

A regular meeting of the Beaufort City Council was held on March 24, 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 Rev. Leon Meadows of Riverview Baptist Church. The Pledge of Allegiance was led by the Mayor.

RESOLUTION

On motion by Councilwoman Beer, second by Councilman Sutton, Council voted to adopt the resolution commending Linda Bridges for serving on the Design Review Board. (Copy of resolution at end of these minutes)

MINUTES

The minutes of the regular City Council meeting of March 10, 2009 were presented to Council for review.

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

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 second reading and adoption.

Councilwoman Beer moved to adopt the ordinance on second reading. Councilman Sutton gave second. The ordinance was adopted unanimously on second reading. (Copy of Ordinance at end of March 10, 2009 minutes)

ORDINANCE AMENDING THE UDO – SUBDIVISION IMPROVEMENTS & PERFORMANCE GUARANTEES

The 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 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 2009 minutes)

ORDINANCE AMENDMENT PERTAINING TO LOUD AND UNSEEMLY NOISE

The 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 for second reading and adoption.

Councilwoman Beer made a motion, seconded by Councilman Fordham, to adopt the ordinance on second reading.

The City Manager mentioned comments have been received from the Homeowner's Association and Steve Harrison, owner of the Rhett House Inn.

Mr. Harrison stated they host many events at the Inn that last into the evening. Changing the hours would severely hamper their ability to hold weddings, receptions, etc. He urged Council not to change the ordinance. He also said occasionally they hear leaf blowers at 7:00 a.m. or construction on the week end but the church bells are louder than the blowers. He said it would be a hindrance to the workers to change the hours. The Mayor said there will be unintended consequences by changing the hours.

Frank Fagan, Grounds Maintenance Manager for St. Helena Episcopal Church, read a letter concerning the Noise ordinance. He pointed out that effective leaf removal can only occur early in the morning, before businesses open because vehicles block areas which need cleaning. Also, removing the leaves provide clean, safe walkways. He asked that the workers be allowed to begin at 7:00 a.m.

Elizabeth O'Brian, Beaufort/Port Royal Convention and Visitor's Bureau read a brief report regarding a statement they sent to their members requesting comments on the proposed changes. All the respondents indicated they will often or occasionally have outdoor events, festivals, weddings, or music which last past 9:00 p.m. Changing the noise ordinance will have a negative impact on their business. Based on these responses, they request the ordinance not be changed or delayed until Council can determine a way to include provisions for special circumstances.

Mr. Harrison mentioned the street cleaners that operate at 4:30 and 5:30 a.m. They have received complaints from their guests.

Councilman Sutton suggested this amendment to the ordinance be placed back on a work session for discussion. The Mayor agreed.

Councilwoman Beer moved to table second reading of the ordinance until there can be further discussion. Councilman Fordham gave second. The vote was unanimous. (Copy of ordinance at end of the March 10, 2009 minutes)

REQUEST FOR APPROVAL TO INSTALL SIDEWALK IN CITY-OWNED ALLEY

The developer of the building at 700 Bay Street would like to install a sidewalk in the City-owned alley adjacent to the property and install awnings that would extend over the alley and over the sidewalk. Section 3-1009 of the City Code stipulates that a permit from City Council is needed for

any awning or other structure to extend over the streets or sidewalks within the City. Libby Anderson, City Planner, said staff recommends approval.

Neil Dawson, Neil Dawson Architects, said the design has been modified and the balconies have been eliminated. The awnings would be the only encroachment and they would extend about 4 feet 2 inches onto Bay Street and the unnamed lane. Also, they would like to install a sidewalk at the owners expense which would benefit both the City and the owner by allowing pedestrian access from Bay Street to the Waterfront Park.

Councilwoman Beer moved to approve the request. Councilman Fordham gave second. The request for the permit was approved unanimously.

REQUEST TO CLOSE STREET FOR LAFAYETTE SOIREE – APRIL 14, 2009

A request by the Executive Director of Historic Beaufort Foundation to close Scott Street between 801 Prince and the rear property line of 711 Prince Street beginning at 9:00 a.m. on April 4, 2009 for their annual Lafayette Soiree was presented to Council for consideration.

On motion by Councilwoman Beer, second by Councilman Fordham, Council approved the request subject to approval of the SCDOT and security by the City's Police Department.

REQUEST TO SELL ALCOHOL IN WATERFRONT PARK – MAY 2, 2009

A request by Main Street Beaufort, USA to sell beer and wine in the Waterfront Park during their Taste of Beaufort festival on Friday, May 1st from 5:00 p.m. until 11:00 p.m. and on Saturday, May 2nd from 11:00 a.m. until 7:00 p.m. and to close one direction of Charles Street Extension for loading and unloading of equipment for bands and vendors. Also, close Scott Street Extension to through traffic so the children's area can be in the parking lot behind the playground.

Councilman Sutton moved to approve the request. Councilwoman Beer seconded the motion.

LaNelle Fabian, Main Street Beaufort Executive Director, explained the reasons for the various requests. Mr. Sutton asked what impact closing these streets would have with the construction of the building on the corner of Bay and Carteret Streets since the alley is already closed. He asked if this has been coordinated with the contractor. The City Manager reminded Council the ingress/egress of the project is for Carteret Street/Highway 21 and the alley has been closed. Main Street could talk to the owner to be sure he is aware of the event.

The request was unanimously approved subject to approval of the SCDOT and security by the City's Police Department.

CITY MANAGER'S REPORT

The City Manager reported the City has been awarded its second certificate of excellence in financial reporting. The award will officially be presented in about eight weeks. Also, the furniture and equipment is being moved into the Court/Police Building. The opening date will be announced later as well as the date for the laying of the cornerstone at City Hall.

MAYOR’S REPORT

The Mayor said it has been brought to his attention that the Boundary Street Master Plan that is on the web site has a road going through Carolina Cove. The City Manager said staff received a letter in that regard and it has been forwarded to the attorney for an opinion.

COUNCIL REPORTS

BEER: Councilwoman Beer expressed her excitement about the City moving into the new building.

McFEE: Councilman McFee said he attended the Municipal Association’s Elected Official’s Institute and the Assistant City Manager and CFO was one of the presenters at the presentation in Columbia where the program was telecast to LCOG. Also, he attended the Good Neighbor “Clinic Blessing” this past weekend. It was a great opportunity to see the community come together with the cooperation of the parish church of St. Helena.

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 appointment/reappointment of the two Municipal Judges and City Attorney.

OPEN SESSION

Reappointment of Judges and City Attorney

Upon returning to Open Session, Councilman Fordham moved to not take any action on the reappointment of the judges and attorney until the next meeting in April. The motion died for lack of a second.

On motion by Councilwoman Beer, second by Councilman Sutton, Council members McFee, Beer, Keyserling, and Sutton moved to reappoint Judge Mary Sharpe, Judge Ralph “Ned” Tupper, and City Attorney William B. Harvey, III for a 2-year term. Councilman Fordham voted nay. The motion passed 4 to 1.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 6:45 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