

A regular meeting of the Beaufort City Council was held on October 28, 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, 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. Robert Cuttino, retired pastor of the Baptist Church of Beaufort. 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 commending Maurice Ungaro for serving on the City's Historic District Review Board.

RESOLUTION

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the resolution commending Bill Kennedy for serving on the City's Historic District Review Board.

MINUTES

The minutes of the regular City Council meeting of October 14, 2008 were presented to Council for review. On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as presented.

REQUEST TO SERVE ALCOHOL AT WATERFRONT PARK DURING FESTIVAL

A request to serve alcoholic beverages on February 27, 2009 – March 1, 2009 at the Waterfront Park during the Festiv-ALE, a Senior Services of Beaufort County event was presented to Council.

Councilwoman Beer moved to approve the request. Councilman Fordham gave second.

Chad A. Dally, Senior Development Director, stated this is an event of Senior Services of Beaufort County Council on Aging and housed in Port Royal. He was contracted to assist in the planning of the event which is similar to a wine festival but focuses on micro breweries of the world. It is a festival that will do fine tastings, show how to pair beer with food, and cater more to a common demographic group than a wine festival. The entire Park has been rented and will be fenced off. They are charging admission and there will be a small concert on Saturday evening and then a private party on Friday evening with a few brew masters from around the world. The actual Festival will take place on Saturday and Sunday during daylight hours. The proceeds will go to the Senior Services of Beaufort County. Mayor O'Kelley said he doesn't agree with alcohol sales at a city park on Sunday.

Council approved the request as stated.

REQUEST TO CLOSE STREETS FOR NIGHT ON THE TOWN

Main Street Beaufort, USA requested Bay Street from Charles Street to Carteret Street, Port Republic Street from West to Charles Street, West Street from Bay to Port Republic Street be closed, and Scott Street be blocked in front of Wachovia Securities, LLC on December 5, 2008 from 4:30 p.m. to 10:00 p.m. for A Night on the Town event. The request also included the City co-sponsoring the tree lighting ceremony and approval to permit beer and wine consumption in the public right-of-way during the event.

Councilwoman Beer moved to approve the requests. Second was given by Councilman Sutton. The requests were unanimously approved.

REQUEST TO CONDUCT CHRISTMAS PARADE

A request from Main Street Beaufort, USA for the City to sponsor the Beaufort Christmas Parade on Sunday, December 7, 2008 beginning at 3:00 p.m. on Bladen Street was presented to Council. Additionally, a waiver of the \$25.00 application fee for the parade permit was requested.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the requests.

REQUEST TO CLOSE STREET DURING VETERAN'S DAY CEREMONY

A request from the Department of Veterans Affairs to close the 1600 block of Boundary Street from 11:00 a.m. to 12:00 p.m. to reduce traffic noise during the Veteran's Day Ceremony was presented to Council.

On motion by Councilwoman Beer, second by Councilman Fordham, the request was unanimously approved.

REQUEST TO BAG METERS DURING HOLIDAYS

A request by Main Street Beaufort to bag two and four-hour parking meters in the Downtown area, excluding the meters adjacent to the County Library beginning Friday, November 28, 2008 through Friday, January 2, 2009 was presented to Council.

Councilwoman Beer moved to approve the request. Councilman Fordham seconded the motion. The vote was unanimous.

ORDINANCE TEMPORARILY SUSPENDING 2 & 4 HOUR PARKING METERS

An ordinance temporarily suspending the use of two-hour and four-hour parking meters in the Downtown area and suspending enforcement of Part 8, Chapter 2, Sections 8-2002 and 8-2012 of the City's Code of Ordinances and temporarily adding a two-hour parking time limit under the authority of Part 8, Chapter 2, Section 8-2001 of the City's Code of Ordinances was presented for first reading.

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

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

ORDINANCE AMENDING UDO TO REVISE THE REGULATING PLAN

An ordinance amending Section 6.8.G of the City's Unified Development Ordinance to revise the regulating plan in the Boundary Street Redevelopment District Ordinance was presented for first reading.

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

Libby Anderson, City Planner, stated the traffic analysis report recommends a signalized intersection at the intersection of Boundary Street and Robert Smalls Parkway (SC 170). The Boundary Street Redevelopment District Ordinance contains a Regulating Plan that sets out a street classification system for existing and proposed roads in the Boundary Street district. Council voted to change the design of the intersection of Boundary Street and Robert Smalls Parkway from a roundabout to a signalized intersection at their August 12, 2008 meeting as a result of the engineering analysis and traffic report for the project. Therefore, staff feels it is necessary to change the ordinance to show the new intersection design. This was presented to the Planning Commission and they recommended the change to the Regulating Plan with the condition that the current Regulating Plan showing the roundabout design be left as an official alternative. They felt future conditions may warrant reconsideration of the roundabout design. The Mayor commented that if the intersection is signalized and businesses are built to that footprint and conformed to the Boundary Street Master Plan, the intersection may not be able to be changed to a roundabout later.

Joe DeVito, Planning Commission Chairman, explained the Commission had a lot of discussion regarding this subject. The main issue was that this design is from a traffic plan prepared by the County that considered traffic through 2030 for only this section of road. Alternative traffic plans were not considered. Since this is a long term plan, they feel the City should decide what they want it to be and how it can be done. That is the Commission's reason for leaving the option open.

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

ORDINANCE REGULATING USE OF CELLULAR PHONES IN VEHICLES

An ordinance amending Section 8-2021 of the City's Code of Ordinances regulating use of cellular phones in vehicles was presented for first reading.

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

The Mayor stated he feels cell phones are operated unsafely in moving vehicles and that is his reason for preparing the draft. He also asked Council to consider a secondary offense before second reading.

Councilman Sutton suggested the first paragraph regarding "hand-held cellular telephone, or other such device" be clarified. He also said it needs to be clear to the public that the police will not stop a

driver simply because they see him/her talking on a cellular device while driving, there has to be some other probable cause. Councilman Fordham suggested the last sentence in the first paragraph be deleted. Councilwoman Beer stated that in her opinion, this will be difficult to enforce since the City limits are not more clearly defined. If the County or the State would adopt this as a law it would be easier. The Mayor agreed and stated he would talk to the City Attorney and obtain his thoughts.

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

COUNCIL REPORTS

SUTTON: Councilman Sutton reported that the last meeting of the Intergovernmental Committee for the regional plan was held last week and was very significant for the City. The Committee signed off on the next step and it will be presented to Council in the near future.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 6:35 p.m.

GEORGE H. O'KELLEY, JR, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN MIKE SUTTON

ATTEST:

BEVERLY W. GAY, CITY CLERK