

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

April 11, 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 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 March 7, 2007**
- B. Minutes from the Special Meeting/Workshop of March 7, 2007**
- C. Minutes from the Regular Council Meeting of March 14, 2007**

Councilmember Robinson moved to adopt the minutes from the Public Hearing of March 7, 2007, the Special Meeting/Workshop of March 7, 2007 and the Regular Council Meeting of March 14, 2007. Councilmember Heyward 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 a meeting was being scheduled with the other municipalities in the county concerning the stormwater utility fees and how they are being distributed. He also told them the Town did not win the MASC Achievement Award. Mr. Willis said work on the Midtown traffic signal was under way, the skate park had been reopened, and that all bids for the port property were too low. He said the Port's Authority would be issuing another request for bids sometime in the near future. Mr. Willis explained that the property could not be sold for less than its appraised value and said he did not have any information concerning the bids that were received. He told Council that Attorney Frances Cantwell had been asked to send a letter to the Port Authority's attorney advising them that the Town was to be a part of the qualifying selection process. Mr. Willis said a marketing firm would be used to market the property and that the Town would be included in choosing that marketing firm.

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.

Harold Boney speaking on behalf of Catherine Brooks asked questions concerning Mascaro Lane and Venus Lane. He said according to the development agreement with Millienum there was to be a connectivity between Venus Lane to North Paris Avenue. Mr. Boney expressed concerns about fire and safety issues saying there might not be enough room for emergency vehicles to access that area should the need arise.

VII. 2ND READINGS:

- A. Ordinance 2007-16. 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 95 and 308 (approximately 150 ft. on 13th Street)**

Town Manager Willis read Ordinance 2007-16 by title and explained this request complied with the Town's sidewalk policy. He said this proposed section of sidewalk along 13th Street would fill in a gap between two other sections of sidewalk.

Councilmember Robinson moved to adopt Ordinance 2007-16 and Councilmember Heyward.

The motion carried by unanimous vote.

B. 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 ordinance was recommended by the Municipal Association. He said it would provide for fees to be paid by cable companies should there be a gap between the current franchise agreement and a new one.

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

The motion carried by unanimous vote.

C. 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 would close a loop hole bringing the Town's code up to ADA standards. He said it would regulate where items could be placed on the sidewalks making way for safe access to the businesses.

Planning Administrator Bridges told Council the JMPC had unanimously recommended this change.

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

The motion carried by unanimous vote.

D. 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 this agreement would allow the Town to collect southern Beaufort County Impact Fees on Town properties located south of Broad River for the county. He told Council the Town would receive one percent of the collected fees.

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

The motion carried by unanimous vote.

E. 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 allow the Police Department to be reimbursed or paid in advance for police services provided for special events.

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

The motion carried by unanimous vote.

VIII. RESOLUTIONS:

A. Resolution 2-2007 – Fair Housing Resolution

Town Manager Willis explained the resolutions for Fair Housing Resolution and Nondiscrimination on the basis of disability needed to be adopted by the Town yearly in order to submit applications for Community Development Block Grants.

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

The motion carried by unanimous vote.

B. Resolution 3-2007 – Nondiscrimination on the basis of disability (ADA)

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

The motion carried by unanimous vote.

IX. 1ST READINGS:

A. Ordinance 2007-18. An ordinance annexing to the Town of Port Royal approximately 4.9 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcels 66C (287 Savannah Highway)

Town Manager Willis read Ordinance 2007-18 by title and showed the property on the map. He explained the applicant had requested MU-2 zoning for this property and said the JMPC had recommended this request.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-18 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

B. Ordinance 2007-19. An ordinance to zone approximately 4.9 acres of real estate located in Beaufort County described as Beaufort County Tax District 112, (formerly Beaufort County Tax District 110), Map 31, Parcel 66C as a Mixed Use-2 (MU-2) zoning district

Councilmember DeLoach expressed concerns about the MU-2 zoning for this property. He said he would like to see the property given a residential zoning.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-19 and Councilmember Heyward seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

C. Ordinance 2007-23. An ordinance adopting a new chapter of the Code of Ordinances of the Town of Port Royal, South Carolina titled Boat and Water Safety

Town Manager Willis read Ordinance 2007-23 by title and said this would allow the Town to regulate boat activity in its surrounding waters. He said numerous changes concerning wake zones, private marinas, live aboard vessels, abandoned vessels and waterways, among others, had been made since Council first received the ordinance.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-23 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

D. Ordinance 2007-24. 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 371 (approximately 144.25 ft. on 10th Street)

Town Manager Willis read Ordinance 2007-24 by title and showed the property on the map. He explained this request was a few feet short of the required 150 feet to qualify for the sidewalk program. Mr. Willis said this sidewalk would complete that section of

10th Street taking it all the way to the water.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-24 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

E. Ordinance 2007-25. An ordinance annexing to the Town of Port Royal approximately .44 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31A, Parcel 553 (6019 Dowlingwood Drive)

Town Manager Willis read Ordinance 2007-25 by title and showed the property on the map. He explained the owners had requested MU-2 but said the JMPC had recommended R-17 zoning for this property.

David Millard told Council the owners of this property were in full agreement of the R-17 zoning. He said some other residents in the Dowlingwood area were interested in coming into the Town and were watching this annexation to see how it progressed.

Councilmember DeLoach moved to adopt first reading of Ordinance 2007-25 and Councilmember Robinson seconded the motion.

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

Councilmember Lee voted no.

The motion carried.

F. Ordinance 2007-26. An ordinance to zone approximately .44 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31A Parcel 553 as a Mixed Use-2 (MU-2) Zoning District

Town Manager Willis read Ordinance 2007-26 by title.

Councilmember DeLoach moved to adopt first reading of Ordinance 2007-26 with R-17 zoning and Councilmember Robinson seconded the motion.

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

Councilmember Lee voted no.

The motion carried.

G. Ordinance 2007-27. An ordinance annexing to the Town of Port Royal approximately 1.75 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcel 199 (3000 Oakview Drive)

Town Manager Willis read Ordinance 2007-27 by title and showed the property on the map. He pointed out surrounding properties that were already in the Town and zoned MU-2. Mr. Willis told Council the owners had requested MU-2 zoning and said the JMPC had recommended R-10 zoning for the property.

Carol Poore representing the property owner told Council they felt MU-2 was the proper zoning for the property considering it was located adjacent to MU-2 property already in the Town.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-27 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

H. Ordinance 2007-28. An ordinance to zone approximately 1.75 Acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31, Parcel 199 as a Mixed Use-2 (MU-2) zoning district

Town Manager Willis read Ordinance 2007-28 by title and explained the JMPC had recommended R-10 zoning.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-28 and Councilmember Robinson seconded the motion.

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

I. Ordinance 2007-29. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 1.32 acres as shown and described as Beaufort County Tax District 110, Map 10, parcels 33, 34, 35, 36, 37 and 41 from Residential – 12 (R-12) to Residential-12 (R-12) with the Traditional Town Overlay (located at 1608, 1610 and 1612 Ritter Circle and 1607, 1615 and 1617 Edinburgh Avenue)

Town Manager Willis read Ordinance 2007-29 by title and explained the property was currently zoned R-12. He said this change would add the Traditional Town Overlay to

that zoning. Mr. Willis showed the property on the map and said the JMPC had recommended this change.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-29 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- J. Ordinance 2007-30. 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, Parcels 101 and 101A (approximately 228 ft. on 14th Street and 220 ft. on Richmond Avenue)**

Town Manager Willis read Ordinance 2007-30 by title and explained the sidewalk had already been installed at this location.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-30 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote...

X. FOR COUNCIL'S ACTION:

A. Appointments:

- 1. Design Review Board – 1**
- 2. Zoning Board of Adjustments and Appeals – 1**
- 3. Beaufort Housing Authority – 1**
- 4. Municipal Election Commission – 1**
- 5. Redevelopment Commission – 1**

Town Manager Willis told Council that Beaufort County Planner Brian Herrmann had expressed interest in serving on the Design Review Board.

Council decided to hold appointments so they could be discussed at the upcoming Council Retreat on April 14th.

B. Mascaro Lane

Town Manager Willis told Council that Mascaro Lane was on line to be paved by a state match program. He said in order for this to happen the road had to be owned by the state. Mr. Willis said the Town's concern was connectivity from Venus Lane to North Paris Avenue. He said he needed to gather more information on this subject.

Councilmember Heyward moved to table the Mascaro Lane issue and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

C. Request for encroachment agreement onto Town property

Town Manager Willis told Council a fence and a portion of a shed were built on Town property at the log cabin on 15th Street and said the property owner had requested an encroachment onto Town property for those two structures.

Chris Reed told Council an encroachment would most likely be a temporary fix until the property was redeveloped. He said this was necessary in order to sell the property.

Council discussed possible remedies for this problem.

Mayor Murray asked that the owners get an estimate to move the shed.

Councilmember Heyward moved to table this issue and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

XI. IMPORTANT INFORMATION AND DATES:

- A. Saturday, April 14, 8:00 am until 1:00 pm – Council Retreat, Town Hall, 700 Paris Avenue**
- B. Thursday, April 19, 2007, 5:30 PM - Design Review Board (DRB) Meeting, 700 Paris Avenue**
- C. Saturday, April 21, 2007, noon until 4:00 pm - Soft Shell Crab Festival sponsored by the Old Village Association**
- D. Saturday, April 21, 2007, noon until 4:00 pm – Spring Festival, Port Royal Elementary School**
- E. Wednesday, May 2, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Wednesday, May 2, 2007, immediately following the scheduled Public Hearing, Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- G. Friday, May 4, 2007, 8:00 am - Port Royal Business Breakfast, AMVETS, 1831 Ribaut Road, Port Royal**
- H. Monday, May 7, 2007, 5:30 PM – Joint Municipal Planning Commission (JMPC) Meeting, 700 Paris Avenue**
- I. Wednesday, May 9, 2007, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

- J. Thursday, May 17, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- K. Thursday, May 24, 2007, 6:30 pm – SCANA/SCE&G Local Government Appreciation Dinner, Beaufort Readiness Center (new National Guard facility) Hwy. 21 near MCAS Credit Union**

Town Manager Willis reviewed the list of important information and dates. He told Council the Captain of the U. S. S. Port Royal would be visiting the Town on May 11th or 12th. Mr. Willis said the Captain would be touring Port Royal, visiting the museum at the 11th Street Church and having lunch at a local restaurant before going to Hilton Head with members of the Hilton Head Navy League.

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 comments at this time.

XIII. ADJOURNMENT:

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

The meeting adjourned at 8:05 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 date. 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.