

**Minutes
Regular Council Meeting
Yvonne C. Butler Council Chambers, 700 Paris Avenue
February 14, 2007**

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 Capt. Alan Beach, Assistant Fire Chief Jim Colwell and Municipal Clerk Tanya Payne

I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the meeting to order at 6:42 pm and lead the Pledge of Allegiance.

II. INVOCATION:

Councilmember DeLoach offered the invocation.

III. APPROVAL OF MINUTES:

- A. Minutes from the Public Hearing of January 3, 2007**
- B. Minutes from the Council Workshop of January 3, 2007**
- C. Minutes from the Regular Council Meeting of January 10, 2007**

Councilmember Heyward moved to adopt the minutes from the Public Hearing of January 3, 2007, the Council Workshop of January 3, 2007 and the Regular Council Meeting of January 10, 2007. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

IV. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

V. COUNCIL BRIEFING:

Town Manager Willis told Council that bids would be awarded soon for the Casablanca sidewalk project and the Casablanca drainage project. He told them there had been some resistance concerning the Midtown signal by owners of the BiLo Shopping Center but said the County and the Department of Transportation were moving forward with the project.

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.

Carolyn Davis speaking for the Shell Point Neighborhood Association opposed the annexation and zoning of approximately fourteen acres located in Shell Point. She asked Council to zone the property R-17 if it were annexed.

Donna Garcia opposed the proposed annexation and R-5 zoning of property located in Shell Point.

Barbara Stanley opposed the annexation and zoning of the Shell Point property and reviewed a Beaufort Gazette article concerning preservation of wet lands.

Scott Chamberlain opposed the annexation and zoning saying Shell Point is a single family neighborhood. He expressed concerns over high density and traffic problems. .

Richard Williams whose property adjoins the four acre tract being considered for annexation opposed its annexation and zoning. He said the property was designated as a park on the plat of his property. Mr. Williams said the land was low and expressed concerns about the live oaks and large magnolia trees on the property.

VII. CONSENT AGENDA:

The Mayor will ask if any member wishes to remove an item from the Consent Agenda. Any Council Member who wishes to discuss an item or vote on it separately may have it removed and placed on the regular agenda by simply requesting its removal. Remaining agenda items are then adopted by consent or formal vote.

Town Manager Willis explained that a consent agenda was being used in order to conserve time and to avoid Council's having to review and vote on each sidewalk conveyance separately. He further explained that acceptance of the consent agenda would also approve reappointment of Jim Crower and Joe DeVito to the Joint Municipal Planning Commission.

Mayor Murray explained that the consent agenda did not require a formal vote but said he would prefer that Council did accept it by voting.

Councilmember Heyward moved to adopt the consent agenda and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

The Consent agenda included :

2nd Readings:

Ordinance 2006-37
Ordinance 2006-45
Ordinance 2006-49
Ordinance 2006-62
Ordinance 2007-3

1st Readings:

Ordinance 2007-4
Ordinance 2007-5
Ordinance 2007-6
Ordinance 2007-7
Ordinance 2007-8
Ordinance 2007-11

Also on the consent agenda were the reappointments of Jim Crower and Joe DeVito to the Joint Municipal Planning Commission.

VIII. 2ND READINGS:

- A. Ordinance 2007-1. An ordinance to amend Ordinance 2006-71 pertaining to the Planned Unit Development (PUD) for certain property owned by the South Carolina State Ports Authority and the Town of Port Royal.**

Town Manager Willis read Ordinance 2007-1 by title.

Councilmember Lee moved to adopt Ordinance 2007-1 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2007-2. To amend Ordinance 2006-72 to correct scrivener's errors pertaining to Beaufort County Tax Map, District and Parcel Numbers, to describe all properties subject thereto by Tax parcel number and to authorize the Mayor to execute a first amendment to the Development Agreement by Ordinance 2006-72 pertaining to approximately 317 acres of property located in the Town of Port Royal and owned by the South Carolina State Ports Authority located along the Battery Creek in the Town of Port Royal**

Town Manager Willis read Ordinance 2007-2 by title and explained this ordinance had been discussed at the preceding public hearing.

Councilmember Lee moved to adopt Ordinance 2007-2 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

C. Ordinance 2007-3. An ordinance to confirm transfer of certain dedicated right of way as recorded December 19, 2001 in the Office of Register of Deeds for Beaufort County, Deed Book 1522, Page 1288

Town Manager Willis read Ordinance 2007-3 by title and explained this property was the right-of-way on 13th Street. He said the property had been given away at one time but said it was now being returned to the Town by the current owners. Mr. Willis explained the property was very important in relation to stormwater drainage in that area. He also said it was important because it would allow the Town to maintain an open vista at the end of that street.

Councilmember Heyward moved to adopt Ordinance 2007-3 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

IX. 1ST READINGS:

A. 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, 54, 55, 56, 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 that Ordinance 2006-86 would cover the zoning for this property. He explained the applicant had requested mixed use zoning for the property but said the Joint Municipal Planning Commission had recommended R-17 zoning.

Brian Gecy, speaking for the property owner explained the request had been modified to include split zoning on the property. He explained the property abutting the current neighborhood would remain the same as its current zoning while the property located above the abandoned road would be zoned MU-2.

Councilmember Lee opposed the annexation.

Councilmember DeLoach opposed the MU-2 zoning for this property and asked if they would consider a residential zoning.

Councilmember Heyward opposed the MU-2 zoning. She said she had walked the property and that it was very low.

Councilmember Robison suggested that the developers come back with a revised zoning request.

Councilmember Robinson moved to table Ordinances 2006-84 and 2006-85 until developers could come back with a revised zoning request. Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- B. 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, 54, 55, 56, 61, 119, 122 and 163 through 172 as a Mixed Use-2 (MU-2) zoning district with the Shell Point Neighborhood Overlay District**
- C. 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)**

Town Manager Willis read Ordinance 2006-86 by title and explained this was the annexation of four acres in Shell Point.

Brian Gecy explained the request for this property was for R-5 zoning and said they planned to give the area designated as a park to the Town or the community for a park. He said plans were to build three houses on the remaining property.

Councilmember DeLoach moved to table Ordinances 2006-86 and 2006-87 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- D. 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**

E. Ordinance 2007-9. An ordinance amending Chapter 15.5, Section 28 the Town of Port Royal Code of Ordinances to reconcile the Overlay District Codes to comply with state law concerning vested rights.

Town Manager Willis read Ordinance 2007-9 by title and explained that a 2005 State Law provided private property rights indicating a two year vested period. He further explained that the Town's overlay district allowed for a six month waiting period which was in violation of this law. Mr. Willis said this ordinance would correct that discrepancy.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-9 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

F. Ordinance 2007-10. An ordinance amending Chapter 15.5, Article II, Section 28, of the Town of Port Royal Code of Ordinances to reconcile the code to comply with state law as it pertains to appeals of decisions made by the Design Review Board

Town Manager Willis read Ordinance 2007-10 by title and explained that appeals applying to an overlay district were currently being heard by the Design Review Board for decisions. He explained state law dictates that these decisions be made by a circuit court or other appropriate court. Mr. Willis said this ordinance would bring the Town in compliance with state law.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-10 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

G. Ordinance 2007-12. An ordinance amending Chapter 22, Zoning, of the Code of Ordinances of the Town of Port Royal, South Carolina concerning the lighting of communication towers and any other structures in excess of 150 feet

Town Manager Willis read Ordinance 2007-12 by title and explained this ordinance had been approved by Beaufort County and said they had requested that the municipalities do the same. He said this ordinance would provide for the lighting of cell towers and other structures over one hundred fifty feet.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-12 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

H. Ordinance 2007-13. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .33 acres as shown and described as Beaufort County Tax District 110, Map 8, Parcel 487 from Residential-17 (R-17) to Residential-5 (R-5) (located at 1821 Drayton Drive)

Town Manager Willis read Ordinance 2007-13 by title and told Council the Joint Municipal Planning Commission had unanimously recommended this change. He showed the Drayton Drive property on the map and explained the current zoning was R-17.

Owner Cory Post told Council there was already one house on the property and that plans included one additional house.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-13 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

I. Ordinance 2007-14. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .39 acres as shown and described as Beaufort County Tax District 110, Map 8, Parcel 121 from Residential-10 (R-10) to Residential-5 (R-5) (located at 1916 Battery Park Drive)

Town Manager Willis read Ordinance 2007-14 by title.

Corey Post explained there was currently on house on the property and that plans included two twelve to thirteen hundred square foot houses.

Councilmember Lee moved to adopt first reading of Ordinance 2007-14 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

Police Captain Alan Beach introduced new officer Bobbie Jo Sherman. He said Ms. Sherman had previously worked at the Beaufort County Sheriff's Department and was a certified police officer with two years experience.

J. Ordinance 2007-15. An ordinance amending Chapter 12, Licenses and Business Regulations, of the Code of Ordinances of the Town of Port Royal, South Carolina providing for a short term rental permit

Town Manager Willis read Ordinance 2007-15 by title and explained this ordinance would create a standard for short term rentals within the Town.

Councilmember Lee moved to adopt first reading of Ordinance 2007-15 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

X. FOR COUNCIL'S ACTION:

A. Set date for retreat:

April 14th from 8:00 am until 1:00 pm was chosen for the Council Retreat.

B. Resolution regarding the Mobley Tract:

Town Manager Willis told Council he had worked with the representatives from Coastal Conservation League and Lyttleton Partnership to settle the Mobley Tract lawsuit. He explained the proposed release and settlement of the lawsuit limited the number of houses to be built on the property to one hundred twenty five and said the Town would not pursue further annexations outside its growth boundary for a period of ten years. Mr. Willis said he needed a resolution by Council authorizing the Town Manager to sign the release and settlement agreement.

Tara McGraph, Director of the South Coast Office of the Coastal Conservation League, thanked Town Manager Willis for his work on the settlement of this case saying it was a victory for all sides. She also thanked Mayor Murray for his leadership on this issue.

Mayor Murray explained that he was concerned with item two of the settlement saying Council could not place restrictions on a future council but said the current Council would abide by the agreement.

Town Manager Willis explained the final density for the property reflects the rural residential zoning that the county has on surrounding property. He said it actually works out to one hundred twenty-six units.

Councilmember Heyward moved to adopt the release and settlement for the Mobley Tract lawsuit and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

C. Changing 7th and 8th Streets to two way traffic

Councilmember Lee motioned to return 8th Street to its two way status and keep 7th Street a one way street. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

XI. FOR COUNCIL'S INFORMATION:

A. Port update

Town Manager Willis said a meeting had been held with the shrimper's discussing their situation at the docks and said the Town was working to keep the electricity and fuel available at the docks should the current operator vacate the property. Mr. Willis said they were looking at the long term situation and how to keep the dock in operation.

XII. IMPORTANT INFORMATION AND DATES:

- A. Thursday, February 15, 2007, 5:30 PM - Design Review Board (DRB) Meeting, 700 Paris Avenue**
- B. Monday, March 5, 2006, 5:30 PM – Joint Municipal Planning Commission (JMPC) Meeting, 700 Paris Avenue**
- C. Wednesday, March 7, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- D. Wednesday, March 7, 2007, immediately following the scheduled Public Hearing, Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. Wednesday, March 14, 2007, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Thursday, March 15, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**

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

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

Jayson Gardner representing the Greater Beaufort Chamber of Commerce addressed Council concerning the recent the Economic Development Briefing Session and thanked those who had attended. He provided a CD titled *Economic Development Boot Camp* for each Council Member.

Richard Miller told Council they had done a good job with the Mobley Tract and asked them to stay out of Shell Point.

Carolyn Davis said no one would benefit from the proposed annexation in Shell Point. She thanked them for their action concerning that annexation.

Cindy Lawson asked what type of business license she should purchase for her short term rentals.

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Reed Armstrong spoke concerning the Azalea Square project saying the property was now bare ground and that there was no silt fencing around the property.

XIV. ADJOURNMENT:

Councilmember Heyward moved to adjourn the meeting.

The meeting adjourned at 7:55 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 was posted on the Town bulletin board two weeks prior to 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 event.