

A work session of the Beaufort City Council was held on March 25, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike Sutton, Mike McFee, and George O'Kelley, and City Manager Scott Dadson.

In accordance with the 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

Mayor Keyserling called the work session to order at 5:00 p.m.

DISCUSSION REGARDING THE NOISE ORDINANCE

Mayor Keyserling explained the origins of this discussion. Councilman Sutton said there was recent concern about noise and how and when the ordinance is enforced. This is a constant question, he said. He pointed out that Panini's, Old Bay Tavern, Q on Bay, Luther's, Hemingway's, and the Loft Apartments were all represented. He said there is an issue, but whether it warrants council action is unknown. Councilman Sutton said he'd set out to investigate what the Nighttime Music District is. Councilman Sutton said the street preachers were the genesis of the noise ordinance, so restrictions on Bay Street were called out in Section (b) of the Noise Ordinance. It enforces noise for the hours the stores are open.

Councilman Sutton asked **Bill Harvey** to discuss this provision of the ordinance. Mr. Harvey said before looking at the ordinance, he felt they should discuss "the history of how we got here." He wrote Section 1(a), "loud and unseemly noises," which was challenged by the street preachers at the state and federal levels, against whom it was enforced in 1991 and 1992. That section was left in as a guiding principle and applies generally throughout the city for everyone. It applies to all forms of noise.

Mr. Harvey said Section (b), there was litigation for almost 10 years about what to do about future street preaching on Bay Street. There were a number of mediations of the street preacher litigation. Through one of them, they agreed to submit to a binding arbitration to determine the decibel regulations for the unamplified human voice. On December 14, 1999, a ruling was made for a level that was in violation of 1(a), and then (b) was created as part of a resolution of this court case. This applies only to the unamplified human voice.

Councilman Sutton reviewed the time periods during which these decibel levels are enforced. Mr. Harvey said there's no other decibel measuring of the unamplified human voice during those periods of time. Councilman Sutton asked, if it falls back to (a), during those hours that aren't covered, what covers the sound level of the unamplified human voice. Mr. Harvey said a complaint triggers it, and if the sounds is loud and unseemly. You could go into a store and determine the loudness inside the store.

Mr. Harvey said everything in the ordinance is triggered by a complaint, or a police officer can create the complaint if (s)he hears it. Any type of regulation of the unamplified human voice

deals with first amendment rights, he said, and the enforcement procedure was found to be constitutional in regard to street preachers.

Councilman O'Kelley said the ordinance said that the *amplified* human voice was illegal at a certain level. He wants to know if there's still that type of enforcement, and Mr. Harvey said yes.

Mr. Harvey said in 1994, an ordinance was created for the Nighttime Music District. He reviewed the provisions of it. In 1999, the Rhetts built the Rhett Suites and tension occurred with Plums. The city created a Noise Ordinance Task Force. There were representatives of downtown restaurants, property owners, the City of Beaufort, and others and Main Street Beaufort organized it. They recommend that the Nighttime Music District be better defined and additionally, they added the end of (c) and (e): that at any time of any day, sound from any source that exceeds 85 decibels at the property line of the establishment from which it's being measured is in violation.

Mr. Harvey said in 2000, another ordinance because of loud noise in the evening and early morning hours was triggered. People were coming in at 7 a.m. and creating noise, so they adjusted (c) to make noise at 50' from the source from 10 p.m. to 8 a.m. a violation. Mr. Harvey said this ordinance has been tweaked and fine-tuned over 23 years to accommodate the businesses that face the water, by and large, and to allow them to make use of the open space and have louder music in that commercial district while protecting the downtown residents' rights.

Wallace Scarborough, 1207 Bay St, said the business district is not the only place having a problem. They are woken up many nights from motorcycles revving engines and from loud music. He understands that there's a Nighttime Music District, but he thought the noise was to stay in the Nighttime Music District, not to bleed over into the residential area. On his front porch, the decibel level is sometimes 75 – 80 decibels. Mr. Harvey said if people complain and police officers respond and find that there is loud and unseemly noise, they have to be told there's a complaint and then the enforcement takes place.

John North said that if the noise can't be audible from 50' outside of the Nighttime Music District, for someone in the district, section (c) would allow the police to enforce the situation Mr. Scarborough experienced.

Chief Matt Clancy said they received a lot of complaints in the late 1990s when outside music became popular, especially from the Spanish Point area, when the sound went across the water. They wrote a lot of tickets, and he explained the procedure. After a lot of citations were issued, some establishments began to use decimeters to keep themselves in check. Many of the establishment owners felt it was best to balance their interests in line with the community's interests, Chief Clancy said. Now there are few complaints about that. The street preachers now know their limits, and they are cooperative. The people in the apartments at Bay and Carteret complain about each other playing their music too loud. There were *no* complaints last

year about loud Nighttime Music District music.

Councilman O'Kelley said Mr. Scarborough had mentioned the revving aspect of the ordinance, which Councilman O'Kelley wrote, and he said it's hard to enforce. Chief Clancy said they have used subsection (a) on that.

Councilman Sutton asked Chief Clancy how many officers had decibel meters. Chief Clancy said one per shift, and the supervisor gives it to the person who is working the downtown music district. The officer who is in the area would get it from the supervisor. Councilman Sutton said if he's the responding officer, and there's a complaint, he'd have to ask if the supervisor would meet him with the meter, or if he'd go to the area first. Chief Clancy said the supervisor should go down there if he has the meter, but the Nighttime Music District is the only area in which it applies. Mr. Harvey said (e) has an 85-decibel limit, so they could use a decibel meter as well. Councilman Sutton said that it's evident that they may need more than one meter.

Councilman O'Kelley asked if there's any other district besides downtown, areas where music travels across the water, or like where Mr. Scarborough lives that the police have noise complaints. Chief Clancy said the other complaints are about early morning noise, and that's covered by (c). They get that information on leaf blowers, etc., when they get a permit.

Councilman Sutton said he wonders what happens in areas outside of the Nighttime Music District: there must be a complainant and an officer who could answer the complaint. He said in his neighborhood, he could hear the music.

Paul Thompson said that at the property line, that's where the measure has to be taken, and atmospheric conditions can make the decibels higher even farther away than at the property line. Mr. Harvey said there's "a notwithstanding provision that says 85 decibels at the property line." Councilman Sutton says then they have to default to the 50' provision. There's a problem for him with the language. Mr. Harvey said there's an inherent problem with dealing with noise in the business district *all the time*. He said council can do what it wants with the ordinances, but he's trying to point out that these battles have been fought many times and tweaked a lot to get where they are already.

Mr. North said in regard to (e) and how it should be applied, he has written letters about the noise, and he thinks it must be enforced like it's written now; he has a problem living in the music district. He'd like council to consider that the street preachers could blast at 85 decibels from loud speakers. He thinks that "this is a danger area." The Master Plan the city adopted is impressive, Mr. North said. But it's clear that there has to be downtown residential living, and maybe there were no complaints in 2013 because no one was living downtown. He's living in residential space that was vacant, the rehabbed, which is what the Master Plan wants to happen, and his place "isn't habitable on Friday or Saturday night." If they eliminate outdoor speakers, living downtown is superior to anything he had imagined, and it could be great for lots of people, but not with places that have 1000 people screaming at 1 a.m. about how much fun they're having. Until this is fixed, the downtown living and marina development will not

succeed, Mr. North concluded.

Councilman Sutton said section (e) seems to apply to the Nighttime Music District; Mr. Harvey said it doesn't apply to that, but section (c) does. Both have the notwithstanding 85 decibel provision. Councilman Sutton said Hemingway's and Panini's are outdoor venues. After 1 a.m., the music needs to be inside. If they're not inside a structure, even if there's no music, there will be human noise. The unamplified human voice has first amendment rights, Mr. Harvey said, and they have to factor that in when they are talking about people in a commercial area. Councilman Sutton reviewed how the venues at Hemingway's and Panini's have evolved and said the problem has increased. Those 2 buildings "have outdoor groups adjacent to the park."

