

A regular meeting of the Beaufort City Council was held on June 27, 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., and 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 Rev. Bill Griffis of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC COMMENT**

**Peter White**, Southurn Rose Carriage Tours, complained that there was no communication from the City, the Tour Vehicle Coordinator, or any of the Waterfront Park Construction representatives indicating they would not be able to conduct their tours from the Waterfront Park during construction. A complete shut down of their carriage business occurred about twenty-five times when large cranes and trucks parked in their loading zone causing an unsafe situation for their customers, drivers, and horses. During the past year, customers have had to navigate through and around heavy equipment and broken pavement to reach their carriages. Rose White, wife and co-owner, added that often the trucks spooked the horses while they were trying to load the carriages. The truck drivers have not been considerate and she and her husband have had to speak to the driver's bosses. She told about several incidents with passengers and trucks that caused confusion and because of the difficulty of trying to maneuver around the trucks several times, they discontinued the tours and left with the horses. Mr. White said, in addressing the slot rotation fee which entitles the holder to one place in the embarkation queue, he and his wife feel they have not received that entitlement and that the City has failed in communicating with them in making a safe place to operate their business profitably. They paid the \$5,000 for the first six months of the year for the slot and the other \$5,000 is due in July. He said they are asking Council to consider waiving the second payment of \$5,000 to compensate for the money they lost in 2005 due to the construction.

**Walter Gay**, Sandlapper Tours, said he has witnessed these same events on numerous occasions and he is troubled by the dangerous situations in which the tourists have been placed. During the 40 to 50 days that he has had his tour bus at the Waterfront, there was no place to park because the construction equipment was utilizing those spaces. He said he pays \$2,500 a year for the rotation fee and with no where to park, his business was affected. Numerous times he has called the police officer when people are illegally parked but that is not his job.

**Milbrey Gnann** presented 447 more petitions with signatures opposing the annexation of Clarendon and McLeod Farms stating 1,940 people have signed petitions.

**Dick Andrzejczyk**, Chairman of the Downtown Merchants Association, commented that the trash receptacles on Bay Street need to be cleaned by the Public Works Department. Also, liners should be placed inside the cans and the sidewalks power washed to get rid of the odor.

**Gene Raul**, 108 Brian Drive, spoke about the sidewalks in Salem Point. With Battery Point being completed and increased occupancy in Ladies and Salem Points and Canal Apartments, pedestrian and bicycle traffic has increased. He asked if it is fiscally feasible to construct sidewalks along that road to prevent a tragedy before it occurs because the speed limit of 35 MPH also gets out of control.

### **RESOLUTION – ROSS JONES**

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council unanimously adopted the resolution commending Ross Jones for thirteen years of service with the City as Finance Director. (Copy of resolution at end of these minutes)

### **PUBLIC HEARING**

A public hearing was held to receive comment on the City’s FY 06/07 Municipal Budget. A Notice of Public Hearing was duly advertised in the Beaufort Gazette on May 30, 2006. Ross Jones, Finance Director, stated the General Fund recommended budget for FY07 is \$12,196,303 and the Parks & Tourism Fund is \$2,020,500.

**Jason Gardner**, Governmental Affairs Manager for the Beaufort Regional Chamber of Commerce, said they are in favor of Councilwoman Beer’s recommendation to use incentives to attract police officers and provide monitoring for the downtown area which coupled with the increased lighting already in the budget will improve safety issues.

**Joy Locke**, Executive Director for Main Street Beaufort, USA, said they are encouraged by Councilwoman Beer’s stance on police protection.

**Dick Andrzejczyk**, Chairman of the Downtown Merchants Association, stated they would like to see a re-establishment of police foot and bike patrols and an increase in police presence to prevent crime in the downtown and residential areas. He asked the positions be funded to ensure this protection.

**Jack Shehan**, Southern Sweets Ice Cream Parlor, said he supports Ms. Beer’s steps towards security downtown. He said crime can’t become a problem downtown.

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 June 13, 2006 as presented.

