

A regular meeting of the Beaufort City Council was held on June 12, 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**

The invocation was given by Dr. Harry Rowland of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC HEARINGS**

A public hearing was held to receive comment on the City of Beaufort's **Fiscal Year 2007-2008 Municipal Budget**. A Notice of Publication was duly published in the Beaufort Gazette on May 27, 2007.

The City Manager reiterated the presentation made during the May 22, 2007 Council meeting. He further said he is recommending a split in the millage rate between Operations and Debt because there is a 3.2 percent cap increase on property tax to pay for operating expenses. The proposed increase in the property tax is 8.82 mils.

**Deanna Bowdish**, President of the Arts Council of Beaufort County, impressed upon Council the importance of continuing to receive the \$10,000 annually from the City. That money is used for their community arts grant and it is matched 2 to 1 by the S.C. Arts Commission. The funds contribute to the community arts program by supporting and enriching the lives of teachers, students, and artists throughout the community.

**J. W. Rone**, Executive Director, stated the funds received from the State and the City are redistributed in the community. During the past six years, they have awarded over \$80,000 assisting over 1,300 artists. He added that they work to support the Beaufort Performing Arts, Beaufort Orchestra, the Guild of Beaufort Galleries, and the Art Walks. He thanked Council for their support.

**Dee Dee Sandt**, Beaufort Performing Arts, asked if line item decisions in the budget have been made. The Mayor pointed out first reading will be held tonight. Two budget workshops are scheduled for the next couple of weeks and second reading is planned for June 26<sup>th</sup>. Amendments are typically made over the next couple of weeks. Ms. Sandt, reminded Council that their recent request was funded when they appeared in January and she appealed to Council to support the Performing Arts Council through a budget line item as suggested at that meeting.

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 **rezoning of a parcel of property located at 1814 Greene Street, identified as District 120, Tax Map 3, Parcel 90**, a/k/a Marshel Wright-Donaldson Funeral Home from General Residential to General Commercial. A Notice of Publication was duly published in the Beaufort Gazette on May 28, 2007. The Joint Planning Commission recommended against the General Commercial zoning and recommended instead that the City Council look into zoning the neighborhood, Neighborhood Commercial District.

Libby Anderson City Planner, noted this property is located between Hamar and Union Streets. The current zoning is a residential zone and permits single-family and multifamily dwellings. Commercial uses including funeral homes are not permitted so the existing use is nonconforming. The applicant desires to enlarge the existing building to add a chapel. The UDO stipulates that a nonconforming building shall not be enlarged; therefore, he is asking to be rezoned. An alternative would be to seek a variance from the Zoning Board of Appeals. Ms. Anderson stated the block of Greene Street is primarily residential; however, reviewing a larger area there are more uses. Staff recommends that if the property is rezoned, it should be applied to the neighborhood. Another concern is that General Commercial zoning may be too intense for the neighborhood because of the small lots and there are no sidewalks or on street parking. It also does not permit single family use which is the predominant use in this block of Greene Street. Neighborhood Commercial zoning may be more appropriate as it permits all types of office and commercial development. The only drawback is that the limit of the building footprint for stand alone commercial use is 2,500 sq. ft. and the existing building is larger than that and so is the proposed chapel. She said staff recommends the application be tabled until a study of this neighborhood can be conducted to evaluate if Neighborhood Commercial Zoning would be appropriate since it is a mixed use zoning. This would take approximately three months to complete.

**John Gadson** lives near the facility and said there is no conflict with the neighborhood. He suggested zoning that one lot Neighborhood Commercial which could cause other property to become commercial. The funeral director indicated he is willing to downsize the chapel if that would allow them to move forward with their project.

There being no other comments, the public hearing was closed at 6:45 p.m.

A public hearing was held to receive comment on the proposed **rezoning of a parcel of property located between SC 170 and Burton Hill Road, identified as District 122, Tax Map 29, Parcel 283 from Light Industrial to Transitional Residential District**. A Notice of Publication was duly published in the Beaufort Gazette on May 28, 2007. The Joint Planning Commission voted to table the application until the July meeting and asked that staff look at alternatives to rezoning the property including the possibilities of a text amendment that would allow agriculture in the LI District.

