

A regular meeting of the Beaufort City Council was held on January 12, 2009 at 6:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson, and Shirley Hughes. 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

The Mayor called the meeting to order at 6:09 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Councilwoman Beer. The Pledge of Allegiance was led by the Mayor.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 5.4.B TO ADD REQUIREMENTS FOR FENCING AROUND SWIMMING POOLS ON RESIDENTIAL LOTS

Mayor Keyserling opened this public hearing. Ms. Anderson said the current requirements are in the appendices; when the current codes were adopted, the appendices weren't adopted, so they can't be enforced. The Planning Commission has recommended approval. There being no public comment, the mayor closed this public hearing.

MINUTES

The minutes of the council work session meeting on December 1 and 15, 2009 and January 5, 2010 were presented to council for review. Councilwoman Beer, seconded by Councilman Fordham, moved approval of the December 1 minutes. Council voted unanimously to approve the minutes as written.

Councilwoman Beer, second by Councilman Fordham, moved approval of December 15 minutes. On page 3, paragraph 2, Councilman Sutton clarified that his statement to Mr. Patterson was more properly stated that *if council didn't act*, they wouldn't be able to put milk back into the cow. Council voted unanimously to approve the minutes as amended.

Councilwoman Beer, seconded by Councilman Fordham, moved approval of January 5, 2010 minutes. Council approved the minutes as written with a 4-0 vote, with Councilman Sutton abstaining because he was absent from the work session.

The minutes of the regular council meeting on December 8, 2009 were presented to council for review. Councilwoman Beer said the furniture store referred to in the minutes as Kendrick's should have been Hendricks on page 4 of the minutes in the last paragraph. On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes as amended.

AMENDMENT TO THE FY2010 BUDGET TO ADD AND FUND A BUDGET UNIT FOR THE REDEVELOPMENT COMMISSION

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on second reading. The motion passed unanimously.

ORDINANCE REVISING PART 5, CHAPTER 1, ARTICLE D OF THE CODE OF ORDINANCES PERTAINING TO THE PRIVATE SEWAGE DISPOSAL CODE

Councilwoman Beer moved and Councilman Fordham seconded approval of the revision to the ordinance on first reading. Ms. Anderson said in July 2008, the building codes were updated with two exceptions, including this one relating to private sewage disposal. This revision will update the ordinance

to be the 2006 international code. Additionally, it will not be linked to a specific date, so they shouldn't need to be updated every two years. Councilman Sutton asked about its impact on city residents. Ms. Anderson said it affects those with septic systems, and there are still a few of those in the city. The motion passed unanimously.

UDO AMENDMENT REVISING SECTIONS 6.2, 7.1, AND 11.2 TO REVISE THE STANDARDS FOR TOWNHOUSE DEVELOPMENT

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on first reading. Ms. Anderson clarified that these were for design standards where townhouses are already permitted. The Planning Commission approved this last year, and there was a work session on it with the council in December. The requirement to elevate the townhomes raised concerns at that work session, so the amendment wording has been changed from "shall be raised" to "SHOULD be raised." It's no longer a mandatory standard. Councilman Sutton said he's not sure about the "shall vs. should" change, but he would contemplate it before second reading. The motion passed unanimously.

ORDINANCE REVISING PART 5, CHAPTER 1, ARTICLE A OF THE CODE OF ORDINANCES PERTAINING TO THE RESIDENTIAL BUILDING CODE

Councilwoman Beer moved and Councilman McFee seconded approval of the ordinance on first reading. Ms. Anderson said this was the other exception to the building code updating in July 2008. Ms. Anderson said that in the 2008 adoption of IRC codes, this one was intentionally not adopted because the intention was to go back and update this in the middle of last year. This ordinance updates the code to the 2006 international code. Mr. Dadson told council that the existing building code was adopted; the state hadn't ruled on this until 2009. Also, this affects insurance rates. If this isn't adopted, it will have an insurance rating effect, and he supported its adoption. The motion passed unanimously.

AMENDMENT REVISING SECTIONS 8.1 AND 9.4 PERTAINING TO LOT RECOMBINATIONS

Councilman McFee moved and Councilman Sutton seconded approval of the amendment on first reading. Ms. Anderson gave a brief overview and said it comes into play when property lines on existing lots need to be moved. This amendment will make it easier to do that; currently, they can't approve it unless both lots meet current standards, and in a historic city, many don't meet those. This amendment would allow recombinations if they are *moving close* to conformity. This will also eliminate the requirement that non-conforming lots be combined. The motion passed unanimously.

