

A regular meeting of the Beaufort City Council was held on June 25, 2002 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem Donnie Ann Beer, Councilmen Frank Glover, Gary B. Fordham, Billy Keyserling, and City Manager John F. McDonough. 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.

INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was opened at 6:00 p.m. with an invocation by Rev. Louie F. Lanford, Pastor of St. John's Lutheran Church. The Pledge of Allegiance was led by the Mayor.

PUBLIC COMMENT

David Tedder, attorney for McNeal Land Development, said he is representing the developer of Battery Point Subdivision. He met with City staff last week and wanted to alert Council of the problem they discovered with the PUD Master Plan and Plat. He commented that the City staff was very helpful in trying to find a solution to the problem. He explained a couple of months ago a lot on Petigru Drive was sold to a client and he received a building permit, dug the foundation, and poured the footing. However, a neighbor pointed out there may be a problem with the lot size. The City Building Official made an investigation and determined the lot size was less than 6,000 square feet, the minimum required under the Master Plan as last revised in July, 1996, so a stop work order was issued. Mr. Tedder was asked by the developer to investigate this problem and he discovered this lot, when originally platted, was more than 6,000 square feet. Because of a change in the road design at the end of the cul de sac, the road was made larger in arc than was originally planned and now the lot is 580 square feet short. Normally, a variance would have been requested from the Zoning Board of Appeals. But when checking further and examining the Master Plan, a larger problem was revealed. Now, they have determined there are approximately 40 lots that are substandard. Of the 40 lots, 28 have homes built on them. Also, there are 4 lots that are only 55 feet wide instead of 60 feet wide because drainage easements were placed on the property lines. He pointed out that until recently the County approved all plats now, the City has their own Planning Commission and that is when the problem was discovered. In discussing this with the City officials last week, it appears the best way to address this problem is to request an amendment to the Master Plan PUD so the purchasers of the lots have conforming lots to the PUD. He plans to make a presentation to Council requesting this amendment, which will not increase the net density of the project, once he meets with the City staff and appears before the Planning Commission.

PUBLIC HEARINGS

A public hearing was held to receive public comment on the proposed FY2003 City of Beaufort budget. A Notice of Public Hearing was duly published in The Beaufort Gazette on June 18, 2002.

The City Manager John McDonough pointed out that the budget has been available for

viewing for three weeks and questioned whether it was necessary to make the whole presentation again. The Mayor polled the public who were present and there were no pros or cons regarding the presentation.

Brenda Hood said the City has a responsibility to the public whether they have questions or not to advise them of the budget by presenting an overview.

The Mayor stated a workshop was held on June 6, 2002 at City Hall where the City Manager presented his proposed budget. First reading was held on June 11, 2002 with an extensive debate. An article was published the next day in The Beaufort Gazette recapping what took place and second reading will be held tonight. He added that a copy of the entire proposed FY2003 budget has been available to the public in the Library. The City Manager added that an ad appeared in The Beaufort Gazette comparing the current budget to the previous year and indicated whether there was an increase or decrease over the previous year. Councilwoman Beer also discussed the budget on the television station WJWJ.

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

MINUTES: BUDGET WORKSHOP - JUNE 6, 2002

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the June 6, 2002 budget workshop as presented.

MINUTES: REGULAR MEETING - JUNE 11, 2002

The minutes of the regular City Council meeting of June 11, 2002 were reviewed by Council and the following change was made on page 3, under "Request for Outdoor Music Permit", change "voted" to "moved"; on the bottom of page 4, "excess" was spelled incorrectly; and on the top of page 5, insert "an additional" between "therefore and \$175,000" and delete "cash flow", roll was incorrectly spelled, replace "no money" with "only \$163,000". On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of June 11, 2002 as amended.

CONSENT ITEMS

On motion by Councilman Glover, second by Councilman Fordham, Council adopted the following two (2) items presented on the Consent Items portion of the agenda.

ORDINANCE SETTING ELECTION, DATES, & FILING FEE

Second reading of the Ordinance establishing the dates and filing fee of \$75.00 for the 2002 City General Election for two members of City Council pursuant to Sections 1-8002 through 1-8006 of the City's Code of Ordinances. (Copy of Ordinance at end of June 11, 2002 minutes.)

