

A special meeting of the Beaufort City Council was held on December 6, 2006 at 6:00 p.m. in the Beaufort High School Cafeteria, Sea Island Parkway. In attendance were Mayor Bill Rauch, Mayor Pro Tem Frank Glover, Council members Donnie Ann Beer, Gary B. Fordham, George H. O'Kelley, Jr., City Manager Scott Dadson. In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place and agenda of this meeting.

### **CALL TO ORDER**

The Mayor called the meeting to order at 6:15 p.m.

The Mayor said the McLeod family has asked that the annexation, the Planned Unit Development, and the Development Agreement be tabled. Councilman O'Kelley stated he had a conflict with this annexation and recused himself.

### **INVOCATION/PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Mayor.

### **MOTION TO TABLE**

Councilman O'Kelley moved to table both annexation petitions. Councilman Fordham gave second. Councilmen O'Kelley and Fordham voted in favor of the motion. Council members Beer, Rauch, and Glover voted nay. The motion failed 3 to 2.

Councilman O'Kelley stated the McLeods's asked their application request be tabled. The Mayor agreed.

Councilman Glover moved to review the Clarendon Farms Ordinances. Councilwoman Beer seconded the motion. Council members Beer, Glover, and Rauch voted in favor of the motion. Councilmen Fordham and O'Kelley voted nay. The motion passed 3 to 2.

### **CLARENDON FARM ANNEXATION**

The City Manager stated he was asked to negotiate three issues by City Council; the PUD, the school districts issues, and the Air Station. The staff has revised the documents to reflect issues of tightening of open space requirements, the addition of the planning commission to the review process and other issues such as tighter buffering standards for commercial establishments since the November 21, 2006 workshop. The City has negotiated a \$1,000 per unit school impact fee and the school district has elected to purchase property within the McLeod Family Development for the Northern Area High School. With regard to the air station, he said the City, the property owners, and the military met numerous times during the formulation of the development agreement and the owners had met virtually all of the military's requests for protection of the base. It is anticipated that further negotiations will take place after tonight. The McLeod family has requested that the annexation, the PUD, and Development Agreement be tabled while the plan is reviewed by a land planner and further negotiations occur with the military.

The City Manager addressed the questions of 15%, stormwater, and setbacks posed by the Mayor.

## **PUBLIC COMMENT**

**Tony Criscitiello**, County Planning Director, asked if both annexations can be delayed until the Northern Regional Plan is completed.

**Don Martin**, speaking on behalf of his aunt, Ms. Pinckney, said she is opposed to the annexations.

**Frank Hamilton** asked if services will be increased and what are the gains.

**Lt. Col. Ward**, MCAS Executive Officer, stated the Beaufort Gazette articles are incorrect regarding the MCAS taking a position. He said the Air Station cannot give a yes or no as Council would like. That would make them susceptible to risks; therefore, the Air Station is opposed to immediate annexation. Given time to plan together, goals may be accomplished.

**Ray Stocks** asked why a workshop was held if Council has made up their minds.

**Jim Outlaw**, Grays Hill resident, said he was pleased with the Air Station's remarks. He quoted from the Mayor's book regarding development and maintaining the environment.

**Dick Stewart** expressed his concerns about lack of open space and park areas, the affect on waste water, and new docks damaging water quality. He said the developers should pay for the impact of the project. Also, he asked whether taxes would increase. He said he is in favor of the government working with the developers because agencies benefit from development.

**Maurice Ungaro**, currently residing in Port Royal, listed numerous issues he found with the agreement.

**David Watt** explained the property owners have a constitutional right to develop their property. Also, the property will be developed, if not by the City, by the County.

**Bill Sammons**, Seabrook resident, said this annexation will affect everyone and should not be hurried. He added that an independent analysis of the development agreement is needed so as not to destroy Beaufort.

**Tommy O'Brian** said he is not opposed to progress but this is not good for Beaufort. He asked that more information be obtained before annexing the property. He suggested a referendum.

**Pat Conroy** said placing 30,000 people in the flight path could cause Beaufort to loose the MCAS.

**Dewitt Helm**, 406 New Street, said he is opposed to this annexation.

**Donna Starkey** stated some states have imposed a moratorium on growth because of sprawl.

**Brenda Hood** echoed Pat Conroy's comments and said they do not want to live where people are ignored by their elected officials.

**Milbrey Gnann**, Smart Growth Coalition, said she is part of a group of concerned citizens and she told Council they do not appreciate the comments of the planning commission or the public.