### **ORDINANCE REVISING UDO PERTAINING TO SIDEWALK CONSTRUCTION**

The ordinance amending Sections 6.6 and 8.2 of the Unified Development Ordinance pertaining to sidewalk construction 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.

The Mayor, directing his question to Todd Salvagin, County Engineer, asked the required width of a sidewalk by SCDOT if the construction is funded through a grant. He replied a minimum width of 4 ft. to accommodate the Americans With Disabilities Act. Commercial areas would be the same width unless there are to be a large number of people, and/or benches, tables, etc.

Libby Anderson, City Planner, quoting the South Carolina Design Manual regarding accessibility said a typical sidewalk is five feet. Also, she said a five foot sidewalk is required for the Bladen Street Streetscape grant. Referring to the Time Saver Standards for landscape architecture, she said five feet is recommended as a minimum with 6 feet preferred. The Mayor pointed out that he found it difficult for two people to walk side by side on a four foot sidewalk. Ms. Anderson's reason for suggesting five feet would be for areas subject to design review which would be areas zoned for commercial or multi-family and keep 4 feet in residential area. Councilman Fordham commented that, in his opinion, five feet is too wide even for a wheelchair.

Joy Locke, Main Street, suggested considering the use of the sidewalk and where it will be placed because 4 ft will not accommodate two people.

Councilman O'Kelley said it seems better to make the decision depending on the neighborhood with 4 feet being the minimum. Ms. Anderson stated this revision would give the Design Review Board the flexibility to require wider sidewalks. Answering the Mayor's question about wider sidewalks in commercial areas, Ms. Anderson said the intent of the amendment to Section 6.6 of the UDO which amends the commercial design standards would be to have 5 ft sidewalks. Section 8.2 pertains to residential subdivision standards with the traditional 4 ft. sidewalk.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the June 13, 2006 minutes)

#### **MOTION TO SUSPEND REGULAR ORDER OF AGENDA**

On motion by Councilwoman Beer, second by Councilman Fordham, Council suspended the regular order of the agenda and moved the ordinances pertaining to the 2 parcels on Lady's Island ahead of the budget.

#### **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.

Ms. Libby Anderson, City Planner, stated Parcel 137 is located at the intersection of Sea Island Parkway and Sunset Boulevard and Parcel 136 has access on Sunset Boulevard. The requested zoning is Neighborhood Commercial District which is a mixed use zoning that permits all types of residential development as well as all types of office and commercial uses. The current zoning under the County's Zoning and Development Standards Ordinance is Village Center which is primarily a commercial district. Residential is only permitted if constructed above ground level

office or commercial use. Access onto U.S. Highway 21 has been the major concern, she said. The Mayor mentioned that Council decided until that issue is resolved, second reading would not take place. A letter from SCDOT that would clear up the issue with access has not been received by Council. The City Manager added neither has staff received the letter; however, included in the packet is a letter dated June 23 from the applicant's attorney asking Council to consider the request as presented. Fred Kuhn, attorney, stated he received an e-mail from one of the SCDOT engineers who reviewed and approved the plan submitted. A copy was distributed to Council earlier. In reply to the Mayor's question about an e-mail being considered a letter, the City Manager noted that Council did specifically request a letter from SCDOT and a signed letter on letterhead would be more official than an e-mail.

## **BREAK**

The Mayor requested a 5-minute break in order to read the e-mail.

After having read the letter, the Mayor stated the e-mail does not give any assurances that the SCDOT has approved the plan.

**Todd Salvagin**, County traffic engineer, who met with Ms. Fleming, SCDOT District Traffic Engineer in Charleston, explained the comments in the e-mail referred to the first plan submitted. A revised plan attached to the e-mails with the driveway moved to the northern end of the property was sent to Ms. Fleming. She requested the driveway on U.S. Highway 21 be relocated between Sunset Boulevard and the high school signalized access. He is also suggesting an access be provided for future use for connectivity between parking lots so there will be access to the traffic light. The e-mail from Ms. Fleming stated conceptually the DOT agrees with the latest submitted plan. He anticipates final approval when the submittal for the encroachment permit is made. It is difficult to obtain a letter from the SCDOT prior to an encroachment permit submittal, he said. The Mayor asked that Council be contacted once the letter of approval for access to the site is received since Council requested that originally and then a meeting can be held to review it further. Councilman O'Kelley said he does not see the e-mail as approval of the concept. Mr. Kuhn reminded Council the request is for annexation and rezoning. Mr. O'Kelley said multiple condos will increase access and that is his concern.

Councilwoman Beer made a motion to table second reading of the ordinance until the information is received. Councilman O'Kelley gave second. Council members Beer, O'Kelley, and Rauch voted in favor of the motion. Councilman Fordham voted nay. The motion to table passed 3 to 1.

**Alton Aimar**, Riverside Drive resident, mentioned there have been no discussions regarding the connectivity to the driveway of Ladies Point on Sunset Bluff.

**Bill Harvey**, 11 High Point, reiterated the statements he made at previous Council meetings regarding the zoning of the property. He said, too, if Council is interested in preserving control over what happens and the impact to the neighborhood, the Neighborhood Commercial zoning should be approved conditioned upon the submission of a PUD.

**Bobby Hancock**, the developer, said DOT will establish the location of the access points and the letter will be forwarded to Council as soon as it is received. If the reply from DOT is not acceptable

to City Council, they will remain in the County and develop the property as commercial. They are asking to be annexed in order to build high end condominiums, he said.

**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.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council tabled the ordinance zoning the two parcels on Lady's Island.

**ORDINANCE ADOPTING FY07 BUDGET**

The 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 second reading and adoption.

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

Councilman Fordham moved to amend the budget by deleting the funding for 3 new fire fighters for the last six months of FY'07 for a total of \$590,600. Councilman O'Kelley seconded the motion.

According to the Finance Director, the Parks & Tourism Fund is restricted and Hospitality and Accommodations Tax monies cannot be transferred from that Fund. The Mayor charged the Finance Director and City Manager with locating \$590,600 of expenditures in the General Fund.

A five minute break was taken to locate that adjustment.

The City Manager recommended funding a sanitation worker through the Park Division and a portion of the salary for the fire inspector for Port Royal from the Parks & Tourism Fund.

Council unanimously approved amending the budget.

On motion by O'Kelley, second by Councilman Fordham, Council unanimously approved amending the budget by transferring \$590,600 from the General Fund to the Parks & Tourism Fund.

Councilman Fordham moved to reduce the budget for a total of 3 mils by also reducing the Land Acquisition Fund by \$113,000. Councilman O'Kelley gave second.

The Finance Director expressed his concerns and advised against reducing a revenue/cash account to reduce the millage rate. The Mayor argued that if the money is not needed the millage can be lowered. Mr. Jones suggested removing the \$113,000 out of the cash account and placing it in an appropriated fund balance in the General Fund which will replace the anticipated loss due to the millage decrease.

Councilwoman Beer proposed reducing the mils by raising the monthly parking fee from \$30.00 to \$35.00 which would place the City in line with the private sector. This would add \$6,000 in new

revenue. Also, using the debt service of \$100,000; expending \$40,000 for side walks in the Salem Road area from the Parks & Tourism Fund, \$25,000 for the police department for recruitment and retention and \$50,000 for a security camera for the police to use downtown totaling \$115,000 from the Land Acquisition Fund as a one time expense, she said.

Mike Sutton, Craven Street, said he understands the need for a security camera downtown; however, until the means to fully implement the operation is available he suggested funding a downtown officer for a year which would be less. Ms. Beer said this tool would help make downtown more secure. Mr. Sutton agreed there is a need for cameras in strategic locations that would enhance the ability of the police department to do their job; however, a \$50,000 camera at this time is not effective until a program can be implemented. As far as recruitment, it should be encouraged but it is critical to first find candidates who are capable of attending the Justice Academy. The City has lap top computers and take home cars for the officers to make their jobs easier that should be used as a recruiting tool, he said.

