

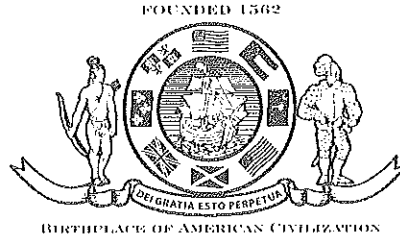
Town of Port Royal, South Carolina

Council

Samuel E. Murray
Mayor

Vernon DeLoach
Mayor Pro Tempore

Mary Beth Heyward
Tom Klein
Joe Lee



Van Willis
Town Manager

T. Alan Beach
Chief of Police

Jeffrey S. Coppinger
Daniel G. Lemieux
Operations

Linda Bridges
Planning

Minutes Public Hearing Yvonne C. Butler Council Chambers, 700 Paris Avenue

January 2, 2013

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

Staff Present: Town Manager Van Willis, Police Chief Alan Beach and Municipal Clerk Tanya Payne

I. CALL TO ORDER:

Mayor Murray called the Public Hearing to order at 6:30 pm and welcomed those present.

II. PURPOSE:

- A. Ordinance 2012-24. An ordinance authorizing the mayor of Port Royal to execute on behalf of the town a development agreement with the South Carolina State Ports Authority to approximately 317 acres of highland and wetlands located in the town and generally known as the South Carolina State Ports Authority Port Royal Terminal.**

Town Manager Willis read Ordinance 2012-24 by title and explained the development agreement for the port property had expired. He said the proposed agreement was very close to the now expired Seaport Development Agreement. Mr. Willis told those present the second public hearing for this development agreement would be held at 6:30 pm on January 9, 2013 at this same location.

Attorney Frances Cantwell told those present that state law requires that two public hearings be held for a development agreement and said the second would be held next week as stated by Town Manager Willis. She discussed the

agreement saying it would vest the zoning for the port property for a period of five years. She explained density for the residential area would remain at four hundred twenty five units while commercial property would remain at two hundred fifty square feet. Ms. Cantwell told those present the property swap for the Dockside Restaurant parking lot and the shrimp dock and fuel station would occur within six months of the sale and explained the two parks and promenade would be developed and transferred to the Town within two years of the sale. She explained the drystack would be removed within twelve months of the sale. Ms. Cantwell encouraged the Planning Department to amend the PUD so no new drystack could be built north of the village area nor at the end of London Avenue. Ms. Cantwell said if the property did not sell, the Port's Authority would remove the drystack within two months of the five year expiration date and the London Avenue Park would be transferred to the Town. She said the new owners or the State Ports Authority would be required work with the Town in order for the grant money to be used before the deadline. She told Council there were three small amendments to the PUD which would be taken care of by its adoption which included: inserting the date of November 9, 2011 on page 4 of the agreement, \$64,000 would be inserted in the blank on page 14 which would cover \$22,000 already paid to the school district, \$30,000 in attorney's fees and approximately \$10,000 for engineering fees. Ms. Cantwell explained this would be paid by the SPA. She explained if the property were sold, these fees would default to the developer. Ms. Cantwell explained the third change which would allow the Town to declare a default if transfer of the parks and removal of the drystack building did not happen in a timely manner.

III. COMMENTS:

SPA Attorney George Bullwinkle thanked Council for considering the agreement and told them most of the \$65,000 Ms. Cantwell had spoken of had been incurred by the Town while working with the redevelopment group. He said the SPA felt it was only fair for them to reimburse the Town for these expenditures because the work added value to the sale. Mr. Bullwinkle said the Budget and Control Board had approved the retention of NAIAVANT as listing agency for the property. He said they would be getting a new, full appraisal for the property in mid to late January.

Reed Armstrong, Coastal Conservation League, expressed concerns about whether there was a conflict in stormwater management between the November 9, 2011 Development Agreement and the PUD?

Phil Alling asked whether or not the land swap for the shrimp dock and conveyance of the nine acre park could take place before the sale of the property?

SPA Attorney George Bullwinkle explained there were safety and security issues to deal with especially with the construction which would take place at the shrimp

docks. He said the new parking area at the sands was on port property. Mr. Bullwinkle explained adding a new park would create problems due to future construction that might harm any improvements at the park. He said due to South Carolina state law, the shrimp dock could only be transferred at the approval of the Budget and Control Board and at its appraised value. He said the Town already has the benefit of the docks until the swap takes place. In reference to the stormwater question, he said any federal and state requirements would have to be adhered to.

Councilmember Heyward said she wanted to make sure all streets are open to the water.

Mr. Bullwinkle explained nothing had changed in this area and that all streets below 13th Street would maintain their vistas.

Councilmember Lee asked if the development agreement would begin at the sale of the property.

Ms. Cantwell explained the agreement would become effective upon adoption by Council and would last for five years. She explained if the developers wished to make changes they would have to ask council to amend the agreement.

Councilmember DeLoach asked what the SPA has done to improve the chances of sale.

Mr. Bullwinkle said the SPA was in the process of getting a new appraisal and explained that changes made by Town Staff, the Port Royal Redevelopment Group and the SPA such as reconfiguration of the park were a great benefit. He said they had cleaned the property and were considering more cleanup in the future.

Councilmember DeLoach expressed concern about moving the park near the existing port building and zoning on the property. He also had concerns about building placement close to the river considering high tides and zoning on the property.

Mr. Bullwinkle said OCRM would have to approve any use of the existing building. He explained the development agreement did not address the zoning of the property which was set by Council several years previously.

Attorney Cantwell explained there is a PUD in effect at this time which would be vested for two years beginning January 2013. She explained the PUD could be amended should Council choose to do so. Ms. Cantwell explained how a TIF District is established and how the tax funds are used for property improvements which in turn makes the property more marketable.

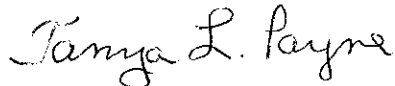
Town Manager Willis explained the grant would be use to add length to and repair the existing board walk.

There being no further comment, Mayor Murray thanked everyone for their comments and called the Public Hearing to a close.

IV. ADJOURNMENT:

The Public Hearing adjourned at 6:48pm.

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 Public Hearing was posted in the local newspaper and on the Town bulletin board fifteen days prior to the hearing. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the hearing.

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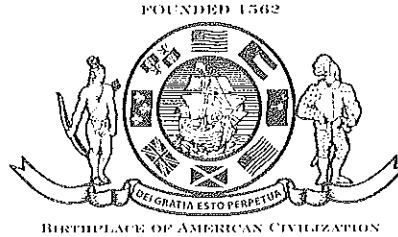
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Minutes Council Workshop Yvonne C. Butler Council Chambers, 700 Paris Avenue

January 2, 2013

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

Staff Present: Town Manager Van Willis, Police Chief Alan Beach and Municipal Clerk Tanya Payne

I. CALL TO ORDER:

Mayor Murray called the workshop to order at 6:49 pm and welcomed those present.

II. COUNCIL BRIEFING:

Town Manager Willis told Council the Ribaut Road resurfacing project would be complete upon installation of a pedestrian crosswalk sign at the new median. He said the Town had received an annexation request from property owners on Highway 170 but explained there would need to be a land swap with the City of Beaufort in order for this annexation to take place. He further explained the annexation would cross the Town's future growth boundaries reaching into Beaufort's growth area and making a land swap necessary. He said the Beaufort City Council had discussed the swap at its last meeting but so far Mr. Willis had not received word whether they would approve the swap.

