

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

**March 14, 2007**

**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, 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 February 7, 2007**
- B. Minutes from the Special Meeting/Workshop of February 7, 2007**
- C. Minutes from the Public Hearing of February 14, 2007**
- D. Minutes from the Regular Council Meeting of February 14, 2007**

Councilmember Heyward moved to adopt the minutes from the Public Hearing of February 7, 2007; the Special Meeting/Workshop of February 7, 2007; the Public Hearing of February 14, 2007 and the Regular Council Meeting of February 14, 2007. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

#### **IV. AMENDMENTS TO THE AGENDA**

Town Manager Willis requested that Item IX. PROCLAMATIONS be taken up after Item V. Council Briefing.

Councilmember Heyward moved to place Proclamations after the Council Briefing on the agenda and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

#### **V. COUNCIL BRIEFING:**

Town Manager Willis updated Council concerning the signal light for the intersection of Highway 802 and Midtown Drive. He said the anchor bolts had been ordered for the poles and that the sidewalk work would begin next week.

Mayor Murray read the 2007 Disabilities Proclamation declaring March as Disabilities Month in the Town and presented it to Mikel Swinton.

Grace Dennis representing the Department of Special Needs and Disabilities introduced other department members Ann Wirz and Darlene Gatch. She also introduced Special Needs clients Beth Dennis and Mikel Swinton. Ms. Dennis read a statement of thanks to Council and the Town for their continued support of those with disabilities.

#### **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.**

Tina Fripp opposed the possible annexation of property on Lemon Island into the Town. She asked Council if they had spoken to Town citizens concerning the issue and wanted to know if this annexation would be in the best interest of the Town.

Chuck Warren thanked Council and staff for the Short Term Rental ordinance and asked that all areas of the ordinance be enforced in a timely matter.

Tommy O'Brien opposed the Lemon Island annexation or any annexations in the Shell Point area. He also said the Town's tree ordinance had no teeth, the rezonings in Shell Point were in violation of the property owner's covenants and asked if the Town could provide services to newly annexed areas.

Kit Bruce opposed the annexation saying it held no benefit for the Town.

Chris Marsh told Council he wanted to make sure any newly annexed areas were held to the same standards as those in old Port Royal. He expressed concerns about the boat storage facility proposed for the Lemon Island property.

David Kell who lives on 9<sup>th</sup> Street told Council he had not supported the annexation of the Mobley tract and did not support the Lemon Island annexation. He said it would be hard to provide the needed services to that area and had concerns about parking.

Reed Armstrong, speaking on behalf of the Coastal Conservation League opposed the annexation and development plan. He expressed concerns about water quality saying very careful attention needed to be paid to this issue. Mr. Armstrong said the plans did not comply with Beaufort County's Best Management Practices and said the project should not be exempt from the County's requirements.

Tim Cronin opposed the annexation and development plans. He expressed concerns about the setbacks saying the County's fifty foot critical line requirement was there for protection of the water and asked Council to retain this setback requirement.

Connie Horton spoke concerning the lack of the fifty foot setback requirement. She showed pictures of her property line saying the drystack building would be only fifteen feet from her property. Ms. Horton also played a sound bite of the noise her family would be subjected to should the development take place. She said she was not opposed to a marina on the property but was opposed of one of this size.

Tom Anderson opposed the proposed marina development saying the project was too big, too ugly and did not provide proper parking. He said the highway at the foot of the bridge would become very dangerous and urged Council to vote no.

Henry Diercxens expressed concerns over the height of the proposed marina saying it would destroy the pristine view of the river and marshes. He showed pictures of the proposed marina in comparison to the drystack located on port property in Port Royal. Mr. Diercxens asked Council to turn down the project and abide by the Joint Municipal Planning Commission's recommendations.

Melinda Latendresse spoke concerning architectural design saying there were no specifics of how the buildings would look. She asked Council to not allow the development.

Parker Sutler said the project was too big, too ugly, and too intrusive and would pollute the waters. He asked Council to vote no saying it would be of no benefit to the citizens.

Ed Riley opposed the annexation and development and asked Council to vote no. He said this development could damage the frail eco system and would be an eyesore in an otherwise beautiful area.

Alex Strozier discussed the road that goes under the bridge saying it could not accommodate the equipment needed to build the proposed buildings.

Ann Horry who owns adjoining property to the proposed marina property read a statement concerning the development. She said the proposed development did not fit into the area. She also expressed concerns about the proximity of the proposed dock to her private dock, lighting and noise. Ms. Horry said they would love a marina that fit the area but opposed the proposed plans.

C. E. Malphrus presented Council with a written document concerning the three storage tanks on the property. He asked Council to please vote no on this item.

Julia Peters opposed the annexation and marina saying it would be an eyesore for the community.

## **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 told those present that all items on the Consent Agenda were for the purpose of constructing sidewalks.