AMENDMENT REVISING SECTION 5.1 OF THE UDO TO PERMIT INDOOR ENTERTAINMENT IN THE LIMITED INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

Councilwoman Beer moved and Councilman Sutton seconded approval of the amendment on first reading. Ms. Anderson said the "special exception" is the most powerful tool they have for particular attention to issues. She again explained how the process will work, and said each decision is based on the particular application. If the building changes use, it reverts. Councilman Fordham asked what type of business is usually found in this zoning. Ms. Anderson said all types of industrial uses and named some examples of heavier industrial to lighter uses such as contractors who need outdoor storage and offices. Councilman Fordham said this use seems "convoluted" and feels that this is putting something in the zoning that doesn't fit. Mayor Keyserling said another option would be for the property owner to ask for a variance, but this is a more concise, controlling, and restrictive way to get a variance if they seek it. Councilman Sutton said he knows there are zoning issues throughout the city that only come to light when someone makes an application. He gave the example of a county-owned recreation center, which has an empty warehouse across the street from it. Current zoning doesn't allow another gym to be built there. He said the zoning clearly doesn't fit, but in reality the city needs limited industrial areas. Mayor

Keyserling added that one of the single-family homes in that area was just converted to an institutional use.

Angela Hegstrom said that she opposes the amendment. She feels it's a rezoning because "it is such an extreme opposite use." Indoor / outdoor entertainment would include bars and grills, stadiums, etc. It would have very different uses and different traffic, and, she feels, should be different zoning. The light industrial area is adjoined to single family dwellings in her area around Depot Road. They have coexisted with the light industrial areas for over 100 years. Her own home is 62 years old. Being attached will cause "severe negative effects." She was glad to hear about the special exception, but she's not comfortable with it and feels it should be a re-zoning, and applicants would have to come to the city and ask for a re-zoning. She also said she has discovered that there are no specific use standards for the city for indoor/outdoor entertainment. They would be allowed in areas with townhomes and multiple-family dwellings.

Dartha Pierce said she had spoken to some Baggett Street residents and no one had been notified about this change to the UDO. She feels like they should have at least received a letter. Mayor Keyserling said if it's passed, and there's an application, residents in the affected neighborhood will be notified. It will go to the ZBOA, not to the city, for the decision. This proposal is for nothing specific; it will apply to all three neighborhoods. Council is creating a *process* for application, not approving a particular application.

Ms. Pierce asked what this change would allow to be put into the building which sparked the debate. Councilman Sutton offered to read from the list of permitted uses. Ms. Pierce said she knew what was on the list. Councilman Sutton reiterated the areas under consideration for the change and read the permitted uses from the UDO for the record. Ms. Pierce said she's read those permitted uses for four years. She wants to know what can be put into her neighborhood. Ms. Anderson clarified for the record what indoor entertainment is in the ordinance, i.e., bowling alleys, theaters, dance halls, gyms, etc. Ms. Pierce asked if alcohol would be allowed. Mayor Keyserling said if the use is changed it could be rezoned or one could ask for a variance. This proposal would create a third vehicle to expand its use to what the applicant wanted it for. This gives them another option to ask for. He reiterated that this changes the *process* one would go through if they wanted to change a property's use. Councilwoman Beer said anything alcohol-related had to be kept a certain distance from homes, so chances are that in a small neighborhood alcohol wouldn't be allowed. Ms. Hegstrom asked if one council member would make a motion to put specific use standards on paper before this special exemption was made. Mayor Keyserling said that would be up to the ZBOA, and they would put all sorts of standards on it. Ms. Hegstrom said there are none on the books.

The motion passed 4-1, Councilman Fordham voting against.

RESOLUTION TO ACCEPT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD AND AUTHORIZE REDEVELOPMENT COMMISSION TO MANAGE THE RELATED PROJECT(S) FOR THE BLADEN STREET AREA

Councilman Sutton moved and Councilman McFee seconded approval of the resolution. The motion passed unanimously.

RESOLUTION TO APPROVE A VACANT LOT REMEDIATION PROGRAM NOW THRU JUNE 30, 2010

Councilman McFee moved and Councilwoman Beer seconded approval of the resolution. Mayor Keyserling clarified what this resolution does. The motion passed unanimously.

