

A regular meeting of the Beaufort City Council was held on April 11, 2006 at 6:00 p.m. in County Council Chambers, 100 Ribaut Road. 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 6:00 p.m.

### **INVOCATION/PLEDGE OF ALLEGIANCE**

The meeting was opened with an invocation by Cantor Shelton Feinberg of the Beth Israel Synagogue. The Pledge of Allegiance was led by the Mayor.

### **PROCLAMATION – SEXUAL ABUSE AWARENESS MONTH**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the proclamation designating April, 2006 as Sexual Abuse Awareness Month in the City.

### **PROCLAMATION – LETTER CARRIER FOOD DRIVE DAY**

On motion by Councilman Glover, second by Councilman Fordham, Council unanimously adopted the proclamation designating May 13, 2006 as Letter Carrier Food Drive Day in the City.

### **RESOLUTION – FAIR HOUSING MONTH**

On motion by Councilwoman Beer, second by Councilman Glover, Council unanimously adopted the Resolution designating April as Fair Housing Month in the City. (Copy of Resolution at end of these minutes)

### **MINUTES: SPECIAL MEETING**

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the special City Council meeting of March 21, 2006 as presented.

### **MINUTES: SPECIAL MEETING**

The minutes of the special Council meeting of March 23, 2006 were reviewed by Council and the following changes were made. On page 2, Lura McIntosh's name was misspelled; page 4, the last paragraph before Executive Session, Councilwoman Beer was recorded for voting twice and on page 5 in the first line under the 4<sup>th</sup> heading, set out should be two words.

On motion by Councilwoman Beer, second by Councilman Glover, Council voted to adopt the minutes of the special City Council meeting of March 23, 2006 as amended.

### **WATERFRONT PARK FEES**

Councilman Fordham recommended the fees for use of the Waterfront Park be reviewed annually. He also mentioned that the proposed fees would not be effective until January 1, 2007.

Isiah Smalls, Public Works Director, said when he and Eliza Hills, Park Superintendent, were asked to review the Park fees they considered the costs to return the Park to pre-event status and developed a fee using square footage that would pay for those expenses. The proposed Park rental fees include \$100.00 per event for use of the Farmer's Market; \$125.00 per event for use of the Pavilion; and \$500.00 per day for use of the entire Park and the fees are to be used for ongoing maintenance. A non refundable turf fee was developed because a group larger than 50 causes soil compaction and the soil would need to be aerated, the grass refertilized and brought back to standards after each event. The Park deposit covers shrubbery and ground cover if damage occurs. Mr. Smalls stated with the proposed rental fee of \$500 a day for the entire Park that would be a significant amount for the festivals. Therefore, they propose a cap of 75% of the normal rental based on a daily rate for multi-day events. These funds will be used for major repairs which were not done in the past.

The Mayor inquired about the process to be followed if the damage exceeds the deposit. Councilman Fordham replied that the applicant/user signs an agreement before hand that if the damages exceed the deposit, the City can pursue those costs and if they are not paid, use of the Park will be suspended for that group in the future. Further, he said the City will not make money by renting the Park; but instead, encourage use of the Park.

Councilman Fordham moved to adopt the fee schedule as presented. Councilman Glover seconded the motion.

The Mayor suggested adding the language about responsibility of damages that exceed deposits. Councilman Fordham said the wording is in the existing contract but agreed it should be stated in the motion.

Councilman Glover moved to include the language in the new Park contract about unpaid damages resulting in suspended use of the Park. Councilman Fordham gave second. The amendment to the motion was unanimous.

Council unanimously adopted the fee schedule as presented with the amendment.

Councilman O'Kelley recalled some time ago when the lawn in the Park was heavily damaged by a soccer group. He suggested considering erecting a sign stating no sporting events are allowed without permission.

#### **ORDINANCE ANNEXING 1.95 ACRES ON SC 280**

An ordinance annexing a 1.95 acre parcel of property located on S.C. Highway 280 on Port Royal Island identified as District 120, Tax Map 29, Parcel 54A was presented to Council for second reading and adoption.

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

Ms. Libby Anderson, City Planner, showed the location of the parcel on a map.

Council voted unanimously to adopt the ordinance on second reading. (Copy of ordinance at end of

the March 28, 2006 minutes)

**ORDINANCE ZONING 1.95 ACRES ON SC 280**

The ordinance zoning a 1.95 acre parcel located on the east side of S.C. Highway 280 between SC 170 and Old Jericho Road identified as District 120, Tax Map 29, Parcel 54A to Highway Commercial was presented to Council for second reading and adoption.

Councilman Glover made a motion to adopt the ordinance on second reading. Councilman Fordham gave second. Council members Beer, Glover, Rauch, and Fordham voted to adopt the ordinance on second reading. Councilman O'Kelley voted nay. The motion passed 4 to 1. (Copy of ordinance at end of the March 28, 2006 minutes)

**ORDINANCE REZONING 6.54 ACRES/RODGERS DRIVE FROM MH TO GR**

The ordinance rezoning 6.54 acres located on Rodgers Drive identified as District 120, Tax Map 6, Parcel 1 from Manufactured Home Park to General Residential was presented to Council for second reading and adoption.

Libby Anderson, City Planner, pointed out a letter opposing the rezoning was received late today and copies were distributed to Council. The author was told the property was to be developed with single family homes. Now, they understand it was changed to multi-family. Ms. Anderson stated GR zoning permits multi family, duplexes, and single family residential dwellings. The current zoning of the property only allows manufactured homes and would have to be changed in order to be redeveloped. The Comprehensive Plan suggests 2, 3, and 4 family housing be incorporated into the existing suburban neighborhoods. The Cottage Farms development is a PUD, the Mossy Oaks neighborhood is single family, and Jericho Woods is a PUD. Twenty-five units per acre would be allowed but parking, drainage, setbacks, and landscaping would have to be satisfied, she said. Councilman Glover stated GR may be too dense and a PUD would be more compatible. Councilman Fordham said his first impression of the rezoning was that the area would be upgraded; however, he is sympathetic with the neighborhood and he would prefer a lower zoning to lessen the traffic. Ms. Anderson said when a multi-family (higher density) project is to be developed the project has to be submitted to the Design Review Board which is open to the public. Additionally, a multi-family development would require a 7 foot screening structure to serve as a fence between the neighborhoods. Councilman O'Kelley said his concern is the traffic density for Legare and Rodgers Streets which are very small and he also prefers R-1, 2, 3, or 4 zoning.

**Austin Phillips**, 2616 Rodgers Drive, said the first discussions referred to single family dwellings and now it appears the size has changed. Currently, there are 18 trailers, 6 houses, and 1 warehouse and 25 units per acre are proposed instead of 24 structures on 6.54 acres. He said all the adjoining property owners are concerned about the amount of traffic that a large development will generate.

**Brian Gecy**, the applicant representing John Keith the owner, said he spoke to the people who wrote the letter of opposition before the public hearing and they knew the request was for GR and would be multi-family with as many as 25 units per acre. The multi-family housing would allow the developer to keep the prices affordable. A plan has not been developed but multi-family allows more options.

The Mayor suggested a 3<sup>rd</sup> alternative of a Planned Unit Development. Mr. Getsy asked to have the rezoning request tabled until the option can be discussed with the owner.

**Austin Phillips** asked how many residents of Rodgers Drive were notified of the rezoning. Ms. Anderson replied the policy is to notify property owners within 400 feet of the property being rezoned. Councilman O'Kelley suggested reviewing the policy to include everyone on the street. Councilman Glover agreed and said the sign should state what the zoning includes.

Councilman Glover moved to table the request to give the developer time to review the alternatives and amend his request. Councilman O'Kelley seconded the motion. The motion passed unanimously. (Copy of ordinance at end of these minutes)

