

A regular meeting of the Beaufort City Council was held on March 25, 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 Ms. Anne England, Minister of Children/Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

RESOLUTION

On motion by Councilman Sutton, second by Councilman Fordham, Council voted to adopt the resolution designating April as Fair Housing Month in the City. (Copy of resolution at end of these minutes)

PUBLIC HEARINGS

A public hearing was held to receive comment on *revising Section 5.2.E, "Use Categories, Public, Civic and Institutional Uses,"* to revise the accessory uses permitted with parks and open areas. A Notice of Publication was duly published in the Beaufort Gazette on March 25, 2008. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, stated this revision is to the Unified Development Ordinance. The Master Plan for the new Southside Park includes administrative offices for the City's Parks Division and the option of a police substation. Neither facility would be unusual to find in a park. Staff is proposing to amend this Section of the ordinance pertaining to Accessory Uses for parks to allow for administrative offices for parks personnel and a police substation.

There being no other comments, the public hearing was closed at 6:07 p.m.

A public hearing was held to receive comment on *revising Section 2.8.C "Design Review Board, Membership, Terms and Compensation,"* to change membership requirements of the Design Review Board. A Notice of Publication was duly published in the Beaufort Gazette on March 25, 2008. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, stated that the DRB is a five member citizen board which reviews plans for new development outside the Historic District. The specific membership requirements are set out in Section 2.8.C.b of the Unified Development Ordinance which states the Board is to include three design professionals and two citizen representatives. Regarding the citizen representatives, one is an open position but the other is specifically reserved for a business owner, preferably owning

a business within one of the corridors. It has been difficult to find a business owner to serve on the board. Meetings are held in the afternoon and tend to last two to four hours on a work day. Staff is recommending that there be more flexibility regarding the citizen position and change the wording to say "it is preferable" to find a representative who is a business owner or an operator, a manager, or an employee. The Design Review Board has been informed of the proposal.

Don Starkey, DRB member, recommended this be adopted.

There being no other comments, the public hearing was closed at 6:11 p.m.

A public hearing was held to receive comment on the *revision of Section 6.7.H. "Air Installation Compatible Use Zone,"* to change the requirements for nonconforming structures. A Notice of Publication was duly published in the Beaufort Gazette on March 25, 2008. The Joint Planning Commission recommended approval.

Libby Anderson, City Planner, stated the revised AICUZ ordinance was adopted in December of 2006. Beaufort County and the Town of Port Royal also adopted an identical ordinance. This ordinance was a culmination of a year-long effort between the three jurisdictions, the LCOG, and the Marine Corps Air Station to prepare a coordinated AICUZ ordinance as recommended in the Joint Land Use Study for the Air Station. Beaufort County recently had a request for expansion of a nonconforming use with the AICUZ footprint. County Council will hold third reading later this month. In an effort to keep the ordinances coordinated as recommended, staff is proposing the same revision which is a modification to Section H. of Article 9 which pertains specifically to the expansion of churches. Expansion of the sanctuary or the fellowship hall would not be allowed, only restrooms, office space, storage, and kitchen.

Councilman Fordham asked if this had been presented to the Air Station for approval. Ms. Anderson stated Ms. Howard, their representative, is aware of the change and mentioned she would try to attend tonight's meeting to show support. Mr. Fordham asked that Ms. Howard submit her comments before second reading of the ordinance.

Councilman O'Kelley asked who would determine the percentage outlined in the ordinance. Ms. Anderson said this provision is also in the Flood Hazard regulations. People are allowed to use their assessment from the County tax which triggers the 50% and then they are allowed to have an appraisal done.

There being no other comments, the public hearing was closed at 6:18 p.m.

A public hearing was held to receive comment on the *revision of Section 2.2.C "Planning Commission, Membership, Terms, and Compensation,"* to change the expiration date for Planning Commission terms. A Notice of Publication was duly published in the Beaufort Gazette on March 25, 2008. The Joint Planning Commission recommended approval.

Libby Anderson City Planner, stated the Planning Commission, established in 2000, is a joint commission with the Town of Port Royal and consists of five members. The appointments rotate every two years as a 3-2 composition and changes every January. In 2003, the UDO was adopted

which states their terms expire on June 30th which is consistent with the other boards. In January, this caused confusion. The Planning Commission recommended the terms expire in January when the appointments rotate.

There being no other comments, the public hearing was closed at 6:20 p.m.

MINUTES

The minutes of the regular City Council meeting of March 11, 2008 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

PUBLIC ART COMMISSION'S GUIDELINES AND POLICIES

Lesley Hendricks, Chairman of the Public Art Commission, stated the Commission's guidelines and policies were adopted by City Council at the July 13, 2004 Council meeting. She provided Council with the recommendations to revise Section 2; Donation or Loan of Artwork, paragraph 4 on page 1 of the Guidelines to clarify what should appear on the plaque. The addition would state the 5x7 inch plaque would include the title, artist's name and who donated it unless it was an anonymous gift.

Councilman O'Kelley reiterated his concern with donor's names appearing on items on City property. Councilwoman Beer stated the playground at the Waterfront Park has the people's names listed who originally donated money towards the playground and Pigeon Point Park has names engraved on bricks.

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

Ms. Hendricks reminded Council placement of the mermaid "De Liberte" was left undecided at the last meeting. She said she and the City Manager met at the Stephen Elliott Park a/k/a Cannon Park to discuss the site. She asked if the Purple Heart Memorial is still to be placed in that park. Councilman O'Kelley said the last he heard from the committee was that they planned to take the monument to Parris Island. Ms. Hendricks stated the Purple Heart Memorial could be placed between the two cannons facing the river. She asked that the mermaid "De Liberte" be put near the road close to the bridge in a garden. The City Manager said both locations mentioned would be suitable and appropriate. Councilman Sutton asked who is the contact for the Purple Heart Memorial. Mr. O'Kelley named three people with whom he spoke.

MOTION TO ADD ITEM

Councilwoman Beer moved to add an off agenda item. Councilman Sutton seconded the motion. Council members Beer, Sutton, Fordham, and Rauch voted in favor of the motion. Councilman O'Kelley voted nay. The motion passed 4 to 1.

Councilman Sutton moved to place the mermaid in the area recommended by the Arts Commission (in Elliott Park on the corner of Bay and Carteret Streets near the planting area). Councilwoman Beer gave second.

Councilman O'Kelley said Elliott Park has a military theme and he thinks the mermaid should be placed in another location. He asked Council to consider another area. Councilman Fordham agreed with Mr. O'Kelley.

Councilman Sutton withdrew his motion asking Council to consider an area that would produce a unanimous vote. Councilwoman Beer withdrew her second.

Ms. Hendricks commented that the alternative location suggested by the Arts Commission is Logan Park near the Elementary School.

Councilwoman Beer moved to place the mermaid De Liberte in Logan Park. Councilman Fordham gave second. The vote was unanimous.

Councilman O'Kelley agreed to contact the Purple Heart Monument Committee and express Council's wishes to place the monument in Elliott Park. He will bring their decision to Council at the next meeting.

ORDINANCE EXTENDING DEVELOPMENT AGREEMENT

The ordinance authorizing the City Manager to execute an extension amendment to the Development Agreement between the City and Cane Island Retreat, LLC, Airport Junction, LLC, Hanover Park LLC, Sea Island Homeplace, LP, and Gleason Place, LP was presented for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman O'Kelley gave second.

The City Manager stated there are no changes since first reading. He mentioned that the attachment is the actual extension to the Development Agreement and on page 3 of that document in the Now Therefore section, it has been agreed upon that the word "shall" is changed to "may" which is the clarification that Council wanted.

Council voted unanimously to adopt the ordinance on second reading extending the Development Agreement. (Copy of Ordinance at end of February 12, 2008 minutes)

REQUEST BY HBF TO CLOSE 2 STREETS FOR LAFAYETTE SOIREE

A request to close Short and King Streets on April 5, 2008 from 6:30 p.m. until 11:00 p.m. for the Lafayette Soiree was submitted by the Executive Director of the Historic Beaufort Foundation.

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

Councilman O'Kelley asked if any of the resident's driveways will be affected. Mr. Thompson replied they have been notified and there is an alternate route.

Council unanimously approved the request.

REQUEST BY HOPE HAVEN TO CO-SPONSOR EVENT AT WATERFRONT PARK

A request by Hope Haven of the Lowcountry for the City to co-sponsor the Stomp Out the Silence of Sexual Violence event on April 19, 2008 at the Waterfront Park Pavilion was presented to Council.

On motion by Councilwoman Beer, second by Councilman Sutton, Council approved the request.

ORDINANCE REVISING ACCESSORY USES PERMITTED WITH PARKS/OPEN AREAS

An 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 first reading.

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

ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE DESIGN REVIEW BOARD

An ordinance amending Section 2.8.C. of the Unified Development Ordinance to change the membership requirements of the Design Review Board was presented for first reading.

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

ORDINANCE CHANGING THE REQUIREMENTS FOR NONCONFORMING USES IN THE AICUZ

An 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 first reading.

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 CHANGING THE EXPIRATION DATE OF PLANNING COMMISSION MEMBERS' TERMS

An ordinance amending Section 2.2.C of the Unified Development Ordinance to change the date on which terms for Planning Commission members expires was presented for first reading.

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

COUNCIL REPORTS

BEER: Councilwoman Beer said she represented the City in a ribbon cutting ceremony for Goodwill Industries. They opened a job link service in their building to help handicapped and other people find jobs. The City was presented a key which she gave to the City to display.

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)(1) of the South Carolina

Code of Laws to discuss appointment/reappointments to the Municipal Election Commission, Historic District Review Board, and the Tourism Development Advisory Commission.

OPEN SESSION

Historic District Review Board

Upon returning to Open Session, Councilman Sutton moved to reappoint John Gadson to the Historic District Review Board for a 2-year term. Councilwoman Beer gave second. This term will expire March 2010. The vote was unanimous.

Tourism Development Advisory Commission

On motion by Councilman Sutton, second by Councilwoman Beer, Council unanimously reappointed Kathy Bussing to serve on the Tourism Development Advisory Commission in the hospitality position for a 3-year term. That term will expire March of 2011.

Municipal Election Commission

On motion by Councilman Sutton, second by Councilwoman Beer, Council unanimously reappointed Clarence Counts to serve a 6-year term on the Municipal Election Commission. That term will expire March of 2014.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:12 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