

A special meeting of the Beaufort City Council was held on January 17, 2006 at 6:00 p.m. beginning with an executive session at 5:30 p.m. in the City Hall Conference Room, 302 Carteret Street. In attendance were Mayor Bill Rauch, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., City Manager John F. McDonough. Mayor Pro Tem Frank Glover was absent due to his job. 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 Councilwoman Beer, second by Councilman O'Kelley, Council moved into executive session to discuss a personnel matter.

INVOCATION/PLEDGE OF ALLEGIANCE

Upon returning to open session, the meeting was opened at 6:00 p.m. with the Pledge of Allegiance led by the Mayor.

ARTS COMMISSION RECOMMENDATIONS

During the December 13, 2005 Council meeting, the Arts Commission presented their recommendations for placement of art in the Waterfront Park. At the January 10, 2006 meeting a discussion regarding these recommendations was brought up during Reports. Council decided the art projects should be discussed individually at tonight's meeting and a decision made.

The Mayor suggested tonight's discussion begin with the sculpture of the dolphin by Mr. Thomas Glover W. Leslie Hendricks, Public Art Commission Chairman, provided the artist's rendering. This statute is proposed for the landscaped drop off area of Charles Street towards the pavilion referred to on the map as #1.

Councilman Fordham said he believes Council is being premature by considering spending \$55,000 for art when the final budget is not determined. He suggested completing the Waterfront Park first. He said again that in his opinion with the view of the water, public art is not needed.

Councilman O'Kelley stated he asked people in the community their opinion of the "Low Country Women" and the "Fishing Boat" by Mr. Glover W. and received different comments. One suggestion was to have rotating art. In his opinion, the historic plaques were originally in that area and should be put back there and not on the wall of the restaurant and not replaced with the dolphin statue.

Mrs. Beer agreed it may be premature to be considering art until the Park is finished. She stated she likes the idea of rotating art.

Joan Templer, Arts Commission member, agreed rotating art is a wonderful idea but would take

considerable organization. She reminded Council the Commission sent out an RFP for artists to submit their work. The artists were judged by their portfolio and this particular artist's portfolio was very impressive, she said. His original work was the mermaid sculpture and he willingly changed it to the white dolphin because of the story. Referring to the articles in the newspaper, she said the positive comments outweighed the negative because people found creativity and originality in the project. A lot of the public were in favor of statues of little children on benches and at the water fountain but those are not creative or original art and have been produced many times.

Ms. Hendricks stated this artist submitted his work in reply to the RFP. Of the sixteen proposals received by the Art Commission, his was at the top of the list because his work was original and creative. It sparked a lot of conversation which art does, she said. She said it is not fair to ask him to wait until the Park is finished. If Council is serious about their goal for public art, a decision should be made. Ms. Hendricks said the sculpture would be appraised for much more than Mr. Glover W. is asking.

Deanna Bauch, art gallery owner, said this should not wait until the Park is completed because the artists will accept other offers. It takes time to create the art pieces.

Carol Tunyman commended Council because Beaufort is one of the few cities that committed 1% for the arts. She said the Commission made good decisions and Council should put trust in them.

Edie Rodgers stated there is limited space in the Park and she doesn't want it to become crowded with statutory when it is suppose to be a passive place. She prefers the art to be in the galleries and the plaques be displayed prominently in the Park. She asked where the plaque naming the Park is to be placed. Councilwoman Beer said a decision can't be made on art until it is known where the other items are going and that won't be determined until the Park is completed. Ms. Rodgers asked about the fountain or Whales Tail. Ms. Beer stated the Park will be built to accommodate a fountain in the future at the end of the Scott Street entrance.

Ms. Bauch said art is part of enjoying public space and the four pieces selected fit into the waterfront community. There is a lot of green space and she believes having public art will only embellish that environment.

Lillie Joplin, Executive Director of the Arts Council, said they brought the "Cows on Parade" and "Pigs on Parade" exhibits to Beaufort. There is one cow in front of their office and people stop everyday to admire it. She said art in whatever form is important for the community.

Henry C. Chambers, former mayor, said once a precedent is set, others will want to place plaques, monuments, or sculptures in the Park. He said he is in favor of rotating art because it gives all artists an opportunity to display their work. He suggested placing some of the suggested art items in other places throughout the City. In his opinion, the Whales Tail will be a maintenance problem for the City and therefore, not appropriate. Also, he said trellises are planned for the maintenance/restroom buildings so that plant life will cover and hide the buildings. He thinks emphasizing mass with murals is wrong.

Councilwoman Beer liked the suggestion of alternative sites for the art work and creating an art trail.

Until the Park is completed, she, too, feels no decision should be made for placement of art in the Waterfront Park. She did suggest considering the Pigeon Point Park since it is also being redesigned.

Ms. Joplin is concerned that delaying a decision on the art makes the Arts Council look bad after sending out an RFP with an end date. Ms. Bauch pointed out rotating art is expensive as vehicles may be needed to install and remove the exhibits depending on the media used.

