

A work session of the Beaufort City Council was held on April 6, 2010 at 5:00 p.m. in the City Hall Conference room, 302 Carteret Street. In attendance were Mayor Billy Keyserling, Council members Gary Fordham, Donnie Ann Beer, Mike McFee, and Scott Dadson. Councilman Mike Sutton was absent.

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.

Mayor Billy Keyserling called the meeting to order at 5:12 PM.

DISCUSSION OF NOISE ORDINANCE

Mayor Keyserling said “the idea is to see how we can all live together peacefully in a small town.” He has been hearing a lot of concerns about outdoor music. Councilman McFee said he has heard complaints “from across the waterway” from Bay Street and the matter needs to be addressed for the residents’ sake. Councilwoman Beer said this started many years ago with the street preachers, adjoining businesses, and music. The court agreed that decibels were to be measured and if they exceeded a certain level, it was a violation.

Councilman Fordham asked to look at the ordinance. He said he didn’t understand how a business could have extremely loud music that interferes with other businesses. If there’s an ordinance on the books, it should be enforced. Mayor Keyserling said there are different levels of enforcement.

Police Chief Clancy said he pulled the numbers for total complaints and noise on Bay Street and on Ribaut Road back to 2006; it’s consistent over the years, i.e., in 2006 there were 367 total noise complaints in the city. Of those, there were 13 specific to loud music on Bay and 6 on Ribaut Road for various things. The numbers have stayed basically the same through 2009. As far as enforcement of loud music, they haven’t written tickets for every violation. They will go to a manager at a place where there’s been a complaint, and if the sound gets turned up or not turned down, then the venue gets a citation. Mayor Keyserling asked about motorcycle noise. Chief said motorcycles are moving targets and might not be there by the time the officer gets there. The majority of tickets written for noise violations are for loud vehicles, particularly in a complex.

Kathleen Bussing said there’s been improvement shown in the numbers the police chief gave. Music is important downtown and there are a lot of issues with the spring when complaints come in. If all music were indoors, it would affect what people come downtown for. Her restaurant tries to monitor it some and take decibel readings. They vary from 50’ away depending on many variables. She said she’s unclear on the measurement for the ordinance. Chief Clancy said according to the ordinance for the downtown music district the measurement is at the property line of the business. Ms. Bussing said the property line is where the music is. Chief Clancy said the issue is decibel level and it’s 85. Ms. Bussing said the music is what keeps her in business. Mayor Keyserling asked if it made a difference which way the speakers were pointed. She said yes.

Nick Borreggine, Jr. apologized for unintentionally loud music two weeks ago which came from his restaurant. He just purchased a decibel monitor, and they'll police the sound levels more aggressively in-house and are consulting with an architect to build a sound barrier for the Ribaut Road side of their deck. Carlotta Ungaro said 85 decibels is the sound of city traffic from inside one's car. Councilwoman Beer offered assurance that the city is business-friendly and wants to see businesses succeed, but if they want people to live downtown and they get more complaints.

Edward Dukes said from previous conversations, he's fairly sure the downtown music district problem will solve itself. The motorcycles and un-muffled cars are a bigger issue. **Matt McAlhaney** said he spends time outdoors on Craven Street and hears excessively loud motors constantly. He feels there should be proactive monitoring for decibel levels of altered mufflers, as DUIs and speeding tickets are monitored. Motorcycles aren't overly loud until they're altered to be so. **Maxine Lutz** said the motorcycle noise is a quality of life issue, and to increase density downtown, it needs to be addressed. Word needs to be put out to motorcyclists that altered mufflers and noise won't be tolerated. Wallace said Myrtle Beach has a cycle noise ordinance; the chief said it got overturned when it went to court. **Nick Borreggine, Sr.** said his cycles are quiet, and at rallies cycles are pulled over and ticketed for straight pipes and altered mufflers. He doesn't know how it's monitored.

Mayor Keyserling asked Chief Clancy about the law regarding mufflers. He said state law says you have to have one and it can't be altered, but there are no specifics about decibel levels. Local police have spoken to Highway Patrol about a method to tell if it's been altered; they responded that it was so difficult to do that they don't do it anymore. Their opinion was to enforce it like they do loud music. The chief said it's difficult because "loudness" is a subjective standard. Speeding is tracked by radar, which is quantifiable. Some people think all cycles are loud and some bikers think louder means safer because they can be heard coming.

Mr. McAlhaney said he understands it can't be subjective. He said the EPA gives an approved decibel level on new bikes, so they must measure it when they install it. Chief Clancy said there's a decibel level for music and for tools like weed eaters in the existing ordinance. Mr. Dukes asked if it could be added. Mr. Dadson said a bike is moving as opposed to remaining in a fixed position when it could be monitored.

Ms. Bussing said most riders have respect for the community, and signs would probably be paid attention to by 75% of the bikers. Councilwoman Beer said 1% cause all the problems. The "extreme" is what's under discussion. Mr. Dadson said going over bridges makes the reverberations louder. Chief Clancy said the buildings downtown accentuate sound, too.

Ms. Bussing said regarding a sound violation in her neighborhood, they had to videotape with sound and neighbors had to go to the courthouse; it took 3 months to get enough evidence to show what was being dealt with. Mr. McAlhaney suggested starting with signs. Mr. Dadson said that could be looked at; they can talk to the city attorney and a judge about it. In the bigger

picture, he suggested vehicle inspections as a good place to start. He also suggested looking at the broader issues such as what attracts people who drive loud motorcycles, etc. There are also jurisdictional issues to consider. Ms. Lutz said cars playing loud music are another concern. Mr. Dadson said these occurrences happen every spring when people are able to get outside again. The question is what's enforceable. Ms. Lutz asked Chief Clancy if he gets complaints about loud music in cars. Chief Clancy replied that it's probably the number one noise issue they write tickets for. The cars' cameras can capture evidence. However, they write a lot of speeding tickets every day, but people still speed. It needs to be balanced; there's no magic solution.

Mr. McAlhane asked them to consider the military bases, which are under federal regulation; he suspects that some vehicles with loud, altered mufflers are going there. A specific cure is available on the bases that is not available outside them, so leaders could talk to the commanding officers and see if there's something that could be done off-base. Chief Clancy said he's meeting with the military police chiefs this week and would bring it up.

Mary Trask said she believes people going to work are the problem, not biker gangs, because of the times of day at which she hears the noise. Signs would put people on notice and would make the argument easier when they are pulled over for a ticket.

Paul Michau said as the city expands there will be more such complaints. He brought up a restaurant on The Point that has a very loud extractor fan that can be heard for some distance.

EXECUTIVE SESSION

On motion by Councilwoman Beer, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion regarding prospect activity. The motion was approved unanimously.

Councilwoman Beer, seconded by Councilman McFee, made a motion to come out of Executive Session and resume the regular council meeting. The motion was approved unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:50 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK