

A regular meeting of the Beaufort City Council was held on April 14, 2009 at 6:00 p.m. in the county Administration Building, Ribaut Road. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, 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

The Mayor called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

The invocation was given by Pastor David Holland of Tidal Creek Fellowship. The Pledge of Allegiance was led by the Mayor.

RESOLUTION

On motion by Councilman Sutton, second by Councilwoman Beer, council voted to adopt the resolution to proclaim April as Fair Housing Month.

RESOLUTION

On motion by Councilman McFee, second by Councilman Sutton, council voted to adopt the resolution to honor Charles William Wadsworth on his birthday, April 26, at his final show.

PROCLAMATION

On motion by Councilwoman Beer, second by Councilman Sutton, council voted to adopt the proclamation to pronounce April Child Abuse Prevention Month. Keith Davis, representing the Department of Social Services, accepted the proclamation and thanked the council for their support.

PROCLAMATION

On motion by Councilwoman Beer, second by Councilman Fordham, council voted to adopt the proclamation to pronounce April Sexual Assault Awareness Month. Jeannie Owens, representing Hope Haven of the Lowcountry, thanked the Council for the declaration and for taking a step to break the silence.

PROCLAMATION

On motion by Councilwoman Beer, second by Councilman Sutton, council voted to adopt the proclamation to pronounce Penn Center 1862 Circle Week.

PUBLIC COMMENT

Jay Weidner expressed his concern about pedestrian access to Pigeon Point Park. He asked if a potential right-of-way belongs to the City and if it does, if a pathway could be made to get into the park. The City Manager answered that in the City Attorney's opinion, it is not the City's right-of-way. Councilman Sutton said City Council supports the idea but needs to find a way to make it happen. Councilman McFee said that the Herrick family has the property up for sale as a single parcel.

Carlotta Ungaro of the Beaufort Regional Chamber of Commerce compared national averages of Convention and Visitors' Bureau numbers with local numbers. The local Chamber is, for the most part, in line with industry standards and averages. She offered to present their marketing plan.

Carl Wheddler, a resident of The Point, said that some streets off of Carteret are being resurfaced and center line stripes painted. For reasons of ambience, he would prefer they not be striped in The Point if they're resurfaced. He asked if there were plans to do that so they could talk to proper state authorities. Councilman Sutton informed him that the Council has no control over the DOT, but asked The City Manager if it can be checked into. The City Manager said he would do so.

Charles Lehman, the new tourism director of the Chamber of Commerce Convention and Visitors' Bureau, introduced himself to Council.

MINUTES

The minutes of the regular City Council meeting of March 24, 2009 were presented to Council for review. Councilman McFee asked that the minutes be amended to change the Homeowner's Association to the Homebuilder's Association. On motion by Councilwoman Beer, second by Councilman Sutton, Council approved the minutes as amended.

ORDINANCE CHANGING THE HOURS IN SECTION 901998, NOISE ORDINANCE

Councilwoman Beer made a motion, seconded by Councilman Sutton, to adopt the noise ordinance on second reading in an amended form. Councilman Sutton clarified that the amended motion changes the hours to 8:00 AM – 10:00 PM. The vote on the final motion was unanimous.

PUBLIC ASSEMBLY REQUEST – BEAUFORT COUNTY COURTHOUSE, MAY 7, 2009 – NATIONAL DAY OF PRAYER

Councilwoman Beer moved to approve the request and Councilman Fordham seconded. The request was approved unanimously.

REQUEST FOR STREET CLOSURE FOR MEMORIAL CYCLING EVENT, APRIL 28, 2009

Councilman Sutton moved to approve the request and Councilman McFee seconded. The request was approved unanimously. Joe DeVito detailed the events of that weekend.

APPROVAL OF AWARD FOR THE DUNCAN-LANGHORNE DRAINAGE IMPROVEMENT PROJECT

Councilman Fordham moved to approve the award and Councilwoman Beer seconded. The request was approved unanimously.