REQUEST FROM BEAUFORT COUNTY MINISTERIAL ALLIANCE TO CONDUCT ANNUAL MARTIN LUTHER KING JR. PARADE MONDAY, JANUARY 18, 2010

Councilwoman Beer moved and Councilman Fordham seconded approval of the request. The motion passed unanimously.

MAYOR'S REPORT

Mayor Keyserling said he has received "rashes of e-mails" about attendance zones at high schools. He has responded that the council isn't the school board, but he suggested council might want to make a statement. He asked council to think about doing so before the next work session.

BTAG meets on January 20 at 10:00 am and will hear about Boundary Street funding. No contract has been signed yet.

There has still not been a meeting about light pollution on Hermitage Road.

Mayor Keyserling went with Carlotta Ungaro to a meeting in Sumter to discuss what that city does to strengthen business ties with military bases. He sees entrepreneurial opportunities and said there will be a follow-up meeting.

A meeting of mayors, chairman of the finance committee and others to discuss a more reliable system of revenue collection and accountability will take place in the future.

REPORTS BY COUNCIL MEMBERS

Councilman Fordham said he feels the city is looking "a heck of a lot better" and commended the city manager for his efforts at clean-up.

Councilwoman Beer echoed Councilman Fordham's sentiments and commended the fact that everyone is able to take advantage of these services. Mayor Keyserling said that fire departments will also install alarms and fire extinguishers during the neighborhood clean-up drives.

Councilman Sutton said he's receiving more calls on home repair needs. There's no one to assist on minor critical needs such as broken water heaters and frozen pipes. He said the funding stream for such help is not there; Habitat is not the place to go to, and while United Way's crisis center is helpful, it's also not the right place. He wants the council to think about what could be done and brought up Operation Good Neighbor. Councilman McFee said discretionary funds may be available in local churches. Councilman Sutton said he wants someone to step up to do the work if a funding stream is opened. It's not a simple process, and he thinks there should be a nest egg for emergency home repairs for \$1000 less with some restrictions such as age and income. Councilwoman Beer said maybe an appeal could be made to retired contractors and electricians. Mayor Keyserling said a partnership might be possible with the Homebuilders' Association. Mr. Dadson said he'd scour for some resources. Councilman Fordham said it would be nice for the city to do such things, but the city government is not assigned this kind of task; the churches are a better resource to go to. Mayor Keyserling said that's what's needed: a partnership and the ability to tell someone where to go for help.

Councilman Sutton said he'd attended the Fort Sumter Preservation Trust meeting. It was very interesting, and there's a lot of planning in place. The first meeting to plan the Tricentennial celebration will be January 21. There's an ongoing e-mail list of 18 people interested in working on this.

EXECUTIVE SESSION

On motion by Councilwoman Beer, seconded by Councilman Fordham, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for a) discussion and advice from legal counsel regarding a lawsuit and b) appointment of personnel to a public body, namely the Redevelopment Commission. The motion was approved unanimously.

Mr. Dadson presented a statement for the record: Last week the city's attorney received the Order of the State Circuit Court judge in the lawsuit against the city brought by the owner of the Airport Junction property. The order ruled in favor of the owner and against the city. The city disagrees with the order's reasoning and rulings.

After discussion in council's Executive Session tonight with its attorney, the city is considering the wisdom of an appeal to the State Court of Appeals. That consideration involves a weighing process as the city tries to determine what is in the best interest of the public as perceived by the city. On the one hand, the city needs to consider the effects of the Order on development (or possible development) of the Airport Junction property and other properties, as well as the implications of the Order for zoning generally and planned unit developments specifically. On the other hand, the city is very much aware of the costs and uncertainties of appeal and further litigation. Further public announcements will be forthcoming when the city decides whether to appeal the order

Councilwoman Beer, seconded by Councilman Sutton, made a motion to come out of Executive Session and resume the regular council meeting. The motion was approved unanimously.

Through a consensus process, nine impressive individuals who interviewed for appointment to the Redevelopment Commission were narrowed to five appointees. Councilman Sutton made a motion, seconded by Councilwoman Beer to appoint Jon Verity, Michael McNally, Wendy Zara, Denise Bolin, Ed Barnhardt. The motion passed unanimously.

Councilman Fordham made a motion for all council members to be withdrawn from membership on the Redevelopment Commission, seconded by Councilman McFee. The motion passed unanimously.

ADJOURNMENT

There being no further business to come before City Council, Councilman Fordham made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously, and the meeting was adjourned at 8:30 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK