

A regular meeting of the Beaufort City Council was held on April 26, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, and City Manager John F. McDonough. Mayor Bill Rauch was out of the country and Councilman George H. O’Kelley, Jr. was absent due to sickness. 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**

Mayor Pro Tem Frank Glover called the meeting to order at 6:00 p.m.

**INVOCATION/PLEDGE OF ALLEGIANCE**

The meeting was opened at 6:00 p.m. with an invocation by Dr. Lawrence Miller, Pastor of the Grace Chapel AME Church. The Pledge of Allegiance was led by the Mayor Pro Tem.

**PROCLAMATION – GREENVILLE SPINNER BICYCLE CLUB**

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the proclamation welcoming the Greenville Spinner Bicycle Club to the City.

**PROCLAMATION – LETTER CARRIERS DAY**

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the proclamation designating May 14, 2005 as Letter Carriers Day in the City.

**PROCLAMATION – MENTAL HEALTH MONTH**

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the proclamation designating May, 2005 as Mental Health Month in the City.

**RESOLUTION – FAIR HOUSING MONTH**

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the resolution designating April, 2005 as Fair Housing Month. (Copy of resolution at end of these minutes)

**PUBLIC COMMENT**

**Libby Barnes**, Beaufort Regional Chamber of Commerce President, reminded Council of the invitation to attend the National Tourism Week event being celebrated May 9-13, 2005. Additionally, she commented on the resolution adopted at the last Council meeting limiting geocaching in the City’s cemeteries. She advised them to be cautious because the Chamber helps to bring in a half million visitors to the City each year and many thousands of those visitors are interested in seeing and experiencing the cemeteries. She asked Council to consider that on a state level that could be a detriment to tourism.

**MINUTES: SPECIAL MEETING – APRIL 5, 2005**

The minutes of the special City Council meeting of April 5, 2005 were reviewed and it was noted that the word “to” was inadvertently left out of the fourth line of the heading between due and a.

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the minutes of the special City Council meeting of April 5, 2005 as amended.

**MINUTES: REGULAR MEETING – APRIL 12, 2005**

City Council reviewed the minutes of the regular Council meeting of April 12, 2005 and the following changes were made. On the top of page 4, second line District 122 had a typo; on page 6, third line, “opportunity to submit” was repeated; and on page 10, second line, “until October 2006” should be deleted.

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the minutes of the regular City Council meeting of April 12, 2005 as amended.

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

The 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 second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman Fordham gave second. The motion passed unanimously. (Copy of ordinance at end of the April 12, 2005 minutes)

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

The ordinance authorizing entry by the City into a lease purchase financing for the Waterfront Park Restoration Project was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman Fordham gave second.

The City Manager commented three bids were received. The low bidder was from BB&T with an interest rate of 3.8% for a term of fifteen years.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the April 12, 2005 minutes)

**ORDINANCE AMENDING SECTIONS OF THE TOURISM ORDINANCE**

The ordinance amending Sections 7-11067 (A) and (E) of the Tourism Ordinance pertaining to the allocation of rotation slots for carriages was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman Fordham gave second.

The City Manager reminded Council of the discussion at the last Council meeting which resulted in extending the time period for the rotation slots from 36 months to 60 months after the bids are accepted next Fall. Additional wording was requested under subsection (E) for a mechanism to rebid the slot if a company ceased operations during that term. That wording has been inserted, he

said.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the April 12, 2005 minutes)

### **REQUEST TO USE PARKING SPACES**

A request by Main Street Beaufort, USA for use of the City's metered parking spaces behind the Bay Street Trading Company for storage of vendor's trailers on May 6 and 7, 2005 during the Taste of Beaufort was presented to City Council. Main Street would pay the daily rate for the meters during that time.

On motion by Councilwoman Beer, second by Councilman Fordham, the request was approved.

### **RECYCLING PROGRAM**

Isiah Smalls, Public Works Director, presented a brief update on the recycling program and a comparison with the previous contractor's collections. The total amount of glass, aluminum cans, newspaper, plastic, tin cans and cardboard collected by the City since August, 2004 totaled 278 tons. The savings gained by diverting these items from the land fill equates to \$11,976 in tipping fees. Payment from four vendors to whom aluminum cans, newspaper, cardboard, and tin cans were sold has not been received as of this date. The City has collected 556,024 lbs of recyclables with Waste Management collecting 438,050 lbs for the same time period. Therefore, the City exceeded Waste Management by 27% for the same time period last year.

