

A regular meeting of the Beaufort City Council was held on January 8, 2008 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.

### **PUBLIC COMMENT**

**Dewitt Helm**, President of the Point Property Owners Association, presented the results of a survey distributed to the POA regarding the lights in the Charlie Knott Park along with recommendations. He stated the lights which were installed as part of the Park plan were turned off before Christmas because of complaints. Of the 181 surveys sent out, 71 e-mail responses were received. Sixty-three people agreed with the need for lights. The wattage has been decreased from 35 to 10 watts in the shrubbery and the lights along King and East Streets are 20 watts. Based on the survey, he said the Association is requesting the lights be turned back on.

### **MINUTES**

The minutes of the regular City Council meeting of December 11, 2007 were presented to Council for review. It was noted that on page 1 in the heading, the City Attorney's name was inadvertently used instead of the Mayor's

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council members Beer, Fordham, Sutton, and O'Kelley approved the minutes as amended. The Mayor abstained since he was absent from that meeting.

### **ORDINANCE - MASC SETOFF DEBT**

The ordinance relating to the recovery of collection costs as a part of delinquent debts collected pursuant to the Setoff Debt Collection Act was presented for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Sutton, Council adopted the ordinance on second reading. (Copy of Ordinance at end of the December 11, 2007 minutes)

### **ORDINANCE – TETHERING OF DOGS**

The ordinance amending Section 6-4022 of the City's Code of Ordinances to provide regulations concerning the tethering of dogs was presented for second reading and adoption.

During first reading of the ordinance, Mayor Pro Tem O'Kelley suggested he and Councilman Sutton meet before second reading regarding the cruelty section. Their revised wording proposes deleting subsections (h) and (i) and adding a new subsection (h) as follows: (h) Tethering. No animal, including dogs, cats or other domestic pets shall be tethered as a primary means of stationary confinement. Stationary confinement by tethering is deemed and considered to be cruel treatment.

Councilwoman Beer moved to adopt the ordinance. Councilman O'Kelley seconded the motion.

Councilman O'Kelley stated Councilman Sutton suggested using this wording taken from the New Orleans ordinance because it is more enforceable than the three hour/six hour restrictions on tethering that was presented for first reading. According to the City Manager the hours of enforcement were also a concern of the City Attorney.

Councilman O'Kelley moved to amend the ordinance to include the revised Subsection (h). Councilwoman Beer seconded the motion.

Councilman Sutton also noted the need to renumber the other subsections if subsection (i) is deleted. He said there are a lot of issues with the tethering of animals and if this wording is adopted, law enforcement could write a citation for animal cruelty. He said he hopes the County's Subcommittee can get this issue on the Council meeting agenda for discussion. If they propose changes to the wording, City Council can made amendments to be sure both the City Police and the County's Animal Control Officers can enforce the ordinance.

Council unanimously adopted the revision.

Council adopted the amended ordinance on second reading. (Copy of ordinance at end of the December 11, 2007 minutes)

### **FRANCHISE FEES**

At the December 11<sup>th</sup> meeting, City Council received an update on the status of the franchise fee received from SCE&G that is used for undergrounding and discussed the three projects that are planned; Bladen Street Streetscape, Greenlawn Street, and Boundary Street. Council asked for further discussion.

Isiah Smalls, Public Works Director, stated the Bladen Street Project is under construction and staff is requesting the franchise fees be used for those three projects. He mentioned those funds are restricted to utility related projects. If the funds are not sufficient to complete the projects, the balance can be financed by SCE&G according to Mr. Temple.

David Temple, SCE&G, reminded Council there were not sufficient funds to complete the Port Republic Street Streetscape project. He stated the balance was financed for five years through an agreement with the City that a half percent of the franchise fee with a match from SCE&G would go toward the payment. The same process can be used for Boundary Street. The available fund balance is \$332,413.00 with more than \$70,000 being paid in June to both the City and SCE&G to add to that balance. He added that when they met regarding the Greenlawn Street project, SCE&G agreed to fund all the electrical facility charges since they would save a substantial amount of money by not

moving the overhead line, if the City would pay for the conduit installation in the street.

Council concurred with the plan as stated.

### **FOUNTAIN FOR CHARLIE KNOTT PARK**

A request was presented to Council during the December 11<sup>th</sup> meeting by the president of the property owners association for the City to participate in the purchase of a fountain for the Charlie Knott Park. After a lengthy discussion, Council approved providing a fund for the purchase of a fountain with the \$3,000 contribution from a donor in the Point with the city's share not to exceed \$3,000.

Dewitt Helm, President of the Point Property Owners Association, appeared before Council and reviewed the request presented in the December 20, 2007 letter to the City Manager regarding the fountain and plaques for the Park. He reiterated that the proposed 3-tiered fountain is to replace the one that was in the park prior to the stormwater project. As part of the renovation, the site has been prepared for the installation of this fountain including the electrical and plumbing. The total cost of the fountain and the plaque to be placed at the entrance to the Park in memory of former City Manager Charlie Knott is \$6,000.

