

**Minutes
Special Council Meeting/Workshop
Yvonne C. Butler Council Chambers, 700 Paris Avenue**

September 1, 2010

Members Present: Mayor Samuel Murray and Councilmembers Vernon DeLoach, Joe Lee and Henry Robinson

Members Absent: Councilmember Mary Beth Heyward

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 6:30 pm and led the Pledge of Allegiance.

II. INVOCATION:

Councilmember Robinson offered the invocation.

III. 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.

There were no comments at this time.

IV. COUNCIL'S ACTION:

A. Burton Fire District Settlement:

Town Manager Willis explained the service contract, for District 112 in the Burton/Shell Point area of town with Burton Fire District, had expired in July. He said a settlement had been approved by the Fire District and the City of Beaufort and that the Town needed to approve its part of the agreement. Mr. Willis reviewed details of the settlement and recommended its approval.

Councilmember Lee moved to adopt the Burton Fire District Settlement and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

B. Resolution 7-2010. A resolution supporting a scope of work for the Bus Livability Grant

Town Manager Willis explained it was decided a resolution was not needed for this item. He said there were concerns about how funds received from the Bus Livability Grant would be used. Mr. Willis said rather than each of the three entities getting a share of the funds and spending it on smaller projects, some felt the funds should be used for one project that would benefit all. He explained the City of Beaufort had asked that the grant be implemented by the Northern Regional Plan Implementation Committee rather than the Beaufort Transportation Advisory Group (BTAG Committee). They felt this was a planning issue rather than a transportation issue.

Joe DeVito said the Joint Municipal Planning Commission had discussed the request and recommend that execution of the funds be assigned to the Northern Regional Plan Implementation Committee. He said the Beaufort County Council Chairman had authority to decide this issue.

Town Manager Willis said the Town was being asked to write a similar letter to the County requesting the change.

Councilmember Lee moved to send a letter to the County requesting implementation of the Bus Livability Grant be given to the Northern Regional Plan Implementation Committee. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

V. REVIEW AGENDA FOR THE SEPTEMBER 8, 2010 COUNCIL MEETING:

Town Manager Willis told Council Ordinance 2010-11 requesting sidewalk on 10th Street would be added to the agenda.

Town Manager Willis briefed Council concerning stormwater issues in the Old Shell Point subdivision. He said the Town has assisted with pumping out the boxes and lowering the water level in the pond.

Town Manager Willis explained the system was privately owned and so the Town would pursue liens on the vacant lots to pay for the work. He said ATM was looking for a remedy for the problem. Town Manager Willis said permits for the Cypress Wetlands work were being finalized. He said the Town had ordered a pump to help keep water out of the big pond.

Town Manager Willis briefed council concerning:

- a recent town vehicle accident
- critical line at Cypress Wetlands
- mast arm poles for signal at Richmond Avenue and Ribaut Road being fabricated (eight weeks)
- meeting with BJWSA scheduled for Friday to discuss sewer expansion on Ribaut Road
- Port property – State Budget and Control Board will meet on September 29th

Discussion was held concerning the proposed ten acre park on the port property. Town Manager Willis explained the size of the park was flexible. Councilmember DeLoach spoke in favor of the ten acres.

Briefing continued by Town Manager Willis as follows:

- re-designation of Highway 21 through Port Royal
- BTAG committee reallocating funds to complete paving of Ribaut Road
- Northern Regional Plan meeting included a presentation on state of the schools; TDRs, TIGER Grant and the Metro Planning Commission
- walking tour maps almost done; Visitor's Center
- anticipating update on designation of 11th Street Church as historic Structure almost complete; will be sent to state soon for review
- will do some recycling of yard waste with LCR
- paperwork underway for Ft. Frederick Sewer Grant
- Public Works efficiency and effectiveness study underway
- Town has been sectioned for Code enforcement efficiency

Town Manager Willis reviewed Ordinance 2010-10 which would rezone property at 631 Robert Smalls Parkway. He showed the property on the map with surrounding zoning. Mr. Willis explained the Joint Municipal Planning Commission had not recommended this zoning change.

Applicant Larry Padgett explained when his property was annexed into the town he had inadvertently down zoned the parcel. He requested the property be rezoned Highway Commercial which better suites the surrounding zonings. Mr. Padgett said he felt the JMPC had denied the request because they did not have all the zoning information.

Mayor Murray asked Mr. Padgett if he would accept a General Commercial zoning for the property.

Mr. Padgett agreed to accept General Commercial.