Councilman Fordham inquired about what could be done to require that everyone recycle. Mr. Smalls replied the current ordinance requires citizens to pay \$2.50 for recycling; however, there is not an enforcement mechanism to ensure participation. Courtesy notices have been distributed to households when recyclable items have been found in their garbage. In reply to Mr. Fordham's question of Port Royal's enforcement, Mr. Smalls said they have between 75 and 80% participation.

The Town Manager explained to him that even though they have door hangers and an ordinance in place, the threat of being fined along with educational tools has been most effective. Mr. Smalls further stated the City distributed 6000 flyers via the newspaper in September of 2004 which did increase participation but it has leveled off since then. Mrs. Beer suggested enhancing the education program to encourage citizens to recycle and then if that is unsuccessful, Council could follow up with an ordinance indicating a fine will be levied. Mr. Smalls reminded Council the program has been in effect now for eleven years but he requested the education program be tried for a sixty day period. Councilman Fordham asked that Council be provided an update in three months.

Councilwoman Beer offered to contact the Beaufort Marine Institute for assistance in distributing hang tags as part of their community service.

### **SIDEWALK REPAIR**

Isiah Smalls, Public Works Director, provided an update on the sidewalk repair project. A contract to the low bidder was approved by Council for the sidewalk repairs in the amount of \$60,030. That amount would have repaired approximately 3,705 linear feet of four and one-half foot sidewalks, he said. After discussions with SCDOT, they agreed to provide the concrete for the sidewalks which resulted in a savings of \$16,480 and allowed an additional 1,625 linear feet of 4 ½ ft. wide sidewalks to be completed for a total of 5,330 linear feet or a little more than a mile. A little more than half the

sidewalks have been removed and replaced, he said.

### **PARKS AND PLAYGROUNDS**

Eliza Hill, Park Superintendent, listed the seventeen parks, six playgrounds, four open spaces, and the three municipal buildings for which her department is responsible for maintaining. She also provided the status of each. Referring specifically to the playgrounds, she presented an assessment with recommendations. **Washington Street playground:** The equipment is metal and in good condition. More play equipment is recommended along with a refurbishment of the existing equipment. She further recommended grouping the play equipment according to age level separating the toddlers from the youth age group and installing a safety surface. **The Tic Toc playground,** located on North Street, needs the fall zones improved and equipment refurbished. **Annette Bryant** playground needs a safety surface installed and refurbishment of equipment. **Mossy Oaks** playground's equipment needs refurbishing and grouping according to age level, and a safety surface needs to be installed. **Pigeon Point Park** has dated equipment that needs to be removed and to ensure safety conditions, other equipment needs to be refurbished and new equipment installed. Fall zones should be covered with an adequate play surface and equipment should be relocated and concentrated into areas by age group. Additionally, using the Wood & Partners Master Plan to implement the playground area, the Parks Department would like to refurbish the existing equipment, construct the safety surface, install existing equipment in combination with the stored equipment, purchase new equipment and install landscape utilities. This would all take place within the horseshoe drive designed in the Master Plan with four areas set out by the pervious path ways and designated as A through D. Area A would be considered the toddler area with an associated cost of \$21,404 for equipment refurbishing, new equipment, safety surface and accessories, Areas B (\$17,212) and C (\$30,596) the youth area/ages 5 to 12, and Area D (\$24,519) would be for ages 2 to 12. The project budget for these areas would total \$197,128. This amount includes the cost of a black aluminum fence with tabby columns around the playground, pervious walkways, asphalt drive, and landscaping.

**Eliza Blocker,** Pigeon Point resident and neighborhood watch secretary, said a group of residents have been working for over a month now with Ms. Hill. Ms. Blocker said they are concerned with the age of the equipment and that nothing has been done to maintain it. She mentioned with the Waterfront Park playground out of use during construction, these repairs will provide a much needed upgrade and will provide an alternative playground for all the children to play and feel safe. She thanked Council for their consideration.

