

A regular meeting of the Beaufort City Council was held on October 9, 2007 at 6:00 p.m. in the County Administration Building, Ribaut Road. In attendance were Mayor Pro Tem George H. O'Kelley, Jr., Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, and City Manager Scott Dadson. Mayor Bill Rauch was absent. 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**

Mayor Pro Tem George H. O'Kelley, Jr. called the meeting to order at 6:00 p.m.

### **PLEDGE OF ALLEGIANCE**

The invocation was given by Mayor Pro Tem George H. O'Kelley, Jr. The Pledge of Allegiance was led by the Mayor Pro Tem.

### **PUBLIC COMMENT**

**Maurice Ungaro**, Vice Chairman of the Historic District Review Board, mentioned there are three houses slated for demolition requests tomorrow before the Review Board. Two of the houses are located on Ribaut Road. This is not the first request to demolish houses on Ribaut Road and the City is at risk of losing these historic character defining resources that make up the Ribaut Road Corridor. The HDRB can only stay the demolition of a house by denying the request. The applicant then has to wait six months before proceeding with the demolition. The City has approved a consultant group to update the Historic Preservation Plan at a cost of \$40,000. These resources could be destroyed before they can be counted, surveyed, and identified in the update. In the future, he would like to see an effort made to expand the protection of these resources and give the HRB authority to grant such requests.

The City Manager stated he posed the question about a moratorium to the City Attorney and was told that a moratorium can only be passed to affect pending building applications in the case of a health or safety emergency and only for a short period of time; otherwise, building or development applications that have been submitted are entitled to proceed. Council can pass a moratorium that would affect future applications but there has to be justifiable reasons with a definite period for the moratorium.

Councilman Fordham commented that unfortunately we are aiding and abetting Sherman by demolishing homes in the City.

**Evan Thompson**, Executive Director of the Historic Beaufort Foundation, echoed Mr. Ungaro's comments about the Preservation Plan. He also said it is possible that there may be justification in expanding the Historic District to protect the 1920's and 1930's houses and possibly limiting the scale of the new construction. Providing an update of HBF events, Mr. Thompson said the house at 795 Ribaut Road (Sallie Mae Hollins' home, founding trustee of the Foundation) was donated to the Historic Beaufort Foundation and that house will be moved to a location on Robert Smalls Parkway in the next week or two. Additionally, a small house at 508 Duke Street was given to HBF last

year. That house is being restored and will be completed at the end of this month. The Fall Tour of Homes is scheduled for the end of this month. An exhibit on the history of Bay Street during the Union occupation during the Civil War, supported by Accommodations Tax money, is opening on the ground floor of the Verdier House. He mentioned that the offices will be relocated next week to the second floor of the George Parsons Elliott House at 1001 Bay Street during the renovation of the Arsenal and will remain there until October, 2008.

**Liz Mitchell**, Marketing Director with the Beaufort Regional Chamber of Commerce, thanked Council, the staff, and the community for support and assistance during the Shrimp Festival last weekend. Approximately 10,000 people attended with no arrests, no injuries, and no complaints. She reported that all the walkers and runners returned safely and the streets were opened at 9:05 a.m. and the bridge was opened for vehicle traffic at 8:45 a.m.

### **MINUTES**

The minutes of the regular City Council meeting of September 25, 2007 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

### **ORDINANCE REZONING A 13.8 ACRE PARCEL (PICKPOCKET PLANTATION)**

The ordinance rezoning the 13.8 acre parcel of property located between SC 170, US 21, and Burton Hill Road, identified as District 122, Tax Map 29, Parcel 283 (a/k/a Pickpocket Plantation) from Limited Industrial District to Planned Unit Development District was presented for second reading and adoption.

Libby Anderson, City Planner, stated the rezoning request is to allow agriculture and rural residential uses. A minor change has been made to the PUD Narrative since first reading which is to state that the base zoning for the property is Transitional Residential.

Councilman Sutton moved to adopt the ordinance on second reading. Councilwoman Beer gave second. The vote was unanimous. (Copy of Ordinance at end of the September 25, 2007 minutes)

### **ORDINANCE REPEALING O-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.

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

### **RESOLUTION REVISING BUILDING CODE FEE SCHEDULE**

A resolution adopting a revised building codes fee schedule was presented to Council.

Councilwoman Beer moved to adopt the resolution. Councilman Fordham gave second.

Libby Anderson, City Planner, pointed out the current fee schedule was adopted in 1990. During Council's recent workshop, the fees were discussed and changes have been made as a result of that discussion.

