

A regular meeting of the Beaufort City Council was held on April 24, 2007 at 6:00 p.m. in the County Administration Building, Ribaut Road. In attendance were Mayor Bill Rauch, Mayor Pro Tem George H. O'Kelley, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, and 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.

PLEDGE OF ALLEGIANCE

The invocation was given by Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION

On motion by Councilwoman Beer, second by Councilman Sutton, Council adopted the proclamation designating May 3, 2007 as National Day of Prayer.

PRESENTATION

Liz Gilland, Urban Forester, presented the Tree City Awards for 2004 and 2005, on behalf of the Arbor Day Foundation. Presenting the 16th and 17th Tree City Award, she stated Beaufort is one of forty communities that have received this award.

BLUE ANGEL INCIDENT

Councilwoman Beer commended the City's Police and Fire Departments, the EMS, the County EOC and all government entities for working together so well during the tragic crash and loss of the pilot Saturday. She added that was also pointed out by one of the Blue Angel's crew. She asked the City Manager to read a very moving excerpt, written by one of the Commanders in 1968, from the Pensacola News Journal.

JOINT PUBLIC HEARING

A joint public hearing between the City Council and the Redevelopment Commission to consider the adoption of the Boundary Street Redevelopment Plan was held to receive comment. A Notice of Publication was duly published in the Beaufort Gazette on April 9, 2007. The Redevelopment Commission members were asked to join Council at the dais.

Libby Anderson City Planner, displayed an aerial image of the Boundary Street area. She showed slides of how it looks now and how it could look in the future. She reviewed the Boundary Street Master Plan and Boundary Street Redevelopment District Ordinance, or form based code, which is the new zoning for Boundary Street and discussed the Boundary Street Redevelopment Plan. She stated that the purpose of the Boundary Street Redevelopment Plan is to implement the vision of the Master Plan. The Redevelopment Plan will allow the Redevelopment Commission to acquire property when necessary, execute contracts for the resale of land, and to take other necessary actions

to carry out the Plan. The Redevelopment Plan was prepared by the consultant who prepared the Boundary Street Master Plan according to the State law that guides these type documents. Both plans are to work in conjunction with each other, she said. The next step will be for the Redevelopment Commission to make a recommendation on the Plan at their May 4th meeting. It will then be presented to Council for adoption at their regularly scheduled meeting on May 8th.

Tony Moranelli, Grays Hill resident, expressed his concerns regarding the plans for the Riverview Baptist Church. The Mayor suggested holding a meeting with members of the church and City staff.

Don Starkey, Otto Circle, stated the Plan should be adopted as soon as possible before Boundary Street develops into something the citizens don't want.

Lolita Huckaby Watson, Ribaut Road, said even though a decision has not been made about the roundabouts, she doesn't think they are a good idea.

Rose Deal, Ladies Island resident, said her main concern is about Riverview Baptist Church and the other is that the roundabouts would not be suitable to Beaufort.

Vickie Farrow stated she has lived in many places and roundabouts do not work in the United States.

Harley Deal said he supports the Plan but he doesn't want it to affect Riverview Baptist Church.

Councilman O'Kelley said there have been many meetings regarding this Plan and the City is not planning to take the church to put in a road. The form based code is to guide people with development. This is a long range plan that will be done in stages and if the church were to relocate in the future, then it might become feasible to build the road, he added. Regarding roundabouts, he said they are not the same as traffic circles which are on Hilton Head. Roundabouts are used in the New England states and they work.

Councilman Sutton said he attended many of the meetings regarding the Plan and believe the citizen input helped direct this vision. In the design that is being presented, churches are an important part and everyone needs to work together to ensure the children, who are the citizens of the future, are left with a place to cherish.

Councilwoman Beer reiterated that this is a plan for the future and one of the goals is to create an alternative road to traveling on Boundary Street.

There being no other comments, the public hearing was closed at 6:45 p.m.

MINUTES

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council members Rauch, Beer, Sutton, and O'Kelley approved the minutes of the April 10, 2007 regular City Council meeting as presented. Councilman Fordham abstained since he did not attend that meeting.