The City Manager said staff feels a number of the master plan recommendations can be implemented for less and still make a positive impact. He recommended utilizing \$197,128 from the TIF I fund to begin the renovations for Pigeon Point Park. He added that if it is Council's desire to update the other playgrounds, they can be addressed during the next budget.

Councilman Fordham moved to obligate \$197,128 from the TIF I funding to begin Phase I renovations for Pigeon Point Park. Councilwoman Beer gave second. The motion passed unanimously.

### **MOTION TO RECONSIDER**

Councilman Fordham moved to reconsider the minutes of the April 12, 2005 Council meeting.

Councilwoman Beer gave second. The motion was unanimous.

On page 15, under “Gullah Festival”, the list of items approved are to be attached for clarification and on page 16, the last line under “Water Festival” is to be changed to read “The vote to approve the parade, street closures for dances and bed race as set out by the Water Festival with the time of street closure for the dance changing from 4 to 5:00 p.m. was unanimous.”

Councilwoman Beer moved to accept the minutes of the April 12, 2005 as amended. Councilman Fordham gave second. The minutes as amended were approved unanimously.

### **REOPENING OF ITEMS UNDER OLD BUSINESS**

Because of a typo on the agenda stating the meeting would begin at 6:30 when in fact it began at 6:00 p.m., as stated in the ordinance, the City Attorney advised Council to reopen the three items under Old Business for comment.

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

The 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 second reading and adoption.

Hearing no comments, Council continued to the next item.

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

The ordinance authorizing entry by the City into a lease purchase financing for the Waterfront Park Restoration Project was presented to Council for second reading and adoption.

There being no new comments, the next item was announced.

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

The ordinance amending Sections 7-11067 (A) and (E) of the Tourism Ordinance pertaining to the allocation of rotation slots for carriages was presented to Council for second reading and adoption.

There being no further comments, Council returned to the regular agenda.

### **LEASE/PURCHASE – EQUIPMENT FOR PUBLIC WORKS - RESOLUTION**

Bids were received from six banks for the lease/purchase of a 2005 sanitation packer truck, a 2005 Dodge Quad cab pickup truck, and a 2005 John Deere 4 wheel drive front end loader for the Public Works Department. The low bid was received from South Carolina Bank & Trust with the interest rate of 2.985%.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the resolution authorizing the equipment lease purchase of the equipment for the Public Works Department in the amount of \$213,168 with the interest rate of 2.985%

### **ORDINANCE AMENDING UDO SETTING CONDITIONS FOR CARGO CONTAINERS**

An ordinance amending Sections 5.4 and 5.5 of the Unified Development Ordinance setting conditions for use of cargo containers as storage facilities was presented to Council for first reading.

Libby Anderson, Planning Director, explained this ordinance pertains to clarifications regarding the use of overseas shipping containers. The proposal is to clearly state that these types of containers could not be used for permanent storage in any district. However, it would be appropriate for use on a construction site. Also, the proposal is to allow loading and unloading in any district for a period of up to ten days.

Councilman Glover asked if it would be necessary to obtain a permit for placement of a POD in someone's yard when utilizing it for moving. Ms. Anderson replied this is actually being placed in the ordinance for enforcement purposes.

Due to the numerous questions, Councilman Fordham moved to table the ordinance. Councilwoman Beer gave second. The motion was unanimous.

**ORDINANCE AMENDING UDO PERTAINING TO COMMUNITY SERVICE FACILITIES**

An ordinance revising Sections 5.1, 5.3.C, 6.6.F, 7.2.G, 7.3.E, and 11.2 of the Unified Development Ordinance pertaining to community service facilities in residential districts, revising requirements for screening of trash facilities and mechanical equipment, and for signage was presented to Council.

Councilwoman Beer made a motion to approve the ordinance on first reading. Councilman Fordham gave second.