Libby Anderson City Planner, explained that the 13.8 acre parcel, also known as Pickpocket Plantation still has buildings from the farm on the property. The former plantation house is listed on the Beaufort County Above Ground survey that was prepared in 1998 and is listed as possibly eligible for the National Register. The current zoning of LI does not permit agriculture so the existing use on the property is nonconforming. Also, existing single family uses are permitted but

new single family development in LI is not allowed. The proposed zoning of Transitional Residential is considered a residential, agricultural zone. It is intended to establish a quiet, liveable residential area in conjunction with traditional, agricultural, forestry, and open space uses. Single family dwellings are permitted on a lot of three acres or more. The applicant desires to intensify agricultural use of the property by planting pecan trees and bringing in additional agricultural buildings. He also would like to bring in historic buildings from other sites to recreate the character of a traditional farming operation; therefore, is requesting a change in zoning. Ms. Anderson stated staff is concerned about rezoning some of the limited industrial land in the City to the lowest density zoning classification in the City. Another concern is the impact intense agricultural activity might have on office and industrial activity that would occur in the area.

Councilman Sutton said he supports allowing agriculture in Limited Industrial zoning. He would like examples for the next meeting that would show how that could fit.

David Tedder, representing the applicant and property owner John Keith, said his client found a pecan grove on the property and the foundations for the old farmstead which helped him decide to recreate the plantation. That was when he found out that he would have to rezone the property and the idea of a Planned Unit Development was considered. He would like to know if Council would support a PUD, LI, or TR so he can obtain a barn, a mule shed, corn crib, milking house, and perhaps later a roadside market for onsite sales. The adjoining property owners have been notified of the plans and they are in support of the plan.

John Keith, property owner, said Neil Trask, previous owner of the property, first asked him if he was interested in purchasing and moving the house. He was but the mover could not guarantee the house would remain in tact. So, he asked Mr. Trask to sell him two acres and he would restore the house without moving it. Reviewing an aerial view of the property, he discovered the old road that led into Beaufort and he asked to buy even more acreage. He said he likes history and wants to preserve the farm. While clearing the property, he discovered the foundations of the original buildings and plans to restore all of them.

The Mayor said in his opinion a PUD would be the best way to preserve the plantation because under other zoning designations, there would be greater risks. Council members O'Kelley, Fordham, and Beer agreed with the concept.

Councilman Sutton asked to consider the zoning and the long range effects before finding out it can't be done. Mr. Tedder said they are aware of the requirements and exceptions.

There being no other comments, the public hearing was closed at 7:15 p.m.

#### **MINUTES – MAY 22, 2007**

The minutes of the regular City Council meeting of May 22, 2007 were presented to Council for review and it was noted that on top of page 4, the Main Street Beaufort's title was incorrect.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council members Beer, O'Kelley, Sutton, and Fordham approved the minutes as amended. The Mayor abstained since he did not attend that meeting.

**ORDINANCE AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE DEPARTMENT OF THE NAVY**

The ordinance authorizing a Memorandum of Understanding between the City and the Department of the Navy to establish the terms and conditions applicable to the contribution of Federal Funds and/or exchange of Federal real property for acquisition of long-term interests in parcels of land in the vicinity of the MCAS in accordance with the provisions of 10 U.S. C. Section 2684a, as amended was presented for second reading and adoption.

Councilman O'Kelley moved to adopt the ordinance on second reading. Councilman Sutton gave second. The vote was unanimous. (Copy of Ordinance at end of the March 27, 2007 minutes)

**REQUEST TO CLOSE STREET**

A request to close a portion of Charles Street between Prince and King Streets on Saturday, June 30, 2007 from 1:00 p.m. until 8:00 p.m. for a Patriotic Celebration for the community was submitted to City Council by The Baptist Church of Beaufort.

The City Manager said the only concern with the event is the closure of Charles Street during the repairs to the McTeer Bridge.

