

A regular meeting of the Beaufort City Council was held on January 25, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road with an executive session at 5:30 p.m. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelly, 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 meeting was called to order by Mayor Rauch.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilman Fordham, Council moved into executive session to interview candidates for the City's Boards and Commissions.

INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was opened at 6:00 p.m. with an invocation by Dr. Harry Rowland, Pastor of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

PRESENTATION – TREE CITY

Liz Gilland, Urban Forester for the SC Forestry Commission, congratulated the City for its 15th consecutive year as a Tree City USA. The four standards necessary for a community to qualify for the award each year are to establish a tree commission, pass a municipal tree care ordinance, conduct local Arbor Day observances, and spend \$2.00 per capita on a community forest. Ms. Gilland presented a 15 year Tree City USA award flag to Mayor Rauch.

PUBLIC COMMENT

Tommy Logan, Ribaut Road resident, asked the status of the construction of the day dock and if it would be appropriate to discuss it at this time. The mayor stated at the meeting two weeks ago, the consultant presented a new plan that had not been previously discussed which was approved by the majority of Council. He suggested Mr. Logan express his thoughts and if a council member feels it necessary to bring the matter up for reconsideration as a courtesy to the neighborhood, then it could be added to the agenda for discussion. Council concurred and agreed to reconsider the matter in two weeks at the next meeting.

Councilman O'Kelley asked that the speakers provide guidance as to what they want and not just comment that they are in favor or against the day dock.

Tommy Logan said last summer when the Council met at the pavilion, the primary concern then was the seawall. In 1978, when the waterfront park was completed, the concern was that the use of the waterfront park should be focused around the marina, daydock, boat ramp, parking lot, and ships store and they agreed nothing should obstruct the view from bluff. During that meeting last summer, Mr. Chambers, former mayor, suggested removing the outbound pilings of the day dock and moving the dock closer to the marsh so that there is two feet of water at low tide for small boats. Then

extend a second dock, approximately 30 to 40 feet, using inbound pilings thereby tripling the footage capacity of the day dock. The possibility of attaching a small narrow float at the seawall from the pedestrian ramp to the boat ramp was also considered to accommodate small craft. Mr. Logan said, the main concern of the Bay Street residents is that extending the day dock to the west and parallel to Bay Street will encourage expansion of the marina and encroach further on the view of the bay from the bluff. In his opinion, extending the dock to the west is not a good idea.

Steve Tully, Waterway Commission member and Bay Street resident, said the Commission presented their recommendations to Council to expand the daydock. He owns the Lady's Island Marina and his customers would like to visit downtown via boat but there is seldom space to accommodate them.

Wendy Politzer said she supports the expansion and noted she presented a petition to Council about a year ago with several hundred names of people also in favor of extending the daydock. The proposed plan, in her opinion, is the least expensive and intrusive.

Dr. Richard Ceips, 1207 Bay Street, said an extension would encroach on the scenic view of the bay and that vista is not only for the homeowners but everyone who rides or walks by. He is in favor of confining the marina and the day dock within a constricted space. His concern is that if the daydock is extended westward, it could lead to further expansion in the future.

Evan Thompson, Historic Beaufort Foundation Director, expressed the Foundation's concern with the extension. He listed the many requirements to be considered if federal dollars are to be used to fund the extension stating these should be included in the process when determining which direction the daydock should go. It is important to achieve a compromise solution to allow people to come and enjoy Beaufort for the day but also one that does not threaten the integrity of the landmark district.

Marcia Spivey, Main Street Director, reminded Council of their involvement in the original daydock and that they want to remain in the process. In May, they recommended Council extend the Commission's term for six months and to address the increasing needs for short term access to downtown by extending the daydock. However, the Main Street Board of Directors has not made a recommendation on the design of the day dock. This topic will be discussed next week at their meeting and they welcome any specific proposals from staff to assist them in their recommendation.

Alton Aimar, Riverside Drive, was glad to hear Council supports the expansion of the day dock and urged them to keep in mind the necessity of expanding it. Commenting further, he said he believes the linear design would cause less impact on the residents of Bay Street.

Walter Hill strongly stated the need to expand the daydock but not from the sea wall. He also suggested exploring Mr. Logan's comments.

The Mayor replied, several months ago Council discussed not placing a dock at the sea wall. Councilman O'Kelley explained the reason Council chose the proposed design for the day dock was the safety hazard of docking a large boat with a 7 knot tide with other boat traffic.

