

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

**July 11, 2007**

**Members Present:** Mayor Murray and Councilmembers Vernon DeLoach, Mary Beth Heyward, Joe Lee and Henry Robinson

**Staff Present:** Planning Administrator Linda Bridges, Police Chief Jim Cadien, Assistant Fire Chief Jim Colwell and Municipal Clerk Tanya Payne

**Staff Absent:** Town Manager Van Willis (personal vacation time)

**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 June 6, 2007**
- B. Minutes from the Council Workshop of June 6, 2007**
- C. Minutes from the Regular Council Meeting of June 13, 2007**

Councilmember Robinson moved to adopt the minutes from the Public Hearing of June 6, 2007, the Council Workshop of June 6, 2007 and the Regular Council Meeting of June 13, 2007. Councilmember Heyward seconded the motion.

Mayor Murray pointed out an error in the starting time of the June 6<sup>th</sup> Workshop.

**RE: 071107**

Municipal Clerk Payne said she would check the notes and make the correction.

The motion carried by unanimous vote.

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

There were no amendments to the agenda.

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

Planning Administrator Bridges told Council the control box for the Midtown traffic signal had arrived and that SCE&G was working on getting electricity to the light. She said she was told by Colin Kinton with Beaufort County that the light would be flashing in three weeks.

#### **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.**

John W. Ellerbe asked questions about annexations and their benefit to the Town. Mr. Ellerbe also had questions about the number of police officers patrolling in any certain area of the Town.

#### **VII. INTRODUCTION AND INFORMATION:**

##### **A. Gene Green, representative from NAI Avant, firm hired to sell the Port of Port Royal**

Gene Green, Sr. Vice President of NAI Avant briefed Council concerning his firm's plans to market the port property. He explained a six member board had been established for this project and said they had been busy gathering information and pictures of the property to prepare a package for prospective buyers. Mr. Green explained that the property would be priced for sale rather than accepting bids which had been done previously. He said marketing materials would be available in both printed form and on the company's web site in about a week and that they hoped a buyer would be found within this calendar year. Mr. Green told Council the property would be presented as a single tract but said if an offer was made on a portion of the property the request would be presented to the Port's Authority for evaluation.

**VIII. 2<sup>ND</sup> 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)**

Planning Administrator Bridges read Ordinances 2007-33 and 2007-34 by title and showed the property on the map.

Councilmember Robinson moved to adopt Ordinance 2007-33 and Councilmember Lee seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried

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

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

- 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)**

Planning Administrator Bridges read Ordinance 2007-35 by title and showed the property on the map.

Attorney David Tedder submitted a Restrictive Covenant on this land which would impose a setback and buffer from the critical line. He pointed out the area that would be subject to this covenant and said it could only be lifted by the Town of Port Royal. Mr.

Tedder stated the document was ready to be signed and attached to the ordinance. He said the document would be sent to Town Attorney Frances Cantwell for review.

Councilmember Robinson moved to adopt 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**

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

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

Councilmember DeLoach 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)**

Planning Administrator Bridges read Ordinance 2007-37 by title and showed the property on the map.

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

The motion carried by unanimous vote.

- 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)**

Planning Administrator Bridges read Ordinance 2007-38 by title and showed the property on the map.

Attorney David Tedder showed the property on the map and said the requested zoning for the property was MU-2.

Engineer Jeff Ackerman pointed out the three barrow pits on the property which covered eleven acres. He said there were four and one-half acres of wetlands on the property leaving approximately thirty-one acres to be developed.

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

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

Councilmember DeLoach 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)**

Planning Administrator Bridges read Ordinance 2007-40 by title and showed the property on the map.

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

RE: 071107

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)**

Planning Administrator Bridges read Ordinance 2007-41 by title and showed the property on the map. She explained this conveyance would finish sidewalk on this block and would run to the Buoy Park which is owned by the Town.

Councilmember Robinson moved to adopt Ordinance 2007-41 and Councilmember Heyward 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 11<sup>th</sup> Street)**

Planning Administrator Bridges read Ordinance 2007-42 by title and showed the property on the map. She explained it would complete sidewalk on this block of 11<sup>th</sup> Street.

Councilmember Heyward moved to adopt 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)**

Planning Administrator Bridges read Ordinance 2007-43 by title and showed the property on the map. She pointed out Windsong Mobile Home Park situated across Castle Rock Road which was already in the Town and zoned MU-2.

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

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

Councilmember DeLoach voted no.

RE: 071107

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**

Planning Administrator Bridges explained the zoning request for this property was MU-2 and said it was unanimously recommended by the Joint Municipal Planning Commission.

Councilmember Heyward moved to adopt 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 15<sup>th</sup> Street)**

Planning Administrator Bridges read Ordinance 2007-45 by title and showed the property on the map saying it was the northwest corner of 15<sup>th</sup> Street and Madrid Avenue.

Councilmember Robinson moved to adopt Ordinance 2007-45 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- 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)**

Planning Administrator Bridges read Ordinance 2007-46 by title and showed the property on the map. She explained this ordinance would add 1611 Columbia Avenue to the Traditional Town Overlay.

Councilmember Robinson moved to adopt 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**

Planning Administrator Bridges read Ordinance 2007-47 by title and showed the property on the map. She explained this ordinance would allow the Town to get an opinion from a Certified Arborist when considering the trimming or cutting of trees of a certain size.

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

The motion carried by unanimous vote.

**IX. RESOLUTIONS:**

**A. Resolution 5-2007. A resolution setting election and related dates for the Mayor and two (2) members of Town Council pursuant to Sections 6-6 through 6-11 of the Town of Port Royal Code of Ordinances**

Planning Administrator Bridges read Resolution 5-2007 by title and explained it set specific dates related to the upcoming November 2007 election.

Councilmember Robinson moved to adopt Resolution 5-2007 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

**B. Resolution 6-2007. A resolution increasing the recycling fee for the Town of Port Royal in order to cover the cost of that service**

Planning Administrator Bridges read Resolution 6-2007 by title and said this resolution would allow an increase in recycle fees to cover the cost of that service. She explained the fee would increase from \$2.48 to \$3.00.

Councilmember Heyward moved to adopt Resolution 6-2007 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**C. Resolution 7-2007. A resolution approving financing terms for three police department administration vehicles, two patrol cars and one fire department administration vehicle**

Planning Administrator Bridges read Resolution 7-2007 by title.

Police Chief Cadien told those present the department had purchased three 2007 Chevrolet Trailblazers for \$17,000 each which would replace vehicles that were eleven, nine and eight years old. He explained these vehicles would be used as administration cars for the department. Chief Cadien told Council that two fully equipped 2008 Crown Victoria patrol cars had been ordered and would be available in September.

Mayor Murray explained this resolution also included an administration vehicle for the Fire Department.

Councilmember Heyward moved to adopt Resolution 7-2007 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**X. 1<sup>st</sup> READINGS:**

**A. Ordinance 2007-48. 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 401 (approximately 50 ft on London Avenue)**

Planning Administrator Bridges read Ordinance 2007-48 by title and showed the property on the map. She explained that although this request included less footage than required by the Sidewalk Policy it would complete that block of sidewalk.

Councilmember Lee moved to adopt first reading of ordinance 2007-48 and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**B. Ordinance 2007-49. An ordinance annexing to the Town of Port Royal approximately 1.4 acres of real estate located in Beaufort County described as Beaufort County Tax District 100, Map 31, Parcel 62 (2 Fullwood Lane)**

Planning Administrator Bridges read Ordinance 2007-49 by title and showed the property on the map. She explained this property was on Savannah Highway near Highway 170. Ms. Bridges reviewed Ordinance 2007-50 and said the proposed MU-2 zoning for this property had been recommended by the Joint Municipal Planning Commission.

RE: 071107

Councilmember Lee moved to adopt first reading of Ordinance 2007-49 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

**C. Ordinance 2007-50. An ordinance to zone approximately 1.4 acres of real estate located in Beaufort County described as Beaufort County Tax District 112 (formerly Beaufort County Tax District 100), Map 31, Parcel 62 as a Mixed Use-2 (MU-2) Zoning District**

Councilmember Heyward moved to adopt first reading of ordinance 2007-50 and Councilmember Robinson seconded the motion.

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

**D. Ordinance 2007-51. An ordinance amending Ordinance 2006-9 to embody terms of agreement between the Town of Port Royal and the Beaufort County Elections and Registration Commission regarding municipal elections and specifying authority being transferred**

Planning Administrator Bridges read Ordinance 2007-51 by title and explained this ordinance would allow the Beaufort County Elections and Registration Commission to perform the November election for the Town.

Councilmember Robinson moved to adopt first reading of ordinance 2007-51 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

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

**A. Appointment:**

**1. Municipal Election Commission (1)**

Councilmember Heyward moved to appoint Gail Pusha to the Municipal Election Commission and Councilmember Robinson seconded the motion.

RE: 071107

The motion carried by unanimous vote.

- 2. Organizations receiving funds from the Town of Port Royal must provide a year-end financial statement or annual audit report**

Planning Administrator Bridges explained the Town Manager had requested that organizations receiving funding from the Town provide an annual audit report or year end financial statement.

Councilmember Robinson moved to require either a year-end financial statement or annual audit report from organizations receiving funds from the Town of Port Royal and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

## **XII. IMPORTANT INFORMATION AND DATES:**

- A. Thursday, July 19, 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. Wednesday, July 11, 2007, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. Wednesday, July 11, 2007, immediately following the scheduled public hearing – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Thursday through Sunday, July 12 – 15, 2007 – MASC Annual Meeting in Columbia, SC**
- G. Thursday, July 19, 2007, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**

Planning Administrator Bridges told Council the Design Review Board would now meet on the first Thursday of each month rather than the first and third Thursdays.

## **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.**

Frannie Dunn from Frugal Frannie's Thrift Shop said she and other merchant's were opposing Ordinance 2007-20. She asked Council to extend the moratorium on enforcement of this ordinance for sixty days until she could meet with the Town Manager on this matter.

RE: 071107

Ms. Dunn had questions concerning the ordinance and why it was established. Ms. Dunn asked that all businesses in the Town be informed of this ordinance.

Mayor Murray asked Council if they would consider extending the moratorium for another thirty days.

Councilmember Robinson moved to extend the moratorium on enforcement of the outdoor display ordinance for another thirty days and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

John Ellerbe spoke concerning the lack of sidewalks within the Town and asked if the Town might consider addressing this issue.

Mayor Murray explained the sidewalk policy and told Mr. Ellerbe the Town was actively pursuing means to install sidewalks in the Town.

Councilmember Lee suggested that a letter of thanks be sent to the County thanking them for a job well done on the Sands boat ramp. He also told everyone present about the Summer Music Series that would be presented in Port Royal over the coming months. Councilmember Lee also asked for a copy of the Lemon Island PUD.

#### **XIV. ADJOURNMENT:**

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

The meeting adjourned at 8:26.

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.