

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

December 13, 2006

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

Members Absent: Henry Robinson (illness)

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Lt. Alan Beach, 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 November 1, 2006**
- B. Minutes from the Special Meeting/Workshop of November 1, 2006**
- C. Minutes from the Council Workshop of November 7, 2006**
- D. Minutes from the Public Hearing of November 8, 2006**
- E. Minutes from the Regular Council Meeting of November 8, 2006**

Councilmember Heyward moved to adopt the minutes from the Public Hearing of November 1, 2006; the Special Meeting/Workshop of November 1, 2006; the Workshop of November 7, 2006; the Public Hearing of November 8, 2006 and the Regular Council Meeting of November 8, 2006. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

RE:061213cm

IV. AMENDMENTS TO THE AGENDA:

Town Manager Willis requested that Ordinances 2006-81 and 2006-82 be removed from the agenda. Council agreed to remove these items.

V. COUNCIL BRIEFING:

Town Manager Willis briefed Council concerning the proposed traffic signal at Midtown Drive and Highway 802. He explained the County Council would be voting to accept a bid for this project at its next council meeting. Mr. Willis also told Council that work would begin on the 18th Street sewer project in January.

Capt. Alan Beach from the Police Department introduced new officers John Aiello, Charles McGuire and Steven Reynard.

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.

Barbara Stanley, a twenty-five year resident of Shell Point, read a statement opposing annexation and zoning in the Shell Point area.

David Kell spoke in favor of Ordinance 2006-44 which would set the height of buildings located on Paris Avenue and Ribaut Road.

Heather Fleury opposed the annexation and zoning of property in Shell Point stating that home occupations were in contrast to the homeowner covenants listed on the homeowner deeds and said they would fight against home occupations.

Brian McDaniel asked Council to deny the annexation request for property located in Shell Point. He sighted traffic problems in the area and also said it was against the property covenants.

Vince Mesaric read a statement opposing the Shell Point annexations saying the neighborhood does not want change.

Richard Williams told Council the annexation of property in Shell Point which was designated to become a park was okay but opposed annexation of the other ten acres. He further stated that the property was low and said there would be serious drainage problems should the property be developed.

Scott Hammet spoke in favor of Ordinances 2006-76 and 2006-77. He stated that the overlay district would not allow restaurants or multi-family housing to be located on the property that was being considered for rezoning.

Carlotta Ungaro, Director and CEO of the Beaufort Regional Chamber of Commerce spoke in support of adopting the Airport Overlay District ordinance and thanked Council for its support of the local bases.

Public Relations Officer, Capt. Sarah Kansteiner, from the Marine Corps Air Station Beaufort thanked Council for its support by considering the Airport Overlay District ordinance.

Donna Garcia opposed annexation of the ten acres in Shell Point and asked Council to deny the request. She sighted drainage problems in the area of the proposed annexation and asked Council to go out to the property and see it for themselves.

Carolyn Davis opposed the annexation of property located in Shell Point. She reminded Council that the Shell Point Neighborhood Overlay Code called for future development to be compatible with the current neighborhood. She suggested that if annexed, the four acre plot be zoned as Conservation Preservation. Ms. Davis also suggested that R-17 zoning was better suited to the neighborhood than the requested MU-2 zoning.

Mayor Murray told those present he had received a letter from Shell Point residents James and Julie Hutchinson opposing the annexations.

VII. 2ND 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 would limit the height of buildings allowed within the first fifty feet on Paris Avenue and Ribaut Road to fifty feet.

Councilmember DeLoach stated that fifty feet was too high and said that Council rather than the DRB should have final say on the allowed height of buildings. He suggested that ordinance 2006-44 be tabled.

Councilmember Lee stated that he could not support the fifty feet height for buildings. He said there needed to be specific guidelines set up and that appurtenances needed to be described. Councilmember Lee also suggested that any exceptions over thirty-seven feet or that deal with architectural items be sent to Council for approval.

Councilmember Heyward moved to table Ordinance 2006-44 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

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.

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

The motion carried by unanimous vote.

C. Ordinance 2006-83. An ordinance authorizing the mayor to execute a quitclaim deed and all other documents necessary to convey to the South Carolina State Ports Authority the property described in Exhibit A, attached hereto and made a part of this ordinance

Town Manager Willis read Ordinance 2006-83 by title and then read a portion from a letter explaining the ordinance from the Town's attorney.

Councilmember Heyward moved to table Ordinance 2006-83 and Councilmember Lee seconded the motion.

Mayor Murray and Councilmembers Heyward and Lee voted yes.

Councilmember DeLoach voted no.

The motion carried.

VIII. 1ST READINGS:

A. Ordinance 2006-73. An ordinance to rezone in the Town of Port Royal, South Carolina approximately 2.78 acres as shown and described as Beaufort County Tax District 112, Map 31, Parcel 235 from Neighborhood Commercial (NC) with the Shell Point Neighborhood Overlay District to Highway Commercial (HC) with the Shell Point Neighborhood Overlay District (located near Parris Island Gateway at Grober Hill Road)

Town Manager Willis read Ordinance 2006-73 by title and showed the property on the map. He explained this would be the location of the Bootle Air Systems and said the Joint Municipal Planning Commission had denied recommendation of this rezoning.

Eddie Bootle explained the current zoning for the property would allow for air conditioner sales or the repair air conditioners but would not allow a business to do both. He stated that the current zoning would allow for a gas station at that location.

Mayor Murray stated that Highway Commercial zoning was located directly across the street from the property.

Councilmember Lee moved to adopt first reading of Ordinance 2006-73 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

B. Ordinance 2006-74. An ordinance annexing to the Town of Port Royal approximately 1.21 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31A, Parcels 142 and 102 (594 and 596 Parris Island Gateway)

Town Manager Willis read Ordinance 2006-74 by title and explained that although the applicant's request was for Highway Commercial zoning with the Shell Point Neighborhood Overlay District, the JMPC had recommended Neighborhood Commercial zoning with the SPNO. He showed the property on the map and explained it was located across from Picket Fences.

Councilmember Heyward moved to adopt first reading of Ordinance 2006-74 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

C. Ordinance 2006-75. An ordinance to zone approximately 1.21 acres located in the Beaufort County described as Beaufort County Tax District 112, (formerly Beaufort County Tax District 100), Map 31A, Parcels 142 and 102 as a Highway Commercial (HC) zoning district with the Shell Point Neighborhood Overlay

Town Manager Willis read Ordinance 2006-75 by title.

Councilmember Lee moved to adopt first reading of Ordinance 2006-75 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

D. Ordinance 2006-76. An ordinance amending Chapter 15.5, Article II, Section 31 titled "Building types" of the Code of Ordinances of the Town of Port Royal, South Carolina

Town Manager Willis read Ordinance 2006-76 by title and explained this ordinance would limit the types of buildings allowed in R-10 and R-12 and R-17 zoning districts with the Traditional Town Overlay to single family homes.

Councilmember Heyward moved adopt first reading of Ordinance 2006-76 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

E. Ordinance 2006-77. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 9 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcels 129, 130B through 130I, 116, 116, 119, 206 through 214 and 216 from Residential-10 (R-10) and Residential-12 (R-12) to Residential-10 (R-10) and Residential-12 (R-12) with the Traditional Town Overlay District (bounded by West Paris Avenue, Columbia Avenue, Laurel Street and 16th Street)

Planning Administrator Bridges read Ordinance 2006-77 by title and showed the property on the map. She explained this ordinance would add the Traditional Town Overlay District to this property.

Councilmember Lee moved to adopt first reading of Ordinance 2006-77 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

F. Ordinance 2006-78. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .673 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcels 77A, 77B and 77C from Residential-12 (R-12) to Mixed Use-2 (MU-2) (located at the south west corner of 13th Street and Columbia Avenue)

Town Manager Willis read Ordinance 2006-78 by title and showed the property on the map. He explained that the JMPC had recommended MU-2 with the Traditional Town Overlay District.

David Strong explained that the MU-2 zoning would actually allow lesser density than the Traditional Overlay would allow. He said they were planning to place only six

homes on the property and that they had done a good job of saving as many trees as possible.

Councilmember Heyward moved to adopt first reading of Ordinance 2006-78 and Councilmember Lee seconded the motion.

Mayor Murray and Councilmembers Heyward and Lee voted yes.

Councilmember DeLoach voted no.

The motion carried.

- G. Ordinance 2006-81. An ordinance annexing to the Town of Port Royal approximately 48.99 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcels 11, 14, 28, 29 and 219 (45 Bee Burst Road, 43 and 61 Josephine Drive and 163, 165 and 167 Castle Rock Road)**

Ordinance 2006-81 was removed from the agenda.

- H. Ordinance 2006-82. An ordinance to zone approximately 48.99 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31, Parcels 11, 14, 28, 29 and 219 as a Mixed Use-2 (MU-2) zoning district**

Ordinance 2006-82 was removed from the agenda.

- I. Ordinance 2006-84. An ordinance annexing to the Town of Port Royal approximately 10 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 33A, Parcels 22, 26, 27, 53, 55, 61, 119, 122 and 163 through 172 (750, 756, 762 and 766 Parris Island Gateway; 2002, 2004, 2006 and 2008 Shell Point Road; 1016, 4001 and 4004 Hickory Street; 2009, 2007, 2005 and 2003 Walnut Street; and the interior parcels)**

Town Manager Willis read Ordinance 2006-84 by title and explained the applicant was requesting MU-2 zoning with the Shell Point Neighborhood Overlay District. Mr. Willis said the JMPC had recommended R-17 zoning for the property.

Brian Gecy, representing property owner Jim Pike, told Council the Shell Point covenants did not include the property named in the ordinance.

Councilmember Heyward moved to table Ordinance 2006-84 until further studies could be done. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- J. Ordinance 2006-85. An ordinance to zone approximately 10 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 33A, Parcels 22, 26, 27, 53, 55, 61, 119, 122 and 163 through 172 as a Mixed Use-2 (MU-2) zoning district with the Shell Point Neighborhood Overlay District**

Councilmember Heyward moved to table Ordinance 2006-85 until further studies could be done. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- K. Ordinance 2006-86. An ordinance annexing to the Town of Port Royal approximately 4 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 33A, Parcels 138, 139, 140 and 141 (4002, 4004 and 4006 Shell Point Road and 3018 Broad River Drive)**

Councilmember Heyward moved to table Ordinance 2006-86 until further studies could be done. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- L. Ordinance 2006-87. An ordinance to zone approximately 4 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 33A, Parcels 138, 139, 140 and 141 as a Residential-5 (R-5) zoning district with the Shell Point Neighborhood Overlay District**

Councilmember Heyward moved to table Ordinance 2006-87 until further studies could be done. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- M. Ordinance 2006-88. An ordinance amending Chapter 15.5, Overlay Districts of the Code of Ordinances of the Town of Port Royal, South Carolina by adding Article VI. Robert Smalls Parkway Overlay District**

Town Manager Willis read Ordinance 2006-88 by title and explained this ordinance would adopt the Highway 170 Access Plan. He said this was the same ordinance that had already been adopted by Beaufort County and the City of Beaufort. He said the plan provided consistency and planning on how development will impact the corridor.

Mr. Willis said the Town was already implementing the specifications of the plan in its development along that highway.

Councilmember Heyward moved to adopt first reading of Ordinance 2006-88 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

IX. FOR COUNCIL'S ACTION:

A. Larry Baker settlement

Town Manager Willis explained that a mediated agreement had been developed concerning the Larry Baker case which would cap the number of houses allowed on that property at two, allow Mr. Baker two and one half years for completion upon approval of the plan design by Town staff and convey property for sidewalk.

Councilmember Lee moved to accept the settlement concerning the Larry Baker issue and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

X. FOR COUNCIL'S INFORMATION:

A. Port update

Town Manager Willis told Council he expected the Request-for-Proposal for the port property to be issued within a week. He said numerous phone calls have been received and that Town staff had made many presentations concerning the port's sale. Mr. Willis said calls were coming from all over the country. He said interested parties would have from sixty to ninety days to respond to the RFP.

XI. IMPORTANT INFORMATION AND DATES:

- A. Thursday, December 21, 2006, 5:30 PM - Design Review Board Meeting, 700 Paris Avenue**
- B. Monday and Tuesday, December 25 and 26, 2006 - Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Christmas**
- C. Monday, January 1, 2006 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of New Year's Day**
- D. Wednesday, January 3, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

- E. Wednesday, January 3, 2007, immediately following the scheduled Public Hearing, Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Thursday, January 4, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- G. Monday, January 8, 2007, 5:30 PM – Joint Municipal Planning Commission (JMPC), 700 Paris Avenue**
- H. Wednesday, January 10, 2007, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- I. Monday, January 15, 2007, Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Martin Luther King Day**
- J. Thursday, January 18, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**

Town Manager Willis reviewed the list of important information and dates.

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.

There were no public comments at this time.

XIII. ADJOURNMENT:

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

The meeting adjourned at 8:07 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 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 the meeting location twenty-four hours prior to the meeting.