Councilman Fordham asked the City Manager if all necessary right-of-ways had been obtained, and the City Manager replied that they'll still need to obtain necessary easements. They discussed "responsive and responsible bidders" and "local bidder preference" in reference to the engineers for the project. Councilman Fordham asked about engineering involvement and salary.

The City Manager replied that the chosen firm is local and that engineers usually receive 9-14% of total project costs.

**REQUEST FOR BEAUFORT ACADEMY TO SERVE ALCOHOL
AT THE 2009 PIG OUT, MAY 9, 2009**

Councilwoman Beer moved to approve the request and Councilman Sutton gave second. The request was approved unanimously.

**AMENDMENT REVISING SECTIONS 6.8.G OF THE UDO TO TIE THE
REGULATING PLAN TO FINAL ENGINEERING PLANS**

Councilman Sutton moved to approve the amendment on the first reading, and Councilwoman Beer gave second.

Libby Anderson said that the Boundary Street Redevelopment District Ordinance organizes development standards around street types. It contains a regulating plan that was developed using the county's Geographic Information System (GIS), the best information available at the time. The preliminary/conceptual engineering is done, and the city has a survey of the Boundary Street Project (BSP) area now. Now that the survey is done, the Redevelopment Commission has requested a revision in the ordinance to provide flexibility in street location and the configuration of intersections to avoid repeated adjustments to the regulating plan based on final engineering. The ordinance was prepared for first reading: "The street location and intersection designs are subject to final engineering of Boundary Street, the parallel street, and other roads."

The amendment was approved unanimously.

The Mayor told the public in attendance that while the council might appear to be moving exceedingly quickly through the various agenda items, they had been in a 4.5 hour workshop to prepare them for the issues that would be discussed at this meeting.

**AMENDMENT REVISING SECTIONS 2.7, 2.9, AND 3.19 OF THE UDO TO GIVE CITY
COUNCIL THE AUTHORITY TO APPROVE CERTIFICATES OF
APPROPRIATENESS FOR CERTAIN DEMOLITIONS**

Councilman Sutton moved to adopt the amendment on its first reading; Councilwoman Beer seconded the motion for the purposes of discussion only.

The Mayor invited discussion first from the members of City Council. Councilman Fordham said that in recent months, the Historic Beaufort Foundation (HBF) had been requested by council to present to it a list of "the ten most historically significant properties" but council still hasn't received that list. He will support the motion in order to move the decision-making process forward.

Councilwoman Beer emphasized that council's intention is not to take over the Historic District by this vote. She feels the Historic Review Board (HRB) is highly professional, but she has concerns about dangerous structures without value "that no one wants to let go of." While City Council would never assume to know more about the matter than HRB, she feels there needs to be a dialogue among the groups involved.

Councilman McFee praised HRB members but said that the City Council sees areas in the city, especially in the Northwest Quadrant, that have needed demolition and improvement for many years.

Councilman Sutton reviewed what has transpired over time in the Northwest Quadrant, which he called the oldest working class neighborhood in the city. He said he has worked hard in that neighborhood to “stand it up” without gentrification. He sat on HRB and championed the causes within that district and has seen buildings approved. He showed a list of 20 properties in the Conservation District that are vacant and abandoned and showed snapshots of the homes on that list. He made a motion to approve taking demolition away from HRB in order to get a dialogue started. He wants to support the Mayor in his efforts and would like the amendment to pass on first reading and keep it in place for 120 days. He said that the buildings there were not meant to last 100 years, adding that while every building in the district can’t be saved, council is seeking help to find the ones that are “gone,” and save the ones that aren’t yet.

The Mayor invited the public to share ideas, comments and resources. John Gadson, chairman of HRB, said only HRB has the authority to issue a certificate of appropriateness to tear down a structure in the Historic District. He feels that HRB is responsible for preserving the history of Beaufort. If Council takes tear-down authority from HRB, it takes away more than 50% of HRB’s worth. HRB also has concerns about what will replace a torn-down property. Mr. Gadson said that none of the properties Councilman Sutton had shown had been brought to HRB with a request to tear it down. In 2007 - 2009, 24 buildings were brought to HRB to be torn down; some of them were outside the District. 80% were given authority certificate to be torn down immediately. Of the remaining 20%, some were outside of HRB’s jurisdiction. Some that were denied were successfully rehabbed in another location. Some were livable and *should* have been denied. 3-4% deteriorated further and then were taken down because Beaufort doesn’t have rehab programs except through HBF. Its members were selected for their expertise and they practice “prudence.” He has concerns about due process. He suggested a scenario in which the city, in need of tax revenue, might allow a developer with \$10 million to rip up a whole block, including homes with some historic significance. He feels HRB is not to blame for the slow pace, adding that most people who come before HRB don’t have any complaints about it. Councilman Sutton responded that, for the record, Mr. Gadson’s comments were wonderful, but his assessment of Councilman Sutton might not be “100% accurate.”

HBF Director Evan Thompson said that at the group’s annual meeting, they’d given a preservation honor award to Councilman Sutton for the Block By Block program. Historic preservation now encompasses more varied properties, like the small cottages in the Northwest Quadrant, which has suffered “significant losses.” He said that all property owners have a right to preserve their houses, but whether or not they have the funds is another issue. He said that HBF did put together the list Councilman Fordham referred to as not having been given to council. On it were the 11 most worthy of efforts to document and save, and of those, HBF feels that 2 of them should be taken down. He feels that HRB is the appropriate forum to have these discussions and Council should be included. He said HRB has been prudent, approving 12 out of 13 demolition requests. Giving tear-down approval to council, he believes, will lengthen and bureaucratize the process. While HBF’s focus has been on museum properties, he feels they need

to “go out and find money for repairs.” Councilman Sutton asked Mr. Thompson about the numbers he’d cited: that HRB had approved 12 out of 13 demolition requests, and Mr. Thompson answered that he had obtained “a list from Donna Alley.”

Lisa Estes, an HDRB member and Historic District property owner, offered an example of the last demolition that was approved; property owners wanted a house demolished because they didn’t have the money to rehab it, but they also weren’t able to pay for its demolition cost-effectively. The benefit for the owners in tearing it down and not rebuilding was paying lower taxes. She suggested that council might want to consider as a revenue stream the difference in taxes on a house and a lot rather than an empty lot. She felt HRB should be more involved in the process, not removed, since they’re the group that carefully considers what happens before and after a demolition. She said that issues of historic preservation can’t be rushed, adding that the applicant and council should be separated.

Councilman Sutton replied that taxes are always an issue. He said that there are ways to reduce the tax burdens, but they can’t all be lumped together. When property owners have a dead building, they can’t live in it, so there needs to be a mindset change to help families before a building gets to that point. He said it’s not true that council desires a “rush to demolition.” HRB’s charter is not to “go out and look for buildings to tear down.” HBF, HRB, and council should work together.

Conway Ivy, a King Street resident, said that he lives in a saved house. It’s not clear to him why the demolition process needs to be changed. He feels it’s not HRB’s fault if buildings aren’t submitted to them. He’s disturbed that in the preamble to the ordinance, “historic preservation” doesn’t appear anywhere in the document. He sees no reason to change the process.

Dr. Gene Grace said that 35 years ago, The Point was like the Northwest Quadrant is today. Many of the houses there were in worse shape than what was shown in Councilman Sutton’s presentation. He pointed out that, when a building is torn down, no one knows what will be built in its place. He asked council to consider that others will take their places on council in 10 years and make those decisions. He implored council to leave these decisions to the HRB.

Sherwood Morehead, a Federal Street resident, said that he agreed with Mr. Ivy’s assessment that the ordinance appeared to be about demolition, not preservation. He feels that council could work with HBF and HRB to modify the conception of preservation, reconstruction, and demolition. He also said it would be productive to bring Northwest Quadrant residents into the process of resolution.

Jim Bazemore, an architect and member of HBF, suggested that modifying/amending the ordinance and saying “You have 120 days to...do something with that” is a threat. He said it would be better to not modify it at this point and instead say, “If after 120 days, something isn’t done...then the Council will (consider) doing something else.”

