

A regular meeting of the Beaufort City Council was held on January 27, 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 Dr. Jim Wooten, Pastor of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

PUBLIC HEARING

A public hearing was held to receive comment on an amendment to the Unified Development Ordinance *revising Sections 5.3.B.1 "Accessory Dwelling Units," 5.4.B "Uses Customarily Accessory to Residential Dwellings," 5.4.F.1 "Home Occupations," and 5.4.G "Setback and Other Yard Requirements for Accessory Uses," to Revise the Standards for Accessory Dwelling Units, Shed, and Home Occupations.* A Notice of Publication was duly published in the Beaufort Gazette on January 12, 2009. The Joint Planning Commission recommended approval of the amendment on a vote of three to two.

Libby Anderson, City Planner, said four different Sections of the UDO, all related to accessory structures, are proposed to be revised. The *first change* pertains to the requirements for sheds or storage buildings on residential lots. Currently, they are associated with single family residential lots and limited to 170 sq. ft. Since the limit on the size of a storage shed was enacted in 2003, the ZBOA has had numerous requests for variances and they asked staff to consider revising those requirements. Specifically, they suggested the size of the shed be related to the size of the lot and that sheds up to 3% of the size of the lot be permitted. The *second change* pertains to home occupations which are currently only permitted in an accessory structure such as a garage or a shed by special exception of the ZBOA. Staff believes allowing home occupations to be conducted in accessory structures would provide more flexibility to residents interested in starting a home business. The *third change* pertains to setbacks for accessory structures. Outside the Historic District, the side and rear setback for a two-car garage is currently 5 feet. The ordinance allows for lots of 4,000 sq. ft. or less to have a setback of 3 feet. In the Historic District, the setback for accessory structures for all types, regardless of size or use, is 3 feet. Staff suggests setback requirements for all accessory structures in all districts be 5 ft. because in July of this year, we will be required to adopt the 2006 International Residential Code. This code will require that any structure needs to be at least 5 feet from the property line unless both sides of the exterior wall are one hour fire rated. In an effort to streamline administration and building and zoning code review, staff would like to change the setback. The *last change* pertains to accessory dwelling units. In an attempt to streamline the approval process for these accessory units, staff is proposing to eliminate

the requirement for a fire marshal's determination regarding fire flow. Staff would also like to base square footage calculations on these dwelling units based on heated or habitable square footage and not include porches.

During discussion, one of the questions asked by Council regarding the structures was that they could be used as a garage. Ms. Anderson said to build a structure to be used as a garage it would need to have a non-combustible floor, drain, etc. The sheds could be used for a home occupation or workshop. If it is to be plumbed and have electricity, it has to meet the code.

There being no other comments, the public hearing was closed at 6:20 p.m.

MINUTES

The minutes of the regular City Council meeting of January 13, 2009 were presented to Council for review. The following changes were made on page 1, 2nd paragraph under "Ordinance Regarding Constitutional Concerns," Councilman Fordham's name was inadvertently left out as the person giving second to the motion; On page 2, 3rd paragraph under "Request from Historic Beaufort Foundation...", add "allotted from the Contingency Fund" after \$55,000. On the same page, 2nd line under Mayor's Report, delete "in that with regard".

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

ORDINANCE REGARDING CONSTITUTIONAL CONCERNS

The ordinance amending Section 2-1003 of the City's Code of Ordinances to address constitutional concerns regarding interference with a police officer was presented for second reading and adoption.

Councilman Sutton moved to adopt the ordinance on second reading. Councilman Fordham gave second. The ordinance was adopted on second reading. (Copy of Ordinance at end of the January 13, 2009 minutes)

ORDINANCE AMENDING TOURISM MANAGEMENT ADVISORY COMMISSION

The ordinance amending Sections 7-11003(a) and (b) of the City's Code of Ordinances regarding the Tourism Management Advisory Commission was presented for second reading and adoption.

On motion by Councilwoman Beer, second by Councilman Sutton, Council adopted the ordinance on second reading. (Copy of ordinance at end of the January 13, 2009 minutes)

REQUEST TO USE CITY PARKS FOR NEIGHBORHOOD PICNIC

A request by the Point Neighborhood Association to use the Charlie Knott Park and the adjacent park for their annual picnic on April 19, 2009 between 10:00 a.m. and 4:00 p.m. and to close a portion of East Street during those hours was presented to Council for approval.

Councilwoman Beer moved to approve the requests. Councilman Fordham seconded the motion.

Dewitt Helm, President of the PNA, invited Council to attend. Regarding the closure of the portion

of East Street, he said there are only two houses in that block and it would not affect traffic. They plan to set up picnic tables in that block.

The vote to approve the requests was unanimous.

