

A regular meeting of the Beaufort City Council was held on August 25, 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. 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 Reverend Laura Byrd of Carteret Street Methodist Church. The Pledge of Allegiance was led by the Mayor.

PROCLAMATION OF THANKS FROM WATER FESTIVAL

Wilmot Schott, 2009 Water Festival Commodore, thanked City Council and city staff for their help with this year's festival.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 7.2.G.7 - SANDWICH BOARDS

Mayor Keyserling opened this public hearing. Libby Anderson said that sandwich board signs are currently only permitted in the Bay Street and Lady's Island design districts. Businesses want to broaden the places they can be used to all design districts. The Planning Commission recommended approval of the amendment. There being no public comment, the mayor closed this public hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 6.5.I.6 TO ALLOW 7' FENCES ON RIBAUT ROAD

Mayor Keyserling opened this public hearing. Ms. Anderson said that currently fences are limited to 4' within the front setback. The Planning Commission recommended approval with the condition that for every foot above 4' the fence would be set back an additional foot from the property line. Edward Dukes, 821 Ribaut Road, said higher fences would alleviate some noise and traffic pollution and he is fully in support of this amendment. He also submitted a letter of support for the record from the resident of 751 Ribaut Road. Ashley Twombly, 810 Ribaut Road, spoke in support of the amendment, as did Dennis Beach, 805 Ribaut Road. Robin Leverton, 730 Ribaut Road, also supported the amendment to cut down on noise from Ribaut Road. Thomas Logan, 871 Ribaut Road, recommended that the 1' setback per foot above 4' should be reconsidered in some cases, i.e., on a curve. He also encouraged council to work with the highway department in the future to change part of Ribaut back to a residential street so that Highway 21 traffic – especially truck traffic – is diverted. Mayor Keyserling responded that 30-60 days ago, council passed a resolution requesting that this be done. The city plans to work with the South Carolina DOT on the matter. There being no further public comment, the mayor closed this public hearing.

PUBLIC HEARING: UDO AMENDMENT REVISING SECTION 5.1 TO PERMIT 'INDOOR ENTERTAINMENT' IN THE LIMITED INDUSTRIAL DISTRICT

Mayor Keyserling opened this public hearing. Councilman Fordham said that the Planning Commission had tabled this issue until their September meeting, and he felt that council should also table it for public hearing until the Planning Commission had reviewed it. Mayor Keyserling said that the commission's report said that the amendment was basically approved but special exceptions need to be reviewed. Councilman Fordham disagreed. Councilman Sutton said the amendment didn't need to be moved to first reading yet.

Ms. Anderson said that three areas are zoned limited industrial in Beaufort. Offices and industrial uses are allowed there currently, and this proposal allows more flexibility to include "indoor entertainment" such as health clubs, bowling alleys, indoor pools or tennis courts, etc. The city wants to set these uses as "special exceptions," not by-right. They would have to be approved by the Zoning Board of Appeals to set conditions after a hearing on special exceptions.

Burt Mooma, a resident at 35 Sunset Blvd., Lady's Island, said he owns the building across from Greene Street Gym and would like to consider having a gym inside that building. The resident of 45 Walnut Hill Creek, Lady's Island supported **Mooma's** idea. Mr. Logan also supported **Mooma's** idea and expressed his concerns about sexually-oriented businesses being permitted as "indoor entertainment." Mayor Keyserling said that this would be done by means of a process, providing an additional way to "catch" such businesses. Ms. Anderson said that such businesses are not included in "indoor entertainment"; they are regulated separately. There being no further public comment, the mayor closed this public hearing.

UDO AMENDMENT REVISING SECTION 5.1 TO PERMIT OUTDOOR COOKING AT RESTAURANTS

Mayor Keyserling opened this public hearing. Ms. Anderson said that the city gets occasional inquiries from restaurants wanting to use an outdoor smoker, for example. There's nothing about this in the ordinance currently, and staff feels it may be appropriate to have outdoor cooking in special cases, following review by the Zoning Board of Appeals for special exceptions. The Planning Commission recommends approval. There being no further public comment, the mayor closed this public hearing.

MINUTES

The minutes of the regular city council meeting of July 14, 2009 were presented to council for review. Mayor Keyserling said that in the "Minutes" section, the addition of the name "Enmark" was incorrect and should have been "Aimar." On motion by Councilwoman Beer, second by Councilman Sutton, council voted unanimously to approve the minutes as amended.

REPORT ON STUDY RELATED TO NORTHWEST QUADRANT

Mayor Keyserling briefly discussed the committee's process, begun 4 months ago. Pete Palmer, Northwest Quadrant committee chair and trustee of Historic Beaufort Foundation, thanked council for the opportunities that serving on the committee has afforded him. He acknowledged the help of many on the committee. Mr. Palmer said that citizens of the Northwest Quadrant have created an organization, and they now have a voice. The committee has made 100 suggestions and recommendations. Much of what they're proposing, he said, costs good-will, not money. He said it was challenging to wed the city's and the residents' interests. He then shared quotes relating to the historic value of Northwest Quadrant and the imperative of retaining its historic

landmark designation. He added that serious crime statistics are lower in the Northwest Quadrant proportionally than in the rest of Beaufort.

He summarized the three most important issues:

1. “The harder you look at codes, regulations, and fees, the more complex they become.” He begged for modification and simplification of them to encourage building and repair. The committee advocates a one-stop approval process. He said that form-based code might enable this approval process. The committee recommended fee-waiving for a period of time in the Northwest Quadrant to encourage building and repair.
2. Financing – The committee is getting a sense of what might be available in terms of loans and grants. They are identifying people who need help finding what is available to them and also choosing two loan officers.
3. Population and commercial flight – Mr. Palmer said that “internal pride leads to external respect.” The Quadrant needs to have good employment opportunities and stimulation of business; there were once 12-15 vital businesses in the Northwest Quadrant, but now just two remain. New business needs to be facilitated, maybe made less expensive to get started. The committee supports mixed-use commercial and residential on Boundary and Bladen Streets.

The committee’s vision is to refurbish what’s there; reduce fees that inhibit growth; encourage commercial development; continue to develop a vigorous community association whose voice must be heard; National Landmark District designation to obtain benefits to this area.

Mayor Keyserling told Mr. Palmer that council would go over the materials and recommendations received with the Redevelopment Commission, and then he will be invited back to discuss the matter more. Mr. Palmer acknowledged that the work accomplished thus far “is just the first step.” Councilwoman Beer told Mr. Palmer that council appreciated the hard work, time, and effort that’s gone into this and looks forward to the future. Councilman Sutton noted that a 50% loss of structures and a possible problem with loss of Historic Landmark status means that, “through attrition and lack of preservation, we’re losing buildings.” Mr. Palmer said that this must be monitored closely and added, “It’s just part of the process.” A couple of houses have been marginally rescued in the last few weeks: “Whether its Historic Beaufort Foundation or Redevelopment Commission, if they get enough money, they need to go in and buy that which is falling down, stabilize it, and re-sell it.”

Mayor Keyserling asked Evan Thompson if he knew current percentages of contributing structures. Mr. Thompson said that he could only cite the last documentation, from 2001. In the last few months, two “contributing structures” have been approved for demolition. He recommended that the National Registry survey be updated for the current number of contributing structures. Bluff lots are recommended to be rezoned to offset continued losses. There are currently 75 vacant lots in the Northwest Quadrant; building 75 new buildings will have an impact on the designation. There are also 43 vacant buildings, 30 of which are contributing buildings. He said there’s a clear need to “keep as many historic houses as we can.” Mayor Keyserling said that the challenge is to preserve while making room for growth. Councilman McFee asked Mr. Thompson if the 75 vacant lots were developed, if they would be referred to as “a loss.” Mr. Thompson said that they would be designated as non-contributing structures, “so you have to keep the contributing number up.”

Mr. Palmer said that it's hard to determine how many lots there are, as it depends on how they are divided. He and the committee are as committed to the infill for the city as to preservation. Councilman Sutton recalled that the process began because buildings were falling down and nothing was being done. Mr. Palmer said that the hope is that when people see someone else getting a grant or a loan, and they're property gets fixed up, then they will want to do that, too.

Mr. Thompson said that the committee's 100 recommendations are organized under five goals, i.e., Preserve Historic Structures. Many of the recommendations rely heavily on property owners to take a risk, dip into equity, and go to unusual places for loans and grants such as the Department of Agriculture for low-income rural homeowners in need of repairs. HUD has a "203k" loan through which they'll help someone buy a fixer-upper that wouldn't qualify because of the condition of the house. The committee is recommending the establishment of a center to help people get connected to these grants and loans, cut through the bureaucracy, and help with the paperwork.

Councilman Sutton asked Mr. Palmer if he felt that the neighborhood is ready to be looked upon in the way the city's other historic areas are. Mr. Palmer said that the neighborhood association can answer those questions; he can't. Council can designate a house of special significance, name it, etc. to show that the city cares and is prepared to work with them. Mayor Keyserling added that Historic Beaufort Foundation can do the same thing in terms of participating. Now the neighborhood is on the radar in a way it wasn't 120 days ago.

Councilwoman Beer made a motion, seconded by Councilman Sutton, that council receive the report, engage with Redevelopment Commission to review it, then come back to the committee for further work. The motion passed unanimously.

Mayor Keyserling acknowledged some members of the committee and said that it met every week. He introduced the president of the neighborhood association, Dwayne Smalley, and told him that "success depends on seeking help... This is not about someone else coming and doing something to the neighborhood." He also presented Mr. Smalley with a copy of *The Little Engine That Could*. Mr. Smalley, who lives at 802 Charles Street, thanked the conveners of the committee and commended Historic Beaufort Foundation for its excellent work. He said that the committee had accomplished a lot in 120 days, but the process didn't allow enough time and questions still need to be answered. He feels that residents of the Northwest Quadrant would be better served by having more time and input into the process and asked council to consider continuing to interact with the committee. Northwest Quadrant residents elected the council and want to know that they'll be served by those they elected.

