

A regular meeting of the Beaufort City Council was held on May 12, 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 Jim Wooten of Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PROCLAMATION**

On motion by Councilman Sutton, second by Councilwoman Beer, council voted unanimously to adopt the proclamation pronouncing May as Foster Care Month.

### **PROCLAMATION**

On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to adopt the proclamation pronouncing National Hospital Week for Beaufort Memorial Hospital. Rick Toomey accepted the proclamation. Councilman Sutton thanked him for Beaufort Memorial Hospital's support of the bike race. Councilmen Fordham and McFee and Councilwoman Beer congratulated him as well on the hospital's 65<sup>th</sup> anniversary.

### **MINUTES**

The minutes of the regular City Council meeting of April 28, 2009 were presented to Council for review. Councilwoman Beer asked that the reference in the minutes to Councilwoman Fordham be corrected to Councilman Fordham. On motion by Councilwoman Beer, seconded by Councilman McFee, council voted unanimously to approve the minutes as amended.

### **ORDINANCE ADOPTING A BUDGET FOR FISCAL YEAR 2009-2010**

The City Manager said that a public hearing on the budget will be held at the City Council meeting May 26, 2009. Councilwoman Beer moved approval of the ordinance on first reading; Councilman Fordham seconded. Councilman Fordham said he was happy with the budget. Councilwoman Beer said that she had no questions, having been in budget workshops already. Councilman Sutton asked why public works administrative costs are budgeted higher than in past years. Shirley Hughes responded that staff has been trying to simplify the budget as a whole for the sake of the council and the public. In public works, several positions had been allocated across funds and departments in the past, but this year, four positions have been consolidated and fully budgeted in one budget unit, not in several. She said increased IT costs were due to upgrading and updating services, equipment, modules, etc. Councilman McFee said he finds the budget "to be straightforward" and offered "kudos."

Mayor Keyserling said that when budget was introduced last week, it was described as a tight budget with no growth. He said it is similar to previous years' budgets but is "tighter, simpler,

and better consolidated.” Councilman Sutton said that the public needs to know that the budget this year is down more than 11%. The city is “spending less than last year because we have less.” He added that he feels “we’re in as good a condition as we can be for a city our size with a budget our size.” Councilwoman Beer agreed, saying that she attributes the city’s current position to staff and city workers “who have done so much to keep us able to operate.” The ordinance was approved unanimously.

#### **ORDINANCE SETTING OPERATIONS MILL AND DEBT MILL FOR FISCAL YEAR 2009 – 2010**

Councilwoman Beer moved and Councilman Fordham seconded to approve the ordinance on first reading. The ordinance was approved unanimously.

#### **RESOLUTION ADOPTING THE FIVE YEAR FINANCIAL PLAN**

Councilwoman Beer moved that the resolution be adopted, and Councilman Fordham seconded. The resolution was approved unanimously.

#### **RESOLUTION ADOPTING A REIMBURSEMENT RESOLUTION FOR FISCAL YEAR 2009 – 2010**

Councilwoman Beer moved that the resolution be adopted, and Councilman Fordham seconded. The resolution was approved unanimously. The City Manager informed the council that a budget working session would take place May 19, 2009 at 5 p.m.

#### **AMENDMENT REVISING SECTIONS 3.1 AND 3.5 OF THE UDO TO MAKE EXPIRATION OF APPROVALS CONSISTENT WITH THE VESTED RIGHTS ACT**

Councilwoman Beer moved and Councilman Fordham seconded to approve the ordinance on first reading. Libby Anderson said that site specific development plans are vested by local government for two years, and they must approve extensions of those plans for up to five one-year periods. Local governments must revise their ordinances to be in compliance with state law or state law supersedes it. Any approval given by the city or its boards is for one year. Councilman McFee asked if applications must be made within 30 days of the expiration of the annual approvals. Ms. Anderson answered yes, though that wasn’t addressed in the state law. Councilman Sutton asked if there was a notification requirement when approvals expire, such as a newspaper advertisement. Ms. Anderson said no. The amendment was approved unanimously.

#### **PARADE PERMIT REQUEST BY GRAND ARMY OF THE REPUBLIC MEMORIAL DAY PARADE**

Councilwoman Beer made a motion for approval of the request, and Councilman Fordham seconded. The City Manager informed council that city staff recommends approval of the May 25, 2009 parade, set to begin at 10 a.m., and council voted unanimously in favor of the request.

#### **DISCUSSION OF HOW DRUG COURT BENEFITS THE CITY OF BEAUFORT**

Judge Manning Smith, representing Beaufort County Drug Court, said that the Beaufort County program began in 2001, though city financial support for it ended in 2004. Drug Court is an alternative to incarceration for addicts and alcoholics, whose “disease can’t be punished out of them.” Though the recidivism rate is 95% for offenders with untreated addictions to drugs and alcohol, for \$5000 - of which the offender pays \$1500 - Drug Court has a recidivism rate of just

10%. Drug Court alleviates jail overcrowding, but it's currently underutilized because people don't know what it is or that it's an option. Judge Smith wants the new council to consider "helping Drug Court do its business." 45% of Beaufort County Drug Court last year were Beaufort city residents, so it's a little safer place to live and could be much safer if it were used more.

The mayor said that the city is "supportive and appreciative," but the budget is already stretched. He added that a lack of city funding is not due to a lack of support. Councilman McFee called the program's great success "compelling." Councilman Sutton asked if local judges can refer offenders who come before them to Drug Court. Judge Smith said that they can choose to plead into Drug Court rather than take the sentence, but successful completion takes up to 18 months of a tough program. He said the current city solicitor pays little attention to the program, but participants are coming from Family and Circuit Courts. Councilwoman Beer expressed support and hopes the city can find a way to help fund Drug Court. Councilman Sutton asked if there are grants where municipal partners could help as a co-signer or endorsers of the program. Judge Smith said that the Department of Justice's new grants suggest partnering; Mayor Keyserling suggested exploring this idea. Judge Smith invited the council and the public to come see the Drug Court every Tuesday at 4:00 p.m.

#### **CONSIDERATION OF REQUESTS FROM THE GULLAH FESTIVAL COMMITTEE FOR GULLAH FESTIVAL 2009**

The City Manager offered council the staff's responses to the festival's requests. He distributed a memo about various points requiring council's approval. So that buggy tours can be seen without buses blocking them in the Marina lot, he suggested that buggy tours be relocated to the clock tower on Bay Street. The mayor asked if it made sense to put buses at the Arsenal.

Ms. Charlotte Brown said that the committee has met three times with city officials. She clarified some of the points on the memo. The mayor asked if the festival's vendors have their own business licenses. Ms. Brown said yes, they're required to, but the Festival only operates one weekend a year, so they don't. Ms. Hughes said that if council chooses to waive a business license for the Gullah Festival, they can, but staff isn't able to do that. Councilman Sutton said that each vendor needs a City of Beaufort temporary license unless they already have a city business license. The City Manager said that by state law, as a non-profit, the Festival may be eligible for an automatic waiver, but the individual for-profit vendors are not. Councilman Sutton made a motion to waive the Gullah Festival's general business license this year, but stressed that this doesn't apply to the vendors. Councilwoman Beer seconded the motion. Ms. Brown said that it's part of the vendors' application that they must have a Beaufort business license, though some questions ensued about whether the application says that a city or state license is required. Councilman McFee asked if the application offered contact information for vendors to call about obtaining a city license. The motion to waive the fee passed unanimously.

Councilman Sutton said that fees for Water Festival's rental of Waterfront Park have never been waived by the city.

Ms. Brown explained that when excursion boats dock by the pavilion, they bring in tourists who get inside the Gullah Festival gates without paying, so this affects festival income. Therefore, the

festival organizers would like the boats to dock nearer the bridge, away from the gates. The mayor said moving tour boats to the shallow end creates depth issues. Councilman Sutton said that operators may already have visitations planned and have contracts. Mayor Keyserling suggested that council might recommend to the marina manager that unless there are agreements with tour operators, the docking spaces could be moved. Owing to the depth question, Ms. Brown asked if tour boats could be moved to the other end, away from the bridge. The mayor said that council could not act on this issue at this time, but he feels it needs to be looked into.

Councilman McFee moved to accept the agreement for exclusive use of the Marina parking lot. Councilman Sutton seconded the motion and council voted unanimously in favor of the agreement.

Ms. Brown said that the festival committee wants to make some spaces available for parking for more than two hours on side streets. The City Manager explained that there are eight hour meters in the Marina parking lot. The festival will pay for the meters they absorb, and they also want to have 8 hour tags for parking on the side streets in exchange for those Marina meters. Concerns were raised about managing eight hour parking on Bay, Carteret, and Charles Streets. The City Manager suggested excluding Bay and Carteret Streets and the Bluff and designating the area up to Port Republic on Charles, Church, West, and Scott Streets. The mayor suggested the festival could possibly lease the Trask lot for a day. Councilman Sutton expressed his concern for the retail community. If the four hour meters became eight hour meters, and the two hour meters remained the same, it's still unmanageable. Asked her thoughts, Lanelle Fabian said it would be hard to bag the meters because then they can't be fed and agreed with Councilman Sutton's concerns and the mayor's idea about the Trask lot.

City Manager Dadson reiterated that the festival will pay for any spaces they occupy in the Marina lot. Anyone with a tag for the eight hour spaces in the Marina lot could use it on the side streets in spaces that are for four hours now. Councilman Sutton said he feels that with only two weeks until the festival, this plan doesn't seem feasible. Councilman McFee made a motion to accept that Waterfront Park spaces will be leased to the Gullah Festival and that those contractual leases for parking at the 8-hour meters will be accepted for parking on Friday – Sunday on the 4 or 8 hour meters elsewhere in the city without being ticketed. Councilwoman Beer seconded the motion. The council voted to accept the request unanimously.

Councilwoman Beer made a motion to accept the request for designated parking for the Marina courtesy car. Councilman Sutton seconded the motion, and the council voted to accept the request unanimously.

Public Works does not have signs to erect per the festival's request between Charles and Church Streets.

Councilwoman Beer moved to approve the festival's request for a variance on noise ordinances; Councilman Sutton seconded the motion for purposes of discussion. Councilman Sutton said that there's a special sound zone in Waterfront Park set up for festivals, so no variance is necessary.

Permission to erect signs on Beaufort Land Trust property must be obtained through that organization.

Councilwoman Beer moved to accept the request for a waiver of Chamber fees collected for the city. Councilman Sutton seconded the motion, and the council voted to accept the request unanimously.

Councilman Sutton made a motion to deny the festival's request to have a third party's opinion on issues arising between the city and Gullah Festival. Councilwoman Beer seconded the motion, and the council voted to deny the request unanimously.

Councilman Sutton took issue with having the carriages at the clock because the area is unfamiliar to the horses, exposed, requires a trough being brought in, and hosts so much traffic when the bridge is open. He feels they should be on Newcastle. The City Manager said that there is a contractual obligation through city ordinance to put them at Waterfront Park, but if they're dislocated, there's an obligation to put them somewhere else. Carlotta Ungaro suggested that the more visible tour offices on Bay Street may make the Newcastle option more viable for tour operators now. Nan Sutton, a merchant on Bay Street, agreed that it really is a problem when the bridge opens and traffic stops. She feels having the carriages there is "a bad idea" and supports having them on Newcastle. Councilman Sutton made a motion to relocate the horses to Newcastle Street. Councilwoman Beer seconded the motion.

Councilman Sutton then withdrew his motion and Councilwoman Beer withdrew her second. Councilman McFee made a motion to relocate the horses to Newcastle Street or to another location that the City Manager can designate with the exception of the Bay Street clock; Councilwoman Beer seconded the motion and the council voted to approve the request unanimously.

### **CONSIDERATION OF MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH ICMA FOR POLICE/FIRE SERVICES**

Councilwoman Beer moved to accept the motion to authorize the City Manager to contract with International City Managers Association (ICMA) for police and fire services. Councilman McFee seconded the motion. The City Manager briefly explained the terms of the contract. Port Royal has agreed to pay half the cost of Fire Services since the city is their fire department. There is a 90-day window. This includes pulling data, doing the report, site visits, etc. and includes police, fire, and emergency medical services. He added that the expenditure will be less than one-half of one percent of the budget. Councilman Sutton said that he feels this is the best time to take this action with the changes in leadership at fire and police departments. The council voted unanimously to approve the request.

### **CITY MANAGER'S REPORT**

The City Manager said that the City Hall cornerstone will be laid by the Masons on May 23 at 12:30 p.m. He reiterated that there will be a budget workshop May 19 at 5 p.m. He has information on the annual Municipal Association meeting August 6-9 on Hilton Head and said those interested should let him or Ivette know. He's received bids on sanitation services; staff is doing due diligence and then will come back to council with their findings.

**COUNCIL REPORTS**

Councilman McFee reminded council about the parade on May 25, 2009. Municipal Association elected officials class will discuss the Freedom of Information Act and “You’re elected - now what?”

Councilman Sutton said that he represented the city at MASC’s annual meeting at Myrtle Beach; he presented the Block by Block program and they were very enthused.

Councilwoman Beer said that the Blue Angels Air Show is May 15 -17, beginning at 3 p.m. She is also looking forward to going to Beaufort, NC and will bring back a report to council.

Councilman Fordham said that he is looking forward to reviewing the City Manager’s report on garbage collection because he feels it’s not done steadily throughout the week. He feels the public works report is in error as to the number of pounds of yard debris and household garbage collected in April 2009. He said that the city’s web page needs to be updated. He would like to see a status report at the next council meeting for Duncan-Langhorne storm water drainage improvement, particularly in The Point and Battery Shores. He wasn’t clear on a reference in public works to “litigation research/correspondence” and is curious about what this is referring to. He also asked for a report at the next council meeting on why the city is hiring temporary help.

The mayor had received a parade or public assembly permit request for a run and sought the council’s counsel. The council won’t meet again to discuss the request before the event and it requires action. He asked if it could be considered at the work session. The City Manager said that staff hadn’t seen the request to review the permit. Councilman Sutton suggested the mayor pass the matter to the City Manager.

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 8:01 p.m.

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BILLY KEYSERLING, MAYOR

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COUNCILWOMAN DONNIE ANN BEER

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COUNCILMAN GARY B. FORDHAM

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COUNCILMAN MIKE SUTTON

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COUNCILMAN MIKE McFEE

ATTEST:

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SHIRLEY HUGHES, ACTING CITY CLERK