

A regular meeting of the Beaufort City Council was held on April 28, 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 6:00 p.m.

PLEDGE OF ALLEGIANCE

The invocation was given by Alexander McBride of First African Baptist Church. The Pledge of Allegiance was led by the Mayor.

PUBLIC HEARING – PROPOSED AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE

Ms. Libby Anderson presented a proposal to amend the Unified Development Ordinance (UDO) by revising Section 3.1 “General Approval Procedures” and Section 3.5 “Subdivision Review,” to make the expiration of approvals consistent with the Vested Rights Act. The Vested Rights Act stipulates that site specific development plans are vested (approved) for two years, then the applicant has the right to come back and ask for five one-year extensions. The UDO, as written and adopted in 2003, gives approval for one year, then it expires unless the applicant has taken certain steps. This is in conflict with the state law, and the proposed amendment would bring it into compliance. The general approval procedures as currently written would be deleted and replaced with the language from the state law.

Councilman Sutton asked if the extension was for two years “up front,” and if a request is not made, it expires. Ms. Anderson answered, yes, to go beyond that, it must be requested 30 days prior to expiration. Development agreements are a separate section of the state law. The Planning Commission recommended approval. This has no impact on a development agreement, but if there isn’t one, this gives additional vesting.

Councilman Fordham asked Ms. Anderson’s opinion about why the state did this, and she answered that, while she doesn’t know the history, she believed it was a property rights effort.

Councilman McFee asked if any current projects would be affected by this change, and Ms. Anderson said that they would have to be projects that were approved but not built. Councilman McFee said that there could be developments out there that have yet to go into extension that will get a five-year extension upon request. Ms. Anderson replied yes, if the plans are approved but not permitted. Mayor Keyserling asked if something approved 14 months ago by the Historic Review Board would be subject to this, and Ms. Anderson said, yes, state law says that by July 2005, “either you make your ordinance comply, or if not, it *does* comply.”

MINUTES

The minutes of the regular City Council meeting of April 14, 2009 were presented to Council for review. Councilman Sutton asked that the minutes be amended to change the misspelling of the Herrick family name to the correct spelling of Harriott and that the misspelling of Mr. Wheddler's name be changed to the correct spelling, Wedler. On motion by Councilman Sutton, second by Councilman Fordham, Council voted unanimously to approve the minutes as amended.

PRESENTATION AND DISCUSSION OF CENSUS 2010

Terry Seabrook of the US Census Bureau presented information on plans for work on the 2010 census. She said she has met with the City Manager to discuss how to get the most complete count possible, which is important to the community because Federal monies received are determined by census numbers. In addition, South Carolina may get a 7th congressional seat, to be determined by the 2010 census. In March 2010, everyone will receive a coded 10-question form. If it's not sent back, census enumerators go to homes, and they'd like to reduce the number of census enumerators sent out.

The City Manager asked if council would recommend people to serve on the complete count committee. He noted that at present, census workers are acquiring geographic information. Also, the long form sent out in 2000 is not being done this time. By law, the information acquired cannot be given to anyone other than the Census Bureau. The goal is to reach out to different areas in this community to help those who don't speak English, are illiterate, or are disabled.

Councilwoman Beer asked how people with PO boxes will get the census form. Ms. Seabrook answered that the forms will be hand-delivered to those homes by census workers, regardless of what county they're in. Plans are to have an assistance site as well as a site where those who feel they've been omitted can pick up a form.

ABATEMENT OF PENALTIES FOR LATE FILING ON PAYMENTS OF 2009 BUSINESS LICENSES

Shirley Hughes told council that if there's a valid reason to consider abating a penalty on late-payment of business license, the matter has to come to council; staff can't make those abatements. She requested abatements for two specific licenses.

Councilwoman Fordham moved to approve the request and Councilman Sutton seconded. Councilman Sutton felt that "there should be a threshold and these shouldn't come to council" and asked Ms. Hughes for solutions. She said her office is reviewing the business license process and be coming back to council in the next few months with changes they think will be appropriate "to make us more customer-friendly." The request was approved unanimously.

CITY MANAGER'S REPORT

The City Manager announced that he will be going with NSP recipients to a mandatory meeting in Columbia next week. He also referred to a request he had forwarded to council from the Municipal Association about an amendment to an annexation bill that the MASC and staff do not agree with. He asked council for approval to go to the subcommittee meeting and state that until the municipalities are given more input, the bill should be put on hold. The Municipal Association, Coastal Conservation League, and other groups in the state tried to work out a

compromise because they don't approve of the language. Councilman McFee asked if CCL repositioned it and Representatives Herbkersman and Erickson co-sponsored it. The City Manager answered that he was unable to obtain a clear answer on that. Councilman Fordham moved and Councilwoman Beer seconded approval for the City Manager to ensure that the municipalities get "back to the table" before there is movement forward on pending annexation proposals. The motion was approved unanimously.

MAYOR'S REPORT

The Mayor said that the City Manager is working on a workshop for May 5 at 4:00 p.m. to discuss budget, meet with the TDAC committee, then meet with the Northwest Quadrant Task Force. The Mayor enumerated the people participating in the workshop.

The Mayor offered passes to a hospitality tent at that evening's bike race and suggested that council look at the site Recovery.org.

COUNCIL REPORTS

Councilwoman Beer reported that the Air Show is May 15-17, 2009 and invited interested parties to volunteer. May 18, 2009, she will attend a meeting of the International Association of Beauforts for 5 days in Beaufort, NC. She also reminded the council about Taste of Beaufort May 1 and 2.

The City Manager reminded council that there will be a joint meeting with Port Royal at the Keyserling Center at 6:00 p.m. on May 4, 2009. The Redevelopment Commission will meet May 7, 2009 at 4:00 p.m., and Main Street Beaufort has been asked to attend.

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 to discuss city personnel. The motion was approved unanimously.

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Sutton. The motion was approved unanimously, and the meeting was adjourned at 7:45 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