

A regular meeting of the Beaufort City Council was held on July 18, 2006 at 4:00 p.m. in the Friends Room of the Arsenal on Craven Street. 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 4:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – NATIONAL NIGHT OUT

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the proclamation designating August 1, 2006 as National Night Out in the City.

PUBLIC COMMENT

Henry Chambers, Master of Harmony Lodge, No. 22, A.F.M., stated that on December 27, 1751 the first recorded Masonic event was held in Beaufort. Harmony Lodge, the oldest chartered institution in the area, will celebrate its 250th anniversary on September 14-16, 2006. He presented a commemorative coin commemorating the 250th anniversary of Freemasonry.

CONSENT AGENDA

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council adopted the following two (2) items presented on the Consent Items portion of the agenda.

ORDINANCE BORROWING TO PURCHASE ROLLING STOCK

On second reading the ordinance authorizing the borrowing of funds for the purchase of mobile refuse carts and the lease/purchase of a new pumper fire truck (Copy of ordinance at end of July 11, 2006 minutes)

RESOLUTION AUTHORIZING THE CO-SIGNING OF CHECKS

The resolution authorizing Gail Weickhardt to co-sign checks on all City accounts effective July 13, 2006 (Copy of resolution at end of these minutes)

ORDINANCE AMENDMENT – HIRING EMPLOYEES

The ordinance amending Sections 1-4031 and 2-1001 of the City Code pertaining to the appointment of the offices of finance director and police chief to clarify the conflict between the existing language and the prohibition of the state code was presented for second reading and adoption.

Councilman Fordham stated Sections 1-4031 and 2-1001 of the City Code have been in effect since the 1970's and reviewed by several City Managers and two City Attorneys. He expressed his

concerns with the City Manager having full authority to appoint these positions. He said he disagrees that there is an inconsistency with the State law and it would be a mistake to adopt this ordinance.

Councilman O'Kelley said he has not had the opportunity to research the code law cited and moved to table this ordinance in order to review the need for the amendment. Councilman Fordham gave second. The vote was unanimous.

Council agreed to have the City Attorney present during the discussion at the August 22nd meeting.

REQUEST TO SERVE ALCOHOL

A request from the General Manager of Saltus River Grill to place a tent in the parking lot adjacent to their restaurant for a wedding reception on Saturday, October 7, 2006 beginning at 6:00 p.m. and to serve alcohol was presented to Council.

Councilwoman Beer moved to approve the request. Councilman Fordham seconded the motion.

Councilman O'Kelley posed questions that were answered by the Assistant City Manager.

The request was approved unanimously.

PARADE REQUEST

A request to conduct a grand parade of Freemasons on September 15th beginning at 4:30 p.m. at the Carteret Street United Methodist Church and ending at the Baptist Church of Beaufort on Charles Street was presented to Council by the Master of Harmony Lodge 22, A.F.M.

Councilwoman Beer made a motion, seconded by Councilman O'Kelley, to approve the request.

The City Manager pointed out that staff recommends the event be rescheduled because that is the peak traffic time on Carteret Street and will cause traffic problems.

Henry Chambers, Master of Harmony Lodge, pointed out precedence has been set by Council allowing a portion of Bay Street to be closed on July 21 for the Water Festival. This parade will last about thirty minutes and will culminate in a religious service which has been scheduled. He added that they will abide by Council's decision but he would like to have permission to conduct the parade as requested.

The police chief agreed the parade would not last long; however, because of the time of day, it will create a traffic problem. A brief discussion regarding an alternate parade route ensued. Councilwoman Beer suggested notifying the public in advance and schedule a detour to avoid excessive traffic. The police chief explained there is a mechanism to alert the public through the County's management system.

The request was approved as presented.

REOPENING DATE OF WATERFRONT PARK

The City Manager noted several requests have been received for use of the Park. Therefore, staff would like Council to consider setting a specific date after which staff may begin to accept reservations for park rental. Staff recommends fully opening the Park for events thirty days after completion which is August 20, 2006. A meeting was held today with the contractor and he stated the marina area is scheduled to be complete by mid-August; the pavilion area by the end of August; the amphitheater area is to be completed by the beginning of September; the great lawn by mid-September; and the east end of the Park including the playground and restroom area is scheduled to be completed by the beginning of October. Those days extend beyond the contract completion date and liquidation fees may be assessed by the City; the contractor realizes that. The City Manager suggested allowing use of the Park in a sequenced manner in order to keep the contractor focused. Releasing areas in a sequence would allow the public in the Park and still allow the project to continue. The Democratic Party who appeared before Council at the last meeting would be allowed to use the Marina area in August, he said.

Nancy Gilley, representing the Democratic Party, asked for a clarification of the area to be used. Having that described by the City Manager, she said that area does not provide shelter from the elements; however, she accepted use of the area for their event.

The City Manager set out a schedule of dates for use of the Park areas as follows:
Marina area – August 15; Pavilion – August 31; Amphitheater – Labor Day; Great lawn & restaurant area – September 20; and the entire Park on October 1, 2006.

Councilman Fordham raised concerns about the sod that was just put down in the Park dying. The City Manager said it is guaranteed in the contract.

Henry Chambers reminded Council that his letter regarding the parade also included a request to rent the pavilion in the Park for September 15th for an outdoor luncheon. The City Manager advised Mr. Chambers that portion of the Park would be available.

Councilwoman Beer moved to endorse the schedule. Councilman O’Kelley gave second. Council members Beer, O’Kelley, and Rauch voted in favor of the schedule. Councilman Fordham voted nay. The motion passed 3 to 1.

Councilwoman Beer offered to assist in establishing the guidelines for the Park. Councilman Fordham agreed to work with the committee.

LEED CERTIFICATION FOR MUNICIPAL CENTER

Keith Whatley, Municipal Complex Project Manager, said the idea of whether the Complex should be a LEEDs (Leadership in Energy and Environmental Design) building has been discussed and now it is necessary for Council to determine whether to proceed with the certification. A presentation has been created by Liollo Architecture to assist Council in their decision, he said.

Cherie Liollo gave an overview of six areas in which points can be obtained with three different cost categories from little or no cost to a more involved cost. The entity that sponsors the LEED Project is the US Green Building Council. The design process should begin early in the project and if Council decides to go through the permit process for certification they will begin documentation.

Many of the points that will be obtained will be through the normal process of the design. One example she gave was that the property is considered contaminated or a brown field which earns the project points. The goal is to achieve a minimum number of points to become LEED certified. Points are granted based upon documentation submitted and reviewed in Washington and in order to reach a mid range it is important to submit more points than required, she said. Benefits of becoming LEED certified are lower energy costs and healthier employees. Currently there are only 8 certified buildings in South Carolina with the closest one being in Edisto Beach. It is a very difficult process and this would be the first municipal center. LEED looks for ways to make employees comfortable and increase productivity.

Dennis Knight, Liollo Architecture, a LEED accredited professional explained indoor environmental quality and controllability of systems.

Water efficiency with the use of a cistern for landscaping and other water saving methods were also addressed. Operating the system was described and the importance of maintaining it to keep the building working at its peak and reduce contractor call back. To ensure indoor environmental quality, the system can be monitored off site by a computer was also pointed out.

Councilman Glover arrived at 5:20

To achieve the points needed to become certified, a 4.3% cost above the normal cost of the building will be added, according to Ms. Liollo. Commissioning is very involved and begins now in the design process and continues several years after occupancy because of establishing a history of data. The cost of obtaining the LEED points could be reduced if it is certain the points can be reached. There would still be commissioning and design issues, however.

Tom Detreville asked about solar panels and offered to donate them as long as they are visible to the public. Mr. Knight stated ten points can be earned by exceeding code requirements. He added that the return on the investment also has intangible items such as fewer sick days and more employee productivity. Questions were posed by Council and answered by the Liollo architects.

BREAK

A short break was taken at 5:35 p.m. in order to begin the portion of the agenda regarding 2 parcels on Ladies Island.

ORDINANCE ANNEXING 2 PARCELS-US 21 AND SUNSET BLVD

The ordinance annexing two parcels (6.6 acres) on Lady's Island at the intersection of Sea Island Parkway and Sunset Boulevard identified as District 201, Tax Map 15, Parcels 136 and 137 was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman O'Kelley gave second.

Councilman Fordham said he spoke to Bennett McNeil, developer, who suggested to achieve interconnectivity, the developer could trade land with the adjoining property owner and use the signal light near the school. The mayor asked if the property owners have discussed this issue. Fred

Kuhn, attorney for the developer of the 2 parcels said it has been discussed and could be pursued. Councilman Glover having missed a couple of meetings, asked if the problem of congestion at the intersection has been resolved. The City Manager gave a brief update regarding the access off Sunset Boulevard and U.S. Highway 21 and how it could be accommodated. Council was given a copy of the letter from the DOT resident engineer stating based upon the plan submitted that the driveway locations are acceptable. Council said that once that information was received a meeting would be held. Hence this meeting was called.

Councilman Glover said he still envisions potential problems with the access point off Sunset Bluff because it is too close to U.S. Highway 21. The right in/right out will not function properly without a median barrier in the middle of Highway 21, he said. He said the intersection is already congested and with two more developments, it will only become worse.

Jeff Ackerman, Carolina Engineering, addressing the question asked by Councilman O'Kelley regarding the encroachment application, said the DOT encroachment permit is required any time the highway is encroached or a utility is placed in their right-of-way. Typically it consists of a detailed engineering drawing with grades, radii, pavement thicknesses and the dimensions of the access. The letter states they have approved the locations and the types of access for this project. They are asking for the full engineering drawings for further review and approval.

Councilwoman Beer said she also spoke with Bennett McNeil and his concern was not with the access but with swapping property and Mr. Kuhn said that has been considered. The signal light placed at the high school by SCDOT is the problem and needs to be addressed. A four way light has been requested. She suggested contacting the elected officials to get this changed.

Mr. Green, 127 Sunset Boulevard, said a 4-way stop light would increase accidents.

Toomer Aimar, 80 Sunset Boulevard, stated the letter from SCDOT requested a traffic study in order to finalize their review of the project. He wants to see a traffic study, too, because people don't seem to realize the amount of traffic that is there. In his opinion, that will affect the Highway Department's decision also.

Neil Aimar, 70 Sunset Boulevard, said he doesn't believe the letter answers Council's question. The recent sidewalk that was installed has increased pedestrian/bicycle traffic and he thinks a traffic study is needed.

Tom Detreville, 81 Sea Island Parkway, said many people think the intersection should have been moved in order to accommodate all the traffic and not just for the high school. He said he believes SCDOT recognized that and the City should ask them to fix it.

Toomer Aimar said the Highway Department should be reminded that an access was to have been provided on Highway 802 for the school. They changed it to Highway 21. Ms. Beer agreed. Councilman Glover said that DOT yields to local pressure. Mr. Glover suggested rejecting the request to annex until the problem is resolved. Ms. Beer reminded the people in the audience that under the City's zoning the density would be less than if the property remains in the County with their zoning.

The Mayor asked Mr. Ackerman to explain DOT's request for a traffic study. Mr. Ackerman said the initial plan submitted to the Design Review Board showed access points on Highway 21 and on Sunset Boulevard. DOT said to revise them and submit a traffic study which was done based on Neighborhood Commercial use of 44 townhouse units and approximately 15,000 sq. ft of commercial space. After DOT reviewed the traffic study and the plan, they wrote a letter with specific comments, one of which was that they did not want to move the traffic signal towards the Highways 802 and 21 intersection because they thought that would make them to close together. That is when a full access on Sunset Boulevard was designed and access onto Highway 21 with a right/in –right/out was suggested. The last thing they recommended was to provide interconnectivity between the 2 parcels and the adjoining property. He added that an updated development plan for the property will be submitted to the DRB at their August 11 meeting. He also said the site plan will allow flexibility in terms of buffers and setbacks and working with Mr. Detreville to gain access through his property if and when it is redeveloped or updated to connect to the traffic signal. Mr. Glover said that is in the future and in the interim the public using the highways will be adversely impacted.

Toomer Aimar said a PUD is being developed with 200 more houses further down the street which will add even more traffic. He asked about the traffic study. Mr. Ackerman replied that it has been submitted to the DOT and has been incorporated in the comments. Since a specific zoning had not been designated, a draft study based on 44 townhouse units and 15,000 sq. ft. of commercial office space was prepared. Since DOT requires a more accurate traffic study, when the final encroachment permit is submitted, they will include the revised traffic study for 40 units. He also read a portion of a letter from DOT regarding the intersection and light that said they do not recommend relocating the signalized entrance to the high school on US 21 as proposed in a recent meeting. The two access points of Sunset Boulevard and the high school intersection are approximately 850 feet apart and would not allow enough vehicle storage. Mr. Detreville said several people think it should be moved from the high school entrance to Sunset Boulevard. Mr. Ackerman shared another recommendation of relocating the access from the lighted intersection to the property in front of the Huddle House restaurant. Mr. Detreville replied that would eliminate problems and be safer. Councilwoman Beer agreed that would be best and suggested working towards that solution. Councilman O'Kelley said the Mayor pointed out in an earlier meeting that there are 4800 buildable lots on Ladies Island. Only 40 are being considered tonight. Most of those 4800 lots are north of this intersection and those people could use Sunset Boulevard too. He said the City has a better track record of management than the County and because of what could be built under the County's UDO, he is in favor of the annexation because it would be best for the neighborhood and the highway.

Bobby Hancock, developer, replied to a question by Councilman Glover, that they prefer to be controlled by the City's zoning than the County's because he likes to design upper end developments. The County has an inflexible height restriction and the City has more flexibility with the height. The Mayor said it appears the biggest concern is Highway 21 and the traffic light and not so much the density or access.

Councilwoman Beer moved to adopt the ordinance annexing the 2 parcels. Councilman O'Kelley seconded the motion.

Tom Detreville said he would like the access through his property to not be included in the plan.

Council concurred that action should be taken to relocate the signal light.

Council members Beer, Rauch, O'Kelley, and Fordham voted to adopt the ordinance on second reading. Councilman Glover voted nay. The motion passed 4 to 1. (Copy of ordinance at end of the June 13, 2006 minutes)

ORDINANCE ZONING 2 PARCELS-US 21 AND SUNSET BLVD

The ordinance zoning two parcels (6.6 acres) on Lady's Island at the intersection of Sea Island Parkway and Sunset Boulevard identified as District 201, Tax Map 15, Parcels 136 and 137 to Neighborhood Commercial was presented to Council for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance zoning the 2 parcels Neighborhood Commercial. Councilman O'Kelley gave second. Council members Beer, Fordham, O'Kelley, and Rauch voted to adopt the ordinance on second reading. Councilman Glover voted nay. The motion passed 4 to 1. (Copy of ordinance at end of the June 13, 2006 minutes)

LEED CERTIFICATION CONTINUED

Continuing with the LEED certification presentation, the Mayor asked for an explanation of the LEED points required for each of the 4 levels. Ms. Liollo stated Certified being the lesser of the four categories, requires 26 points and Platinum being the highest requires 52 points. Since Councilman Glover arrived late, Ms. Liollo reviewed the LEEDs certification process explained at the beginning of the meeting. Mr. Knight noted that LEEDs certification is becoming internationally recognized as following best practices in construction, operation, and maintenance of a building. Building beyond code requirements, recycling, reducing energy, water, and wastewater, and allowing alternative transportation allow points to be gained.

Councilman O'Kelley left at 7:00 p.m.

Ms. Liollo explained CO2 monitoring and the benefits of the system. She pointed out that some of the items for certification are not required by code but help to reduce indoor pollutants. Being LEEDs certified, visitors will want to tour the building. Plaques could be placed in strategic areas describing the points or a kiosk could be located in the lobby to educate the public of what is being done to minimize the impact on the environment and improve indoor quality. She also explained the benefits of being commissioned. Councilman Glover asked about the procedure of checking savings over time. Mr. Knight explained how problems are identified through monitoring. The building will be modeled with the enhancements designed in it and then operated from that base line. Additionally, Ms. Liollo noted that someone could be hired to monitor the system and the facilities agent would ensure that employee is aware of how the system operates. That is why the commissioning aspect is critical.

The Mayor asked for examples of how to lower the cost of becoming certified and how to recoup a savings in five to ten years. Ms. Liollo replied perhaps through the energy control system, and the need of a retention pond and impervious surfaces could be eliminated. Also, there are several points in the higher categories that could be eliminated, achieve a 3% addition, and still be certified. Mr.

Knight noted that the LEED agency will perform an audit and challenge the points. Councilman Glover questioned the amount of savings that would be lost by reducing high cost items. Mr. Knight said once the documentation is submitted and the life cycle cost is prepared. He added that he could provide studies and historical data on other projects which is available from the Department of Energy. Councilman Fordham said, in his opinion, the certification is not necessary. He believes the architect will provide common everyday items that enhance savings. Councilman Glover asked for documentation on savings and the time frame for realizing that savings to help him justify the cost of certification. The Mayor asked Mr. Knight and Ms. Liollo to bring a recommendation on how this will save the taxpayers money. The City Manager pointed out that recommendation needs to be provided within the next couple of days in order for Council to make a decision. He added that the presentation showed the cost to begin the process is \$246,000. The commissioning cost or permit fee is \$194,800. If the delay continues, the time to bid out the building is also delayed and the schedule needs to be followed. Also, the bidding process will indicate the true cost of the building, he said. However, the 4.3% the architects are suggesting is not a bad investment for the City to make because the rate of return is five years. He asked Council what information they need to make a decision. Mr. Knight offered to put the people at the University of South Carolina and Clemson in touch with City Council. He mentioned too that case studies of every LEED building in the United States are available on the Department of Energy's web site. The City Manager asked that the information with an analysis be e-mailed to him as soon as possible in order to keep on schedule.

Tom Detreville said there will be additional expenses and because the building will be new, there will be no costs to compare. In his opinion, the amount could be reduced simply by having the engineers and architects design it without the LEEDs requirements. He said solar power will be available and the City will wish they had that money to retrofit the building.

The Mayor suggested meeting again on Thursday at 5:00 p.m. at City Hall to discuss this further and make a decision.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:15 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