ORDINANCES ADOPTING 2000 INTERNATIONAL CODES

Second reading of the ten Ordinances regarding the 2000 International Code series, which replaces the City's current Standard Building Codes. (Copy of Ordinances at end of June 11, 2002)

REQUEST BY RECONSIDERATION OF A-TAX FUNDING

Jim Wescott, Executive Director of Lowcountry & Resort Islands Tourism Commission asked to address Council on the recent recommendations to Council by the Tourism Development Advisory Commission for ATAX funding. Mr. Wescott said the TDAC has recommended full funding to them for the past ten years to help support the marketing efforts on behalf of Beaufort and the lowcountry region and also for the development and operation of the Lowcountry Visitors Center and Museum. He said this year the Tourism Commission did not request increased funding because they anticipated a decrease in the Accommodations Tax revenues due to the September 11, 2001 tragedy. Mr. Wescott expressed concerns with the amount approved for the Lowcountry Tourism Commission this year by TDAC. He said he would have attended the June 11th Council meeting to express their needs had he known in advance the results of the recommendations. He added that they fulfill a very important portion of the tourism marketing segment for Beaufort and this decision is distressing. He asked Council to try to help fund the deficit. The Mayor said if the revenues exceed the amount expected and the budget is amended at mid-year, Council could entertain his request at that time. Mr. Wescott asked if the TDAC could advise the applicants of their recommendations in the future.

Dick Andrzejczyk, past TDAC Chairman, stated their policy was to notify the applicants as to the Committee's decision and the recommendations to be presented to Council.

Jacki Martin, Main Street Director, added comments for Council's deliberations during their next budget considerations. She said Main Street USA also benefits through the ATAX monies. She explained the role of the Lowcountry Tourism Commission as it applies to tourism marketing in this area. She stated further that because of those efforts there seems to be more people coming into the area.

PARKING TASK FORCE RECOMMENDATIONS

Libby Anderson, City Planner, pointed out that over the past several months, the planning staff as well as staff from Main Street Beaufort, USA have received numerous calls from merchants in the downtown area regarding the loading zone at West Street. The merchants were concerned about the appearance that loading zone was creating and the noise, dirt, and dust created by the trucks onto the pedestrian corridor on Bay Street. As a result, the issue was discussed by the Parking Administrator, the Main Street Director, and herself during several meetings. Two recommendations have evolved from those meetings. The first is that loading for trucks greater than 24 feet in length be prohibited after 10:00 a.m. in the area. Before that time, they can park at any metered parking space on Bay Street, free. After 10:00 a.m., the consensus is that the large trucks add to the congestion in the downtown area. The second recommendation is that the loading zone on West Street be moved to Port Republic Street. Councilman Keyserling asked if the merchants on Port Republic Street were contacted. Ms. Anderson stated they had not. Jacki Martin, Main Street Director, said she spoke with the owner of the Bay Street Market Place and he was satisfied with the solution. Police Officer and Parking Administrator John O'Neill stated that on a case by case basis, drivers of the 18 wheelers contact him when they expect to arrive so he can direct traffic during their unloading and this helps to minimize congestion.

Brenda Hood stated several merchants who attended one of the meetings several months ago expressed concern about where the loading zones would be located and when the large trucks would be allowed to unload. She asked if they were aware of the recommendations made tonight. She said it is difficult to schedule the unloading when the merchandise is coming from several states away and it is necessary that they be able to unload in the area. She asked Council to consider this carefully. Ms. Anderson said this pertains to trucks over 24 feet in length unloading in the Core Commercial District and would not affect the Federal Express or United Parcel Service deliveries.

Dick Andrezyk, Parking Task Force Chairman, stated their original recommendation was to place the loading zone on Charles Street and eliminate the one on West Street. He added that the two zones on Carteret Street function adequately with minimum disruption to other traffic. Addressing the 18 wheelers, the ICC carriers would be the exception to the rule as opposed to trucks loading/unloading on a daily basis. He said this may need addressing again next year since this is not actually the best solution. The Mayor explained there will have to be flexibility on the part of the City to solve this.

Peter White suggested the merchants lease a building in another area where large deliveries by 18 wheelers can be unloaded to a smaller truck and delivered to the businesses.

Councilman Keyserling made a motion to move the location of the loading zone from West Street to Port Republic Street. Councilwoman Beer gave second. The motion passed unanimously.

Councilwoman Beer made a motion to ban trucks larger than 24 feet in size from the Core Commercial District after 10:00 a.m. excluding Carteret Street with special exceptions coordinated with the Parking Administrator prior to making the delivery. Councilman Glover gave second.

