

A regular meeting of the Beaufort City Council was held on July 24, 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

Alexis Kiara Roberson, thirteen year old 8th grade student from Robert Smalls Middle School, winner of the 2007 Beaufort County Water Festival Talent show in the 11-13 age category sung "Concrete Angel" by Martina McBride. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – NATIONAL NIGHT OUT

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the proclamation designating August 1, 2007 as National Night Out.

PROCLAMATION – AFRICAN AMERICAN CIVIL WAR VETERAN

Councilwoman Beer moved to adopt the proclamation designating August 31, 2007 as The Day of African American Civil War Veterans for the State of South Carolina. Councilman Sutton seconded the motion.

Councilman Fordham expressed his concern with the wording African American stating it should be just American.

Council members O'Kelley, Beer, Rauch, and Sutton voted in favor of the proclamation. Councilman Fordham voted nay. The proclamation was adopted 4 to 1.

PUBLIC COMMENT

Donna Starkey, Otter Circle, asked Council to address illegal immigration at a future meeting and adopt an ordinance similar to the County's. She referred to an article on the front page of the July 12, 2007 issue of USA Today that mentioned Beaufort County's plans.

Richard Brooks, 138 Elliott Street, mentioned the traffic light at the intersection of Hermitage Road and Ribaut Road. He said apparently it has been retimed to expedite the traffic flow on Ribaut Road which annoys him and his neighbors because it takes longer to exit Hermitage Road. He asked Council to consider retiming the light.

PUBLIC HEARINGS

A public hearing was held to receive comment on the *rezoning of a parcel of property located at 2808 Polk Street*, identified as District 100, Tax Map 26A, Parcel 90 from Suburban District to

General Commercial with the Boundary Street Redevelopment District Overlay. A Notice of Publication was duly published in the Beaufort Gazette on July 9, 2007. The Joint Planning Commission recommended approval of the proposed zoning.

Libby Anderson, City Planner, said this rezoning request is the result of an annexation petition. The lot is approximately 10,000 square feet in area and has a single family dwelling located on the property. The current zoning under the County's ordinance is a residential zone that permits single family density of about three units per acre. The proposed zoning permits all types of office and commercial uses and multi-family dwellings. This lot and one other lot on Polk Street are currently residential. The remainder are either vacant or have converted to nonresidential uses.

There being no other comments, the public hearing was closed at 6:17 p.m.

A public hearing was held to receive comment on the ***revision of Section 5.3.F. of the Unified Development Ordinance, "Specific Use Standards, Other Uses," to require the lighting of communication towers over 150 feet in height*** according to FAA requirements. A Notice of Publication was duly published in the Beaufort Gazette on July 9, 2007. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, said this revision has been adopted by the County and the Town of Port Royal in an effort to protect aerial mosquito abatement flights. This only applies to new towers not existing ones since they are already tracked by the GPS.

Jonathan Yates, representing PCIA which is a trade organization for wireless cell carriers and the wireless tower builders, said they worked with the County on their ordinance. He pointed out a slight difference in what was forwarded to the City and what was adopted. The County recognized that 200 feet is the national requirement established by the FFA for tower illumination. The County modified their ordinance to allow towers to extend 200 feet. He asked Council to consider that lighting lower towers could be confusing to airplane pilots. He said the PCIA is looking for uniformity and asked Council to adjust the height to 200 feet particularly in the industrial areas.

There being no other comments, the public hearing was closed at 6:25 p.m.

A public hearing was held to receive comment on the ***revision of 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***. A Notice of Publication was duly published in the Beaufort Gazette on July 9, 2007. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, stated usually a public hearing is required for a street name. State law does not require a public hearing for a new street but for a street name change. The revision requiring a public hearing for a street name change only is being proposed to be consistent with state law and to streamline the process for the applicant.

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

MINUTES – JUNE 19, 2007

The minutes of the joint meeting of June 19, 2007 with City Council and the SCE&G Pole Committee were presented to Council for review. On page four, 6th paragraph, Ms. Kopperness' name was inadvertently misspelled and on page six, 2nd paragraph, eligible was misspelled and Mr. Holman's first name is Larry.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as amended.

MINUTES – JUNE 29, 2007

The minutes of the regular City Council meeting of June 26, 2007 were presented to Council for review.

On motion by Councilman Fordham, second by Councilman O'Kelley, Council approved the minutes as presented.

MINUTES – JUNE 28, 2007

The minutes of the City Council workshop of June 28, 2007 were presented to Council for review.

Councilwoman Beer moved to approve the minutes as presented. Councilman Fordham gave second. Council members Beer, Fordham, Sutton, and Rauch voted to approve the minutes as presented. Councilman O'Kelley abstained since he did not attend that meeting.

ORDINANCE APPROVING ADDITIONAL FINANCING FOR THE WATERFRONT PARK RENOVATIONS

The ordinance authorizing additional lease purchase financing for the Waterfront Park was presented for second reading and adoption.

On motion by Councilman Fordham, second by Councilwoman Beer, the ordinance was adopted on second reading. (Copy of Ordinance at end of the June 26, 2007 minutes)

REQUEST TO CLOSE STREET FOR NATIONAL NIGHT OUT

A request by the Police Department to close the 1200 block of Duke Street on August 7, 2007 from 3:00 p.m. to 9:00 p.m. for National Night Out was presented for consideration.

Councilwoman Beer moved to approve the request. Councilman Fordham seconded the motion. The request was approved unanimously.

PARKING STUDY RESULTS

In March, Main Street was asked by Council to update the 1998 Parking Study. Joy Locke, Main Street Beaufort, USA Executive Director, read an article printed in the Beaufort Gazette in 1929 pointing out similar parking problems at that time.

Mike Martindill, vice president of Tim Haahs and Associates out of Atlanta, Georgia presented a summary of the parking study. They revisited and confirmed the current peak hour parking demand and assessed the impact of future development on existing parking conditions which indicated a 27

space deficit. From 2000 to 2006, Beaufort County grew by about 3% per year. In five years, there could be a shortage of 153 parking spaces if the downtown density does not change. If there is growth, there could be a deficit of approximately 325 spaces during the peak hour of activity. They were also asked to look at a site for a parking deck. One site was on the corner of Scott and Port Republic Streets which currently is a parking lot. It is convenient to downtown, has good visibility and good street access. He created a conceptual design that has a four story parking structure containing roughly 359 gross spaces that works on that site. It would require only one entry/exit which he suggested be located on Port Republic Street for traffic flow reasons. He suggested the City consider building a 350 space parking deck. Because he thinks it is critical that the parking deck have architecture that is complimentary to Beaufort, the deck will cost approximately \$16,000 to \$19,000 per space. Additionally, he provided a potential list of revenue sources.

Kevin Cuppia, Chairman of the Parking Committee, said the Waterfront Park helped Beaufort to prosper and he believes the parking structure will also help the City to grow. It will provide the potential for more people to live downtown and for more businesses to open. He asked Council to form a group consisting of the Redevelopment Commission, the Parking Committee, Historic Beaufort Foundation and whomever Council thinks necessary to discuss this further.

Laura Von Harten, Beaufort County Council member, said it is time for the City to have a parking garage even though she is not sure that is the best site because of the Verdier House and asked Council to consider other locations.

Don Starkey, Otto Circle, stated the American Planning Association recommends the ground floor be pedestrian friendly to make it look like a business area. He suggested that be included in the plan. Additionally, he suggested considering a bus service or trolley to join Boundary Street and Bay Street businesses and augment the parking garage.

Jack Sheehy, Southern Sweets, said considering that it will take time to build the garage, and if it is true that in five years there will be a deficit of 325 parking spaces and assuming no other parking spaces are lost, there could be another decline in parking and a need for a second building.

Councilman Fordham expressed the need to be proactive and decide whether to use the study or not. Councilman Sutton said he thinks a parking garage should be built. Mr. Fordham said he is favor of that and asked what is the next step. The City Manager said the next step would be to instruct staff to find ways to analyze the cost and revenue sources necessary to build the structure and determine what other public/private opportunities might exist. Councilman Fordham recommended placing this on the agenda for the next meeting.

ORDINANCE ANNEXING 2808 POLK STREET

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

Councilwoman Beer made a motion, seconded by Councilman O'Kelley, to approve the ordinance on first reading. The vote was unanimous. (Copy of ordinance at end of these minutes)

ORDINANCE REZONING 2808 POLK STREET TO GC

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

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

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

An 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 first reading.

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

Libby Anderson, City Planner, replying to the Mayor’s question regarding height, said she was not aware that the County had changed their requirements to permit higher towers. She was aware of the requirement of lighting towers over 150 feet. She said possibly, the County increased the maximum height to 200 feet. Currently, the City’s maximum height is 160 feet. If the tower is designed to accommodate additional antenna it can extend to 180 feet. Mr. Yates with PCIA was suggesting that the ordinance be revised to allow the maximum height to be extended to 200 feet. Councilman O’Kelley asked Ms. Anderson to share with Council any conversations she may have with the County in this regard before second reading.

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

ORDINANCE REVISING SECTIONS OF THE UDO FOR NAMING NEW STREETS

An ordinance was presented for first reading 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.

On motion by Councilman Fordham, seconded by Councilman O’Kelley, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE REPEALING ORDINANCE 24-90 PERTAINING TO BUILDING CODE FEES

An ordinance repealing Ordinance 24-90 pertaining to building code fees was presented for first reading.

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

Libby Anderson, City Planner, explained the resolution adopting the fees will be presented at the August Council meeting. Also, the current fees were adopted in 1990. They will be reviewed with possibly some modifications for Council's consideration. The City Attorney explained adopting the fees by resolution allows more flexibility. The City Manager added fees are more of an administrative matter; therefore, a resolution is more appropriate.

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

ORDINANCE AMENDING SECTIONS OF THE COMMERCIAL FILMING REGS

An ordinance was presented for first reading amending Part 7, Chapter 14 of the City's Code of Ordinances by revising Sections 14001(b), 14004(b), and 14006(c), (d), (e), (f), (g), (h), and (i), regarding commercial filming regulations of the City's Code of Ordinances.

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

The City Manager noted these revisions were presented by the Film Commission and the Chamber of Commerce. He suggested forwarding them to the Tourism Management Advisory Commission for review and have them make a recommendation to Council.

Ron Tucker, Chairman of the Beaufort Regional Film Commission, said they are recommending the elimination of the provision from the ordinance that requires a \$200.00 a day filming fee. Beaufort is the only City in the State that has that requirement and the last major film shot within the City limits was in 1998. He said the Commission would like to eliminate any deterrent that would keep the film companies from coming to Beaufort.

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

COUNCIL WORK SESSIONS

The City Manager provided a list of issues that he felt required Council to discuss at length in an informal setting prior to taking action at a regular meeting. He asked for Council's input regarding holding work sessions and if so the frequency, location, and time.

The Mayor mentioned that traditionally Council has held work sessions on the off Tuesdays and suggested holding them then. The first Tuesday in each month was suggested by the City Manager beginning with September. Council concurred. They are to begin at 5:30 p.m. at City Hall on September 4th.

TRAFFIC LIGHTS – RIBAUT ROAD

At the request of Councilman Fordham the timing of the traffic lights on Ribaut Road was discussed. He said his concern is that the timing of the lights were changed when the McTeer Bridge was under repair and never changed back. He asked that they be returned to the sequence they were before so drivers trying to enter Ribaut Road aren't delayed so long.

Councilman O'Kelley experienced a similar situation on Craven Street today with the cars backed

up because of the delay. When pedestrians are present, the wait is even longer. The Mayor agreed and asked if anyone knew what the sequence had been. Mr. O'Kelley replied that at Ribaut Road and Duke Street it had been forty seconds as opposed to the current two minutes.

The City Manager stated the access time getting onto Ribaut Road is more of an issue. In his conversations with the SCDOT traffic engineer, he stated that during the repair of the McTeer Bridge it was necessary to create an arterial road process to move traffic. The sequence may not be returned to the same timing as before but maybe a more urban setting could be created. Currently the timing and the flow around the community is working well on the arterial roads; however there needs to be a compromise between the two. Councilman Sutton commented that this needs to be resolved for public safety because drivers assume the signals are broken and are searching for short cuts.

Councilman Fordham asked to be advised so he can report to his neighborhood association.

CITY MANAGER'S REPORT

The City Manager reminded Council of the Redevelopment Commission meeting on Thursday at 5:00 p.m. in City Hall.

COUNCIL REPORTS

SUTTON: Councilman Sutton inquired about the information he requested regarding inmate labor. The City Manager said he would provide that information during the work session. He also mentioned that he and his sixteen year old son participated in the Water Festival and they won the Badminton championship.

O'KELLEY: Councilman O'Kelley remarked that Scott Street has been reversed and working well.

FORDHAM: Councilman Fordham referred to an item in the City Manager's report regarding the cost of signal maintenance and electricity at Gardens Corner. He said he cannot believe the City is paying for something sixteen miles away and that should be addressed. He understands the contract has been signed for this year; however, the City should discontinue providing this service. Another item he questioned was what efforts are being made by Public Works and the South Carolina Department of Transportation pertaining to the maintenance of storm water drainage. He would like a report.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council voted to move into executive session pursuant to Title 30, Chapter 4, Section 70(a)(2) of the South Carolina Code of Laws to discuss negotiations incident to proposed contractual arrangements and the appointment and reappointments to the Zoning Board of Appeals and the Design Review Board.

MOTION TO EXTEND MEETING

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to extend the meeting past 10:00 p.m. in order to complete the discussion of items in executive session.

OPEN SESSION

Parking Garage

Upon returning to Open Session, Councilwoman Beer moved to adopt the proposed agreement between the City of Beaufort and 303 Associates in order to affect a parking garage at the corner of Port Republic and Scott Street. Councilman Sutton recused himself. Councilman Fordham seconded the motion. Council members Fordham, O’Kelley, Beer, and Rauch voted in favor of the agreement.

Fuller Parkway Easement

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council approved directing the City Attorney to prepare an easement document between the City of Beaufort and Beaufort–Jasper Water and Sewer Authority for improvements to South Side Park and for an easement for water rights to Fuller Parkway with one addition to item #4, one to #7 and two to #8 of the conditions.

Sale of Duke Street Property

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council voted to rescind the sale of the Duke Street property to Mr. and Mrs. Brad Hill and return their deposit.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 10:25 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