

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

James L. Cadien
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 4, 2012

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

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Capt. 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 2011-20. An ordinance adopting a second amendment to a development agreement adopted by Ordinance 2001-46 and amended by Ordinance 2002-6 between the Town of Port Royal and George G. Trask, John M. Trask, Jr., Frederick G. Trask, Harold E. Trask, Jr., William D. Trask, Margaret Scheper Trask, James H. Trask, J. Donald Trask and Robert Edward Lee Holt, III (successor in interest to Kitty T. Holt), as parties of the second part (owner I), and Shell Point Farms, Inc. and Harold E. Trask, Jr., William D. Trask, Margaret Scheper Trask, James H. Trask, J. Donald Trask, and Robert Edward Lee Holt, III as parties of the third part (owner II).**

Town Manager Willis read Ordinance 2011-20 by title and explained the ordinance would extend the Trask Development Agreement for a period of five years. He showed the property on the map which included property in the Burton

area along Highway 170 and a portion of property located in the Shell Point Area. He reviewed some changes which were made to the agreement due to concerns expressed by Council at a previous meeting.

Planning Administrator Bridges told those present the underlying zoning for the property included Mixed Use-1, Mixed Use-2, Highway Commercial and Conservation Preservation.

Attorney David Tedder representing the Trask Family told Council the changes included increasing some fees and adopting additional standards. He explained any new development would have to comply with the Robert Smalls Parkway Corridor Development Standards and the Shell Point Neighborhood Overlay District. Mr. Tedder said development had been slower than expected due to the downturn of the economy and explained the property owners were requesting a five year extension on the agreement.

Councilmember DeLoach asked questions concerning how the agreement would work with the proposed form based code the Town and County were contemplating. He also asked questions about the benefits of renewing the agreement and how it would affect the Town. Mr. DeLoach suggested that a protection clause be added to the agreement requiring it to conform to the form based code should the code be adopted. He said this would protect the Town should issues arise concerning the code in the future.

Town Manager Willis explained any properties having a development agreement or PUD would be excluded from the form based code.

Property owner Meritt Paterson told those present the form based idea was extremely new and had not yet been proven. He explained the planners did not even know yet if it would work since it had not been tried anywhere.

Reed Armstrong, Coastal Conservation League, suggested that maybe Council consider the Future Land Use Map and Comprehensive Plan on this issue.

Councilmember Heyward said the property owners had already proven themselves with the two nice developments on the property and suggested Council approve the five year extension allowing them the opportunity to continue.

Property owner Harold Trask explained the agreement was developed in the best interest of the Town and the owners and said progress had been slow due to the economy. He asked Council for the opportunity to go forward.

III. COMMENTS:

Reed Armstrong read a statement asking Council to require any further development to meet the standards of the Beaufort County Best Management Practices Manual.

Councilmember DeLoach recommended a clause stating that any addition to of property to the development agreement be approved by Council.

Attorney Tedder explained that under state law, no property could be added to the agreement without an amendment to the ordinance.

IV. ADJOURNMENT:

There being no further comment, the Public Hearing adjourned at 7:10 pm.

Respectfully submitted,



Tanya L. Payne
Municipal Clerk

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(f), as amended, notification of the Public Hearing was posted in the local newspaper and on the Town bulletin board fifteen days before the hearing. A copy of the agenda was given to the local news media and posted at the hearing location twenty-four hours prior to the hearing.

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

January 4, 2012

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

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

I. CALL TO ORDER:

Mayor Murray called the Workshop to order at 7:10 pm.

II. REVIEW AGENDA FOR THE JANUARY 11, 2012 COUNCIL MEETING:

Town Manager Willis told Council he still was not sure when the repaving of Ribaut Road would take place but said \$200,000 had been set aside for the project. He asked for Council's help in getting the project started. Mr. Willis also discussed landscaping projects throughout the Town, said funds from the Millennium TIF would be used over the next year to expand the police station, install sewer along Ribaut Road and complete the Cypress Wetlands Project. Mr. Willis said closing on sale of the port property was expected in February or March. He said he had met with the Town attorney, school district attorneys and the school district's finance officer to discuss the proposed port property TIF. He further discussed the shrimp docks; said revenues were slow but should pick up with the New Year. Mr. Willis said new street lights were being installed on Paris Avenue and that new Christmas decorations would be needed next year to accommodate the new lights. He told Council the Redevelopment Commission would be meeting next week to discuss the managerial contract for "The Shed" and said the Fort Frederick road had been paved. Mr. Willis said he was working with Beaufort County to solve some property ownership issues which have slowed sewer connections to some properties.

Town Manager Willis told Council Lisa Wechsler would be presenting the Annual Financial Report at next week's meeting. He read Ordinance 2011-21 by title and explained it would adopt the Beaufort County Hazard Mitigation ordinance. Mr. Willis read Ordinance 2011-22 by title and explained the Town had adopted the state model ordinance for "Flood Damage Prevention" and that the State had made one minor change in their ordinance. He said this ordinance would adopt that change.

Town Manager Willis read first reading Ordinance 2012-1 by title and explained it would formalize funding of phase one of the development project at the port property.

Attorney Frannie Heizer explained this ordinance would authorize borrowing three million, six hundred twenty-five thousand dollars for first phase of the port development project. She said the ordinance authorizes borrowing up to four and one-half million dollars should the Town be required to have funds in a reserve fund in case problems arose or to make the last payment on the loan. She said revenues received from franchise fees could be used should this become necessary. Ms. Heizer told Council she would be meeting with the bank next week to discuss details of the loan. She answered questions posed by Council concerning the financing ordinance.

Town Manager Willis told Council four members of the Historic Preservation Commission were up for reappointment. He further explained a ninth amendment extending the Shrimp Dock Agreement with the State Ports Authority for another six months would also be on the agenda...

III. IMPORTANT DATES AND INFORMATION:

- A. Thursday, January 5, 2012, 5:30 pm – Design Review Board, Town Hall, 700 Paris Avenue**
- B. Monday, January 9, 2012, 5:30 pm – Metro Planning Commission, Beaufort City Hall at 1911 Boundary Street**
- C. Wednesday, January 11, 2012, 6:30 pm - Council Meeting, Yvonne Butler Council Chambers, 700 Paris Avenue**
- D. Monday, January 16, 2012 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Martin Luther King Jr. Day**

Town Manager Willis reviewed the list of information and dates.

IV. ADJOURNMENT:

Councilmember Heyward motioned to adjourn.

The Workshop adjourned at 7:45 pm.

Council Workshop
January 4, 2012

Respectfully submitted,



Tanya L. Payne
Municipal Clerk

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(f), as amended, notification of the workshop was posted on the Town bulletin board fifteen days before the hearing. A copy of the agenda was given to the local news media and posted at the workshop location twenty-four hours prior to the meeting.

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

January 11, 2012

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

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 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 Regular Council Meeting of December 14, 2011

Councilmember Heyward moved to adopt the minutes of the December 14, 2011 Council Meeting and Councilmember Klein seconded the motion.

Councilmember Klein pointed out an error under the Council Briefing where the word "winch" was misspelled.

The correction was made and the motion carried by unanimous vote.

IV. AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

V. AUDIT REPORT:

A. Annual Financial Report, Doug Crowley and Lisa Wechsler of Crowley, Wechsler & Associates LLC

Lisa Wechsler of Crowley, Wechsler & Associates LLC presented the audit report for the 2010/2011 Fiscal Year. She reviewed the report page by page discussing revenues, assets, fund balances and expenditures. Ms. Wechsler reviewed the comparison chart explaining budgeted amount and actual amount spent. She said the Town had collected more revenue than expected but also spent more than budgeted. Ms. Wechsler explained the over expenditure was due to specific funds that had to be used for specific expenditures. She said the variance for the year was just under one hundred thirty-five thousand dollars and that there was no reason to be alarmed.

VI. COUNCIL BRIEFING:

There was no new 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 agenda items. Each speaker will be limited to two minutes.

Barbara Stanley, Shell Point resident, spoke in opposition of Ordinance 2011-20 which would extend the Trask Development Agreement for five years.

Carolyn Davis speaking on behalf of the Shell Point Homeowners Association read a statement opposing Ordinance 2011-20.

Wayland Chavers opposed the extension of the Trask Development. He expressed concerns about increase in density for that area.

Harold Trask asked that the agreement be extended for five years saying they had been good stewards of the property by building two upscale developments on the property. He said the agreement does not change the zoning but it gives the opportunity to work with the Town on future developments.

Reed Armstrong, Coastal Conservation League, discussed how future development would be affected by the form based code should it be adopted. He suggested that it be included in the agreement.

Blakely Williams spoke in favor of the proposed TIF to be used to develop infrastructure at the port property.