Town Manager Willis told Council, at their request, a rental ordinance had been drafted. He said the ordinance would establish a registration process and some maintenance requirements for rental properties. Mr. Willis explained this would allow the Town opportunity to know who owns each unit and also who manages them. He said the ordinance would be ready for first reading at the January 9th Council Meeting. Mr. Willis gave an update on the proposed sewer installation to businesses along Ribaut Road. He said the appraisal to purchase easements had come in higher than expected and it was not incumbent to the Town to purchase the easements. Mr. Willis said he had no

issues with giving the owners capacity credits to use when hooking up to the system. He said letters had been sent to property owners informing them the Town preferred that the easements be donated to the Town. He told Council he would be submitting an application for the wetlands project to MASC Annual Awards program and that he was expecting letters of support from the Fripp Island Audubon Club, the Lowcountry Institute. Mr. Willis told Council he expected a proof of the new town map next week, said he had hired Brian Herrmann as a consultant to assist with the review of the Town's Form-Based Code, he had received scripts of a proposed ad featuring the Town which would run on WHHI television and told Council he had received a letter from the City of Beaufort letting the Town know where they stood on the Fire Services Contract and setting potential deadlines for the proposed contract. Mr. Willis said he would be meeting with managers of "The Shed" to discuss ways to get more "use" of that building.

III. REVIEW AGENDA FOR THE JANUARY 9, 2013 COUNCIL MEETING:

Town Manager Willis read Ordinance 2012-24 by title and said the ordinance would be discussed again at a second Public Hearing at 6:30 pm on January 9, 2013.

Town Manager Willis read first reading Ordinance 2013-1 by title and explained it would rezone property on Johnny Morrall Circle from General Residential to Mixed Use-2. He said the Metro Planning Commission had recommended this rezoning.

IV. IMPORTANT DATES AND INFORMATION:

- A. Thursday, January 3, 2013, 5:30 pm – Design Review Board Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- B. Wednesday, January 9, 2013 6:30 pm – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- C. Wednesday, January 9, 2013 Immediately following the scheduled Public Hearing - Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**

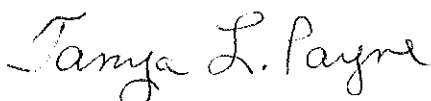
Town Manager Willis reviewed the list of important dates and information.

V. ADJOURNMENT:

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

The workshop adjourned at 7:30 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 workshop was posted on the Town bulletin board two weeks prior to the workshop. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours before the workshop.

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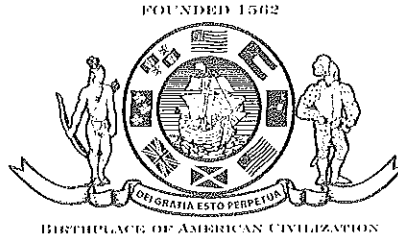
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Minutes Public Hearing Yvonne C. Butler Council Chambers, 700 Paris Avenue

January 9, 2013

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

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Chief Alan Beach and Municipal Clerk Tanya Payne

I. CALL TO ORDER:

Mayor Murray called the Public Hearing to order at 6:30 pm and welcomed those present.

II. PURPOSE:

- A. **Ordinance 2012-24. An ordinance authorizing the mayor of Port Royal to execute on behalf of the town a development agreement with the South Carolina State Ports Authority to approximately 317 acres of highland and wetlands located in the town and generally known as the South Carolina State Ports Authority Port Royal Terminal.**

Town Manager Willis read Ordinance 2012-24 by title.

Attorney Frances Cantwell explained the agreement would be with the State Ports Authority and would vest zoning for the property which was adopted by Council in November 2012. She explained the property, upon development, would include residential neighborhoods, a Marina Village, a commercial area and parks and a promenade. Ms. Cantwell said there could be up to four hundred twenty five residential units and up to two hundred fifty thousand square

feet for commercial use. She explained the dry stack building would be torn down within twelve months of the sale and should the property not sell, the Ports Authority would take the building down within two months of the agreement's expiration, no new drystack would be built that would block the vista on London Avenue and that it would stay within the commercial areas, the bluff or the marina area. Ms. Cantwell said the PUD would be amended to assure these changes take place. She said the land swap would take place within six months of closing, parks would be improved and conveyed to the Town within two years and grant funds would be used in the allotted time frame. Ms. Cantwell stated that attorney's fees and engineering fees would be paid in sixty days of the statement dates.

SPA Attorney George Bullwinkle thanked everyone for their hard work on this agreement and said there is an interested purchaser for the property

Jim Crower asked about the relationship between the PUD and the development agreement.

Ms. Cantwell explained the PUD was approved by Council in November 2011 and became effective July 1, 2012. She explained the PUD sets the zoning for the property and tells what you can build, where you can build and how you can build it. She said upon approval, the development agreement would vest the zoning for five years. Ms. Cantwell recommended that Council amend the PUD to restrict where a drystack could be located and said any amendment would have to go before the Metro Planning Commission for recommendation.

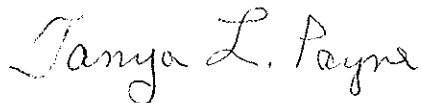
III. COMMENTS:

There were no further comments.

IV. ADJOURNMENT:

There being no further comment, the hearing adjourned at 6:48 pm.

Respectfully submitted,



Tanya L. Payne
Municipal Clerk

In accordance with South Carolina Code of Ordinance, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the Town bulletin board two weeks prior to the meeting. A copy of the agenda was given to the local news paper and posted at the meeting location twenty-four hours before the meeting.

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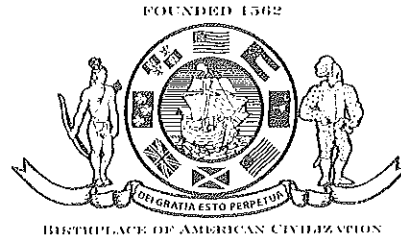
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Minutes Regular Council Meeting Yvonne C. Butler Council Chambers, 700 Paris Avenue

January 9, 2012

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

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Chief Alan Beach and Municipal Clerk Tanya Payne

I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the meeting to order at 6:48 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 December 12, 2012
- B. Minutes from the Regular Council Meeting of December 12, 2012

Councilmember Heyward moved to adopt the minutes from the Public Hearing of December 12, 2012 and the Regular Council Meeting of December 12, 2012. Councilmember Lee seconded the motion.

Councilmember Klein pointed out an error on Page 3, Section VIII. of the Regular Council Meeting minutes where it stated that first reading of Ordinance 2012-24 was adopted by unanimous vote when in fact it should have stated "the motion carried". The correction was made.

The motion carried by unanimous vote.

IV. COUNCIL BRIEFING:

Town Manager Willis told Council he had spoken with officials at the City of Beaufort concerning a letter they had received requesting an answer on the proposed Fire Services contract. He said he had requested more time for consideration of the contract and the City had agreed to wait until the end of February. Mr. Willis said he had spoken to City of Beaufort Staff concerning Future Land Use boundaries drawn several years ago according to the existing water lines at that time. Mr. Willis explained since then, both municipalities had sold their water systems. He explained the Metro Planning Commission would consider redrawing the lines using property boundaries. Mr. Willis told Council he had met with BJWSA officials to consider options for sewer lines along Ribaut Road since proposed plans had not worked out.

V. 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

Ann Marie Adams told those present the Redevelopment Commission would meet at 4:00 pm on January 31, 2013.

VI. SECOND READINGS:

- A. Ordinance 2012-24. An ordinance authorizing the mayor of Port Royal to execute on behalf of the town a development agreement with the South Carolina State Ports Authority to approximately 317 acres of highland and wetlands located in the town and generally known as the South Carolina State Ports Authority Port Royal Terminal.**

Town Manager Willis read Ordinance 2012-24 by title.

Councilmember Klein moved to adopt Ordinance 2012-24 and Councilmember Heyward seconded the motion.

Town Attorney Frances Cantwell and SPA Attorneys George Bullwinkle and Neil Robinson answered questions and discussed concerns posed by Council concerning the proposed development agreement.

Mayor Murray and Councilmembers Heyward, Lee and Klein voted yes.
Councilmember DeLoach voted no.

The motion carried.

VII. FIRST READINGS:

- A. Ordinance 2013-1. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately .61 acres as shown and described as Beaufort County Tax District 110, Map 9, Parcels 23A and 23F to be rezoned from General Residential (GR) to Mixed Use-2 (MU-2) (located at 132 and 134 Johnny Morrall Circle)**

Town Manager Willis read Ordinance 2013-1 by title and showed the property on the map. He said the requested zoning fits well into the neighborhood and with the Future Land Use Map. Mr. Willis told Council the Metro Planning had recommended this change in zoning.

Councilmember Heyward moved to adopt first reading of Ordinance 2013-1 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- B. Ordinance 2013-2. An ordinance of the Town of Port Royal, South Carolina, amending the Code of Ordinances, Chapter 12 entitled "Licenses and Business Regulations" by adding Article VI regarding registration of rental property; and by adopting by reference Port Royal Town Code Chapter 12 and Section 67**

Town Manager Willis read Ordinance 2013-2 by title and explained this was a rental registration ordinance which would allow the Town to collect information on property managers so staff would know who to contact when there was a problem with rental units. He said there had been several code violations recently where the property managers could not be reached.

Councilmember Lee moved to adopt first reading of Ordinance 2013-2 and Councilmember Klein seconded the motion.

The motion carried by unanimous vote.

- C. Ordinance 2013-3. An ordinance amending Chapter 22, "Zoning" Article IV, Sections 22-62. B (5), 22-63. B (5), 22-65. and B (6) and Article VI. Section 22-131 of the Code of Ordinances of the Town of Port Royal pertaining to allowance of chickens within residential zones as a dwelling accessory**

Town Manager Willis read Ordinance 2013-3 by title and reminded Council this issue had been discussed previously but explained the ordinance had not been adopted. He

read a portion of the ordinance pertaining to requirements which would be in place for residents who wished to keep chickens. Mr. Willis said they would be limited to six chickens with no rooster included, the chickens must be contained within a closure to keep them from running free and the food must be stored in rodent proof bins.

Councilmember Lee moved to adopt first reading of Ordinance 2013-3 and Councilmember Klein seconded the motion.

The motion carried by unanimous vote.

VIII. IMPORTANT INFORMATION AND DATES:

- A. Monday, January 14, 2013, 5:30 pm – Metro Planning Commission, Beaufort City Hall, 1911 Boundary Street**
- B. Monday, January 21, 2013 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Martin Luther King Jr. Day**
- C. Wednesday, February 6, 2013, 6:30 pm – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- D. Wednesday, February 6, 2013, immediately following the scheduled Public Hearing – Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. Thursday, February 7, 2013, 5:30 pm – Design Review Board Meeting, Town Hall, 700 Paris Avenue**
- F. Wednesday, February 13, 2013, 6:30 pm - Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- G. Monday, February 18, 2013, 5:30 pm – Metro Planning Commission, Beaufort City Hall, 1911 Boundary Street**

Town Manager Willis reviewed the list of important information and dates and added the Redevelopment Commission meeting on January 31st at 4:00 pm.

IX. COUNCIL'S COMMENTS:

Councilmember Lee moved to reschedule the February council meeting for Thursday, February 14, 2012 because most of Council would be attending a meeting in Columbia on the 13th. Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

Planning Administrator Bridges told Council headway was being made on the proposed service station to be at Ribaut Road and Paris Avenue. She said the second Design Review Board meeting had been held on this project and that the applicants would be meeting with small groups of DRB members (two at a time) to discuss the request and work through some issues.

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.

Ann Marie Adams discussed a fifty thousand grant by Duke University to explore the economic development along the state's scenic by-ways and suggested the Town contact Dr. Harrell at the University of South Carolina about how Port Royal could be included in the study.

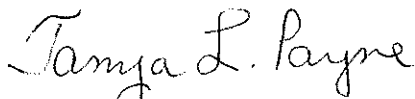
Town Manager Willis told Council this issue would be discussed at the upcoming Council Retreat. He said the Old Village Association had in the past produced the Town's festivals but said the OVA might be struggling. He said he had offered the Town's full assistance with the upcoming Soft Shell Crab Festival. Mr. Willis said the Town might need to contract with some entity to oversee the Town's festivals along with any others events the Town might wish to host.

XI. ADJOURNMENT:

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

The meeting adjourned at 7:45 pm.

Respectfully submitted,



Tanya L. Payne
Municipal Clerk

In accordance with South Carolina Code of Ordinance, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the Town bulletin board two weeks prior to the meeting. A copy of the agenda was given to the local news paper and posted at the meeting location twenty-four hours before the meeting.

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