

A regular meeting of the Beaufort City Council was held on April 12, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, George H. O’Kelley, Jr., 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.

**CALL TO ORDER**

The mayor called the meeting to order at 6:00 p.m.

**INVOCATION/PLEDGE OF ALLEGIANCE**

The meeting was opened with an invocation by Capt. Harvey Harwell of the Salvation Army. The Pledge of Allegiance was led by the Mayor.

**PROCLAMATION – SEXUAL ASSAULT AWARENESS MONTH**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating April, 2005 as Sexual Assault Awareness Month in the City.

**MOTION TO ADD ITEM**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to add an item.

**RESOLUTION – CHOCOLATE TREE DAY**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the resolution proclaiming Sunday, April 17, 2005 as Chocolate Tree Day in the City and honoring their 25<sup>th</sup> anniversary in business. (Copy of resolution at end of these minutes)

**RESOLUTION – AMERICA SUPPORTS YOU**

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the resolution pledging the City’s participation in the “America Supports You” Program. (Copy of resolution at end of these minutes)

**PUBLIC COMMENT**

**Tommy Logan** said Habitat for Humanity is interested in building five homes on county-owned property on the corner of Prince and Hamar Streets which is in the Historic District and under the auspices of the Department of Interior. In his opinion, when the County has surplus property within the City, they should advise the City and the Planning Department in order to discuss future plans. There have been plans for a number of years for high end development in that area along with the Bladen Street renovation. He supports Habitat for Humanity’s efforts in providing affordable housing but he asked that covenants be developed to guarantee the structures be kept up. He asked Council to approach County Council and support the planning department’s efforts in the planning of the Historic area and the Northwest Quadrant. Secondly, he expressed concerns with geocaching which is an electronic scavenger hunt played with a GPS. About eighteen months ago it was brought to his attention that these games were being played in the Beaufort cemeteries, archeological and historical sites and is an inappropriate activity for these sacred areas. At that time he brought

this to the attention of the director of the SC Archives and History who agreed something needs to be done. The players have now targeted numerous areas in the City. He and representatives of the various cemeteries were asked last week to attend a subcommittee hearing in Columbia to discuss and testify to House Bill 3777 which is an amendment to an existing legislation that would make it illegal to play these games. He said he will be traveling to Columbia in the morning to continue with the subcommittee hearing and he asked Council to support their efforts. In reply to Councilman Fordham's inquiry about adopting an ordinance in this regard pending state legislation, Mr. Logan agreed that would be a good idea but suggested waiting to see what action is taken in Columbia. He offered to report on the results of the subcommittee meeting at the next Council meeting.

#### **RESOLUTION SUPPORTING BILL H 3777**

On motion by Councilman Glover, second by Councilman O'Kelley, Council adopted a resolution, by title only, in support of H-3777 amending Section 16-17-605 of the Code adopted in 1976. (Copy of resolution at end of these minutes)

**Jack Sheehy**, Southern Sweets, addressing the construction schedule of the Waterfront Park, asked Council to consider keeping some portion of the Park open for the businesses during that time period.

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

On motion by Councilwoman Beer, second by Councilman Glover, Council suspended the regular order of business.

#### **ORDINANCE – LEASE PURCHASE FINANCING FOR THE WATERFRONT PARK RESTORATION**

An ordinance authorizing entry by the city into a lease purchase financing for the Waterfront Park Restoration Project was presented to Council for first reading.

The City Manager commented that in November, 2004, he presented the Capital Projects Funding recommendations to Council which were endorsed. Staff was asked to prepare the necessary bond ordinances and financing arrangements for both the municipal complex and waterfront park projects.