VIII. SECOND READINGS:

- A. Ordinance 2011-20. An ordinance adopting a second amendment to a development agreement adopted by Ordinance 2001-46 and amended by Ordinance 2002-6 between the Town of Port Royal and George G. Trask, , Harold E. Trask, Jr., William D. Trask, Margaret Scheper Trask, James H. Trask, J. Donald Trask and Robert Edward Lee Holt, III (successor in interest to Kitty T. Holt), as parties of the second part (owner I), and Shell Point Farms, Inc. and Harold E. Trask, Jr., William D. Trask, Margaret Scheper Trask, James H. Trask, J. Donald Trask, and Robert Edward Lee Holt, III as parties of the third part (owner II).**

Town Manager Willis read Ordinance 2011-20 by title and reviewed changes made to the agreement since first reading. He pointed out current developments at the property on the Town's Future Land Use Map. Mr. Willis also pointed out the property located on Trask Parkway (Highway 170) and the Shell Point Farms located on Savannah Highway (Highway 802).

Councilmember Heyward moved to adopt Ordinance 2011-20 and Councilmember Lee seconded the motion.

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

The motion carried.

- B. Ordinance 2011-21. An ordinance to adopt an updated Beaufort County Hazard Mitigation Plan**

Town Manager Willis read Ordinance 2011-21 by title and explained this ordinance would renew the Hazard Mitigation Plan Intergovernmental Agreement with Beaufort County Hazard.

Councilmember Heyward moved to adopt Ordinance 2011-21 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

- C. Ordinance 2011-22. An ordinance to amend Chapter 9, "Flood Damage Prevention", of the Town of Port Royal Code of Ordinances**

Town Manager Willis read Ordinance 2011-22 by title and explained the Town had adopted the State's model ordinance for Flood Damage Control which had since been modified. He said this ordinance would adopt those modifications.

Councilmember Heyward moved to adopt Ordinance 2011-22 and Councilmember Lee seconded the motion.

The motion carried by unanimous vote.

IX. FIRST READING:

- A. Ordinance 2012-1. An ordinance authorizing the issuance and sale of not to exceed \$4,500,000 Tax Increment Bonds, Series 2012, or such other appropriate series designation, of the Town of Port Royal, South Carolina, for the purpose of paying the cost of certain redevelopment projects; limiting the payment of the bonds from the sources provided herein; providing for the disposition of the proceeds thereof; and other matters relating thereto.**

Town Manager Willis read Ordinance 2012-1 by title and explained this would be capital improvements funds for Phase I of the port property redevelopment to include parks, roads, water and sewer. He said he would be meeting with Beaufort County Council and with Beaufort County School District next week to discuss the proposed TIF. Mr. Willis told Council he would be discussing details of the financing for this project with the town's financial attorney, Frannie Heizer, the following day.

Attorney Frances Cantwell said this ordinance was step one in the process and that the TIF funds should pay for the bond. She answered questions posed by Council concerning the TIF.

Councilmember Lee moved to adopt Ordinance 2012-1 and Councilmember Heyward seconded the motion.

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

The motion carried.

X. FOR COUNCIL'S ACTION:

A. Appointments:

- 1. Historic Preservation Commission – reappoint four**

Councilmember Lee moved to reappoint Patty Crower, Doug Novak and Beekman Webb to the Historic Preservation Commission. Councilmember Heyward seconded the motion.

The motion carried by unanimous vote.

2. Lowcountry Housing Trust – appoint one

Councilmember Klein was chosen to represent the Town on the Lowcountry Housing Trust Board.

B. Approval of Ninth Amendment to Agreement with the State Ports Authority concerning the Shrimp Docks

Town Manager Willis explained it was necessary to extend the Shrimp Dock Agreement with the State Ports Authority in order for the Town to continue operation of the Dock. He said this extension would carry through June 30, 2012.

Councilmember Lee moved to adopt the Ninth Amendment to the Shrimp Dock Agreement and Councilmember Klein seconded the motion.

The motion carried by unanimous vote.

XI. IMPORTANT INFORMATION AND DATES:

- A. Monday, January 16, 2012 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Martin Luther King, Jr. Day**
- B. Wednesday, February 1, 2012, 6:30 pm – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- C. Wednesday, February 1, 2012, 6:30 pm – Council Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- D. Thursday, February 2, 2012, 5:30 pm – Design Review Board Meeting, Town Hall, 700 Paris Avenue**
- E. Wednesday, February 8, 2012, 6:30 pm – Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- F. Monday, February 20, 2012, 5:30 pm – Metro Planning Commission, Beaufort City Hall, 1911 Boundary Street**

Town Manager Willis reviewed the list of important information and dates and reminded everyone of the school board meeting on Tuesday, January 17th where the Town would be making a presentation from 5:00 to 6:00 concerning the TIF.

XII. 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.

Port Royal resident Brenda McClung-Merrit introduced herself to Council and told them she was interested in government and had come to see how things were done in Port Royal.

XIII. ADJOURNMENT:

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

The meeting adjourned at 7:50 pm.

Respectfully submitted,



Tanya L. Payne
Municipal Clerk

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