Brenda Hood said the merchants were told there would be a loading zone on Charles Street and that has never happened. Charles Street is wide enough to handle the trucks. If Carteret Street is the only loading zone for large trucks, the deliveries will have to be hand carried to the Charles/ Bay Street side. The merchants will be upcharged a fee or the truck drivers will require a drop off area on Boundary Street. She asked Council again to think this over carefully.

Jacki Martin, Main Street Director, pointed out that the West Street loading zone cannot accommodate large trucks. The reason for relocating that loading zone to Port Republic Street is to encourage pedestrian traffic on West Street.

Mr. Andrezyk said the Committee recommended utilizing Charles Street as the prime 18 wheeler loading zone. The staff feels it is not appropriate to park large trucks on a regular basis near the Elliot House since it is a historic structure and residential in appearance. Ms. Anderson pointed out a large truck parked at that corner will block the driver's view as they leave the bank parking lot.

Ms. Hood suggested placing a loading zone on the Bay Street side of Craven Street and Charles Street where they intersect, because of the space available.

Councilman Keyserling moved to amend the motion and continue banning the unloading of large trucks on Bay Street after 10:00 a.m., exempting Carteret Street from the Core Commercial District by not enforcing the hours of unloading there. Also, there can be an exception by calling Officer O'Neal in advance for unloading 18 wheelers on Bay, Port Republic, Scott, and West Streets Councilman Glover seconded the motion. The motion passed unanimously. Council will continue to pursue additional areas for 18 wheelers to unload their cargo.

BEAUFORT COUNTY DRUG COURT

Manning Smith, Attorney and Drug Court Judge, appeared before Council to request financial support adding that the City currently has two people participating in the Drug Court Program with four more beginning shortly. In July, 2001, he was appointed by Chief Justice Tole as the Drug Court Judge for Beaufort County and he serves without pay. He pointed out this program was initiated by Attorney General Janet Reno about ten years ago. Outlining the program in detail, which consists of 18 months of intensive rehabilitation, obtaining a GED and a job, and payment of \$1,064.00 before completing the program, he explained incarcerating a drug addict or alcoholic without treatment is costly. They are also required to sign a document waving their right to search and seizure. He stated further that the Federal grant runs out on June 30, 2002 and the program was not funded by the State; therefore, he asked Council for \$5,000 for each person in the program or \$30,000 for the six participants. The money is used to pay the counselors, the drug court coordinator and for drug testing.

The Mayor suggested considering this as part of the budget.

TREE INVENTORY

In June 2001, the City received a \$10,000 Urban and Community Forestry grant from the S.C. Forestry Commission to perform an inventory of street trees and develop a street tree plan for the City. Dudley Hartel, Certified Arborist and Consulting Urban Forester, was contracted by the City to conduct the inventory and develop the plan.

Mr. Hartel presented his final report to Council reviewing the highlights. He pointed out the objective of the project was to assess the extent and health of the trees growing along the public right-of-way. That information is to be provided to the Tree Board to prepare a comprehensive tree management plan. The inventory included 1,708 trees and 448 Palmetto of which he said the majority are in average or above average condition. However, 6% or 88 of the trees are in serious condition and should be removed. Also, another important item he pointed out was the necessity of pruning the young trees to provide a sound structural beginning and the old trees to remove deadwood. He observed that many of the trees are not mulched and he stressed the importance of that. He said he is recommending to the Tree Board that over the next ten to twenty years when planting trees, to use other species besides Oaks and try to have 50% of the trees in the smaller

diameter class. He presented a complete listing of inventory data, trees identified with a risk assessment rating, prioritized tree removals, and prioritized pruning lists. Additionally, he recommended a 90 day management plan and a first year management plan.

BEAUFORT KAYAK TOURS

Kim Gundler and David Gorzynski, Beaufort Kayak Tours, requested permission to use the boat ramps at the Waterfront, Pigeon Point, and Lady's Island twice daily, to begin and end their tours. They would also give a fifteen minute lesson in the parking lot prior to the tour, additionally, they would need to park their vehicle with a kayak trailer at the landing for about two hours.

Mr. Gorzynski said after talking with the City Manager and the Council members, they have revised their request. They will now conduct the clinics on private property and will only need approval to use the landings for launching and retrieval of the kayaks. They have also contacted an insurance company who will include the City as an additional insured on their policy.

