

A regular meeting of the Beaufort City Council was held on February 10, 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 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 Councilwoman Donnie Ann Beer. The Pledge of Allegiance was led by the Mayor.

PUBLIC COMMENT

Brad Samuels, chairman of the Military Affairs Committee and speaking on their behalf, shared the concerns of someone who called him regarding *The Early Bird*, a publication that is distributed in Washington, DC every Monday morning with newspaper clippings from newspapers from around the country. Clippings from the Beaufort Gazette and Cherry Point appeared in the same paper. The Cherry Point headlines were more favorable. He said he lives on Ladies Island and he is concerned about the jet sounds; however, the scoping studies are still in the early stages and the vertical lift plane, the Joint Strike Fighter, has not been in production; therefore, there has not been a test for noise level. He would like the City to be more supportive of the proposal for MCAS Beaufort hosting the multi-role fighter aircraft. The Military Affairs Committee will assist in preparing a resolution of support. The other issues will be addressed later through the Environmental Impact Assessment.

The Mayor said Council is in favor of pursuing this. Mr. Samuels stated the Committee will be meeting next Tuesday and will be working on a resolution that the municipalities can support. The Committee wants the headlines in the next *The Early Bird* to have favorable comments from Beaufort.

Karen Van Duser, Battery Shores, said she submitted the problem with flooding in Battery Shores last August. She wants to be sure the drainage issues will be addressed because Spring is coming. With the current level of the pipe, stormwater is being dumped into Battery Creek. The filtration system right now is the vegetation which is obstructing the water flow and causing part of the problem. She said the vegetation dies back in the winter but if there is a heavy rain between now and the time the elephant ears replenish, toxins will be dumped into the Creek.

MINUTES

The minutes of the regular City Council meeting of January 27, 2009 were presented to Council for review. The following changes were made on page 3, under Fire Station "fire" station was inadvertently misspelled.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the minutes as amended.

REQUEST FOR WATERFRONT PARK FEES TO BE WAIVED

A request from the Baptist Church of Beaufort requesting the fees for use of the Waterfront Park and Pavilion for the Easter Service be waived, electricity be available for the sound system, and the time adjusted for the sprinklers was presented to Council.

On motion by Councilman Sutton, second by Councilman McFee, the requests were approved unanimously.

ORDINANCE AMENDING UDO PERTAINING TO ACCESSORY STRUCTURES

The ordinance revising Sections 5.4.B, 5.4.F, 5.4.G, and 5.3.B of the Unified Development Ordinance pertaining to Accessory Structures was presented for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Sutton gave second.

Councilman Sutton expressed his concern that by increasing the size of these structures they could be used as living space. Libby Anderson, City Planner, said she confirmed that the size being proposed was the most recent variance application approved by ZBOA. She agreed that these larger structures could be used as dwelling units. Since accessory dwelling are allowed, they would just need to meet the standards for permitting.

Council approved the ordinance on first reading. (Copy of Ordinance at end of these minutes)

ORDINANCE ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE

The ordinance revising Part 5, Chapter 1, Article A of the Code of Ordinances regarding adoption of the International Existing Building Code was presented for first reading.

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

Libby Anderson, City Planner, stated that this is an opportunity to make things easier for renovations and improvements to existing property. This is a voluntary code and developers and contractors are not obligated to use it. They can use the standard code, the International Residential Code or the International Building Code, instead. However, in some cases, it might be beneficial to use this one.

Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

ORDINANCE AMENDMENT PERTAINING TO APPOINTMENT OF FINANCE DIRECTOR AND POLICE CHIEF

An ordinance was presented for first reading amending Sections 1-4031 and 2-1001 of the City's Code of Ordinances pertaining to appointment of the offices of Finance Director and Police Chief

to clarify the conflict between the existing language and the prohibition of the state code.

Councilwoman Beer made a motion, seconded by Councilman McFee, to approve the ordinance on first reading. The vote was unanimous. (Copy of ordinance at end of these minutes)

ORDINANCE AMENDING THE FY09 CITY BUDGET

An ordinance amending the FY09 City Budget by decreasing the budget by \$1,127,500 by deferring all capital spending and to freeze vacant positions was presented to Council for first reading.

Councilwoman Beer moved to approve the ordinance on first reading. Councilman Fordham seconded the motion.

The City Manager explained this amendment is part of the process to show reductions for budget preparation for next year.

Shirley Hughes, Assistant City Manager, stated earlier in the year capital spending was frozen. In addition, there are several positions that have not and will not be filled. These adjustments are a combination of salary and benefit reductions as well as capital improvement reductions.

Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

CITY MANAGER'S REPORT

The City Manager announced Matt Clancy has accepted the position of Police Chief for the City of Beaufort. He read the press release distributed to the media. The swearing in will take place Monday at 6:00 p.m. at City Hall.

There has been a request from the staff of the Parks Department and the police department for signage for the playground area of the Park. They would like to post signs indicating the playground is closed at dusk and that no alcohol is allowed. In the winter, dusk would be defined as 6:30 and summer at 9:00 p.m. The recommendation from the Police and Park Superintendent is that the restrooms be locked at night.

There will be two Northern Area By Pass meetings; one on Feb. 24 at Beaufort High School from 5:00 to 7:00 p.m. and the other on February 26th. at Whale Branch from 5:00 to 7:00 p.m. There are conceptual alignments, environmental screening documents, and traffic data for viewing. The 3 options are connect to Johnson Road at Brickyard Point, Grays Hill and Bellamy Curve.

MAYOR'S REPORT

The Mayor mentioned that he has received repeated calls from people who live, work, and own businesses downtown about motorcycles without mufflers and how loud the noise is. While having lunch downtown Sunday, he saw a group on their motorcycles in the parking lot and he heard the noise. He said he thinks that is an enforcement issue.

He attended a meeting today working with Historic Beaufort Foundation, local architects, Redevelopment Commission, and Main Street regarding building a model of the City. Five architects, a HBF representative, and a high school student also attended and will meet again in two weeks to address the question of manpower with students from SCAD or Clemson.

The Mayor stated one of the restaurant owners told him he did not know Council had adopted the outdoor dining ordinance. The Mayor suggested, in the future, staff notify affected businesses when these changes occur.

Another item of concern, expressed by citizens, relates to the abandoned White Hall building and kids hanging out there. He asked this be checked out.

Also, he received a call from a citizen who lives downtown near a school district property who stated the landscapers start work at 7:00 a.m. on Saturday. The ordinance states loud and irritating noises are a violation between the hours of 1:00 a.m. and 7:00 a.m., however, it is allowed between 7:00 a.m. and 10:00 p.m. Since the Supt. of Education was copied, this problem has been resolved. The Mayor suggested this section of the ordinance be reviewed to determine if 7:00 a.m. should be changed.

The Signage Committee met today with two representatives from SCDOT attending. They are to start the process at the Broad River and the Air Station and extend it into downtown Beaufort. They were asked to complete their review within 60 days but they are running behind. They are to make a presentation for input from Council.

He also e-mailed copies of a letter to Council he received from Mayor Riley of Charleston who is soliciting support from mayors in South Carolina to write a letter to the congressional delegation urging support for the American Recovery and Reinvestment Plan. They are talking about creating 53,700 jobs over the next two years. He said he would like to support it.

COUNCIL REPORTS

BEER: Councilwoman Beer mentioned an article in the Reader's Digest about areas where they have high concentrated foreclosed homes. She suggested being proactive so neighborhoods don't become derelict or affected by blight.

SUTTON: Councilman Sutton commenting on blighted conditions, said that in a future workshop, the Demolition by Neglect Ordinance should be reviewed since the City Manager's Report indicated that notice is being filed on an additional house within the City. He feels the ordinance is not accomplishing what it should to avoid negligence outside the historic district.

Mr. Sutton, also addressing the noise issue, said he believes the loud noises generated by the motorcycles can be controlled by the police. However, at 7:15 a.m. once a week, the sounds from leaf blowers operated by landscaping companies awake his household. He said that is not conducive to urban living. He advised those companies to change their hours. He would like to revisit the hours stated in the ordinance.

The County held a meeting last night on their prioritization of their CDBG future grants. He said it is exactly what the City did with the Block by Block Project. They changed their focus on what they expect to do with the money. Possibly, staff can assist the County by sharing information and encouraging them to continue applying for funding.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second 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 negotiations incident to proposed contractual arrangements and the appointment/reappointments to the Beaufort Housing Authority and the Design Review Board.

OPEN SESSION

Beaufort Housing Authority

Upon returning to Open Session, Councilwoman Beer made a motion to approve the reappointment of Dorthyann Mullen for another five-year term on the Beaufort Housing Authority's Board of Commissioners.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 7:07 p.m.

BILLY KEYSERLING, MAYOR

COUNCILWOMAN DONNIE ANN BEER

COUNCILMAN GARY B. FORDHAM

COUNCILMAN MIKE SUTTON

COUNCILMAN MIKE McFEE

ATTEST:

BEVERLY W. GAY, CITY CLERK