

A regular meeting of the Beaufort City Council was held on June 13, 2006 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. In attendance were Mayor Bill Rauch, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., City Manager Scott Dadson. Mayor Pro Tem Frank Glover was out of town. 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 Capt. Harvey Harwell of the Salvation Army. The Pledge of Allegiance was led by the Mayor.

MOTION TO CHANGE ORDER OF AGENDA

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to suspend the regular order of the agenda.

WATERFRONT PARK

The status of the Henry C. Chambers Waterfront Park construction project was presented by David McSweeney, Construction Manager for the City and employed by Collins Engineers. The before and after images in this fifth update report displayed the scope of work, undertaken in the Marina area, of the marine structural components to the seawall as well as the architectural elements such as the herringbone patterned walkways, lanterns, sod, and irrigation. The presentation also pointed out the progress made with the new entrance to the Park at Charles Street and the changes to the pavilion/amphitheater. Photographs showed the plantings and brick work for the pedestrian sidewalk and the vehicular access into the Park at Scott Street. The maintenance and restroom building at the far eastern end of the Park has a sky light with aluminum louvers for ventilation. The failing storm drainage was the most important issue of the project and is nearly 100% completed, he said. The project completion date has been extended by 38 days to August 20, 2006. Additional crews have been hired and all areas of the Park up to Scott Street where the playground and maintenance/restroom building is located will be available for the Water Festival in July. Even though the playground equipment will be installed, the area will remain fenced off until the playground and restrooms are completed. Referring to the budget, he said the contract sum was \$6,666,391 with \$4 million having been paid to date and the balance being retained. \$163,257 was added to the contract sum with \$27,222 deducted based on valued engineered solutions.

Councilman Fordham expressed his concerns about planting of sod before the Water Festival in July and questioned if it will be destroyed. Mr. McSweeney replied the landscape subcontractor reported the sod, a modified Bermuda strain which was an upgrade from the contract specifications, in the Marina area was planted three weeks ago and has been rolled, mowed twice, irrigated every day, fertilized twice and guaranteed for a year. Mr. Fordham suggested restricting the Festival to the old Marina parking lot.

PUBLIC HEARING

A public hearing was held to receive comment on the proposed rezoning of two parcels of property identified as District 100, Tax Map 26A, Parcels 213 and 214, located on US 21 at Salt Creek Drive, from "Urban District" to General Commercial District. A Notice of Public Hearing was duly advertised in The Beaufort Gazette on May 29, 2006. The City of Beaufort-Town of Port Royal Joint Municipal Planning Commission recommended approval of the proposed rezoning.

Libby Anderson, City Planner, noted that the property is currently vacant with a single family neighborhood located behind the parcels on Albergotti Creek. In March, the applicant requested annexation and rezoning of these two parcels and the two adjoining parcels; however, the request was denied. This revised petition is for the two parcels with frontage on U.S. Highway 21. Several letters of opposition were received this week, she said. At the request of the Mayor, Ms. Anderson defined the General Commercial, Neighborhood Commercial, Office Commercial Districts and how they differ. The ordinance recommends an adjoining use buffer as a transition between commercial and residential neighborhoods which differs in size according to the zoning district, she said.

Steve Ouzts, 22 Salt Creek Drive East, said only two of the residents in the neighborhood received notice of the Planning Commission meeting because their property is within 400 feet. The residents oppose the zoning because they will have to drive through whatever is built there.

S. B. Kimball, 28 Salt Creek Drive, urged Council to consider the neighborhood. She would hate to see it destroyed by a business.

The public hearing closed at 6:35 p.m.

MINUTES: REGULAR MEETING

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the minutes of the regular City Council meeting of May 23, 2006 as presented.

ORDINANCE REVISING UDO – OUTDOOR DISPLAY OF MERCHANDISE

The ordinance amending Sections 6.4 and 6.6 of the City's Unified Development Ordinance pertaining to outdoor display of merchandise was presented to Council for second reading and adoption.

Ms. Libby Anderson, City Planner, explained that this proposed change was requested by Phil Heilker, the owner of a business on Ribaut Road located in the Design District, to allow indoor merchandise to be displayed outside. Currently this is allowed in the Historic District but not the Design District. She noted staff contacted other municipalities regarding this issue as Council requested. Of the four communities, none allows outdoor display of indoor merchandise except during special sales events that occur twice a year. She stated staff shares Council's concern of displaying indoor merchandise in the highway corridors. Therefore, based on those concerns and the recent research, staff recommends adopting a revised ordinance which she distributed to Council. This revision would restrict outdoor display in the Historic District and define merchandise as it pertains to the outdoor display rules. Requirements in the Design District would not be changed. The businesses would be notified of the new requirements and then the rules would be strictly

enforced, she said. If this solution does not solve the problem in three months, the issue could be revisited.

Councilman Fordham suggested this be postponed for two weeks to give the merchants time to make comments on the revision. Councilman O'Kelley agreed.

Councilwoman Beer made a motion to table the ordinance for two weeks to give the merchants an opportunity to comment on the changes. Councilman Fordham gave second. The motion passed unanimously. Councilman O'Kelley asked that the changes be presented to Main Street Beaufort, USA and Mr. Heilker for their review and that both versions be given to Council for comparison.

ORDINANCE AMENDING SOLID WASTE COLLECTION/ROLLCARTS

An ordinance amending Part 6, Chapter 1 of the City's Code of Ordinances implementing roll cart collection of refuse was presented to Council for second reading and adoption.

Councilwoman Beer made a motion to adopt the ordinance on second reading. Councilman Fordham gave second.

Isiah Smalls, Public Works Director, stated three requirements were pointed out at the last Council meeting for inclusion in the ordinance and they have been added.

Councilman O'Kelley mentioned there are three different size containers and he understood that the residents would be surveyed to determine what size they would need. This information would be helpful when placing the initial order for the roll carts, he said. Wording was suggested by the City Manager for the survey question to help make that determination.

Council members Beer, Fordham, and O'Kelley voted to adopt the ordinance on second reading. The Mayor voted nay. The motion passed 3 to 1. (Copy of ordinance at end of the May 23, 2006 minutes)

ORDINANCE SETTING ELECTION & FILING FEE FOR TWO COUNCIL MEMBERS

An ordinance was presented to Council for second reading and adoption establishing the dates and filing fees for the 2006 City General election for two members of City Council pursuant to Sections 1-8002 through 1-8006 of the City's Code of Ordinances.

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously adopted the ordinance on second reading setting a filing fee of \$150.00 for candidates for the two council seats and the related dates for the municipal election of November 7, 2006, as follows:

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|----|----------------------------------------------------------------------------------|---------------------------------|
| 1. | Publish Notice of Election | September 8, 2006 |
| 2. | Publish 2 nd Notice of Election | September 22, 2006 |
| 3. | Filing Deadline for Statement of Candidacy
And Statement of Economic Interest | September 8, 2006
12:00 Noon |
| 4. | Election Date | November 7, 2006 |
| 5. | Newly elected Officers Take Office | December 12, 2006 |

(Copy of ordinance at end of May 23, 2006 minutes)

ORDINANCE ANNEXING 2 PARCELS – US 21 AND SUNSET BLVD

An 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 first reading.

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

Libby Anderson, City Planner, stated Parcel 137 has frontage on Sea Island Parkway and both parcels have frontage on Factory Creek. Sunset Boulevard is residential in nature and Sea Island Parkway is developed for commercial uses. The current zoning of the property under the County's ordinance is Village Center District which permits residential to be built above commercial uses but not alone and a variety of commercial uses are also allowed. The proposed zoning is Neighborhood Commercial which permits all types of residential single family development and all types of offices and commercial development except for auto oriented uses. The Planning Commission has recommended approval of Neighborhood Commercial zoning.

Councilwoman Beer stated one concern of the residents at the last meeting was the increase in traffic. She asked if there were other options proposed for entrances and exits. Ms. Anderson replied the access issues will be reviewed and determined during the design review process; however, the applicant indicated they are considering a right in, right out on Highway 21 and a full access on Sunset Boulevard. Staff coordinated a meeting between the applicant and the property owners to discuss gaining access to the traffic light at Beaufort High School since it currently only serves the high school and the movie theatre. The applicant is working with SCDOT in that regard.

The City Manager reminded Council the applicant is asking for a rezoning along with a request for annexation not access or design.

Bill Harvey, Sunset Bluff resident, said he attended the Joint Planning Commission meeting in which Neighborhood Commercial zoning was approved by a 4 to 1 vote. There was an extensive discussion about the access issue and the motion contained a caveat that Council consider requiring the developer to gain access off Highway 21 as part of the rezoning. Ms. Anderson stated the Planning Commission's motion was to approve the request for Neighborhood Commercial zoning and the City work with the developer to gain direct access to U.S. Highway 21. Mr. Harvey stated SCDOT and the County recently completed a sidewalk the entire length of Sunset Boulevard which the residents hope will slow the traffic through their residential neighborhood. Additionally, a driveway has been paved by the Highway Department into the property proposed for annexation which, in his opinion, will create a traffic disaster. The driveway is 90 feet from the intersection of Sunset Boulevard and U.S. Highway 21 where the residents of 44 condo units and commercial traffic will exit. The developer told the Planning Commission they are discussing the access with SCDOT and studying other options; however, there has been nothing produced to alleviate this problem. The proposed zoning allows commercial useage but the developer has not designated the nature or the density of those uses. If it is zoned Neighborhood Commercial, a large restaurant could be built on the property. He is also concerned that the density of the two 3-story condo units

proposed will change Factory Creek. He said the County should not have zoned the property Village Center because it is a residential area. He suggested Council maintain control of what goes on the property to avoid this from happening by zoning it properly and not allowing commercial development especially on Parcel 136. Also, if multi-family residential units are approved, General Residential with the condition of a PUD should be considered so the access and density can be designated.

Fred Kuhn, attorney for the applicant, said the issue before Council is annexation and rezoning as pointed out earlier. Discussions with the Department of Transportation are ongoing regarding access and there are several options being considered; the right in/right out road to alleviate traffic congestion on Sunset Boulevard and the traffic light across from the theatre and school. To utilize the traffic light, however; an easement will have to be negotiated with the adjoining land owner but access will be determined if and when the property is annexed. He said his client is asking for a lesser zoning in the City than the County's current zoning. Also, there would be smaller stores in Neighborhood Commercial making a transition from heavy commercial to residential. In response to Councilwoman Beer's question of why not develop as a PUD, Mr. Kuhn said they prefer NC zoning.

Mike Ridgeway, traffic engineer for the project, stated the ultimate solution would be to obtain access to the traffic signal. The developers are providing a stub out to connect to the adjacent property, designing that into their development plan, and providing a short left turn lane off Sunset Boulevard into the property to eliminate blocking traffic into Highway 21. Also, the entrance will be 200 feet from U.S. Highway 21 not 90 feet, he said.

Toomer Aimar, Sunset Bluff resident, said there is a lot of traffic on Sunset Boulevard and he can't understand why a traffic count has not been provided.

Mike Ridgeway estimated a daily traffic count of 3500 cars in a 24 hour period as of June 6, 2006.

Neil Aimar, Sunset Bluff, said in reviewing the Association minutes, he found traffic problems have been discussed with SCDOT since 1999. He doubts the figures of the traffic count provided. Mr. Aimar added that a PUD is also being developed in the area that will produce more traffic. The Sheriff has already clocked cars speeding at 80MPH and passing on the yellow lines.

Kevin Cuppia, Sunset Bluff resident, questioned how building 40 residential units can be considered down sizing. At the request of Ms. Beer, Ms. Anderson explained what the County's zoning allows compared to the City's NC zoning.

Bill Harvey stated if the residents could be ensured that what the developers are proposing is what will be done, it would be satisfactory but a plan or an access is not being presented for approval. The property could be sold to someone else and the plans changed. To ensure what needs to be done, he suggested Council zone the property Neighborhood Commercial and require a PUD.

Alton Aimar, 1723 Riverside Drive, said if there is a stub out plan as indicated by the traffic engineer, the plan is more advanced than the public is aware and it appears a plan is in place. Councilwoman Beer said the property is currently zoned Village Commercial which allows several

commercial options, she asked if the neighbors would be against that zoning. Mr. Aymar said he believes the access issue would prohibit the commercial aspects of the property.

Fred Kuhn said the plan discussed is tentative. The City will still have control over the property through the Design Review Board and the access will continue to be resolved. He reiterated his client is asking to down zone the property. He also pointed out that 108 units could be built on the property but the lower density maximizes the potential of the property.

Jim Moss, attorney, explained the plan stating the ingress/egress cannot be determined until the Highway Department makes a decision.

Ms. Anderson pointed out that the preservation planner gives input on projects built on Factory Creek because of the concern for the view from the Historic District. The DRB reviews the total project design from the site plan including access, storm water run off, architectural plans, landscaping and lighting.

The Mayor said he does not see the need for every development to be a PUD. NC is a good transition because of the location and access problems but he would like the access issue to come back to Council for review. The City Manager stated the problem seems to be the connection of Sunset Boulevard and Highway 21. He suggested a different design for traffic by realigning Sunset Boulevard. Also, a PUD would be the best way to zone the property with conditions. Councilman Fordham said, in his opinion, the Neighborhood Commercial District would be down zoning from the County's zoning designation and best for the City. The Mayor suggested it could be zoned NC with the caveat that the traffic plan come back to Council. The City Manager said, in his opinion, property cannot be conditionally zoned except under a PUD. He asked Mr. Kuhn his opinion and Mr. Kuhn agreed; however, he said the City does retain control through the Design Review Board. Mr. Harvey agreed Council loses control if the property is zoned NC. Ms. Anderson agreed the only way to "lock in" a plan is through a PUD but a PUD addresses land uses and the density. Developing a PUD to address an access issue is not correct; that is a design issue that will be reviewed by the Design Review Board.

Robert Deloach, Sunset Bluff, said the only way to have control is to approve a plan.

Pat Rooney with Land Plan Partnership said the Highway Department is the agency that will determine the access, then the DRB will review the plan. With these agencies reviewing the issue, he doesn't think placing a condition on the property is necessary. The Mayor pointed out that because it is such a unique situation, it is important it's handled correctly. He said he is not comfortable with leaving the decision in the hands of the DOT or the DRB. Councilman O'Kelley agreed. Councilwoman Beer asked how much longer before the Highway Department would render a decision. Mr. Rooney couldn't answer that; however, the applicant realizes there is a problem and is trying to accommodate everyone. It is a time consuming process and no access permits have been issued, he said.

Mike Ridgeway said the 90 degree bend in the road at the intersection certainly is not a perfect situation but the developer is trying to widen the road to allow a left turn in off Sunset Boulevard. The right in, right out off Highway 21 will relieve some of the congestion at Sunset Boulevard and

they are trying to obtain a connection at the light opposite the high school. He believes DOT will approve the access plan. Additionally, the driveway on the property is being placed as far from U.S. Highway 21 as possible.

Bennett O'Neal, developer, said in order to convince the adjoining property owner of the need for access via the traffic light to these two parcels proposed for annexation, additional parking could be offered to those businesses. By giving up some of the property, the land could be more valuable for both owners. In his opinion, DOT and the neighbors would welcome that solution too. Ms. Anderson pointed out that the ordinance requires connection between adjoining parking lots and the DRB will require a connection between the two properties. Mr. Ridgeway added the DOT is not opposed to signaling Sunset Boulevard which may be another solution.

The Mayor stated first reading could be approved tonight with a plan presented for second reading that can be adopted.

Toomer Aimar asked why not wait until the plan is provided to have first reading.

Council members Beer, Fordham, and Rauch voted to approve the ordinance on first reading. Councilman O'Kelley voted nay. The motion passed 3 to 1. (Copy of ordinance at end of these minutes)

ORDINANCE ZONING 2 PARCELS – US 21 AND SUNSET BLVD.

An 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 Map15, Parcels 136 and 137 to Neighborhood Commercial was presented for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham gave second. Council members Beer, Rauch, and Fordham voted to approve the ordinance on first reading. Councilman O'Kelley voted nay. The ordinance passed 3 to 1. (Copy of ordinance at end of these minutes)

ORDINANCE REVISING UDO PERTAINING TO SIDEWALK CONSTRUCTION

An ordinance amending Sections 6.6 and 8.2 of the Unified Development Ordinance pertaining to sidewalk construction was presented to Council for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham gave second.

Libby Anderson, City Planner, noted this change would require developers of commercial and multi family development to construct a 5 foot wide sidewalk in the public right-of-way if the property is not currently served with a sidewalk. The second change involves subdivision development. Currently when property is subdivided, sidewalks are required on one side of the street if the right-of-way is 50 feet or greater. The change would be to require sidewalks on both sides of all streets regardless of the right-of-way widths unless there are to be 5 or fewer residential lots.

Councilman Fordham questioned the need for a 5 foot wide sidewalk. Ms. Anderson said the

minimum width is 4 feet but that is extremely narrow.

Councilman Fordham moved to reduce the width of the sidewalks from 5 feet to 4 feet. Councilman O’Kelley gave second. The motion to amend was unanimous.

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

TDAC RECOMMENDATIONS

Thirteen agencies submitted applications to the Tourism Development Advisory Commission for the funding period July 1, 2005 – June 30, 2006 resulting in a recommendation by the committee for: (1) Exchange Club of Beaufort-\$ 1,177; (2) Beaufort Performing Arts-\$1,000; (3) The Gullah Festival-\$10,000; (4) Guild of Beaufort Galleries-\$10,000; (5) Beaufort County Black Chamber of Commerce - \$2,500; (6) Lowcountry Tourism Commission -\$12,000; (7) Beaufort Regional Chamber of Commerce-\$10,000; (8) Beaufort Regional Chamber of Commerce-\$15,000; (9) Main Street Beaufort, USA-\$31,000; (10) Arts Council of Beaufort County-\$6,500; (11) Arts Council of Beaufort County-\$4,000; (12) Beaufort City Hospitality Association-\$20,000; (12) Lowcountry Shakespeare-\$3,500. These recommendations were presented to Council for approval and funding.

Ross Jones, Finance Director and staff liaison to the TDAC, stated the amount of funding available this year is \$127,177. Council set aside \$8,000 of these funds each year, by resolution, for the Performing Arts Center. This is the 3rd of the 5 years. Accordingly, the TDAC had \$119,177 available for grants.

Councilwoman Beer moved to approve the TDAC’s recommendations totaling \$119,177. Councilman Fordham seconded the motion.

The Mayor questioned the recommendation to the Hospitality Association. The City Manager stated this is in addition to the \$27,000 they receive. Mr. Jones advised that their plan is to produce an 8 ½ x 11 inch brochure containing advertisement information about the restaurants available in the City. This “dining guide” will be placed in each room of all the motels in the City. The Mayor stated all the restaurants in the City should be included, not just the members of the Hospitality Association.

Council voted to accept the funding recommendations presented by TMAC.

REQUEST TO CLOSE STREET

A request to close a portion of Charles Street between Prince and King Streets on Saturday, July 1, 2006 from 1:00 p.m. until 8:00 p.m. for a Patriotic Celebration for the community was submitted to Council by The Baptist Church of Beaufort.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request, subject to approval by SCDOT and traffic control by the City’s police department.

CAPITAL IMPROVEMENT PLAN FOR ROADS IN NORTHERN BEAUFORT COUNTY

Recently staff from the planning and engineering departments of the County, City, Town of Port Royal, and the Lowcountry Council of Governments met to update the capital improvement plan

(CIP) for road improvements in Northern Beaufort County. Libby Anderson, City Planner, stated the purpose was to identify needed road projects, to estimate the cost of the needed improvements, and to identify potential sources of funding. Earlier in the year, a similar process had been undertaken in Southern Beaufort County.

The prioritized list of 19 capital road projects resulting from a meeting of the mayors and managers of the three jurisdictions were presented to the Beaufort Transportation Advisory Committee and also to the County Council yesterday. (a copy of list is attached to the minutes)

ORDINANCE ANNEXING 2 PARCELS ON SALT CREEK DRIVE/US HIGHWAY 21

An ordinance annexing two parcels totaling 3.3 acres of land on Port Royal Island at the corner of US Highway 21 and Salt Creek Drive identified as District 100, Tax Map 26A, Parcels 213 and 214 was presented to Council for first reading.

Councilwoman Beer made a motion to approve the ordinance on first reading. The motion died for lack of a second.

Councilwoman Beer recalled when the neighborhood asked that the parcels not be zoned Highway Commercial but would accept General Commercial zoning.

Billy Keyserling, representing his cousin who owns the property, said he understood HC was not acceptable but GC was. They went back to the Planning Commission and requested GC and received approval which is what he thought Council and the neighborhood conceptually agreed to. If Neighborhood Commercial zoning had been requested to place 60 affordable housing apartments on the parcels, that would also impact the neighborhood. Urban zoning in the County would allow affordable housing also. He said he is confused because no one opposed the zoning at the Planning Commission meeting.

Dave Fewless, 27 Salt Creek, said the residents were not aware of the Planning Commission meeting until that afternoon. Referring to the comment about GC zoning, he said the residents don't want it but it was better than HC. Their concern with GC is that it allows a gas station to be located there. Neighborhood Commercial is more pleasing to the property owners and gives them assurance that a gas station cannot be located in front of their homes. Ms. Beer said NC would not be an appropriate zoning.

Ms. Anderson said the sign that was posted last Monday on the property proposed for annexation referenced the public hearing to be held before City Council. However, since it was not posted 15 days prior to this meeting, another public hearing will be held at the June 27, 2006 meeting. Councilman Fordham questioned having a public hearing if there is no motion to annex the property.

ORDINANCE ZONING 2 PARCELS ON SALT CREEK DRIVE/US HIGHWAY 21

The ordinance zoning 3.3 acres of land on Port Royal Island at the corner of US Highway 21 and Salt Creek Drive identified as District 100, Tax Map 26A, Parcels 213 and 214 to General Commercial was not heard since the motion to annex the property failed.

ORDINANCE SETTING MILLAGE RATE FOR FY-07

An ordinance establishing the millage rate for the City of Beaufort for Fiscal Year 2007 was presented to Council for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham gave second. The motion to approve the ordinance on first reading setting the millage at 55.8 mils upon each one dollar of taxable property in the City was unanimously adopted. (Copy of ordinance at end of these minutes)

Councilman O'Kelley commented that the Main Street Director stated the Police Department budget was cut of which he was not aware. The City Manager replied there was no cut. Councilman Fordham asked the City Manager to contact Ms. Lock and advise her there has been no cut in their budget.

ORDINANCE ADOPTING FY 2007 BUDGET

An ordinance adopting a budget for the City of Beaufort for the fiscal year beginning July 1, 2006 and ending June 30, 2007 was presented to Council for first reading.

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

TREE TRIMMING POLICY

At the request of Council, a review of the City's tree trimming policy was reviewed by Isiah Smalls, Public Works Director, and two representatives of SCE&G. In July 1997, a policy and agreement regarding tree trimming was approved. The policy requires SCE&G to give the City prior notice before trimming which is coordinated with the Parks Superintendent.

David Temple, SCE&G representative, reported they try to involve the public and the Council and it appeared the tree trimming in the Point a few months ago was successful. However, a time lapse occurred between the tree trimming in the Point and Pigeon Point because there was a problem in Burton that they had to solve. Apparently, questions arose in Pigeon Point.

Tommy Bennett stated the practice they used in both areas was the same. There was a cluster of small trees on Lafayette Street that looked bad because the tops were cut out. Before trimming some of the areas or circuits as they are referred to there were several recurring outages and they have been eliminated. During the recent rain, these two circuits had no outages, he said. With the guidance of the Public Works Director and the Parks Superintendent, they determine the amount that can be trimmed to make the trees healthier. He added that the same tree trimming company is used and even though the crews change, the same foreman is with them.

One tree in particular the Mayor mentioned near the Jewish cemetery was cut drastically. The Public Works Director explained that can occur because of the trees growth. He stated that tree should be removed. Mr. Bennett reiterated that natural trimming does make the tree look bad at first but it is the healthiest option so that decay does not form. Mr. Temple offered to ride the areas and discuss the process. The Mayor asked to meet with Mr. Temple, Mr. Bennett and the foreman next week.

LEED CERTIFICATE FOR CITY HALL

The City Manager mentioned that Council was interested in pursuing the matter of making the Municipal Complex buildings more environmentally friendly through a LEED certified building. He asked the architect to advise Council and staff of the best estimate of a cost benefit analysis. A meeting is scheduled for tomorrow and once that is determined, he will report to Council.

MOORING FIELDS REPORT

The City Manager reported that both he and the Mayor have been approached about mooring fields and what to do about them especially with the onset of hurricane season. The Waterway Commission recommended the establishment of three mooring areas within the Beaufort River, the Cut and Factory Creek. In order to enact the recommendation, one of two things must be done. Either change the State Law, Section 50-21-30(1), or obtain permission through the Federal Government. If an agreement is entered into with the Coast Guard enabling mooring areas along the Intracoastal Waterway within the City borders then the City could regulate them. He asked that if this is an issue Council wishes to pursue, that staff be authorized to proceed.

Council concurred that support of the Federal Government, through the Coast Guard, be pursued.

CITY MANAGER'S REPORT

The City Manager at the request of Council, asked the Clerk of Municipal Court to address the issue of outstanding fines.

Linda Roper, Municipal Court Clerk, reported on the outstanding Municipal Court fines. Mr. Fordham said he would like to know what fines have been assessed, how much has been collected, and the amount of delinquencies. Several years ago, he said, the court had outstanding fines and he would like to know the status. Ms. Roper replied that there are 45 jury trials pending as of May 31st with the oldest case being 2 years old and it is under appeal. The assessed fines for 2005 were \$959,526.04. She explained the process of collecting fines.

REPORTS BY COUNCIL

O'KELLEY: Councilman O'Kelley reported that a citizen expressed his concern about a window in his business being broken by a flying rock when the Public Works crew was working

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to move into executive session to discuss a personnel matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 9:35 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