

A regular meeting of the Beaufort City Council was held on April 25, 2006 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 Scott Dadson. 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 Assistant Pastor Robert Batts of St. Helena Episcopal Church. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – BUILDING SAFETY WEEK

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the proclamation designating May 7-13, 2006 as Building Safety Week in the City.

PROCLAMATION – MENTAL HEALTH MONTH

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the proclamation designating May 2006 as Mental Health Month in the City.

PROCLAMATION – ETV DAY

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously adopted the proclamation designating May 6, 2006 as ETV Day in the City.

PUBLIC COMMENT

Milbrey Gnam, 2509 Brighton Lane in the Cottage Farm Subdivision, thanked Council for allowing the public to voice their opposition to the annexation of Clarendon and Seabrook Farms on Thursday of last week in front of City Hall. She presented the petitions signed by 901 people.

Frank Mullay asked why the City thinks this annexation is a good idea.

Gaillard Pinckney, Pigeon Point Rd., said it appears the name of the Park is going to be changed from Woodward Park which was named after Dr. Henry Woodward who was instrumental in settling Beaufort in 1606. He requested the Park remain in the name of Dr. Henry Woodward. Councilman Fordham suggested this request be considered by the Tree Board.

John Moore, 24 Georgees Trail, said Ms. Anderson called him about a month ago concerning a bid for roof repairs for 910 Wilmington Street owned by Sampson Green who is 97 years old. When he examined the house, the repairs needed were more extensive than what were stated and exceeded the \$7,500 grant. Matt Horne, Assistant to the City Manager, pointed out for Council that the bid was part of the Project Repair Program and the \$7,500 is the maximum amount for repairs. With the

limited funds available, staff determines what repair could be made to make the biggest difference to the house. Mr. Moore said \$7,500 is not enough money for the repairs.

Gail Clark, 15 Royal Pines, Lady's Island, recently moved here from California and said she is concerned about the annexation and that a lot of thought may not have been put into the related infrastructure. The Mayor explained negotiations are ongoing regarding the future needs of the Air Station, the schools, and there has been adequate time for citizen input. Ms. Clark asked if the annexation has been confirmed. The Mayor explained the process of annexation and that second reading has not been held.

Larry Holman, Beaufort County Black Chamber of Commerce, asked Council to allocate the UDAG money for repairs to the 32 low to moderate homes in the North West Quadrant on a case by case basis. Estimates on repairs to those homes average about \$20,000 each and they need Council's attention, he said. The Mayor asked that an update on the UDAG Fund be presented at a future meeting. Councilman Glover requested a list of the 32 homes for Council's review.

Frank Mullay asked for an answer to why the City thinks the annexation is a good idea. The Mayor said until the information is received that question can't be answered.

MINUTES: REGULAR MEETING

The minutes of the regular City Council meeting of March 28, 2006 were reviewed by Council and the following changes were made on page 3, 3rd paragraph, next to the last line, the word "met" is to be deleted and on page 5, 3rd paragraph, "fees" is to be changed to "serves".

On motion by Councilwoman Beer, second by Councilman Glover, Council members Fordham, Glover, Beer, and O'Kelley voted to adopt the minutes of the regular City Council meeting of March 28, 2006 as amended. The Mayor abstained as he did not attend that meeting.

MINUTES: REGULAR MEETING

Council reviewed the minutes of their regular meeting of April 11, 2006 and it was noted that on the bottom of page 3, Mr. Gecy's name was misspelled.

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to adopt the minutes of the regular City Council meeting of April 11, 2006 as amended.

B-JWSA REPORT

David Taub, City's appointee to the B-JWSA Board, said a Master Plan was recently commissioned which highlights the incredible growth in the county. A copy was presented to the City.

His presentation included the new water reclamation facility that is being built in Burton which should be ready in a few months at 7 ½ MGD and expandable to 15 MGD. Three old plants will be replaced by fall and then dismantled, he said. The City's former Southside WWT Plant is one of those to be dismantled and will be returned to the City for a park. He also discussed current and future needs for water and wastewater stating there will be a 250% increase with the southern portion of the county using 2.5 times more than the northern part. The Master Plan Capital Improvements Project will provide the support, he said.

Wastewater will more than double by the year 2025, he added. Jasper County is included in the southern portion of the County and it is anticipated to have incredible growth in the next 15 years. Future upgrades to the new Port Royal Plant and the Cherry Point Plant will ultimately provide 30 MGD capacity which will be sufficient to process those needs. The primary need will be transmission lines and pump stations. A summary of the financial impact showed over the next 5 years, that \$45 to \$50 million will have to be spent as part of the 20 year plan. To implement the Master Plan, \$100 million will be spent in the six to nine years as growth develops.

He also mentioned they are in the process of adopting the budget for the CIP which is done in three year increments and it appears there will be no rate increase.

The City's fire department and the Authority are discussing priorities regarding the fire hydrants, he said. The funding is part of the FY07 budget for \$100,000. It appears the Authority is waiting for the City to identify the priorities.

