



Community Services and Land Use Committee Beaufort County, SC

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

Monday, January 8, 2023
3:00 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/293628>

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 Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Lawrence McElynn
Council Member Joseph F. Passiment
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Council Member Mark Lawson
Council Member David Bartholomew

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

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/281301?ts=293628>

Motion to Amend: It was moved by Committee Vice-Chair Glover, seconded by Council Member Tabernik, to amend the agenda to postpone agenda item number 7, "Recommend Approval Of A Resolution Amending Resolution 2022/51, Which Authorized The County Administrator To Enter Into An Intergovernmental Agreement To Jointly Create, Fund, And Operate A Regional Housing Trust Fund, To Establish An Oversight Board To Oversee The Fund, And To Provide For Administration of the Fund" and item number 8 "Recommend Approval Of A Resolution Authorizing The County Administrator To Enter Into An Agreement With The Beaufort-Jasper Housing Trust, Inc. To Provide Management and Administrative Support Services Over the Regional Housing Trust Fund" indefinitely until such time as staff can consult with Beaufort-Jasper Housing Trust, Inc. and all the parties to reach a consensus on the language to be used in the resolution and the agreements.

DISCUSSION: Committee Vice-Chair Glover commented that the language needs to be clarified before moving forward.

Council Member McElynn objects to the motion language in the motion of "indefinitely."

Council Member Tabernick asked that legal weigh in on how the language should be written for this motion. Does it have to be indefinite? Thought it would be postponed until the next Community Services and Land Use Committee Meeting.

County Attorney Tom Keaveny responded that the word indefinitely was used to give everyone enough time to work on the language of the resolution. Didn't want to set the postponement to where there wouldn't be enough time given.

Vice-Chairman McElynn asked what the nature of the objection was and who was objecting to the language.

Council Member Glover stated that the language is not consistent, so it needs to be made sure that the same language is used throughout.

Committee Chair Howard mentioned that some entities have not been consulted with.

Mr. Keaveny updated the committee, stating that the intergovernmental agreement involves Jasper County and Beaufort County and includes all the municipalities within Beaufort County, the City of Hardeeville, and the City of Yemassee. The Beaufort Jasper Housing Trust wants to weigh in on some of the language regarding the agreement that the county is looking at entering.

Vice-Chairman McElynn asked about the agreement and thought it had already been agreed to. Is this specific to a particular action?

Mr. Keaveny said yes that it is looking into making Beaufort Jasper Housing Trust the fiscal agent for the fund. Community Works has been the fiscal agent.

Chairman Passiment is also troubled by the word indefinitely.

Motion to Amend the Amendment: It was moved by Chairman Passiment, seconded by Committee Vice-Chair Glover, to postpone consideration of item 7 and item 8 to a time certain of no later than March 11, 2024.

Discussion: Council Member Cunningham said that it doesn't seem clear what language is being objected to.

Committee Chair Howard said that it is because all the municipalities and Jasper County have not been consulted.

Council Member Cunningham asked what the postponement had to do with the language. It should be postponed, allowing staff more time.

Committee Chair Howard stated that there could be significant changes to the language that council might not be aware of.

Council Member Tabernik wants the council/committee to weigh in on the language and questions in the document. Can the Beaufort Jasper Housing Trust do what they say in Exhibit A?

Council Member Dawson said by chance, if the deadline comes and staff aren't ready, it can be extended.

Chairman Passiment changed his motion to say no later than the March 11th Community Services and Land Use Committee.

The Vote - The motion to amend 7:2 – Objections: Vice-Chairman McELynn and Council Member Cunningham.

The Vote – The motion to amend amendment 9:0 – The motion was approved without objection.

Main Motion: It was moved by Committee Vice-Chair Glover, seconded by Council Member Tabernik, to amend the agenda to postpone agenda item number 7, “Recommend Approval Of A Resolution Amending Resolution 2022/51, Which Authorized The County Administrator To Enter Into An Intergovernmental Agreement To Jointly Create, Fund, And Operate A Regional Housing Trust Fund, To Establish An Oversight Board To Oversee The Fund, And To Provide For Administration of the Fund” and item number 8 “Recommend Approval Of A Resolution Authorizing The County Administrator To Enter Into An Agreement With The Beaufort-Jasper Housing Trust, Inc. To Provide Management and Administrative Support Services Over the Regional Housing Trust Fund” to a certain time of no later than the Community Services and Land Use meeting on March 11, 2024, to give staff more time to consult with Beaufort-Jasper Housing Trust, Inc. and all the parties to reach a consensus on the language to be used in the resolution and the agreements.

The Vote- Main Motion 9:0 – the motion was approved with no objections.

Motion: It was moved by Chairman Passiment, seconded by Committee Vice-Chair Glover to approve the agenda as amended.

The Vote- 9:0 – the motion was approved without objection.

5. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the comment.

<https://beaufortcountysc.new.swagit.com/videos/293628>

1. Robert Simler

6. ASSISTANT COUNTY ADMINISTRATOR REPORT

Please watch the video stream available on the County's website to view the full presentations.

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Assistant County Administrator Chuck Atkinson introduced Brandi Hussmann, Business Licensing Administrator, who presented the council with a synopsis of what her department does and business licensing.

Vice-Chairman McElynn asked how many businesses were licensed in Beaufort County. - 5,000

Committee Chair Howard wanted to know what part of incorporated Beaufort County generates the most A-Tax money. -Fripp Island

Committee Chair Howard asked how the department tracks down expired and not renewed licenses. – Every year, the licenses are reviewed, and if they haven't been renewed, they are contacted about renewing

Council Member Cunningham asked if the H-Tax was in state or county. – the county

Vice-Chairman McElynn would like to know when a person makes an application for a business license and how the fee is determined. – Gross proceeds: in the first year, they estimate the revenue for the year; the second year is based on their tax returns, which could result in a refund or additional payment.

Vice-Chairman McElynn wanted to know if businesses produce their tax returns. – Every business must submit a tax return to the licensed renewed.

Council Member Brown asked how the department tracks down businesses that didn't apply for a license. – Code enforcement and phone calls.

Council Member Glover asked if there are any hotels in the county's unincorporated area besides Fripp Island. – Yes, there are some in Okatie and in Bluffton, south of the broad.

Assistant County Administrator Audra Antonnaci-Ogden introduced Rebecca Whitney Burgess, Director of the Alcohol and Drug Abuse Department, to give an update on the department and present the council with her plans for 2024.

Vice-Chairman McElynn asked of all the people in the treatment and admissions area how many of them were opioid-derivative. – Alcohol use disorder, marijuana use disorder, and then opioid is a smaller number.

Vice-Chairman McElynn wanted to know if the opioid group is prescription or street. – Both

Vice-Chairman McElynn stated that the alcohol driver safety is 245 admissions. – That is over a 12-month period

Vice-Chairman McElynn asked if they came through Magistrates court. – Yes

Vice-Chairman McElynn asked if the program would unsuspend their licenses. Yes, if they complete the program.

Committee Vice-Chair Glover asked about the dangers of vaping. – vaping is not safe. It causes harm, is addictive, and is more popular among youth. There is also vaping associated with marijuana and THC.

Council Member Tabernik stated that the outreach to students in the school system is bringing awareness.

Committee Chair Howard asked about the 4000 people educated. Was it in the schools? – It is through media and presentations throughout the school, going to community health fairs and events.

Committee Chair Howard asked what the biggest benefit is to date with opioid money the county received. - Reducing the stigma associated with people who are using substances. The focus is on prevention, intervention, and treatment.

Vice-Chairman McElynn stated that 245 people this year pleaded guilty and have an alternative way of working out their sentencing. Are there other programs in the county, or is BCADAD the only program in the county to which convictions can be diverted? - Not aware of any other programs which are approved by the South Carolina Department of Motor Vehicles.

A PORTION OF THIS MEETING IS WITHOUT VIDEO OR AUDIO

7. **RECOMMEND APPROVAL OF A RESOLUTION AMENDING RESOLUTION 2022/51, WHICH AUTHORIZED THE COUNTY ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO JOINTLY CREATE, FUND, AND OPERATE A REGIONAL HOUSING TRUST FUND, TO ESTABLISH AN OVERSIGHT BOARD TO OVERSEE THE FUND, AND TO PROVIDE FOR THE ADMINISTRATION OF THE FUND.**

The item was postponed until March 11, 2024, Community Services and Land Use Committee meeting.

8. **RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE BEAUFORT-JASPER HOUSING TRUST, INC. TO PROVIDE MANAGEMENT AND ADMINISTRATOR**

The item was postponed until March 11, 2024, Community Services and Land Use Committee meeting.

9. **RECOMMEND APPROVAL OF A RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT BUSINESS USE POLICY, APPLICATION, AND FEE SCHEDULE**

Please watch the video stream available on the County's website to view the full discussion.

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On December 11, 2023, the County Council referred this item back to the committee. Revisions were made to the original submittal based on County Council feedback.

County staff have been informed of numerous businesses using Passive Park properties without prior approval, scheduling, or compensation to the county for those activities. Business use of county Passive Parks can negatively affect the primary conservation goals of Passive Parks, public visitor enjoyment, other scheduled events on the properties, and the duties of the Passive Park Naturalist. Staff feel a specific policy, use application, and fee schedule is necessary to appropriately manage business use on Passive Park properties to manage overuse of conservation land, avoid public/private user conflicts, ensure appropriate coordination with the county's Naturalist, and appropriately compensate the county for business use of public land. One of the duties of the county's Naturalist is to maintain a programming schedule, including those approved through the submitted policy.

Assistant County Administrator Chuck Atkinson started off by giving the Council an update on Passive Parks. There are 17 Passive Parks, there are 10 more on the way and that doesn't include what is going to be developed in Greenspace. Growing at a rapid rate. The Passive Parks initiative is only 6 years old, and that is where the parks are currently. For the use of the park, there isn't a current policy specific to businesses using the parks. The start of putting together a policy will protect the integrity of the parks.

Passive Parks Director Stefanie Nagid gave a more in-depth look at the Passive Park program and its uses, the business policy, and its changes. The policy has come back to the committee with further refinements from legal and county staff that meet the council's objectives while still allowing staff management discretion. Since properties under the Passive Parks Department's purview were purchased through rural and critical lands, many of them were acquired under terms and conditions that restrict or prohibit business and or commercial activity. This policy was created to manage nonpublic use of the county's Passive Park properties. The policy does not restrict public access but protects public access by carefully managing non-public access. The fee schedule has been revised to define and accommodate user requests and hourly and yearly use. The policy changes were given to the council.

Council Member Cunningham suggested that the fee schedule could be broken up by size.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Brown, to recommend approval of a resolution to adopt the Passive Parks Department Business Use Policy, Application, and Fee Schedule.

The Vote: 9:0 - the motion was approved without objection.

DISCUSSION:

Council Member Tabernik mentioned that the recurring use of Passive Park properties, defined as use that occurs on a regular basis, reoccurring use may only be permitted once per month. Is that restrictive for companies that go there more than once a month, twelve visits a year? - Yes, but it's on every property. Passive Parks has 17 properties that are currently open to the public. Of those properties, there are a few that prohibit business use because it has restricted easements, conservation easements, or sale agreements. There are 4 properties that are managed by other entities that have their own policy. Someone could go to each park available to the public once a month but could visit seven different properties in one month.

Council Member Tabernik asked that this portion of the policy be revisited to be read more clearly for the public and businesses.

Vice-Chairman McElynn asked if you have an annual pass, and you want to go back to that property in the same month can you come back and pay the \$50 for four hours? - Without having to put every single scenario in this policy, it is suggested that staff should have that discretion based on scheduling availability and other uses occurring on the property.

Council Member Cunningham suggested that the policy should state if available they are allowed to visit more than once and lower the price for yearly pass holders. Some eco-tours and students use the same three or four parks, so giving them some discounted rate would be something for being a member and using it all the time.

Stefanie Nagid, Director of Passive Park, informed the council that Passive Parks has its own Naturalist who will use these properties to do programming for the department. There will be programs for schools and for the public for free. There needs to be a balance; she has her own schedule, which is going to be a more frequent occurrence than a business use. There are a lot of properties within the county that can be used by businesses besides the Passive Parks. There should be diversification.

Vice-Chairman McElynn wanted to know if this policy goes forward and is published before there is a council meeting, what would the people who were here last time say this time. – That it is too much money.

Council Member Cunningham said that \$200 for a yearly membership is a good cost.

Chuck Atkinson, Assistant County Administrator, Development, said that everyone knows what the parks are intended for, and when an entity models their business plan on having unfettered free access to public land, that is a flawed business model. Some will come back and say if it isn't free, it isn't going to work for their business. This is not meant to be a deterrent; to Stefanie's point, the goal is to control this so that the public remains the primary user, and that was the intent behind the policy.

Vice-Chairman McElynn made the comment that the Passive Parks were not established so people could run their businesses.

Committee Vice-Chair Glover said that the business policy is satisfactory, but the language needs to be cleared up so there isn't any room for interpretation. The clearer the language, the better. The "friends

of” these parks, specifically White Hall, since the gentleman from citizen comments was specifically concerned with that park, do they have a memorandum of understanding? - No, they don’t

Committee Vice-Chair Glover, do the Friends of Fort Fremont have a memorandum of understanding? - Yes

Committee Vice-Chair Glover, “friends,” should have a memorandum of understanding with the policy. How does this policy affect the Friends of Fort Fremont? - It doesn’t affect them at all regarding the use of the park.

Committee Vice-Chair Glover, when someone uses the park, who should they go to Friends of Fort Fremont or Passive Parks? - Staff. That is why staff are given the directions in this policy to coordinate that use because we know who is coming and what the demand, their schedules. We don’t want everybody there at one time and the park unusable to the general public. The friend's group has a separate use agreement which has a separate purpose and a separate use.

Committee Chair Howard, do we need to amend the motion for the language to be changed? – Everything has been noted, and we will have those corrections at the council meeting.

Council Member Cunningham suggested that there be language in the policy for those with a yearly pass to visit the same park again in the same month by paying a fee if the schedule allows. – With the understanding that there is already a demand for the park, and if it fits into that framework with staff discretion, there will be no problem with that.

10. REQUEST FOR APPROVAL OF CAMP ST. MARY’S PARK CONCEPTUAL PLAN

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/281301?ts=293628>

County Council approved the purchase of Camp St. Mary’s through the Rural and Critical Lands Preservation Program on July 10, 2023.

In August 2023, the Passive Parks Director hired Wood and Partner to create a conceptual plan for Camp St. Mary’s Park. A public open house was held on November 9, 2023, which had over 30 participants providing feedback on a draft plan. The draft plan was revised based on public input and is being presented to the committee for approval. An estimate of proposed costs is also included in the backup; however, this estimate is for informational purposes only, and approval of the conceptual plan does not constitute approval for future funds.

Stefanie Nagid, Passive Parks Director, said that if approved tonight by the committee, the next step would be to move forward with civil drawing and permitting for future construction. The engineers who created this plan gave a rough construction estimate, which is within the department's budget. This is not a request for funds, only for information.

Committee Chair Howard wanted to clarify that the only action today will be to recommend the conceptual plan and drawings.

Motion: It was moved by Chairman Passiment, seconded by Vice-Chairman McElynn, to recommend the approval request for Camp St. Mary’s conceptual plan.

The Vote: 9:0- The motion was approved without objection.

Discussion:

Council Member Brown asked if this was going to be a restrictive access park. - The park will have an entry gate and will be closed at night like the other parks.

Council Member Brown wanted clarification on the park's process for those still in the park after the gate is closed. – If you entered the park through the gate, you could leave through the gate; you just can't reenter. The gate is on an automatic timer, 6 am-7 pm during the winter and 7 am-8 pm in the summer.

Council Member Brown asked why all the parks are restricted with gates or fences. - All of the parks are closed at night.

Council Member Brown then asked if the building on the site was going to be removed. – Yes, they will be removed. They are not historic.

Council Member Brown wanted to know if the county could build cabins at the property to rent. – No, that can not be done because this property is owned by rural and critical lands and cannot be active.

Chuck Atkinson, Assistant County Administrator- Development, wanted to let the public know that none of the Passive Parks are intended to be boat ramps. If you have a kayak, you can enjoy the associated waterways with the park and can arrive by kayak, but there is no launching from the parks. Kayaks or canoes. The kayak portion of the dock is meant for people to come to visit the park by kayak and potentially a part of a kayak trail in the future. People will come and have kayaks and walk down and put them on the waterway and enjoy that, but that is not the intended primary use; it is not a primary launch for clubs.

Stefanie Nagid, Passive Parks Director, explained that the dock that is there now is an existing pier and dock. It is heavily used by fishermen and crabbers now. The pier and dock are the only open portions of the whole property right now, and they are governed by the public works department like all other piers and docks.

Committee Vice-Chair Glover asked that more discussion be held about the kayak launching because the plans for White Hall have a launching dock for kayaks. – There is an easy kayak launch that's at the dock and is going to be accessible by kayak, and that is because it is part of the blue way. If you put in at White Hall boat landing, you could kayak from Factory Creek fishing pier to White Hall Park, downtown Beaufort, Fort Frederick preserve, and the sands. These stops on the way are for people to stop at if the weather turns bad; they have a safe place until it passes. This can be done at Camp St. Mary's, and it will be for people on the water to stop and visit the park, use the restroom, etc. The park

Council Member Cunningham wanted to know if 17 parking spots were enough. – The community's concern is the amount of traffic down Camp St. Mary's Road. One of the ways to manage that is the infrastructure. There is enough space for a few more parking spots and have 20.

Chairman Passiment mentioned that additional parking is okay so that as the park grows, you can expand and not be defined by a number.

Council Member Cunningham asked what the parking lot was going to be, gravel or cement. – The materials are yet to be determined and will come with the next phase of planning, but it should be some kind of crushed aggregate, not loose gravel.

Council Member Tabernik stated that the AIS says that there is \$1,000,009 in the fund, and the projected budget is \$1,000,009. Does this include the demolition of existing buildings? Do you have enough? – Yes, money was allocated to the White Hall dock, and the bid came in much lower than expected, so there are additional funds for civil planning and demolitions without affecting the budget for Camp St. Mary's.

11. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND TO PROVIDE FUNDING FOR THE PURCHASE OF TAX MAP SERIAL NUMBER TMS R600-021-000-0078-0000 AND ALSO KNOWN AS BARRELL LANDING ORR

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Rural and Critical Land Preservation Board (RCLPB) recommended to pursue due diligence on May 11, 2023. Community Services and Land Use Committee recommended due diligence on June 12, 2023. Rural and Critical Land Preservation Board recommended to purchase on November 9, 2023.

Barrell Landing Orr property consists of approximately 1.82 acres, zoned community center mixed-use in unincorporated Beaufort County in the Okatie watershed. The property is surrounded almost entirely by existing RCLP Program acquisitions. Its purchase would improve the county's access to those investments and make the county property boundary whole.

The proposed purchase includes the opportunity to purchase real property identified as R600-021-000-0078-0000, also known as Barrell Land Orr. The agreed-upon purchase price is \$434,000.00 plus closing costs.

Amanda Flake, Natural Resource Planner, stated that this property was surrounded by other properties purchased by Rural and Critical Lands.

Motion: It was moved by Chairman Passiment, seconded by Committee Vice-Chair Glover, to recommend the approval of a resolution authorizing the interim county administrator to execute the necessary documents and to provide funding for the purchase of tax map serial number TMS R600-021-000-0078-0000 and also known as Barrell Landing Orr.

The Vote: 9:0- The motion was approved without objection.

Discussion:

Vice-Chairman McElynn, as the legal staff, if there is any statutory language that says that if the county buys something, it must be done by ordinance rather than a resolution, and why is this property done by resolution? - To sell property is done by ordinance. This is Rural and Critical property and Rural and Critical property is subject to an overarching ordinance that created the funds.

12. RECOMMEND APPROVAL TO UNDERTAKE DUE DILIGENCE AND DISCUSSIONS/NEGOTIATIONS FOR THE PROPOSED FEE SIMPLE PURCHASE OF REAL PROPERTY KNOWN AS RAWSTROM ROAD

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Rural and Critical Land Preservation Board recommended approval for due diligence on November 19, 2023.

Rawstrom Road is recommended for due diligence. The purchase would protect 12 acres adjacent to Altamaha Heritage Preserve (DNR) and improve access to the property. The property is in the Okatie watershed.

Amanda Flake, Natural Resource Planner, said there is a private road for access, and there is a potential of another 8.5 acres that maybe another possibility when doing due diligence.

Motion: It was moved by Council Member Cunningham, seconded by Chairman Passiment, to recommend approval to undertake due diligence and discussion/negotiations for the proposed fee simple purchase of real property known as Rawstrom Road.

The Vote: 9:0 – The motion was approved without objection.

DISCUSSION:

No discussion.

13. RECOMMEND APPROVAL TO UNDERTAKE DUE DILIGENCE AND DISCUSSION/NEGOTIATIONS FOR THE PROPOSED FEE SIMPLE PURCHASE OR PROPOSED DEVELOPMENT RIGHTS OF REAL PROPERTY KNOWN AS SEASIDE ROAD

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Rural and Critical Land Preservation Board recommended approval for due diligence on November 9, 2023.

Seaside Road PDR/Fee is recommended for due diligence. PDR would protect 9.36 acres of active farmland in marsh migration and farming corridor off Seaside Road; Fee would protect property across the street to be owned and maintained like other vista projects such as Blocker Field Extension. The proposed fee property is adjacent to the cemetery.

Motion: It was moved by Committee Vice-Chair Glover, seconded by Council Member Cunningham, to recommend approval to undertake due diligence and discussion/negotiations for the proposed fee simple purchase or proposed development rights of real property known as Seaside Road.

The Vote: 9:0 – The motion was approved without objection.

DISCUSSION:

No discussion.

14. ADJOURNMENT

Adjourned: 4:30 p.m.

Ratified: March 11, 2024