Jeffrey Pollock, a 10-year Beaufort resident, has seen HBF focusing on primary historic structures. Though some Northwest Quadrant residents had little home to renovate, council applied for grants and accomplished much last year, so “they have the ear of the people who live

in the Northwest Quadrant.” HRB will still approve what goes up, but he feels the council should have the tools to move forward to avoid further deterioration in the Quadrant.

Jay Widener, an HBF board member and HBF’s representative on HRB, said that though he appreciates the Block by Block program, the next time a grant application is made for work in the Northwest Quadrant, HRB should be given an opportunity to review the proposal. He also has concerns that with the proposed ordinance change, the city would generate a list of buildings to demolish, apply for the demolitions, and then approve the demolitions. Therefore, HRB should review the demolitions.

The Mayor noted that when a deteriorating house is “saved” from demolition, it’s really not saved, as it’s still subject to weather, abuse, etc. He said that a grant is coming up for houses in blighted neighborhoods. He offered that perhaps there needs to be a more aggressive effort to see if there’s money to stabilize and preserve.

Al Hefner, an HBF trustee, showed a list of addresses, 10 of which were approved for demolition and 3 denied. He considers that “a lot of demolition from 2007 – 2008.” He said that the city doesn’t have a mandate to set aside 30 years of historic preservation activity. As of 2009, 2 houses have already been approved for demolition. He then showed photos of various properties that had been approved for demolition and the structures or lots that took their place.

The Mayor asked if there were representatives of the Northwest Quadrant present, and, getting no response, then read an e-mail from George H. Singleton, a resident of the Old Commons neighborhood and president of the Beaufort Black Community Council, which he requested be read into the formal minutes of the meeting. He expressed opposition to changes in current demolition ordinances because of the “dramatic negative impact on residents of low- and moderate- incomes in general and black people in particular.” He feels the HRB and the Zoning Board of Appeals should continue to legally have final say on the demolition of homes in the Historic District.

John Gadson cautioned council to be careful not to use their position to “pull deals.”

The Mayor concluded that while the issue is about preservation because it’s in a historic district, in order to grow the right way, demolition can be an option. Councilman McFee noted that 13,000 citizens represent a myriad of socioeconomic levels. He praised HRB and partnerships with HBF and citizens in general. Councilman Fordham had no further comments. Councilman Sutton said he would withdraw the motion on the table for approval on the first reading if there was agreement that this issue will continue to be important. Councilwoman Beer withdrew her second. There were no objections to withdrawing the motion.

Councilwoman Beer made a motion to form an ad hoc committee consisting of 7 members: 1 from HRB, 2 from HBF, 2 from the historic commission, and 2 from the Northwest Quadrant. Councilman McFee seconded the motion.

The Mayor cited some statistics about Beaufort’s residents and said he believes it’s time to commit to challenges beyond the “big ones” of the past.

The motion was approved unanimously.

Councilwoman Beer added that names of committee members needed to be obtained as soon as possible.

APPOINTMENTS – DESIGN REVIEW BOARD AND JOINT PLANNING COMMISSION

Councilwoman Beer moved to re-appoint Harley Laing to the Joint Planning Commission, and Councilman McFee seconded. The request was approved unanimously.

Councilman Sutton moved to re-appoint Andrew Reese for the Design Review Board, and Councilwoman Beer seconded. The request was approved unanimously.

CITY MANAGER’S REPORT

The City Manager reminded council that it was holding an Executive Session.

MAYOR’S REPORT

The Mayor said that he had nothing to report.

COUNCIL REPORTS

Councilwoman Beer reminded the council of the Memorial Day parade. The City Manager said that the city was “on standby for the float.”

EXECUTIVE SESSION

On motion of Councilman Sutton, seconded by Councilwoman Beer, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a)(2) of the South Carolina Code of Laws. The motion was approved unanimously.

There being no further business to come before City Council, Councilman Sutton made a motion to adjourn, seconded by Councilman McFee. The motion was approved unanimously, and the meeting was adjourned at 8:20 p.m.

BILLY KEYSERLING, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN MIKE SUTTON

COUNCILMAN MIKE McFEE

ATTEST:

SHIRLEY HUGHES, ACTING CITY CLERK