that the building renovation stays within its exiting footprint which the owners have agreed to do. Basically, the neighbors would like to see the density less than twelve units. The proposal does not honor what would be approved for an historic preservation. Another issue the owners agreed to work toward is the LEED certification of the development. If they are allowed to preserve this building and not honor the existing zoning, they should preserve the building in such a manner that an application is presented for the National Register. She recommended these two items be part of the approval for their Certificate of Occupancy. She asked Council to consider lowering the density. The Mayor asked how many units would be allowed under the R-1 zoning. Ms. Timmer said four single family units with attached accessory dwellings could be built. She said they could develop the property into 3 lots if the existing structure were removed.

Councilman O’Kelley asked if the exterior is to be changed. Mr. Dawson said the exterior now is composed of structural clay tile and they are considering using stucco. He presented an artist’s rendering showing the proposed design. He also stated if the LEEDs certification and application to the National Register are required before receiving the CO that will be difficult.

Councilman Sutton asked what the requirements are for the building under the LEED certification. Mr. Dawson replied a reflective roof, pervious pavement, specific lighting, and a reduction in the stormwater impact. These are over and above what is usually done on a condominium project.

**Wade Thole**, 111 Elliot Street, said he attended 2 of the 3 association meetings. There are some residents who would prefer to see the structure razed and four houses be built. He does not agree. He prefers the building to be restored. Also, he said the road is wide enough to handle additional vehicles. He asked Council to approve the application with the twelve units.

**Lee Schaefer** said she is concerned about the storm water. The property she owns is low. She interjected that the plans should consider the impact of the storm water of the pickle factory on the

surrounding areas. Mr. Dawson mentioned that the property is high; therefore, water probably does drain into most of the neighborhood now. Most of the LEED projects decrease the stormwater runoff and none of that is controlled by any devices or measures now. Those issues will be addressed.

**Catherine Donnelly**, 2509 Fripp Street, said after attending the Planning Commission meeting, she contacted the ten Fripp Street residents and the general consensus is positive for the development of the “Pickle Factory”; however, the response was negative for the density. They have concerns about the traffic. They think six units would not impact the single family character and twelve units are beyond what this quiet neighborhood can tolerate. Another concern is if the emergency vehicles can access the building via the narrow street. She said this needs to be considered.

**Mary Sharpe**, Fripp Street resident, said an increase in traffic and density will be a detriment to the area and change the character of the neighborhood. She thinks the structure should be torn down but joined the consensus of the Association to preserve it. She requested the density be lower than twelve.

**Phil Hodges**, 102 South Hermitage, asked Council to consider the numbers closely because he was misled as to what would work. The cost of the property plus improvements would appear to let the owners do what is proposed but at a lower density.

**John Daniel**, property owner, said he realizes traffic is an issue and if the building is torn down and four single family homes are built, that would generate about 9.57 trips per 24 hours. If accessory dwellings are built, the volume will be higher. Condominiums generate lower trips per day. Then some of the other uses allowed, such as a school, which would not be compatible with the neighborhood, the traffic would be very heavy.

**Judy Nash Timmer** addressing Mr. Daniel’s statement, said whether it is a school or another use, they have no proof that they can meet the parking requirements. She pointed out the street is 20 feet wide and less traffic is an important issue.

**Hayes Williams** said he is against 12 units and possibly 21 cars. Fripp Street is not wide and six units seem better.

**Charles Presalore**, 111 Capers Street, is concerned about how the traffic will be regulated. He added that is a blind and dangerous curve and he is in favor of six units.

Ms. Anderson explained that when an application is received for redevelopment during the technical review process, the specific requirements for parking, emergency access, etc. are reviewed. The fire department’s requirements are very stringent. The minimum width of a road is 20 feet and the ladder truck is equipped with a 100 foot ladder to service the development. If the height of the structure is over 35 feet, they have to have access to three sides of the building as opposed to one side for a single family structure.

**Cathy Lindsay**, 2308 Hermitage Road, asked for clarification of the R-1 zoning requirements for the number of lots. Ms. Anderson explained that the ordinance permits cluster subdivision by right

where a developer can vary the lot area width requirements as a trade off for preservation of common open space. If that option was proposed and approved by the Planning Commission, four single family dwelling units/lots would be allowed. Ms. Lindsay also inquired about who owns the right-of-way. Ms. Anderson said no one is claiming the right-of-way. It may be necessary for the developer to obtain a quit claim deed in order to maintain the road. Ms. Lindsay said if the point of this proposal is to save the building but the chief preservation officer of the SC Archives and History doesn't support the nomination because of the renovations and the proposed plan, the application should be made a condition. She added that the owners continue to say that the only way they can make a profit is continue with 12 units, the zoning of this established neighborhood is R-1. Private development should not increase the density of a neighborhood. She asked Council to consider this and not change the zoning. She said four is an appropriate density.

The public hearing was closed at 5:50 p.m.

Councilman Fordham added that the Planning Commission should not meet the night before a public hearing is held. He suggested there be a procedure that at least a week elapses before the public hearing. Councilman O'Kelley commented that it would have been helpful if the information had been available for both Council and the public before tonight. The Mayor said those questions can be answered before first reading.

#### **MINUTES: JOINT WORKSHOP MEETING**

The minutes of the Joint Workshop of November 21, 2006 were reviewed by Council and on page 5, 2<sup>nd</sup> paragraph, Harley Lang's name was misspelled.

On motion by Councilwoman Beer, second by Councilman Fordham, Council members Beer, O'Kelley, Fordham, and Rauch voted to adopt the minutes of the special joint workshop meeting of November 21, 2006 as amended. Councilman Sutton abstained.

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

City Council reviewed the minutes of the regular meeting of November 28, 2006 and the last sentence on page 5, under Ordinance Revising UDO Regarding Flag Lots, Councilwoman Beer seconded the motion.

On motion by Councilwoman Beer, second by Councilman Fordham, Council members Fordham, Beer, O'Kelley, and Rauch voted to adopt the minutes of the regular City Council meeting of November 28, 2006 as amended. Councilman Sutton abstained.

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

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council adopted the minutes of the regular City Council meeting of December 12, 2006 as presented.

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

The 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 second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman O’Kelley gave second. Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of the December 12, 2006 minutes)

**ORDINANCE AMENDING SECTION 1-4004-PURCHASING REGULATIONS**

The ordinance amending Chapter 4, Article A, Section 1-4004, Powers and Duties of the City Manager regarding purchasing regulations was presented to Council for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman Fordham gave second. Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of the December 12, 2006 minutes)

**INTERGOVERNMENTAL AGREEMENT WITH BLUFFTON**

Linda Roper, Municipal Court Administrator, presented the proposed intergovernmental agreement with Bluffton for staff services during bond court for Council’s approval. She explained Bluffton has asked that the City’s judges conduct the bond hearings so they don’t have to travel to and from Beaufort. This also means that City staff needs to be present to prepare the paper work. The Town of Bluffton has agreed to pay the City \$10,000 for staff’s services. Since the staff is already there preparing the bond paper work for the City’s judges and for Hilton Head, this additional work would not have a negative affect. The intent is to review the number of hearings every six months.

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

Councilman O’Kelley inquired if this is similar to the agreement with Hilton Head and what is the percentage of the bonds written for them. Ms. Roper replied this agreement is similar to Hilton Head’s contract but they pay \$15,000 based on their case load which is about equal to the City or half of the hearings and that is how the amount was determined. This agreement will not require any additional personnel.

Councilman Sutton said the amount seems low. He asked how much of a 40 hour work week is required for bond hearings? Ms. Roper replied approximately 4 hours per day. Mr. Sutton stated as Bluffton grows, the City’s staff will have to grow and services will increase. Councilman O’Kelley asked that Council be informed of the percentages.

Council approved the agreement with the Town of Bluffton.

**ORDINANCE AMENDING SECTION -113003 – HOSPITALITY FEES**

An ordinance amending Section 7-13003, City Code, regarding the allocation of Hospitality Fees was presented for first reading.

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

Shirley Hughes, Finance Director, stated during the FY 2004 Budget, there was a change made to the allocation percentages used to distribute the Local Hospitality Fees. The new percentages have

been used during the preparation of the FY 2005, 2006, and 2007 budgets; however, the ordinance was not changed to reflect this new percentage.

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

**ORDINANCE REVISING UDO ADOPTING BOUNDARY STREET REDEVELOPMENT DISTRICT ORDINANCE**

An ordinance revising the Unified Development Ordinance to adopt the Boundary Street Redevelopment District Ordinance was presented to Council for first reading.

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

Libby Anderson, City Planner, stated a public hearing on the draft Boundary Street Redevelopment District ordinance was held during the City Council meeting of December 12, 2006. That was one of the tools mentioned in the Master Plan to achieve the goals set out in that plan. It was adopted as an amendment to the Comprehensive Plan in August of last year by Council. Since then, Council has been working with Dover Kohl & Partners, the City's consultant, to prepare new zoning standards for the Boundary Street Master Plan area. The new standards are in the form of a Form Based Code. Those regulations focus on design rather than use and usually address small areas. Meetings with some of the larger property owners in the area and a workshop were held to receive comments. Based on those comments, the staff made changes to the original document and incorporated them into a revised draft dated December 4<sup>th</sup>. The Joint Planning Commission considered the ordinance at their meeting last night and they recommended approval understanding there will be changes proposed to the document and presented to City Council. She listed several of the changes staff would like made. The City Attorney recommended Council proceed with first reading now in order to protect the City with the pending ordinance doctrine. It is important to move the ordinance through the review process so the development community can move through this transition situation.

The City Manager recommended Council set a time to discuss all the issues because the form based code is an important element of the ordinance. Council agreed to hold a special meeting Tuesday, January 16<sup>th</sup> at 5:00 p.m. with the location to be determined later.

Dick Stewart said he understood this to be a conceptual plan. Now the issue of transition is of concern because he has a building under construction that this plan ignores and contemplates something different would be there. Also, a road shown on the plan would violate the terms of 15 to 45 year leases with major retailers within the shopping center. Another item of concern that he has raised in the past, is the roadway contemplated along the marsh front property he owns in the Jean Ribaut Square shopping center. Additionally, the Corridor Review Board will be reviewing a building design for a lot behind the cemetery that is shown on the plan as a park. He suggested that unless these issues are addressed in this process, a lot of complex variances should be anticipated to address these problems.

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 Retreat scheduled for Tuesday, January 30 from 4:00 to 7:00 p.m. at City Hall. He also addressed the HCC Park grand opening planned for January 15<sup>th</sup>. He presented Council with a list of some of the issues of the project for completion. He said one of the disappointing issues is the surface in the playground; however, due to the manufacturer's specifications and the City's dislike of how they were applied, it should be completed by Monday. The swings will be completed also. On another issue, he asked Council to confirm the direction for West Street and Scott Street/BB&T entrances and which is the entrance and which is the exit. The idea is to have West Street reversed so traffic exits onto Bay Street. Scott Street would travel towards the library and Craven Street and BB&T would be an entrance only. Councilman O'Kelley said the parking spaces are on the west side of Scott Street which will make the parking difficult. Councilman Sutton pointed out this will impact a lot of things on that street because UPS trucks stack up on the loading zone now. He added that turning right onto Scott Street from Bay allowed passengers to get out of the vehicle onto the sidewalk. Reversing that puts the driver's side at the sidewalk. The City Manager suggested Main Street's Parking Committee review this issue with City staff before making a final decision.

### **MAYOR'S REPORT**

The Mayor stated he received a letter from Gaillard Pinckney regarding a parcel of property that adjoins his resident which he sold to the City several years ago for placement of a well. He is requesting this be placed on the next agenda.

### **REPORTS BY COUNCIL**

**SUTTON:** Councilman Sutton referring to the Waterfront Park asked the City Manager if staff is aware of the leaks in the amphitheater. The City Manager responded that is being addressed. Ms. Sutton also asked about the surface in the playground. The Public Works Director said the architect and the playground consultant are addressing the elevation of the mulch. Mr. Sutton asked, also, about tree plantings behind benches without retention walls. The Public Works Director replied all those issues are being addressed. Mr. Sutton asked several other questions pertaining to the Park to which the City Manager stated staff is aware. Councilman Sutton asked about the grand opening of the Waterfront Park and if former mayors and council members are being invited. The City Manager said staff is working with the Chamber of Commerce and Main Street who are in charge of the ceremony. Mr. Sutton added that the Park is not complete and the ceremony should not be rushed.

**O'KELLEY:** Councilman O'Kelley commented on the two City employees that are being deployed to Afghanistan stating he trusts the City is wishing them God's speed and safety.

**FORDHAM:** Councilman Fordham stated that when a previous City Manager was deployed, the City compensated him so he didn't have a loss of income. He asked if these two employees will get less pay while they are activated. He said he would like to know so the City can supplement their income.

### **Waterfront Park**

The Mayor suggested discussing the question of the opening of the Park. The Main Street Director, Joy Locke, said the date can be changed because she has not been able to secure a band and she is having difficulty finding entertainment. Councilwoman Beer suggested maybe a weekend would be better. Ms. Locke stated the restaurants would prefer a Saturday. Council concurred the grand opening date should be delayed. The Mayor asked Ms. Locke to determine a date that is suitable with the merchants, the bands, and the dignitaries.

**EXECUTIVE SESSION**

On motion by Councilman O’Kelley, second by Councilman Fordham, Council voted to move into executive session to discuss contractual matters, appointments/reappointments to the Tree Board, the Design Review Board, the Historic Review Board, the Tourism Management Advisory Commission, the COG, two legal matters and a personnel matter.

**OPEN SESSION**

**Tourism Management Advisory Commission**

Upon returning to Open Session, Councilman O’Kelley moved to appoint Heather Winch to serve a 2-year term on the TMAC representing the residents east of Carteret Street. Councilwoman Beer gave second. The motion passed unanimously. This term will expire January of 2009.

**Tree Board**

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council unanimously appointed Barb Farrior to serve a 3-year term on the Tree Board. This term will expire January, 2010. Councilman Mike Sutton volunteered to serve as Council liaison.

**Design Review Board**

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council unanimously reappointed Linda Bridges to serve a 2-year term on the DRB. This term will expire in January, 2009.

**LowCountry Council of Governments**

On motion by Councilman Fordham, second by Councilman O’Kelley, Council appointed Councilwoman Beer to serve as the City’s representative on the LCOG Board.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 10:00 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN GEORGE H. O’KELLEY, JR.

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COUNCILMAN MIKE SUTTON

ATTEST:

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BEVERLY W. GAY, CITY CLERK