He addressed the Burton Hill and White Hall developments and said the Secessions Golf Course will be using the affluent from the wastewater plant.

Mr. Taub advised Council the authority is working on a plan to set aside money from discretionary funding for each municipality for special projects that may not get funded for one reason or another. The Mayor urged Mr. Taub to pursue the municipal funding.

CONSIDERATION OF MOTION TO DEFER 2ND READING OF CLARENDON/McLEOD ANNEXATION

The second reading of the ordinances annexing the Clarendon and McLeod Farms was delayed during the February 14, 2006 Council meeting for 90 days which would be tonight.

Councilwoman Beer moved to post pone second reading of the ordinances indefinitely until all reports are received. The motion died for lack of a second.

Councilman Fordham moved to defer second reading for one year or until Council receives the Northern Beaufort Regional Plan which ever occurs first. Councilman Glover seconded the motion.

Councilman Glover pointed out the need to delay second reading but he wasn't sure of the appropriate time frame. Ms. Beer said that was the intent of her motion so that when the reports are finalized, it could come back to Council. Councilman O'Kelley suggested tabling second reading until Council decides to bring it back.

Councilman Fordham reworded his motion to table second reading until Council elects to take it off the table. Councilman Glover seconded the motion. The vote was unanimous to delay second reading of the ordinance.

Elizabeth Lee, 7607 Patterson Road/ Grays Hill, asked about who is included in the negotiations and when will the public hear the information. The Mayor replied the negotiations are between the representatives of the land owners and the various groups to be consulted, some of which are the

school board, the Air Station, the Burton Fire District and others. He added that when a resolution is accomplished, a draft of the revision of the Development Agreement will be posted on the web site so the public can track the progress.

Dewitt Helm, 406 New Street, encouraged Council to be open with the public. The Mayor assured Mr. Helm that when there is a final draft of the Agreement that is to be considered by the Council it will be on the web site with adequate time for review.

REQUEST TO RENAME PARK

A request from the President of the Ribaut Garden Club, Betty Logan Waskiewicz, to rename the lake and adjoining park on the Point was forwarded to Council for discussion.

Ms. Waskiewicz said the garden club would like to propose that the park on the corner of King and East Streets be named for Mr. Charlie Knott who was the City Manager in the 1930's. During the time he served as City Manager for Beaufort the lake on the Point was developed and beautified.

Councilman O'Kelley moved to approve the garden club's request and name the park at the corner of King and East Streets in honor of Mr. Knott. Councilwoman Beer gave second. The Mayor noted the request would have to be reviewed by the City's Tree Board.

Jean Sams Aimar, Point resident, thanked Council for making the repairs to the lake. She said all these years, the park has not been officially named and since Mr. Knott took the initiative to make it into a lake, she would agree to name the park after him.

Reeve Sams said when he was young they would sail home made boats on that lake and hold tub races. He also stated the first municipal golf course and a landing strip was located on Pigeon Point. Councilman Fordham suggested plaques depicting some of the history be placed at these two parks. The Mayor asked that the garden club prepare some wording to place on a small plaque at the Point.

Gaillard Pinckney recalled sailing regattas that were held in the Beaufort River and while that was taking place, the children would race their toy boats at the lake. He mentioned there were lights and the lake was well taken care of. He said it could be restored and be another attraction for the City.

Laura VonHarten, Fuller Parkway, asked that the full name be used for the Park.

REQUEST TO CLOSE STREET FOR PIGEON POINT PARK REOPENING

The police department will be assisting the Pigeon Point Crime Watch Association with the grand opening of the park on Pigeon Point Road on May 6, 2006 from 11:00 a.m. until 2:00 p.m. and are asking to close a portion of that Road for an hour for a children's bicycle event.

On motion by Councilman Glover, second by Councilman Fordham, Council unanimously approved the request.

CITY MANAGER'S REPORT

Storm Water Drainage Update: Isiah Smalls, Public Works Director, presented an update on the Storm Water Drainage projects. The three major drainage projects funded in this year's budget were

Depot Road, Duncan/Langhorn, and the Point.

Depot Road: The engineering is complete. A \$500,000 grant was awarded to the City from the State Department of Commerce of which \$50,000 had to be used for engineering. Delays were caused because extensive documentation, rebids, etc. were necessary causing the cost of the project to increase. A preconstruction meeting is scheduled for May 1st with Beaufort County with construction to begin on May 8th. The estimated completion date is October of 2006. The estimated construction cost is \$712,316.01, funding \$458,000 from the grant with the City paying \$254,316.01.

Duncan/Langhorn: Engineering for the project is 85% completed. Construction is contingent upon the progress at Depot Road because the County is working both projects. This project is anticipated to take between 100 and 150 days. The cost will be \$400,000 and funded by the City through the Stormwater Utility Program.