ORDINANCE REGULATING EPAMD (SEGWAYS)

The ordinance regulating the operation of electric personal assistive mobility devices or EPAMD within the Core Commercial District was presented for second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman O’Kelley gave second. The motion passed unanimously. (Copy of Ordinance at end of April 10, 2007 minutes)

RESOLUTION ADOPTING BUDGET POLICY

A resolution adopting the Budget Policy as part three of several policies which are part of recommended practices by the Government Finance Officers Association to guide the financial planning was presented to Council.

On motion by Councilwoman Beer, second by Councilman Fordham, Council adopted the resolution. (Copy of resolution at end of these minutes)

ORDINANCE ANNEXING A 10-ACRE PARCEL ON RE-ROCK ROAD

An ordinance annexing a 10-acre parcel of property located at 18 Re-Rock Road and identified as District 100, Tax Map 25, Parcel 96 was presented for first reading.

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

Libby Anderson, City Planner, reviewed the current zoning under the County’s ordinance and the proposed zoning for the property. The property is located in the AICUZ, the Accident Potential Zone 2, and in the highest Noise Zone 3. In the past it was used as a concrete reprocessing plant. The applicant would like to continue to use the property in an industrial type designation. The City’s current AICUZ/JLUS ordinance would support the property in an industrial category or a low density residential category of one unit per three acres.

Anthony Green said he lives adjacent to this property. He was concerned that the zoning change may add more traffic on that road and they don’t want that. Councilman Sutton explained the applicant wants to continue using it as they have in the past which is not appropriate under the County’s zoning. The zoning designation of Light Industrial would allow carpenter shops, mini storage areas, or a laydown yard for contractors, not a factory. Mr. Green said the Navy took that land for air space.

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

ORDINANCE ZONING A 10-ACRE PARCEL ON RE-ROCK ROAD

An ordinance zoning a 10-acre parcel of property located at 18 Re-Rock Road and identified as District 100, Tax Map 25, Parcel 96 to Limited Industrial District was presented for first reading.

On motion by Councilwoman Beer, second by Councilman O’Kelley, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

AUTHORIZATION TO SIGN CONTRACTS FOR FINANCIAL STATEMENT PREPARATION

Contracts with the audit firm of Karp, Ronning & Tindol of Savannah, Georgia for Part 1 services, year end closing and financial statement preparation, and the audit firm of McAbee, Talbert & Halliday of Spartanburg, SC for Part 2 services (audit of the financial statements) was presented to Council to authorize the City Manager to enter into a 3-year contract with both firms.

Councilwoman Beer moved to authorize the City Manager to enter into the contracts. Councilman O'Kelley seconded the motion.

Shirley Hughes, Finance Director, said there have been a number of discussions regarding audit services in the past few months. She explained the RFP for audit services was split into two parts because it is critical to have two different firms to conduct the work. The first part of the RFP is for a firm to work with staff to conduct the actual closing of the books and the preparation of the draft financial statements. As part of that and it is stated in the RFP, they are being asked to train in-house staff over a 3-year period to take on those duties with the expectation that at the end of that period, staff would be able to prepare the final closing and financial statements. The second part is to hire a separate firm to come in and conduct the audit of the draft financial statements. It is important to have the segregation of duties of those two pieces. This will ensure that the City's books are clear, clean, and conducted in the appropriate manner and according to the rules and regulations within the industry. Of the five firms that responded, two responses were incomplete; therefore, three firms were interviewed. Through reference checks, their proposals, the interviews, and after considering their experience in government financial accounting, the firms of Karp, Ronning & Tindol and McAbee, Talbert & Halliday are being recommended for approval.

Councilman Fordham inquired as to whether any responses were received from local auditors. Ms. Hughes responded one was received; however, the two that are being recommended had stronger experience in governmental accounting. Mr. Fordham said if a local firm is paying a business license fee and employs local people but the City hires companies from out of town, in his opinion, that implies the local firms are not qualified. Ms. Hughes reiterated all three firms are qualified. Each firm's ability to do the audit in the best possible way was considered. Some firms focus more in governmental accounting and are more familiar with the rules and regulations, she said. Mr. Fordham restated his concern with hiring firms from out of town over a local one.

