



Council

Joe DeVito
Mayor

Darryl Owens
Mayor Pro Tempore

Jerry Ashmore
Mary Beth Heyward
Kevin Phillips

Van Willis
Town Manager

T. Alan Beach
Chief of Police

Jeffrey S. Coppinger
Operations

Noah Krepps
Planning

AGENDA

DATE: August 9, 2023
TIME: 6:30 PM
SUBJECT: Regular Council Meeting
LOCATION: Yvonne C. Butler Council Chambers, 700 Paris Avenue

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. INVOCATION
- IV. APPROVAL OF MINUTES
 - A. Minutes from the Council Workshop of July 5, 2023
 - B. Minutes from the Council Meeting of July 12, 2023
- V. PRESENTATION
 - A. "Off the Eaten Path" – Nancy Plank, Ashlee Houck and Megan Carew
 - B. Port update
 - i. Safe Harbor – Marina
 - ii. Beach Company – Bluff neighborhood
- VI. COUNCIL BRIEFING
- VII. 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 three minutes.

VIII. FIRST READING

- A. **2023-12. An ordinance amending the business license ordinance of the Town of Port Royal to update the class schedule as required by act 176 of 2020.**
- B. **2023-13. An ordinance to repeal Chapter 19 Traffic and Motor Vehicles, Article I Stopping, Standing and Parking, Section 19-31 Control of parking in public parking areas or private parking areas under the jurisdiction of the police department, and replace with Sections 19-31 – 19-41.**

IX. COUNCIL ACTION

- A. **Memorandum of Understanding Between The Town of Port Royal and Lowcountry Council of Governments (LCOG) – Lowcountry Installation Resilience Review Implementation**

X. IMPORTANT DATES

- A. **Saturday, August 12, 2023 – Fall Street Concert Series – Bennett Matteo Band at 6 PM**
- B. **Tuesday, August 15, 2023 – Redevelopment Commission Meeting at 4:30 – 5:30 PM**
- C. **Thursday, August 17, 2023 – Joint Council Meeting at 6 PM, Town Hall**
- D. **August 17 – 27, 2023 - Off the Eaten Path**
- E. **Monday, August 21, 2023 – Municipal Election Commission Meeting at 5 PM**
- F. **Monday, August 21, 2023 – Metropolitan Planning Commission Meeting at 5 PM at 1911 Boundary Street**
- G. **Saturday, August 26, 2023 – Fall Street Concert Series – New Orleans Suspects at 6 PM**
- H. **Monday, September 4, 2023 – Labor Day- Town Offices will be closed**

XI. PUBLIC COMMENT

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 three minutes.

XII. COUNCIL COMMENTS

XIII. EXECUTIVE SESSION

- A. Discussion of current state of town boards and commissions**
- B. Discussion regarding a federal procurement of a prospective health care facility within the Town of Port Royal**

XIV. POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

XV. ADJOURNMENT

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80 (a)(d)(e), as amended, notification of regular meetings was given at the beginning of the calendar year. A copy of the agenda was posted on the Town Hall's bulletin board and website www.portroyal.org twenty-four hours prior to the meeting. A copy of the agenda was given to the local news media and requested public on file.

The Town of Port Royal does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services, or activities. Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the Civil Rights Coordinator. If at all possible, please give us at least a three to five day advance notice so we can adequately meet your needs. Civil Rights Coordinator at 843-986-2211.



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ORDINANCE 2023-12

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE OF THE TOWN OF PORT ROYAL TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the Town of Port Royal (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-29 on October 13, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the Town Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Port Royal, as follows:

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the "Business License Rate Schedule," is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 -Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: **8.6 NAICS Code Varies - Billiard or Pool Tables.** A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross

income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3)4 feet wide and 7 feet long, and \$12.50 per table longer than that."

- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," shall remain in full force and effect as set forth in the Current Business License Ordinance.
- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

ENACTED IN REGULAR MEETING, this ___ **day of** _____ , **20**_____.

Mayor

ATTEST:

Clerk

First reading:

Final reading:

**Exhibit A; Amendment to Classes 1 - 8 in Appendix B of the
Current Business License Ordinance**

APPENDIX B

Classes 1-8: Business License Class Schedule by NAICS Codes

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31-33	Manufacturing	3
42	Wholesale trade	1
44-45	Retail trade	1
48-49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.



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ORDINANCE 2023-13

An Ordinance to repeal Chapter 19 Traffic and Motor Vehicles, Article II Stopping, Standing and Parking, Section 19-31 Control of parking in public parking areas or private parking areas under the jurisdiction of the police department, and replace with Sections 19-31 – 19-40.

WHEREAS, the Town of Port Royal desires to improve the general safety, welfare, health and properties of the citizens of the Town of Port Royal; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Port Royal has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-140 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Port Royal Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Port Royal Town Council has heard concerns made by residents regarding parking issues and would like to provide the police department with the authority to regulate the parking within the Town.

NOW THEREFORE, be it ordained by the Port Royal Town Council, in Council duly assembled, and by the authority of the same to create 19-31 – 19-40 of the Port Royal Code of Ordinances, to state as follows:

**CHAPTER 19 – TRAFFIC AND MOTOR VEHICLES
ARTICLE II. -STOPPING, STANDING AND PARKING**

Sec. 19-31 – Parking Authorized.

Ordinance 2023-13

- a) In addition to other parking provisions of this article, the Town Manager and/or staff, under his/her direction, may designate areas or spaces on Town streets where the parking of vehicles is either permitted, prohibited, or limited to a specific time or otherwise restricted.
- b) When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day.
- c) When signs are erected giving notice that parking is limited to a certain period of time, people shall park a vehicle between the hours so designated.

Sec. 19-32 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Operator includes any person who shall operate, drive or be in control of any vehicle upon any street.

Park means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.

Safety Zone includes any marked area within the roadway where stopping, standing, or parking a vehicle is prohibited for purposes of pedestrian safety, loading and unloading, fire access, etc.

Vehicle includes any device in, upon or by which any person or property is or may be transported upon a roadway under the jurisdiction of the Town of Port Royal and local and state law enforcement including, but not limited to, motor vehicles, cars, trucks, watercraft, trailers, bicycles, motor bicycles, mopeds, motorcycles, all-terrain vehicles and golf carts.

Sec. 19-33 – Regulations.

- a) The Town Manager, his/her staff under his/her direction, and law enforcement are hereby authorized to regulate parking upon the public streets and properties of the Town.
- b) Yellow paint and/or signage shall be used to mark areas where parking is prohibited.

- c) All regulations and provisions shall conform to the Uniform Act Regulating Traffic on Highways as provided in S.C. Code annotated Chapter 56-5-10 et. seq., and are incorporated herein by reference.
- d) Upon posting of said regulations and provisions, local and state law enforcement, including but not limited to The Town of Port Royal Police Department, Beaufort County Sheriff's Office and South Carolina Highway Patrol shall have the power to remove and impound any automobile violating this section.
- e) The provisions contained herein shall also apply to any private parking area over which the Police or Sheriff's Department has police jurisdiction in accordance with § 23-1-15 of the S.C. Code of Laws.

Sec. 19-34 - Stopping, Standing, Parking (General)

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- a) Stop, stand or park a vehicle:
 - 1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - 2) On a sidewalk;
 - 3) Within an intersection;
 - 4) On a crosswalk;
 - 5) Within a safety zone;
 - 6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - 7) Upon any bridge or elevated structure;
 - 8) On any controlled-access highway or road;
 - 9) In the area between roadways of a divided highway, including crossovers; or
 - 10) At any place where official traffic control devices prohibit stopping.
- b) Stand or park a vehicle, whether occupied or not, except to momentarily pick up or discharge passengers or actually engaged in loading or unloading property:
 - 1) In front of a public or private driveway;
 - 2) Within 15 feet of a fire hydrant;
 - 3) Within 20 feet of a crosswalk at an intersection;
 - 4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
 - 5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite to any fire station within 75 feet of the entrance when properly signposted; or
 - 6) At any place where official traffic control devices prohibit stopping, standing or parking.

Ordinance 2023-13

Sec. 19-35- Unlawful to park on left side of street

No vehicle shall park with its left side to the curb on any street in the Town. The prohibition shall not apply to emergency vehicles while conducting official business, funeral processions or to one-way streets where such parking is permitted.

Sec. 19-36 – Parking Tickets Authorized.

- 1) The Town Manager, his/her staff and local law enforcement may, subject to the restrictions imposed in the foregoing sections, post signs and devices related to the limitations upon parking within the Town limits. Penalties shall be imposed by placing a parking citation / ticket upon any offending vehicle.
- 2) The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.
- 3) Failure to pay such amount as indicated on the ticket within the prescribed time, however, shall subject the owner to the general penalty as set forth in Section 19-38 and any additional penalties imposed by Section 19-39 of this Ordinance.

Sec. 19-37 – Disabled Vehicles.

The operator of any vehicle which becomes disabled on any street within the Town shall:

- 1) Move the disabled vehicle to the extreme right side of the road;
- 2) Notify the Police Department immediately that the vehicle is disabled;
- 3) Make arrangements to have the vehicle removed from the Town street and actually have the vehicle removed as quickly as possible;

Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

Sec. 19-38 – Parking Fines Established.

A fine of \$15.00 shall be reflected on the official parking citation and must be paid within 30 days from the date of issue, for violations under the provisions of section 19-31 and Section 19-34 (a) & (b) of this Ordinance.

Sec. 19-39 – Failure to Pay.

- a) If the parking citation is paid after the 30th day from the date of issue, an additional fine of \$10.00 shall be added for a total of \$25.00.

- b) If the parking citation is paid after 45 days from the date of issue, an additional fine of \$25.00 shall be added for a total of \$50.00.
- c) A court summons shall be issued to parking violators who do not pay within 45 days of issue.

Sec. 19-40 - Manner of Parking.

On all streets where vehicular parking is permitted, parking shall be on the right-hand side of the street with reference to the direction with which the vehicle is headed, and parallel to and with right side wheels adjacent to the street curb or sidewalk, except where official traffic control devices permit angled parking. Emergency vehicles on official duties are exempt from this section.

This Ordinance shall become effective immediately upon adoption by Council.

REQUESTED BY:

Milton E. Willis
Town Manager

ATTEST:

Lisa Graham
Municipal Clerk

APPROVED BY:

Joe DeVito
Mayor

Introduced: _____

Final Reading: _____



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**MEMORANDUM of UNDERSTANDING
BETWEEN
The Town of Port Royal and
Lowcountry Council of Governments (LCOG)**

Subject: Lowcountry Installation Resilience Review Implementation

The Lowcountry Council of Governments was awarded a grant by the Department of Defense to implement recommendations from the Lowcountry Military Installation Resilience Review for Marine Corps Air Station Beaufort, Marine Corps Recruit Depot Parris Island, and the surrounding communities. The goal of a Military Installation Resilience Review is to develop strategies to protect resources necessary to enhance resilience of military installations. This project will be a cooperative, strategic process among Marine Corps Air Station Beaufort, Marine Corps Recruit Depot Parris Island, and the surrounding communities of Beaufort County, the City of Beaufort, and the Town of Pot Royal.

1. The purpose of this MOU is to engage the services of the Planning Department of the Lowcountry Council of Governments (LCOG) to prepare the scoping and design package for the top ranked recommendation from the Lowcountry Military Installation Resiliency Review. The project will provide the scoping and design for the environmental resilience improvements at the Shell Point interchange.
2. Beaufort County, the City of Beaufort and the Town of Port Royal will serve as key stakeholders on the Advisory Committees created, providing input to the project team.
3. Work will consist of, but not be limited to the following tasks:
 - a. Establish a project steering committee
 - b. Develop scoping and 60% design package
 - i. Data collection
 - ii. Alternative analysis
 - c. Prepare Permitting
 - d. Complete a draft and final document for review
 - e. Complete final report

Lowcountry Council of Governments

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4. The LCOG planning department successfully applied for federal funds to conduct the work while local governments will supply the 10% local match. The total cost of the project is \$429,082. The Federal share is \$386,173 and local share is \$42,909. The local share is to be split between the three local entities:
 - a. Beaufort County will contribute \$21,455
 - b. City of Beaufort will contribute \$10,272
 - c. Town of Port Royal will contribute \$10,727

5. The completion date will be Friday August 30th, 2024.

6. This agreement will become effective upon the signature of both party's authorized officials.

Signed:

Town of Port Royal

Lowcountry Council of Governments

Date

Date

Lowcountry Council of Governments

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