

A regular meeting of the Beaufort City Council was held on May 8, 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. Lawrence Miller, Pastor of Grace Chapel AME Church. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION – NATIONAL PRESERVATION MONTH

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council voted to adopt the proclamation designating May as National Preservation Month in the City.

PROCLAMATION – MENTAL HEALTH MONTH

On motion by Councilwoman Beer, second by Councilman Sutton, Council voted to adopt the proclamation designating May as Mental Health Month in the City.

PROCLAMATION – FOSTER CARE MONTH

On motion by Councilwoman Beer, second by Councilman Sutton, Council voted to adopt the proclamation designating May as Foster Care Month in the City.

PROCLAMATION – NATIONAL TOURISM WEEK

On motion by Councilman Sutton, second by Councilwoman Beer, Council voted to adopt the proclamation designating May 12 through 20, 2007 as National Tourism Week in the City.

RESOLUTION COMMENDING BRIAN FLEWELLING - ZBOA

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council voted to adopt the resolution commending Brian Flewelling for serving on the Zoning Board of Appeals. (Copy of resolution at end of these minutes)

PUBLIC COMMENT

Lowcountry Valo thanked Council and the police and fire departments for their support during the bike event held on Tuesday evening.

Joy Lock, Main Street Executive Director, thanked the police and public works departments for their assistance during the Taste of Beaufort event this past weekend. Also, she noted that the Merchant's Association met this morning and concerns were expressed about the traffic due to the closure of the J. E. McTeer Bridge due to the tug collision last week. She mentioned the lack of

business, especially after 3:00 p.m. There has been a lot of negative publicity because of the bridge and that needs to be changed and let people know that downtown is accessible. She asked Council to fund a two week positive advertising campaign. They plan to appear before County Council and ask for their assistance as well. The marketing campaign would cover the Beaufort Gazette, the Island Packet, Bluffton Today, Hilton Head Today, The City Sun, all daily newspapers in South Carolina and Georgia, radio and television advertising, travel web sites, and press releases.

MOTION TO SUSPEND ORDER OF BUSINESS

On motion by Councilman O'Kelley, second by Councilman Fordham, Council suspended the regular order of business.

MOTION TO ADD ITEM REGARDING PARKING METERS

Councilman O'Kelley moved to add an item regarding the bagging of parking meters on Bay Street for thirty days with the two-hour parking limit. Councilman Fordham seconded the motion.

Joy Lock, Main Street Executive Director, stated this matter was discussed during their meeting this morning with a 50/50 vote of the merchants present.

Steve Harris, Main Street Beaufort, stated this would be a symbolic jester to change the negative publicity.

Councilman Sutton said Bay Street is not the only area that is suffering. He encouraged everyone to be positive in order to keep the merchants in business.

The Mayor asked the status of the parking meter revenues. Shirley Hughes, Finance Director, replied she does not have a breakdown by street; however, to date the revenues are similar to last year at \$4,000 per week for all meters.

Council approved bagging the meters on Bay Street for thirty days.

Councilwoman Beer moved to fund Main Street Beaufort's request of \$15,000 for advertising thru the media as listed above. Councilman Fordham seconded the motion.

The City Manager explained the funding source would be the Parks and Tourism Fund - Hospitality line item which has a balance of \$21,000.

Councilman Sutton displayed a picture of a portion of Bay Street at 12:00 noon today showing no people on the streets.

Joy Lock stated Main Street is not depending fully on the City for this advertisement. She has doubled the radio ads from 80 per month to 160. Also the merchants are adjusting their advertisements to indicate downtown is open for business.

Molly Buchannan, Lands End resident, thanked the City and the County for handling the traffic.

Councilman O'Kelley asked for assurance that the hospitality association members are in agreement

with using the hospitality line item to fund this request. His concern was that the request is being discussed without prior notice to the public. The City Manager explained how it is leveraged and this is an appropriate expenditure.

Rob Alvin said he attended the Merchants meeting this morning and one of the restaurant owners indicated there were three tour bus cancellations due to traffic concerns. They need to be made aware that traffic is not that bad due to the efforts of the police department.

Steve Harris said he, too, attended the meeting and was appointed chairman of this committee. This is urgent and every member was not contacted; however, he doesn't believe anyone would complain about trying to bring in more business.

The motion to fund \$15,000 towards the Main Street advertising campaign was unanimous.

MINUTES – COUNCIL WORKSHOP – APRIL 17, 2007

The minutes of the City Council workshop of April 17, 2007 were presented to Council for review. It was noted that on page 1, Eliza Hill's name was spelled incorrectly in two places.

On motion by Councilman O'Kelley, second by Councilman Fordham, Council approved the minutes as amended.

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

The 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 second reading and adoption.

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

Libby Anderson, City Planner, stated the property is located off Shanklin Road and is contiguous to the City via property owned by the Air Station.

Councilman Fordham questioned their reason for petitioning to come into the City. Ms. Anderson explained the property is currently zoned rural under the County's zoning. The petitioner is requesting Limited Industrial. The uses and development standards are quite different. Also, the property had previously been used as a concrete crushing operation in the past. An Air Station representative was present and indicated they have no problem with an industrial use.

Councilman Sutton stated Limited Industrial is the best zoning for this property.

Council unanimously adopted the ordinance on second reading. (Copy of Ordinance at end of April 24, 2007 minutes)

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

The 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 second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Sutton, Council unanimously adopted the ordinance on second reading. (Copy of Ordinance at end of April 24, 2007 minutes)

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

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

On motion by Councilwoman Beer, second by Councilman Fordham, Council adopted the ordinance on second reading. (Copy of ordinance at end of the April 24, 2007 minutes)

ORDINANCE REPEALING SECTION 3-6001/CITY CODE

The ordinance repealing Section 3-6001 of the City Code of Ordinances regarding the collection of fees for the Arsenal Courtyard at the Museum was presented for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Fordham, Council adopted the ordinance on second reading. (Copy of ordinance at end of the April 24, 2007 minutes)

ORDINANCE REPEALING SECTIONS 1-9031 THROUGH 1-9036/CITY CODE

The ordinance repealing Sections 1-9031 through 1-9036 of the City' Code of Ordinances regarding the Museum Advisory Commission was presented for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Fordham, Council adopted the ordinance on second reading. (Copy of ordinance at end of the April 24, 2007 minutes)

RESOLUTION ADOPTING REVENUE POLICY

The 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 adoption.

Councilwoman Beer moved to adopt the resolution adopting the revenue policy. Councilman Fordham seconded the motion.

Shirley Hughes, Finance Director, said various policies have been presented for approval that address different financial areas. This policy also provides the City with a stronger stand with the rating agencies and guidance to staff.

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

REQUEST FOR FUNDING BY GARDEN CLUB – TREE WALK

A request by the Ladies Island Garden Club for financial support for their community project, the Beaufort Tree Walk” was presented by Cecile Dorr, President. Ms. Dorr said this ongoing project is fashioned after a similar project in Long Island. They are proposing to have a booklet printed identifying the trees and their locations as well as providing some type of signage for the specific trees on the walk. The walk will be through the historic area and finish in the Waterfront Park. She estimated the costs to be between \$6,500 and \$7,500.

Pam Floyd also a member of the Ladies Island Garden Club added that this will be a learning tool for the students and give them an opportunity to be outside. This will also be available for visitors and the pamphlets would be placed at the library, the Chamber of Commerce, and various locations throughout the City.

Eliza Hill, Park Superintendent, commented that she met with the Council of Garden Clubs several weeks ago when the project was first proposed. She said she approves of the idea and this would also be educational for the public.

Ms. Dorr stated most of the trees are on private property and they will obtain permission from the owners to show these specimen trees.

Councilman Fordham said this appears to be a good project but he is not sure the City has the money for funding at this time. He suggested involving the civic clubs. The Mayor said the request is for the funding to be included in the FY07 budget process.

Ms. Dorr said she understands Council's concern with the funding but this is a tourist related item as well. She added that it is important that they partner with the City in order to erect the signs.

ARSENAL PROJECT PRESENTATION

Evan Thompson, Historic Beaufort Foundation Executive Director, requested \$170,000 from the City to add to the Save America's Treasures Grant received from the National Park Service in the amount of \$230,000 for the Beaufort Arsenal Restoration Project estimated at \$600,000.

Giving a brief history, he said the arsenal was built in 1798 and has housed the museum since 1939. The museum and the National Guard shared the building until the mid 1960's when the National Guard relocated. The County took over the arsenal then and located some of their offices in the lower level and the museum moved upstairs. In 1992, the building became the property of the City and a limited exterior restoration effort was undertaken. An interior restoration was performed about five years ago when the Historic Beaufort Foundation entered into a 99-year lease and funding agreement with the City to operate the building. The City provided a half million dollars that was matched through the Foundation to undertake the restoration. Now the exterior is in need of preservation work. Vertical cracks are obvious where the 1798, 1852, and the 1930 additions meet. He explained in detail the problems pointed out by the structural engineer.

Deborah Johnson, Director of Development, distributed a copy of the structural report which included pictures and details supplied by the structural engineer. She reviewed the 2006 costs for HBF to manage the museum which totaled \$181,070. The revenues generated are approximately \$32,000. She pointed out the museum is not asking for additional operating expenses. Through membership and activities they are able to support the function of the museum. They applied for the Save America's Treasures Grant in 2005 with the City's endorsement and made the City aware of the structural concerns. The time line for the grant project is from July of 2006 through June of 2008. Their funding plan includes receiving money from the County and from private donations, she said. Until the funds are received, they cannot begin the project; therefore, they are asking the City's assistance in the funding.

Eddie Rodgers agreed with Councilman Fordham's comments about the color it was painted during the last renovation and pleaded that it brought back to the original color.

The Mayor said this request will be reviewed during the budget process.

ORDINANCE AMENDMENT #6 – FY06 CITY BUDGET

An ordinance adjusting the budget was presented by the Finance Director for first reading to approve the \$6,000 received from the State to update equipment in the mobile kitchen and a portion of the \$31,728 FEMA Assistance to Firefighters Grant in the amount of \$17,290 to be used this year.

Councilwoman Beer made a motion, seconded by Councilman Fordham, to approve the ordinance on first reading.

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

RESOLUTION APPROVING INVESTMENT POLICY

A resolution approving the investment policy was presented by the Finance Director, Shirley Hughes.

This will be presented at the May 22 Council meeting for adoption.

ORDINANCE ADOPTING BOUNDARY STREET REDEVELOPMENT PLAN

An ordinance adopting the Boundary Street Redevelopment Plan was presented for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman O'Kelley seconded the motion.

Libby Anderson, City Planner, stated the Redevelopment Commission met Friday and adopted the Plan and recommended approval by Council.

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

ORDINANCE REGARDING THE REDEVELOPMENT COMMISSION

An ordinance regarding the governance of the Redevelopment Commission was presented for first reading with three options. The City Manager stated the first option is for Council to appoint the Redevelopment Commission which is what is currently in place. The second is for Council to serve as the Commission and the third would be a board composed of both Council members and appointed members.

The City Manager said further that the objective of governance in the commission is two-fold; how to control the assets and revenues of the Redevelopment Commission and the Commission has the capability of fulfilling the obligations of the plan and the potential of improving the property tax base for the City, to improve cash flow, and to improve economic opportunities.

Councilman Fordham suggested a mix of Council and Commission members at least in the beginning. The Mayor agreed and asked if the Commission should consist of 5 Council members

with their appointees who do not vote or the 5 Council members and 4 commissioners to make up a nine member commission. It was pointed out that there could be an unlimited number of advisors with five voting members who would be the Council members. The Commission members who have expressed interest in continuing are Bob Pinkerton, Bill Anderson, Gene Rugala, and Martin Goodman. Councilwoman Beer expressed her views regarding a board larger than nine members and stated Council with the four existing Commission members would be sufficient.

Bob Pinkerton said he would like to be a voting member and since it is a new Commission, it would be good to work together.

Martin Goodman agreed that it is important for the existing Commission members to be able to vote. If it is structured with the five Council members and the four Commission members, Council would still have the majority and could override if necessary.

Gene Rugala said he views this opportunity as a partnership and all nine members should have equal standing.

The City Attorney pointed out that there could be a nine member commission and still have advisors.

Councilman O'Kelley moved to approve the ordinance outlining a mix of Council and Redevelopment Commission members for a total of nine voting members. Councilman Fordham seconded the motion. Council unanimously approved the ordinance as stated. (Copy of ordinance at end of these minutes)

ORDINANCE REPEALING SECTION 6-1007, CITY CODE/GARBAGE COLLECTIONS

An ordinance repealing Section 6-1007 of the City Code regarding garbage collections was presented to Council for first reading.

Councilwoman Beer made a motion, second by Councilman Fordham to approve the ordinance on first reading.

Shirley Hughes, Finance Director, stated this ordinance removes the collection fee related to trash/garbage and recyclables from the ordinance and the next agenda item will be to adopt them in the form of a resolution.

The ordinance was approved unanimously on first reading. (Copy of ordinance at end of these minutes)

RESOLUTION ADOPTING TRASH & RECYCLING FEE SCHEDULE

A resolution approving a fee schedule to include a change in the cost of recycling bins from \$5.00 to \$8.50 to cover the City's cost was presented to Council for adoption

Councilwoman Beer moved to adopt the resolution. Councilman Fordham seconded the motion.

Councilwoman Beer referring to the list of fees, stated backyard pickup is no longer available for everyone; therefore, item (c)(2) of the fee schedule should be deleted.

The resolution with the amended fee schedule was approved unanimously. (Copy of resolution at end of these minutes)

CITY MANAGER'S REPORT

Gullah Festival

The City Manager brought to Council's attention the requests by the Gullah Festival representatives as set out in their February 20, 2007 letter regarding the Gullah Festival event scheduled for May 25-27, 2007. He outlined the items approved by staff with exceptions. Certain waivers to the application need the approval of Council; therefore, Mary Dawson and Charlotte Brown were present to ask Council's consideration of item #2 (waive all rental fees for the use of the Park and its facilities); #7 (special signs giving pedestrians r-o-w be erected between Charles and Church Streets for May 25-27); #11 (waive a portion of the fees for police protection); and #14 (waive the \$10.00 tour bus entry fees for May 25-27).

During a lengthy discussion, Council agreed to waive the \$10.00 tour bus entry fee (#14) for this year with notification of the fee to be distributed to the buses for next year. Waiving item #11, fees for police protection, was denied. Item #7, erecting right-of-way signs between Charles and Church Streets was agreed upon if they are available.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved items 1-6, 8-10, 12, 13, 15, & 16 as recommended by staff.

Councilwoman Beer moved to approve erecting pedestrian right-of-way signs between Charles and Church Streets during the event if they are available. Councilman Fordham seconded the motion. The vote was unanimous.

Councilwoman Beer moved to deny the request to waive a portion of the fees for police protection. Councilman O'Kelley seconded the motion. The vote was unanimous.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council members Rauch, Sutton, Beer, and O'Kelley voted to waive the \$10.00 tour bus fee this year. Councilman Fordham voted nay. The motion passed 4 to 1.

COUNCIL REPORTS

FORDHAM: Councilman Fordham stated he sent an e-mail on April 26, 2007 regarding storm water and sidewalks. It appears no one is taking responsibility. He would like a letter from the Highway Department about who has responsibility on storm water drainage. The City Manager said a fee is charged for stormwater maintenance and most has been committed to capital expense. The State Department of Transportation has responsibility. Mr. Fordham said most of the drains are clogged with leaves and he asked what is being done to clear them. If the Highway Department doesn't take responsibility what does the City do? The City Manager responded that if SCDOT does not clear them, Public Works tries to schedule it. The Mayor explained this is part of road maintenance and the State's responsibility; however, they are not maintaining them and have not announced it. The State is not sending money to the municipalities to do it and the City has to maintain their assets. Mr. Fordham said if the State isn't going to maintain the drains then the City

needs to take responsibility. The City Manager asked if he is willing to raise taxes or fees in order to accomplish that task. Mr. Fordham said if necessary. He also mentioned he received the survey on the real estate but it is not adequate.

SUTTON: Councilman Sutton remarked that he noticed power washing had been performed on Bay Street and it is a great improvement. He said he would like this to be a continuing process and not a reaction from his comments at the last meeting. If implementing a program to continue this cleaning has a cost, he would like to be aware of it so that Council can budget accordingly. He also asked why the silt fence had not been removed from the storm drain in the parking lot behind John Cross Tavern when it was asphalted. Isiah Smalls, Public Works Director, replied that was the responsibility of the contractor. Mr. Sutton stated he understands the City does not have the man power; however, Council needs to be aware. He applauded the police department for handling the traffic. He asked if a sign could be added in the block of the BB&T building to advise people they can drive through that area. The Police Chief stated today and tomorrow are being used as an evaluation period for alternating traffic on the J.E. McTeer Bridge. Some of the streets have been opened and some of the signal lights are back on normal cycle. They are working with the traffic management and the engineers to determine the best traffic solution. Mr. Sutton said the traffic patterns are changing so often it is confusing. The Police Chief said they are striving for consistency. Mr. Sutton said it is unfortunate the Beaufort-Jasper Water & Sewer is working on a major project on Craven Street during this time causing one more problem in the downtown area.

FORDHAM: Councilman Fordham asked to add another item. He asked why the City Attorney has been in attendance during the Council meeting when Council decided he would not attend the meetings unless he was specifically asked to be present. The City Manager responded that he thought it was appropriate for him to be present for the Redevelopment Commission ordinance and the executive session.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Sutton, 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 to proposed contractual arrangements, a personnel matter, appointments, and the status of a legal matter.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 9:40 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