



Council

Joe DeVito  
Mayor

Jerry Ashmore  
Mayor Pro Tempore

Mary Beth Heyward  
Darryl Owens  
Kevin Phillips

Van Willis  
Town Manager

T. Alan Beach  
Chief of Police

Jeffrey S. Coppinger  
Operations

Noah Krepps  
Planning

## AGENDA

**DATE:** June 15, 2021  
**TIME:** 5:30PM  
**SUBJECT:** Special Meeting  
**LOCATION:** Virtual Meeting

### I. CALL TO ORDER

### II. INVOCATION

### III. SECOND READING

**A. Ordinance 2021-23.** An Ordinance to amend as follows Section I of Ordinance 2020-16 to provide for the levy of taxes for ordinary Town purposes in the Town of Port Royal, South Carolina, for the fiscal year beginning July 1, 2021 and to provide for the expenditures thereof. – (Approval of Budget 21/22)

**B. Ordinance 2021-24.** An ordinance to approve the court department budget for the fiscal year beginning July 1, 2021

### IV. FIRST READING

**A. Ordinance 2021-25.** An Ordinance to amend the Port PUD

**B. Ordinance 2021-26.** An Ordinance to amend the Port DA

**XII. EXECUTIVE SESSION:**

**A. Town Manager Evaluation**

**V. ADJOURNMENT**

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 504/ADA COORDINATOR. IF AT ALL POSSIBLE, PLEASE GIVE US AT LEAST A THREE TO FIVE DAY ADVANCE NOTICE SO WE CAN ADEQUATELY MEET YOUR NEEDS. 504/ADA REQUEST – 986-2245



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**ORDINANCE 2021-23**

**AN ORDINANCE TO AMEND AS FOLLOWS SECTION I OF ORDINANCE 2020-16 TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY TOWN PURPOSES IN THE TOWN OF PORT ROYAL, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, AND TO PROVIDE FOR THE EXPENDITURES THEREOF.**

**NOW, THEREFORE, BE IT ORDAINED**, by Town Council of the Town of Port Royal, South Carolina, duly assembled that;

Section I: There shall be and is hereby levied upon all of the taxable property of the Town of Port Royal, South Carolina for ordinary Town purposes for the fiscal year beginning July 1, 2021, a tax of \_\_\_ mills upon the assessed value of all real estate and personal property of every description owned and used in the Town of Port Royal, South Carolina, except as is exempt from taxation under the Constitution and Law of the State of South Carolina to pay the amounts appropriated in the budget duly adopted for said Town of Port Royal, South Carolina, for the Fiscal Year.

**NOW, THEREFORE, BE IT ORDAINED**, by Council of the Town of Port Royal, South Carolina, duly assembled and with authority of same, that the tax shall be \_\_\_ mills.

This ordinance shall become effective immediately upon adoption by Council.

**REQUESTED BY:**

**APPROVED BY:**

\_\_\_\_\_  
Milton E. Willis  
Town Manager

\_\_\_\_\_  
Joe DeVito  
Mayor

**ATTEST:**

Introduced: \_\_\_\_\_

\_\_\_\_\_  
Brooke Plank-Buccola  
Municipal Clerk

Final Reading: \_\_\_\_\_



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**ORDINANCE 2021-24**

**AN ORDINANCE TO APPROVE THE COURT DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021**

**NOW, THEREFORE, BE IT ORDAINED**, by Town Council of the Town of Port Royal, South Carolina, in meeting duly assembled that the Court Department line item is hereby adopted for fiscal year beginning July 1, 2021.

This ordinance shall become effective immediately upon adoption by Council.

**REQUESTED BY:**

**APPROVED BY:**

\_\_\_\_\_  
Milton E. Willis  
Town Manager

\_\_\_\_\_  
Joe DeVito  
Mayor

**ATTEST:**

\_\_\_\_\_  
Brooke Plank-Buccola  
Municipal Clerk

Introduced: \_\_\_\_\_

Final Reading: \_\_\_\_\_



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**ORDINANCE 2021 - 25**

AN ORDINANCE TO AMEND THE PLANNED UNIT DEVELOPMENT (“**PUD**”) ADOPTED BY ORDINANCE 2011-17 FOR THAT CERTAIN 317 ACRES MORE OR LESS BEING IN THE TOWN OF PORT ROYAL, SOUTH CAROLINA, GENERALLY LYING ALONG BATTERY CREEK AND DEPICTED 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, IN THE OFFICE OF THE BEAUFORT COUNTY REGISTER OF DEEDS, AS SUCH PUD WAS SUBSEQUENTLY AMENDED BY ORDINANCE 2017-20.

