

A regular meeting of the Beaufort City Council was held on July 15, 2008 at 6:00 p.m. in the Friends Room at the Arsenal on Craven Street with a work session beginning at 4:00 p.m. 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 Rev. Leon Meadows, Pastor of Riverview Baptist Church. The Pledge of Allegiance was led by the Mayor.

RESOLUTION

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the resolution thanking Patty Richards for serving on the Municipal Joint Planning Commission.

PUBLIC COMMENT

Karen Van Duser, 1036 Otter Circle in Battery Shores, complained of flooding in the neighborhood because the retention pond is overgrown with vegetation and the water is backing up into several yards. She also said she believes there is a configuration issue with the retention pond. She asked that the vegetation be removed first then the problem with the pipes be addressed later. The City Manager said Battery Shores is on the stormwater project list. In the meantime, staff will seek a solution to relieve the problem.

David Lott, Planning Board member, stated there are many stop signs in the City obscured by vegetation and he urged Council to establish a program to address this because it is a safety issue. On another subject, he referred to the proposed ordinance regarding critical line setback requirements recently presented to the Planning Commission for review. He urged Council to establish a task force consisting of property owners, developers, etc. and suggested this ordinance also be considered by the Town of Port Royal so that the regulations are consistent. When asked by the Mayor why not follow the county's plan, Mr. Lott said the County's ordinance provides no set standards as to how to maintain your frontage. He found that distance doesn't matter from the point of view of environmental protection. The answer is the vegetation. The County's ordinance states you cannot clear more than 1/3 of your frontage or 75 feet for a view corridor. To require a vegetative buffer, there has to be understandable elements as to what a person can do; low shrubs, prune trees to a certain level to maintain the view but at the same time maintaining the benefits; the second issue, inspections, etc. can be required or have the landowner comply with the standards without a permit process; 3rd- A requirement cannot be imposed that would force a property owner to hire a tree service to prune their trees; and people buy waterfront property because they have certain expectations and an ordinance like this could change their ability to clear their property. Also, how would this be enforced. The Mayor pointed out that a study, Special Area Management

Plan referred to as the SAMP, was authorized by Senator Hollings several years ago which recommended certain guidelines. The County adopted those guidelines. Mr. Lott said he read the SAMP and it was directed at agricultural issues; forestry and farming. It is a lot of data and information about the impact of agricultural operations and then near the end of the document there is a recommendation about residential areas. That recommendation states 35 feet should be the setback with the 75 feet clearing but there is no discussion or backup data to confirm if it makes a difference or not. In his opinion, the SAMP established an idea. He said this ordinance needs to be studied further. The Mayor stated the chairman of the Northern Regional Plan wants to complete this by the end of this year and he wants consistent standards among the various jurisdictions. If the County's standards aren't sufficient, then the City should not follow them. Mr. Lott said he believes there is a better way to do this. The Mayor suggested Council consider this discussion briefly and later in the meeting bring it back up as an off agenda item.

Councilman Fordham suggested Mr. Lott ride with the Public Works Director and look at the stop signs he referred to earlier. Councilman Sutton agreed there is a problem but the issue is scheduling the trimming. The City Manager stated there is a Public Works crew that does site distance clearing on a regular basis. He mentioned too that there are a lot of building obstructions, not just vegetation. He said he will have staff check on it.

Carlotta Ungaro, Chamber of Commerce Executive Director, invited City Council and the public to attend the grand opening for Jersey Lights tomorrow on Highway 170 at 10:00 a.m.

Karen Van Duser said when she has called the Public Works department in the past, her calls are not returned.

MINUTES

The minutes of the regular City Council meeting of June 24, 2008 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

ORDINANCES

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council adopted the following five ordinances on second reading and adoption:

ORDINANCE REVISING A SECTION OF THE UDO PERTAINING TO THE FIRE CODE

An ordinance updating Part 2, Chapter 2, Part B of the Code of Ordinances pertaining to the current fire code (Copy of ordinance at end of the June 24, 2008 minutes)

ORDINANCE A SECTION OF THE UDO PERTAINING TO BUILDING CODE, PROPERTY MAINTENANCE CODE, AND ENERGY CONSERVATION CODE

An ordinance revising Part 5, Chapter 1, Article A of the Code of Ordinances pertaining to the Building Code, Property Maintenance Code, and Energy Efficiency Code. (Copy of ordinance at end of the June 24, 2008 minutes)

ORDINANCE REVISING A SECTION OF THE UDO PERTAINING TO THE PLUMBING CODE

An ordinance revising Part 5, Chapter 1, Article D of the Code of Ordinances pertaining to the Plumbing Code. (Copy of the ordinance at end of the June 24, 2008 minutes)

ORDINANCE REVISING A SECTION OF THE UDO PERTAINING TO THE MECHANICAL CODE

An ordinance revising Part 5, Chapter 1, Article F of the Code of Ordinances pertaining to the mechanical code. (Copy of the ordinance at the end of the June 28, 2008 minutes)

ORDINANCE REVISING A SECTION OF THE UDO PERTAINING TO THE FUEL GAS CODE

An ordinance revising Part 5, Chapter 1, Article E of the Code of Ordinances pertaining to the fuel gas code. (Copy of ordinance at end of the June 24, 2008 minutes)

TMAC RECOMMENDATIONS

During the May 27, 2008 Council meeting, the Mayor reported that a Bay Street business owner had complained about the relocation of the horse carriages during the Gullah Festival. He suggested the issue be sent to the Tourism Management Advisory Commission for review.

