

A regular meeting of the Beaufort City Council was held on December 9, 2008 at 6:00 p.m. in the County Administration Building, Ribaut Road. In attendance were Mayor George H. O'Kelley, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Councilman-elect Mike McFee, Mayor-elect Billy Keyserling 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. and welcomed several former mayors, representatives, and other dignitaries to the meeting.

PLEDGE OF ALLEGIANCE

The invocation was given by Vicar Scott D. Hannon of St. John's Lutheran Church. The Pledge of Allegiance was led by the Mayor.

SPECIAL PRESENTATION

The Beaufort High School Voices performed Please Come Home for Christmas and Caroling, Caroling under the direction of Choir Director Victor Barner.

OATH OF OFFICE

Municipal Court Judge Ralph "Ned" Tupper administered the Oath of Office to Councilmen Gary Fordham, Mike McFee, and Mayor Billy Keyserling for their four year term of office to which they were recently elected. (Copy of Oaths of Office at end of these minutes)

Mayor Keyserling shared a quotation "Attempt more, achieve more" that he plans to follow and pledged to the rest of Council.

ELECTION – MAYOR PRO TEMPORE

Councilman Fordham nominated Councilman Sutton to serve as Mayor Pro Tempore. Councilman McFee nominated Councilwoman Beer to serve as Mayor Pro Tempore. Councilmen Fordham and Sutton voted for Mr. Sutton. Council members McFee, Beer, and the Mayor voted for Mrs. Beer. Councilwoman Beer was elected 3 to 2.

RESOLUTIONS

On motion by Councilwoman Beer, second by Councilman McFee, Council voted to adopt the resolutions commending Melissa Neely, Elizabeth Garette, Stephanie Fairbanks and Heather Winch for serving on the Tourism Management Advisory Commission. (Copy of resolutions at end of these minutes)

MINUTES

The minutes of the regular City Council meeting of November 25, 2008 were presented to Council for review and on the top of the first page, first paragraph; Councilman-elect McFee's name was

inadvertently left out.

On motion by Councilwoman Beer, second by Councilman Sutton, Council members Beer, Sutton, and McFee approved the minutes as amended. Councilman Fordham abstained since he was absent. The Mayor recused himself since he was not on Council at that time.

CONSIDERATION OF A MOTION

A request for reimbursement of tap fees to St. Peter's Catholic Church was on the November 25th Council agenda. A meeting was to be arranged the following week with a Council member, the City Manager, Father Cellini, and Dean Moss of B-JWSA to seek a compromise. During the December 2nd Council workshop, this issue was discussed further and the following motion needs to be voted on. The City Council feels a moral obligation to pay a negotiated settlement with B-JWSA based upon prior representations of the City with regard to the annexation of St. Peter's Church and other properties (June 13, 2000). Further, Council directs the City Manager to have B-JWSA pull the invoice and through a negotiated invoice to the City remove the Church from the middle of this issue.

The City Manager stated a lower price was not negotiated with the B-JWSA; however, the City was given 120 days in which to pay. He recommended the \$15,000 be paid.

Councilwoman Beer moved to pay the \$15,000 tap fee to B-JWSA. Councilman Sutton gave second.

Councilman Fordham said he served on City Council during that time and this request was not approved. Councilwoman Beer said she, too, served on Council at that time and she agreed Council did not approve paying the fee; however, she feels there is a moral obligation to pay the fee. Councilman Sutton said he reviewed the minutes and feels there is an obligation for Council to support the funding mechanisms that were offered in order to make that happen. Councilman McFee said he too reviewed the information regarding the offers to the Catholic Church. He said he is disappointed that the City did not receive a reduced amount but he too feels there is an obligation. The Mayor said reading the documentation he is convinced the tap fee was promised when the Church was annexed into the City; therefore, Council in good faith has to follow up.

Council members Beer, Sutton, McFee, and Keyserling voted in favor of the settlement. Councilman Fordham voted nay. The motion passed 4 to 1.

REQUEST TO CONDUCT 10K RUN

A request from Beaufort Academy to hold a 10K run on October 17, 2009 beginning on the eastern side of the Woods Memorial Bridge from 7:30 a.m. until 11:00 a.m. was presented to Council.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request, subject to approval by the SCDOT and traffic control by the police.

ORDINANCE – FIRE FACILITIES IMPACT FEE

An ordinance revising the City Code to add procedures for collecting a fire facilities impact fee was

presented for first reading.

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

Libby Anderson, City Planner, said the ordinance begins by establishing a fire facilities impact fee of \$1,079.00 for a new single family dwelling unit. She pointed out Section 10-1004 lists projects, including affordable housing units, that are not subject to impact fees. Section 10-1007 displays a chart showing how the fee is calculated for non-residential square footage. She added that this is a blend of two ordinances and rather lengthy.

