



Community Services and Land Use Committee Beaufort County, SC

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

Monday, August 14, 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/269066>

1. CALL TO ORDER

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

PRESENT

Chair Alice Howard
Vice-Chairman York Glover
Council Member Gerald Dawson
Council Member Paula Brown
Council Member Anna Maria Tabernik
Council Member Joseph F. Passiment
Council Member Lawrence McElynn
Council Member Mark Lawson
Council Member Thomas Reitz
Council Member Logan Cunningham (came in late)

ABSENT

Council Member David P. 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

Motion: It was moved by Council Member Passiment, seconded by Committee Vice-Chair Glover, to approve the agenda.

The Vote – The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Passiment, seconded by Council Member Dawson, to approve the minutes of May 8, 2023, and June 12, 2023.

The Vote – The motion was approved without objection.

6. CITIZEN COMMENT PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

1. Rev. Dr. Elijah Washington
2. Belinda Littlefield
3. Mayor Stephen Murray
4. Ed Allen
5. Kristen Williams
6. Grant McClure

7. RECOMMEND APPROVAL OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH SECTION 38-200 – GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM CRITERIA AND APPLICATION PROCESS

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

The Green Space Committee Chairman, Mike McShane, introduced the Green Space Committee members who were in attendance. Mr. McShane provided an update on the establishment of the Green Space Committee and noted the backup material that shows the criteria. This item is recommended to be approved by the Committee and the first reading at Council today. The concept is to have quarterly applications come through, which matches up with the State Conservation Bank. Mr. McShane's goal is to leverage funds through programs like the State Conservation Bank. The program's criteria show an application schedule deadline is October 31st, so the applications will be in by the end of the quarter instead of 2024, so revenues can be produced. This ordinance will allow for the procurement of a conservation easement and fee simple. This ordinance will also cover purchases of existing planned development or development agreement buy-downs. This ordinance will uniquely consider the impact on surrounding counties and qualify those areas to apply. The applications are being produced and worked on now. The program criteria will also consider farmland preservation as well as natural scenic wildlife corridor procurements. The committee was given great latitude to establish these types of applications. Beaufort County is the first in the state to allow Green Space funds to purchase buy-down development agreements that existed prior to the adoption of this ordinance. All applications will be evaluated and brought forward as a recommendation of approval to the Committee and then to full Council. All recommended applications will have fully participating applicants.

Council Member Tabernik expressed her appreciation for the Green Space Committee and its members. She also pointed out how great the discussions were during the selection process and was impressed with how things have come together for this Committee and that its leadership and Sen. Tom Davis are on the right path.

Motion: It was moved by Council Member Passiment, seconded by Council Member Dawson, to recommend approval of an ordinance amending Beaufort County Code of Ordinances Chapter 38, Article VII – Green Space Program, to establish Section 38 – 200 – Green Space Advisory Committee (GSAC) program criteria and application process.

The Vote- The motion was approved without objection.

DISCUSSION: Committee Vice–Chair Glover asked if there was only one map that the committee was using. Mr. McShane answered that there is a Green Print map, but applications will require individual mapping to include connectivity and adjacency because that is a component when investing. The State Conservation Bank map will also be utilized to overlay the Green Print map.

Committee Chairman Howard mentioned that funds can be used from other Counties, but there will be a lot of guidance on how that will be done, and these Counties also have their own conservation plans.

Committee Chairman Howard and Green Space Committee Chairman Mike McShane expressed their appreciation for all the hard work that has been done by Staff.

Council Member Tabernik requested that the Green Space Committee share the current amount of funds. Mr. McShane said that there is approximately \$5,500,000.00 from the first quarter. The September 30th date will be indicative of how the program is going. In a two-year period, there will be approximately \$100,000,000.00.

8. RECOMMEND APPROVAL OF AN ORDINANCE AMENDMENT TO PROVIDE FOR A MODIFIED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Tonya Crosby, Chief Financial Officer for Beaufort County School District, presented the School Operations rollback millage. June 26th was the final reading of the School Districts budget. At that time, the revenue needed from tax revenues was \$195,000,000.00. Last year's millage and operations were 125.6 mills. The school district and council approved an increase of 4.4 mills bringing the total amount to 130.0 mills. There was a discussion that this was a pre-rollback millage number and stipulated that there would be a chance for a rollback millage number during presentations. The original numbers were rolled back to the fiscal year 2022-2023 at 117.4 mills, a decrease of 8.2 mills, and an increase of 4.4 mills to bring the fiscal year 2023-2024 to 121.8 mills, the net reduction of millage from the prior year is 3.8 mills. The new millage is believed to generate the amount of revenue listed in the budget ordinance. If the originally approved millage at 130.0 at \$1,601,96.00, a mill would generate \$208,255,190.00 in general fund revenue, which is \$13,000,000.00 more than the budget approved by the school district and council at \$195,119,038.00. According to state law, it requires an adjustment to the millage to generate the same revenue level approved in the budget ordinance. The purpose is to generate revenue neutrality. The new millage rate continues to meet the limitations of the state millage cap. The budget ordinance states that the council has the authority to adjust the millage rate no later than August 31st of the tax year. A resolution would adopt a new millage rate if deemed necessary and appropriate. Legal advised that the change needed to be done by way of amending the ordinance rather than a resolution, and the ordinance would require three readings and a public hearing. Once the amended ordinance is approved, all documentation will be sent to the County Auditor's Office.

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to recommend approval of an ordinance amendment to provide for a modified millage rate for the levy of tax for school purposes for Beaufort County for the fiscal year beginning July 1, 2023, and ending June 30, 2024, and to make appropriations for said purposes.

The Vote – The motion was approved without objection.

9. RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62, SOLID WASTE, BEAUFORT COUNTY CODE OF ORDINANCE

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Public Works Director Neil Desai provided information on the text amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinance. Before this amendment came through, there were some discrepancies and contradicting language in the ordinance and codes. Examples of amendments were given to Council.

Committee Chair Howard pointed out that code enforcement can give a \$500.00 fine, and litter control can also issue a \$500.00 fine if a company isn't covering their trucks on the way to the landfill and trash falls out also if there is dumping on private property.

Motion: It was moved by Council Member Dawson, seconded by Council Member Tabernik, to recommend approval of an ordinance adopting amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinance.

The Vote – The motion was approved without objection.

10. RECOMMEND APPROVAL OF A RESOLUTION TO NAME THE BOUNDARY STREET OPEN SPACE/POCKET PARK LOCATED IN THE CITY OF BEAUFORT: "FIRST SOUTH CAROLINA VOLUNTEERS PARK"

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Assistant County Administrator of Development Chuck Atkinson presented information on naming the Boundary Street Open Space/ Pocket Park located in the City of Beaufort. The City of Beaufort, Beaufort County, and Open Land Trust have worked on acquiring a parcel of land on Boundary Street and Battery Creek located in the boundaries of the City of Beaufort. This parcel is located about a ¼ of a mile from the Administration Building. The three entities have completed purchasing these parcels and demolished the commercial structures on the property. The Boundary Street Open Space Park is strongly tied to the legacy and importance of the First South Carolina Volunteers for their contributions toward the protection of the Sea Islands and bravery in other Civil War activities. The historical significance, sacrifice, and commitment of the First South Carolina Volunteers are worthy of public recognition. The proposed Resolution names the park in their honor.

Motion: It was moved by Committee Vice-Chair Glover, seconded by Council Member Dawson, to recommend approval of a resolution to name the Boundary Street Open Space / Pocket Park located in the City of Beaufort: "First South Carolina Volunteers Park."

DISCUSSION: Committee Vice-Chair Glover expressed the honor of having this park named after the First South Carolina Volunteers and recognized former City of Beaufort Mayor Keyserling for his diligence in getting support for this project. An interesting fact about African American history is that it hasn't really been told, and this is an opportunity for the history to be told for commitment and participation. Anytime there is a history to be told that includes the entire community, it is a great thing. Beaufort is unique in that it is a seabed for a lot of historical events, and this is just one of them.

Committee Chairman Howard stated that Ms. Littlefield spoke about 1,100 or more participants who contributed to the safety of the Sea Islands and hopes that descendants, including Mr. Allen, can attend the naming of the park.

Committee Vice-Chair Glover also mentioned a Civil War grave was discovered on St. Helena with the name Bailey and was amazed by this discovery. This proves that there is real history around.

Council Member Dawson agrees to the two previous statements and thanks all the participants who brought this item forward. Having these soldiers recognized for fighting to preserve and protect the Sea Islands is a great honor. Mr. Ed Allen is one of the descendants, and so is he, and it is befitting for the Committee to pass this.

The Vote – The motion was approved without objection.

11. RECOMMEND APPROVAL OF A RESOLUTION TO ACCEPT SC AERONAUTICS COMMISSION GRANT OFFER 23-025 FOR \$378,044 FOR TAXIWAY F STRENGTHENING AND FOR PARTIAL ACQUISITION OF EXEC AIR PROPERTY AT THE HILTON HEAD ISLAND AIRPORT

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Council Member Cunningham arrived.

Assistant County Administrator, Infrastructure Jared Fralix, introduced this item.

Airport Director Jon Rembold stated that this grant is 100% funded by the SC Aeronautics Commission.

The way the SC Aeronautics Commission is set up for commercial airports is there is a set of funds that goes to the airport on an annual basis. The funds get assigned to specific projects as they come through for proposal. It's different than the way it used to be. An infrastructure project such as this would be funded 90% by the FAA, 5% by the State, and 5% by the airport. The airport has chosen to use a portion of two years' worth of annual funds and distribute to the taxiway project and a small acquisition of Exec Air. Exec Air is a private hangar association, and it became a necessity when the taxiway was relocated, rendering a small portion of their property unusable to Exec Air because it had airport infrastructure on it. Purchasing this property would allow that portion to be added to the airport.

Motion: It was moved by Council Member Passiment, seconded by Council Member Reitz, to recommend approval of a resolution to accept SC Aeronautics Commission grant offer 23-025 for \$378,044 for taxiway F strengthening and for partial acquisition of Exec Air property at the Hilton Head Island Airport.

The Vote – The motion was approved without objection.

12. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Special Assistant to County Administrator Hank Amundson briefed Council on the recommendation of this resolution and how approving this resolution pertains to funding the request in item number 13.

Beaufort County "County" received \$37,317,466.00 under the American Rescue Plan Act ("ARPA") and allocated \$11,700,000.00 of the ARPA Funds for Infrastructure Projects. The Infrastructure Projects included several categories, each allocating a portion of the funds. Specifically, the subcategory "General," for projects that weren't specifically defined and later observed to be not feasible or completable, was allocated \$8,000,000.00, and the "Ferry" was allocated \$500,000.00. The subcategory of Ferry was included in the allocation of ARPA funds to improve and construct the necessary infrastructure for the Daufuskie Island Ferry ("DI Ferry"), a county-funded public transportation service to and from Daufuskie Island. To comply with the Court order, funding in the amount of \$2,306,634.00 is required for the planning, permitting, and construction of the infrastructure necessary to relocate the operation of the DI Ferry from Buckingham Landing to the Cross Island Boat Landing on Hilton Head Island. The General subcategory has funds that remain unallocated in an amount sufficient to fund the amount necessary for the costs associated with the planning and construction of the infrastructure located at Cross Island Boat Landing; therefore, it is recommended to move \$2,306,634.00 from the General line item to the Ferry line item. Referencing Ordinance 2022/16, it allows the County Administrator to reallocate funds within the ARPA categories as the County progresses and assess the feasibility, allowability, or completable projects. For transparency purposes, it is being brought forward to Committee and Council for approval to reallocate these funds.

DISCUSSION: Committee Vice-Chair Glover asked what line item the funding was coming from. Mr. Amundson explained that there is a category called infrastructure, and with that category, there is a subcategory called general. The subcategory general is where the \$2,306,634.00 is coming from for the ferry.

Council Member Lawson stated that the county pledged to Buckingham Landing that the county would move forward to move the ferry from Buckingham Landing. Buckingham Landing filed legal action against the county, and a part of that is for the County to relocate the ferry and ultimately provide permanent embarkation for Daufuskie Island and Hilton Head and become self-sufficient, but until then, funds are needed to get this project done.

Committee Vice-Chair Glover stated that initially, broadband was funded at \$500,000.00 and then recently increased it to \$750,000.00. Is there a need for additional funding for broadband, and would that come from the infrastructure's general subcategory? Mr. Amundson mentioned that are other funds are underutilized and can allocate that money to broadband if needed.

Motion: It was moved by Council Member Passiment, seconded by Council Member Lason, to recommend approval of a resolution authorizing the reallocation of American Rescue Plan Act (ARPA) funds for the planning, permitting, and construction of infrastructure necessary to relocate the operation of the public Daufuskie Island Ferry Service.

The Vote – The motion was approved without objection.

13. RECOMMEND APPROVAL OF A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Special Assistant to the County Administrator Hank Amundson explained to Council why the emergency procurement is needed. The County is a party to litigation regarding the County's right to operate a Public Ferry service from what is known as Buckingham Landing. The Circuit Court issued an order on February 21, 2023, requiring the County to relocate the Public Ferry to a new location by January 1, 2024. The Court denied the County's motion to reconsider on March 16, 2023. In response to the Order, County staff immediately proceeded to explore all available options and discussions of temporary embarking at Haig Point until the long-term goal of building a county embarkation was complete. But to temporarily use Haig Point, the condemnation of the adjacent parcels would be needed to have parking. The condemnation and acquisition of the parcels are still ongoing, and the County would not have time to continue with that route. It was then determined that the best available option was located at what is known as the Cross Island Boat Landing ("Cross Island"). County staff has worked diligently with the Town of Hilton Head Island and SCDOT to clear title issues, secure an encroachment permit, accomplish site acquisition, develop site and construction plans, and initiate the permitting process. County staff has sought out a team of capable, competent, and local contractors willing to push current work aside to assist the County in its efforts to comply with the court order. The team of O'Quinn Marine Construction (General Contractor), McSweeney Engineers, and David & Floyd (formally Andrews Engineering & Surveyors) have formulated a plan, timeline, and full cost of construction of all embarkation site improvements required to be in place to operate the Ferry Service at the Cross Island Landing on January 1, 2024. This project is only possible on this timeline through the County's Emergency Procurement Policy.

DISCUSSION: Council Member Tabernik asked if a brief description of the County's Emergency Procurement Policy could be given to the public on why this is an emergency, and it states that written determination of the basis for the emergency and the selection of the particular contract will be on file. Mr. Amundson stated that the definition of emergency was discussed immediately with procurement

about this process, knowing that it would have to be approved today. A condition is a situation that creates a threat to public health welfare or safety that arises because of floods, epidemics, equipment failure, or other such reasons pertaining to using an agency. Such conditions create an immediate need for supplies and materials of service that cannot be met through a normal procurement process. Lack of which would threaten the function of the county government or the health, safety, and welfare of residents. Emergency procurement shall be limited only to the quantity of those supplies and equipment necessary to meet this need. The sole focus of this project on that property is because of health safety. Residents get to and from the doctor or hospital through the ferry services. This ferry service isn't just to move residents and tourists to and from Daufuskie Island. Through partnership and overall offering of services, the service transports EMS, Fire, and County Employees. EMS utilizes Harbor Town, and an ambulance is already available. EMS ran 70 calls last year. This truly meets emergency needs, and that is important for the public to know.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to recommend approval of a resolution approving the emergency procurement of and funding for the design, permitting, and construction services necessary for improvements to the Cross Island Boat Landing to accommodate the Daufuskie Island Ferry by January 1, 2024, to comply with a court order.

The Vote – The motion was approved without objection.

14. RECOMMEND APPROVAL TO ISSUE TASK ORDERS TO JH HIERS TO PERFORM WORK FOR THE BESSIE LAND DRAINAGE IMPROVEMENT PROJECT

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

<https://beaufortcountysc.new.swagit.com/videos/269066>

Public Works Director Neil Desai gave Council a background on this item and its location. The homeowner of 21 Young Circle granted an easement to the County to convey drainage through their property. The homeowner requested the drainage system realignment to follow the property line. The current drainage system bisects the property, minimizing full access for the property owners. Stormwater presented the project to the Stormwater Utility Board in November 2021. The county hired an on-call consultant for projects to assist the current Stormwater Infrastructure Staff. Based on their proposed and negotiated scope, the Stormwater Department's on-call contractor, JH Hiers, will execute this current project.

DISCUSSION: Council Member Dawson recalls that this property has been a problem for years with the Stormwater Committee, and prior to Mr. Desai's arrival, he is glad to see that with Mr. Desai's leadership and staff, they were able to secure the easements right away to get the drain system in there.

Committee Vice-Chair Glover echoed Councilman Dawson's statement, and if he isn't mistaken Council was going to abandon this project because they couldn't get an easement even though the problem was still there. Without that homeowner granting an easement, the resolution to the problem would not exist.

Motion: It was moved by Council Member Dawson, seconded by Committee Vice-Chair Glover, to recommend approval to issue task orders to JH Heirs to perform work for the Bessie Land Drainage Improvement Project.

The Vote – The motion was approved without objection.

15. ADJOURNMENT

Adjourned at or around 4:01 p.m.

Ratified: September 11, 2023