Heather Winch, TMAC Chairman, presented a report from the TMAC who met on June 25th and discussed the issue. Their recommendation is that the carriages should remain in their current location during park events and not have to relocate during these festivals. Should they need to be relocated temporarily, the alternative would be Bay Street not New Castle Street. Council concurred. The City Manager agreed but added the design flaw is where the bus drop off is located. He said the rules will be amended to state that the drop off will be changed to the Marina Ship Store.

Walter Gay, Sea Island Carriage Company, said he did not agree with Bay Street being the alternative site because when the bridge opens, traffic backs up on Bay Street and there is not enough room for four buggies. He asked if the loading/unloading area could be marked off, stating it is designated for carriage companies so boats and trailers know not to park in that space.

SIDEWALK VENDING REQUEST

A business license application was submitted by Ms. Valerie Donaldson for the operation of her vending business, "Dogs on Wheels" at the Waterfront Park.

The City Manager stated when the Waterfront Park was redesigned the sidewalk vending site near the west end was eliminated. The applicant asked for an alternate location. He suggested one more vending area be designated and asked for a recommendation.

Councilman O'Kelley noted that there is an area near the clock at the intersection of Bay and West Streets that is available. According to the City Manager, there is a vendor designated to use that area.

Councilman Sutton stated the areas were designated 18 years ago and with the changes it is time to review the areas and requirements. If a location is rented but not being used, there should be a default period since someone else is being blocked from using it.

The City Manager recommended allowing Ms. Donaldson to operate her vending cart in the area

requested and he will contact the other vender. At the same time the existing ordinance can be revised to include an additional vending location and a section added regarding non-use of an area. This amendment will be brought back to Council for review and approval.

KEY INTERSECTION IMPROVEMENTS

During the work session held prior to this meeting, the intersection improvements were presented by Larry Misner of Kimley-Horne. Additional information was requested by Council.

On motion by Councilwoman Beer, second by Councilman O'Kelley, Council tabled the item,

RESOLUTION – FIRE IMPACT FEES

A resolution was presented to Council for consideration to begin the process for adoption of an ordinance imposing a fire facilities and equipment development impact fee as required by Section 6-1-950(A) of the South Carolina Code of Laws.

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

CITY MANAGER'S REPORT

The City Manager made a presentation on Managing Fuel and Energy in Municipal Government. He said, at the last council meeting, staff was asked to discuss short term/long term energy plans. Two staff members are responsible for this task and are working with the department heads. Targeting fuel consumption as opposed to fuel costs is easier for us to get our hands around because we cannot control the price of gasoline. The Department Heads are interested in this issue and are providing information about how things are done, their ideas for changes, and even implementing various changes to see if they have an effect on consumption. Data is being collected to assist in making decisions; it is also useful in establishing benchmarks. He showed charts identifying gasoline used by departments. He said he spoke with the architects about solar panels, etc. since the City is constructing two new facilities, there is an opportunity to build these two facilities with energy conservation in mind. It is feasible to become an energy seller because this area is one of the highest sun areas in the country. He asked Council's advice on investigating those costs and a return on investments further. Council agreed he should pursue the issue. An update will be provided at the August 26th meeting.

Gas procurement was discussed along with the gasoline tax. It was suggested that a letter be written to the delegation regarding the tax on municipalities and send a copy to the Municipal Association.

MAYOR'S REPORT

The Mayor suggested discussing the item brought up by David Lott earlier in the meeting regarding the **critical line setback**.

Councilwoman Beer stated that if a larger setback will not benefit the water and the ecology why do it. The Mayor suggested choosing five representatives from the Town of Port Royal and the City to form a group to study this further.

Libby Anderson, Planning Director, said the Planning Commission discussed this last night and they

felt a task force should be formed to include the City, Port Royal, and the County. The Intergovernmental Agreement for the Northern Regional Plan doesn't state you have to adopt those standards; it says to work toward coordinated standards. Council suggested the County could change their regulations to match the City's.

The City Manager suggested letting the Joint Planning Committee know that the City recognizes this is a big issue and ask them to hold some workshops. People could be invited and something more consistent between the Town of Port Royal, the City, and possibly the County could be prepared. The recommendations could be brought back to Council at the August 26, 2008 Council meeting. He said the Planning Committee could serve as the committee instead of appointing another one. He did recommend the County's Stormwater representative be included because his charge is to be sure the rivers and waterways are clean. Also, include the Public Works Director and assistant because they will have to maintain everything. The Mayor asked that County Councilwoman Laura VonHarten, Patty Richards from Port Royal, Council members Donnie Ann Beer and Mike Sutton be included.

The Mayor said he spoke to the project manager at the municipal complex site and he wants to have a pig picking to celebrate "topping" the police/court building. He asked a date be set as soon as possible.

COUNCIL REPORTS

BEER: Councilwoman Beer reported that two large limbs fell from a large water oak in Pigeon Point over the weekend. One fell on a house and one across the road. She was asked if the City had a policy to notify the owner if there is a problem with a tree on private property that might be a danger. She said there are also some trees on City property that need to be looked at too.

EXECUTIVE SESSION

On motion by Councilman O'Kelley, second by Councilwoman Beer, Council moved into executive session pursuant to Title 30, Chapter 4, Section 70(a)(1) and (2) of the South Carolina Code of Laws to receive advice from legal counsel and the appointments to the Comprehensive Plan Advisory Committee.

ADJOURNMENT

Upon returning to open session and there being no further business to come before Council, the meeting was adjourned at 8:45 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