

A regular meeting of the Beaufort City Council was held on November 27, 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, 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 Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC COMMENT**

**Carlotta Ungaro**, Beaufort Regional Chamber of Commerce invited Council to a legislative reception at the USC-B Southern Campus on November 28, 2007 from 6:00 p.m. until 8:00 p.m.

### **MINUTES**

The minutes of the regular City Council meeting of November 13, 2007 were presented to Council for review.

On motion by Councilwoman Beer, second by Councilman Sutton, Council approved the minutes as presented.

### **ORDINANCE AMENDING FY08 BUDGET-PIGEON POINT PARK RESTROOMS**

The ordinance amending the FY08 budget for construction of the Pigeon Point Park restrooms was presented for second reading and adoption.

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

Council approved the ordinance amending the FY08 budget amendment of \$60,000 for the construction of the restrooms at Pigeon Point Park. (Copy of Ordinance at end of November 13, 2007 minutes)

### **ORDINANCE AMENDING FY08 BUDGET-GREENLAWN PROJECT**

The ordinance amending the FY08 budget to designate the funding for the Bladen Street Project was presented for second reading and adoption.

On motion by Councilman Sutton, second by Councilwoman Beer, Council members Beer, Rauch, O'Kelley, and Sutton voted to adopt the ordinance on second reading. Councilman Fordham voted nay. The ordinance passed 4 to 1. (Copy of ordinance at end of the November 13, 2007 minutes)

### **RESOLUTION JOINING THE INTERNATIONAL ASSOCIATION OF BEAUFORTS**

The International Baccalaureate and French Honor Society students of Beaufort High School appeared before City Council at the October 23, 2007 meeting regarding an invitation to join the International Association of Beauforts. Council adopted a resolution that was to be drafted before the next meeting to join the Association.

Councilwoman Beer moved to adopt the resolution. Councilman O'Kelley seconded the motion.

Councilman Fordham asked if a decision had been made as to whether the Accommodations Tax monies can be used to fund this. Shirley Hughes, Finance Director, replied the State was contacted for a clarification on whether or not Association dues would be covered and their answer was no, it is not considered an eligible use of funds.

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

### **MOTION TO SUSPEND ORDER OF BUSINESS**

On motion by Councilman Fordham, second by Councilman O'Kelley, Council moved to suspend the regular order of business to add two new items:

#### **BEAUFORT HIGH SCHOOL PARADE**

A request to conduct a parade for the Beaufort High School Football team on Saturday, December 1<sup>st</sup> beginning at 12:30 p.m. at Beaufort Elementary School was presented to Council.

Councilman O'Kelly moved to approve the request. Councilwoman Beer gave second.

Ms. Patsy Powell, committee chairman, stated this is the first time since the 1940's that the team has been to the State championship finals and they would like to conduct a parade in their honor.

Council unanimously approved the request with approval by the SC Department of Transportation and security provided by the City's Police Department.

#### **PARRIS ISLAND BAND CONCERT**

A request by Main Street Beaufort for the City to co-sponsor a concert by the Parris Island Band at the Waterfront Park at 5:30 p.m. on Sunday, December 9<sup>th</sup> immediately after the Christmas parade was presented to Council.

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

#### **PUBLIC COMMENT**

**Jerry Stocks**, 808 King Street, expressed her concern about a free medical clinic that Operation Good Neighbor wants to open at 811 King Street across from where she lives. She said she does not believe that neighborhood is the proper place for a clinic even though she agrees it is needed. Also, the neighbors worked hard to rezone the neighborhood to residential and this clinic appears to be a business venture even though it is under the guise of eight churches.

Councilman O'Kelley asked Ms. Stocks for more information. Ms. Stocks stated a safety permit has been applied for and received to open a Mission House for counseling. According to the newspaper, she said, they intend to include a free medical clinic on the property. The City Manager explained this does not require action by Council. The applicant was the Baptist Church of Beaufort and a meeting is scheduled this week to discuss this matter further. Councilman O'Kelley suggested Ms. Stocks attend that meeting.

#### **REQUEST TO CONDUCT TOY RUN ON DECEMBER 16**

A request from Southern Scooters to parade through downtown Beaufort to collect toys for their annual Toy Run on the way to the Salvation Army on North Street was presented to Council. The parade will take place on Sunday, December 16<sup>th</sup> beginning at 1:00 p.m. at Southern Scooters/36 Laurel Bay Road and arrive in the downtown area around 1:30 p.m.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request with traffic control by the police department.

#### **BEAUFORT COUNTY ARTS COUNCIL – MERMAID AUCTION**

The presentation by the Beaufort County Arts Council will be heard at the December 11, 2007 meeting.

#### **ORDINANCE REZONING 46 PARCELS OF PROPERTY FROM GR TO NC**

An ordinance rezoning 46 parcels of property in the area of Greene and Baggett Streets from General Residential to Neighborhood Commercial was presented for first reading.

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

Libby Anderson, City Planner, stated this request was initiated in April by Marshel's Wright-Donaldson Home for Funerals. Under the current zoning, they are a nonconforming use. They wanted to expand and could not without a variance. About a year before that, another property on Baggett Street applied for a rezoning so they could place a day care center on their lot. During the discussion of the details involved, they changed their mind. Because of this interest, a meeting was held with the residents and over half of the people indicated they are interested in rezoning the area. The request was submitted to the Planning Commission who recommended approval of the rezoning from General Residential to Neighborhood Commercial. Ms. Anderson stated the rezoning would make the funeral home a conforming use but they would still need to apply for a variance through the Zoning Board of Appeals because the NC zoning would not allow them to expand or they could request to be rezoned to General Commercial.

**Jerome Bates**, 1806 Green St., said he opposed the rezoning when he heard about it. He asked why not allow the two property owners that want to have a business have a special zoning. He suggested using the property instead to build more houses. Mr. O'Kelley restated Ms. Anderson's comments about not being allowed to expand without applying for a variance. Councilman Sutton said there are families who live there now that have two dwellings on the same property and some housed businesses but they were nonconforming. This rezoning will allow them to continue the business

and allows the funeral home to be in compliance. Also, if the funeral home is allowed to expand they proposed the vacant lots across the street as parking lots. In reply to Mr. Bates question of granting permission for the two businesses and not changing the zoning, Mr. Sutton explained that would be spot zoning. Mr. Bates asked how their taxes would be affected if the neighborhood is rezoned. Mr. Sutton answered the zoning would not affect the taxes unless the property is improved and the County conducts a reassessment. However, it may increase the value of the property if a property owner chooses to sell.

**Fred Washington**, Greene Street resident, is opposed to the rezoning because he believes more low income houses should be built in the neighborhood not businesses. The whole neighborhood should not be rezoned for two property owners. He said this is not a commercial district. He and his neighbors are concerned that because it is a poor neighborhood, developers will take their property and change it to produce more taxes. The Mayor explained the SC Legislature recently stated that land can only be condemned for a public purpose and he is not aware of any plans to do that in this neighborhood.

Councilman Fordham said originally he was for the rezoning until he heard these concerns. He said it seems everybody wants to develop everywhere.

Council members O'Kelley, Beer, and Sutton voted to approve the ordinance. Councilmen Fordham and Rauch voted nay. The ordinance was approved 3 to 2. (Copy of ordinance at end of these minutes)

#### **ORDINANCE ANNEXING A 1.37-ACRE PARCEL OF PROPERTY ON SC 280**

An ordinance annexing a 1.37-acre parcel of property located at 138 Paris Island Gateway (SC 280) identified as District 100, Tax Map 29, Parcel 52A was presented for first reading.

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

Libby Anderson, City Planner, pointed out that the property is near the Cross Creek Shopping Center. The applicant, a realtor, requested Highway Commercial zoning to use the property for a car repair facility. The staff and the Planning Commission recommended zoning the west side of the property General Commercial which is consistent with zoning of the apartments near the Cross Creek Shopping Center and to zone the east side Highway Commercial to be consistent with the zoning there on Highway 280.

Councilman O'Kelley expressed his concern with the applicant not being present to explain his request for the zoning and the proposed use. However, in order to approve the annexation, a zoning designation has to be determined. Ms. Anderson said the small triangle of property on the east side of SC Highway 280 measuring 0.11-acres is not useful on its own but it maybe to the adjacent property owner; therefore, that was the reason for recommending it being zoned HC.

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

**ORDINANCE ZONING A 1.37 ACRE PARCEL OF PROPERTY ON SC 280**

An ordinance zoning 1.37 acres of land located at 138 Parris Island Gateway identified as District 100, Tax Map 29, Parcel 52A General Commercial and Highway Commercial was presented for first reading.

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

**CITY MANAGER’S REPORT**

The City Manager listed the upcoming scheduled meetings:  
December 4, City Council Retreat at City Hall beginning at noon;  
December 6, Redevelopment Commission Meeting at City Hall beginning at 4:00 p.m.  
November 29, Legislative Delegation meets at USC-B at the Southern Campus from 6-8:00 p.m.  
November 29, Block by Block tour of the neighborhood begins at 3:00 p.m. at 911 Bladen Street

**COUNCIL REPORTS**

**O’KELLEY:** Councilman O’Kelley said he requested the wording of the State and/or County ordinances concerning the presentation on tethering/chaining of dogs. The City Manager replied the City Attorney is researching that information.

Mr. O’Kelley reported that the Town of Hilton Head Council will be holding their retreat in Beaufort at the Sea Island Flag Room from Thursday through Saturday and invited Beaufort City Council to stop in.

**SUTTON:** Councilman Sutton mentioned he supports preparing an ordinance regarding the chaining of dogs. He would like the City and the County to work toward a similar ordinance; however, that could take a while. Therefore, he would like the City to establish rules within the City limits. The sheriff supports this also and he would enforce the City’s policy in the interim.

Mr. Sutton also asked about the graffiti found in 33 locations within three blocks that occurred Thanksgiving night in the City.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 7:07 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