**Wendy Zara**, Sheldon resident, said the public was to have a chance to review the agreements but they are still being changed. She said neither the City's planner nor the Planning Commission had a chance to speak at the last workshop. She asked that this annexation wait until the Northern Regional Plan is completed.

**Martha Frasier**, Sheldon resident, said the taxes will be increased.

**Sally Murphy**, Sheldon, stated Federal and State guidelines require protection of Eagle's nests for 30 miles and asked if the wildlife will be protected.

**Marvin Stanley** said he attended the planning commission meeting and suggested buying the land and leave it as it is because there is a better way to do this.

**George Singleton**, representing Beaufort Black Community Council, strongly urged Council to deny the annexation requests. He said the revised annexation plan will have a negative impact on the poor residents and the black people in particular. He reminded Council they are to represent and protect the people and they are asking Council to consider input from the citizens.

**Leroy Smalls**, Seabrook, said he worked for the McLeods and took care of them and they should help take care of the people.

## **BREAK**

A short break was taken

**Darrell Ferguson** asked how a few people can be responsible for a vision for everyone. He suggested finding a mechanism where the City of Beaufort, the Town of Port Royal, and the County make a decision jointly. He asked that the plan be studied further.

**Noel Seeburg** said Clarendon will never be developed. It will be used for hunting and will just be a tax shelter for wealthy landowners.

**Stacey Heidrick** asked why Council is representing the developers instead of the tax paying people. She asked Council to listen to the people.

**Reed Armstrong**, Conservation League, addressed traffic and financial impacts of the proposed annexation projects. Referring to the traffic study by Roger Dyar, traffic will double along Highway 21 in ten years with significant degrading of service. One of the recommendations in his report is to build a third bridge to Lady's Island. This one project will cost between \$150 and 200 million to accommodate Clarendon and McLeod. City staff prepared a detailed and thorough analysis; however it misses two of the largest expenses – school and roads costs. The school impact fees amount to about \$9 million which is only half enough.

**Jay Weidner** said he has found the developer is usually the negotiating party with the City. It

would be best if the City dictated to the developers what they would like to see. He suggested Council listen to the Planner about how development and planning issues should happen.

**Debbie Criscitiello** asked Council if they had read the development plan. They all replied that they had.

**George Johnston** said planning is the key. He said so many of the people attending the meeting have had experience with traffic and economic impact in areas up and down the coast and where the issues were not thoroughly planned. He said listen to the experts.

Councilman Fordham asked why Council had not received a copy of the Planning Commission's report. The City Manager replied the minutes of the meeting have not been completed.

**Judy Nash Trimmer** implored Councilman Glover to change his vote on this issue. Of all the issues discussed tonight, the Air Station's letter is of the most concern to her and how this will affect them is what should be considered.

Unidentified man said the public should not be misled. He attended the Planning Commission meeting and some statements made by the property owner's attorney were not accurate.

**Bill Nelson**, Bluffton, asked Council to think about this and not have the traffic problem that was created with Sun City.

**Paul Urnstead**, Joshua Circle, said Council members are to be guardians and protectors of the quality of life. It seems great pains have been taken to protect The Point and the rest of Beaufort should be treated the same. Because the petitioners didn't like the County's rules, they came to the City to be annexed. He said the people are upset because they feel this issue is being pushed at them. He asked Council to take more time and resolve the issues.

The Mayor explained Council will ask questions and make amendments to the Development Agreement and PUD before voting on the ordinances.

Councilman Fordham stated the Clarendon Farms Agreement is 35 years with three, five year extensions or a total of 50 years and in his opinion that is out of line. The Department of the Navy in Washington needs to make the decision for the Air Station. We need to put this aside until the Northern Regional Plan is completed in a few months.

Councilman Glover said one day the military is opposed and the next day the newspaper states they are in concurrence with the proposal. He said he heard the military needs more time. This has been discussed since January, 2006 and he asked how much time is needed. Lt. Col. Ward's answer was that this should be event driven not time driven and he can't give a time. He said Marines are forced to make quick decisions in a combat mission and this is not that.

The City Manager, referring to the Clarendon Farms Development Agreement, stated the first part defines the area. About 850 acres is in one part of the noise zone and about 350 acres are located in the buffer zone. The second part of the Agreement contains a Memorandum of Understanding

where the City will serve as a third party between the Department of Navy and the owner. The transaction is for the purchase of development rights over the 1,200 acres. Those 1,200 acres are then removed from the development and will remain timber and farm land. The purchase of those development rights is subject to appraisals and also deals with the value of a swap of a 125 acre piece of property near Laurel Bay. Clarendon's position is that if in two years, an agreement can not be made, the property would go to a protected AICUZ style zone. The issues raised have been mentioned to both property owners.

The Mayor passed the gavel to the Mayor Pro Tem and moved to extend the two years to three years. Councilwoman Beer seconded the motion.

Lt. Col. Ward said it is not clear in his mind what is being extended and agreed to. The City Manager explained a development is between two parties. The City has asked the owners to create a fall back position with JLUS and longer stretches of time plus automatic renewals so that there is enough time to negotiate the structure of the proposal. In discussions with the owners of Clarendon, they have not agreed to these additional requests. Among the concessions made, the owners have been asking for a written commitment for several months. Councilman Glover reiterated that now the motion is for 3 years and that is what he referred to when he said how much time is needed.

Councilman O'Kelley asked about the motion to extend the time for the development rights. It appears that if individual portions of the Planned Unit Development Agreement are changed, it would be necessary to have the landowners approval. If so, that should be done before a vote is taken. Mr. Tedder, speaking on behalf of the developer, said everyone involved has worked closely with the military for many months. The owner has always said they would like to have a commitment for the 125 acres. Last night he was asked on behalf of the City if the time could be extended. He is authorized to agree to a 3 year time period. Also, should a letter be received stating there is a commitment for the 125 acres, the owner would be happy to sign the MOU that they have been working on since March.

Council voted to amend the time period from two years to three.

Councilman Fordham moved to amend the term of the agreement from 50 years to a maximum of 20 years. The motion died for lack of a second.

Councilman Glover moved to amend the language regarding the school impact fees to reflect that the fees would go toward the construction of schools or infrastructure related to schools within the City of Beaufort, south of the Whale Branch River. Councilwoman Beer seconded the motion.

Councilman O'Kelley asked if Council can vote on the school board's budget and how it is spent. The Attorney for the developer, David Tedder, replied that the school impact fee is made payable to the City who can use it for school improvements, school acquisition costs, or other infrastructure improvements such as roads, water, or sewer system. The City Attorney, Bill Harvey, read a section of the agreement that specified that "the fees shall be placed in a segregated, interest bearing account with the City." Therefore, a caveat can be added as stated in the motion.

Council members Beer, Glover, and Rauch voted in favor the amendment. Councilmen O'Kelley

and Fordham voted nay. The motion passed 3 to 2.

The Council members each stated their thoughts and position on the development agreement.

**ORDINANCE ANNEXING 4,151 ACRES (21 PARCELS) KNOWN AS CLARENDON FARMS**

The ordinance annexing 4,151 acres (21 parcels) known as Clarendon Farms was presented to Council for second reading and adoption.

Councilman Glover made a motion to adopt the ordinance on second reading. Councilwoman Beer gave second. Council members Glover, Beer, and Rauch voted to adopt the ordinance on second reading. Councilmen Fordham and O’Kelley voted nay. The motion passed 3 to 2. (Copy of ordinance at end of the Jan. 2006 minutes)

**ORDINANCE ZONING 4,151 ACRES ON PORT ROYAL ISLAND TO PUD**

The ordinance zoning 4,151 acres on Port Royal Island known as Clarendon Plantation to a Planned Unit Development was presented for second reading and adoption.

Councilman Glover made a motion to adopt the ordinance. Councilwoman Beer gave second. Council members Beer, Glover, and Rauch voted in favor of the motion. Councilmen Fordham and O’Kelley voted nay. The motion passed 3 to 2. (Copy of ordinance at end of Jan. 2006 minutes)

**ORDINANCE ADOPTING A DEVELOPMENT AGREEMENT FOR 4,151 ACRES**

The ordinance adopting a development agreement for Clarendon Plantation (4,151 acres) was presented for second reading and adoption.

Councilman Glover made a motion to adopt the ordinance. Councilwoman Beer gave second. Council members Beer, Glover, and Rauch voted in favor of the motion. Councilmen Fordham and O’Kelley voted nay. The motion passed 3 to 2. (Copy of ordinance at end of Jan. 2006 minutes)

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 10:30 p.m.

\_\_\_\_\_  
BILL RAUCH, MAYOR

\_\_\_\_\_  
COUNCILWOMAN DONNIE ANN BEER

\_\_\_\_\_  
COUNCILMAN FRANK GLOVER

\_\_\_\_\_  
COUNCILMAN GARY B. FORDHAM

\_\_\_\_\_  
COUNCILMAN GEORGE H. O’KELLEY, JR.

ATTEST:  
  
\_\_\_\_\_

BEVERLY W. GAY, CITY CLERK