

**Minutes
Regular Council Meeting
Council Chambers, 700 Paris Avenue**

August 9, 2006

Members Present: Mayor Samuel E. Murray and Councilmembers Vernon DeLoach, Mary Beth Heyward, Joe Lee and Henry Robinson

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Chief Jim Cadien, Assistant Fire Chief Jim Colwell and Municipal Clerk Tanya Payne

I. PLEDGE OF ALLEGIANCE:

Mayor Murray opened the meeting at 7:00 PM and led the Pledge of Allegiance.

II. INVOCATION:

Councilmember DeLoach offered the invocation.

III. APPROVAL OF MINUTES:

- A. Minutes from the Public Hearing of July 5, 2006**
- B. Minutes from the Workshop of July 5, 2006**
- C. Minutes from the Regular Council Meeting of July 12, 2006**

Councilmember Heyward moved to adopt the minutes from the Public Hearing of July 5, 2006, the Workshop of July 5, 2006 and the Regular Council Meeting of July 12, 2006. Councilmember Lee seconded the motion.

Councilmember Joe Lee commented that Ordinance 2006-24 concerning fee schedules needed to be reviewed annually and said the ordinance should state such.

The motion carried by unanimous vote.

IV. AMENDMENTS TO THE AGENDA:

Town Manager Willis requested amendments to the agenda under Council's Action to include: D., adopt an amendment to the Town Sidewalk Policy and E. consideration of the proposed Penny Sales Tax Referendum.

Mayor Murray requested the consideration of a donation to the Port Royal Methodist Church as a memorial for former Councilmember Yvonne Butler.

Councilmember Heyward moved to amend the agenda as stated and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

V. COUNCIL BRIEFING:

In consideration of the lengthy agenda and expected public comments, Town Manager Willis referred Council to their written copy of the briefing.

VI. PUBLIC COMMENTS:

At this time, the Mayor will recognize members of the audience who have submitted speaker forms to address the Council on agenda items. Each speaker will be limited to two minutes.

Carol Ann Miller spoke in support of the proposed rezoning of property on 14th Street to MU-2.

Mark Sutton spoke in favor of the rezoning on Scipio Road. He also spoke concerning open space at the port property saying he felt a strip along the river would be better than spots of open space scattered throughout the property.

Bob Cullen opposed the rezoning of property in Wright's Point and expressed traffic concerns. He said he felt there was already enough commercial property in the Town.

Barbara Worley opposed commercial development at Wright's Point.

Jack Ward opposed Ordinance 2006-39 which would rezone property on 14th Street saying it would destroy the neighborhood.

Dr. Roy Darby, owner of property on 13th Street which was being considered for rezoning asked Council to look at the specific property when making a decision. He asked that the property be allowed into the Town Overlay District. Dr. Darby also presented Council with a letter in favor of the change from neighbor Jesse Comiskey.

Gary Hardin opposed the rezoning of property on 14th Street.

Mike Jones asked Council to table ordinances which would allow the conveyance of property for sidewalks and also the rezoning ordinances.

Carol Poore asked Council to keep the vision and move forward with the requested rezonings. She said she felt this was in the best interest of the Town.

C. E. Malphrus representing the Red Bluff Property Owners Association told Council the association did not oppose a marina at Lemon Island but said they felt sixty feet was too high for the building. He asked them to listen to the recommendation of the Joint Municipal Planning Commission.

Celeste Pruitt supported the 14th Street zoning and presented letters of support from several 14th Street residents.

Jack Baggette opposed the rezoning of property on Lenora Drive. He said there were already traffic safety concerns for that area and said it would affect property values. He asked Council to go with the recommendation of the JMPC. Mr. Baggett presented three letters from neighbors also opposing the rezoning.

Jean Barton opposed the rezoning on Lenora Drive pointing out traffic problems, noise, parking problems and quality of life issues.

Julius Hardee opposed the rezoning on Lenora Drive pointing out possible traffic problems.

Sandra Baggette opposed the rezoning of property on Lenora Drive, Battery Park Drive and Drayton Drive. She pointed out traffic problems and stated there was a school zone there.

Mary Ann Hanke asked Council to keep Lenora Drive at its current zoning. She said it was a quite neighborhood and expressed concerns over quality of life issues.

Daria Patterson representing seven other Wright's Point residents opposed commercial development in that neighborhood.

Tom Paterson opposed the rezoning in Wright's Point.

Robert Pearson opposed Ordinance 2006-46 concerning rezoning property in Wright's Point.

Shawn Glisson spoke in favor of rezoning property on 14th Street.

Catherine Brooks opposed the rezoning of the 14th Street property.

David Kell opposed the rezoning that would place residents into the Town Overlay District. He also opposed the annexation of property on Lemon Island.

Frank Papy spoke against the annexation of property on Lemon Island and the proposed marina.

Parker Sutler opposed the Lemon Island annexation. He said he was not totally against the marina but asked Council to let the county develop that property. Mr. Sutler said if the property were annexed by the Town to follow the recommendations of the JMPC.

Connie Horton opposed the annexation and rezoning of property on Lemon Island. She also spoke against the proposed dry stack storage building saying it would be too tall for the area.

Ann Horry opposed the annexation and development of the Lemon Island property. She expressed concerns over the proposed height of the dry stack marina, property values, fishing and crabbing and water quality.

Jerry Cramer opposed Ordinances 2006-30 and 31 annexing and zoning property on Lemon Island. She read and presented a petition containing sixty-seven names also opposing the annexation and proposed PUD. He said it would destroy the quality of life and have an adverse affect on roads, marshes and public water. Mr. Cramer asked Council to accept the recommendation of the Joint Municipal Planning Commission if the annexation were to occur.

Ellen Padgett spoke in support of the Okatie residents and said she approved of a marina but asked Council to adopt the recommendations of the JMPC.

David Strong spoke in support of Ordinances 2006-38 and 39 which would rezone property on 13th and 14th Streets. He explained that he owns three lots in that area of Town.

Mayor Murray asked to move Section VIII. Resolution to this time in the meeting. Council agreed.

Mayor Murray introduced Port Royal Postmaster David Murray and read a resolution honoring him for his achievement of becoming 2006 South Carolina Postmaster of the Year.

Postmaster Murray received a standing ovation from the many citizens who were present. He thanked Council for the resolution and told them it was an honor to be recognized by Council.

VII. 2nd READINGS:

- A. Ordinance 2006-37. An ordinance to authorize the Town Manager to convey excess real property to facilitate construction of sidewalks within the Town described as Beaufort County Tax District 110, Map 11, Parcel 60A (approximately 100 ft. on London Avenue and 100 ft. on 8th Street)**

Town Manager Willis read Ordinance 2006-37 by title and said it meets the existing sidewalk policy requirements. He suggested that if Council adopts the ordinance, that it stipulate compliance with the new policy as it is up-dated at tonight's meeting.

Councilmember DeLoach moved to deny Ordinance 2006-37.

The motion failed due to the lack of a second.

Councilmember Lee moved to table Ordinance 2006-37 and Councilmember Heyward seconded the motion.

Mayor Murray and Councilmembers Heyward, Lee and Robinson voted yes.

Councilmember DeLoach voted no.

The motion carried.

- B. Ordinance 2006-38. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .172 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcel 98A to remain Mixed Use-2 (MU-2) and to be included in the Traditional Town Overlay District (1113 13th Street)**

Town Manager Willis read Ordinance 2006-38 by title and explained the rezoning was unanimously recommended by the Joint Municipal Planning Commission.

Councilmember Robinson moved to adopt Ordinance 2006-38.

The motion failed due to the lack of a second.

Councilmember Lee moved to disallow Ordinance 2006-38 and Councilmember Heyward seconded the motion.

Councilmembers DeLoach, Heyward and Lee voted yes.

Mayor Murray and Councilmember Robinson voted no.

The motion carried.

- C. Ordinance 2006-39. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .946 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcels 106, 107, 108 and 109A from Residential-10 (R-10) to Mixed Use-2 (MU-2) with the Traditional Town Overlay District (1108, 1110, 1111 and 1115 14th Street)**

Town Manager Willis read Ordinance 2006-39 by title and explained the JMPC had denied recommendation by a vote of four to one.

Councilmember Heyward moved to deny Ordinance 2006-39 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- D. Ordinance 2006-40. An ordinance annexing to the Town of Port Royal approximately 18.451 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 30, Parcels 5D, 311, 5A and Beaufort County Tax District 100, Map 31, Parcels 66F and a portion of 62 (on or near Savannah Highway at Broad Oaks Drive and Shea Lane)**

Town Manager Willis requested that Ordinance 2006-40 be tabled until a development agreement could be prepared

Councilmember Heyward moved to table Ordinances 2006-40 and 41 until a development agreement could be prepared and Councilmember Robinson seconded the motion.

The motion carried by unanimous.

- E. Ordinance 2006-41. An ordinance to zone approximately 18.451 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 30, Parcels 5D, 311, 5A and Beaufort County Tax District 100, Map 31, Parcels 66F and a portion of 62 as Mixed Use-2 (MU-2) and Highway Commercial (HC)**

- F. Ordinance 2006-42. An ordinance to amend the subdivision plat for the Willow Point Planned Unit Development (PUD) by subdividing 3.48 acres located at Beaufort County Tax District 112, Map 31, Parcel 90 into twelve lots (property located on Baynard Road, south of Willow Point Road)**

Town Manager Willis read Ordinance 2006-42 by title and explained it would allow property previously zoned for commercial development to be divided into single family lots.

Councilmember Robinson moved to adopt Ordinances 2006-42 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- G. Ordinance 2006-43. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 1.499 acres as shown and described as Beaufort County Tax District 112, Map 31, Parcels 228 and 520 from Forest Agriculture (FA) to Residential-10 (R-10) (These parcels are located at 58 Scipio Road)**

Town Manager Willis read Ordinance 2006-43 by title and explained the original rezoning request was for MU-2 but that it had been changed to R-10.

Councilmember Heyward moved to adopt Ordinances 2006-43 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- H. Ordinance 2006-50. An ordinance authorizing the Town of Port Royal, South Carolina to enter into a lease/purchase transaction for the financing of a fire truck; authorizing the execution and delivery of an Equipment Lease Agreement in an amount not to exceed \$550,000; and other matters relating thereto**

Town Manager Willis read Ordinance 2006-50 by title and explained it would allow financing for a new fire truck as approved during the budget workshop. He told Council the low bidder was BB&T with an interest rate of 4.22 percent over ten years.

Councilmember Robinson moved to adopt Ordinances 2006-50 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

I. Ordinance 2006-51. An ordinance authorizing the Town of Port Royal, South Carolina, to enter into a Lease/Purchase Agreement in an amount not to exceed \$175,000 and other matters relating thereto

Town Manager Willis read Ordinance 2006-51 by title and explained it would allow the financing of seven police vehicles. He told Council the low bidder for this agreement was BB&T with an interest rate of 4.16 percent over a three year period.

Councilmember Heyward moved to adopt Ordinances 2006-51 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

VIII. RESOLUTION:

A. Resolution 8-2006. A resolution honoring David Murray, Port Royal Post Master

IX. 1ST READINGS:

A. Ordinance 2006-30. An ordinance annexing to the Town of Port Royal approximately 2.43 acres of real estate located in Beaufort County described as Beaufort County Tax District 600, Map 6, Parcels 1A, 2A and 2C (Okatie Highway)

Town Manager Willis read Ordinance 2006-30 by title and explained it was the location of the Lemon Island Marina. He said the property was within the Town's amended, future growth area. Mr. Willis also reviewed Ordinance 2006-31 and explained it would zone the property as a Planned Unit Development. Mr. Willis said the JMPC had unanimously approved the PUD with the following stipulations: they must use the Beaufort County Best Management Practices regarding stormwater, no variance granted for parking relief, fifty feet setback from western property line (critical line), building height limited to thirty feet, stress siding should be used to create architectural merit, no unarticulated facades in the development and the dock should be oriented to the south of the property.

Tom Davis from Harvey and Battey law firm told Council they had listened to the concerns of the property owners who lived near the proposed development and also the concerns of the JMPC. He said they had taken the suggestions back to the engineers and architects and explained that they wanted to go back and incorporate these issues into the plan. Mr. Davis asked Council to give the ordinance first reading with the understanding that the applicant would go back and address the expressed concerns before a public hearing or second reading was held.

Councilmember Robinson moved to table Ordinance 2006-30 and Councilmember Heyward seconded the motion.

Mayor Murray and Councilmembers DeLoach, Heyward and Robinson voted yes.

Councilmember Lee voted no.

The motion carried.

- B. Ordinance 2006-31. An ordinance to zone approximately 2.43 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 600), Map 6, Parcels 1A, 2A and 2C as a Planned Unit Development (PUD)**

Councilmember Robinson moved to table Ordinance 2006-31 and Councilmember Heyward seconded the motion.

Mayor Murray and Councilmembers DeLoach, Heyward and Robinson voted yes

Councilmember Lee voted no.

The motion carried.

- C. Ordinance 2006-45. An ordinance to authorize the Town Manager to convey excess real property to facilitate construction of sidewalks within the Town described as Beaufort County Tax District 110, Map 10, Parcel 97 (approximately 150 ft. on 12th Street and 108 ft. on Columbia Avenue)**

Councilmember Heyward moved to table Ordinance 2006-45 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- D. Ordinance 2006-46. An ordinance to rezone in the Town of Port Royal, approximately 9.5 acres as shown and described as Beaufort County Tax District 112, Map 32, Parcel 156 from Mixed Use-2 (MU-2) with Shell Point Neighborhood Overlay District to General Commercial (GC) with Shell Point Neighborhood Overlay District (106 Wright's Point Drive)**

Town Manager Willis read Ordinance 2006-46 by title and explained the JMPC had unanimously recommended the rezoning. He showed the property on the map and explained it was in keeping with the Town's future land projection.

Bennett McNeal told Council a request had been made to build a bank on property located at Wright's Point. He explained that the covenants state that Wright's Point would be a mixed use development with large homes on large lots placed at the back of

the property, smaller homes and on smaller lots in the middle with commercial in the front. He explained this would be a high-end development with trees, lights and sidewalks and said it would add value to the area. Mr. McNeal explained that businesses such a bank, offices and a restaurant were planned.

Mayor Murray said there were concerns over the General Commercial zoning request and asked if MU-1 zoning would meet the needs of the developer.

Planning Administrator Bridges told Council MU-1 zoning would allow these types of businesses and said that MU-2 would not.

There was discussion by Council concerning this issue.

Councilmember Robinson moved to deny Ordinance 2006-46 and Councilmember Heyward seconded the motion.

Councilmembers DeLoach, Heyward, Lee and Robinson voted yes.

Mayor Murray voted no.

The motion carried.

- E. Ordinance 2006-47. An ordinance to rezone in the Town of Port Royal, approximately 0.9 acres as shown and described as Beaufort County Tax District 110, Map 8, Parcels 121, 122 and 487 from Residential-10 (R-10) and Residential-17 (R-17) to Mixed Use-2 (MU-2) (1821 Drayton Drive, 1914 Battery Park Drive and 1916 Battery Park Drive**

Town Manager Willis read Ordinance 2006-47 by title and explained the JMPC had not recommended the MU-2 rezoning. He showed the property on the map.

Councilmember Robinson moved to deny Ordinance 2006-47 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- F. Ordinance 2006-48. An ordinance to rezone in the Town of Port Royal, approximately .48 acres as shown and described as Beaufort County Tax District 111, Map 9, Parcel 5 from Highway Commercial (HC) with the Traditional Overlay District Code to General Commercial (GC) with the Traditional Town Overlay Code (1409 Ribaut Road)**

Town Manager Willis read Ordinance 2006-48 by title and showed the property on the map. He explained the property was located beside Alvin Ord's on Ribaut Road.

Councilmember Robinson moved to adopt first reading of Ordinance 2006-48 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

G. Ordinance 2006-49. An ordinance to authorize the Town Manager to convey excess real property to further the vision of the Town of Port Royal and its Master Plan, approximately .295 acres located on Ribaut Road at Paris Avenue

Town Manager Willis read Ordinance 2006-49 by title and explained that when Paris Avenue was realigned the curb cuts were eliminated. He said this conveyance would allow the owners access to their property. Mr. Willis showed the property on the map and pointed out a section of the property which would remain in the Town's ownership.

Councilmember Heyward moved to adopt first reading of Ordinance 2006-49 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

X. FOR COUNCIL'S ACTION:

A. Appointments:

1. Design Review Board (reappoint Winifred Fenner)

Councilmember Heyward moved to reappoint Winifred Fenner to the Design Review Board and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

2. Extended Design Review Board (appoint Andy Corriveau)

Councilmember Robinson moved to appoint Andy Corriveau to the Extended Design Review Board and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

B. Consider a request to take over ownership and maintenance of the right of ways in the Willow Point Subdivision (Baynard Road).

Town Manager Willis explained that the past when a development was completed, the Town would take over the roads. He said this was no longer the case and that the Town was not obligated to take over the Willow Point Subdivision roads.

Councilmember Heyward moved to deny acceptance of the Willow Point Subdivision roads and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

C. Review and consider the endorsement of the 2006 Penny Sales Tax Referendum

Town Manager Willis the county was asking for an endorsement from Council of the list of projects that would be paid for by the 2006 Penny Sales Tax Referendum to be placed on the ballot for the November election. He reviewed a list of projects that would be completed should the referendum pass and said the Town would benefit. Mr. Willis explained the tax would be for a period of six years or until enough funds were collected to complete the projects.

Councilmember Lee moved to endorse the 2006 Penny Sales Tax list of projects and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

D. (added item) Amendment to Sidewalk Policy

Town Manager Willis read the amendment to the Sidewalk Policy and explained it would prevent using the eight feet of property to increase density while still allowing for the construction of sidewalk.

Councilmember Robinson moved to amend the Sidewalk Policy by adding items 6 and 7 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

E. (added item) Recommendation concerning open space at port property

Town Manager Willis read a recommendation which had been endorsed by the Redevelopment Commission concerning open space at the port as follows: Motion to recommend to the Port Royal Town Council Articles 2 and 4 of the endorsed position of the State Port's Authority and allow the Town to distribute, through negotiation and pending delineation of the critical line, the balance of open space throughout the property to be developed. The Redevelopment Commission further recommends that the dedicated open space, specified as 2.23 acres and 6.23 acres within Option G, be deeded to the Town of Port Royal.

Town Manager Willis showed the property on the map and reviewed a portion of the Port's redevelopment plan concerning open space. Council discussed the issue at length.

Councilmember Lee moved to accept the Redevelopment Commission's recommendation for open space at the port property and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

F. (added item) Donation to Methodist Church

Mayor Murray explained that Council had planned to make a memorial donation to the Port Royal Methodist Church building fund in memory of Councilmember Yvonne Butler. He told those present that they would be dedicating the council chambers to Ms. Butler and presenting a check to the church at the open house for the New Town Hall on August 19th. Mayor Murray asked for Council's input on this matter.

Councilmember Heyward moved to give a memorial donation of \$2,500 to the Port Royal Methodist Church building fund in memory of Councilmember Butler and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

XI. FOR COUNCIL'S INFORMATION:

A. Port update

Town Manager Willis told Council there was a very preliminary meeting the scheduled for the following day with the planner for the port property. He said he hoped to get information for the Redevelopment Commission subcommittee so they could start their negotiations.

XII. IMPORTANT INFORMATION AND DATES:

- A. Friday, August 11, 2006, 4:00 PM – Minority Affairs Meeting with Congressman Joe Wilson, 700 Paris Avenue**
- B. Thursday, August 17, 2006, 5:30 PM - Design Review Board (DRB), 700 Paris Avenue**
- C. Saturday, August 19, 2006, 5:00 PM until 7:00 PM – Dedication of Council Chambers and Open House for the New Town Hall**
- D. Monday, September 4, 2006 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Labor Day**
- E. Thursday, September 7, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- F. Wednesday, September 6, 2006, 6:30 PM – Public Hearing, Council Chambers, 700 Paris Avenue**

- G. Wednesday, September 6, 2006, immediately following the scheduled Public Hearing, Workshop, Council Chambers, 700 Paris Avenue**
- H. Monday, September 11, 2006, 5:30 PM – Joint Municipal Planning Commission (JMPC), 700 Paris Avenue**
- I. Wednesday, September 13, 2006, 7:00 PM – Regular Council Meeting, Council Chambers, 700 Paris Avenue**
- J. Thursday, September 21, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**

Town Manager Willis reviewed the list of important dates and information and added a Zoning Board of Adjustments and Appeals meeting at 5:30 PM on August 21, 2006. He said the meeting would be held at Town Hall.

Councilmember Lee who had just returned from the Municipal Association's Annual Meeting thanked the Town for allowing him the opportunity to attend and told everyone about a new program called Hometown South Carolina that would be beneficial to the municipalities in the state.

XIII. PUBLIC COMMENTS: At this time, the Mayor will recognize members of the audience who have submitted Speaker Forms to address the Council on non-agenda items. Each speaker will be limited to two minutes.

Mark Sutton expressed the importance of the redevelopment of the port property especially along the river.

Wendy Politizer introduced herself and told Council she was working on a pictorial book about Port Royal. She requested old pictures from anyone who might have some to share.

XIV. ADJOURNMENT:

Councilmember Heyward moved to adjourn the meeting and Councilmember Robinson seconded the motion.

The meeting adjourned at 9:36 PM.

Respectfully submitted,

Tanya L. Payne
Municipal Clerk

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In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was given to the local news media along with a copy of the agenda. Public notice was posted on the Town bulletin board two weeks before the meeting. A copy of the agenda was posted at Town Hall twenty-four hours prior to the meeting.

RE: 060809cm