Councilmen Fordham, Rauch, and O'Kelley voted in favor of the motion to transfer \$113,000 from the Land Acquisition Fund to reduce the budget 2 more mils for a total of 3 mils. Councilwoman Beer voted nay. The motion passed 3 to 1.

Councilman Fordham made a motion, seconded by Councilman O'Kelley, to increase the City Manager's Contingency Fund by \$10,000. The vote was unanimous.

Councilwoman Beer explained the debt service of \$100,000 could be utilized since it won't be used to pay the bonds this year. The City Manager commented that if it isn't spent this year it will be available for the next year when that payment is due because rates could go up or down. Councilman O'Kelley questioned whether it is premature to use the \$100,000 at this time as opposed to studying the police department salaries and determining at mid-year whether to continue the Accommodations Tax in expectation of an adjustment or whether money is available. Council recently increased the area for police take home vehicles and that might assist with recruitment. Since everyone is concerned with police presence, instead of buying a camera maybe an additional officer could be hired, he said. Councilman Fordham suggested the police chief check with other police departments to assist Council in deciding whether to raise salaries and present that information within 3 months.

A discussion about increasing the monthly rate for the reserved 8-hour parking spaces \$5.00 each for a total of \$6,000 annually resulted in Councilman O'Kelley making a motion and Councilwoman Beer giving second. The motion to raise the parking fee from \$30.00 to \$35.00 monthly passed unanimously.

Regarding sidewalks in the Salem Road area, the number of new developments required to install sidewalks under the revised Unified Development Ordinance was discussed. The Mayor mentioned approaching the County for CTC funding. The City Manager pointed out that about 4,000 linear feet at \$16 a linear foot would be needed without any new developments and with other improvements would be about \$640,000. However, they could be installed in increments. The Public Works Director reminded Council that through the CTC Fund, there is a special projects fund that is available every other year with applications submitted in February or March. It is competitive and

no match is required, he said. Councilman O'Kelley suggested checking other sources for funding assistance and Councilwoman Beer reminded Council of the Land Acquisition Fund that could also be used. The Mayor said it appears it is not necessary to set money aside to apply for the special funding.

Referring to the discussion regarding police recruitment and retention, the City Manager stated \$22,270 is included in the proposed budget. The Mayor asked if the amount of money in the budget will be sufficient for recruitment and retention over the next six months until a study can be completed and then funded at mid-year. Police Chief Dowling replied as far as recruitment efforts like relocation and hiring bonuses it is a good beginning. He added that he still believes a salary plan is needed as a long term answer for retention to be competitive with surrounding agencies. The Mayor stated Council will be asking the Chief to work with the City Manager over the next 3 months and prepare a recommendation on police salaries. Council will review and consider the report. If additional funding is required, it will be addressed during the mid-year review.

Council unanimously adopted the budget with amendments on second reading with a balanced budget of \$12,147,303 in the General Fund and \$2,020,500 in the Parks & Tourism Fund. (Copy of ordinance at end of the June 13, 2006 minutes)

#### **RESOLUTION**

On motion by Councilman Fordham, second by Councilman O'Kelley, Council voted to have the Police Chief bring back a staffing salary level recommendation on September 28.

#### **ACCOMMODATION TAX**

Councilman Fordham moved to reconsider the accommodation tax funding at the first meeting in July. Councilman O'Kelley gave second. The vote was unanimous.

#### **ORDINANCE SETTING MILLAGE RATE FOR FY-07**

The ordinance establishing the millage rate for the City of Beaufort for Fiscal Year 2007 was presented to Council for second reading and adoption.

Councilman O'Kelley made a motion to adopt the ordinance on second reading with a 3 mil reduction setting the millage at 52.8 mils for each one dollar of taxable property in the City. Councilman Fordham gave second. Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of the June 13, 2006 minutes)

#### **WATER FESTIVAL**

A letter from the Beaufort Water Festival Committee requesting use of the Waterfront Park, other facilities and closure of certain streets for dances, a bed race, and a parade for the 2006 Water Festival from July 14<sup>th</sup> through July 23, 2006 was presented to Council.