Paul Trouche, Bond Attorney with Haynsworth, Marion, McKay & Guerard, said the Hospitality Tax revenues are to be used to defray the cost of public improvements which benefit the tourism industry. The statute limits the expenditure of Hospitality Tax revenues only to tourism related projects and clearly the Waterfront Park qualifies for that. The procedure is common and is designed so that the financing does not count against the municipalities debt limit and the General Obligation bond debt limit for other projects that do not qualify for Hospitality Tax financing.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Glover gave second. The vote was unanimous. (Copy of ordinance at end of these minutes)

#### **PUBLIC HEARINGS**

A public hearing was held to receive comment on the proposed *amendment to Section 5.4 "Accessory Uses" of the UDO prohibiting steel cargo storage containers or modified versions*

*thereof, for use as accessory structures in any zoning district and revising Section 5.5 "Temporary Uses" to modify the requirements for temporary contractor's office equipment sheds.* A Notice of Public Hearing was duly published in The Beaufort Gazette on March 23, 2005.

Libby Anderson, Planning Director, said these PODs or steel cargo containers are being used for storage. The proposed ordinance has three parts. The first addresses the permanent installation of these types of units and clarifies that they are not to be used as permanent storage in conjunction with any residential or commercial use. The second component states they can be used as temporary storage on a residential or commercial property if a building permit has been issued. The recommendation is that they be permitted in six month increments in conjunction with a construction project. The third and final component is that these portable containers can be used for loading/unloading as a temporary use for up to ten days.

There being no comments, the public hearing was closed at 6:25 p.m.

Councilman O'Kelley suggested the ordinance include wording to cover all type of PODs not just steel.

A public hearing was held to receive comment on the *revision of Section 5.1 "Use Tables," Section 5.3.C "Specific Use Standards; Public, Civic, and Institutional Uses," Section 6.6.F "Design Districts," Section 7.2.G "Freestanding Signs," Section 7.3.E "Landscaping Provisions," and Section 11.2 Definitions" of the UDO* to change screening and signage requirements. A Notice of Public Hearing was duly published in The Beaufort Gazette on March 16, 2005.

According to Libby Anderson, Planning Director, several unrelated changes have been incorporated into this one ordinance amendment. The most important one relates to community service uses which is defined as "uses of a public, nonprofit, or charitable nature generally providing local services to the community." Currently these facilities are permitted as a conditional use in residential districts. The only condition is that there can be no outside drop off facility for used goods. Because these facilities could also have a negative impact when occurring in a residential neighborhood, staff is proposing to change Community Service uses from a permitted conditional use to a use permitted by Special Exception. This would allow a case-by-case assessment of the proposed use and allow the Zoning Board of Appeals to place appropriate conditions on the approval of the facility. The next change applies to Section 6.6.F "Design Districts" and expands the list of examples of mechanical equipment that must be screened. The revision as it relates to Section 7.3.E "Landscaping Provisions" deletes paragraph 9 and references the screening requirements in Section 6.6 "Design Districts." Another change revises paragraph h of Section 7.2.G.1 "Freestanding Signs" increasing the allowable size of the monument and making the support half the size of the sign face. The change to 7.2.G of that same Section adds Ground Signs and allows greater flexibility.

There being no public comment, the public hearing was closed at 6:40 p.m.

Councilman Glover asked for an example of monument signs and inquired as to what initiated this revision. Ms. Anderson explained that a ground sign is closer to the ground and she will have an illustration at the next meeting.

A public hearing was held to receive public comment on the *rezoning of a 35-acre portion of property located off Salem Road* and identified as District 122, Tax Map 29, Parcel 4 from HC to

NC. A Notice of Public Hearing was duly published in The Beaufort Gazette on March 16, 2005. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission considered this rezoning request and recommended approval.

Libby Anderson, Planning Director, said the applicant has stated a desire to build single family dwellings on the 35-acre tract of land located on Battery Creek. Because Highway Commercial does not allow single family dwellings, he has requested the property be rezoned to Neighborhood Commercial which also permits office and commercial uses.

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

**MINUTES: SPECIAL MEETING – MARCH 14, 2005**

The minutes of the special City Council meeting of March 14, 2005 were reviewed by Council and it was noted that the heading did not include that the Mayor was out of town on City business.

On motion by Councilman O’Kelley, second by Councilman Glover, Council voted to adopt the minutes of the special City Council meeting of March 14, 2005 as amended. Mayor Rauch abstained as he was out of town. The minutes were approved as amended.