Mr. Chambers inquired as to the relocation of the flag plaza. The City Manager replied one flag pole for the three flags will be placed on the grassy area near the present location.

Councilwoman Beer voted in favor of commissioning Thomas Glover W. to create the “**Dolphin Wave**”. Council members Rauch, Fordham, and O’Kelley voted nay. The motion failed 3 to 1.

A new color print of the **Longo Family** statue donated by the local artist, proposed to be placed at the base of Scott Street in the landscaped area, was provided by Ms. Hendricks. Ms. Rodgers asked if other art is donated, how they would be accommodated. The City Manager suggested they be made part of the rotating art and another suggestion was for Council to determine a location on a case by case basis.

Councilwoman Beer moved not to accept any of the new art pieces presented at this time for the Waterfront Park. Councilman Fordham seconded the motion.

Ms. Templer said when they considered a mural, the only walls available were the restroom/maintenance building. **James Denmark** who paints the Gullah people, was approached because it seems appropriate with Penn Center being the center of that culture. He painted a poster based on Hilton Head and Beaufort which depicts water, boats, and people playing instruments, all symbolism of the Gullah culture. The trellises could remain on the wall to integrate with the art creating a bright spot at that end of the Park, she said. Mr. Denmark would take \$10,000 for the art design and it will cost about \$10,000 to hire someone to reproduce it on marine ply attached to the walls for easy removal. Ms. Rodgers shared her reservation regarding the vivid colors in the Park. She thinks the Park should be a more conservative tone. She suggested contacting Penn Center where the Gullah activities are held for placement on one of their buildings.

Council members Beer, O’Kelley, and Fordham voted in favor of delaying the three projects (the Whales Tail, the Longo Family, and James Denmark’s work) for the Waterfront Park at this time. The Mayor vote nay. The motion passed 3 to 1.

The Mayor suggested Council state their position on the 1% to be allocated for art for the Commission. The Mayor said he is in favor and would like the Art Commission to send out a new RFP, review other locations, and make suggestions to Council. Councilwoman Beer said she is in favor of the 1%. Councilman O’Kelley said he, too, is in favor of it. His concern is the type of art and the placement. Councilman Fordham said he is against it because it is a waste of tax payer’s money.

The **Plaques** were discussed next. The plaques and the bust of Thomas Heyward are proposed to be

placed at the Charles Street drop off/entrance close to where they were originally, according to the City Manager. Councilwoman Beer moved to place the 3 plaques and the bust approximately where they were before construction began. Councilman O'Kelley seconded the motion.

Council agreed the Thomas Heyward bust should be displayed in a prominent place and on a new column like base. Ms. Hendricks offered, on behalf of the Commission, to find an appropriate base on which the bust should sit.

Council voted unanimously to place the plaques and bust in approximately the same area where they were and that a new base will be provided for the bust.

Flag poles – the City Manager pointed out that the Master Plan calls for the 3 flag poles to be located at the west entrance. He asked about placement of the flag poles at the weekly update meeting today and was told by the architect the plan is to put one pole in the grassy area near the same vicinity that it was. He asked for Council's guidance. Council concurred it should remain where it is.

Ms. Hendricks suggested a circular bench be constructed around the flag pole as a buffer to protect children.

On motion by Councilman O'Kelley, second by Councilwoman Beer, Council voted to keep one flag pole in the same area that it was.

Regarding the bench, it was decided to install a concrete base for maintenance purposes instead of a bench.

Period plaques – The City Manager said they are proposed to be placed on pedestals in the right-of-way along Scott Street.

Councilman O'Kelley moved to place the historic plaques in the same area where they were originally. Councilwoman Beer seconded the motion.

The Mayor suggested the local historians be asked to revisit the information on the plaques and inquire about updating them since the information currently stops in the year 1893. Mr. O'Kelley suggested continuing the information through World War II. Former Mayor Henry C. Chambers stated the information was prepared by the Sons of the American Revolution and designed so that three more plaques could be added. The City Manager noted that conversations took place about condensing the information to smaller plaques in the green space near the water. Council asked staff to recommend considering an update to the plaques and bring the plan to Council for review.

The motion passed unanimously.

ORDINANCE AMENDING 2004 COMPREHENSIVE PLAN

An ordinance amending the City's Comprehensive Plan by replacing paragraph 10, Annexation was presented to Council for first reading.

When the City was considering the annexation of Laurel Bay, it was brought to staff's attention that language was inserted in the 2004 Comprehensive Plan update predicated on completion of the regional plan. The City Manager said there are inconsistencies; however, a simple change via an ordinance amendment can be made.

Ms. Libby Anderson, City Planner, added that when the Comp Plan was completed, it was anticipated that the City, the County, and the Town of Port Royal would begin a regional planning process for northern Beaufort County. In anticipation of that plan, the City added wording to the effect that annexations involving upzoning should be deferred until the plan was adopted. The northern regional plan has not been started yet. The County is currently in the process of selecting a consultant. Once a selection is made and a contract signed, the process will begin. The proposal anticipates the process will take from 12 to 18 months. Since opportunities may arise with the annexation of Laurel Bay, the current language in the Plan may be a constraint; therefore, staff is recommending that wording be deleted.