Sharon Grove, 1203 Bay Street, said as a business person she understands the desire to have more day traffic downtown; however, that makes the day dock a parking lot. That area is zoned Conservation and the impact of the commercialism needs to be minimized. Having visited many towns along the coast, she said there is no other place that provides 300 feet of day dock. She is concerned that a storm could break up the 300 foot floating dock and the wind could slam it against the historic homes on the Bluff. She asked Council to rethink this plan.

Carol Painter, Bay Street resident, said there has to be another solution. Her main concern is the environmental impact on the marsh with that many boats. A linear dock extension of 150 feet will also obstruct the view of the bluff from the water.

Jane Bruce Brooker opposes the extension. Her concern is that motor boats and an extension of the day dock will not improve the water quality or the integrity of the landmark district.

Richard Politzer stated he did not want to address the proposal but explain that a day dock is to be used for small craft and won't be as intrusive as perceived.

Tommy Logan said one option would be to move the dock closer to the marsh, another is to place a float next to the sea wall for smaller boats and the option mentioned last summer would be to compare the cost of using sections of the existing marina dock to that of extending the daydock. When the Waterfront Park project was completed in 1979, Mr. Logan said he was on Council at that time and they had a consensus that the dock would not be extended but keep it within a contained area.

Council will address this matter further at the next meeting.

INTRODUCTION – MAIN STREET BEAUFORT EXECUTIVE DIRECTOR

Joy Hardy, the new Main Street Beaufort, USA, Executive Director, was introduced to Council.

MINUTES: REGULAR MEETING – JANUARY 11, 2005

The minutes of the regular meeting of January 11, 2005 were reviewed and the following changes were made. The word “**old**” on the 4th line of page 1, under “Stormwater Drainage Projects – Johnny Morrall Circle” is to be deleted and on the top of page 4, 3rd line, insert “**in**” between it and a. On the same page, last line of Public Art Commission... the vote should be 3 to 2.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the regular City Council meeting of January 11, 2005 as amended.

ORDINANCE CLOSING A PORTION OF NATIONAL STREET

The ordinance closing the portion of National Street A/K/A National Boulevard between Rodgers Street and Lafayette Street for the Department of Veterans Affairs to begin work on the expansion of the Beaufort National Cemetery Project was presented to Council for second reading and adoption.

Councilman Glover 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 January 11, 2005 minutes)

REQUEST TO HOLD EASTER SERVICE AT WATERFRONT PARK

A request from the pastor of The Baptist Church of Beaufort asking permission to hold the Easter Sunrise Service at the Waterfront Pavilion on Sunday, March 27, 2005 and to have the fees waived was presented to Council for approval.

On motion by Councilman Glover, second by Councilwoman Beer, the motion passed unanimously to co-sponsor the service.

TOURISM MANAGEMENT ORDINANCE

At the request of Councilman Fordham, the Tourism Management ordinance was placed on the agenda for discussion.

Councilman Fordham referring to the portion of the ordinance addressing trolleys, said he checked the dictionary today for the definition of trolley and found that it is defined as a vehicle that runs on rails and propelled by electricity. He made a motion to remove the word "trolley" from the ordinance. Councilman Glover gave second.

Councilman Glover stated this could be a discussion matter but he doesn't want a prolonged process. If this item is sent to TMAC, he would like the request to be specific because last time TMAC was asked to review this subject, their recommendations covered everything but what was asked of them.

Councilman Fordham also requested the slot rotation fee, adopted by resolution, be reduced from \$15,000 to \$10,000 and he would like the section of the ordinance rebidding the license every three years removed as he feels it is unfair for a business. Additionally, he suggested changing the height restriction of carriages to state they be no higher than fire trucks and/or garbage trucks.

Councilwoman Beer reminded Council of the procedures to be followed. Without notifying the public, she would not be comfortable voting tonight. Councilman O'Kelley said Savannah refers to the vehicle as a jitney and agreed the three items brought up by Mr. Fordham need to be revisited. Discussing what the next step should be, Council decided to forward their concerns to the Tourism Management Advisory Commission and hear their comments. Main Street Beaufort USA was also asked to give their input. The Executive Director stated the ordinance doesn't provide for a representative from their organization; however, they have received comments and invited a TMAC representative to attend the board meeting next week so they can understand the recommendations.