Councilmember Heyward moved to adopt the Consent Agenda as presented and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

Items adopted by the Consent were:

### **2<sup>nd</sup> Readings:**

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

### **1<sup>st</sup> Reading:**

Ordinance 2007-16

## **VIII. 2<sup>ND</sup> 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 (formerly Lemon Island Marina on Okatie Highway)**

Town Manager Willis read Ordinance 2006-30 by title and explained the property was located within the Town's future growth boundary and within the Mobley tract settlement agreement with the Coastal Conservation League. He also reviewed Ordinance 2006-31 which provides for the PUD for this property. Mr. Willis read the list of recommendations by the Joint Municipal Planning Commission and discussed these items.

Colden Battey, representing the owners of the property reviewed changes that had been made to comply with the Joint Municipal Planning Commission's recommendations. He said the building height had been reduced to forty-two feet with the exception of the tower which would be forty-eight feet. Mr. Battey also reviewed how the drainage would be handled saying that all runoff would be collected, treated and perked into the ground. He said none of the water would be allowed to drain into the river. Mr. Battey further discussed parking plans for the project. He said all parking would be on site. Mr. Battey told those present the architecture of the buildings would have to be approved by the Town. He also stated there would be a radio system at the site that would be used to assist with water rescues.

Mayor Murray had concerns about the architecture of the buildings.

Councilmember DeLoach had questions concerning the size of the building.

Joe Lee asked whether a review board would be in place for this project.

Town Manager Willis explained that if Council so desired a review by a board or Town staff this requirement could be placed in the PUD. He also asked that the bulkhead and architecture be discussed.

Daniel Moore showed a rendering of the bulkhead with elevation. He discussed drainage, the critical lines, the County BMP's and OCRM requirements and how they work together. Mr. Moore also told Council that a five foot vegetation had been added and that stoppers for the cars would be in place.

Architect Rob Montgomery showed a foot print of the development saying there would be four buildings filling the twenty-two thousand square foot footprint. He showed renderings of the buildings explaining how they would be designed at different heights to break up the mass. Mr. Montgomery also discussed placement of the buildings, the observation tower, siding materials, the roof and signage. He said Palmettos and Live Oak trees would be used to make the area more appealing.

Daniel Moore explained that heavily leaved trees would help as noise reflectors for the property. He also discussed lighting.

**RE: 070314cm**

Councilmember Robinson moved to adopt Ordinance 2006-30 and Councilmember DeLoach seconded the motion.

Mayor Murray and Councilmembers Robinson and DeLoach voted yes.

Councilmembers Heyward and 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)**

Town Manager Willis explained this ordinance would designate zoning, drainage, land use and setbacks. He explained that the architectural elements were not covered under the PUD. Mr. Willis said the PUD could be modified to include a review by the Design Review Board or Town staff regarding the texture, renderings, landscaping plans and other elements if Council so desired.

Councilmember DeLoach moved to adopt Ordinance 2006-31 with the stipulation to include a review by an architectural review board for all architectural elements and landscaping elements of the project. Councilmember Robinson seconded the motion.

Mayor Murray and Councilmembers DeLoach and Robinson voted yes.

Councilmembers Heyward and Lee voted no.

The motion carried.

**C. 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 this ordinance would bring the Town Code in compliance with state law concerning vested rights. He said that currently the Town had a six month waiting period while the state law requires a two year waiting period.

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

The motion carried by unanimous vote.

**D. 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 currently appeals of decisions made by the Design Review Board are heard by the Town's Zoning Board. He explained that state law required these appeals to be heard by a circuit court or other appropriate court. He said this change would bring the Town in compliance with the state law.

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

The motion carried by unanimous vote.

**E. 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 the county had already adopted this ordinance and had requested that all municipalities adopt it to keep uniformity within the county.

Councilmember Heyward moved to adopt Ordinance 2007-12 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**F. 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 explained the Joint Municipal Planning had recommended the requested R-5 zoning. He showed the property on the map and said plans were for one house facing on Drayton Drive and one house facing on Lenora Drive.

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

The motion carried by unanimous vote.

- G. 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 and explained the JMPC had also recommended R-5 zoning for this property. He showed the Battery Park Drive property on the map.

Councilmember Heyward moved to adopt Ordinance 2007-14 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- H. 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 set a process for addressing short term rental issues within the Town.

Councilmember Heyward moved to adopt Ordinance 2007-15 with the recommendation that it comply with any Town ordinances regarding rental properties and with the building code. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

## **IX. PROCLAMATIONS:**

- A. 2007 Disabilities Month – Beaufort County Disabilities and Special Needs Board members, Grace Dennis, Ann Wirz and Darlene Gatch; others attending are Mikel Swinton and Beth Dennis**

## **X. 1<sup>ST</sup> READINGS:**

- A. Ordinance 2007-17. An ordinance setting a franchise fee rate for cable service providers upon expiration or termination of an existing franchise for cable service**

Town Manager Willis read Ordinance 2007-17 by title and explained this was a “clean-up” ordinance recommended by the Municipal Association to address “in between” rate schedules for municipalities with cable franchises. Mr. Willis said he would have more information on this issue before second reading of this ordinance.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-17 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

**B. Ordinance 2007-20. Amending Chapter 22, Article VI, Section 22-131 (3), Uses customarily accessory to retail business, office uses and commercial recreational facilities, regulating outdoor display of merchandise**

Town Manager Willis read Ordinance 2007-20 by title and explained this ordinance would close some loop holes and ensure that the Town Code was in compliance with ADA standards regarding the outdoor display of merchandise.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-20 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**C. Ordinance 2007-21. An ordinance adopting an Intergovernmental Agreement between Beaufort County, South Carolina and the Town of Port Royal, South Carolina concerning impact fees**

Town Manager Willis read Ordinance 2007-21 by title and explained since the Town's boundaries now reached into Southern Beaufort County the adoption of this agreement was necessary to collect Southern Beaufort County impact fees.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-21 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**D. Ordinance 2007-22. An ordinance amending Chapter 2, Administration, Article IV. of the Code of Ordinances of the Town of Port Royal, authorizing the police department to contract police services on a reimbursement or advanced payment basis**

Town Manager Willis read Ordinance 2007-22 by title and explained this ordinance would authorize the Police Department to be reimbursed when they provide police services for special events.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-22 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**XI. FOR COUNCIL'S ACTION:**

**A. Appointments:**

**1. Zoning Board of Adjustments and Appeals – 1**

There was no appointment to the ZBOAA at this time.

**2. Beaufort County Housing Authority – 1**

There was no appointment to the Beaufort County Housing Authority at this time.

**3. Beaufort Jasper Economic Opportunity Commission – 1**

Councilmember Heyward moved to reappoint Councilmember Henry Robinson to the Beaufort Jasper Economic Opportunity Commission and Councilmember Lee seconded the motion.

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

Councilmember Robinson abstained.

The motion carried.

**4. Municipal Election Commission – 2**

Councilmember Heyward moved to reappoint Thelma Lewis to the Municipal Election Commission and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**5. Redevelopment Commission – 2**

Councilmember Heyward moved to reappoint Ervena Faulkner to a one year term on the Redevelopment Commission and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**B. Taking ownership of Mascaro Lane**

Town Manager Willis requested that Council table discussion of taking ownership of Mascaro Lane until he can gather more information.

Councilmember Robinson moved to table discussion of taking ownership of Mascaro Lane until more information is received. Councilmember Heyward seconded the motion.

RE: 070314cm

The motion carried by unanimous vote.

**C. Intergovernmental Agreement between Beaufort County and the Town of Port Royal concerning payment of the Northern Regional Plan**

Town Manager Willis explained that Council had agreed to fund a portion of the cost of the Beaufort County Northern Regional Plan. He said the agreement stated that the Town will pay eight thousand dollars over a period of five years. Mr. Willis asked if the Town had the ability to pay the entire amount at one time could he do so.

Councilmember Heyward moved to adopt the Intergovernmental Agreement with the County and authorized Town Manager Willis to pay the full amount as soon as possible.

**D. Appointment to Port purchase selection board**

Town Manager Willis explained that although the Town would not have a vote on the selection board for the purchase of the Port property. He explained the Development Agreement stipulated that the Town have a representative present at the bid opening. Mr. Willis said this person would be present at the bid opening and would be able to take part in the discussion.

Councilmember Heyward moved to appoint Town Manager Willis to fill the seat on the Port Selection Board and that Councilmember Joe Lee be appointed as a backup if for some reason Mr. Willis were not able to attend. Councilmember Robinson seconded the motion.

Town Manager Willis stated that he would ask if Councilmember Lee may attend with him as a backup.

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

Councilmember Lee abstained.

The motion carried.

**XII. IMPORTANT INFORMATION AND DATES:**

- A. Thursday, March 15, 2007, 5:30 PM - Design Review Board (DRB) Meeting, 700 Paris Avenue**
- B. Monday, April 2, 2006, 5:30 PM – Joint Municipal Planning Commission (JMPC) Meeting, 700 Paris Avenue**
- C. Wednesday, April 4, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

- D. **Wednesday, April 4, 2007, immediately following the scheduled Public Hearing, Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. **Wednesday, April 11, 2007, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. **Saturday, April 14, 2007, 8:00 AM until 1:00 PM – Council Retreat, Town Hall, 700 Paris Avenue**
- G. **Thursday, April 19, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- H. **Saturday, April 21, 2007 – Soft Shell Crab Festival**

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

**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.**

Robbie Holmquist thanked Council for providing for short term rentals within the Town.

**XIV. ADJOURNMENT:**

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

The meeting adjourned at 9:00 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.