

A regular meeting of the Beaufort City Council was held on March 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**

Mayor Keyserling called the meeting to order at 6:00 p.m.

### **PLEDGE OF ALLEGIANCE**

The invocation was given by Dr. Robert Cuttino, Ret. Pastor of the Baptist Church of Beaufort. The Pledge of Allegiance was led by the Mayor.

### **PROCLAMATION**

On motion by Councilwoman Beer, second by Councilman Sutton, Council voted to adopt the proclamation designating March 2009 as Disabilities Awareness Month.

### **PROCLAMATION**

On motion by Councilwoman Beer, second by Councilman Fordham, Council voted to adopt the proclamation designating March 24, 2009 as American Diabetes Alert Day.

### **MINUTES**

The minutes of the regular City Council meeting of February 24, 2009 were presented to Council for review.

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

### **BOUNDARY STREET IMPROVEMENT INTER-GOVERNMENTAL AGREEMENT**

The Agreement between the City and the County to move forward with negotiations, award, administration and management of the capital project improvements regarding Boundary Street was presented for first reading during the February 27, 2008 Council meeting. The Agreement was presented for second reading and adoption tonight.

Councilwoman Beer moved to adopt the agreement on second reading. Councilman Sutton gave second.

The City Manager stated the agreement presented for first reading on February 27, 2008 was drafted by the City. The one being presented tonight for second reading was drafted by the County; however, the only change is in item # 1 and states "shall jointly assume" instead of "relinquish" which is reasonable. The question is whether to give second reading or wait for the County to hold first reading.

The Mayor said the only reason not to adopt it tonight would be if the County were to make changes. Since there is no rush, he would prefer to wait. The City Manager said if Council does wait, he would like to articulate in writing to the County Administrator that City Council agreed to wait for the County Council to hold two readings in case any changes were made. Council agreed to have the City Manager send a letter to the County Administrator stating City Council approves the agreement as written and once they have second reading, City Council will proceed with theirs.

### **REQUEST TO CLOSE STREETS**

A request to close the portion of King Street between Wilmington Street and Monson Street and Wilmington Street from North Street to King Street on March 21 from 9:00 a.m. until 3:00 p.m. for the "Blessing of the Clinic", a Good Neighbor Medical Clinic was presented to Council.

Councilwoman Beer made a motion to approve the request. Councilman Sutton gave second.

Sheila Deuel, Executive Director with the Good Neighbor Medical Clinic, explained this is a faith based, free medical clinic that provides free health care to the residents of Beaufort County who have no health insurance and limited income. This has been a community effort and consists of volunteers. They plan to open on April 1<sup>st</sup>. She said the street closure will not block any neighbor's driveways and will leave access at the health department building and the school district building. The health department has agreed for us to use their parking lot for the event.

Mrs. Beer expanded her motion to cover the Police Chief's question by stating no private resident's driveways are to be blocked. Mr. Sutton seconded the amended motion.

Council unanimously approved the request.

### **REQUEST TO SELL ALCOHOL AT WATERFRONT PARK**

A request from the Beaufort Marine Institute was presented to Council to sell alcoholic beverages during their fishing tournament from August 7-9, 2009 at the Waterfront Park.

Councilman Sutton moved to approve the request. Councilwoman Beer seconded the motion. The vote was unanimous.

### **JOINT PLANNING COMMISSION – APPOINTMENT**

During Council's work session held on March 3, interviews were held with candidates interested in serving on the Joint Planning Commission.

On motion by Councilman Sutton, second by Councilwoman Beer, Council reappointed Wayne Reynolds to serve a two-year term on the Joint Planning Commission.

### **DESIGN REVIEW BOARD APPOINTMENT**

During the Council's work session held on March 3, interviews were held with candidates interested in serving on the Design Review Board.

On motion by Councilwoman Beer, second by Councilman McFee, Council appointed Alan B. Dechovitz to serve a two-year term on the Design Review Board.

### **ORDINANCE REVISING UDO CLARIFYING RESIDENTIAL UNITS**

The ordinance revising Section 6.7 of the Unified Development Ordinance clarifying the definition of residential units in the Air Installation Compatible Use Zone was presented for first reading.

Libby Anderson, City Planner, said this revision to the AICUZ ordinance will keep the City's ordinance compatible with the ordinance that the County has in effect. Port Royal is also making a similar change. The purpose of the change is that in the noise impact zones and the accident potential zones residential development is limited. Recently the County was asked what constitutes a residential unit; therefore, they prepared an ordinance clarifying that and to specifically say that something called a "live/work" unit is included towards the density cap. She said in reply to a question raised during the City's public hearing on this ordinance about whether accessory units, garage apartments, and mother-in-law suites would count towards residential units, she contacted the County and Port Royal and they agreed that those types of dwellings would count towards the density cap. She added wording to that effect in the ordinance.

