

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

June 13, 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 called the meeting to order 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 May 2, 2007**
- B. Minutes from the Council Workshop of May 2, 2007**
- C. Minutes from the Regular Council Meeting of May 9, 2007**
- D. Minutes from the Budget Workshop of May 16, 2007**

Councilmember Robinson moved to adopt the minutes from the Public Hearing of May 2, 2007, the Council Workshop of May 2, 2007, the Regular Council Meeting of May 9, 2007 and the Budget Workshop of May 16, 2007. Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

RE:070613cm

IV. AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

V. COUNCIL BRIEFING:

Town Manager Willis told Council the proposed resolution before the State Legislature concerning the delay in selling the port property had failed. He also briefed them on an ordinance concerning magnificent trees.

Building Codes Inspector Dan Lemieux introduced new employee Lace Cruz who was hired to fill the open position of Building Inspector. He said she would be doing both residential and commercial inspections.

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.

Bob Bender thanked Council for considering the Estuarium for funding and encouraged them to continue this funding with the requested \$20,000.

VII. 2ND READINGS:

- A. Ordinance 2007-31. An ordinance to amend as follows, Section I of Ordinance 2006-28 to provide for the levy of taxes for ordinary Town purposes in the Town of Port Royal, South Carolina for the fiscal year beginning July 1, 2007, and to provide for the expenditures thereof.**

Town Manager Willis read Ordinance 2007-31 by title and explained this ordinance would finalize the Town's budget for the upcoming fiscal year. He summarized the proposed budget department by department and said there was an increase of six to seven percent over last year's budget. Mr. Willis said the anticipated budget was balanced at \$4,143,862.

Councilmember Robinson moved to adopt Ordinance 2007-31 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2007-32. An ordinance to rescind Ordinance 2007-3 in its entirety and replace it with the following to confirm transfer of certain dedicated right-of-way as recorded December 19, 2000 in the Office of Register of Deeds for Beaufort County, Deed Book 1522, Page 1288**

Town Manager Willis read Ordinance 2007-32 by title and explained this ordinance would clear up ownership of right of way on 13th Street and allow the owners to sell the property.

Councilmember Heyward moved to adopt Ordinance 2007-32 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 2007-33. An ordinance annexing to the Town of Port Royal approximately 1 acre of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcel 144 (166 Baynard Road)**

Town Manager Willis read Ordinance 2007-33 by title and explained the owners had requested MU-2 zoning with the Shell Point Overlay. He showed the property on the map in relation to other MU-2 properties and said the Joint Municipal Planning Commission had unanimously recommended this zoning.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-33 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2007-34. An ordinance to zone approximately 1 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100) Map 31, Parcel 144 as a Mixed Use-2 (MU-2) zoning district with the Shell Point Overlay**

Councilmember Heyward moved to adopt first reading of Ordinance 2007-34 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

C. Ordinance 2007-35. An ordinance annexing to the Town of Port Royal approximately 11.92 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 32, Parcels 8 and 64 (eastern most end of Oakview Drive)

Town Manager Willis read Ordinance 2007-35 by title and showed the property on the map. He said the owners had requested MU-2 zoning for the property but said the JMPC had recommended R-10. Mr. Willis told Council the R-10 zoning was in contradiction with the Town's Future Land Use Map and the Comprehensive Plan.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-35 and Councilmember Heyward seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

D. Ordinance 2007-36. An ordinance to zone approximately 11.92 acre of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 32, Parcels 8 and 64 as a Mixed Use-2 (MU-2) zoning district

Town Manager Willis showed the property on the map and the surrounding properties already zoned MU-2.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-36 and Councilmember Heyward seconded the motion.

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

E. Ordinance 2007-37. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .272 acres as shown and described as Beaufort County Tax District 110, Map 8, Parcel 163 from Residential-10 (R-10) to Residential-5 (R-5) (1818 Drayton Drive)

Town Manager Willis read Ordinance 2007-37 by title and showed the property on the map. He explained the property was located in the same area as other recently rezoned property.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-37 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- F. Ordinance 2007-38. An ordinance annexing to the Town of Port Royal approximately 57.21 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcels 11, 14, 28, 29, 30, 178 and 219 (45 Bee Burst Road), 43, 51, 54, 56 and 61 Josephine Drive and Josephine Drive at Anderson Lane, and 163, 165 and 167 Castle Rock Road)**

Town Manager Willis read Ordinance 2007-38 by title and explained the owners had requested MU-2 zoning for this property. He further explained the JMPC had unanimously recommended this zoning. Mr. Willis showed the property on the map explaining it was located adjacent to Town property already zoned MU-2.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-38 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- G. Ordinance 2007-39. An ordinance to zone approximately 57.21 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, 30, 178 and 219 as a Mixed Use-2 (MU-2) zoning district**

Councilmember Heyward moved to adopt first reading of Ordinance 2007-39 and Councilmember Robinson seconded the motion.