**MINUTES: REGULAR MEETING – MARCH 22, 2005**

Council reviewed the minutes of the regular meeting of City Council of March 22, 2005 and on page 2, in the first paragraph under U.S. Highway 21... “business” is to be deleted.

On motion by Councilman Glover, second by Councilwoman Beer, Council adopted the minutes of the regular City Council meeting of March 22, 2005 as amended.

**GULLAH FESTIVAL**

A request by the Gullah Festival for use of the Waterfront Park and its facilities from May 27 through 29, 2005 was presented by the Festival Committee for Council’s consideration.

Councilwoman Beer moved to approve the requests. Councilman Glover gave second.

The City Manager pointed out the change from prior years in the request related to parking. The spaces in the east and west lots are now metered and the Festival is asking for the spaces in both of those lots. Staff reviewed the request of the 242 parking spaces involved in both lots and recommends 42 of those spaces be retained by the City for various uses during that weekend. The remaining spaces can be made available for lease at the 8-hour rate for Friday and Saturday by the Festival. Items 1, 3, 4, 6, 9, and 10 were approved.

Councilman O’Kelley said he and the Police Chief met with representatives of the Gullah Festival, Water Festival, and Main Street on March 28 to discuss the closing of Bay Street, parking, etc. as it relates to festivals. The representatives of the Gullah Festival were concerned for the elderly and handicapped people getting on and off the buses. Police Chief Dowling said using one of the two east bound lanes from Charles Street to New Castle Street would alleviate congestion and staffed properly could be used for loading and unloading. He added that SCDOT will be contacted for approval and a police officer will be on duty to assist.

Mary Dawson and Charlotte Brown, Gullah Festival representatives, asked to place temporary signs with the Gullah Festival logo at the various locations where events will be held to notify people that this is the site of a festival activity. Ms. Anderson, Planning Director, said the ordinance does allow signs for special events sponsored by nonprofit organizations. As is the practice, she asked that a list of locations for the signs be provided for the record.

Councilwoman Beer amended her motion to include the additional requests as recommended by staff. Councilman Glover gave second. Council unanimously approved the motion as amended and stated above.

### **WATER FESTIVAL**

The request from the Beaufort Water Festival Committee for use of the Waterfront Park, other facilities and closure of certain streets for dances, a bed race, and a parade for the 2005 Water Festival from July 15<sup>th</sup> through July 25, 2005 was presented to Council during the March 22<sup>nd</sup> meeting. Because questions arose regarding street closings, the requests were tabled for two weeks.

Councilwoman Beer moved to approve the requests of the Water Festival. Councilman Glover seconded the motion.

Councilman O'Kelley advised Council that the Water Festival representatives indicated during the meeting of March 28<sup>th</sup>, that they would change the time of street closure for the street dance from 4:00 to 5:00 p.m. and that was satisfactory to him.

**Peter White**, Southurn Rose Buggy Tours, asked if Item 13 "d" of the Water Festival's requests regarding the 20 cubic yard dumpster can be placed by the trash bin in the marina parking lot instead of the water trough since the dumpster leaks and the carriage customers walk through it. The Commodore agreed.

The vote to approve the requests set out by the Water Festival was unanimous.

### **WIRELESS NETWORK/WATERFRONT PARK**

Councilman Gary Fordham asked that a briefing on the Waterfront Park wireless internet project be placed on the agenda after he saw a request for proposals on the City's website concerning this issue. The City Manager reminded Council that during the recent special Council meeting, Ben Weinberger, the owner of Digitalsmiths, was asked to be present. Businesses like Digitalsmiths which is a technology company located in Beaufort and their employees have a choice as to where they locate their businesses and live. They consider the quality of life, infrastructure, tax structures, etc. and a community that welcomes them when locating their business. He pointed out there are a number of issues that can be developed to become competitive and attract and retain these type of businesses. He said about six or eight weeks ago, the City was approached by a company currently leasing cell tower space from the City with an unsolicited proposal to enter into a private/public partnership for the provision of wireless internet service in the Waterfront Park. Even though it appeared to be a great proposal, with the government procurement regulations, it was decided to give others an opportunity to submit a proposal. A Request For Proposals was published and they are due on April 25<sup>th</sup>. Once they are reviewed by staff, they will be brought to Council for

consideration. The City Manager explained how the technology works and the objectives. Replying to Councilman Fordham's inquiry as to the cost to provide this service, the City Manager stated that based on models in other jurisdictions, there may not be a cost. The bidder could offer advertisement pop-ups in exchange for setting up the service. Councilman O'Kelley expressed his concerns regarding the need for the City to provide this service and the potential for people to browse pornography sites in view of children playing. The City Manager said this service is important to the creative class of young adults and the City is interested in attracting and maintaining technology based companies. Other communities are now offering this service and it is important that Beaufort keeps up with the times.

**Dick Stewart**, Beaufort County Councilman, said he has spent 25 years of his working career in the wireless business. This is a tool to assist people in receiving their mail, messages, paying bills, etc. and frees them from their desks. Comparing this service to pay phones in the 1930's, he said phones were expected to be available and there was no charge to the City. The service provider has a business model that allows them to recoup most of their costs. He intends to provide this service in the park at Marsh Gardens which is being developed on Boundary Street.

**Ben Weinberger**, DigitalSmiths, added that companies like his and the people they service would be attracted to this service. It would also bring people downtown and outdoors where they can enjoy the availability of those services in combination with other things. In his opinion, people using this service and enjoying the Park can enhance public safety by just being there. He added that a wireless network could be implemented by a private business but through a private/public partnership the City would attract the right people.

**Martin Goodman**, Small Business Development Center – USCB, said more and more businesses are performing their business on-line. The City and the Council encouraged the University of South Carolina-Beaufort, as a four year university, to hold more classes and encourage more campus activity; therefore, more students will be attracted who are used to this type of technology. This would also provide another venue where students at USC-B would use the Park. He encouraged Council to support this activity as a service to the citizens and visitors of the community.

**Liz Mitchell**, Chamber of Commerce Tourism Marketing Director, said, in her opinion, this would be a wise move for Council to consider offering this service. She reminded Council the Chamber is attempting to attract upscale, educated, visitors and even though they are on vacation they are still working. Business professionals conduct everything in their business lives as well as their personal lives on-line.

**Libby Barnes**, Chamber of Commerce President, said this should be considered as one more important tool in the City's economic development. This is almost an invisible economic development tool and is an asset along with an expectation if we hope to attract young or mature people because they are utilizing that technology in almost every other city in the United States. It is no longer an amenity but a necessity.

**Jack Sheehan**, Southern Sweets, said Monday someone came into his shop looking for "hot spots" and since then three other visitors came in who needed to be in touch back home. He mentioned boaters need to stay in touch, too.

**Rev. Kenneth Hodges** said this technology will bring people downtown. Today people can travel and still handle their business through technology and the City needs to attract people like that.

The Mayor suggested including the marina mooring field in the service area when reviewing the bids.

### **ORDINANCE AMENDING SECTIONS OF THE TOURISM ORDINANCE**

The ordinance amending Section 7-11067 (A), (B) & (E) of the Tourism Ordinance pertaining to the sealed bid procurement process and the allocation of rotation slots for carriages was presented to Council for second reading and adoption. Councilman Fordham recommended the ordinance be postponed for two weeks because he received information today requiring the City Attorney's review.

**Peter White**, Southurn Rose Buggy Tours, asked to make a presentation since he presented the information. During a meeting with the City Manager, the carriage companies were given a choice of either auctioning the licenses to the two highest bidders or placing no limit on the number of companies allowed to operate. Reviewing the Sherman Anti-trust Act through the Department of Justice Anti-trust Office and the State Attorney's office, he said he learned in 1943, the Supreme Court established the Doctrine of State Immunity during the *Parker v. Brown* case which allows the City to protect itself from being sued through the enactment of ordinances. He also expressed his thoughts about the City's current regulations and how an amendment could affect the companies.