Mayor Keyserling asked if the issue wasn't amplified music outside, period, but that's a hardship on two businesses. Councilman Sutton said there's a level of responsibility in this. If the businesses are self-policing, that's important, so the police don't have to come down to determine if their business is appropriately following the ordinance.

Adina Foster, Hemingway's, said they haven't had a band there for 2 years, but people complain anyway, and she can't control that. She said the air base and people buying the houses around it will be subject to noise inconvenience, and the level of 85 decibels around the Nighttime Music District is the same thing. If you're going to live there, you need to expect that. Most of their business is done after 11 p.m.

David Tedder said he's always had a concern about a mixed-use district that includes music and he liked living in such an area when he was younger. The downtown area, as they are trying to urbanize it, is usually at a 60-70 decibel ambient background noise level. The problem needs to be addressed when they work on the form-based code "because there will be a tension out there." Mr. Tedder said most owners try to be compliant and respectful. He could get more decibel meters at \$50 from Radio Shack. Panini's permanently records the noise levels as a good faith effort to comply. Downtown was dying 25-30 years ago, and the nightlife is a lot of what makes it vibrant. He thinks it needs more study, and they need to look at what they are trying to accomplish.

Jason Bailey, Q on Bay, said they are trying to work with this. They were shut down at 1 a.m. this past weekend, because of complaints. He feels this type of music at his bar isn't loud, anyway. He needs to have something in place: if a complainant is shut down, he shouldn't be shut down, too. An officer told him that he shouldn't be allowed to operate if others aren't allowed to operate. He would like a determination as to how this will be dealt with. Everyone shouldn't be shut down if one person is causing a problem; if a complaint's filed, those who are in compliance should be able to remain open.

Mr. Harvey said in every section of the Noise Ordinance, it discusses a willful violation of (a) which is loud and unseemly noise. This section is triggered by a complaint and "triggering it can be prima facie evidence."

Councilman Sutton said the onus is on the business owner, and they have to make it work. Council will make a change in the ordinance if they don't make it work. Councilman McFee said they are violating the law if someone's playing outside at 1:15 a.m., so whoever is in violation, the police can enforce the ordinance whether there's a complaint or not. Mr. Bailey clarified that if his doors were shut, and it couldn't be heard outside, it's fine.

Mr. Thompson said when they shut down the music at 1 a.m., their business is over because people move to bars where they can go hear music inside a bar. Councilman Sutton said the ordinance wasn't written for Mr. Thompson because they don't have inside walls. Mr. Harvey said the first amendment rights attach to speech, including the unamplified human voice, which is people standing on Panini's deck talking. They just can't be loud and unseemly.

Stephen Murray said he thinks it's good to have a vibrant downtown, and he cautioned council not to clamp down more on the businesses downtown, which provide 30% of revenue for the city. Cutting hours back when they can operate with music will hurt the city as a whole. The owners and managers are here on an issue that really hasn't *been* an issue for a decade. Mr. Murray said the Norths had to know that they were moving in to the downtown music district and that is part of living in the city. Mr. Murray thinks the city should support the businesses that generate millions of dollars through taxes and payroll, and because people moved in and don't like the noise, they shouldn't risk that money. Councilman Sutton said the Civic Master Plan wants to bring more people downtown, and he wants to see if there's a reason to change something or enforce more. He wants to work with the businesses to see what THEY can do. They need to be in compliance and fully understand it.

Mr. North said the economy in downtown isn't perfect; it's *not* thriving, it's better, but council has to deal with this problem. They aren't complaining about any establishments except those that use outdoor amps and make it downtown "uninhabitable." Jell-O shots and \$1 vodkas shouldn't be as important as the opportunities to make downtown better by having people live downtown. If they want downtown residential development, they "need to pare down the discos" and "the open mic nights with profanity."