Councilman Fordham said he went on line and checked how many permits had been issued for his house. He assumed the contractors had obtained the necessary permits. However, he discovered they had not. He questioned how permits are tracked to ensure they are being obtained. Ms. Anderson said the building license officer checks construction sites and the codes compliance officer and the building inspector do drive by. Mayor Pro Tem O'Kelley noted that it is difficult to check every area every day but the contractors also know the regulations and the ramifications. Ms. Anderson reminded Council there are certain jobs that do not require a permit. A change was made a few years ago to allow interior improvements without a permit. Anything that requires a plan review or a structural change to the house does require a permit.

Councilman Sutton pointed out that under Subsection 18, Certificates of Appropriateness, staff level approval fees of \$50.00 is missing. Ms. Anderson replied that was an oversight and will be added. Mr. Sutton moved to amend the fees as stated. Councilman Fordham gave second. The amendment was approved unanimously.

Evan Thompson, Historic Beaufort Foundation, asked what is the current fee for a conceptual review. There are some of people in the Historic District who have projects in mind that are complicated and he advised them to take it to the Review Board and get a conceptual review before they have the preliminary review that requires architectural work. He suggested waiving fees in the future for conceptual reviews to encourage people to obtain Review Board feedback before the preliminary review. Councilman Sutton agreed and stated one project has recently been through three conceptual reviews which would be \$100.00 per meeting and still has to go to preliminary approval. Ms. Anderson noted that there were some projects that were difficult and those cases concerned subdivision of lots. The previous fee schedule was linked to the construction value and because it was still an early stage of the project, that was not determined so it was difficult to establish a fee. The proposed schedule will simplify that part. She said the majority of the work and the most complicated part is with the conceptual review because the Board has not seen the project before. The final review is probably the least time consuming. Therefore, she is not sure about waiving the fee for the conceptual portion. They could work with the applicant if they only need guidance.

Council unanimously adopted the resolution as amended. (Copy at end of these minutes)

#### **RESOLUTION AUTHORIZING CITY MANAGER TO APPROVE/SIGN CONTRACT**

A resolution authorizing the City Manager to approve and sign the contract for police and planning vehicle financing was presented to Council.

Councilwoman Beer moved to adopt the resolution. Councilman Fordham seconded the motion.

Shirley Hughes, Finance Director, explained that during the budget process, the funds were approved to purchase nine vehicles, eight of which are in the police department and one in the planning department. Bids are being advertised and the resolution is give the City Manager the authority to approve the purchase. After a discussion regarding the need for particular vehicles, Council adopted the resolution. (Copy of resolution at end of these minutes)

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

The City Manager noted that during the joint meeting with the Town of Port Royal the definition of rural was discussed. The City's planning staff gave a definition of a rural PUD and it is presented tonight to obtain Council's input for a recommendation to the Northern Area Planning Committee that is working with the consultant. Right now a rural area is considered one unit for every three acres. A PUD is denser and is in the middle of a rural zoning district. Ms. Anderson, Planning Director has developed a definition from the Smart Code which defines rural as one unit for every twenty acres. She has defined a PUD (Planned Unit Development) as a CLD (Clustered Land Development) which has to have four elements.

### **MAYOR PRO TEM'S REPORT**

Mayor Pro Tem O'Kelley reported the street sign at Bay Street and Wilmington Street is facing into the sidewalk. Obviously it was pushed towards Bay Street and someone could walk into it.

### **COUNCIL REPORTS**

**SUTTON:** Councilman Sutton agreed rural does need to be defined and asked what the next step would be. Ms. Anderson explained that the recent rezoning of the 13 acre PUD with only one house qualifies as rural. Mr. Sutton asked if the City limits contain any land that would be part of rural zoning. He said it is important to revise the zoning districts and define what is rural for the City regardless of what the other municipalities do. The City Manager added that it is important to provide the committee with a recommendation with which the City agrees. Council concurred that Ms. Anderson's proposal is acceptable.

Mr. Sutton also asked the status of the Waterfront Park maintenance that he brought up at the last Council meeting. The City Manager responded that some of the issues have been addressed but a schedule has not been developed. Mr. Sutton said if staff is planning to maintain the Park at a service level, he would like to know the plan so he can critique the work. The City Manager stated the landscape contract for the Waterfront Park includes providing maintenance for one year after completion which will be December, 2007. The Public Works Director added that the contractor is derelict in some of their responsibilities. Councilman Sutton also inquired about the landscape surfaces that are problematic at the moment. The Public Works Director explained that the Parks Superintendent has developed a plan to identify those issues. Also, a scope of work for the contractor is being developed to address those issues. Mr. Sutton said his concern is to make repairs when they are found.

**BEER:** Councilwoman Beer reported she attended the Shrimp Festival held this past weekend. She had a good time and there was a wonderful turnout.

**FORDHAM:** Councilman Fordham asked to have an update on the Stormwater Drainage Project at the next meeting.

### **ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 6:50 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