Town Manager Willis reviewed a list of needed reappointments to the Zoning Board of Adjustments and Appeals and the Design Review Board and one appointment to the DRB.

VI. IMPORTANT DATES AND INFORMATION:

- A. Thursday, September 2, 2010, 5:30 pm – Design Review Board, Town Hall, 700 Paris Avenue**
- B. Wednesday, September 8, 2010, 6:30 pm - Council Meeting, Yvonne Butler Council Chambers, 700 Paris Avenue**

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

VII. 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.

VIII. ADJOURNMENT:

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

The meeting adjourned at 7:19 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.

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

September 8, 2010

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

Staff Present: Town Manager Van Willis and Municipal Clerk Tanya Payne

I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the meeting to order at 6:30 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 August 4, 2010**
- B. Minutes from the Council Workshop of August 4, 2010**
- C. Minutes from the Regular Council Meeting of August 11, 2010**

Councilmember Robinson moved to adopt the minutes from the Public Hearing of August 4, 2010, the Council Workshop of August 4, 2010 and the Regular Council Meeting of August 11, 2010. Councilmember Lee seconded the motion.

Mayor Murray pointed out a mistake on page four of the August 11th Regular Council Meeting minutes where it stated a citizen would have her electricity turned off in sixty days when it should have stated ten days.

The correction was made and 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 paving was underway to complete the 9th Street and Madrid Avenue drainage work. He said pumping would begin tomorrow at the Cypress Wetlands and that treatment was still underway at the Duck Blinds Pond. Mr. Willis explained the pond would eventually be returned to salt water. He said SCE&G had ordered the new lights to be installed in the beds in front of the school.

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.

There were no comments at this time.

VII. FIRST READINGS:

- A. Ordinance 2010-10. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 1.28 acres as shown and described as Beaufort County Tax District 112, Map 31, Parcel 15B from Mixed Use-1 (MU-1) to Highway Commercial (HC) (631 Robert Smalls Parkway)**

Town Manager Willis read Ordinance 2010-10 by title and explained this was a rezoning request for property located on Robert Smalls Parkway. He told Council the Joint Municipal Planning Commission had not recommended the request rezone the property Highway Commercial.

Council discussed the request and asked if the owners would consider a lesser zoning.

Councilmember DeLoach moved to adopt first reading of Ordinance 2010-10 with the zoning of General Commercial (GC). Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2010-11. 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 40A (approximately 70 feet on 10th Street)**

Town Manager Willis read Ordinance 2010-11 by title and explained this would be a continuation of existing sidewalk on 10th Street. He told Council the request fit the parameters of the Sidewalk Policy.

Councilmember Robinson moved to adopt first reading of Ordinance 2010-11 and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

VIII. FOR COUNCIL'S ACTION:

A. Appointments:

- 1. Zoning Board of Adjustments and Appeals – reappoint Al Legare and Scott Hammet**

Councilmember Lee moved to reappoint Al Legare and Scott Hammet to the Zoning Board of Adjustments and Appeals and Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

- 2. Design Review Board – reappoint Brian Herrmann; appoint one (1) to fill vacant seat**

Councilmember Heyward moved to reappoint Brian Herrmann to the Design Review Board and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

No appointment was made to fill the vacant seat.

IX. IMPORTANT INFORMATION AND DATES:

- A. Saturday, September 11, 2010, 6:00 pm, Street Music on Paris Avenue featuring *Davina & the Vagabonds***
- B. Monday, September 13, 2010, 5:30 pm – Joint Municipal Planning Commission, 1901 Boundary Street, Beaufort, Municipal Court Building**
- C. Saturday, September 25, 2010, 6:00 pm – Street Music on Paris Avenue featuring *Stacy Mitchhart Band***
- D. Wednesday, October 6, 2010, 6:30 pm - Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. Wednesday, October 6, 2010, 6:30 pm - immediately following the scheduled Public Hearing, Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Thursday, October 7, 2010, 5:30 pm – Design Review Board, Town Hall, 700 Paris Avenue**

- G. Monday, October 11, 2010, 5:30 pm – Joint Municipal Planning Commission, Municipal Court Building, 1901 Boundary Street, Beaufort**
- H. Wednesday, October 13, 2010, 6:30 pm – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

Town Manager Willis reviewed the list of important information and dates and added the Military appreciation event on September 11th. He also added the 911 Memorial Service sponsored by the City of Beaufort to be held at 11:00 am on September 11th.