Councilman Sutton stated he would like to find a source of funding. The City Manager said the loan repayment from the Arts Council of Beaufort County is unencumbered.

Councilwoman Beer moved to utilize the loan repayment from the Arts Council of Beaufort County for the purchase of the fountain for the Charlie Knott Park. Councilman O'Kelley seconded the motion.

Regarding the statement made at the last meeting by the Arts Commission chairman, Council agreed that this is a replacement item not a new piece of art and therefore, does not require the Commission's review.

Council unanimously voted to purchase the fountain for the Charlie Knott Park using the repayment from the Arts Council's mermaid project with said purchase not to exceed \$6,000.

Mr. Helm asked for approval of the placement of a 5 inch by 5 inch plaque at the base of the fountain at the expense of the Point Home Owners Association. The inscription would read "This fountain is dedicated with love to all the children of the Point."

Mr. O'Kelley said he is still not in favor of dedicating the fountain because of the precedent that would be set. Councilman Fordham said it should not be just for the children of the Point. Councilman Sutton disagreed stating the Association should be allowed to do this and he believes the same thing will happen at Southside Park.

Councilman Sutton moved to support the purchase of the plaque to be placed at the base of the fountain at no cost to the City with the wording as stated. Councilwoman Beer seconded the motion. Council members Beer, Sutton, and Rauch voted in favor of the motion. Councilmen O'Kelley and Fordham voted nay. The motion passed 3 to 2.

Mr. Helm also asked about placement of a 14 inch by 14 inch bronze plaque at the entrance to the Park on one of the brick posts dedicating the Park to the former city manager. The proposed wording was revised by Council and Mr. Helm explained both plaques will be ordered at the same time and installed by Steedly Monuments.

On motion by Councilwoman Beer, second by Councilman Sutton, Council approved the amended wording for the plaque dedicating the Charlie Knott Park.

### **TOURISM MANAGEMENT ORDINANCE – COMMITTEE RECOMMENDATIONS**

The Tourism Management Advisory Committee submitted their recommendations for changes to the Tourism Management Ordinance for consideration by Council.

Heather Winch, TMAC Chairman, stated TMAC reviews the ordinance every two years, as required by the ordinance, and makes any necessary changes. She stated several recommendations were made on which the Commission declined to take action and she provided the rationale for those decisions. The specific recommendations on proposed changes to the ordinance were listed and explained in detail. In reply to Councilman Sutton's question regarding marking horse spills with dye packs, she said the recommendation is to use a non toxic water soluble substance. Currently, they are considering dropping paint balls on the ground to help the person in charge of cleanup recognize that a spill occurred. Mr. Sutton also mentioned that an extra lane was built in the west side of the Waterfront Park for the motor vehicles to drop off passengers. However, he has viewed the buses unload in the middle of the parking lot. He asked about using the loading zone as intended. Peter White explained when the buses approach the water trough to make the 90 degree turn it is difficult so they avoid it but it is possible.

Peter White, Southurn Rose Carriage Tours, commented on some of the wording relating to spills (Sec. 7-11056) and stopping (Sec. 7-11057). He said his drivers tried the paint balls; however, when the paint ball was dropped, it bounced and hit the driver in the chest and did not break. Also, unless it is thrown very hard, it does not leave a big enough mark which makes it hard to see when it is time to clean up the urine stains. He would like to find a better way to mark the spills. Additionally, he asked for a clarification on manure spills. Since he is the person who cleans up after their horses, he said occasionally, a small amount of manure may miss the bag and it could be overlooked during cleanup. Explaining how this could occur, he stated that is why it is important to stop the tour until the horse is finished. Also, he said a \$250.00 fine is harsh when all other areas were cleaned. Addressing Stopping on Route, he said the carriage drivers need to get back to the parking lot for the next tour but there are reasons why the animal needs to stop whether it is because the horse needs to urinate or for the safety of the people in the carriage. He agreed that the driver should not stop the carriage to give an extended speech and impede traffic and he tries to impress that upon the drivers. Also, regarding the hoof exam, he would like that to be included as part of the bi-yearly exams by the veterinarians and not by a Ferrier. Ms. Winch pointed out the ordinance is requiring that a large animal veterinarian certify that the horses are in good health.

Council concurred that the recommendations would be put in ordinance form and presented at the January 22<sup>nd</sup> meeting for first reading.

**Planning Commission Appointment**

Councilman O'Kelley moved to appoint David Lott to the Joint Planning Commission for a two year term expiring January, 2010. Councilwoman Beer seconded the motion. The vote was unanimous.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 7:40 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