Councilman Sutton said this ordinance involves areas in both the Town of Port Royal and the County. He said infrastructure does need to be paid for by another means but he is not sure impact fees are the most appropriate way. He will look forward to more information. Councilwoman Beer said the money is needed to build the facilities but this increases the cost of purchasing a house which is detrimental to the purchaser. She, too, would like more information. Councilman McFee said he has concerns about added impact fees and at the same time recognizes the importance of having the facilities and the needed equipment with growth and expansion. He is concerned with the value for commercial structures and what constitutes low, medium, and high occupancy impact as far as the hazard occupancy and adding too many impact fees for our citizens. The Mayor said he continues to have grave concerns about impact fees. Another concern is a potential fire station sits between two Burton District Fire Stations and with the Northern Regional Plan soon to be passed, Council will have to look at consolidating more of these services. Before second reading, he would like to be sure services are not being duplicated.

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

TEMPORARY CLOSURE OF ALLEY/BAY STREET

A request to close the City-owned alley next to 706 Bay Street for purposes of demolishing the building and then for building a new structure on the site was discussed at the City's Technical Review Committee recently. A suggestion was made during that meeting to provide better traffic circulation. Reverse Scott and West Streets between Bay and Craven Streets so that vehicles exiting the Park can cross Bay Street and head north toward Craven Street.

The City Manager explained staff negotiated delaying the construction until after the holiday season. While the one portion of the building is being razed, the area needs to be made safe. That is the reason for closing the alley during construction. During the TRC meeting, the police department suggested reversing the traffic pattern of Scott and West Streets to give people access to parking that is available behind the building and the playground. The concern is that if only a portion of Scott Street is reversed then the traffic would all go into Bay Street. The recommendation is to make the traffic flow more easily. Traffic leaving the Waterfront Park would travel towards the library on Scott Street and heading toward the Waterfront Park, West Street would turn onto Bay Street.

Ryan Lyle with Andrews Burgess Engineering, said after receiving the recommendations from the

TRC, he and Steve Andrews reviewed the proposal. They prefer leaving Scott Street as it is instead of reversing the flow as recommended by the City. The parking lot behind 706 Bay Street will be a dead end when the alley is closed. Access is needed by B-JWSA for their pump station, SCDOT for the bridge control, fourteen parking spaces, and for the Waterfront Park Playground. They believe the egress should be from the Waterfront Park onto Carteret Street.

The Mayor said the Carteret Street entrance has always been a concern with having to cross over two lanes of traffic. Councilman Sutton stated the traffic flow would be better with the contractor's recommendation. The reversal of Scott Street during the problem with the Woods Bridge caused major problems for the retailers on Bay Street so he is reluctant about temporarily changing the flow of traffic on Scott Street again. He said safety barricades during this construction were discussed earlier with access on Carteret and that never happened. He added that it would be appropriate to separate the construction portion with a barrier and not allow the contractors to park in the apron. He said he would vote for the contractor's recommendation. Councilwoman Beer said the reversal of streets is confusing but the two lanes of traffic at the bridge on Carteret Street concerns her also. Councilman McFee echoed Mrs. Beer's concerns regarding the confusion of reversing the streets. Also, he thinks it would be easier to keep the streets as they are and go with the contractor's recommendation. He asked how long the demolition and construction will take. Mr. Lyle said it will be until September. The Mayor stated for the project to be done safely the alley has to be closed. He added that this is a traffic flow and engineering problem; therefore, suggested the traffic engineers and staff meet again to decide what would work best. Councilman Sutton said the engineer explained what they want to do based on their needs for the project. There seems to have been so many obstacles on Bay Street through the years with the interruption of traffic flow, Streetscape projects, bridge closing, etc. that Council should be able to make this decision.

The City Manager explained the project was approved with a right in right out for Carteret Street. The alley has added the complexity of traffic movement on Bay Street. Temporarily, during construction either way can work as long as fire trucks have access to the buildings. Once the project is completed, the issue of the alley and Scott Street will probably come back to Council. The Mayor asked that the merchants be made aware of the impact.

Councilman Sutton moved to approve the recommendation proposed by the contractor. Councilwoman Beer gave second. The vote was unanimous.

COUNCIL REPORTS

BEER: Councilwoman Beer wished everyone a Merry Christmas and a Happy New Year.

SUTTON: Councilman Sutton said it is a great night for the City since there is now a fully constituted Council and a new mayor. He said he would hope to see all the people attend the meetings as often as possible.

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 and the

appointment/reappointments to the Tourism Management Advisory Commission

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 8.28 p.m.

BILLY KEYSERLING, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN MIKE SUTTON

COUNCILMAN MIKE McFEE

ATTEST:

BEVERLY W. GAY, CITY CLERK