

A regular meeting of the Beaufort City Council was held on March 27, 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 Dr. Harry Rowland of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PUBLIC COMMENT**

**Ron Petit**, Spanish Point, brought up the need for an emergency siren alert system in the City. With the recent tornadoes in surrounding states and the warnings that have occurred here during the night, he believes it is important to be able to alert the citizens that there is a danger. He said he has not completed a financial study; however, he feels the cost would be reasonable and asked Council to consider this.

**Liz Santigoti**, appeared on behalf of the Beaufort County Disabilities Board, and the proclamation recently adopted by Council.

### **MINUTES**

The minutes of the regular City Council meeting of March 13, 2007 were presented to Council for review. The following changes were made: on the top of page 1, the date was inadvertently left off and between Councilman Sutton's name and City Manager, the word "and" should be added; on the bottom of the same page, replace "to grant" with "regarding"; on page 3, Mr. Stadac and Cormier's names were misspelled; on page 7, 4<sup>th</sup> paragraph, Council members Fordham, Rauch, and Sutton voted to deny the request; and on page 9, under Multi-County Business Park, Mr. Stewart's name was inadvertently misspelled.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as amended.

### **ORDINANCE AMENDING UDO PERTAINING TO OUTDOOR DISPLAY OF MERCHANDISE**

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

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

Councilman O'Kelley addressed Mr. Fordham's inquiry about the need for this ordinance stating without guidelines, items of every kind could be displayed. This ordinance is being amended at the request of a businessman on Ribaut Road to make the regulations fair to all concerned. Mr. Heilker agreed and stated this revision is fair to both the Design District and the Historic District.

Council unanimously adopted the ordinance on second reading. (Copy of Ordinance at end of September 26, 2006 minutes)

### **BLACK INVENTIONS MUSEUM**

A request was presented to Council by Rosalie Pazant for the City to co-sponsor the Black Inventions Museum for six months at the cost of \$1,600 per month for rent on space downtown.

DaRenne Westbrook spoke for her mother, Ms. Pazant, regarding the Black Inventions Museum and the request. She gave a brief history of the founder and some of the inventors highlighted in the displays.

Council asked if the Beaufort Museum or Penn Center had been contacted to display their museum items. Ms. Westbrook said they prefer to be located downtown and accessible to tourists.

Councilman Fordham moved to deny the request due to financial restraints and because this request comes in the middle of the budget year. Councilman O'Kelley gave second.

The Mayor stated he attended the Historic Beaufort Foundation's retreat this weekend and their mission is to begin three museums within the next three years, one of which is a black history museum. He suggested contacting them and Rev. Hodges about his plans to purchase the Robert Smalls house. Also, he said because of the number of museums being planned, it might be good to consolidate them in order to succeed.

### **CAROLINA HOSPICE CARE**

A letter from the coordinator of Carolina Hospice Care requesting the City to waive fees for use of the Waterfront Park on May 19, 2007 for their Memorial/Celebration of Life Picnic was presented to Council.

The City Manager said the fees waived to date for use of the Waterfront Park are \$2,095. If this request is granted, \$315.00 more would be added for a total of \$2,410.

Councilman Fordham moved to deny the request to waive the fees of \$315. Councilman O'Kelley gave second.

Councilwoman Beer pointed out that Carolina Hospice Care does not charge for their services regardless of a person's income. She said she can support them paying the security deposit of \$500.00 since it could be refunded if the Park is left in good condition after the event; however, she cannot support denying the request to waive the other fees. Once the schedule is set regarding the list to be sponsored by the City she might reconsider. Councilman O'Kelley agreed Hospice does good work but they are asking to use a City facility and requests to use the Park free will continue to

be presented. There are places that do not charge that can be used. Councilman Fordham agreed. Councilman Sutton said he will vote to waive the fees but not the deposit until a policy is developed. The Mayor asked if a meeting date has been set to make a determination on which event's fees are waived. The City Manager recommended Tuesday, April 17 for a workshop to discuss Park fees and Council goals. The Mayor suggested considering this request along with other events at that time.