Point Lake: Engineering is 100% complete. On May 15, 2006, Beaufort County will install a temporary dirt dam to stop the incoming tide from entering the lake so construction can be started at the bridge. On May 17th, Dupriest Construction will begin the demolition and construction of the head wall at the Federal Street Bridge. The semi automatic flood gate is to be installed on June 15th and the next day the County will remove the coffer dam. The budget was \$200,000 and \$176,362.44 will be expended. The remaining funds will be used to begin restoration of the lake/park.

Councilman Fordham requested a written report be provided for his review. The Mayor asked that a report on funding of these projects be presented.

REPORTS BY COUNCIL

FORDHAM: Councilman Fordham asked the status of the Fuller Parkway property. Appraisals were prepared in 2002 and an update was to be done, he said. The residents want to meet tomorrow and he needs information. The Mayor stated the Chairman of the Homeowner's Association was to contact the adjacent land owners and ask them to determine which portions they want. Also, a bid package was to be prepared to determine the fair market value but a right of first refusal would be offered to the Association. Mr. Fordham suggested updating the appraisal for a basis of offering the property for sale to the Fuller Parkway residents for the appraised value. Council agreed the property should first be offered to the residents of Fuller Parkway once the value is established. Councilman O'Kelley said his concern is that the lots are too small to build a new house but would serve the adjoining property owners.

Laura Von Harten, said there is to be a presentation about the property at the First Presbyterian Church tomorrow night at 7:00 p.m. She said she understands that the Association wants to purchase it for a community park.

Mr. Fordham also expressed his displeasure with the City's representative on County Council who cast his vote for the rezoning simply because it might be annexed.

GLOVER: Councilman Glover asked the status of the tree limbs on Mossy Oaks Road that needed trimming. Also, he said he read an article in the newspaper last week regarding a sales tax for road improvements that would only serve southern Beaufort County. If the tax is not fairly distributed he said he doesn't think it will pass.

BEER: Councilwoman Beer also expressed her concerns with the County Council. Ms. Beer reminded Council of the Pigeon Point Park opening event on Saturday, May 6th from 11:00 to 1:00 p.m. The Police Department is providing hot dogs and hamburgers. Also, she asked everyone to buy bricks to support the park.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to move into executive session to receive a legal briefing concerning a contractual matter and the discussion of an appointment to the B-JWSA Board.

OPEN SESSION

City Attorney

Upon returning to Open Session, Councilman Fordham inquired as to the reason for the City Attorney attending the Council meeting. The City Manager replied that the City Attorney has always attended the Council meetings to provide legal advice in every city where he has worked. Councilman Fordham stated it is not necessary to pay the Attorney per hour when Council has not asked for legal advice and when two attorneys sit on Council. If legal consultation is needed, Council will direct the City Manager to ask the City Attorney.

Councilman Fordham moved to not have the City Attorney present at Council meetings unless he wishes to attend as a private citizen or is invited by City Council. Councilman O'Kelley seconded the motion.

Councilman Glover recalled the City Attorney attending meetings when the former City Manager was here and Council's consensus was it would be best not to have him present unless he was needed for a specific reason. The City Attorney was asked his opinion. Mr. Harvey said he was asked to be present at the request of the City Manager and he is comfortable with that; however, he will comply with the wishes of Council. The Mayor asked if he would prefer to have time to research a question or be present and respond to questions when asked. Mr. Harvey said he can respond or if necessary defer for the need to do research. If research is needed, he would hope Council would allow that option in order to provide sound legal advice. He said he is comfortable attending the meetings if the City Manager needs guidance in light of the many ongoing projects. They have discussed the many aspects of all the issues that were already advanced when the City Manager was hired. Mr. Harvey said he feels his presence at the Council meetings he has attended has helped bridge the gap legally. He added that if the City Manager wants him to attend, he would hope that Council would accede to that request. The Mayor agreed. The City Manager pointed out that Council makes policy decisions and, in his opinion, he believes it is prudent to have the legal advisor present. The Mayor referred to several situations that ended in litigation because the Attorney was not present.

Councilman Fordham stated the City Attorney should not be present at City Council meetings unless he would like to attend as a private attorney or he is specifically invited as the City Attorney. Councilman O'Kelley said he still supports the motion and does not believe it is necessary to have the City Attorney in attendance at every meeting. An item or issue can be postponed in order to seek legal advice. The Mayor said he would be comfortable if the motion stated "at the City Manager's

discretion". Mr. Fordham said that is not part of the motion. Mr. Glover said he was happy with the way it was before when the attorney would attend for certain items or at the end of the meeting for executive session. Mr. Harvey stated it is difficult for him to appear on short notice. Mr. Fordham said the City Manager should be able to decide when a legal briefing is necessary and invite the City Attorney.

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

B-JWSA Appointment

On motion by Councilwoman Beer, second by Councilman Glover, Council reappointed David Taub to serve a 6-year term as the City's representative on the Beaufort-Jasper Water & Sewer Authority Board.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:35 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