



Ratification  
Number \_\_\_\_\_

## A N O R D I N A N C E

TO AMEND CHAPTER 29 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA BY ADDING A NEW ARTICLE IX, NEW SECTIONS 29-283 THROUGH 29-286 ESTABLISHING A PROCESS WHEREBY THE CITY OF CHARLESTON MAYOR AND CITY COUNCIL WILL ENGAGE THE COMMUNITY ONE (1) YEAR IN ADVANCE OF ANY PLANS TO MATERIALLY CHANGE THE OPERATIONS OF THE NEW CRUISE TERMINAL TO BE CONSTRUCTED AT THE NORTH END OF UNION PIER.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED;

Section 1. Chapter 29 of the Code of the City of Charleston, South Carolina is amended by adding a new Article IX, Section 283 to read as follows:

### **“ARTICLE IX – PROCESS FOR REVIEWING PROPOSED CHANGES TO THE SOUTH CAROLINA STATE PORTS AUTHORITY’S PASSENGER CRUISE MANAGEMENT PLAN**

#### **Section 29-283. Findings of Fact.**

The Charleston City Council hereby makes the following finds of fact:

- (1) The City Council unanimously supported and approved a resolution on 14 September 2010 in support of the redevelopment of Union Pier and relocation of the passenger terminal to the north end of Union Pier; and this resolution supported and approved the South Carolina State Ports Authority’s Passenger Cruise Management Plan as outlined in letters from Jim Newsome, President and CEO of the Authority, dated June 25, 2010 and Bill Stern, Chairman of the Board of the Authority, dated July 30, 2010; and,
- (2) Additional community input has led the Mayor and City Council to work with the South Carolina State Ports Authority to further define the Ports Authority’s commitment to a process through which the City and the community will be involved in any contemplated material change in the Authority’s Passenger Cruise Management Plan; and,

- (3) The South Carolina State Ports Authority unanimously approved a resolution on 21 April 2011 committing to a public review process should the SCSA make a material change in the Authority's Passenger Cruise Management Plan, as outlined in the letter from Jim Newsome, President and CEO of the Authority and Bill Stern, Chairman of the Board of the Authority, dated April 21, 2011; and,
- (4) The City Council finds that the public review process set forth in Section 29-284 below, will allow the City of Charleston and the citizens to have a substantial role in discussing, consulting with, and advising the Authority on any material change to the operations of the new cruise facility, as the Authority continues its mission to contribute to the economic development of South Carolina by fostering and stimulating waterborne commerce and shipment of freight, through the enactment of its Passenger Cruise Management Plan."

Section 2. Chapter 29 of the Code of the City of Charleston, South Carolina is amended by adding a new Article IX, Section 284 to read as follows:

**"Section 29-284. Establishment of Process.**

There is hereby established a process to involve the Charleston community one (1) year in advance of any material change to the Authority's Passenger Cruise Management Plan and to advise the Ports Authority as to the City of Charleston's position on any proposed changes. Upon notification by the South Carolina State Ports Authority of any material changes in the Authority's Passenger Cruise Management Plan, the following shall be done: *by city or SPA?*

*reference to 104 - was in draft.*

*within what time frame?*

- (1) Written notification to the following organizations:
  - (a) Cruise Neighbors Advisory Council. If such Council is not then in existence, one shall be appointed by the Mayor with the approval of City Council. Council shall have a representative from each neighborhood, as recognized by the City's Neighborhood Council system, whose boundaries are adjacent to the Cooper River or any Port operation as well as containing any or part of its jurisdiction within the peninsula Historic District.
  - (b) Historic Charleston Foundation.
  - (c) Preservation Society of Charleston.
  - (d) The Committee to Save the City.
  - (e) The President of each of the Neighborhood Council which boundaries are adjacent to the Cooper River or any Port operation as well as containing any or part of its jurisdiction within the peninsula Historic District.
  - (f) The Tourism Commission.
  - (g) The Charleston Metro Chamber of Commerce.
  - (h) The South Carolina Maritime Association.
- (2) The City shall convene a community forum to discuss the material change or

*not call*

Changes to the Passenger Cruise Management Plan. The forum shall be advertised with two (2) public notices in a paper of community-wide circulation and notice posted as the City publishes official meetings. At the forum, if a majority of forum members request, additional forums shall be held for further discussion during this one (1) year.

- (3) The City of Charleston shall solicit public input as well through one (1) or more public hearings, including a public hearing at a City Council meeting.

For purposes of this section, material change will be defined as any change to the following commitments by the Authority and previously supported by City Council, as outlined in Section 29-283, paragraphs (1) and (3): (1) The construction of a one-berth cruise facility at the north end of Union Pier Terminal hosting no more than one passenger cruise ship at a time at the dock, unless hosting a vessel in distress or in need of safe harbor; (2) the maximum number of cruise ships calling in a calendar year; and (3) a passenger terminal designed to accommodate a maximum 3,500 passenger ship."

Section 3. Chapter 29 of the Code of the City of Charleston, South Carolina is amended by adding a new Article IX, Section 285 to read as follows:

**"Section 29-285. Tourism Commission Review.**

Upon written notification by the State Ports Authority of a material change to the Passenger Cruise Management Plan, the Tourism Commission will have the following roles and responsibilities:

- (1) Review preliminary plan designs related to changes in the Passenger Cruise Management Plan;
- (2) Advise City Council regarding the changes in the Passenger Cruise Management Plan; and,
- (3) Make recommendations to City Council regarding the changes to the Passenger Cruise Management Plan, including how the changes relate to the goals of tourism management."

Section 4. Chapter 29 of the Code of the City of Charleston, South Carolina is amended by adding a new Article IX, Section 286 to read as follows:

"Within the one (1) year period set forth in Section 29-284, the City Council shall receive the report from public forums and public hearings that have been held at City Council meetings, the report of the Tourism Commission, and any other communications that City Council has received, and thereafter, the City Council shall by resolution advise the South Carolina State Ports Authority of its recommendations on any proposed material changes in the Ports Authority's Passenger Cruise Management Plan."