

A regular meeting of the Beaufort City Council was held on April 8, 2008 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. Robert Cuttino, retired minister of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION

On motion by Councilwoman Beer, second by Councilman Sutton, Council voted to adopt the proclamation designating April, 2008 as Sexual Assault Awareness Month in the City.

PUBLIC COMMENT

Deanna Bowdish read excerpts from an interview about Beaufort with John Vilanti who wrote *One Hundred Best Art Towns in America*.

J. W. Rone, Arts Council of Beaufort County, talked about the community arts grants and discussed some of the details. He said for over ten years the City has supported the Arts Council of Beaufort County in providing matching funds for monies that come from the South Carolina Arts Commission to help provide small grants into the community. The \$20,000 is distributed into the community, \$5,000 each quarter. Additionally, the grant is also matched by the artist, organization, school, or teacher that receives funding from this program which makes a \$40,000 impact. Over the past six years, approximately \$80,000 has been awarded supporting arts events and activities involving more than 500 artists. Next month the results of a study on the impact of the arts in the community will be received.

PUBLIC HEARINGS

A public hearing was held to receive comment on *rezoning a parcel of property located at 10 Verdier Bluff Road*, identified as District 120, Tax Map 5, Parcel 362. The existing zoning is "R-1 Low Density Single-Family Residential District" and "MED Medical District." The proposed zoning is "Medical District." A Notice of Publication was duly published in the Beaufort Gazette on March 24, 2008. The Planning Commission recommended approval.

Libby Anderson, City Planner, said the western half of the property is zoned Medical District and the eastern part is zoned R-1. Split zoning prohibits redevelopment of the site and the applicant, Robert Bell, desires to zone the property MED. This would be compatible with the hospital and the adjoining sites to the west.

Dave Pettigrew, 21 Verdier Bluff, said approximately twelve years ago there was a rezoning request by Dr. Pearce in the same area. A buffer was required around that property by Council to prevent any further encroachment. Mr. Pettigrew encouraged Council to require a buffer with this request. Another issue is the driveway from Ribaut Road to that property is difficult to maneuver, he said. He asked if there would be any improvements to that road since business traffic will add to the impact.

Mike Kling, 13 Verdier Bluff Road, said he also attended the meeting Mr. Pettigrew mentioned and the consensus was not to rezone the area. He recommended Council not change the zoning now.

Vann Irwin, 9 Verdier Bluff Road, said the access to and from Ribaut Road is dangerous and asked Council to take that into consideration. He said the residents are also concerned about the impact on their neighborhood as the hospital moves more into the neighborhood.

Pamela Graef, 16 Verdier Bluff Road, said her property joins two sides of the parcel in question. She would like to have assurance that there will be a buffer or fence along her property line when the property is sold.

Ms. Anderson said the ordinance requires screening, either a 7 to 8 foot tall privacy fence or vegetation that would become opaque in two years and serve as a screen, between adjoining uses. Additionally, any commercial development on the site would be subject to the design review process.

Councilman Sutton asked if a PUD for medical use had ever been considered. Ms. Anderson said there is not a minimum acreage requirement for a PUD but a Master Plan would have to be developed. DRB approval would still be required.

Mr. Irwin said a two story building cannot be screened and it would not be consistent with anything else in the neighborhood. They would also be encroaching into the single family neighborhood. It does not make sense to zone MED in the middle of the single family neighborhood. He would like the neighborhood to remain peaceful.

Bobby Bell, applicant, said his concern is that the property is split zoned. It is non-conforming as it is. It is bordered on three sides by medical. He mentioned that he is very sensitive to the aesthetics. The gas station and restaurant that were there in the past were open at night. Now on weekends and at night the area is quiet. He said sprawl has been eliminated and a hospital campus has been developed. Addressing the concern of a two story building being built, he said across the street is a 3 story residence.

The Mayor said the residents are concerned that the property may be sold to the hospital and asked Mr. Bell to address that issue. Mr. Bell replied the old gas station and dilapidated housing units are gone and now there is landscaping, parking lots and homage paid to the oak trees.

Councilwoman Beer asked Mr. Bell if he would consider a PUD which would address the residents concerns. He said he would prefer not to have a PUD because it would require a long range plan.

He said a PUD would limit the potential sale; as medicine evolves, it is hard to conceive the future of technology. The Mayor said it appears the ordinance addresses buffers. The other concern he heard from the neighbors was height and a covenant on the deed would cover height. Therefore, in his opinion, a PUD is not necessary. Mr. Bell mentioned the large home that sits on two lots in the neighborhood and he asked the height of that structure.

One of the residents said there is a difference in a house and a business. They are not debating the needs of the hospital; however, a potential buyer of this lot would be the hospital and their needs would be fulfilled by further encroachment of the neighborhood. The neighbors are concerned about property values, the traffic, and the entry into Verdier Bluff Road. Mr. Bell's reply to property values was property values increased over the last twenty years as the hospital and doctor's offices enhanced the area. Another resident said the property values increased because it is waterfront property. It is a very private neighborhood with no traffic noise. Once this parcel is zoned MED, the hospital will encroach and that would affect their property values.

Dave Pettigrew said MED will change the nature of the neighborhood. The residents are afraid that Mr. Bell's increase in property value will result in a decrease of their property value.

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

PUBLIC HEARINGS

A public hearing was held to receive comment on *rezoning a parcel of property located at 70 Harding Street*, identified as District 100, Tax Map 29B, Parcel 61. The Existing Zoning is "Urban District." The proposed zoning is "General Residential." A Notice of Publication was duly published in the Beaufort Gazette on March 24, 2008. The Joint Planning Commission recommended denial; however staff recommended approval.

Libby Anderson, City Planner, stated the applicant for the rezoning is Benjamin Gecy who has petitioned for annexation. The property consists of two and a half acres and is bordered by the marsh. There are restrictive covenants on the property that are still in effect. One of the two other properties in the Harding Street area that were zoned and annexed into the City in 2005 (8.99 acres) is land locked; the other (Lot #15) has frontage on Harding Street. Ms. Anderson pointed out that the eastern portion of Parcel 61 (Lot #20) is marsh and undevelopable. There are development constraints on the western half. A 30 ft. setback from the critical line is required by ordinance. She also pointed out that letters regarding the rezoning were sent to property owners within 400 feet of the property on March 24th.

Benjamin Gecy, realtor and partner in the project, said they own the referenced properties and plan to develop them. Because they are landlocked on Lot 15 other options for access have been pursued and that is why they are applying for annexation for Lot 20. That lot provides adequate high ground to obtain the 50 foot right-of-way into the property. Without that lot, they would have to build a bridge across Lot 15 to get to the 8.99 acre portion. The County's setbacks are 50 feet from the critical line. The property in the City has a 30 foot setback and they would like the zoning to be consistent. He said he is aware of the deed restrictions on the property and he is sensitive to them. Also, he knows the covenants and restrictions take precedent over the zoning; however, the 8.99 acres to the south where the majority of the development will be is not part of those covenants and

restrictions.

Councilman Fordham inquired about the reason for wanting to annex the property. Mr. Gecy explained he is planning to develop the larger portion (8.99 acres) and he would like to use Lot 20 for access since Lot 15 would require a bridge to be built. He also stated that it would be easier if all that property were zoned the same in the City otherwise one-third of the development would be permitted through the County. Councilman Sutton asked if Parcel 20 is not annexed, would it be possible to construct a road under the County's 50 foot required setback. Mr. Gecy said he didn't think so or not without a variance.

Dave Robles, 71 Adams Circle, said this is a ploy to gain access to the property. He said he used to own that parcel and was told he could not build anything on that property. He did not receive notice that Parcel 20 was being annexed and rezoned. Annexing this property to build a road to a development will be detrimental to the marsh and waters. There will be runoff to pollute the marsh and the extra traffic will interfere with the children playing and the families who walk. The plat shown by the developer shows a drainage pond in the middle of the marsh which will kill a lot of sea life. He is concerned also that docks will be built which will kill everything there. A petition signed by approximately 40 people who oppose the annexation and rezoning of lot #20 was presented to the City Manager.

Larry Weatherford, Adams Circle resident, said the environmental impact is an important issue. He said the property that is being discussed is approximately 1/8 of Adams Circle. What is being proposed will double the amount of people in the area. He said there is no access to the development except through Palmetto Estates Subdivision and that will directly affect their neighborhood. Quoting #6 of the Subdivision covenants, he said annoyance or nuisance activity is prohibited on any lot. The residents believe that an increase in traffic flow would be a nuisance. Lot # 15 which is already annexed into the City provides an access point and he would prefer that be used for ingress/access. He would also prefer R-1 zoning to be compatible with the rest of the neighborhood.

Sue Robles said this is one of the most beautiful marsh views in the area on high tide. The larger parcel is landlocked but the developer knew that when he bought it. Also, this is not an exclusive neighborhood but they deserve the same consideration, she said. She mentioned that since the lots consist of two acres, and notices are sent to owners within a 400 ft. radius, the residents aren't aware of changes to be made. She said that their property abuts the parcel being addressed otherwise they would not have known about this proposed change. She asked that notification of any action be sent to them. She said they chose this low density life style and now it is being changed.

Councilman O'Kelley agreed that the whole neighborhood should receive notices and not just the people within a 400 foot area. He thought that was discussed before.

Karen Sorensen, 36 Harding Street, said the marsh behind her property is beautiful. She hopes the developer will build a fence so they don't have to look at the back of houses.

Dan Fogle, 71 Harding Street, said he bought his property last year and he has a beautiful view of the marsh. He is opposed to the zoning change because he does not want all that traffic.

Mr. Gecy responding to some of the statements said he is sensitive to the environmental impact. The residents said they are concerned about the environment but yet they seem to prefer Lot #15 be used to access the property. That will require a 100 to 200 foot bridge that will impact the environment much more than a road that is on high ground. The annexation will allow him to build the road on Lot #20 next to the marsh because of the 30 foot setback as opposed to the County's 50 foot setback.

Larry Weatherford assuming docks would be built there, asked which would be more detrimental, docks or a bridge.

Sue Robles said the residents knew nothing of this development. She added that perhaps when the two parcels were annexed in 2005, no one spoke about the beauty of the area. This rezoning could have occurred without them knowing. Councilman Fordham said the 400 foot notification should be expanded.

Dan Fogle asked what the people would gain by being annexed. The Mayor pointed out the services that would be provided by the City. Mr. Fogle also asked if this request is approved, what will control what can be built on the property. Ms. Anderson replied the City's development review process. The type of development proposed is what would dictate which process, either the Planning Commission or the Design Review Board for approval of the design.

Councilwoman Beer asked the developer if there would be a problem changing the zoning to R-1 which is more restrictive as opposed to General Residential. Mr. Gecy said it might be better to have a Planned Unit Development. He said the property was purchased based on the existing zoning. He said he is not opposed to changing the zoning because he will not build to the density of GR because of the setbacks. To avoid split zoning and working with two planning departments, he is willing to consider other options. He asked Council to consider the annexation and he will examine the possibilities of R-1 zoning.

The Mayor asked which is worse a bridge or a dock. Mr. Gecy's response was that there would have to be construction equipment or a barge in the marsh to handle the piling for a dock. In his opinion, the bridge would be more of a challenge for him. Ms. Anderson said she would have to conduct some research to provide an answer.

Larry Weatherford said he thought lot #20 was to be used as another access to the larger piece of property. Now it sounds as though Mr. Gecy is considering two accesses so why not just build the bridge on Lot #15 and have one access.

Charlie Mathis, Adams Circle, said it appears this is not being taken seriously. He said he does not understand how one person could not build on the parcel and after fifteen years it has changed to a developable area. He said the zoning should remain as it is. According to the City Manager and Planner, this issue could be presented for first reading on May 13th.

There being no other comments, the public hearing was closed at 7:55 p.m.

MINUTES

The minutes of the March 12, 2008 City Council work session were presented to Council for review. The following correction was made on page 3, 5th paragraph; end of the sentence, “breach” was misspelled.

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council approved the minutes as amended.

MINUTES

The minutes of the regular City Council meeting of March 25, 2008 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

ORDINANCE REVISING ACCESSORY USES PERMITTED WITH PARKS/OPEN AREAS

The ordinance amending Section 5.2.E.7 of the UDO to revise the list of accessory uses permitted in conjunction with parks and open areas was presented for second reading and adoption.

Councilwoman Beer made a motion, seconded by Councilman O’Kelley, to adopt the ordinance on second reading. The vote was unanimous. (Copy of ordinance at end of the March 25, 2008 minutes)

ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE DESIGN REVIEW BOARD

The ordinance amending Section 2.8.C. of the Unified Development Ordinance to change the membership requirements of the Design Review Board was presented for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman Fordham seconded the motion.

Libby Anderson, City Planner, stated the current ordinance requires that one of the members of the Board be a business owner and staff is asking for more flexibility regarding the citizen representative to say it is preferable that one be a business owner, operator, or employee of a business.

Council unanimously adopted the ordinance on second reading. (Copy of ordinance at end of the March 25, 2008 minutes)

ORDINANCE CHANGING THE REQUIREMENTS FOR NONCONFORMING USES IN THE AICUZ

The ordinance amending Section 6.7.H of the Unified Development Ordinance to change the requirements for nonconforming uses in the Air Installation Compatible Use Zone was presented for second reading and adoption.

Councilwoman Beer made a motion, seconded by Councilman O’Kelley, to adopt the ordinance on second reading.

Libby Anderson, City Planner, said this Section of the UDO addresses nonconforming structures in the AICUZ. Paragraph e. of Section 6.7.H specifically addresses nonconforming churches. The revision is actually a clarification to read “up to 15% of the existing floor area may be expanded.” Ms. Anderson pointed out the County has adopted this revision and in order to keep consistency between the ordinances, this change is being presented.

The ordinance was adopted unanimously. (Copy of ordinance at end of the March 25, 2008 minutes)

ORDINANCE CHANGING THE EXPIRATION DATE OF PLANNING COMMISSION MEMBERS’ TERMS

The ordinance amending Section 2.2.C of the Unified Development Ordinance to change the date on which terms for Planning Commission members expire was presented for second reading and adoption.

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

Libby Anderson, City Planner, explained the terms expire June 30th; however, the Commission is shared with the Town of Port Royal and every two years the number of members alternate from two to three in January. The term expiration and the schedule for the board composition were conflicting.

The ordinance was unanimously adopted. (Copy of ordinance at end of the March 25, 2008 minutes)

REQUEST FOR CITY TO CO-SPONSOR PUPPET SHOW AT WFP

The Arts Council of Beaufort County submitted a request for the City to co-sponsor a puppet theatre on May 10, 2008 in the Waterfront Park at 5:30 p.m. and a workshop prior to the performance.

Councilwoman Beer moved to approve the request. Councilman Fordham gave second.

J. W. Rone, the Arts Council of Beaufort County, said the puppets are 8 feet tall and from Florida. The Girl Scouts will be participating in a public workshop at 3:30 p.m. in order to acquire their puppetry merit badge.

Council unanimously approved the request.

REQUEST TO CLOSE STREETS ON MAY 3RD FOR CHURCH FISH FRY

A request from the Dominican Republic Mission Team of the Parish Church of St. Helena to close Newcastle Street between King and North Streets on May 3, 2008 for a fish fry fundraiser from 4:00 p.m. to 7:00 p.m. was presented to Council.

Councilwoman Beer moved to approve the request. Councilman O’Kelley gave second.

Joy Locke, Main Street Beaufort, stated the Taste of Beaufort will be taking place on that date also. She said people park all over the down town area and she doesn’t want people to not be able to move

their vehicles.

Council unanimously approved the request to close the street on May 3, 2008.

AUDIT FIRM

An RFP was issued for audit services for three years beginning with FY08. Only two responses were received. Based on qualifications, staff recommends hiring the firm of McAbee, Talbert, & Halliday to provide audit services for a three year period.

Shirley Hughes, Finance Director, reminded Council that last year there was a two part RFP for an audit firm to assist with closing the books and drafting the financial statements and that contract was approved by Council for a three-year period. Also, a second contract was approved for one year. That contract was awarded to McAbee, Talbert & Halliday from Spartanburg, SC. This year another RFP was sent out and of the two responses received, based on both qualifications and price, it would be in the City's best interest to hire McAbee, Talbert & Halliday again.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council authorized the City Manager to sign the contract with the audit firm of McAbee, Talbert & Halliday for a three year period.

FY09 BUDGET PRESENTATION

The City Manager presented the proposed FY2009 balanced City Budget which contains three major funds, the General Fund, Park & Tourism Fund, Stormwater Fund, Capital Budget, the Redevelopment Budget and the five-year financial plans for each.

Some highlights include no millage increase proposed, the City Marina revenue has been moved to Parks and Tourism Budget from the General Fund, no Cost of Living Increase, no permit fee increase and the budget contains funding to affect the change in the FSLA overtime pay in the fire department. The mill remains at 52.8 on each dollar. Outsourcing to gain efficiencies instead of expanding the employee base is being considered, he said.

The Mayor commended the City Manager for presenting a budget with no tax increase while a city hall, police station and court facility, and a large park are being built all which are very expensive.

CITY MANAGER'S REPORT

The City Manager stated a joint meeting with the Town of Port Royal Council is being planned; a workshop is scheduled for Thursday at 5:30 at City Hall; the next Council meeting has been moved to Thursday, April 24th at the Friends Room at the Arsenal on Craven Street because of the Vigilant Guard exercise, and phone calls have been received from people who are interested in serving on the film guidelines committee.

MAYOR'S REPORT

Regarding filming, the Mayor asked that Council receive a list of the names of people who are interested in serving on a film committee. He also asked that a resolution be drafted establishing a committee and Council will appoint the members. He asked Council to consider candidates for the committee. The Mayor suggested placing a discussion of the film regulations/guidelines on

Thursday's workshop agenda. Also, at that meeting the No Smoking ordinance will be reviewed.

COUNCIL REPORTS

O'KELLEY: Councilman O'Kelley said he talked with Charles Stockell regarding the Purple Heart monument and they are considering placing it at the Recruit Depot at Parris Island.

SUTTON: Councilman Sutton inquired about the status of repairs to the Waterfront Park. The City Manager said one set of testing has been completed and they are investigating in front of the seawall where they think the overlap is missing. Mr. Sutton asked about the graffiti that is still on some of the buildings and if the City has any options to have the graffiti removed or repaired. The City Manager said some of the buildings belonged to the County. Mr. Sutton pointed out that the Tabernacle Church's storage building on West Street has not been cleaned up. He also asked the City Manager to have the police increase patrols in the downtown area because of recent break-ins.

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 appointment/reappointments to the Tree Board and the Design Review Board.

OPEN SESSION

Tree Board

Upon returning to Open Session, Councilwoman Beer made a motion to appoint Ron Alley to serve a three year term on the Tree Board. That term will expire April of 2011. Councilman Sutton gave second. The motion was unanimous.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:50 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