**WHEREAS**, Grey Ghost Properties, LLC (“**GGP**”) is the owner of certain real property located in the Town of Port Royal, South Carolina (the “**Town**”) generally located along Battery Creek and consisting of approximately 51.44 acres of highland and 265.91 acres of tidal marshes (the “**Property**”), along with certain other parcels acquired since the last amendment to the PUD, being identified as “Additional Properties” on Exhibit “A” attached hereto, save and except certain properties transferred to third parties being identified as “Out Conveyances” on Exhibit “A”, with all of the current GGP holdings being identified as the **GGP Properties**” for purposes of this Ordinance; and

**WHEREAS**, Special K, LLC (“**SK LLC**”), is the owner of certain property containing the “dry stack storage” facility as more particularly described in the deed from GGP to SK LLC recorded in Book \_\_\_\_ at Page \_\_\_\_ in the Office of the Register of Deeds for Beaufort County, SC; and

**WHEREAS**, Progeny, LLC (“**Progeny**”) is the owner of certain property adjacent to the dry stack storage facility as more particularly described in the deed from GGP to Progeny recorded in Book \_\_\_\_ at Page \_\_\_\_ in the Office of the Register of Deeds for Beaufort County, SC

**WHEREAS**, the Port Royal Redevelopment Group, LLC, a previous contract purchaser of property proposed a rezoning of the Property to Planned Unit Development to regulate the development of the Property, the same being entitled “Planned Unit Development for SC SPA Port of Port Royal Tract” (the “**PUD**”), which was adopted by the Town on November 9, 2011; and

**WHEREAS**, the Property was further made subject to a Tax Increment Financing District (the “**TIF**”) and Redevelopment Plan (the “**Seaport RP**”) dated February 8, 2012; and

**WHEREAS**, the Property was also made subject to and received the benefits of that certain Development Agreement between the Town and the South Carolina State Ports Authority dated February 14, 2013 (“Development Agreement”), thereafter amended by a First Amendment to Development Agreement between the Town, and GGP date August 9, 2017,

**WHEREAS**, due to the unexpected delay and passage of time between the execution of the Development Agreement, the adoption of the PUD, the TIF, and the Seaport RP (the “Development Agreement, PUD, TIF and Seaport RP” collectively sometimes referred to as the “**Governing Documents**”), and other factors developing over time, certain amendments were required to allow the development of the Property in a manner deemed necessary and appropriate by GGP and the Town in 2017 (the “**2017 Market Conditions**”); and

**WHEREAS**, among other matters, the 2017 Market Conditions necessitated amendments to extend the Term and modify certain dates and conditions in the Governing Documents; and

**WHEREAS**, SH Marinas, LLC, (“**SH**”) has entered into a contract with GGP to purchase the GGP Properties, with SK LLC to purchase its property, and Progeny to purchase its property (collectively, all of these properties are the “Affected Properties”), and in its due diligence has determined that certain adjustments to the PUD and Development Agreement (as both have been amended), would be necessary to better develop the Affected Properties to accommodate its plan for and schedule of development, taking into consideration certain developments in the market and economy that have occurred since 2017, as well as clarifying certain matters that have come to light during the design and permitting processes for both the GGP, SK and Progeny Properties and certain adjustments made by the Town and GGP by mutual agreement; and

**WHEREAS**, GGP, Progeny, SK LLC and SH are requesting the Town consider the within described amendments; and

**WHEREAS**, the Joint Municipal Planning Commission has reviewed the PUD amendment request and made its recommendation to the Town Council; and

**WHEREAS**, after giving the matter consideration, the Town, SH, GGP, Progeny and SK LLC have determined it would be appropriate to amend the PUD so as to include the amendments hereinafter set forth;; and

**WHEREAS**, the Town Council finds it in the best interest of the citizens and the Town of Port Royal to amend the Planned Unit Development and to amend the incorporated regulating plan to reflect the same.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Town of Port Royal, South Carolina, duly assembled and with authority of same and approves the following amendments to the PUD:

**Section 1.** Section 2.1, **Unified Control**, is amended to reflect that the “Master Developer” is no longer the applicant for the PUD, but Grey Ghost Properties, LLC, or, in the event Safe Harbor, LLC completes its purchase, Safe Harbor, LLC.

**Section 2.** Table 2.0, **Permitted Land Use Matrix**, is amended by adding as an allowable

use *Boat Repair and Garage* in Planning Districts PV2, and *Boat Storage and recreational vehicle storage* in Planning Districts PV1 and PV6.

**Section 3.** Table 2.0, **Permitted Land Use Matrix**, is amended by deleting as an allowable use *Boat Storage and recreational vehicle storage* in Planning District MV.

**Section 4.** Section 3.3.1, **Drystack Facility**, is amended by deleting same in its entirety and substituting the following: **[Change]**

“Notwithstanding anything in this PUD to the contrary, drystack use shall cease if, within \_\_\_\_ (\_\_) years from September 1, 2021, the building has not been aesthetically improved in a manner that adheres to the general concept plan for landscaping and architectural improvement submitted to the Town for approval as Exhibit “J-2”, or sufficient financial security to assure the completion of the landscape and architectural improvements have not been provided to the Town, not to exceed \$\_\_\_\_\_, being the total estimated cost, or such lesser pro-rata sum to secure completion if partial compliance has been completed by the proposed completion date; and provided further, if the use of the building as a drystack facility is ever abandoned, then such use shall no longer be permitted and cannot be re-established in said building. For purposes of this subsection, “abandoned” shall mean the failure to operate the drystack facility in the building for a period of three consecutive months or for a period of six months over a period of twelve (12) consecutive months, provided, however, that if such non-use is due to damage as a result of a fire, natural disaster, or other unforeseen and unpreventable accident or occurrence, reconstruction and re-establishment of this use will be allowed, provided reconstruction begins within the latter of a twelve month period after the damage is suffered, or four months after any insurance claims regarding payment for the casualty loss or settled. Neither shall this “abandonment” provision be triggered by any closure necessary to accommodate normal maintenance or construction time. Further, to the extent Table 2.0 of the PUD characterizes drystack storage as Boat Storage and Recreational Vehicle Storage, said chart is amended to allow the drystack in the area in which it is located. **Future drystack storage shall only be allowed in the PV2 and MV Districts.**”

**Section 5.** Section 3.4.A, **Master Development Summary**, is amended by the following modifications to read:

“Total Dwelling Units:	575 Units
“Upland Density:	11.0 DU/AC

“Total Non-Residential Land Use: There shall be no square foot limitation; site design requirements will dictate the allowable square footage on each particular site.”

**Section 6.** Section 3.4.A.1, **Dwelling Units**, is amended to read:

Single Family Detached, Single Family Attached, and Multifamily	575 DU’s
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**Section 7.** Section 3.4.A.2, **Master Development Summary, Non-Residential Land Uses**, is likewise amended to read:

2. <u>Non-Residential Land Uses:</u>	
Commercial, Retail, Office, Light Industrial,	No square footage limit; site design

Hotel (Inn and/or Condo Hotel)

will restrict size

**Section 8.** Section 3.4.A.5, **Master Development Summary, Dwelling Unit Conversions**, is amended to change the next to the last sentence to reflect a “maximum of 11 units per acre”, rather than 10.

**Section 9.** Section 3.5.5(d) shall be amended by deleting the reference to “within three (3) years of September 1, 2017, provided sufficient public funding is provided through the TIF funding or other funds from the Town in a timely manner,” and substituting instead “within three (3) years of September 1, 2021, provided sufficient public funding is provided through the TIF funding or other funds from the Town in a timely manner.

**Section 10.** Section 4.3.1.A.a, *General Standards, subsection iv*, is amended to read:

“If the dry stack marina building is not improved aesthetically or financial security provided within the time frame provided in Section 3.3.1, , or if its use is subsequently abandoned as defined in such Section, the building will be removed. “

**Section 11.** Section 5.2, **Subdivision Plats, Site Plans, Architecture and Street Section Review**, is amended by adding a new subsection 5.2.5, **Garages in the Bluff Neighborhood**, to read:

“In the Bluff Neighborhood, garages and car ports shall not be required to be located at the rear of the residence.”

**Section 12.** Section 5.3.2, **Bluff Neighborhood Standards**, is amended by adding a new subsection “d”, *Pools and Clubhouses*, as follows:

d. Pools and Clubhouses. Community pools and clubhouses, and structures customarily appurtenant to such uses, are permitted Open Space uses.

**Section 13.** Section 5.3.3, **Marina Village Standards**, is amended by adding a new subsection “c”, *Pools and Clubhouses*, as follows:

d. Pools and Clubhouses. Community pools and clubhouses, and structures customarily appurtenant to such uses, are permitted Open Space uses.

**Section 14.** Section 5.3.4.b, **Port Village Standards**, is amended by adding at the end of the sentence “...access boardwalk in the area as shown on the drawing attached to the Development Agreement 2017 Amendment (Ordinance 2017-19) Exhibit G, Proposed Phasing and Infrastructure Components of the TIF RDP unless otherwise modified by mutual agreement of the Town and the Master Developer to accommodate safety issues arising from the path of the dry stack boat storage equipment path in the area near the dry-sack building and operational area, and the possible swap of the location of the London Avenue Park.”



**Section 15.** Section 6.2 **Defined Terms**, subsection 55, **Master Developer**, is amended to read:

**“Master Developer.** Grey Ghost Properties, LLC, or in its stead SH Marinas, LLC.in the event SH Marinas, LLC completes it purchase from Grey Ghost Properties, LLC, or such successor or assignee thereof that is approved in writing by the Town.”

**Section 16.** The official zoning map of the PUD is amended to change the area of the London Park from Civic Open Space to PV6.

**Section 17.** This ordinance shall become effective upon the latest date of the following three conditions: 1) adoption of this Ordinance by Town Council, 2) adoption of a complementary Ordinance amending the Development Agreement regarding the properties comprising the PUD area, and 3) the subsequent acquisition of title to the property described in the premises of this Ordinance by SH Marinas, unless the effective date and/or these conditions are modified by Town Council by way of a duly adopted ordinance authorizing such extension.

**REQUESTED BY:**

**APPROVED BY:**

\_\_\_\_\_  
Milton E. Willis  
Town Manager

\_\_\_\_\_  
Joe DeVito  
Mayor

**ATTEST:**

Introduced: \_\_\_\_\_

\_\_\_\_\_  
Brooke Plank-Buccola  
Municipal Clerk

Final Reading: \_\_\_\_\_