Ms. Hughes stated the contract is for one year with the option to extend for two more years. The Mayor suggested approving a one year contract and then reconsider this. However, Karp, Ronning, & Tindol may need a 3-year contract since they will also be training the staff.

Councilwoman Beer amended her motion to contract with Karp, Ronning, & Tindol for 3-years and with McAbee, Talbert & Halliday for one year. Councilman Fordham seconded the motion. The vote was unanimous.

Council approved giving the City Manager authority to sign the contracts as stated.

RESOLUTION – ADOPT REVENUE POLICY

A resolution adopting a revenue policy as part four of several policies which are part of

recommended practices by the Government Finance Officers Association to guide the financial planning was presented to Council for discussion.

Shirley Hughes, Finance Director, pointed out these policies will be helpful in obtaining a higher rating when it is necessary for getting a bond. This policy addresses revenues, billing practices, accounts receivable and collections, and grant revenues.

Councilman Sutton inquired about the process for a business starting back up after a few years with a balance owed to the City and if the penalty continues to accrue. Ms. Hughes said if it is an inactive account there would be no accrual.

The resolution will be on the May 8, 2007 agenda for adoption.

RESOLUTION APPROVING FINANCING TERMS

A resolution approving the financing terms with BB&T for vehicle equipment lease purchasing for an amount not to exceed \$242,981 at an annual interest rate of 3.93% for five years was presented to Council for approval.

Councilwoman Beer moved to approve the resolution. Councilman Sutton seconded the motion.

Shirley Hughes, Finance Director, said this resolution is for the financing of three crew cabs, a ¾ ton Ford F250 utility truck, a 4x4 extended cab F250, and a 2007 tandem wheel tri-axle dump truck, six vehicles in all, purchased by Public Works that were included in the budget. The bids and financing have been received and the resolution needs to be approved.

The resolution passed unanimously. (Copy of resolution at end of these minutes)

RESOLUTION APPROVING CO-SPONSORSHIP POLICY

A resolution, with a form attached, adopting the co-sponsorship policy discussed during the April 17, 2007 Council workshop was presented to Council.

After a discussion, Councilman O'Kelley made a motion to amend the form by rewording questions 1 and 3 so that if seven of the eight boxes are checked in the no column the request would be forwarded to Council for the ability to co-sponsor the event. Councilwoman Beer gave second. The vote was unanimous.

The Mayor said this is a way of finding out in advance if an organization/event is qualified and if not; the request would not be presented to Council for consideration. Councilman O'Kelley asked what other cities do regarding nonprofit events. The City Manager recommended adopting the resolution and then staff could research policies in other cities.

The resolution with the amended form was adopted unanimously. (Copy of resolution attached)

REQUEST FOR COUNCIL TO CO-SPONSOR EVENT IN THE PARK

A request by Carolina Hospice Care for the City to waive the fees or co/sponsor their Memorial/Celebration of Life Picnic on May 19, 2007 in the Waterfront Park was presented at a

previous Council meeting but deferred until a workshop was held on the Waterfront Park fees. That meeting was held on April 17, 2007 in City Hall.

Councilwoman Beer moved to approve the request to waive the fees. Councilman Sutton seconded the motion.

Councilman O'Kelley pointed out this is not a City of Beaufort agency. Their form shows an out of town phone number and a Mount Pleasant address. Councilwoman Beer amended her motion to disapprove the request. Councilman Sutton withdrew his second stating Council does not have enough information and the event is May 19th. The City Manager stated the event can still be held in the Park; however, there are questions concerning waiving the fees.

The request failed for lack of a motion.

REQUEST TO SELL ALCOHOL IN PIGEON POINT PARK

A request by the Governmental Affairs Manager of the Beaufort Regional Chamber of Commerce to sell alcohol in the Pigeon Point Park during the Military Appreciation Day event on May 12, 2007 was withdrawn at the request of the Chamber of Commerce.

ORDINANCE REPEALING SECTIONS 3-2002 & 3-2003, CITY CODE

An ordinance was presented for first reading repealing Sections 3-2002 and 3-2003 of the City Code of Ordinances regarding the fee schedule for the Waterfront Park.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE REPEALING SECTION 3-6001/CITY CODE

An ordinance was presented for first reading repealing Section 3-6001 of the City Code of Ordinances regarding the collection of fees for the Arsenal Courtyard.

Councilman O'Kelley made a motion, seconded by Councilman Sutton, to approve the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE REPEALING SECTIONS 1-9031 -1-9036 OF THE CITY CODE

An ordinance was presented for first reading repealing Article D Sections 1-9031 – 1-9036 regarding the Museum Advisory Commission.

Councilman Fordham moved to approve the ordinance on first reading. Councilman O'Kelley gave second. The motion was unanimous. (Copy of ordinance at end of these minutes)

CITY MANAGER'S REPORT

The City Manager advised Council that a Council workshop has been scheduled at their request with the department heads to discuss goals for Tuesday, May 15 at 5:00 p.m. at City Hall.

MAYOR'S REPORT

The Mayor said while he was walking today on Godfrey Street, he was reminded that the City has a

right-of-way there that enters the Pigeon Point Park. Someone has placed a fence at that entrance. He suggested having the City Attorney write a letter informing that resident to remove the fence and perhaps a suitable entrance can be constructed at the end of Godfrey Street into the Park using the TIF I funds next year. Councilwoman Beer mentioned that the fence was removed by SCE&G and when they replaced it, this question about another entrance into the Park arose again. She said, too, that in the 1940's that street was closed and incorporated into that lot. Councilman O'Kelley suggested research on this parcel be conducted.

COUNCIL REPORTS

SUTTON: Councilman Sutton commented on the sidewalks in the downtown business area particularly in the corners of the "pork chops" where debris collects. Now that the Park is open and there will be more walking traffic, he would like the sidewalks to be cleaner. Also, there are black spots under the trash cans that give the impression the City doesn't care about cleanliness. He said it may be a staffing issue that would need to be addressed during budget time. The City Manager mentioned that many municipalities have a law that states the property owners whose property fronts the sidewalks will keep their sidewalks swept, clean, neat, & tidy. Mr. Sutton said he doesn't feel the City is taking responsibility to keep it in a pristine environment and the service level downtown needs to be raised. Council needs to know the cost and asked that be provided and presented to Main Street and the Hospitality Association. The Mayor suggested asking the Main Street Executive Director to address her Board and members about policing the curb and sidewalk in front of their business and if they would support an ordinance to that effect.

BEER: Councilwoman Beer reported she went to the National Cemetery with most of the original commission members and the armory has been turned over to the Federal Government for the National Cemetery and the Veteran's Administration. They plan to use that property within the next month for funerals.

O'KELLEY: Councilman O'Kelley addressed the pedestal for the old plaque at the Waterfront Park. It is being constructed and the memorials are in place. There is a lot of stain on the Viet Nam Memorial and it needs to be power washed.

FORDHAM: Councilman Fordham asked about the status of the Storm Water Drainage funds and the problem with the County. The City Manager said there has been no change since the last report given at the workshop on April 17th. However, there has been communication between the City and the County offices as well as other town offices. Mr. Fordham said he hopes the City will be filing a suit with the other municipalities and he will anticipate a status report by the end of next month.

Freedom Mall

The Mayor said he was intrigued by Councilman Fordham's e-mail regarding Freedom Mall and asked Mr. Fordham to expand on that. Mr. Fordham said when the original Waterfront Park parking lot was established, his uncle, Angus Fordham, was the mayor. There should be a plaque erected with the names of the Council that was serving at that time before that part of history is lost.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council moved into executive session to discuss appointments/reappointments to the Tourism Management Advisory Commission.

OPEN SESSION

Tourism Management Advisory Commission

Upon returning to open session, Councilwoman Beer made a motion, seconded by Councilman Fordham, to appoint Melissa Neeley to serve a two-year term on the Tourism Management Advisory Commission. That term will expire April 2009. The vote was unanimous

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 8:15 p.m.

BILL RAUCH, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN GEORGE H. O'KELLEY, JR.

COUNCILMAN MIKE SUTTON

ATTEST:

BEVERLY W. GAY, CITY CLERK