Matt Horn, Assistant to the City Manager, stated the staff met with representatives of the Water Festival to review the requests. He said the Festival requested a waiver of the park rental fees; however, staff is not recommending that request be granted. The newly adopted fees will not be in effect until the following year. They have also asked for a cap on the police security contact which staff does not support.

The other requests are similar to those submitted in the past including the closure of Bay Street from Bladen to Newcastle from 4:30 p.m. to 6:30 p.m. for the Bed Race; the closure of Bay Street from Charles to Carteret Street from 4:00 p.m. to 3:00 a.m. for the Street Dance, permission to hold the parade on Saturday, July 22<sup>nd</sup> beginning at 10:00 a.m. on Bladen Street and concluding on Bay Street adjacent to the Federal Courthouse at approximately noon, subject to approval of the Department of Transportation with security provided by the City's Police Department.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the requests as presented.

**Al Hefner**, representing several merchants, stated the concerns of the merchants regarding the Reggae Night event during the Water Festival. He said over the past 3 years it caused mayhem and asked if the City is going to allow that to continue. The Mayor asked for the Police Chief's comments. Chief Dowling stated there will be additional security measures which the Water Festival must pay for and they are aware of it.

**Rick Simmons**, Pinckney Simmons Gallery, said he does not like Reggae Night either nor does he like Bay Street closed because it has a negative impact on the merchants. He asked Council to reconsider closing the street at any time.

Councilman O'Kelley commented that Bay Street has always been closed for the parade. He mentioned that the closing time has recently been changed for the bed race. Also, he said he hopes the Water Festival listens to the concerns regarding Reggae Night.

#### **MEMORANDUM OF AGREEMENT – POST-DISASTER DEBRIS REMOVAL**

Matt Horn, Assistant to the City Manager, pointed out this Agreement between the County and the City is for removal and disposal of post-disaster storm debris from streets and rights of way in the City. The County has contracted with a company in Alabama who will come in following a disaster and clean the streets to allow access to the buildings. They have also contracted with a second entity as required by FEMA to monitor the debris that is placed in the disposal sites. The contract states that the County's contractor will ensure the maximum reimbursement for debris reimbursement from FEMA following a disaster.

Council unanimously voted in favor of the Agreement.

#### **1987 GMC ¾ TON VAN**

The City Manager reported the Disaster Services Director for the American Red Cross approached the Fire Chief about the City donating the 1987 GMC ¾ Ton, Value Van 35, VIN: 1GTCP320H350833 which was originally purchased new by the City for use by the Water Meter Reader Division of the Finance Department. It was then transferred to the Fire Department for the dive/rescue team. Underwater rescue and recovery operations are no longer provided by the Fire Department. The vehicle would be used for disaster relief by the Red Cross..

Council agreed to donate the 1987 van to the Palmetto Chapter of the American Red Cross.

**SUBDIVISION OF OLD JAIL PROPERTY**

Libby Anderson, City Planner, presented information regarding the subdivision of Block 113 in the City containing the Old Jail and outlined by Monson, Prince, Wilmington, and King Streets . The property is owned by the County and contains two buildings. The County is proposing to subdivide the property into two lots, she said. Because of the historic significance of the Old Jail, staff felt the application should be presented to Council for advice and consent since it was a potential expansion site for the school board. The application does meet all the standards for a minor subdivision and are usually approved by staff..

The Mayor suggested meeting with the County in this regard.

**CITY MANAGER'S REPORT**

The City Manager commented that a special Council meeting will be held on Tuesday, July 18, 2006 beginning at 5:00 p.m. in the City Hall Conference Room to discuss LEED certification for the City Hall/Municipal Court Building.

**REPORTS BY COUNCIL**

**BEER:** Councilwoman Beer stressed the importance of getting the police department’s salary study completed as soon as possible and whatever is necessary to make the community safer.

**EXECUTIVE SESSION**

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to move into executive session to discuss a land acquisition matter and pending litigation.

**ADJOURNMENT**

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 9:50 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN FRANK GLOVER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN GEORGE H. O’KELLEY, JR.

ATTEST:

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BEVERLY W. GAY, CITY CLERK