### **PUBLIC ART COMMISSION PROPOSAL**

Lesley Hendricks, Chairman of the Public Art Commission, reported that during the Commission's March meeting a decision was made to recommend a temporary public art installation tentatively named Beaufort's Big Swim. The project starting in July 2006 will consist of approximately 100 life-size fiberglass mermaids designed and painted by local artists and rotated around the City. She stated since the Cows on Vacation and The Big Pig Gig were successfully handled by the Arts Council of Beaufort County, the Commission approached the Arts Council and contacted the City of Norfolk, VA who sponsored Mermaids on Parade. Norfolk did not want to loan their mermaids but offered their mold for the Arts Council and the Art Commission to pour their own mermaids. They would be on display in the city for one year. The first set of 20 would hopefully be ready for the Water Festival. The next 50 would be displayed in the fall and the remaining 30 would be ready by spring. She presented a budget totaling \$70,000 for the City to pay for the casting of the molds, administrative costs, and publicity and would be supplemented by mermaid sponsors and other funds. After the year on display, the Commission proposes to auction the mermaids in two different sessions. They expect the City would recover its investment through the auction. Any overage will be divided between the Public Art Commission fund and the Arts Council of Beaufort County, she said.

**Lily Joplin**, Executive Director of the Arts Council of Beaufort County, explained the line items in the budget noting the instructor fee will cover the cost of teaching the artists how to apply paint and protective coatings to resin and cast fiberglass. The mermaid sponsorships will be \$500.00 which allows neighborhoods to participate in the year long project. The loan of \$70,000 from the City is necessary to cover the upfront costs like getting the mermaids cast, she said. She displayed photographs of some of the mermaids exhibited in Norfolk, VA. She said a template is used to submit the design which would be approved by a committee. A manager will be hired because of the size of the project to handle the details and a person who would handle the publicity and graphic design.

Councilman Fordham said the City is not a bank and they should find other sources of funding. Councilman O'Kelley said Council voted for public art and even though everyone may not agree on what it is he believes this is a proper city function and will bring tourists. Councilwoman Beer stated Council was not in favor of the earlier art the Commission presented and charged them with identifying a type of revolving art. Council expressed their support for public art and this attraction will encourage visitors throughout the City. Councilman Glover mentioned there is a lot of

difference between fronting the money and a loan. He asked what if the auctions don't bring enough money to repay the loan. Ms. Joplin replied that with the cows and the pigs exhibits in 2000 and 2001, the income exceeded their expectations and allowed them to build a reserve fund. Mr. Glover said he can support a loan but not an up front expenditure. At the request of the Mayor, Ms. Joplin explained in more detail the personnel cost stated that because it will be a year long project involving 100 pieces, it will require more work. Comparing the cost of the sculpture the Art Commission proposed for the Waterfront Park, she said by adding a little more money, a year long project would be provided and the money should be refunded, she said.

The Mayor suggested reducing the commitment to \$55,000. Ms. Joplin said the project could be started and the rest of funds created through other sources.

Councilman O'Kelley moved to allocate \$55,000 for the project. Councilwoman Beer gave second. Council members Beer, O'Kelley, and Rauch voted in favor of the motion. Councilmen Fordham and Glover voted nay. The motion passed 3 to 2.

#### **REPORT BY B-JWSA APPOINTEE**

The report on the Beaufort-Jasper Water and Sewer Authority Board was deferred to the next meeting.

#### **REQUEST BY MARCH OF DIMES**

A request by the March of Dimes to hold their annual WalkAmerica event on April 22, 2006 from 8:00 a.m. until 11:30 a.m. was presented to Council.

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously approved the request, subject to approval of the SC DOT with security provided by the City's Police Department.

#### **REQUEST BY OLD COMMONS NEIGHBORHOOD TO NAME STREET**

A letter from the Event Coordinator of the Old Commons Neighborhood Association requesting a lane closing for a neighborhood "Name That Lane" event to be held on May 20, 2006 was presented to Council.

Charlotte Brown, Association President, listed numerous things the Association has accomplished in their neighborhood. She added that they have previously held a fund raiser for the Sons of Beaufort Lodge for the restoration of their Lodge on West Street. Another project is planned to raise funds for continued restoration of that historic building. The Association is requesting the lane between Carteret and Scott Streets from Washington and Duke Streets be closed on May 20<sup>th</sup> from 12:30 to 2:30 p.m. for a neighborhood "Name That Lane" event.

On motion by Councilman Glover, second by Councilwoman Beer, Council unanimously approved the request to close the street.

#### **MUNICIPAL COMPLEX REPORT**

Keith Watley, with LCK Construction Services and Project Manager for the Municipal Complex, and Brien Sanders. Representing Liolio Architects presented an update on the Municipal Complex

and reviewed the project schedule. The site plan has been presented to and approved by the City's Design Review Board. The material to be presented to the DRB on May 11, 2006 was shown to Council. Mr. Watley pointed out a sewer line will have to be relocated from the north side of Lovejoy Street. Also, he mentioned runoff may have to be addressed with DHEC. A drawing showed the service lane behind the buildings from lots 20 through 34. Lots 20, 22, and 24 have not been procured and may affect the parking, he said. Total estimated on-site parking is 101 spaces and the ordinance recommends 200. They proposed the City acquire those three lots in order to add 60 parking spaces for a total of 161. He mentioned, too, that additional parking can be acquired by parking on Sycamore and Palmetto Streets. Mr. Sanders noted the parallel parking could add up to 26 spaces along Palmetto Street and even more along Sycamore Street. Sketches of several views of the site were shown displaying trees and scale in relation to the site. Mr. Watley asked for any comments or concerns to be submitted as soon as possible and no later than Friday, so they can be addressed before the DRB meeting.

Councilman Fordham inquired about "tilt-up" precast construction noting that a local church is being constructed utilizing that method. Mr. Watley commented that warehouses and shopping centers have been built using that type of construction. He added that it does save time and money; however, expertise by specific contractors is required. He said it works well with a square facility and would require input from a structural architect and a study would be needed before a decision could be made.

Councilman Glover asked if any comments had been received from DOT regarding the r-o-w. Mr. Watley responded that there were comments that a signal light would not be allowed at Palmetto Street even though his company recommends one with a left turn lane to make the traffic flow better. Mr. Glover also asked if DOT commented on extending Sycamore Street to Boundary Street with a right in, right out lane. Mr. Watley replied that staff is working on an agreement to use the hotel property and utilize the light adjacent to the county complex. The City Manager interjected that other manageable traffic patterns are still being considered and under these designs there has been no interaction with SC DOT. He also stated the site plan has been approved and Mr. Watley is looking for permission from Council to move forward with placement and massing for the DRB.

Councilman O'Kelley moved to authorize the architects to submit the plan to the Design Review Board. Councilwoman Beer gave second.

Council members Beer, Fordham, O'Kelley, and Rauch voted in favor the motion. Councilman Glover voted nay. The motion passed 4 to 1.

### **REPORTS BY COUNCIL**

**FORDHAM:** Councilman Fordham said he sent e-mails to Council regarding the "tilt-up" construction and suggested an RFP be developed to include builders with experience of this type. The Pastor of the church using this method told him if City Council would like to tour the site and view the work, he would have the construction manager available to answer any questions. Secondly, he addressed the letter from the President of the Ribaut Garden Club regarding naming the park in the Point after a former City Manager, Charlie Knott. He asked the procedure to follow. The Mayor asked that Ms. Waskiewicz make a presentation for Council and when the Park is completed there could be a renaming ceremony. The Public Works Director indicated that after the

Pigeon Point Park is completed they will be working on the Point.

**GLOVER:** Councilman Glover asked if the Police Department still maintains Substation C at Walmart. Police Chief Dowling said it should be opened within the next week or two. Another item mentioned by Mr. Glover was the sidewalks are damaged along Southside Boulevard and asked if Public Works had inventoried those sidewalks and what is to be done to repair them. He is also concerned about the status of the drainage. He suggested an update be presented to Council since it appears the City is behind on the time line.

**BEER:** Councilwoman Beer reported Pigeon Point Park will officially be reopened on May 6<sup>th</sup>. All the playground equipment has been installed and the irrigation system in near completion. The Neighborhood Watch group and the police department will hold a party from 10:00 to 12:00 noon on that Saturday. She noted that \$8,250.00 has been collected through the sale of bricks. The invoice for engraving the bricks has not been received yet but it is anticipated that approximately \$6,000 has been raised.

**O’KELLEY:** Councilman O’Kelley stated the Waterfront Park appears to be coming along.

**EXECUTIVE SESSION**

On motion by Councilman Glover, second by Councilwoman Beer, Council voted to move into executive session to receive legal advice related to pending litigation, property, and contractual arrangements.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 9:43 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