Maxine Lutz said the Norths shouldn't be "blamed" for doing what council wants to happen. Councilman McFee said he didn't feel like they were being blamed. Ms. Lutz said they should be recognized for wanting to be a part of the quality downtown. Councilman O'Kelley said he hasn't heard about the open mic profanities, and he has heard about the first amendment rights. If someone starts this at 10 p.m., an officer could give a ticket immediately with no warning.

Mr. North said he has made a lot of calls to the police in the last month, and that wouldn't be necessary if they would write a ticket to the offending businesses. Chief Clancy said they used to issue a lot of citations again and again, and it didn't solve the problem. He has before been criticized for writing too many citations. They let the officers use their judgment, and writing tickets isn't the answer to every problem. Ms. Foster said the open mic night was a customer doing a magic act and he was doing it inside, and she was unaware of it.

Jon Verity said that the Civic Master Plan envisions hundreds of people living downtown, and they should expect a different level of sound. They need to work together to determine how that's going to work. Mayor Keyserling said the purpose of laws is to protect the greater public. He's hearing that it might very well be that a lot of the problem can go away without a law if people are more respectful of their neighbors. They need to be mindful that people live there, and they want to have significant infill. They will therefore need to look at how neighbors treat each other.

Chip Dinkins thinks the ordinance is good, and business owners need to be clearer on how to work within the parameters. Friday and Saturday nights there will be noise and music issues, "and most folks can understand that."

Councilman Sutton said he would like to add in something to the ordinance that the businesses must monitor their own noise levels. Mr. Harvey said going back to the street preachers, this ordinance was fought tooth and nail and when they applied 1(a) to a strictly business district to regulate the unamplified human voice, that decision was the first in the country that upheld the constitutionality of regulating the unamplified human voice in a purely commercial district. They won an expensive fight, and "things have flowed from there," so he wouldn't recommend throwing out the baby with the bathwater because it's a good ordinance now. He cautions not to fix something because of the regulation schemes that go along with the ordinance as it is. Councilman Sutton said they need to have the ability to measure the sound to get a business license.

LaNelle Fabian said she has sent this question out to other Main Street managers, and what most said was that when they have an ordinance, they should make sure the businesses understand it and residents know what's going on when they come downtown.

Mr. North contends that subsection (e) has no exclusion for the Nighttime Music District and says that the answer is that you can use loud speakers in the music district, so all can blast at 85 decibels. It needs to apply to everyone so teens and preachers and everyone else can't do what the bars can do now. Councilwoman Beer said maybe there's a way to direct the sound better, and they could look into that.

Councilman Sutton said council has no direction to do anything with the noise ordinance. Councilman McFee said they are encouraging collaboration. Mr. Murray suggested that there be a sign downtown that says, "That 'noise' you hear is the sound of tax revenue."

There being no further business, the meeting was adjourned at 6:45 p.m.

A regular meeting of the Beaufort City Council was held on March 25, 2014 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling and council members Donnie Ann Beer, Mike Sutton, Mike McFee, and George O'Kelley.

In accordance with the 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

Mayor Keyserling called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilwoman Beer led the invocation. Mayor Keyserling led the Pledge of Allegiance.

PROCLAMATION OF MARCH AS AMERICAN RED CROSS MONTH

Councilman McFee made a motion, second by Councilman Sutton, to approve the proclamation. The motion passed unanimously. Councilman McFee read the proclamation and Mayor Keyserling gave it to Councilwoman Beer who made a short speech about the organization.

PROCLAMATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Councilwoman Beer made a motion, second by Councilman McFee, to approve the proclamation. Mayor Keyserling made a presentation to **Cindy Carr** with the Parkinson's Action Network. She recommended visiting www.Parkinsonsactionnetwork.org.