Carl Wedler said TMAC spent a lot of time preparing the ordinance and they should have an opportunity to respond. Mayor Rauch remarked that two weeks is short notice to call a meeting, review the recommendations, and make a presentation. The Mayor listed the five items to be forwarded to the Commission. He noted that if the trolley is not on rails then it is considered a theme vehicle and is not allowed according to the ordinance. The City Manager and Councilman Fordham will discuss this further and prepare a letter for TMAC.

Councilman Fordham withdrew his motion and Councilman Glover withdrew his second.

ORDINANCE AMENDMENT PERTAINING TO RULES OF PROCEDURE & DECORUM

An ordinance amending Part 1, Chapter 3, Article A of the Code of Ordinances pertaining to rules of procedure and decorum was presented to Council for first reading.

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

Several sections were discussed with the City Manager stating the wording for this proposed ordinance was recommended by the Municipal Association of South Carolina. Councilman Glover moved to delete Section (c) under Motions regarding the use of a substitute motion. Councilwoman Beer gave second. The motion passed unanimously. Section (d) under Executive sessions was discussed and suggested wording is to be added that a matter discussed in executive session could be discussed with an absent council member. Councilman Glover moved to amend Decorum and debate by adding obscenities to (c) Councilwoman Beer gave second. The motion passed unanimously.

The amendments were restated by the City Manager. Councilwoman Beer made a motion to approve the amendments and Councilman Glover gave second. The motion passed unanimously.

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

RESOLUTION EXPRESSING SUPPORT FOR MCAS BEAUFORT

A resolution was presented to Council expressing its support for continued operations at the Air Station, expansion of operations, continued maximization of the Tri-Command assets located in the Beaufort region, commending the Congressional Delegation for their continued work, restating commitment to the restriction of permitting and land acquisition efforts.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council adopted the Resolution as presented. (Copy of resolution at end of these minutes)

CITY MANAGER'S REPORT

The City Manager reminded Council of the joint meeting with the Town of Port Royal's Council on Monday, January 31st at 6:00 p.m. at The River Club.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley stated a citizen almost hit a pedestrian in the crosswalk at the intersection of Bay and Carteret Streets. The driver was watching the traffic light when the walk light came on and a mother and her children stepped in front of him. The City Manager said the staff will contact the highway department and ask if they can adjust the signal so that everyone stops or maybe a push button pedestrian switch can be installed. Mr. O'Kelley also suggested a Do Not Enter sign or an arrow be erected to notify people they are driving the wrong way on the Point side of Bay Street.

BEER: Councilwoman Beer mentioned she received an e-mail from the Municipal Association regarding House Bill 3284. They asked that municipalities contact their legislative representatives to support this bill because it will make a big difference in cost. It provides a safety net when hiring

WWII veterans with preexisting injuries. Councilman O’Kelley stated he would like to read the bill. The mayor agreed more information is needed.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilman O’Kelley, Council voted to move into executive session to discuss appointments/reappointments to the Beaufort Housing Authority and the Public Art Commission, a contractual matter, and a land acquisition matter.

OPEN SESSION

Public Art Commission

Upon returning to Open Session, Councilwoman Beer moved to appoint Benjamin Gillins to serve a 3-year term on the Public Art Commission as the Arts Council’s representative. Councilman Glover gave second. That term will expire January 2008. The motion passed unanimously.

Beaufort Housing Authority

On motion by Councilman Glover, second by Councilwoman Beer, Council appointed Kendall F. Erickson and Ben Weinberger as the City’s representatives on the Beaufort Housing Authority for a 5-year term expiring January 2010.

Dumpster

The City Manager reported he received a letter from Dick Stewart complaining he was given a notice from the Codes Enforcement Department regarding the dumpsters on his property on Ribaut Road not being screened. The City Manager explained this is a requirement and 80% of the dumpsters have been screened as of this date.

W.K. Alston Drive

The City Manager said the City has been trying to obtain an easement across School District property for access to W.K. Alston Drive for a couple of years to install a traffic signal at the intersection of Alston Drive and SC Highway 170. This would provide a safer control of traffic into and out of Robert Smalls Middle School and the Wal-Mart parking area. A proposal was made along with a survey; however, the School District has decided the extra traffic would be disruptive to the school.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:40 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O'KELLY, JR.

ATTEST:

BEVERLY W. GAY, CITY CLERK