

**Minutes
Special Council Meeting
Fire/Police Training Room, 1748 Paris Avenue**

October 18, 2006

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

Staff Present: Town Manager Van Willis, Planning Administrator Linda Bridges, Police Chief Jim Cadien, Assistant Fire Chief Jim Colwell and Municipal Clerk Tanya Payne

I. PLEDGE OF ALLEGIANCE:

Mayor Murray called the Special Meeting to order at 5:30 PM and led the Pledge of Allegiance.

II. INVOCATION:

Councilmember DeLoach offered the invocation.

Town Manager Willis amended the agenda to remove Item B. under 1st Readings. He explained this ordinance would receive first reading at a Special Meeting on November 1st. Mr. Willis also requested that an Executive Session be added at the end of the meeting for contractual purposes concerning to the development agreement for the port property.

Councilmember Heyward moved to remove Item B. under 1st Readings from the agenda and to add an Executive Session for contractual purposes concerning the development agreement for the port property. Councilmember Robinson seconded the motion.

The motion carried by unanimous vote.

Town Manager Willis explained the purpose of the meeting was to consider first reading of Ordinance 2006-71 which would zone the port property as a Planned Unit Development (PUD). He explained existing zoning of the property included Residential-12, Mixed Use-1 and Limited Industry with Waterborne district.

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Town Manager Willis introduced Mark Baker, representing Wood & Partners who were the Port's Authority's planners for this project.

Mark Baker explained the PUD would extend along Battery Creek from Ribaut Road to the Sands. He said the approximately fifty acres would be subdivided into three neighborhoods to include the Port Village, the Marina Village and the Bluff Neighborhood. Mr. Baker told those present the plan had been prepared using "New Urban guidelines and the Town's citizen prepared plan.

Town Attorney Frances Cantwell told Council the plan would provide various uses pointing out areas that would be primarily residential, a marina/commercial area and a mixed urban area. She explained this area would include businesses such as hotels, restaurants, retail shops and community space along with some residences. She explained the PUD would establish guidelines for this development. Ms. Cantwell explained the plans would allow the new development to reflect what is already here by continuing the Town's overlay concepts. She said the open spaces would allow public access to the waterfront.

Mayor Murray told those present that after much discussion the Joint Municipal Planning Commission had recommended the PUD. He said they had discussed concerns over traditional zoning, height, size of the proposed marina and conversion.

Susan Graber, a member of the Redevelopment Commission told those present the commission had discussed the plan and had scheduled another meeting for further discussion. She told Council the commission would like it if Council would delay first reading for a little longer.

III. 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.

David Kell expressed concerns about height, said the marina was too big, felt the plan did not reflect the Town's standards and had concerns about whether the restaurant and shrimp docks would be allowed to stay. He asked Council to take time on this decision and make sure the plan is right.

Jack Baggett expressed concerns about density and height and stated that the Town would have to live with the final decision. He too asked Council to give the Redevelopment Commission time and not to rush the issue.

Anthony Smith who lives on Dawson Place expressed concerns about the fishing area and said the natural beauty of the property would be gone.

Ben Jackson, resident of Ribaut Road asked Council not to destroy the area saying the development would be a big mistake.

Elisabeth Harden asked questions about the rezoning of different parcels and about property located in the marsh. She also asked whether trees would be saved and expressed concerns about building heights.

Town Manager Willis explained that property located in the marsh was zoned as a civic open space and could not be rezoned.

Robert Chaplain who is a shrimper by trade asked what would happen to the dock and seafood industry. He expressed concerns for the approximately one hundred employees of the seafood industry and stated that Gay Seafood provides the needed services for the shrimpers.

Councilmember Heyward said as long as the lease was in effect, the seafood business would remain. She and Councilmember DeLoach conceded that the plan needed strong language to protect that industry even after the forty-five to fifty year lease on that property expires.

Attorney Cantwell told Council language could be crafted for that purpose but said a development agreement would last only a certain number of years and that a future Council could change the zoning. She said since the Town owns a large part of the parking lot at the seafood business, maybe a land swap could be used to insure its safety.

Ned Rahn asked whether or not the county boat landing would remain.

Councilmember Joe Lee stated that the Redevelopment Commission had recommended the number of boat slips be reduced to one-hundred fifty.

Town Manager Willis said this plan reflected the Town's development plan and that the two plans were very similar. He said the height issue would be decided by Council. Mr. Willis explained there would be approximately four hundred eighty residential units with about ninety thousand square feet of commercial space and forty percent open space.

Mark Baker explained there would be a ten acre park at the end of London Avenue, a park at the end of Paris Avenue and a park in the Bluff neighborhood. He said the entire waterfront would have public easement for walkways, and boardwalks.