REQUEST FOR WAIVER OF OPEN CONTAINER ORDINANCE DURING ARTWALK

A request by the Guild of Beaufort Galleries for a waiver of the open container ordinance during the Valentine ArtWalk on February 14th and another event on March 28, 2009 from 4:00 p.m. to 9:00 p.m. was presented to Council for consideration.

Councilman Sutton made a motion, seconded by Councilwoman Beer, to approve the requests.

Ms. Reggie Przbysz explained how they decided on the February 14 event. The request is to allow the guests to carry a glass of wine between galleries, she said.

Council unanimously approved the requests.

REQUEST TO ADD ITEMS TO THE AGENDA

Councilman Fordham mentioned several matters he would like added to the agenda pertaining to the new city hall, expanding the fire station, travel policy, and the police chief position.

On motion by Councilman McFee, second by Councilwoman Beer, Council added the above items to the agenda.

City Hall

Mr. Fordham suggested delaying construction of the new City Hall. He recommended directing the City Manager to determine what type of negotiations could be made with the contract to delay the project until the economy straightens out.

The Mayor stated this item might be more appropriate for discussion at a workshop. He said his understanding is that once the money has been borrowed, it has to be paid back. There may be ways to limit the spending but an explanation would be needed. Mr. Fordham agreed to move this item to a workshop.

Fire Station

Mr. Fordham said he knows the contracts for the fire station expansion will go before the Redevelopment Commission next week and since the Council members make up the majority of that Commission, he suggested not proceeding with the expansion due to high bids. The Mayor said the contracts were let with the Redevelopment Commission and this item, too, should be discussed in a workshop. He agreed the bids came in higher than he expected; however, the Commission should examine whether there are any alternatives. Mr. Fordham agreed to discuss this further at the next Redevelopment Commission meeting. Council concurred.

Police Chief

Councilman Fordham stated there are three or four city positions that are appointed with the advice and consent of City Council. He said that ordinance was passed years ago and Council needs to

decide whether it is the City Manager's responsibility alone or if Council is to provide input. Councilwoman Beer added that Council used to give input about appointing a police chief but was told by a former city manager that was not under Council's purview. Mr. Fordham said State Law says the City Manager has the authority to appoint those positions but Home Rule was adopted years ago and the State statute should not interfere. Councilman Sutton suggested setting a date and directing the City Manager to select a police chief by the time the Police/Court building is completed. The Mayor stated the City has an acting chief who has the full authority of the police chief. He said he would prefer to compare the city ordinance to the state statute and talk to the City Attorney and City Manager.

Travel

Mr. Fordham suggested not approving any travel for City Council after February 1st. He said since staff has been limited, he thinks Council should be too. He moved to eliminate any travel reimbursement for City Council members for any function whether it is in or out of the State. The motion failed for lack of a second.

CITY MANAGER'S REPORT

The City Manager reported that bids have been formalized for the Duncan Langhorn and Battery Shores stormwater project.

On a different matter, a February workshop will need to be scheduled for prioritization of public services prior to the budget. Also, a joint meeting will be held with the Town of Port Royal in March.

MAYOR'S REPORT

The Mayor reported that he along with Councilmen Sutton and McFee attended the Northern Regional Council Implementation Committee meeting. There should be a final document to review by their next meeting. He asked for staff to assist them, maybe in a workshop, on how it would affect the City.

COUNCIL REPORTS

McFEE: Councilman McFee stated he concurred with the observations of the Northern Planning Commission. He is encouraged by the movement to get the implementation agreement finalized.

SUTTON: Mr. Sutton requested an update on the Waterfront Park long term maintenance plan, and asked that repairs to the seawall and the amphitheater planters be placed on an upcoming Council workshop agenda. He would like a discussion as to whether the City is progressive in handling that or if an alternate should be found. Also, he would like a discussion during a work session on term limits and health insurance for Council.

BEER: Councilwoman Beer stated she received a letter from LCOG regarding layoffs in the Low Country. It states in 2007, 103 people were laid off in two counties and in 2008, 787 people were laid off in the four counties. That was a 65% increase.

MAYOR:

The Mayor mentioned the following items that are to be discussed at workshops: Highway 21

workshop, Redevelopment Commission meeting to review the City Hall building and the fire dept. renovation, budget priorities, park maintenance, term limits, and insurance. He stated it may be necessary to hold two workshops a month so the items do not back up because they may affect the budget.

EXECUTIVE SESSION

On motion by Councilwoman Beer, second by Councilman Sutton, 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, a personnel matter, and the appointment/reappointments to the Design Review Board and the Southside Park Committee.

OPEN SESSION

Design Review Board

Upon returning to Open Session, Councilwoman Beer moved to reappoint Don Starkey for a 2-year term on the Design Review Board. Councilman Sutton seconded the motion. The vote was unanimous.

Southside Park Committee

On motion by Councilwoman Beer, second by Councilman McFee, Council appointed Russell Byrd to serve on the Southside Park Committee.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:00 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