Dr. Harry Rowland, Pastor of the Baptist Church of Beaufort, said that one block has been closed for the event in the past to set up chairs for people to sit and hear the concerts played on the church steps. He said they could negotiate the time of the closure and shorten the set up time. The Police Chief replied that if the bridge has not been repaired by the time of the event, there will still be traffic problems because Charles Street is a main corridor and the stores downtown close at 5:00 p.m. Council suggested alternatives to alleviate congestion along with changing the closure time to 4:30 p.m.

Council members Fordham, O'Kelley, Rauch, and Sutton voted to allow the street closure from 4:30 p.m. until 8:00 p.m. on June 30<sup>th</sup>. Councilwoman Beer voted nay. The motion passed 4 to 1.

**REQUEST TO CLOSE STREET**

A request by St. Helena's Episcopal Church to close a portion of North Street between Newcastle and Charles Street on Monday, June 25, 2007 from 3:00 p.m. until 6:00 p.m. was presented to Council for approval.

On motion by Councilman O'Kelley, second by Councilman Sutton, Council members Fordham, O'Kelley, Rauch, and Sutton voted in favor of the request. Councilwoman Beer voted nay. The motion passed 4 to 1.

**REQUEST TO EXTEND FREE PARKING ON BAY STREET**

A letter from the Executive Director of Main Street Beaufort, USA asking the City to consider extending the 2-hour free parking on Bay Street for thirty more days and include all 2-hour meters in the downtown area was presented to Council. This includes 26 additional 2-hour meters; five on Charles Street, five on West Street; six on Port Republic Street, three on Scotts Street and seven on Carteret Street. This request was approved May 8, 2007 due to the bridge closure.

Councilman Fordham moved to approve the request. Councilman O'Kelley gave second.

Councilman O'Kelley asked to hear about the impact on revenues. The City Manager replied that the impact on the loss of business is more important. The only issue he is aware of is that the merchants are using the free spaces; however, Main Street Beaufort has notified the business owners and the police are enforcing the 2-hour parking limit. Mr. O'Kelley suggested that if the bridge is repaired prior to the requested thirty days, the 2-hour free parking would end. Councilman Sutton mentioned that the enforcement is not being carried out. Police Chief Dowling explained the procedure used for enforcing the 2-hour parking and indicated the violators are the repeat offenders.

Council voted unanimously to extend the 2-hour free parking with the additional meters for thirty days or until the bridge is open, whichever comes first.

### **TOURISM DEVELOPMENT ADVISORY COMMISSION RECOMMENDATIONS**

Seventeen agencies submitted applications to the Tourism Development Advisory Commission for the funding period July 1, 2006 through June 30, 2007 resulting in a recommendation by the committee for: (1)Arts Council of Beaufort County -\$2,500; (2)Arts Council of Beaufort County - \$1,500; (3)Arts Council of Beaufort County -\$1,500; (4)Beaufort Chamber Orchestra -\$500; (5)Beaufort Performing Arts -\$2,000; (6)Black Chamber of Commerce -\$5,000; (7)Chamber of Commerce -\$10,000; (8)Chamber of Commerce -\$23,688.45; (9)Exchange Club -\$1,000; (9)Guild of Beaufort Galleries -\$3,500; (10)Gullah Festival -\$15,000; (11)Historic Beaufort Foundation - \$3,000; (12)Lady's Island Garden Club - \$1,000; (13)Lowcountry Tourism Commission -\$12,000; (14)Main Street Beaufort USA -\$40,000; (15)Penn Center -\$0; (16) St. Helena's Episcopal Church - \$1,000; and \$8,000 previously committed to the Beaufort Performing Arts. These recommendations were presented to Council for approval and funding.

Shirley Hughes, Finance Director, stated the amount of funding available this year is \$131,188.45. She explained the \$8,000 for the Beaufort Performing Arts was set aside by Council via resolution for the Performing Arts Center. This is the 4<sup>th</sup> year of a 5 year commitment. She also advised Council that the City has been notified by the State that they are going to withhold the amount of money given to Ghost Tours last year. The agency has contacted the State. Staff asked the State to review the information hoping that the appeal will be approved and that their mission is fundable.

Councilwoman Beer moved to approve the TDAC's recommendations totaling \$131,188.45. The Mayor passed the gavel and seconded the motion.

Councilman Fordham expressed his concern with the Black Chamber of Commerce receiving \$5,000. He stated there should not be two separate Chambers of Commerce and will vote against the recommendations. Councilman O'Kelley inquired about the \$15,000 designated for the Gullah Festival. He asked if that amount had been given to one organization in the past. He said he understood them to be a stand alone event. He suggested this be postponed until a history of the grants for the last 3 to 5 years can be provided. Councilman Sutton agreed.

On motion by Councilman O'Kelley, second by Councilwoman Beer, Council voted to table the funding recommendations presented by TMAC until more information is presented.

### **RESOLUTION DECLARING THE CITY'S INTENT TO REIMBURSE**

A resolution declaring the City's official intent to reimburse was presented for approval.

Councilman Sutton made a motion, seconded by Councilwoman Beer, to adopt the resolution.

Shirley Hughes, Finance Director, explained this resolution is important if the City is going to borrow money within the year. IRS regulations require that if a municipality goes out to bond, between the time the decision is made and the funding is received, money will be spent and be reimbursed from the proceeds of that financing, a resolution to that effect must be adopted.

The resolution was adopted unanimously. (Copy of resolution at end of these minutes)

### **ORDINANCE ADOPTING FY08 BUDGET**

An ordinance was presented for first reading adopting a budget for the City of Beaufort for the fiscal year beginning July 1, 2007 and ending June 30, 2007.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

### **ORDINANCE SETTING THE MILLAGE**

An ordinance establishing the millage rate for the City of Beaufort for Fiscal Year 2007 was presented to Council for first reading.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council approved the ordinance setting a tax of forty nine and one tenth (49.1) mils (for operations) and twelve and five tenths (12.5) mils (for debt service) upon each One Dollar (\$1.00) of taxable property in the City on first reading. (Copy of ordinance at end of these minutes)

### **RESOLUTION ADOPTING A 5-YEAR FINANCIAL PLAN**

A resolution was presented adopting a five year financial plan for the City with the proposed FY08 budget.

Councilwoman Beer made a motion, seconded by Councilman O'Kelley, to adopt the resolution. The vote was unanimous. (Copy of resolution at end of these minutes)

### **CITY MANAGER'S REPORT**

The City Manager reported the following meetings are scheduled for June; June 14 - budget workshop at City Hall at 5:00 p.m., June 19 - joint meeting with the SCE&G Pole Committee at 5:00 p.m. at the County Library, June 21 - budget workshop at City Hall at 5:00 p.m., and the regular City Council meeting will be June 26<sup>th</sup> at 6:00 p.m. in Council Chambers. Also, he suggested canceling the last meeting in July and the first meeting in August for a summer break. Council agreed to cancel the July 10<sup>th</sup> and August 14<sup>th</sup> regular Council meetings.

### **COUNCIL REPORTS**

**O'KELLEY:** Councilman O'Kelley commented that the old Waterfront Park sign is back at the

Park and the Viet Nam plaque has been placed back on the granite at the Park. He mentioned he received a letter from some Pigeon Point residents asking Council to consider adopting a Junk ordinance. He suggested checking with other municipalities to see how they handle discarded automobiles, old tires, etc. in people's yards. He asked the City Planner to provide him with information for his review that the Codes Department currently uses.

**EXECUTIVE SESSION**

On motion by Councilman O'Kelley, second by Councilwoman Beer, 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 appointments/reappointments to the Tourism Management Advisory Commission and the Beaufort Housing Authority.

**OPEN SESSION**

**Tourism Management Advisory Commission**

Upon returning to Open Session, Councilman O'Kelley moved to appoint Nick Borreggine to serve a two year term on the TMAC as the Chamber of Commerce's representative. That term will expire May, 2009.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:24 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