

A special meeting of the Beaufort City Council was held on October 5, 2004 at 5:30 p.m. in the City Hall Conference Room, 302 Carteret Street. In attendance were Mayor Bill Rauch, Mayor Pro Tem Donnie Ann Beer, Councilmen Frank Glover, Gary B. Fordham, Billy Keyserling, and Ross Jones, the Assistant City Manager. 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 meeting was opened at 5:30 p.m. by the mayor for the purpose of hearing a motion to reconsider the ordinance setting the tax millage that was tabled at the special meeting of September 29, 2004.

MOTION TO TAKE MOTION OFF THE TABLE

Councilman Fordham made a motion, second by Councilman Glover, to take the motion off the table. Councilmen Glover, Fordham, and Rauch voted in favor of the motion. Council members Keyserling and Beer voted nay. The motion passed 3 to 2.

ATTORNEY BRIEFING

Bill Harvey, City Attorney, stated even though there are certain rules and procedures in the City's Code of Ordinances, there is not a procedural rule pertaining to reconsideration. Roberts Rules have been referred to by Council but there has not been a formal adoption. Reconsideration is addressed in Roberts Rules of Order; however, both the Municipal Association's procedural rules and Roberts Rules of Order state that a motion for reconsideration would have had to occur on the night the vote was taken. Since Council is not obligated to follow any procedural guideline, Mr. Harvey referred to a section regarding reconsideration in McQuillan's general treatise on municipal corporations which states, in the absence of a procedural guideline, Council can do what it chooses to do with regard to procedure as their goal is to get it right before they consider it final. The only restraint would be if vested rights have occurred and in this case, they have not since the County has granted the City an extension until tomorrow morning to provide them with the millage ordinance that is being discussed tonight.

Councilman Fordham restated the motion he made at the meeting of September 29th; to reduce the millage by taking \$185,000 from the Land Acquisition Fund and applying it to the budget, reduce the Contingency Fund by \$37,500 and reduce the Waterfront Park bond indebtedness line item by the same amount.

The finance director stated the original ordinance set the mills at 59.3 and Mr. Fordham's motion tonight changes that to 53.7 mills with a 5.6 mil difference.

Councilman Fordham moved to reduce the millage by 3.5 mills by applying \$185,000 from the Land Acquisition Fund for 55.8 mills upon each dollar of taxable property. Councilman Glover gave second.

At the request of Mr. Keyserling, the finance director stated the taxes on a \$130,000 house at 55.8 mills would be \$290.60; the same house using 59.3 mills would be \$308.36 for a difference of \$17.76

or \$1.48 per month.

Councilman Keyserling said he is troubled by what Council has done in the last three weeks. Since the cap is uncertain, some people's taxes, with the cap, will increase by 50% in January. His understanding is that when the cap goes into effect, those people who live in houses that appreciated more than 20% will receive a refund causing the City a shortfall. He is uncomfortable that the \$1.48 per month that is proposed to be reduced through the millage may be needed to absorb the shortfall. He said until there is certainty, he thinks the millage should not be lowered by juggling funds. Councilwoman Beer added that services have increased and more employees are needed. Also, there is still land to purchase along with constructing the law enforcement building. The \$1.48 will not save someone's home. Maybe in two years, something could be placed on the ballot to reduce taxes.

Councilman Glover agreed the budget and millage ordinances are usually adopted in June; however, since this year is a reassessment year the millage was just recently passed. He said he is in favor of a small relief to reduce some of the burden on the citizens.

Councilmen Rauch, Fordham, and Glover voted in favor of reducing the millage to 55.8. Council members Keyserling and Beer voted nay. The motion passed 3 to 2. (Copy of ordinance at end of the September 14, 2004 minutes.)

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 6:07 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