Councilman Sutton said he knew that the report "goes to workshop now" and asked about other protocol that might need to be followed. The city manager responded that there is nothing formally that needs to be done, only that council accept the report and "don't schedule Thursday nights."

Henrietta Goode objected to Beaufort Gazette stories she characterized as overly negative, which she felt portrayed the Northwest Quadrant as crime-ridden and failed to mention the positive

aspects of families in the neighborhood. She felt the analogy of “Beaufort’s damaged heart” was apt, but the articles and others’ preconceived notions about the neighborhood sadden her, and she hoped council had not accepted such notions as well.

AMENDMENT REVISING UDO SECTION 6.8.F TO REQUIRE BICYCLE RACKS IN CERTAIN DEVELOPMENTS

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on first reading. Ms. Anderson said that the amendment would require bike racks in all commercial developments with over 2000 square feet of space and in all multi-family units with more than ten units. The Design Review Board would have authority to require more racks if necessary. The Planning Commission recommended approval. The motion was approved unanimously.

ORDINANCE REZONING EIGHT PARCELS OF PROPERTY ON BLADEN STREET

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on first reading. Ms. Anderson showed a map of the eight parcels under consideration and reviewed the zoning change from “general residential district” to “neighborhood commercial district.” The Planning Commission recommended approval. She added that this is last residential zoning area on Bladen Street. The motion was approved unanimously.

REQUEST FOR STREET CLOSURES AND PERMISSION TO SELL ALCOHOL FROM MAIN STREET BEAUFORT USA FOR THE SHRIMP FESTIVAL, OCTOBER 2&3, 2009

Councilwoman Beer moved and Councilman McFee seconded approval of the request. The motion was approved unanimously.

REQUEST FOR STREET CLOSURE FROM MAIN STREET BEAUFORT USA FOR THE ANNUAL TRICK OR TREAT EVENT, OCTOBER 29, 2009

Councilwoman Sutton moved and Councilwoman Beer seconded approval of the request. The motion was approved unanimously.

APPROVAL OF THE RECOMMENDATION FROM THE TOURISM DEVELOPMENT ADVISORY COMMITTEE REGARDING ACCOMMODATION TAX GRANT MONIES

The city manager told council that it could receive the information as a presentation or take action if they wanted to. Jeff Evans said that the A-Tax committee received 13 total requests from 10 organizations for more than \$332,000; approximately \$158,000 was available for granting. The distribution procedure involved looking at the small organizations that applied and making a recommendation on a dollar figure. The two largest organizations, the Chamber of Commerce and Main Street Beaufort, took the remainder after the smaller amounts were assigned, and were given it on a percentage basis (55/45 split).

Councilman McFee asked about the break-out of the numbers for Main Street Beaufort and CoC advertising dollars which were advertised as a single amount. Mr. Evans said that the Chamber requested for the Visitors Center and for destination advertising. Main Street Beaufort was looking at events they do downtown and for advertising. He said that “tourism-related services” referred to signs and way-finding in the downtown area. He said the Chamber and Main Street Beaufort were given lump sums because they couldn’t fund the organizations’ entire requests.

The committee felt that it would be easier for the organizations to allocate it as they saw fit. He clarified that it presents no problem to either organization to receive their grant as a lump sum. Mayor Keyserling clarified that the amount available for granting was \$140, 998 in the previous year and that the requests then totaled \$300,435. The city manager said that the amounts are “correctly reconciled now” and reflect “the true picture of how much money they have to give away.”

Mr. Evans said that this year, the applicants were required to submit a Federal Form 990 (a 501c3’s tax form) adding that the Lady’s Island Garden Club hadn’t provided one because of where they are in their process of becoming an organization. Receipt of the A-Tax funds is contingent on the receipt of their tax status. He said Beaufort Performing Arts hadn’t yet provided one, but in the course of the discussion, it was learned that they had, in fact, submitted the form. Mayor Keyserling said he wanted to study the information “for a bit if it’s not holding up the process.” Councilwoman Beer moved and Councilman McFee seconded postponing approval until the next meeting of the city council. The motion was approved unanimously.

MAYOR’S REPORT

Mayor Keyserling said that USCB has received approvals to begin renovations. He informed the council that application for the Preserve America grant will qualify the city to apply for other grants and the grant writer is confident that the city will be awarded that. He said that letter of support on behalf of the Beaufort Three Century Project was sent to the SC Humanities Council.

COUNCIL REPORTS

Councilwoman Beer said that Starbase had recently celebrated its tenth anniversary.

EXECUTIVE SESSION

On motion of 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 to discuss receipt of legal advice from City Attorney. The motion was approved unanimously.

There being no further business to come before City Council, Councilman Sutton made a motion to adjourn, seconded by Councilwoman Beer. The motion was approved unanimously, and the meeting was adjourned at 8:02 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK