

A special meeting of the Beaufort City Council was held on October 31, 2006 at 5:00 p.m. in the City Hall Conference Room, 302 Carteret Street. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, George H. O'Kelley, Jr., and City Manager Scott Dadson. Councilman Gary Fordham was absent because he was on vacation. 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 5:00 p.m.

ORDINANCE REGARDING SCE&G TRANSMISSION LINES

An ordinance prohibiting the installation of electric transmission poles exceeding 45 feet in height or the installation of transmission wires, cables or lines carrying or transmitting electricity in excess of 46 KV in on or above residential streets in the City was presented to Council for first reading.

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

The City Attorney, William B. Harvey, referred to a letter from Trish Morrison of SCE&G and a phone conversation wherein he relayed to her that City Council and the citizens are against high voltage transmission lines running through the historic district or residential neighborhoods in the City. She discussed the aesthetic issues and conveyed that they are willing to bury the present distribution lines and related cables in lieu of putting up the large transmission poles. She said she believes the aesthetics will improve because the lines would be above the tree canopy and less obvious. Mr. Harvey said the City prefers to be friends with SCE&G and not become involved in a legal battle but feel very strongly about protecting the historic district and the residents. According to Ms. Morrison, SCE&G has the right to run its transmission lines under the present easement. After restudying the agreement, Mr. Harvey said he feels more strongly that that is not the case because the City has to approve SCE&G's use of the lines. In Section 4 of the easement agreement, it states the SCE&G shall construct and extend its electric distribution system within the present and/or extended City limits and shall supply standard electric service and standard voltage under rates and general terms as authorized by law. It does not give them the right to run transmission lines in the City's streets or rights of way to provide power to residents outside the City. Ms. Morrison said that the section that addresses other appurtenant facilities gives them the inherent right to run transmission lines. He disagrees and believes under those two provisions, the City has the right to disapprove the use of those lines. Also, the City has the right to legally challenge their right to simply take a residential distribution easement and turn it in to a transmission highway. Another strong argument he said is the protection of the historic district. Seventy-five foot poles through the historic district could jeopardize the designation.

Councilman O'Kelley said if SCE&G buries the distribution lines, what about the cable companies and phone service lines. Unless they agree to do the same, only part would be buried and the current

utility poles would still be needed. He also asked about the need to run underground cables to each resident. David Temple said SCE&G is prepared to provide underground service; however, as far as underground communication cables are concerned, SCE&G cannot force them to disconnect from the poles. Mr. O'Kelley added that Lost Island has underground service and large boxes for the wiring are placed every few lots. That would have to be installed in the historic district also. Mr. Temple agreed that equipment would have to be there just as it is in subdivisions.

The Mayor asked if there was a response to the letter to SCE&G to stay the proposed upgrade for six months. Mr. Temple preferred to discuss the issues of the proposal during the meeting scheduled for tomorrow at 2:00 p.m. when SCE&G's transmission representatives will make a presentation with landscape renderings, etc.

Councilman O'Kelley asked Mr. Temple the route for the poles. Mr. Temple outlined the route for the upgrade of the system from the substation at Depot Road. It goes through Park View Apartments down Ribaut Road at the Government Center to Greene Street to Wilmington Street across Highway 21 at Rodgers Street turning at Calhoun Street to Pigeon Point to Pigeon Point Park. It would then go under the river to Lady's Island at Marsh Harbor Apartments.

Mr. Temple said the time period of the stay will also be discussed at the meeting tomorrow. He explained there are no plans finalized yet. He stated they hope to come up with a solution through the series of meetings with the ad hoc committee and the City. He pointed out that SCE&G trims the trees around the distribution and transmission systems but not the low voltage facilities. A meeting is scheduled with the communication companies after tomorrow's meeting with the City. They will be asked if they want to consider placing their lines in the same trench with SCE&G, which would provide them an opportunity to upgrade their facilities.

A letter from the Historic Beaufort Foundation was received earlier today regarding their position on the installation of power poles through the National Historic Landmark District and is attached to the end of these minutes.

Maxine Lutz, Historic Beaufort Foundation, said she has heard reports from residents of Pigeon Point that pipes and equipment have been delivered as if the project is about to begin. Mr. Temple explained the cable on Lady's Island has already failed once and to maintain the integrity of the 46KV loop system to Lady's Island, it has to be replaced to provide the service regardless of whether the overhead transmission lines are extended. The construction and equipment there now is only for the cable not for the overhead transmission lines, he said. Ms. Lutz also asked if Federal permits from the Army Corps of Engineers were needed to go under the Beaufort River. Mr. Temple replied they have a State easement to bore under the river and are using that same easement.

The consensus of Council was to hold a public hearing before second reading even though the City Manager explained it is not necessary.

Council voted unanimously to approve the ordinance on first reading. (Copy of ordinance at end of these minutes)

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 5:30 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