



**County Council of
Beaufort County
Natural Resources
Committee Meeting**

Chairman

ALICE HOWARD

Vice Chairman

GERLAD DAWSON

Council Members

MICHAEL E. COVERT
YORK GLOVER, SR.
CHRIS HERVOCHON

County Administrator

ASHLEY M. JACOBS

Clerk to Council

SARAH W. BROCK

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Natural Resources Committee Minutes

Monday, July 13, 2020 at 2:00 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05] THIS MEETING WILL BE CLOSED TO THE PUBLIC. CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

PRESENT

Committee Vice-Chair Gerald Dawson
Committee Chair Alice Howard
Council Member Joseph F. Passiment
Council Member D. Paul Sommerville
Council Member Michael Covert
Council Member Brian Flewelling
Council Member Stu Rodman
Council Member York Glover
Council Member Chris Hervochoon
Council Member Mark Lawson
Council Member Lawrence McElynn

CALL TO ORDER

Committee Chair, Alice Howard called the meeting to order at 2:00PM

PLEDGE OF ALLEGIANCE

Committee Chair, Alice Howard, led the Pledge of Allegiance.

FOIA

(PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT)

Clerk to Council, Sarah Brock, stated this meeting was being held in compliance with FOIA requirements.

APPROVAL OF AGENDA

Motion: Council Member Flewelling, seconded Council Member York by to approve the agenda. Votes YAH: Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Rodman, Council Member Covert, Council Member Hervochoon, Council Member Passiment, Council Member Sommerville, Council Member McElynn, Council Member Lawson, Council Member Flewelling, and Council Member Glover. Motion Approved 11:0

DISCUSSION ITEMS

CONSIDERATION OF AN ORDINANCE REGARDING AN AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

Discussion: Eric Greenway, Director of Zoning and Planning, now has updated information about revised Pepper Hall improvement plan.

Mr. Bullwinkle: Discussed the proposed DA Amendment amends and restates certain sections of the original Development Agreement in order to more clearly detail each party's obligations and rights as far as the construction of Graves and the Park Access Road are concerned as well as clarifying the details associated with creation of the Improvement District. 1.1million per year until the County has fully reimbursed the owner. It is assumed the funding the source will be TAG revenue but that will be more fully determined in each budget cycle.

please see slide presentation of presenter

Council Member Sommerville: I don't have a problem with 3.7 for the roads. The value of 3.7 over 25 years is that the tax payers loose more than half of the money loaned. There should be an interest rate added to this loan.

Council Member Flewelling: Leading to accepting this agreement the commercial portion interval to the development agreement. The applications for changes of zoning was denied without the development agreement. I think this agreement is limiting to just the roads.

Council Member Sommerville: There is a statute that will not let you do a 35-year agreement.

George Bullwinkle: None of the loan amount is weighed out in the recent loan agreement. We are not trying to persuade you either way I am just trying to show you options.

Council Member Flewelling: This matter of improvement district should have been handled. This should have been handled through the influence of County Council. This should not be handled by what the developer thinks are fair. Everything that is shown is a plus for the developer. This is not what we were sold on. Our Staff should develop our own improvement theories.

Mr. Johnson: There is no case law that interprets that statute. I have seen that there are renewal agreements but nothing worded preventing the renewals. We have not finished our review of the 3.7 million and we think that there needs to be a further review from both ourselves and the county. However, all we are hearing is no because of the assessment district but we hope they don't use this as a platform to completely say no to the agreement. We want to find a solution that will benefit the county.

Council Member Covert: Has the renewal times been used before

Mr. Johnson: not a judicial precedence they have not been tested.

George Bullwinkle: We can say 90% have automatic renewal have been used, but have not been tested and agreed upon by council.

Council Member Passiment: Could this be supported by the commercial district. The 3.7 million that is being equated for the property owners that will live there, the burden of being paid back is unfairly on them. I think we should come to an agreement and use the county public works act.

Council Member Sommerville: Last meeting was a Chairman Howard stated for the attorney to use 3% however at this meeting they are using 0% interest rate to pay back the money borrowed. The county is at a huge disadvantage we should have someone representing the county interest. What should we tell our taxpayers, simply because no one has fought for the extension doesn't mean we should use it.

Howard: We can go forward or ask for expertise in getting this looked into. What should we do, council?

Council Member Covert: Passiment, can we get the improvement district language percentage added to agreement?

Council Member Passiment: In the meeting we had an amount agreed upon for the commercial area. Which ended with the total contribution of almost 2.6 Million. I do not believe everyone who buys into this development should have to pay for everything.

Council Member Rodman: We should bring the commercial into the agreement however I believe that 3% is high, maybe more of what the inflation rate is closer to 2.5%. The county rate is more so recommended by staff. For FOIA purposes I think it is good to have a law firm that does all of this which I feel is looking out for both the county and the developer.

Council Member Sommerville: We are discussing the terms of improvement district however I believe that we disagree on which agreement we should use. Our job is protecting the residence of Beaufort County not the developer's profitability margin.

Council Member Hervochon: We should go with 3.7 with interest, however peg it with CPI instead of a straight interest rate for the year.

Kirk Taylor: I believe we can bring in more legal expertise if needed.

Thad Wilson: The request for interest rate did come in however it is a challenging set of numbers however with the improvement plan it states that assessments start to get paid when parcels get building permits. The time period is based on absorption. The revised improvement plan as written is perfectly capable of handling the mechanics of handling whether interest is charged or not. The way CPI is written it is unpredictable and we would like to give individuals more of a predicable way to know what interest rate. We usually don't use that however we can if needed.

George Bullwinkle: One of the terms on agreement is a 25-year term agreement for the assessment district.

Kirk Taylor: I would recommend that the council members send their questions and concerns to you Chairman Howard.

Rodman: Would encourage first reading so that we can get a second reading in August and third in September.

Motion: Made by Council Member Flewelling, seconded by Council Member Glover. Motion to move this to the next NR meeting in 30 Days. Voting Yea: Committee Vice-Chair Dawson, Committee Chair Howard, Council Member Sommerville, Council Member Flewelling, Council Member Glover, Council Member Hervochon, Council Member Lawson. Voting Nay: Council Member Passiment, Council Member Covert, Council Member Rodman, Council Member McElynn. Motion Approved. 7:4

OKATIE RIVER IMPROVEMENT DISTRICT

Item 5 and 6 discussed together

BOARDS AND COMMISSIONS

APPOINTMENT TO BEAUFORT JASPER WATER AND SEWER AUTHORITY

Motion: Council Member Sommerville, seconded by York Glover to approve Rob McFee to Beaufort Jasper Water and Sewer. YAH: Council Member Flewelling, Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Hervochon, Council Member Sommerville, Council Member Lawson, and Council Member

Glover, Council Member Rodman, Council Member Passiment, Council Member Covert, Council Member McElynn. Motion Approved 11:0

CITIZEN COMMENTS

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(Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment)

No Comments

ADJOURNMENT

Meeting adjourned at 3:20 pm