Libby Anderson, Planning Director, gave examples of private/non profit community service facilities and where they are permitted. One condition would be that there be no outside drop off center for used goods in residential districts, she said. These type uses could have a substantial impact in residential neighborhoods so staff is proposing these project uses be approved by "special exceptions" through the Zoning Board of Appeals after a public hearing. The ZBOA could then set conditions on approval of the permit that are relevant to a specific use in that specific location. Staff also suggests some conditions should be automatically set by the ordinance. These would be that the use is located on a lot approximately one half acre, the primary structure set back at least 25 feet from any residential adjoining property line, no historic structure could be demolished unless deemed to be unfit for human habitation, the design of any new construction would go before a review board and there be no outdoor amplification of sound. The other amendments to the UDO relate to screening and signage.

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

**ORDINANCE AUTHORIZING THE SALE OF ABANDONED R-O-W ON WILSON DR.**

An ordinance authorizing the sale of an abandoned Right-of-Way from the SCDOT's Highway System on Wilson Drive (a/k/a Road S-191) and back to the City was presented for first reading. This 0.06 acre of land (2,588 sq. ft.) abuts and adjoins the property and residence of Elizabeth King located at 2316 Wilson Drive who wishes to purchase the right-of-way for \$300.00.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham seconded the motion.

Councilman Fordham moved to delete "Contract of Sale and/or" in the Now Therefore, sentence. Councilwoman Beer gave second. The amendment was approved.

On motion by Councilman Fordham, second by Councilwoman Beer, Council voted to approve the ordinance as amended on first reading selling the 0.06 acre of land to Ms. Elizabeth King for the sum of \$300. (Copy of ordinance at end of these minutes)

### **ORDINANCE AUTHORIZING THE SALE OF .24 ACRE PARCEL ON PINE COURT SOUTH**

An ordinance authorizing the City Manager to enter into a contract of sale for 0.24 acres of land on Pine Court South belonging to the City was presented to Council for first reading. The property, Tax Parcel Number R120-007-000-0148, was put out to bid with Community Development Corp being the highest bidder in the amount of \$28,500.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham seconded the motion.

Councilman Fordham suggested executing a Quit Claim deed thereby eliminating the need for a title exam. The City Attorney stated his firm would not prepare a title exam for the seller. Mr. Fordham said in a similar sale, the title exam was prepared for the buyer. Mr. Fordham asked for a copy of the Settlement Statement on that particular property because he would like to verify who paid for the title exam. He said the Pine Court South property does not need to be sold by General Warranty Deed. Quit Claim gives no warranties. He asked if the Request for Bids stated this property would be conveyed by General Warranty Deed. Mr. Harvey replied that is what the purchaser requested. Mayor Pro Tem Glover suggested leaving the wording in the ordinance as presented so as not to interfere with the sale of the property.

The ordinance was approved on first reading as presented authorizing the sale to Community Development Corp in the amount of \$28,500. (Copy of ordinance at end of these minutes)

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

The City Manager referred to a letter to the Mayor and copied to Council dated April 14, 2005 from the SC Department of Transportation regarding the redesignation of US Highway 21. The letter contained a request that the City, County, and Town of Port Royal provide them with a position on this issue. Another letter was received today from the chairman of County Council asking the same question. The City Manager recommended advertising a public hearing on this and placing the matter on the agenda for the first meeting in May.

### **REPORTS BY COUNCIL**

**BEER:** Councilwoman Beer reported she has attended a couple of ribbon cuttings. She also attended the site dedication for the Habitat for Humanity this past Saturday and was amazed by the work and the results.

**FORDHAM:** Councilman Fordham said that in the 90's when Beaufort County adopted the Enhanced 911 program each resident was asked to report any special circumstances. He said he is sure there have been a lot of changes since that adoption and he would like the City Manager to contact the Emergency Preparedness Center to be sure their records have been updated. He said he mentioned this matter to the Fire Chief several months ago. The City Manager stated he could inquire as to what methods are used to update their records. The Fire Chief replied that if a citizen has a special need and contacts the 911 system, they will log it into the computer so if that caller's address comes up, the screen will give the information as to whether the person is bed ridden, etc. The City Manager said he would inquire as to what assistance can be offered.

**EXECUTIVE SESSION**

On motion by Councilman Fordham, second by Councilwoman Beer, Council voted to move into executive session to discuss a legal matter and a contractual matter.

**ADJOURNMENT**

Returning to open session and there being no further business to come before Council, the meeting was adjourned at 8:10 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