**Bill Harvey**, City Attorney, said he was prepared to address the Attorney General's Opinion that was distributed to Council prior to the meeting. The Doctrine of State action is exempt from Sherman Anti-trust laws; however, the cases discuss state action being exempt from anti-trust laws. He quoted from the 1985 Supreme Court case the following, "In order for a municipality or governmental entity to qualify for the state action exemption from anti-trust laws, it must demonstrate that it is engaging in the challenged activity pursuant to a clearly expressed state policy. More specifically, a statute or enactment in question must evidence a clearly articulated and affirmatively expressed state policy to displace competition". This has been used in giving harbor pilots monopolies or regulating architects and lawyers, he said. If a municipality were to enact that state policy by way of municipal ordinance, the municipality would be immune from state action; however, in the area of horse drawn carriages there is not a clearly articulated state policy to displace competition. When this matter was discussed with Danny Crowe, General Counsel for the Municipal Association in Columbia, he said municipalities are not exempt from anti-trust regulations; they do have an exception under state actions.

Mayor Rauch said there have been two choices discussed by Council: to accept the two highest bids or not limit the number of carriage companies. Councilman O'Kelley suggested limiting the number of slots, bid them out, and still charge the annual fee. Mr. Harvey agreed that the number of slots can be limited with a mechanism provided for entry into the market. However, the proposal is that the bidding process would encompass the annual fee. The City Manager said at Council's instruction, a meeting was scheduled with the Chamber's representatives, TMAC's Chair and vice chair, and staff. The consensus was not to set a limit on the number of companies and the fees should be set by Council.

Mr. O'Kelley suggested if the slots are opened to more than two companies, that an effective date be set in 2006 to protect the existing companies from immediate elimination. The Mayor reminded Council that companies have been on notice for nearly a year that the 3-year period will expire in October, 2006.

**Rose White**, Southurn Rose Buggy Tours, added that in many places, each carriage is individually owned and operated. If the City's ordinance is changed the result could be multiple carriage companies, and an area will need to be provided for a loading/waiting area.

Councilman Glover moved to amend the ordinance on second reading to retain the bidding process and increase the length of time of rebidding to 5-years instead of 3-years increasing the time to October, 2008. Councilman Fordham gave second. At the suggestion of Mr. Harvey, Councilman O'Kelley moved to table this motion and Councilman Glover gave second.

Councilman Glover moved to amend Section 7-11067 (A) and (E) of the current ordinance on first reading to move the bidding date to the first of October, 2008. Councilman Fordham gave second.

**Steve Allen** said this change would allow the existing companies to have a head start on the new companies. He said he was willing to wait until October, 2006 for a chance to bid and there were three slots allocated at that time. This change will actually keep other companies from competing and he does not feel that they are being treated fairly.

Councilman O'Kelley said he did not understand the motion was to change the original date to 2008 and he is not comfortable with that. Mr. Glover said his motion was to make the five year period retroactive to the original date to allow the existing companies time to recoup their investment.

**Walter Gay**, Sandlapper Tours, referring to the bidding process, asked if the amount bid is to be considered as the license fee for that bidder for the next five years. Also, during that five year period if one of the companies go out of business, does that slot revert to the next highest bidder or is the bid process reopened. Council answered the first question affirmatively and said they had not considered the second question.

**Libby Barnes**, Chamber of Commerce President, asked for a clarification on the amendment to the ordinance. The Mayor explained the ordinance presented in the packet has been tabled. Ms. Barnes stated the process for allowing new walking tours and bus tour companies into business appears to be inconsistent. She said her question has nothing to do with the carriage companies or the bidding process and asked to meet with Council after the meeting. Matt Horn, Assistant to the City Manager, explained that each Section of the ordinance has a limit of the number of companies and will need to be amended in order to be consistent.

**Rose White**, Southurn Rose Buggy Tours, stated the bidding process was discussed in May, 2004 and asked why it was back dated to January while the other items were not effective until January, 2005. The City Attorney replied it was not backdated, it simply set the first day of the bid for October, 2006 for three year slots. The Finance Director added that January is when the business license fees begin.

**Peter White** commented that when he and his wife began their business, they didn't anticipate an auction process or that they could be out bid. He asked to be given a fair amount of time to pay off loans and business responsibilities that were not considered for short term repayment.

Councilmen Glover and Fordham voted in favor of amending the ordinance on first reading by changing the bidding process to a five year term and extending the time to October 2008. Council members Beer, O'Kelley, and Rauch voted nay. The motion failed 3 to 2.

Councilman O'Kelley agreed that sixty months is better than thirty-six and moved to change the bidding process to five years instead of three years beginning in 2007. Councilman Glover gave second.

Mayor Rauch explained this is the first reading of the amended ordinance and the only change is that the bids will be taken and awarded as stated in the current ordinance but will be for a five year period instead of three.

**Steve Allen** said this is how it is done in Charleston. At that time, the companies complaining about other companies competing can be assured they will be put out of business.

**Rose White** asked if both companies that are awarded the bid for the slot rotation will pay the same amount. The Mayor said the bidder pays the amount he bid for five years and both bids will be different.

Council voted unanimously to approve the ordinance on first reading. (Copy of ordinance at end of these minutes)

Councilman O'Kelley said if one of the two companies drop out after a year there should be a procedure in place for another round of bidding for that slot for the remaining time so that the five year period of time continues. The Mayor said this recommendation would be prepared by City staff.

The City Manager agreed and stated that will be presented during the next Council meeting.

### **TOURISM FEE SCHEDULE**

The City Manager advised that the Tourism Management Advisory Commission was tasked by Council to review and compare Savannah and Charleston's tourism fees to those charged in Beaufort.

Research showed that Charleston and Savannah's fees are higher for carriages and buses. The recommendation to Council by staff, TMAC and the Chamber of Commerce is that the carriage fees be reduced to \$10,000 per year and remove the wording limiting the number of carriages. The other fees are to remain as currently adopted in the resolution.

Councilman O'Kelley moved to adopt the proposed fee sheet as presented for the 2005 year and 2006 calendar year. Councilman Glover gave second.

The City Manager said the Chamber of Commerce also wanted to give the out of town tour companies sufficient notice of the change in fees. Ms. Mitchell, Chamber of Commerce Tourism Marketing Director, said the Chamber feels the tour bus companies need an opportunity to plan for the increase. They would like to send a letter of explanation to the non local buses with an effective date of July 1. The City Manager advised Council that the fees are not yet being collected.

Councilman O'Kelley amended his motion to include the effective date for collecting the non local bus fee as July 1, 2005. Councilman Glover gave second. The motion passed unanimously.

**Walter Gay**, Sandlapper Tours, pointed out that that the non-local buses are not all CDL vehicles as stated on the fee sheet. If the bus holds less than 15 people, a commercial driver's license is not required. The City Manager said that will be stricken from the fee sheet.

On motion by Councilman Glover, second by Councilwoman Beer, Council struck CDL from the proposed fee sheet.

The City Manager brought up another issue discussed at a previous Council meeting regarding the fee split with the Chamber of Commerce. He pointed out this issue has not been clarified and that is the reason the City has not been collecting the bus fee. The recommendation is that the Chamber receive 20% on the non local touring parking fees and 40% on the local touring fee with the remainder to the City. All buses will queue at the Chamber and because they manage the rotation they will receive a portion of the fee.

Councilman O'Kelley moved to include "2005 & 2006" on the fee sheet for carriages annual fee. Councilman Glover seconded. The motion passed unanimously.

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to give 20% of the non-local touring bus fees and 40% of the local touring bus fee to the Chamber of Commerce.

### **PROPOSAL TO CHANGE DOOR WIDTHS IN NEW CONSTRUCTION**

A proposal to change the minimum door width for entrance/passage doors in new residential structures was placed on the agenda at the request of Councilman Fordham. Mr. Fordham moved to postpone this matter until he receives further information. Councilman Glover gave second. The motion was unanimous.

### **ESCROW REQUIREMENTS**

A policy setting escrow requirements for the sale of City property was placed on the agenda at the request of Councilman Fordham.

Councilman Fordham said when he visited the City's web page, he checked a bid proposal for a small parcel of property located at Pine Court south and found a minimum escrow amount of \$10,000 was being requested. Thinking this was extremely high, he complained to the City Manager asking why and was told Council set a minimum bid of \$22,500 for the property. The City Manager stated a bid higher than that was received along with a check for the escrow amount. The policy set with the Joyner Street property was used for the sale of the Pine Court parcel and it did not seem to be an impediment.

Councilman O'Kelley said he recently had a sealed bid for one of his clients and also required a percentage on the sale of an estate. The successful bidder pays the escrow amount not all who bid.

Councilman Glover moved to set the escrow requirements for the sale of City property on a case by case basis. Councilman Fordham gave second. The motion passed unanimously.

### **RECYCLING UPDATE**

Isiah Smalls, Public Works Director, was asked to make the presentation on the recycling program at the next meeting

### **ORDINANCE REZONING 35 ACRES LOCATED OFF SALEM ROAD FROM HC TO NC**

An ordinance rezoning 35 acres of property located off Salem Road, identified as District 122, Tax Map 29, Parcel 4, From Highway Commercial to Neighborhood Commercial was presented to Council for first reading.

On motion by Councilman Glover, second by Councilwoman Beer, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

### **CITY MANAGER'S REPORT**

The City Manager reported the Waterfront Park prebid conference will be held on April 14<sup>th</sup>. Bids are due on May 5<sup>th</sup>. A series of meetings were held two days last week with the architects and the members of staff involved in the Municipal Complex project. Based on staff input, a site plan is being envisioned. The architect will be working on that over the course of the next couple of weeks. Once staff reviews the drafts, he will share them with the Council members on an individual basis to receive their input and then he would anticipate a public presentation a short time after that. Council's first decision will be to approve the site plan and the next step will be the design of the buildings. On another matter, he said he attended a County Public Services Committee meeting this afternoon. The City's Boundary Street Transportation Impact Fee funded project was on the agenda. The contract with Dover, Kohl & Partners was approved unanimously and will go before the County Council for approval in two weeks. Once the contract is signed, the process of master planning the Boundary Street Corridor and the parallel roads will begin. Pertaining to another item that was mentioned at the last meeting, the City Manager identified the contacts for the various Property Owner Associations to receive updates on storm water projects. Additionally, he spoke with a DHEC representative today regarding the environmental concerns and cleanup issues at the municipal complex site. All the information they requested has been received from the previous owner and is under review. A letter should be forthcoming next week outlining anything that needs to be done; however, the information he received during the conversation was very positive. Then it maybe necessary that restrictive covenants have to be applied to the deed on the property. Once that is done, a Certificate of Completion will be issued to the previous owner and the City. Since this is an important issue for the site planning, DHEC is trying to expedite the process.

### **REPORTS BY COUNCIL**

**FORDHAM:** Councilman Fordham inquired about the status of a letter from SCDOT addressing the rerouting of traffic on Ribaut Road that Robert Clark referred to in his presentation. The City Manager said he had not received it and would place a call tomorrow. Mr. Fordham also asked to receive a copy of the stormwater drainage power point presentation made at the last meeting on

scheduling and costs.

**EXECUTIVE SESSION**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to discuss two contractual matters.

**OPEN SESSION**

**Sale of Abandoned R-O-W on Wilson Drive**

Upon returning to Open Session, Councilwoman Beer moved to accept the bid of \$300 from Elizabeth S. King for 2588 sq. feet of property located on Wilson Drive in Pigeon Point and identified as an abandoned right-of way on Road S-191 which intersects a corner of her property (Lots 10, 11, & 12). Councilman Glover gave second. The motion passed unanimously.

**Sale of Pine Court Parcel**

On motion by Councilman Glover, second by Councilwoman Beer, Council accepted the bid of \$28,500 from Community Development Corporation for the .24 acre parcel of property on Pine Court South.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 9:40 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN FRANK GLOVER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN GEORGE H. O'KELLEY, JR.

ATTEST:

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BEVERLY W. GAY, CITY CLERK