Councilwoman Beer made a motion to approve the ordinance on first reading. Councilman O'Kelley gave second. The vote was unanimous. (Copy of ordinance at end of these minutes)

CONTRACT TO PROVIDE SOLID WASTE & RECYCLABLE COLLECTION SERVICES IN TRI-COMMAND MILITARY HOUSING

The City was approached to provide solid waste and recyclable collection services in the Tri-Command Military Housing. A contract to provide these services was presented to Council for consideration and approval.

Councilwoman Beer moved to approve the contract. Councilman O'Kelley gave second.

Councilman O'Kelley asked if the City is providing services to MCAS, Parris Island, and Laurel Bay, to which the City Manager replied in the affirmative. In answer to Mr. O'Kelley's inquiry regarding financing, the City Manager stated the City will amortize the cost of the equipment and the employees over a three year period at a profit to the City which will help the General Fund and the tax millage rate. Additionally, with the Aid to Subdivision and the proposed annexation of Laurel Bay, \$80,000 will be added to the General Fund annually or approximately 3+ mills.

Councilman Fordham questioned the blank line in Paragraph #1. Services and how studies can be conducted without knowing how many units there are. Isiah Smalls, Public Works Director, explained the proposal was based on the contract Tri Command had in 2003 with 1,796 houses. Since he was not sure if the figure had changed, the contract was prepared using a conservative amount; therefore, a number was not inserted. Mr. Fordham asked if the contract refers to household residential trash. Mr. O'Kelley pointed out the wording in the last paragraph on page one of the contract which states yard waste and what it consists of. The City Manager stated there are approximately 1,800 family housing units and mobile home pads which will certainly be added to the contract. There will be about 300 more houses built but that figure was taken into account also. Mr. Fordham also stated the contract does not specify the areas of service. Council agreed to add the three areas to the contract. Then item 3. Term., states if Tri-Command has its contract terminated, this agreement will be terminated and Councilman Fordham asked what the City will do with the equipment acquired for these services.

Mr. Smalls replied to Mr. Fordham's question of how the rate of \$13.50 was calculated stating the services are provided in the City for \$2.50 per month and \$10.00 for curbside pickup twice a week but for the expense of going outside the City the price is a little higher and pickup will only be once a week. Councilman Fordham also asked why remit 50% of the proceeds after transportation and processing costs to the Tri-Command? The City Manager replied, as an inducement to the Tri-Command to have their customers recycle.

Councilman Fordham moved to delete the 50% refund from the contract. That amount estimated by the Public Works Director was approximately \$2,000 annually.

Councilman Fordham suggested a proviso be included in the contract that if Beaufort County assesses a charge to dispose of household garbage the City can charge that fee back to Tri-Command. Mr. Smalls said that is included in the county taxes. He added that the staff is meeting with the Tri-Command on Thursday and these issues will be discussed. Councilman Fordham said the contract should be prepared with the City's terms and given to Tri-Command.

Councilman O'Kelley stated since this is a working document he would amend the motion to include Mr. Fordham's concerns.

As a clarification, the City Manager explained Tri Command is a part of Actus Lend Lease. They have the privatization contract and over see the operation of the military housing. The government sold the buildings to Tri-Command under a 50 year privatization contract.

Councilman O'Kelley said he would like the wording on #6 Changes stating Tri-Command shall have the unilateral right at any time by issuance of written notice to make changes within the scope of this Subcontract clarified. The City should not agree to any change unilaterally made.

Council members O'Kelley, Beer, and Rauch voted to approve the contract with the changes. Councilman Fordham voted nay. The motion passed 3 to 1.

INTERGOVERNMENTAL AGREEMENT WITH PORT ROYAL – SOLID WASTE & RECYCLABLE COLLECTION

Under State law it is necessary to approve an intergovernmental agreement to provide services with Port Royal since the Naval Hospital and Parris Island Recruit Depot are in that service district.

Councilwoman Beer moved to approve the Intergovernmental Agreement with Port Royal. Councilman O'Kelley gave second.

The City Manager explained under the terms of the agreement, the City will remit 5% (franchise fee) of the gross collected on the housing units located in the Port Royal service district to the Town. Port Royal asked that if either of the facilities located within their jurisdiction were to become privatized they want to reserve the right to cancel the agreement with 60 days notice and then provide the service themselves.

Councilman Fordham commented that the City shouldn't be expanding to other areas when everything isn't being done for the City residents.

City Council members Beer, O'Kelley, and Rauch voted in favor of the Agreement. Councilman Fordham voted nay. The motion passed 3 to 1.

EXECUTIVE SESSION

On motion by Councilman O'Kelley, second by Councilwoman Beer, Council voted to move into executive session for a legal update and a personnel matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 9:15 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