Councilmember DeLoach spoke concerning building height and how it would effect the Town, the railway, density and quality of life, taxes, the proposed marina and how it will effect the Landing Marina, the term of the development agreement and possible extensions, water quality, roads, elevation, the proposed hotel, property conversion, the development agreement and concerns about hours of operation for businesses and builders. He said this could be a good development that would be beneficial to the Town and said there was no need to rush the process.

Attorney Cantwell explained that the height, density, the size of the marina and parking were all planning issues that needed to be addressed by Council. She said that by law the size of this property called for a five year development agreement and that the extensions were in place because permitting is so time consuming. Ms. Cantwell explained the development agreement was assurance to the developer that the project would have ample time for completion. She said that eventually the ten acre park and the Paris Avenue Park would be conveyed to the Town and explained that in case the parks were not completed within five years, an extension could benefit the Town.

Mark Baker explained that more information had been added to the PUD concerning height and density.

Mayor Murray explained that the development agreement and PUD were both still working documents and would have many changes before final reading. He reviewed the list of public meetings that would take place before final reading of either document.

Councilmember Heyward explained that Council was conscious of the community and that the issues were very important to Council as they were to the citizens. She said Council was working hard to maintain the way-of-life for Port Royal's citizens and that they were listening to the citizens comments.

Councilmember Lee explained he was concerned about the amount of protection in place for the Town during the construction period. He also had concerns as to whether the current ordinances were up to par to protect the Town such as the noise ordinance, the hours of operation and height limits.

IV. 1ST READING:

- A. Ordinance 2006-71. An ordinance to rezone in the Town of Port Royal, South Carolina, approximately 317 acres as shown and described as Beaufort County Tax District 110, Map 10, Parcels 183, 75, 79, 77, 299 and 184 and Beaufort County Tax District 110, Map 11, Parcels 249 and 84 from Residential-12 (R-12), Mixed Use-1 (MU-1) and Limited Industry (LI) with Waterborne Industrial (WI) to Planned Unit Development (PUD) located at the end of Paris Avenue and bordered by Battery Creek to the South, the "Sands" to the east, Ribaut Road (HWY. 802) to the north and west, and the South Carolina Rail Road easement to the north and east with tracts of property beyond the easement)**

Councilmember Robinson moved to approve first reading of Ordinance 2006-71 and Councilmember Heyward seconded the motion.

Councilmember DeLoach told those present that first reading of this ordinance (PUD) should follow the first reading of the development agreement ordinance and the second reading should follow the second reading of the development agreement.

Mayor Murray and Councilmembers Heyward and Robinson voted yes.

Councilmembers DeLoach and Lee voted no.

The motion carried.

- B. Ordinance 2006-72. An ordinance establishing a development agreement for approximately 317 acres of property located at Beaufort County Tax District 110, Map 10, Parcels 183, 75, 79, 299 and 184 and Beaufort County Tax District 110, Map 11, Parcels 249 and 84**

This item was removed from the agenda.

V. IMPORTANT DATES AND INFORMATION:

- A. Thursday, October 19, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- B. Saturday, October 21, 2006, 12:00 noon until 5:00 PM – Oktober Fest, Paris Avenue**
- C. Wednesday, November 1, 2006, 6:30 PM – Public Hearing, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- D. Wednesday, November 1, 2006, immediately following the scheduled Public Hearing, Workshop, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- E. Thursday, November 2, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue**
- F. Monday, November 6, 2006, 5:30 PM – Joint Municipal Planning Commission (JMPC), 700 Paris Avenue**
- G. Wednesday, November 8, 2006, 7:00 PM – Regular Council Meeting, Yvonne C. Butler Council Chambers, 700 Paris Avenue**
- H. Friday, November 10, 2006 – Town Hall, Public Works and the administrative offices of the Police Department will be closed in observance of Veteran’s Day**
Thursday, November 16, 2006, 5:30 PM – Design Review Board (DRB) meeting, 700 Paris Avenue

Town Manager Willis reviewed the list of important dates and information and announced the November 1st special meeting at which the Development Agreement would receive first reading.

VI. 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.

There were no comments at this time.

Councilmember Lee moved to adjourn to an Executive Session for discussion of a contractual matter relating to the port property development agreement. Councilmember Heyward seconded the motion.

Council adjourned to Executive Session at 6:58 PM.

Council returned from Executive Session at 8:10 PM.

VII. ADJOURNMENT:

There being no further comment, the meeting adjourned at 8:10 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 given to the local news media along with a copy of the agenda. Public notice was posted on the Town bulletin board two weeks before the meeting. A copy of the agenda was posted at the meeting location twenty-four hours prior to the meeting.