

# Town of Port Royal, South Carolina

## Council

Samuel E. Murray  
Mayor

Henry Robinson  
Mayor Pro Tempore

Vernon H. DeLoach  
Mary Beth Heyward  
Joe Lee



Van Willis  
Town Manager

James L. Cadien  
Chief of Police

Jeffrey S. Coppinger  
Daniel G. Lemieux  
Operations

Linda Bridges  
Planning

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

November 2, 2011

- Members Present:** Mayor Sam Murray and Councilmembers Vernon DeLoach, Joe Lee and Henry Robinson
- Members Absent:** Councilmember Mary Beth Heyward (family illness)
- Staff Present:** Town Manager Van Willis, Planning Administrator Linda Bridges and Police Chief Jim Cadien
- Staff Absent:** Municipal Clerk Tanya Payne (illness)

### I. CALL TO ORDER:

Mayor Murray called the workshop to order at 7:20 pm.

### II. REVIEW AGENDA FOR THE NOVEMBER 9, 2011 COUNCIL MEETING:

Town Manager Willis told Council stormwater drainage at the Duck Blinds Pond had improved significantly and said problems in Old Shell Point had been taken care of. He explained drainage work near the post office would be completed along with installation of sewer in that area. Mr. Willis said he was still working to gain access to the Fort Frederick boat landing, the mast arm installation at the intersection of Ribaut Road and Lady's Island Drive was completed with exception of moving one pole which would be done by Century Link, contractors were finishing up the intersection and sidewalk by repaving and restriping and the Cypress Wetlands project was moving along well. He said the stage at the wetlands would be completed soon and contractors would begin work on the elevated walkways. Mr. Willis said proposed renovation of the police department would depend on remaining TIF funds and next's years TIF funds.

Town Manager Willis told Council if the port deal goes through the shrimp dock, building and fueling facilities would belong to the Town and recommended rewriting the RFP to

choose a qualified manager for that operation. He reminded Council revenue is generally slow at the beginning of the calendar year but said a tax anticipation note would not be needed this year. He said the audit is under way and would be ready for presentation at either the December or January meeting. Mr. Willis said the contract with 303 Associates for management of "The Shed" was still under review but should be ready for Council's approval in December. He also told Council form-based code charettes had been held in the Town, damage to palmetto trees, other plantings and irrigation systems caused by drunk driver accidents would be taken care of and the Fort Frederick Sewer project was moving along quickly. Mr. Willis said the Town may be required to repair some roadway in the Fort Frederick area that was not covered by the grant.

Town Manager Willis reviewed the agenda for the upcoming Council Meeting on November 9<sup>th</sup>. He explained Ordinances 2011-17, 2011-18 and 2011-19 had just been reviewed in the preceding Public Hearing. Mr. Willis said the documents would be posted on the website as soon as possible for public viewing.

Town Manager Willis read first reading Ordinance 2011-16 by title and explained it would rezone property on Parris island Gateway in Wright's Point from MU-1 to HC. He showed the property on the map and said the request had not been recommended by the Metro Planning Commission. Mr. Willis also read first reading Ordinance 2011-20 by title and explained it would extend the expiration date of the development agreement for property owned by the Trask Family and located along Highway 170 with a portion being located near the Shell Point Elementary School.

Town Manager Willis told Council appointments were needed for the Redevelopment Commission and the Historic Preservation Commission. Also on the agenda was the approval of a landscape maintenance contract for parks and green spaces all over the Town.

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

- A. Thursday, November 3, 2011, 5:30 pm – Design Review Board, Town Hall, 700 Paris Avenue**
- B. Wednesday, November 9, 2011, 6:30 pm – 2<sup>nd</sup> Public Hearing for the Development Agreement, Yvonne Butler Council Chambers, 700 Paris Avenue**
- C. Wednesday, November 9, 2011, immediately following the scheduled Public Hearing - Council Meeting, Yvonne Butler Council Chambers, 700 Paris Avenue**

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

**IV. ADJOURNMENT:**

Councilmember Robinson moved to adjourn the workshop.

The workshop adjourned at 7:45 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 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.

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

November 9, 2011

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

**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. He recognized State Representative Shannon Erickson, Attorney Colden Battey, members of the State Ports Authority Board, Town Attorney Frances Cantwell, Town Engineer Tony Maglione, and Architect Lee Helena and thanked them for attending the hearing.

### II. PURPOSE:

- A. Ordinance 2011-18. An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the Town with the Port Royal Development Group, LLC pertaining to Approximately 317 acres of property located in the Town of Port Royal along Battery Creek known as the Port of Port Royal tract as shown on a plat entitled "Plat of 51.6 acres of highland at South Carolina State Ports Authority, Port Royal Terminal" prepared by Thomas & Hutton Engineering Co. dated December 20, 2006 and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County RMC Office, consisting of approximately 51.44 acres of highland and 265.91 acres of marsh.**

Town Manager Willis read Ordinance 2011-18 by title and reviewed changes made to the development agreement since the last meeting.

Jeff Pinckney introduced partners Ken Willis, Will Thurmond, Sam Thurmond and David Hornsby.

Councilmember DeLoach asked questions and expressed concerns about the proposed development plan.

Jayson Gardner, representing the Beaufort Regional Chamber of Commerce, said the plan would be great for the Town and urged Council to vote in favor of the development agreement.

Bob Bender read a statement concerning the development agreement and said he was satisfied with the elements of the plan.

Jim Crower thanked Council for making suggested changes to the development agreement and said he would like to be reassured that the document is complete.

Linda Pinckney Hall, business owner, speaking for herself and her sisters, thanked Jeff Pinckney, Town staff and the potential buyers for their work on this project and asked Council to vote yes.

Mare Deckard told Council this project represents businesses for the Town and said the opportunity could not be passed over.

Nancy Vista said the Town is ready to move on and encouraged Council to "get the ball rolling" by voting in favor of Ordinance 2011-18.

Scott Hammet asked who would pay for infrastructure and wanted to know if this would fall on the tax payers.

### **III. COMMENTS:**

Colden Battey, attorney and former State Port's Authority Board member, said he hoped the sale would go through and said he knew "Port Royal would do it right". He said he was proud of the citizen input in the plan and thanked Council for their work on this project. Mr. Battey told Council he was proud to have had a small part in the process.

State Representative Shannon Erickson commended Council and staff for their efforts on this project and said she hoped to see the proposal go through tonight. Ms. Erickson said she was a strong proponent of home rule and that she was very proud of the citizen's part in this plan.

Town Attorney Frances Cantwell said the documents were complete and that the TIF financing would be brought back to Council in the future. She said all infrastructure requirements would be completed before the development itself actually started.

Neil Robinson, State Port's Authority, said both Governor Nikki Haley and former Governor Mark Sanford had signed off on this plan.

**IV. ADJOURNMENT:**

The hearing adjourned at 7:15 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 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 meeting location twenty-four hours prior to the meeting.

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

November 9, 2011

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

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

### I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the meeting to order at 7:18 pm and led the Pledge of Allegiance.

### II. INVOCATION:

Councilmember DeLoach offered the invocation.

### III. PRESENTATION:

#### A. Presentation of Plaque and Proclamation to Councilmember Henry Robinson

Mayor Murray read a proclamation honoring Councilmember Henry Robinson for thirty-eight years of service to the Town and presented it to Mr. Robinson along with a plaque thanking him for his service.

Councilmember Robinson said he appreciated the opportunity of serving the Town and its citizens and told Council he was willing to continue serving if they saw fit to appoint him to serve on a Town board.

**IV. APPROVAL OF MINUTES:**

- A. Minutes from the Public Hearing of October 5, 2011**
- B. Minutes from the Council Workshop of October 5, 2011**
- C. Minutes from the Regular Council Meeting of October 12, 2011**

Councilmember Robinson moved to adopt the minutes from the Public Hearing of October 5, 2011, the Council Workshop of October 5, 2011 and the Regular Council Meeting of October 12, 2011. Councilmember Heyward seconded the motion.

Mayor Murray pointed out that an error in the October 12<sup>th</sup> Council Meeting minutes that incorrectly identified David Kell.

The correction was made and motion carried by unanimous vote.

**V. AMENDMENTS TO THE AGENDA:**

Town Manager Willis stated the owners of property located at Wright's Point had withdrawn their request for rezoning and asked that Ordinance 2011-16 be removed from the agenda.

Councilmember Heyward moved to remove Ordinance 2011-16 from the agenda and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**VI. COUNCIL BRIEFING:**

Town Manager Willis explained that by working out some details with the contractor, the entire Fort Frederick Circle road would be repaved adding only thirty dollars to the cost.

**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.**

There were no comments at this time.

**VIII. SECOND READINGS:**

- A. Ordinance 2011-17. An ordinance to rezone approximately 317 acres in the Town of Port Royal, South Carolina, generally lying along**

**Battery Creek and as set forth in that plat entitled: "Plat of 51.60 acres of highland at South Carolina State Ports Authority, Port Royal Terminal" prepared by Thomas & Hutton Engineering Co. dated December 20, 2006 and recorded in Plat Book 0122 at pages 0032-0035 on October 17, 2007, Beaufort County RMC Office, consisting of approximately 51.44 acres of highland and 265.91 acres of marsh to Planned Unit Development (PUD).**

Town Manager Willis read Ordinance 2011-17 by title and explained this document would be the guide for development of the port property. He reviewed a list of changes that had been made to the PUD since it was introduced.

Attorney Frances Cantwell stated that no development applications or permit applications would be taken until the property was transferred to the new owners.

Councilmember Heyward moved to adopt Ordinance 2011-17 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- B. Ordinance 2011-18. An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the Town with the Port Royal Development Group, LLC pertaining to Approximately 317 acres of property located in the Town of Port Royal along Battery Creek known as the Port of Port Royal tract as shown on a plat entitled "Plat of 51.6 acres of highland at South Carolina State Ports Authority, Port Royal Terminal" prepared by Thomas & Hutton Engineering Co. dated December 20, 2006 and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County RMC Office, consisting of approximately 51.44 acres of highland and 265.91 acres of marsh.**

Town Manager Willis read Ordinance 2011-18 by title and reviewed changes that had been made to the development agreement since its introduction.

Councilmember Heyward moved to adopt Ordinance 2011-18 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

- C. Ordinance 2011-19. An ordinance authorizing the mayor to execute on behalf of the Town a third amendment to the development agreement approved by Ordinance 2006-72 pertaining to approximately 317 acres of property located in the Town of Port Royal located along Battery Creek and owned by the South Carolina State Ports Authority.**

Town Manager Willis read Ordinance 2011-19 by title and explained it would extend the current development agreement with the Port's authority in the event there was a problem and the sale of the port property failed.

Councilmember Heyward moved to adopt Ordinance 2011-19 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

**IX. FIRST READING:**

- A. Ordinance 2011-16. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 4.81 acres as shown and described as Beaufort County Tax District 112, map 34, Parcel 3 from Mixed Use-1 (MU-1) to Highway Commercial (HC) (Parris Island Gateway at Wright's Point Circle)**

This item was removed from the agenda.

- B. Ordinance 2011-20. An ordinance amending the Trask Development Agreement adopted by Ordinance 2001-46 and amended by Ordinance 2002-6 to extend the expiration date.**

Town Manager Willis read Ordinance 2011-20 by title and explained the agreement was about to expire and said the owners had requested an extension. He pointed out that developments on this property included Shadow Moss and Ashton Square.

Attorney David Tedder told Council everyone had lived up to terms of the agreement but said various circumstances had delayed development. He said underlying zoning for

the property was MU-1 and CP and that the agreement conforms to the Town's Comprehensive Plan.

Councilmember Lee moved to adopt first reading of Ordinance 2011-20 and Councilmember Robinson seconded the motion.

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

Councilmember DeLoach voted no.

The motion carried.

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

**A. Appointments:**

**1. Redevelopment Commission – appoint one**

Councilmember Lee moved to appoint Philip Alling to the Redevelopment Commission and Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**2. Historic Preservation Commission – appoint one**

There was no appointment at this time.

**B. Approval of landscape maintenance contract**

Town Manager Willis told Council that Tony Magilone had reviewed the RFP's received for landscaping throughout twenty-two areas of the Town and said Mr. Magilone had recommended The Greenery. Mr. Willis said he was working with that company on details of the contract.

Tony Magilone reviewed duties of the landscaper and areas of the Town that would be affected. He said one component of the contract was to deal with invasive species in the wetlands.

Councilmember Lee moved to authorize the Town Manager to negotiate a contract with the Greenery for up to one hundred fifty-seven thousand dollars for landscape work in the Town. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

**XI. IMPORTANT INFORMATION AND DATES:**

- A. Friday, November 11, 2011 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Veteran’s Day**
- B. Monday, November 21, 2011, 5:30 pm – Metro Planning Commission, Beaufort City Hall, 1911 Boundary Street, Beaufort**
- C. Thursday and Friday, November 24 and 25, 2011 - Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Thanksgiving**
- D. Wednesday, December 7, 2011, 6:00 pm – Christmas in the Park with a visit from Santa**
- E. Thursday, December 8, 2011, 5:30 pm – Design Review Board Meeting, Town Hall, 700 Paris Avenue**
- F. Wednesday, December 14, 2011, 6:30 pm – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- G. Wednesday, December 14, 2011, Immediately following the scheduled Public Hearing – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- H. Monday, December 19, 2011, 5:30 pm – Metro Planning Commission, Beaufort City Hall, 1911 Boundary Street**

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

**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.**

John Ellerbe speaking on behalf of the Historic Port Royal Foundation invited everyone to attend a lecture and book signing, *The Battle of Port Royal, 1861* by author Michael Coker to be held November 11<sup>th</sup> at the Union Church on 11<sup>th</sup> Street.

**XIII. ADJOURNMENT:**

Councilmember Robinson moved to adjourn the meeting.

The meeting adjourned at 8:10 pm.

Respectfully submitted,



Tanya L. Payne  
Municipal Clerk

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