



Special Called Meeting of the Community Services and Land Use Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls Complex 100 Ribaut Road, Beaufort

Monday, December 11, 2023
3:30 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/285341>

1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3:00 p.m.

PRESENT

Chair Alice Howard

Vice-Chair York Glover

Council Member David P. Bartholomew

Council Member Paula Brown

Council Member Logan Cunningham

Council Member Gerald Dawson

Council Member Lawrence McElynn

Council Member Joseph F. Passiment

Council Member Thomas Reitz

Council Member Anna Maria Tabernik

ABSENT

Council Member Mark Lawson

2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

3. FOIA

Committee Chair Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Passiment, seconded by Council Member Tabernik, to approve the agenda.

The Vote – The motion was approved without objection.

5. CITIZEN COMMENT PERIOD

No citizen comments.

6. RECOMMEND APPROVAL TO FUND DUE DILIGENCE AND NEGOTIATE TERMS OF ACQUISITIONS FOR THE FOLLOWING PROPOSED GREEN SPACE APPLICATIONS:

A. CONSERVATION EASEMENT APPLICATION: HALF MOON ISLAND ROAD, LOBECO; POLITICAL JURISDICTION - UNINCORPORATED BEAUFORT COUNTY; GEOGRAPHIC REGION – NORTHERN

B. CONSERVATION EASEMENT APPLICATION: GREGORIE NECK ROAD, YEMASSEE; POLITICAL JURISDICTION - UNINCORPORATED JASPER COUNTY; GEOGRAPHIC REGION – OUTSIDE OF COUNTY

C. FEE SIMPLE APPLICATION: ULMER ROAD, BLUFFTON; POLITICAL JURISDICTION - UNINCORPORATED BEAUFORT COUNTY; GEOGRAPHIC REGION – SOUTHERN

D. FEE SIMPLE APPLICATION: MITCHELVILLE ROAD, HILTON HEAD ISLAND; POLITICAL JURISDICTION - TOWN OF HILTON HEAD; GEOGRAPHIC REGION – SOUTHERN

Mike McShane, Chairman of the Green Space Advisory Committee, commented that the Green Space Advisory Committee received five applications, and four are being recommended for due diligence and negotiations, as the fifth application was incomplete. Mr. McShane noted that the Green Space Advisory Committee and County Council are not obligated to move beyond due diligence for the properties with this authorization.

Please watch the video stream on the County's website to view the full discussion of Application A.

<https://beaufortcountysc.new.swagit.com/videos/285341?ts=166>

Mr. McShane briefed the Committee on the conservation easement proposal for Half Moon Island Road, including how the U.S. Department of Defense committed to equally matching the funds supplied by the County to acquire the easement.

Motion: It was moved by Council Member Dawson, seconded by Committee Vice-Chair Glover, to recommend approval to fund due diligence and negotiate terms of acquisition for the conservation easement application for Half Moon Island Road, Lobeco.

Discussion: Council Member Cunningham asked if the U.S. Department of Defense would split the due diligence costs and easement purchase. Mr. McShane replied that the County could save money on due diligence costs if it could accept some of the work conducted by the U.S. Department of Defense.

Council Member Tabernik asked about the differences between a conservation easement and a fee simple. Mr. McShane explained that a qualified third party holds a conservation easement, and ownership of the land remains privately held, with the easement enforcing the negotiated terms and restrictions. Mr. McShane added that fee simple means taking clear ownership of the property.

The Vote – The motion was approved without objection.

Please watch the video stream on the County's website to view the full discussion of Application B.

<https://beaufortcountysc.new.swagit.com/videos/285341?ts=443>

Mr. McShane briefed the Committee on the conservation easement proposal for Gregorie Neck Road, including the significant water resource on the property. Mr. McShane commented on the 300% match requirement since the property is located outside of Beaufort County and noted that the requirement had been exceeded due to the property's value.

Motion: It was moved by Council Member Cunningham, seconded by Committee Vice-Chair Glover, to recommend approval to fund due diligence and negotiate terms of acquisition for the conservation easement application for Gregorie Neck Road, Yemassee.

Discussion: Council Member Bartholomew asked about engagement with Jasper County. Mr. McShane said that Jasper County is aware and supportive of the proposal.

Council Member Cunningham asked about the entity that would hold the conservation easement. Mr. McShane replied that it would be The Nature Conservancy.

The Vote – The motion was approved without objection.

Please watch the video stream on the County’s website to view the full discussion of Application C.

<https://beaufortcountysc.new.swagit.com/videos/285341?ts=664>

Mr. McShane briefed the Committee on the fee simple acquisition proposal for Ulmer Road, noting that the owner applied.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, to recommend approval to fund due diligence and negotiate terms of acquisition for the fee simple application for Ulmer Road, Bluffton.

Discussion: Council Member Cunningham asked if the previous property assessments would be used to reduce costs. Mr. McShane replied that the County Council would have to accept the appraisal and that updates could be added.

Council Member Bartholomew asked if a conservation appraisal was needed since the previous assessments were focused on commercial aspects. Mr. McShane replied that there are legitimate differences between the types of appraisals and that they need to determine how the appraisal process moves forward.

The Vote – The motion was approved without objection.

Please watch the video stream on the County’s website to view the full discussion of Application D.

<https://beaufortcountysc.new.swagit.com/videos/285341?ts=765>

Mr. McShane commented that the Town of Hilton Head made the application for the Mitchelville Road property and that there are still some aspects that need to be resolved, such as the legal description.

Motion: It was moved by Council Member Reitz, seconded by Committee Vice-Chair Glover, to recommend approval to fund due diligence and negotiate terms of acquisition for the fee simple application for Mitchelville Road, Hilton Head Island.

Discussion: Council Member Cunningham asked if there was interest in the property being developed and if there would be matching funds. Mr. McShane replied that moving forward with due diligence would allow the Green Space Advisory Committee to engage with the Town of Hilton Head and see if there are any opportunities for matching funds. Mr. McShane added that the property owner is aware that an application had been submitted for the property since the application allows someone to apply even if they are not the owner.

Attorney Charles Huston commented on the fee simple application for Mitchelville Road. Mr. Huston noted that the property does not have fee simple title, which is needed to consider purchasing the property. Mr. Huston added that the minority heirs want to purchase the property and that the matter is before the South Carolina Court of Appeals.

Mr. McShane commented that the Green Space Advisory Committee is aware of the heir’s property issue and that part of due diligence would be ensuring that the County could acquire or create an easement.

Mr. McShane added that the litigation would need to be resolved before the Green Space Advisory Committee comes forward with a recommendation and that he would be willing to provide regular progress updates.

The Vote – The motion was approved without objection.

7. EXECUTIVE SESSION

PURSUANT TO S.C. CODE SECTION 30-4-70 (A) (2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF REAL PROPERTY (76 May River Rd.)

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to enter into an executive session to discuss negotiations incident to proposed contractual arrangements and proposed sale or purchase of real property (76 May River Road).

The Vote – The motion was approved without objection.

8. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member Cunningham, seconded by Committee Vice-Chair Glover, to authorize the Interim County Administrator to negotiate and enter into a contract to purchase 76 May River Road on terms that are consistent with the terms that were discussed in the executive session.

The Vote – Voting Yea: Chair Howard, Vice-Chair Glover, Council Member Cunningham, Council Member Dawson, Council Member Passiment, Council Member Bartholomew, Council Member McElynn, and Council Member Reitz. Voting Nay: Council Member Brown and Council Member Tabernik. The motion passed by 8:2.

9. ADJOURNMENT

Adjourned: 4:05 p.m.

Ratified: February 12, 2024