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

- H. Ordinance 2007-40. An ordinance to rezone in the Town of Port Royal, South Carolina approximately .55 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcel 53 from Residential - 12 (R-12) to Residential-12 (R-12) with the Traditional Town Overlay (1608 Edinburgh Avenue)**

Town Manager Willis read Ordinance 2007-40 by title showed the property on the map. He explained the JMPC had made recommendation to add this property to the Traditional Town Overlay District.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-40 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- I. Ordinance 2007-41. 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 274 (approximately 100 ft. on London Avenue)**

Town Manager Willis read Ordinance 2007-41 by title and explained this was a continuation of already installed sidewalk and that it bordered on Town owned property.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-41 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- J. Ordinance 2007-42. 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 83A (approximately 150 ft. on 11th Street)**

Town Manager Willis read Ordinance 2007-42 by title and explained this was also a continuation of existing sidewalk. He said this request was in compliance with sidewalk policy.

Councilmember Heyward moved to adopt first reading of Ordinance 2007-42 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

- K. Ordinance 2007-43. An ordinance annexing to the Town of Port Royal approximately 3 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcel 49 (223 and 225 Castle Rock Road)**

Town Manager Willis read Ordinance 2007-43 by title and explained the owners were requesting MU-2 zoning for the property. He showed the property on the map in relation to other properties already located in the Town and zoned Mu-2.

Councilmember Heyward moved to adopt Ordinance 2007-43 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- L. Ordinance 2007-44. An ordinance to zone approximately 3 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31, Parcel 49 as a Mixed Use-2 (MU-2) zoning district**

Councilmember Heyward moved to adopt first reading of Ordinance 2007-44 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- M. Ordinance 2007-45. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .23 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcel 114 from Residential-10 (R-10) to Residential-10 (R-10) with the Traditional Town Overlay District (1102 15th Street)**

Town Manager Willis read Ordinance 2007-45 by title and told Council the JMPC had unanimously recommended this addition to the Traditional Town Overlay District.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-45 and Councilmember Heyward seconded the motion.

Mayor Murray and Councilmembers Lee and Robinson voted yes.

Councilmembers DeLoach and Heyward voted no.

The motion carried.

N. Ordinance 2007-46. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .53 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcel 50 from Residential-12 (R-12) to Residential-12 (R-12) with the Traditional Town Overlay District (1611 Columbia Avenue)

Town Manager Willis read Ordinance 2007-46 by title and explained the JMPC had recommended this change. He showed the Overlay District Map pointing out the zoning of surrounding properties.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-46 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

O. Ordinance 2007-47. An ordinance amending Ordinance 2006-34 Setting a Schedule of Building Permit Fees and Other Fees, Item 11, Tree Permits for The Town of Port Royal, South Carolina

Town Manager Willis read Ordinance 2007-47 by title and explained this change would amend the fee schedule for tree permits for trees thirty-six inches or larger at breast height. He said this change would allow a licensed arborist to give an evaluation on the trimming of these magnificent trees.

Councilmember Robinson moved to adopt first reading of Ordinance 2007-47 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

IX. FOR COUNCIL'S ACTION:

A. Appointments:

1. Municipal Election Commission – 1

Councilmember Heyward moved to appoint Ruby Gigure to the Municipal Election Commission and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

2. Housing Advisory Committee – reappoint Karl Twenge

Councilmember Lee moved to reappoint Karl Twenge to the Housing Advisory Committee and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

3. Zoning Board of Adjustments and Appeals – 1

Councilmember Heyward moved to appoint Yvonne Small to the Zoning Board of Adjustments and Appeals Commission and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

X. IMPORTANT INFORMATION AND DATES:

- A. Thursday, June 21, 2007, 5:30 PM - Design Review Board (DRB) Meeting, 700 Paris Avenue**
- B. Monday, July 2, 2007, 5:30 PM – Joint Municipal Planning Commission (JMPC) Meeting, 700 Paris Avenue**
- C. Wednesday, July 4, 2007 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Independence Day**
- D. Thursday, July 5, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- E. Wednesday, July 11, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Wednesday, July 11, 2007, immediately following the scheduled public hearing – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

Town Manager Willis reviewed the list of important information and dates. He invited everyone to attend the July 4th Celebration at the Sands. Mr. Willis explained the event would begin at 6:00 pm and said the fireworks display would be grander than last year's.

XI. 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.

Frances Dunn, owner of Frugal Frannie's spoke concerning the display of merchandise at businesses located in the Town. She explained this practice was very important to her business and asked that she be allowed to have the displays for a month until she could have time to prepare a presentation for Council. Ms. Dunn told Council that with this ordinance and the McTeer Bridge being closed would very likely force the closing of her business.

Town Manager Willis explained this was an old ordinance that had not been strictly enforced and said the new ordinance brought the existing ordinance up to ADA standards.

Mayor Murray suggested that something be done to assist the merchants until the bridge is reopened.

Council agreed to allow merchants to display some items for thirty days but not to suspend the ADA regulations.

John Keller asked that stop signs be placed at intersections on Edinburgh Avenue. He said the reconfiguration of the intersection at West Paris Avenue and Ribaut Road had caused traffic to increase on Edinburgh. Mr. Keller said as more development takes place, the traffic would increase.

Town Manager Willis told Council that ATM (Applied Technology & Management) was doing a study on London Avenue considering a stop sign and said he would add Edinburgh Avenue to this study.

Councilmember Joe Lee told those present the stain glass display at the Old Coffee House on Paris Avenue was a beautiful depiction of Port Royal's history and encouraged everyone to see it.

XII. ADJOURNMENT:

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

The meeting adjourned at 8:15 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 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.