Councilman Keyserling asked the City Manager if the amended request is any different than launching a commercial watercraft from the public landing. The City Manager replied the biggest concern would be the use of the Waterfront Park ramp considering there could be inexperienced kayakers and the fact that it is so close to the commercial marina and the day dock. Councilman Fordham suggested excluding the public landing at the Waterfront Park and utilizing the other boat ramps.

Police Chief Dowling pointed out that the City does not control the boat ramp on Lady's Island. That is owned by Beaufort County with separate regulations on commercial activities. In reply to Councilman Glover's question regarding the need for all three boat ramps, Mr. Gorzynski stated they provide a variety of tours depending on the client's desires. He added that his reason for using the ramp at the Waterfront is the relationship that could be developed with the businesses there.

Sections of the City's Code of Ordinances pertaining to the downtown marina and city maintained boat ramp were brought to Council's attention by the City Manager.

Jim Wescott, volunteer kayak tour guide on the Edisto River for the past sixteen years, stated kayaking is the fastest growing recreation and an important component of eco-tourism. He said the Edisto group uses many public boat landings and they are considerate of other users. They can be easily moved and it does not take long to stage them. This would be an ideal business for the type of character and spirit that exists in Beaufort.

Millie Boyce, TMAC chairman, stated Ms. Gundler and Mr. Gorzynski presented their plans to the Tourism Management Advisory Committee at their recent meeting and the consensus was this would be a great tourist attraction. Their only concern was the downtown marina. If that could be worked out then they would support it.

Brenda Hood, novice kayaker, said it is a great sport and would lend itself to the City for visitors and residents. She asked what is the difference in the kayaks being launched from the landing and other businesses that use the landing.

The City Manager stated the changes that have been provided are encouraging and he would be willing to meet with Ms. Gundler and Mr. Gorzynski to discuss this further.

ORDINANCE REQUIRING TOUR GUIDE CERTIFICATION

An Ordinance amending Chapter 11, Part 7 of the City's Code of Ordinances providing for tour guide certification for all tours conducted within the City limits was presented to Council for first reading.

Ms. Millie Boyce, TMAC Chairman, stated anyone giving tours in the City would have to be certified. They want the stories to be entertaining but with correct references. The Historic Beaufort Foundation currently has a tour guide manual but the Tourism Management Advisory Commission will provide an addendum. The test which will be administered by the TMAC chairman will cost \$30.00 and will be required every three years. When the Ordinance is adopted, there will be two or three orientations so that everyone will have an opportunity to attend. Also, she pointed out there is an addendum to the Ordinance regarding the requirement of a background check by the State Law Enforcement Division.

Jim Wescott said he tried seven years ago to get local guides organized. He asked if tour companies from other states would be discouraged from visiting if the City requires a step on tour guide. Also, the Ordinance addresses historical content but there are other aspects to tour guide services. Guides on the water should know how to handle emergency situations he said and asked if that is addressed in the Ordinance. Council agreed those are good points that could be incorporated later.

Councilwoman Beer moved to approve the Ordinance with the addition in Section 7-11024, subsection (f) background check by SLED. Councilman Keyserling gave second. The motion passed unanimously. (Copy of Ordinance at end of these minutes.)

ORDINANCE REVISING BEAUFORT 2003 PROGRAM

An Ordinance amending Part 5, Chapter 2, Article C of the Code of Ordinances for the City regarding the Beaufort 2003 Program which provides financial incentives was presented to Council for first reading.

Ms. Libby Anderson, City Planner, stated the original Ordinance was adopted in 1998 with an amendment in 1999. Staff is proposing five revisions in order to increase effectiveness.

One change would be to extend the program indefinitely but limit the incentive to a three-year rebate of City taxes. Other changes include renaming the Ordinance, changing the length of time that a commercial building must be vacant to qualify for the program from two years to one year; offering the development incentive to property owners who build new student housing or rehabilitate vacant structures for student housing; and offering the development incentive to persons who develop accessory dwelling units as defined in the Zoning Ordinance.

After further discussion, Councilwoman Beer moved to approve the Ordinance on first reading. Councilman Keyserling gave second. The motion passed unanimously. (Copy of Ordinance at end of these minutes.)

ORDINANCE ADOPTING FY2003 BUDGET

The Ordinance adopting a budget for the City of Beaufort for the fiscal year beginning July 1, 2002 and ending June 30, 2003 was presented to Council for second reading and adoption.

Councilman Fordham made a motion to adopt the Ordinance on second reading. Councilman Keyserling gave second.

Councilman Fordham asked questions regarding specific line items with the City Manager replying. Mr. Fordham made a motion to delete several items from the Municipal Court relating to additional funding for preliminary hearings and jury trials. He stated when the two associate judge positions were approved, Council did not agree to pay extra for these services. A judge receives a salary that includes all services performed, he said. The City Manager explained the justification of the line items and the discussion that took place as a result of adding additional terms of jury trials. Linda Roper, Court Administrator, presented the status of the backlog of jury cases explaining they have eliminated all but 18 which had to be continued for various reasons. As a result, only four cases were tried by a jury lowering the cost to the City. Councilman Fordham asked to see written documentation where Council authorized more money to the judges.

Brenda Hood, representing the League of Women Voters, stated one of their primary concerns is Freedom of Information. She said she has had difficulty reading the minutes to determine what actually happened. Names and specifics are left out and decisions made in executive session should be recorded.

The motion to amend the budget failed due to a lack of a second.

Councilman Fordham moved to delete the funds budgeted for the two clerks in the Municipal Court to attend a training seminar and conferences. The motion failed for lack of a second.

Councilman Fordham questioned the line item in the Planning Department for landscaping the Carnegie building. The Mayor replied the Ordinance adopted by Council requires that 5% of the cost for renovation to commercial buildings is to be applied to landscaping. A new roof was put on the building a couple of years ago and to be in compliance with the Ordinance this landscaping is necessary. The Planning Director explained the majority of the money is for the cost of irrigation and installation. Councilman Fordham also stressed the need for better management of all overtime.

Councilman Keyserling asked for a staff recommendation of the request for funding of the drug court. The City Manager said the question is where would the funding come from for

the six people in the program. Police Chief Dowling pointed out that it is a great rehabilitation program. The City Manager said he would like that \$30,000 to be generated through Municipal Court; however, the revenues are short of what was anticipated in collections for FY2002.

Council members Keyserling, Beer, and Rauch voted in favor of budgeting \$30,000 for the drug court. Councilmen Glover and Fordham voted nay. The motion passed 3 to 2. The Mayor asked the City Manager his recommendation on how to budget that amount. The City Manager suggested supporting the program. He recommended it not be added to the budget but instead find other sources.

Councilwoman Beer moved to amend the Ordinance by striking the addition of the line item "Land Sales" to the revenue side of the budget and instead adopt the original City Manager's recommendation on property tax revenue. Councilman Fordham gave second.

During discussion, Council debated the pros and cons of raising taxes.

Council members Beer, Keyserling, and Fordham voted in favor of the amended Ordinance. Council members Rauch and Glover voted nay. The motion passed 3 to 2.

Council members Keyserling, Beer, Glover and Fordham voted in favor of adopting the Budget as presented. The Mayor voted nay. The motion passed 4 to 1. (Copy of Ordinance at end of June 11, 2002 minutes.)

ORDINANCE SETTING MILLAGE RATE

The Ordinance providing for a levy of taxes (millage rate) of sixty-eight and four tenths (68.4) mills upon each one dollar of taxable property in the City of Beaufort for the fiscal year beginning July 1, 2002 and ending June 30, 2003 was presented to Council for second reading and adoption.

Councilwoman Beer moved to adopt the Ordinance setting the millage rate and amend the millage rate to Seventy-four and four tenths (74.4). Councilman Fordham gave second.

During discussion of the amendment, the City Manager stated the millage rate can be amended to a lower amount until September. The Mayor said the law requires that a balanced budget be adopted. It does not require that the millage rate be set. The City Manager explained that the budget is balanced with the increased millage.

Council members Keyserling, Beer, and Fordham voted in favor of amending the Ordinance setting the millage rate. Council members Rauch and Glover voted nay. The motion passed 3 to 2.

Council members Keyserling, Beer, and Fordham voted to adopt the amended Ordinance on second reading setting the millage rate at seventy-four and four tenths. Council members Rauch and Glover voted nay. The motion passed 3 to 2. (Copy of Ordinance at

end of June 11, 2002 minutes.)

REPORTS BY COUNCIL

BEER: Councilwoman Beer reported the World Changers, consisting of over 300 young people, have done a wonderful job on the houses they have worked on in the City. She visited one of the places where they were working and they commended the City staff on the preparations that were made for them in advance. She mentioned using the Project Repair money for further work by the World Changers because of their accomplishments with these projects.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session to discuss a land acquisition matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 10:00 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM COUNCILMAN BILLY KEYSERLING

ATTEST:

BEVERLY W. GAY, CITY CLERK