Councilmember Lee stated that sidewalk repair was needed on 10th and 11th Streets due to tree roots growing underneath.

Councilmember DeLoach suggested a sign be placed at the boat landing designating certain spaces for vehicles with boat trailers. He said cars were taking the spaces forcing vehicles with trailers to park along the roadside.

- X. 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.**

John Winner said he had spoken with Governor Sanford concerning the proposed ten acre park. He suggested part of the area be returned to a marsh wetland making it crab friendly and bringing back natural fishing.

Councilmember DeLoach said he supported the ten acre park saying it would be to the advantage of town citizens. He explained the need for public access to the river. He stated the property in this area was not fit to be built on.

Mike Jones asked that the property be preserved for later saying once it was built o it would be almost impossible to get back.

Councilmember Heyward requested a meeting to discuss the park issue and Governor Sanford. The meeting would be held before the September 29th State Budget and Control Board Meeting at which sale of the port property would be voted on.

XI. ADJOURNMENT:

Councilmember Lee moved to adjourn and Councilmember Heyward seconded the motion.

The meeting adjourned at 7:15.

Regular Council Meeting
September 8, 2010

Respectfully submitted,

Tanya L. Payne
Municipal Clerk

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

September 27, 2010

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

Staff Present: Town Manager Van Willis, Police Chief Jim Cadien and Municipal Clerk Tanya Payne

Special Guests: Governor Mark Sanford, Senator Tom Davis and Representative Shannon Erickson

I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the meeting to order at 4:05 pm and welcomed those present.

II. INVOCATION:

Councilmember DeLoach offered the invocation.

III. DISCUSSION:

A. Sale of Port property:

Mayor Murray explained the purpose of the meeting was to discuss concerns raised by Governor Sanford concerning a proposed ten acre park to be located at the end of London Avenue on the port property. He told those present the Town would give an overview of the three plans involved, the Governor would be given an opportunity to speak and then the public would be allowed to speak. Mayor Murray explained the ten acre park with water accessibility is still in the plan. He reviewed a timeline of events that had taken place since the state decided to sell the port.

Town Manager Willis reviewed the Citizen's Plan which was made using public charettes for input. He showed drawings and diagrams of the proposed parks, walking areas and neighborhood development. He also reviewed steps which were required in order to make any changes to the Planned Unit Development (PUD).

Mayor Murray explained the Ports Authority had combined the citizen's plan and a market study to create the second plan and the third plan included input from Governor Sanford for a ten acre park.

Councilmember Joe Lee who attended the public charettes showed slides of the three plans and pointed out green spaces located in each plan.

Mayor Murray stated that all three plans included a water accessible park. He reviewed the process that would be required in order to make changes to the PUD or the Development Agreement. He explained the developer would submit the proposed changes to the Joint Municipal Planning Commission which would review the changes and make recommendation to Council. Council would then be required to hold first reading on the requests, two public hearings and second reading in order to make any changes.

Councilmember DeLoach spoke in favor of having a ten acre park located on property at the end of London Avenue. He said this property is not suitable for building houses. Councilmember DeLoach said the future of the Town depends on the development of the port and that once the property is built on it can never be retrieved.

Governor Sanford discussed the benefits to the Town of a ten acre park at the end of the development saying it was increasingly important to citizens to have access to the water. Governor Sanford also stated the proposed sale of the property to the current client in two phases was a concern. He felt the "cream" of the property was being sold first allowing the developers to back out of the second phase should they decide to do so. Governor Sanford stated his purpose of being at the meeting was to support a park of scale on the property but said it did not have to be a full ten acres. He explained he does not support deleting the park from the plan and replacing it with houses.

Mayor Murray told those present that everyone wanted a park but maybe not a ten acre park. He said neither the development agreement nor the PUD could be changed without going through the process as explained earlier...

IV. PUBLIC COMMENTS: At this time, the Mayor will recognize members of the audience who have submitted Speaker Forms to address the Council. Each speaker will be limited to two minutes.

Marny Von Harten (Shipwright Cr) spoke in support of the park and the importance of open space. She said the park would give local people the opportunity to access the water.

John Winner (Paris Avenue) expressed concerns about splitting the sale into two phases. He said the best property could be developed leaving the second phase with no infrastructure and a problem area for the town.

Mary Anna Hanke (Lenora Drive) addressed Council in support of the ten acre park. She read a statement saying this could be a win-win situation for both the Town and the developers. Ms. Hanke said the park would make Port Royal a destination for visitors and locals alike.

Jeff Pinckney told Council he was developing property in Port Royal and his success depended on sale of the port. He said everyone wanted a park and he agreed with both the governor and the Town on some issues. Mr. Pinckney said it was important to get the property sold.

Governor Sanford asked Council to commit to a seven point five acre park at the end of the development (London Avenue).

Mayor Murray said there will be a park but that Council cannot commit at this time to any certain size. He explained any changes to the PUD would have to go through the legal process as explained before.

Samantha Siegel of the South Carolina Sierra Club said the property was not appropriate for houses. She spoke on the environmental impact building on the property would have and expressed density concerns.

Mark Sutton (Scipio Road) addressed Council in favor of the ten acre park and asked them to "Save Us a Slice" for the people. He said the citizens should have the first choice for a park and that it has to be where citizens can walk to the water to fish or cast a net. Mr. Sutton suggested the park be named the "Governor's Park".

Chris Marsh (16th Street) thanked Council for holding this meeting to allow comments from the governor and the citizens. Mr. Marsh proposed that council pass an ordinance protecting low-lying critical areas on the port property. He said this would insure that the property would be preserved.

Jack Baggette (Lenora Drive) agreed with Councilmember DeLoach and Governor Sanford saying there is only one chance to get this right. He supported a ten acre park or at least one close to that in size.

Richard Miller (Richmond Avenue) expressed concerns about the two phase proposal of the sale.

George Johnston (St. Helena Island) agreed with Governor Sanford and expressed concerns splitting the sale into two phases. He said water access is a great value to the people of Port Royal. He also spoke of the benefits of the proposed Rail Trail and having it end at park.

Kathryn Johnston (St. Helena Island) compared the development of the Henry Chambers Park in Beaufort which faced opposition to the proposed park in Port Royal.

Louis Bruce (9th Street) supported the citizen's plan and the park. He said he had participated in development of the plan which included a park and asked why can't we stick to the plan.

Thomas Klein (Madrid Avenue) said he had purchased property in the town based on sale of the port and its development plan. He said it is time to get the deal done.

Dot Gnann (Riverside Drive) spoke in support of the park and asked council not to swap the park for a higher tax base.

Sing Pappas spoke in favor of the ten acre park asking council to keep the park from London Avenue forward to the water.

David Kell (9th Street) spoke of the financial impact the Beaufort Waterfront Park has for the City and said Port Royal can have the same thing. He asked that the PUD be implemented as it is.

Bob Bender disagreed with the ten acre park saying it was not necessarily the best option. He told those present there were areas of the proposed park where you could not see the water. He supported Council in its effort to do what was right for the town.

Andrea Mallot of the Coastal Conservation passed around maps showing the critical line and said the entrance of the Sands needed to be protected. She said the league has confidence in Council in their process for any changes to be made to the plan.

Senator Tom Davis said any changes to the PUD could encourage law suits since bidders had prepared their bids using the plan. He also mentioned that bidders had to bid on the whole property and if the property were sold in two phases this could also be reason for law suits.

Representative Shannon Erickson said this was just the first step in the process and was not the end of Council's input on the development.

Governor Sanford said he disagreed with Representative Erickson.

Attorney Colden Batty, Ports Authority Board Member explained when the port was first advertised it was to be sold in one part but since then other deals had failed and the economy had dropped the Ports Authority felt they should approve the sale. He said they felt they should go through with it for the benefit of Port Royal.

Councilmember Heyward thanked everyone for coming and said parks had been in the plan from the beginning. She said she would stand behind the citizen's of the town and that the water would be accessible to the people. Ms. Heyward said she felt there should be no sale if the purchaser could not buy all the property at one time.

V. IMPORTANT INFORMATION AND DATES:

- A. Thursday, September 29, 2010, 2:00 pm - State Budget and Control Board Meeting**
- B. Wednesday, October 6, 2010, 6:30 pm - Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- C. Wednesday, October 6, 2010, 6:30 pm - immediately following the scheduled Public Hearing, Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- D. Thursday, October 7, 2010, 5:30 pm – Design Review Board, Town Hall, 700 Paris Avenue**
- E. Monday, October 11, 2010, 5:30 pm – Joint Municipal Planning Commission, Municipal Court Building, 1901 Boundary Street, Beaufort**
- F. Wednesday, October 13, 2010, 6:30 pm – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

VI. ADJOURNMENT:

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

The meeting adjourned at 5:48 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 ten days 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.