PUBLIC COMMENT

Sandy Johnson, 1113 Craven Street commented on new concrete table and benches in Secession Park. They have owned Secession House for 20 years, and she saw there was money budgeted for these in Secession Park. She was told it probably wouldn't happen, but she saw the benches last night. Secession Park is specifically to be a passive park, and now she is concerned it will be "a picnic park." Over the years, they have talked with people in charge of landscape and have asked for flowers and shrubs and donated a fountain. She said other parks have had massive improvements with plantings to beautify the city. She showed pictures of Secession Park now and 20 years ago. The park needs plantings, not tables and benches made of concrete. She thinks they are "disgraceful" and should be removed.

Eddie Rodgers agreed with her and said she "was appalled" when she saw them. She said people spoke up at the time of the budget and said that they were inappropriate for a passive park in the Historic District. People taking a walk would like a relaxing bench with a back on it. She said she would donate a bench. Mayor Keyserling said he was surprised to see them, too.

MINUTES

Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes of the work session and regular meeting March 11, 2014 as submitted. The motion passed unanimously.

ORDINANCE ANNEXING THREE PARCELS OF PROPERTY ON GREENLAWN DRIVE

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the ordinance on second reading. Ms. Anderson did a brief presentation showing the properties. They're contiguous to the city limits, and the Metropolitan Planning Commission recommended approval. **The motion passed unanimously.**

ORDINANCE ZONING THREE PARCELS OF PROPERTY ON GREENLAWN DRIVE, FROM SUBURBAN DISTRICT TO BOUNDARY STREET REDEVELOPMENT DISTRICT

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the ordinance on second reading. The motion passed unanimously.

ORDINANCE AUTHORIZING CITY MANAGER TO ENTER INTO LEASE AGREEMENTS FOR LIMITED USE OF SMALL AREAS OF WATERFRONT PARK PROPERTY FOR EXPANSION OF WATERFRONT BUSINESSES

Councilman Sutton made a motion, second by Councilwoman Beer, to approve the ordinance on second reading. Ms. Anderson said an ordinance is necessary for the city to lease city-owned property. Plums would like to develop their outdoor patio where there is currently mulch, and Yoyo's has developed some steps into Waterfront Park that are already built.

Ms. Rodgers asked if it's legal for the city to lease property that is zoned Conservation Preservation to anyone for Core Commercial use. Ms. Anderson said the lines of the Waterfront Park are not so precise that this would make a difference. She can't say for certain that the zoning boundaries exactly match the property boundary lines. Generally, the Waterfront Park is zoned Conservation Preservation, but when they are "talking about 70 square feet of encroachment, the lines are blurry." Councilman Sutton said in these cases, the way the property line is, it's already encroached, and it's allowing the public to safely gain access to a building, in the case of Yoyo's. The other instance is a mound of dirt presently and will enhance the park's beauty.

Councilman O'Kelley said he doesn't know whether they can lease it, but this could be extended to the Marina parking lot. Mayor Keyserling said it's a good question, and he doesn't think it affects leasing but it could affect *use*. **The motion passed unanimously.**

ORDINANCE REZONING PROPERTY LOCATED AT 1011 AND 1015 BAY STREET FROM OFFICE COMMERCIAL DISTRICT TO CORE COMMERCIAL DISTRICT, AND REZONING PROPERTY LOCATED AT 310 AND 314 CHARLES STREET FROM OFFICE COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the ordinance on first reading. Ms. Anderson showed where the properties are on the overhead. One is the Best Western Sea Island Inn and the other is the Wells Fargo Bank, and both would be zoned Core Commercial. The other two are a vacant lot and a historic short-term rental. They would be rezoned Neighborhood Commercial District. **The motion passed unanimously.**

ORDINANCE REVISING PART 10 OF THE CITY CODE TO ESTABLISH A SPECIAL ASSESSMENT FOR REHABILITATION OF HISTORIC PROPERTIES

Councilman O’Kelley made a motion, second by Councilwoman Beer, to approve the ordinance on first reading. Ms. Anderson said this would freeze the assessment at 10 years. The minimum investment required to qualify will be 50% of the market value of the building. The ordinance was discussed in a work session. Council asked that the ordinance apply to *all* structures in the Historic District that are over 50 years old, not just contributing structures. 75% of the Historic District structures are over 50 years old.

The other change, Ms. Anderson said, was that it was recommended that the ordinance be expanded to apply to structures outside of the Historic District. This would add many buildings that could be eligible. The UDO would need to be tweaked, and the council would have to designate these buildings to be historic under state law. The ordinance allows a special assessment on historic structures rehabbed per approval by the Historic District Review Board at 50% of the fair market value of the structure. All structures in the Historic District are eligible for the special assessment as well as all structures on the survey outside the Historic District.

Mayor Keyserling asked if there could be any unintended consequences to property owners. Ms. Anderson said no, but they would have to go to the Historic District Review Board to get approval in order to get the assessment. They are really hoping this will especially apply to the vacant and abandoned buildings, Ms. Anderson said. Mayor Keyserling said the county is looking at doing a similar thing with the county assessment.

John Dickerson encouraged council to pass the measure, as it encourages people to rehab their lots and to improve the Historic District and those houses outside the Historic District that are historic, as well as the neighborhoods they’re in. Councilman Sutton said he works on these buildings; he asked if it could be retroactive, and Ms. Anderson said no.

Ms. Rodgers thinks this is a good thing. 185 buildings are historic, and there’s a process, and she asked whether they could do one overall process “to get the word out that people are eligible” or if they will do it on a case-by-case basis. Councilman McFee said if people want to take advantage of the process they have to go through it. Ms. Rodgers said she meant that if this passes, the 185 owners would be notified of the availability of this and would maybe want to join the program. She feels a blanket acceptance and notification would work best. Councilman Sutton said he wouldn’t designate them as a group as historic without them applying for that so the Historic District doesn’t grow excessively outside of where it already is.

Mayor Keyserling said the building codes people have the list, so if someone applies for a permit, that is how they can market it. Ms. Anderson said the properties can be found on the website of the city. When the ordinance is adopted, they hope to bring it to individuals’ attention and will educate people about the different incentives that are available in addition to this one.

ORDINANCE REVISING PART 3, CHAPTER 3 OF THE CITY CODE TO ESTABLISH A PARK AND TREE ADVISORY COMMISSION

Councilwoman Beer made a motion, second by Councilman McFee, to approve the ordinance on first reading. Councilman O’Kelley offered an amendment that the definition for trees be changed to match that of “Black’s Law.” Councilman Sutton seconded the motion. The motion on the amendment passed unanimously. The original motion, amended, passed unanimously as well.

ORDINANCE AMENDING TITLE 8 CHAPTER 2, OF THE CITY CODE OF ORDINANCE PERTAINING TO PARKING TIME LIMITATIONS, AREAS AND RATES WITHIN THE CITY OF BEAUFORT, SPECIFIC TO CHARLES STREET

Councilwoman Beer made a motion, second by Councilman McFee, to approve the ordinance on first reading. Mr. Dadson said there are 2 parts to the ordinance; council said when Charles Street was repaved, if there could be more parking spaces, they need to be noted and a fee assigned. The museum and Visitors Center have requested for their meters to go from 30 minutes to 90 minutes to allow more time for visitors. Staff supports those changes.

They also need to address parking spaces for day-long rentals for \$10 a day, Mr. Dadson said, usually for needing a safety zone while work is done. But there are also examples of people tenting for events, or they can rent the space and cook in it, which happened a few weeks ago. They want to set these rules, and then work session this, and when they are satisfied with it, they can move it to the second reading. There are no clear rules about all-day rentals and what needs to be there. He thinks it should be priced more appropriately. He recommended \$35 to encourage turnover and make the rules clear. They were taken aback by the cooking there, which can happen during events, Mr. Dadson said.

Ms. Lutz said she’s glad they are having a workshop on it. She thinks \$35 for a space all day is high for people who are trying to upgrade their property. Mr. Dadson recommended moving forward on the first two parts – Charles Street and the Visitors Center. There was discussion about how this should be handled. Ms. Fabian said that she is reserving comment for tonight but would like to come to the work session. **The motion passed unanimously.**

APPROVAL OF LEASE AGREEMENT WITH PLUMS, INCORPORATED FOR 328 SQUARE FEET OF WATERFRONT PARK PROPERTY

Councilwoman Beer made a motion, second by Councilman McFee, to approve the lease agreement. Ms. Anderson showed photos of the area proposed to lease. They will build a small retaining wall to separate the dining areas. The city’s landscape architect, **Liza Hill**, and **Lauren Kelly**, the preservation planner, have reviewed this. Ms. Rodgers asked the height of the wall and what the surface will be that’s mulch now. Ms. Anderson said the wall will be 18 – 24” tall, and the interior space will be pervious bricks, similar to Saltus. The tree will be outside the wall. Mr. Dinkins said the idea is to take the neglected space and make it look like the park itself. The wall will have the same tabby paver on the top, so it will look like Waterfront Park. They will use natural wood tables and umbrellas to provide shade. It will be similar to the open area near the river where people can eat take out. **The motion passed unanimously.**

APPROVAL OF LEASE AGREEMENT WITH YOYO'S ICE CREAM FOR 70 SQUARE FEET OF WATERFRONT PARK PROPERTY

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the lease agreement. Ms. Anderson said the applicant sent a site plan for approval, not a survey, and that's how it was determined that they were in city park property. So now everyone has to provide a survey. Ms. Anderson said Ms. Hill contacted the lessee about a sign or a speed bump in the driveway for safety. **The motion passed unanimously.**

REQUEST FOR CO-SPONSORSHIP FROM HOPE HAVEN FOR THE ANNUAL TAKE BACK THE NIGHT EVENT

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the request for the April 11, 2014 event. The motion passed unanimously.

ANNUAL REQUEST FROM MAIN STREET BEAUFORT, USA FOR THE TASTE OF BEAUFORT EVENT INCLUDING APPROVAL OF ALCOHOL SALES, STREET CLOSURES, AND USE OF PLAYGROUND PARKING SPACES

Councilwoman Beer made a motion, second by Councilman O'Kelley, to approve the request for the May 2-3, 2014 event in Waterfront Park. Ms. Fabian said it's the same as in previous years. The motion passed unanimously.

REQUEST FOR WAIVER OF THE NOISE ORDINANCE FOR A PRIVATE EVENT AT THE ARSENAL

Councilwoman Beer made a motion, second by Councilman Sutton, to approve the noise ordinance waiver request for the May 16, 2014 event. Councilman McFee said these events typically wind down before the 11 p.m. time applied for but 11 p.m. is the cushion. Councilman Sutton said he wants to ensure that this is in accordance with the noise ordinance, and he doesn't know how section (e) applies, but he thinks it's a good time to test it. He thinks they should tell the applicant "that the ordinance states that no matter what time you play, the ordinance says it can't exceed 85 decibels at the property line." Mayor Keyserling said they won't know that, so maybe this should be on the application in the future. There was a discussion about the nearby synagogue and their Friday services being interrupted by music from the Arsenal. **Councilwoman Beer, Councilman Sutton made a motion to table the matter until further information was obtained. The motion passed unanimously.**

MAYOR'S REPORT

Mayor Keyserling reminded the public of the annual council retreat on March 26.

Mayor Keyserling said council will be in touch with the Norths, and though council doesn't "debate...they were heard."

REPORTS BY COUNCIL MEMBERS

Councilman McFee said on Saturday, the Main Street Beaufort Beauties show will be happening, and he will be the emcee, and he invited everyone.

Councilwoman Beer said that Beaufort Beauties show will benefit Healing Heroes of the Lowcountry Fund, among others.

ADJOURNMENT

There being no further business to come before City Council, **Councilman O’Kelley made a motion to adjourn, seconded by Councilwoman Beer The motion was approved unanimously,** and the meeting was adjourned at 8:16 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK