

**Minutes
Regular Council Meeting
Yvonne C. Butler Council Chambers, 700 Paris Avenue**

November 8, 2006

Members Present: Mayor Samuel 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 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 Robinson offered the invocation.

III. APPROVAL OF MINUTES:

- A. Minutes from the Public Hearing of October 4, 2006**
- B. Minutes from the Workshop of October 4, 2006**
- C. Minutes from the Regular Council Meeting of October 11, 2006**
- D. Minutes from the Special Council Meeting of October 18, 2006**

Councilmember Heyward moved to adopt the minutes from the Public Hearing of October 4, 2006, the Workshop of October 4, 2006, the Regular Council Meeting of October 11, 2006 and the Special Council Meeting of October 18, 2006. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

RE: 061108cm

IV. AMENDMENTS TO THE AGENDA:

Town Manager Willis told Council he had a mediated settlement for Council's discussion concerning the Larry Baker lawsuit. He explained that a decision on this matter could not be made in executive session and asked if they would prefer to delay it issue until December or place it on tonight's agenda.

Council agreed to place this item on the December agenda.

V. COUNCIL BRIEFING:

Town Manager Willis asked Council to accept the written briefing for this month as his report saying he expected tonight's meeting to be lengthy.

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.

John O'Connell, Port Royal Elementary School Science Club representative, spoke in behalf of the Lowcountry Estuarium and told of many awards his students have won due to this great resource. He said if the Estuarium were to close everyone would loose.

David Kell spoke in support of the Estuarium. He also asked Council to take its time while considering the Development Agreement for the port property.

Liz Mitchell, Chamber of Commerce Tourism Committee, spoke in support of the Estuarium saying it was a great tourism tool and which markets itself.

Larua VonHarten, newly elected County Council Member spoke on behalf of the Estuarium.

Susan Graber and Mike Jones spoke in support of the Estuarium.

Councilmember Heyward speaking in behalf of Wright's Point resident Dr. Edward Blocker expressed support of the Wright's Point rezoning.

VII. 2ND READINGS:

- A. Ordinance 2006-40. An Ordinance annexing to the Town of Port Royal approximately 18.51 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 read Ordinance 2006-40 by title and showed the property on the map. He explained the JMPC had recommended MU-2 and General Commercial zoning for this property but said due to Council's concern over density the proposed PUD had been developed. Mr. Willis explained the PUD would limit the density of the development and that it had been developed with the Highway 170 Access Plan in mind.

Attorney David Tedder explained the PUD for this property included both the property that was up for annexation and property that was already in the Town. He said there was less than an acre of wetlands on the property. Mr. Tedder told Council that due to their concerns about density, the PUD was created and that the density would be capped at twelve units per acre. He explained that the cemetery located on the property was not included in the annexation but said the development of the surrounding properties would allow for better access.

Councilmember Heyward moved to adopt Ordinance 2006-40 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2006-61. An ordinance to zone approximately 23.86 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 112, Map 30, Parcels 8, 3A and 5 and Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31, parcels 66F and a portion of 62 as a Planned Unit Development (PUD)**

Councilmember Heyward moved to adopt Ordinance 2006-61 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- C. Ordinance 2006-70. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 9.5 acres as shown and described as Beaufort County Tax District 112, Map 32, Parcel 156 (portion of) from Mixed Use-2 (MU-2) to Mixed Use-1 (MU-1) with the Shell Point Neighborhood Overlay (106 Wright's Point Drive)**

Town Manager Willis read Ordinance 2006-70 by title and showed the property on the map. He explained that a portion of this property would be down-zoned while the remainder would be up-zoned.

Councilmember Heyward moved to adopt Ordinance 2006-70 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- D. Ordinance 2006-71. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 317 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcels 183, 75, 77, 79, 299 and 184 and Beaufort County Tax District 110, Map 11, Parcels 249 and 84 from Residential-12 (R-12), Mixed Use-1 (MU-1) and Limited Industry (LI) with Waterborne Industrial (WI) to Planned Unit Development (PUD) located at the end of Paris Avenue and bordered by Battery Creek to the South, the "Sands" to the east, Ribaut Road (HWY. 802) to the north and west, and the South Carolina Rail Road easement to the north and east with tracts of property beyond the easement)**

Town Manager Willis read Ordinance 2006-71 by title.

Town Attorney Frances Cantwell reviewed changes to the PUD that were made as a result of the November 7th Council Workshop.

Mark Baker representing Wood and Partners commended Council for their hard work on this plan.

Councilmember Heyward explained that Council was concerned about the number of boat slips planned for the marina and asked if the number could be reduced to one hundred fifty slips. After some discussion Mr. Baker agreed to reduce the number of slips to two hundred twenty-five and explained the marina would be an economic foundation for the sight by bringing shoppers to the area.

Councilmember Heyward moved to adopt Ordinance 2006-71 and Councilmember Lee seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

E. Ordinance 2006-72. An ordinance establishing a development agreement for approximately 317 acres of property located at Beaufort County Tax District 110, Map 10, Parcels 183, 75, 299 and 184 and Beaufort County Tax District 110, Map 11, Parcels 249 and 84

Town Manager Willis read Ordinance 2006-72 by title and explained that two additional motions needed to be considered should the development agreement be adopted. He explained that one motion would authorize the Mayor to accept the Promenade Pedestrian Waterfront Walkway easement and the second motion would approve the contract between the Town and the State Port's Authority regarding the transfer of the five percent proceeds for the sale of the Port property. He said it would also provide an advisory seat for the Town on the bid selection committee.

Attorney Cantwell explained the Town does not currently own the easement but would once the sale of the property takes place. She said this motion would allow the Mayor to accept the property on behalf of the Town. She further explained that the transfer of the five percent the Town would receive for the sale of the property was originally included in the Development Agreement but said it would be better if it were not included in the agreement. Ms. Cantwell told Council a motion was needed to allow the Mayor to execute the contract and also provide the Town a non-voting seat at the table when the bids are opened. She said a seat at the table would not allow the Town privy to executive sessions.

Ms. Cantwell requested Council's permission to correct typographical errors and non-sustenance matters within the Development Agreement should it be adopted.

Councilmember Lee moved to adopt Ordinance 2006-72 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

Town Manager Willis read: "A motion authorizing the Mayor to accept on behalf of the Town the Promenade Pedestrian Waterfront Walkway easement as set forth in the Development Agreement between the State Ports Authority and the Town when the same has been approved in form and content by the Town's legal counsel."

Councilmember Robinson moved to adopt the motion as read and Councilmember Lee seconded the motion.

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

Councilmember DeLoach voted no.

RE: 061108cm

The motion carried.

Town Manager Willis read: "A motion to approve the contract between the Town and the State Ports authority regarding the transfer by the State Ports Authority of 5% on the net proceeds of the sale of the Port property in Port Royal."

Councilmember Lee moved to adopt the motion as read and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

VIII. 1ST READINGS:

A. Ordinance 2006-44. An ordinance to amend Chapter 15.5, Article II, Section 31, Building Types of the Code of Ordinances of the Town of Port Royal, South Carolina

Town Manager Willis read Ordinance 2006-44 by title and explained this ordinance had received a public hearing but had not had first reading. He explained it would place limitations on height as to where it could be and how high the buildings could be. Mr. Willis said buildings within the first fifty feet from the side street property line on Paris Avenue and buildings along Ribaut Road would be allowed a maximum height of fifty feet.

Councilmember Lee moved to adopt first reading of Ordinance 2006-44 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 2006-79. An ordinance amending Chapter 15.5, Overlay Districts of the Code of Ordinances of the Town of Port Royal, South Carolina adding Article V. Airport Overlay District/Marine Corps Air Station, Beaufort

Town Manager Willis read Ordinance 2006-79 by title and explained this was the ACUZ ordinance regarding the Marine Corps Air Station.

Councilmember Robinson moved to adopt first reading of Ordinance 2006-79 and Councilmember Heyward seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

IX. FOR COUNCIL'S ACTION:

A. Lowcountry Estuarium

Dr. Gerard Boe, LCE Board Chairman briefed Council on the Estuarium's programs, awards and benefits to school children and the community. He reviewed the history of the Estuarium and its plans for the future. Dr. Boe told Council the Estuarium needed both space and funds to continue. He told Council \$12,500 was needed to fund the Estuarium through June 2007.

Town Manager Willis told Council that with their approval the Town could accommodate the Estuarium if the funds could be provided monthly rather than in a lump sum.

Councilmember Heyward challenged the County Council, the City of Beaufort and the School Board to fund the Estuarium.

Councilmember Heyward moved to designate \$12,500 to assist in the continued operation of the Lowcountry Estuarium to be spread equally on a monthly basis through the fiscal year of the Town. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

X. FOR COUNCIL'S INFORMATION:

A. Port update

XI. IMPORTANT INFORMATION AND DATES:

- A. Friday, November 10, 2006 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Veteran's Day**
- B. Thursday, November 16, 2006, 5:30 PM - Design Review Board Meeting, 700 Paris Avenue**
- C. Friday, November 17, 2006, 5:00 PM until 8:00 PM – Christmas in the Village sponsored by the Old Village Association**
- D. Thursday and Friday, November 23 and 24, 2006 - Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Thanksgiving**

- E. Monday, December 4, 2006, 5:30 PM – Joint Municipal Planning Commission (JMPC), 700 Paris Avenue**
- F. Wednesday, December 6, 2006, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- G. Wednesday, December 6, 2006, immediately following the scheduled Public Hearing, Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- H. Thursday, December 7, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- I. Wednesday, December 13, 2006, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- J. Thursday, December 21, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**

Town Manager Willis reviewed the list of important dates and information. He told Council that although “Christmas in the Village” would be held on November 17th, Santa would make an appearance sometime in December.

XII. 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.

Bob Bender thanked Council for their support and told them that that morning he didn’t know where the funding would come from.

Sing Pappas from Weichart Realty told those present that her company would contribute to the Estuarium also and said she would challenge other agents to do the same.

Councilmember Lee stated that he would like a copy of the bid document that would be sent out by the Port’s Authority.

XIII. EXECUTIVE SESSION:

A. Discussion of litigation involving Larry Baker

Councilmember Heyward moved to adjourn to executive session and Councilmember Robinson seconded the motion.

Council adjourned to Executive Session at 8:34 pm.

Council returned from Executive Session at 8:45 pm.

No action was taken.

XIV. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:45 pm.

Respectfully submitted,

Tanya L. Payne
Municipal Clerk

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