Councilman Fordham moved to table the request until the April 17<sup>th</sup> workshop. Councilwoman Beer gave second. Council members Fordham, Beer, and Rauch voted aye. Councilmen Sutton and O'Kelley voted nay. The motion to table passed 3 to 2.

### **COUNTY OF BEAUFORT LOGISTIC'S SUPPORT TEAM**

The Director of the Beaufort County Emergency Management Division, William Winn, appeared before Council to request \$5,000 per year for the City to participate in the County of Beaufort Logistic's Support TEAM. He said this proposal is being presented to all municipalities within the County to address the problem of being self sufficient when responding to disasters. Assistance was applied for through the Department of Homeland Security in the state and \$200,000 was obtained to purchase equipment to sleep 75 people, generators, light kits and other support elements. A \$50,000 grant was also received to purchase communication equipment and a satellite support trailer. As part of this, they are seeking funds to expand the team's capability. Beaufort County budgeted \$10,000 annually to support the team and to maintain the vehicles. The municipalities are being asked for \$5,000 each, to be placed in a trust fund, to support the deployment for this team as necessary. The funds would be controlled by the logistic's team committee. When a response is coordinated by the State Emergency Management Division, these funds would be used to pay for the response capability to support the emergency services when the team is deployed. In South Carolina, the response would be under the SC Mutual Aid Agreement in which all 46 counties participate and most of the municipalities. Throughout the United States, the response would be through the Emergency Management Assistance Compact. Expenses would be reimbursed through both of these programs. Personnel is also needed to respond and the City would be asked to send one or two people along with the team to help set up the equipment, set up the camp, and to provide services to those agencies. He added that this is a county initiative and the public service districts will be asked to join and provide equipment. He said his goal is for this to become self sufficient. He added that he will be contacting the business community and private clubs for assistance. The City Fire Chief has assisted in obtaining funds from the State and a \$6,000 grant was received for the City to make the field kitchen operational. Since the National Guard is in Iraq, the State has asked if this team will be ready if needed.

The Mayor said this request would be considered during the budget process and it would be July before a decision could be given. The City Manager asked what the reoccurring costs per year or the budget would be. Mr. Winn said this is a new program and until this is established and under the FEMA guidelines, he is not able to give an exact answer. However, the money in the beginning will be used for response capability to feed, house, and support 150 people when notice is given. Secondly, the money will be used to maintain the existing equipment. He said this is to stop free lancing, when uninvited volunteers show up at a disaster. Now there are to be requests under the Emergency Management Assistance Compact for assistance. A Federal and a State response number will be given authorizing a unit/municipality to assist. It also ensures that the state needing assistance will receive Federal reimbursement for paying the assisting municipality. Also, if a city

in South Carolina needs help, the Mutual Aid Agreement guidelines state that city has to reimburse the municipality that gave assistance.

Councilman Fordham expressed his concern with the City residents paying extra money when this cost is being paid through the County taxes. Mr. Winn said he is asking the City to be involved in this program. At the request of the Mayor, Mr. Winn explained how the 6 person Logistics team will be comprised.

Councilman Sutton asked about the plan for funding and if the City would be considered a resource. Mr. Winn answered that the City would be listed as a resource at the state and county level. FEMA is a reimbursement agency not an up-front agency. The host agency making the request is responsible for contacting FEMA for reimbursing the city. Mr. Sutton pointed out that emergency services are about 25% of the City's budget and when other services are added there needs to be a cost attached. He also asked the boundaries of the program. Mr. Winn said the costs cannot be determined until the program is in place. The State of South Carolina saw the need for this and contributed \$200,000. In his opinion, it is viable project. If the employees are to assist in an emergency, they need a place to sleep, eat, and be safe at night.

The City Manager said the concerns expressed tonight can be outlined in a letter. A formal presentation from either the police or fire departments could be part of the budget.

#### **RESOLUTION ADOPTING ACCOUNTING POLICY - DISCUSSION**

A resolution adopting the Accounting Policy as part two 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, stated this will address how revenues and expenses are allocated, set up reports, capital assets, check disbursements, bank transfers, financial statements, record retention and many other items. This resolution will be on the next agenda for adoption.

#### **ORDINANCE ANNEXING 2 PARCELS AT 3651 TRASK PARKWAY**

An ordinance was presented for first reading annexing two parcels of property totaling approximately 5 acres, located at 3651 Trask Parkway (US 21) and identified as District 100, Tax Map 26, Parcels 152 and 176.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham seconded the motion.

Libby Anderson, City Planner, stated this property is located on the marshes of Albergotti Creek and currently the site of the Howard Johnson Express Inn.

Questions were raised regarding the parcel on the other side of these two parcels and providing an access. Ms. Anderson explained it is actually part of a parcel across the creek. Under the County Development Standards, it will be difficult to build on that lot because of setback requirements. Jason Ball with Thomas & Hutton Engineering Company representing the owner, M. P. Patel, explained there will be a road at the end of their site for a fire turn around which will also provide

access to that parcel. He pointed out that it is a nonbuildable parcel according to the County's standards but access will be provided.

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

### **ORDINANCE ZONING 2 PARCELS AT 3651 TRASK PARKWAY**

An ordinance was presented for first reading zoning two parcels of property totaling approximately 5 acres, located at 3651 Trask Parkway (US 21) and identified as District 100, Tax Map 26, Parcels 152 and 176 to R-4 High Density Single-Family Residential District and General Commercial.

Councilman Sutton made a motion, seconded by Councilman Fordham, to approve the ordinance on first reading. The vote was unanimous. (Copy of ordinance at end of these minutes)

### **ORDINANCE AMENDING FLOOD DAMAGE PREVENTION ORDINANCE**

An ordinance amending Chapter 4 of the City Code entitled Flood Damage Prevention Ordinance to add a definition of violations was presented for first reading.

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

Libby Anderson, City Planner, explained one of the requirements by the auditors was to add this definition and two small changes. She added that because of the City's ISO rating, the citizens who carry flood insurance currently save \$45.00 a year and if the rating system is changed, possibly there will be a \$67.00 savings to the insurance holder.

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

### **REGULATING THE USE OF SEGWAYS WITHIN THE CITY**

The owner of a shop in town would like to rent out Segway's (or EPAMD) as part of their business plan and have asked for permission. The City Manager asked Council their desire to have/or not have these types of apparatus on the sidewalks and streets of downtown Beaufort. He referred to the City Attorney's opinion regarding the use of these devices in the Waterfront Park and sidewalks. He said it is unlawful for them to be operated in the roadway; therefore, it would be operated on the sidewalk and on the left-hand side facing traffic. He said Council could make findings to deem the use of Segway's on the sidewalks in the Core Commercial District to be dangerous and detrimental to the safety and welfare of the citizens and impractical. He asked if an ordinance should be drafted or did they prefer to rely on state law.

Councilman O'Kelley said he believes that in the Core Commercial District, any type of scooter, bike, skateboard, etc. is dangerous on the sidewalks. He has been hit by a bicycle on the sidewalk and today there was a young person riding a skateboard rapidly down West Street and did not stop at the stop sign. He could have been hit by an oncoming car or he could have hit a person coming out one of the stores. In the Core Commercial District, devices of that nature should not be on the sidewalks. Referring to Section 8-5002(b) of the City's Code of Ordinances, he said it is unlawful to use coasters, roller skates, skate boards, or other similar devices on the sidewalks within the bounds

of the Park of the Core Commercial Zoning District. If the City does not state it is illegal, he is concerned someone could be hit and there be a lawsuit.

After a discussion, Council decided to have the City Attorney draft an ordinance for the next meeting.

### **ORDINANCE AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE DEPARTMENT OF THE NAVY**

An ordinance authorizing a Memorandum of Understanding between the City and the Department of the Navy to establish the terms and conditions applicable to the contribution of Federal Funds and/or exchange of Federal real property for acquisition of long-term interests in parcels of land in the vicinity of the MCAS in accordance with the provisions of 10 U.S. C. Section 2684a, as amended was presented for first reading.

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

The City Manager added this MOU is a shell agreement. All agreements from this point forward will be on opportunities that exist to help protect the Air Station within the City Limits. This agreement allows the two parties to have open discussions about values and other issues that are necessary. It will also require approval by the Secretary of the Department of the Navy.

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

### **MAYOR'S REPORT**

The Mayor reported on the recent trip he, Councilman Sutton, and the City Manager took on the aircraft carrier.

### **COUNCIL REPORTS**

**FORDHAM:** Councilman Fordham said using **the roll cart system** for garbage pickup promised to free up employees for other jobs and are other tasks being performed? The City Manager said they are being used in the Parks Department.

He said according to the schedule his **garbage is to be picked up** on Tuesdays but his caregiver who lives nearby has a Monday pickup. He said he doesn't understand because the City's web site states the pickup is twice a week. The City Manager explained the schedule stating the web site may be incorrect.

Mr. Fordham inquired as to whether Council authorized the bid placed on the City's web page regarding **a bid for the second floor of the fire department**. In reply, the City Manager said the design services were approved in the budget.

Also, **lease financing** of vehicles for Public Works was being advertised on the web site. This was never brought back to Council. The City Manager said resolutions and ordinances have been adopted approving lease financing arrangements both in the budget and separately.

**Stormwater Drainage:** Mr. Fordham said he recently sent an e-mail in this regard. His concern is routine maintenance. The answer seems to always be the fault of SCDOT. This frustrates him and he knows it must frustrate others too. He hears complaints with nothing be done.

**O’KELLEY:** Councilman O’Kelley asked the status of the plaques and the other monuments that were at the Park before the renovation. The Public Works Director explained they are being refurbished and staff is trying to decide the best location. Councilman O’Kelley stated he would like it to mirror the one that is there now. He also inquired about the large anchor. Councilman Sutton said because Beaufort is a seaport, it should be put back on site.

**SUTTON:** Councilman Sutton said he received a request from Colonel Stockwell whose organization has requested a purple heart monument be placed at the Waterfront Park or at Cannon Park. The City Manager said he will contact Cole, Jenist, and Stone to determine the best location. Mr. Sutton also reported that he, the Mayor, and the City Manager attended the Government Land Use Conference in Charleston Monday which was very informative.

### **EXECUTIVE SESSION**

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to move into executive session pursuant to Title 30, Chapter 4, Section 70(a)(2) of the South Carolina Code of Laws to discuss negotiations incident the appointment/reappointments to the Tourism Development Advisory Commission; Municipal Joint Planning Commission; Design Review Board; Zoning Board of Appeals, City Attorney; the Judge and assistant Judge and a contractual arrangement.

### **OPEN SESSION**

#### **TDAC**

Upon returning to Open Session, Councilwoman Beer made a motion to appoint Mary Ann Solem to serve a 3 year term on the Tourism Development Advisory Commission as the lodging representative. Councilman Fordham seconded the motion. The vote was unanimous.

#### **DRB**

On motion by Councilman Mike Sutton, second by Councilwoman Beer, Council appointed Andrew Reece to serve a two year term on the Design Review Board as the architect. This term will expire March of 2009.

#### **ZBOA**

Councilman Sutton made a motion to appoint James M. Lane to fill the unexpired term of Brian Flewelling on the Zoning Board of Adjustments. Councilwoman Beer gave second. The three year term will expire June, 2008. The vote was unanimous.

#### **City Attorney**

Councilwoman Beer moved to reappoint William B. Harvey, III as the City Attorney for a two year term, expiring in March, 2009. Councilman Fordham gave second. The vote was unanimous.

#### **Municipal Judge**

Councilwoman Beer made a motion, seconded by Councilman Fordham, to reappoint Ralph “Ned” Tupper as the City’s Municipal Judge for a two year term which will expire in March, 2009. The vote was unanimous.

**Assistant Judge**

On motion by Councilwoman Beer, second by Councilman Fordham, Council unanimously reappointed Mary Sharpe as the City's Associate Municipal Judge for a two year term expiring in March, 2009.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 8:50 p.m.

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BILL RAUCH, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN GEORGE H. O'KELLEY, JR.

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COUNCILMAN MIKE SUTTON

ATTEST:

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BEVERLY W. GAY, CITY CLERK