

A regular meeting of the Beaufort City Council was held on May 10, 2005 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road with an executive session beginning 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'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 5:30 p.m.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilman Fordham, Council moved into executive session to discuss a land acquisition matter.

Councilwoman Beer arrived at 5:50 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Upon returning to open session, the regular Council meeting was opened at 6:12 p.m. with an invocation by Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – NATIONAL NURSES WEEK

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the proclamation designating May 6 – 12, 2005 as National Nurses Week in the City.

PROCLAMATION – FOSTER CARE MONTH

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating May as Foster Care Month in the City.

PUBLIC COMMENT

Victor Granquist said he owns 1409 Pigeon Point Road and 1303 New Castle Street and expressed his concerns with the Newcastle Cottages development approved by the City's Design Review Board on November 13, 2003 which he attended to register his disagreement with the design. This development is on the corner of Calhoun and New Castle Streets and because no rezoning was required, no one was notified, he said. Also, he attended the Pigeon Point Neighborhood Association meeting last night and no one there seemed to be aware of the development or that a parking lot is to be placed behind the condos and adjacent to the backyard of three properties and visible from three more. The access to this parking lot will be through an unused alley way between his house at 1303 New Castle Street and the development. In his opinion, the driveway should access Calhoun Street since it is zoned mixed use and New Castle Street is residential. He requested the Design Review Board review the Newcastle development project again and consider the use of the alleyway as access to the parking lot, allow egress onto Calhoun Street, and consider a buffer between the development and the adjacent properties. Additionally, he requested the notification process be changed so that in the future, notification is required for similar cases. Councilman

Glover suggested staff present a briefing on the development.

Libby Barnes, Chamber of Commerce President, thanked staff and Council for ongoing consideration of business license fees and small business incentives to help attract and retain those businesses in the City. Secondly, she called attention to the growing concern of different prices being charged for tours at various locations causing confusion to the visitors. The result of the confusion is that they may buy a ticket for one price at one place and as they board the tour at a different location, they find the price is half of what they paid. This has a negative impact on the Chamber's ability to attract and give a positive experience to the visitor. She said ill will is being created when they try to receive a refund. The Mayor suggested this matter be presented to TMAC for review and asked Ms. Barnes to gather the facts for their consideration.

Walter Gay, Sandlapper Tours, agreed with Ms. Barnes' statement about the ticket prices. He said the prices being charged by one buggy company are different in four locations. People on his tours are upset and talking about it. On another subject, Mr. Gay talked about the denial of his appeal. He said, in his opinion, he should be allowed to operate his tour vehicle because he displays commercial signage. As he interprets the ordinance, that keeps him from being classified as a theme vehicle. He asked Council to review the letter from the Point Association. He stated they did not want to stop his bus from operating but they did not want additional buses. Also, he said TMAC recommended Council change the ordinance to allow him to operate his vehicle.

MINUTES: REGULAR MEETING – APRIL 26, 2005

The minutes of the April 26, 2005 regular meeting were reviewed by Council and on the 7th line of page 4, under Parks and Playgrounds, it was noted that toddlers was misspelled and on page 7 under Sale of .24 Acre Parcel, the "Tem" was left off Mayor Pro Tem.

On motion by Councilman Glover, second by Councilwoman Beer, Council members Fordham, Beer, and Glover voted to adopt the minutes of the regular City Council meeting of April 26, 2005 as amended. Councilmen O'Kelley and Rauch abstained since they did not attend that meeting.

ORDINANCE AMENDING UDO SETTING CONDITIONS FOR CARGO CONTAINERS

The 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 at the April 26, 2005 meeting. Due to numerous questions, the ordinance was tabled. The ordinance presented tonight has been revised to allow cargo containers in the Limited Industrial District.

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

Ms. Libby Anderson, City Planner, pointed out that cargo containers are becoming readily available at apparently reasonable prices and the current ordinance has no provisions for PODs. At the last meeting, Council suggested these containers be allowed in the Limited Industrial District and that revision has been made. This ordinance allows the use of portable storage containers for purposes of loading and unloading for a period of up to ten days and a permit would not be required. This revision would be to the section of the ordinance that pertains to Parking and Storage of Certain Vehicles.

A couple of typos were pointed out by Councilman O'Kelley that will be corrected before second reading. Councilman Glover said he believes these cargo containers could be used in all commercial areas provided they were screened.

Councilman Glover moved to amend the ordinance to allow these containers in commercial districts. Councilman Fordham gave second.

Ms. Anderson, at the request of Councilman O'Kelley, listed the areas in the City zoned Limited Industrial and Commercial. Mr. O'Kelley stated, he is concerned that temporary screening could interfere with fire trucks trying to maneuver through the streets. Mr. Glover said feed and seed stores would utilize these containers and the City doesn't want to discourage them from coming into the City. Mr. O'Kelley said it would not be appropriate for them to be placed on Ribaut Road. Also, the screening material may not be appropriate.

Victor Granquist, 1409 Pigeon Point Road, suggested the ordinance contain specific requirements for screening.

Councilmen Fordham and Glover voted in favor of the amendment. Council members Rauch, Beer, and O'Kelley voted nay. The motion failed 3 to 2.

Council voted unanimously 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.

The ordinance authorizing the sale, by Quit Claim deed, of an abandoned Right-of-Way on Wilson Drive (a/k/a Road S-191) to Elizabeth S. King for the sum of \$300.00 was presented to Council for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Glover, the ordinance selling the abandoned r-o-w to Elizabeth King was adopted on second reading. (Copy of ordinance at end of the April 26, 2005 minutes)

ORDINANCE AUTHORIZING THE SALE OF A .24 PARCEL ON PINE COURT SOUTH

The ordinance authorizing the City Manager to enter into a contract of sale for 0.24 acres of land on Pine Court South (Tax Parcel Number R120-007-000-0148) to Community Development Corp. for \$28,500 was presented to Council for second reading and adoption.

Councilman Glover moved to adopt the ordinance on second reading selling the parcel to Community Development Corp. Councilwoman Beer gave second. The motion was passed unanimously. (Copy of ordinance at end of April 26, 2005 minutes)

ORDINANCE AMENDING UDO PERTAINING TO COMMUNITY SERVICE FACILITIES

The 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 for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Glover, Council adopted the ordinance on second reading. (Copy of ordinance at end of April 26, 2005 minutes)

UTILITY TREE TRIMMING POLICY

Eliza Hill, Park Superintendent, was asked to make a brief presentation regarding concerns expressed by citizens during the recent utility pruning in the City as well as review the policy established several years ago regarding pruning. The policy is that the utility company contacts the City who ensures the steps are followed. The Public Works Director said as stewards of the Urban Forest in the City and recipients of the Tree City USA award for thirteen years, due diligence is followed when it comes to tree pruning. He added that there is a fine line when trying to preserve the health of the trees which is attained through proper pruning, the public perception, and ensure that the electric power is provided.

Ms. Hill said she met with Tommy Bennett of SCE&G and representatives of Lewis Tree Services at the beginning of March to discuss what would be pruned and where. Additionally, she hosted seminars on site with the tree trimming company and with the Parks Department so that everyone would understand the process. Also a demonstration was held on North Street so she could direct where the cuts should be. The pruning of trees around the utility lines began March 15 with guidance by the Parks Department. She suggested natural and alternative pruning, the two pruning methods used. Ideally, natural pruning is cutting the branch of the tree at the node, she said. The alternative pruning method leaves some stubs; however, their goal is to leave as few stubs as possible. The stubs lead to excessive sprouting, cracking, and rotting and provides entry points for fungi which will cause the demise of the tree.

The Mayor said the health of the trees is the most important; however, there needs to be a balance of the aesthetics. He would prefer all the stubs not be removed at one time but instead at three different times. Mr. Bennett said the stubs being discussed for a 3-tier cycle are the ones growing straight up under the lines. They are currently removing the ones on the sides and he asked if they can continue removing those. The next time they come to trim, a third of the limbs growing straight up into the lines will be removed. Ms. Hill said dead wood which is a food source for the fungi is also being removed and the four step process does make it more aesthetically pleasing but the health of the tree is most important. The Mayor said the electrical wires have to go through the tree and according to the arborist the best thing is to "V" crotch them but that is not attractive. Therefore, the proposal is to remove one third of the stubs each five years.

David Tempel, SCE&G representative, said a forum on natural trimming was held and everyone was invited to help them understand the procedure. He said the 3 step process should train the trees to grow away from the power lines so that eventually they will form a canopy and hide the lines. Additionally, he offered to discuss converting overhead lines to underground lines and the funding process with Council. He said SCE&G is trying to work with the City to resolve the issues with power shortages.

The Mayor recommended the City's policy be revised to include that the public be offered a

refresher course so that the process is understood.

The City Manager said a memorandum will be prepared and circulated to Council for concurrence.

WIRELESS SERVICES – WATERFRONT PARK AND MARINA

An unsolicited proposal for the provision of free wireless internet service in the Waterfront Park was received by the City in February, 2005. In response, a request for proposals was published in the South Carolina Business Opportunities publication and on the City's web page. Of the five proposals received, two offered the level of service desired at no cost to the City. Upon a more detailed review of the two finalists, Digitalsmiths' proposal offers the level of service desired and no impact to City facilities.

Councilwoman Beer moved to accept the proposal as presented by Digitalsmiths. Councilman Glover seconded the motion.

Councilman O'Kelley said he learned that the size antenna described at the last meeting won't be sufficient for the entire Park. He was also told specific obstacles will interfere with reception if the antennas are placed on the buildings. Therefore, more than one antenna will be needed and they should be placed where the trees don't interfere with the signal. As to whether it would be considered a private enterprise, he was not sure.

Ben Weinberger, Digitalsmiths in partnership with 303 Associates, said mock wireless points were set up in some of the buildings owned by 303 Associates adjacent to the Waterfront Park. The antenna covered the Park and a portion of the river but to completely span the Waterfront Park, several will be provided. As he mentioned at the last meeting, the design and content of the log-in portal page can be better monitored by the City initiating this service, he said. The City Manager stated the City received these proposals to provide this service to the public free of charge; however, the City can't prohibit other companies from offering the same type service. He recommended Council accept the proposal and endorse the concept. Councilman O'Kelley said he wouldn't want to discourage another company from offering this service if it is a free enterprise. Councilman Glover agreed. The City Manager pointed out that providing this service would be an opportunity for the City to promote the Waterfront Park as a place for another type of activity.

Replying to the Mayor's inquiry of the distance of the signal, Mr. Weinberger said the signal strength and length will vary depending on the type of receiver and hardware in a person's wireless device. The proposal is to install equipment that will reach between 300 and 400 feet and because they plan to install multiple antennas the zones will be overlapping. The City Manager added that there may be certain areas that can't be covered and if Council would prefer mounting an antenna on a city facility; that can be done.

Howard Bayne, owner of Milspec Communications, Inc. and Wavelength Broadband Internet, asked to present his observations. He said by accepting free service, the equipment may not be properly maintained. He listed five grades of equipment stating they use the best which is carrier grade. He said further that his proposal was also to provide free service but they feel the equipment should be owned by the City. Mr. Weinberger replied that his intent is to provide the best level of service and the type of equipment he would be providing is at least the second highest level. Ms. Anderson

pointed out that any exterior change to a building in the historic district does need to be approved by the Historic District Review Board.

Councilman O'Kelley asked why an agreement is needed for Digitalsmiths & 303 Associates to place equipment on private property. The City Manager replied that it would be appropriate to outline the City's expectations. Mr. O'Kelley recommended staff contact other cities to find out what type of agreement they have in place. That information can then be provided to Council to finalize.

Council moved to approve the proposal submitted by Digitalsmiths/303 Associates in concept with a final Memorandum of Understanding to be brought back to Council.

MUNICIPAL COMPLEX SITE PLAN PROGRESS REPORT

Cherie Liollo, Liollo Architects of Charleston, SC, briefed Council on the progress thus far on the Municipal Complex Project. Several work sessions have been held with staff, working on the update of the 2001 space study and the urban planning site issues of the design. They now need a response from Council and the public on the concept of the master plan. She displayed a drawing of the proposed footprint explaining how this decision was made and the complex issues of functions and placement of two separate buildings. City Hall currently has two floors with the second floor smaller than the ground floor and a ceremonial entrance facing Ribaut Road with a park like setting. The side and rear door entries will be defined for court functions. Administration offices and the City Council chambers will be on the second floor. The police department is proposed as a two story separate building facing Palmetto Street. The upper level could be for future expansion or leased to compatible organizations. She suggested the corner of Boundary and Palmetto Streets be an out parcel development for retail usage complimentary to City Hall. She added that this proposed composite is based on an early plan and they will be working with the traffic designers and urban planners regarding the change in intersections.

Councilman Fordham said he is opposed to what was presented. Expressing his concerns, he suggested placing City Hall on the area proposed as an out parcel and not consider acquiring any more property. Councilman Glover shared those concerns. He said he was thinking of the original concept of a three story facility with everyone under one roof. Also, he anticipated traffic flow problems at Palmetto Street. Ms. Liollo replied they are only showing that street as the primary entrance and that street improvements are needed. The City Manager added that a preliminary recommendation was received from the Department of Transportation this morning regarding the Palmetto Street intersection. Staff has not had an opportunity to study it completely. Mr. Glover stated further that he doesn't believe acquiring additional property just to sell it is a proper function for a government. The Mayor said revitalization of an area is done in other cities but because it has not taken place in Beaufort before, he suggested staff and Council receive a briefing on examples of how revitalization is done in other places. Councilman Glover said, too, that placing City Hall in front of Ribaut Road will not be visible from Boundary Street and should be placed more southeast on the property. Ms. Beer emphasized the importance of expansion in the future and suggested not selling the portion of property on the corner if possible. Discussion continued regarding Palmetto Street and signalization. The City Manager pointed out that signal lights on each block would be similar to other cities. Councilman O'Kelley said he would like to know if the Highway Department thinks it is feasible. Mr. Glover asked if Robert Clark of the Highway Department will come to

Beaufort to discuss the traffic plan. The City Manager said he would ask him to attend a workshop. The City Manager asked Council to provide him with any concerns they would like to be addressed at the workshop.

RESOLUTION SUPPORTING THE SCHOOL DISTRICT EXPANSION

A resolution supporting the expansion of the Beaufort County School District Headquarters on King Street was presented to Council for consideration.

Councilwoman Beer moved to adopt the resolution. Councilman Glover gave second.

The City Manager explained that the resolution provides incentives for the District to expand at its current location instead of relocating the facility out of the City. Councilman Glover asked to receive a copy of the site plan.

The resolution was adopted unanimously. (Copy of resolution at end of these minutes)

REQUEST TO CLOSE PORTION OF WEST STREET FOR WEDDING RECEPTION

A request from Warren Florence to close a portion of West Street between Bay and Port Republic Streets on Sunday, May 29, 2005 from 5:00 to 10:00 p.m. for his wedding reception at the Breakwater Restaurant on West Street was presented to Council for approval.

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

Warren Florence, the groom to be, said since the restaurant is small, the people will overflow onto the street and he would like to close that section of the street to vehicular traffic. He contacted all adjacent businesses and they won't be affected during those hours.

The request was approved unanimously.

MOSSY OAKS VILLAGE TAX CREDIT APPLICATION – LETTER OF SUPPORT

A request for a Letter of Support for Mossy Oaks Village Tax Credit Application was presented to Council for approval.

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

Johnny Jackson, Property Manager, said Dominion Management is the owner of Mossy Oaks Village which is a Section 8 subsidized property. The owner wants to rehabilitate the 25-year old property and because it is a Section 8 housing project, it does not produce enough revenue to improve the facility. Through a tax credit program, the Federal Government will provide funding to make the necessary repairs.

Council voted unanimously to support the tax credit application allocation process to fund the proposed rehabilitation of Mossy Oaks Village.

CITY MANAGER'S REPORT

The City Manager reported on the following items:

1. At the last meeting, there was a question about how residents with special needs and medical problems can report those circumstances to the Emergency Preparedness Center. The fire marshal is coordinating with Beaufort County and a press conference is planned for next Monday for Tuesday's paper. This will explain to people how to register.
2. A joint meeting with the Town of Port Royal has been tentatively scheduled for May 24th at 5:30 p.m. prior to the regular City Council meeting to discuss the Highway 21 issue and review the proposal as the State understands it. This will give the public and both Councils an opportunity to discuss it and come to a consensus on how to proceed.
3. A Council Budget Workshop is scheduled for June 6th at 4:00 p.m. in the City Hall Conference room.
4. A signed contract has been received from the County to perform the drainage projects. They plan to begin on May 16th on the Depot Road project. The City Manager said he will brief Council at the next meeting on the current estimated costs on all projects and ask Council to prioritize the other four. The public would then know when the projects will begin. The Mayor suggested having a neighborhood meeting the week before to inform the public.
5. Funding for the Pigeon Point Park improvements was approved by Council in anticipation of closure of the Waterfront Park. Staff is working towards those improvements. The neighborhood association will be contacted during the next few weeks and provided options of playground equipment and costs within the budget so they can participate in the selection of the equipment.

MAYOR'S REPORT

The Mayor said he was anxious to hear the BRAC report on Friday. Libby Barnes, Chamber of Commerce President, added that an announcement is scheduled for Friday at noon in the County Council Chambers by the Military Enhancement Committee and the Chamber of Commerce.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley noted that political signs for House District 121 are already being displayed on public property and rights of way. He asked that the ordinance be enforced to ensure the signs are on private property.

GLOVER: Councilman Glover mentioned that Council received, at his request, a report on the Amber Alert and registering sex offenders. He asked what Council could do to avoid this happening in Beaufort. The City Manager noted that the information is available to the public and parents should check to be sure they aren't living in their neighborhood. The Police Chief agreed that the sexually offender registry does work and is available through the internet.

EXECUTIVE SESSION

On motion by Councilman Glover, second by Councilman O'Kelley, Council moved 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 10:07 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN FRANK GLOVER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O'KELLEY, JR.

ATTEST:

BEVERLY W. GAY, CITY CLERK