The City Manager stated the purpose and intent of the AICUZ is to reduce residential in that area. Commercial is allowed more often. Ms. Anderson added that the model AICUZ prepared by the Department of Defense recommended zero residential development in the noise zones. That is a stringent standard. When staff worked with the County and Port Royal on this ordinance, they felt that this was a reasonable compromise. She explained how many units are allowed in the Noise Zones.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the ordinance on first reading. (Copy of ordinance at end of these minutes)

### **ORDINANCE AMENDING THE UDO- SUBDIVISION IMPROVEMENTS & PERFORMANCE GUARANTEES**

An ordinance amending Sections 8.2.A and 8.4 of the Unified Development Ordinance pertaining to the subdivision standards to require street name signs and traffic control signs on new streets, and to set time limits on performance guarantees was presented for first reading.

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

### **ORDINANCE AMENDMENT PERTAINING TO LOUD AND UNSEEMLY NOISE**

An ordinance amending Section 9-1008 of the City's Code of Ordinances pertaining to use of devices which cause loud and unseemly noise and thereby changing the hours from the current hours of 7:00 a.m. to 10:00 p.m. to the proposed hours of 8:00 a.m. to 9:00 p.m. was presented to Council for first reading.

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

The City Manager pointed out that the City Attorney advised against changing the hours. Councilman Sutton said this is not to stop activity just to limit the noise. The City Manager stated

the concern has to do with contractors and what is deemed as noisy at that time. Mr. Sutton said he would like to hear from the contractors. Also, between first and second reading, input could be received from those businesses. In his opinion, people in residential zoning would be irritated by the noise at 7:00 a.m. He also wondered about the guests at motels when the landscapers begin blowing leaves in the parking lot at 7:15 a.m. He said we are trying to have a neighborhood where people can sleep until 8:00 a.m. He said he is in support of changing the hours. Councilman McFee said he would like to talk with the City Attorney and hear his specific concerns.

Councilwoman Beer suggested this ordinance be sent to the Home Builder's Association and ask for their input on what impact it will have. The Mayor added that in other municipalities there are rules for when contractors work. If they know the hours, they can schedule their work around that. Councilman Sutton asked how people are notified when something affects a specific group and what is the cost to do that because he would like to improve the communications between decisions made by Council and the voters. The City Manager replied e-mail makes it easy when items are sent to organizations. The Mayor suggested communication be placed on the agenda as a workshop item. Mr. Sutton asked that at that workshop, Council be provided a printout of the type and number of categories who hold business licenses. The City Manager agreed to place this on a workshop agenda.

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

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

The City Manager said he spoke to the assistant to the Director of the State Department of Insurance today. On Feb. 2, City staff wrote a letter to ISO based on correspondence received from the Insurance Services of America that stated the City had the potential to see a lowering of the classification as it deals with building code standards. Because the state neglected to adopt the 2006 building code standards, why should the City be penalized. ISO agreed to delay their decision. The Department of Insurance's assistant assured staff verbally that they were aware of this and agree with the City. The State Homebuilder's Association is against various aspects of the code. If the code does not get adopted, citizens may be subject to higher insurance rates or lower insurance ratings.

Councilman McFee asked for Council to be provided a copy of the letter.

### **MAYOR'S REPORT**

The Mayor said he received a letter from Robert Clark with SCDOT about sidewalk funding. The City Manager stated there are some programs like repaving through SCDOT that have been distributed by LCOG who is the conduit for a lot of the stimulus money. They sent a list of sidewalk projects to SCDOT for the City. They are mostly maintenance issues. The CIP list, county road project, and the parallel road were also sent through the COG.

Referring to the motorcycle muffler noises, the Mayor stated he is still receiving complaints.

He also received a call from a retired City employee at 11:00 p.m. Saturday who lives near the apartments behind the National Cemetery complaining there was a lot of noise. She called the police but as soon as they left, the noise continued.

**COUNCIL REPORTS**

**McFEE:** Councilman McFee reported the Council Retreat held last Friday was excellent and he got a lot out of it.

**BEER:** Councilwoman Beer mentioned March is Red Cross month.

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 6:50 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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BEVERLY W. GAY, CITY CLERK