



**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 06, 2020 at 2:00 PM

VIRTUAL MEETING

### PRESENT

Chairman Alice Howard  
Vice Chairman Gerald Dawson  
Council Member Covert  
Council Member Hervochon  
Council Member Rodman  
Council Member Passiment  
Council Member Sommerville  
Council Member Glover

### ABSENT

Council Member Lawson  
Council Member McElynn  
Council Member Flewelling

### CALL TO ORDER

Chairman Alice Howard called the meeting to order at 2:00 p.m.

### PLEDGE OF ALLEGIANCE

Chairman Alice Howard led the Pledge of Allegiance.

### FOIA REQUIREMENTS

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

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

### APPROVAL OF AGENDA

**Motion:** It was moved by Council Member Hervochon, seconded by Vice Chairman Gerald Dawson, to approve the agenda. The vote: YEAS - Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Covert, Council Member Hervochon, Council Member Rodman, Council Member Passiment and Council Member Sommerville. The motion passed.

### APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Covert, seconded by Vice Chairman Gerald Dawson, to approve the minutes of May 4, 2020. The vote: YEAS - Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Covert, Council Member Hervochon, Council Member Rodman, Council Member Passiment, Council Member Sommerville and Council Member Glover. The motion passed.

## **CITIZEN COMMENT**

*(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)*

Mr. William J. Mathug discussed the campgrounds at Callawassie Drive.

## **DISCUSSION ITEMS**

### **UPDATE ON THE STATUS OF THE REGIONAL HOUSING TRUST FUND IMPLEMENTATION**

**Discussion:** Eric Greenway, Community Development Director, provided an update on the status of the Regional Housing Trust Fund implementation, which was for Beaufort and Jasper Counties. One organization submitted a proposal during the original RHTF RFQ solicitation which the SoLoCo Housing Trust Fund Subcommittee found to be non-responsive due to the limited qualifications and relevant experience of the firm. As a result, a second solicitation was made and the deadline for submission is July 14, 2020.

**Status:** Information only.

### **APPROVING AN AMENDMENT TO THAT CERTAIN PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND ROBERT L. GRAVES EFFECTIVE FEBRUARY 1, 2019, AND RECORDED IN THE BEAUFORT COUNTY REGISTER OF DEEDS OFFICE IN BOOK 3735, PAGE 1 ON FEBRUARY 4, 2019**

**Discussion:** Eric Greenway stated that the proposed language 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 the Graves and park access road are concerned, as well as clarifying the details associated with creation of the Improvement District.

Nicole Scott, attorneys with Nancy Pruitt Law firm, representing Mr. Graves - to help set the district up for the development agreement for the assessment district. Staff, based on the property owner's /developer's need for a more specific commitment for financing purposes regarding the County's desire to pursue the funding of the improvements and the need for more specificity to the details of the Neighborhood Improvement District, recommends that the resolution be adopted by the County Council.

\*Please review slide presentation page 20-21\*

Council Member Sommerville: The duration is a 35-year agreement and the state statute on development agreement allows for six renewals.

Nicole Scott: This is 89 acres.

Council Member Sommerville: Is the Graves Road included in the 89 acres? The statute states the minimal acre requirement is not more than five years. How many renewals are permitted with the state statute?

Barry Johnson: I have not reviewed the statute, right now, however, I will get back to you on this. The proposed district is 85 acres and the Graves road is not a component of that.

Thad Wilson: A part of the Graves Road is considered to be included in the Special Assessment District for the

improvement plan that is drafted.

Council Member Sommerville: How can you have a RID on Graves road when there is no signature of an owner? Mr. Wilson responded it is a common occurrence to include public-owned land.

Council Member Sommerville: Is this public-owned land? Mr. Wilson replied he is not saying that. I am saying it is a complicated situation.

Ms. Scott: We were not asked about ownership, but was asked to implement an improvement district for public access to the park. The county cannot use the special district if it is not public owned, county or state-owned by DOT.

Mr. Johnson: The Graves road has been county-maintained until this day. Road improvements to the road will only be considered maintenance. With the development agreement, the road needs to be maintained.

Council Member Sommerville: How are we going to maintain a RID if we do not have an agreement from all property owners?

Nicole Scott: We only need permission from property owners representing 66% of the assessed value of the property.

Thad Wilson: We are purposely developing a structure that works for both parties with the proposal.

Council Member Sommerville: Are you saying you are not bound by state statute?

Thad Wilson: No, I am saying there is an option for a RID or County works improvement district.

Nicole Scott: One of the reasons we are here is to change from a RID to County Works improvement. We can save money for the client by doing something more familiar with.

Berry Johnson: On page 30 of the agreement, it clearly gives the client the option to use RID or County Works.

Council Member Passiment: Before we proceed, we need to decide if we want to create a special assessment district or pay the full amount for the park.

Chairman Howard: If we decide to go forward, what do we want it to say?

Council Member Passiment: There is \$2.2 million identified over the next two fiscal years for the access road and the rest needs to be figured out.

Council Member Sommerville: If we are going to do the RID, we need to update the RID because the agreement hurts the county.

Eric Greenway: The estimate is to be \$3.7 million for Graves Road and Park Access. This is for the county to recoup \$2.4 million. Stormwater improvements will be 50/50 paid by Stormwater. We do not recommend that park improvements be included because Stormwater has agreed to a 50/50 split.

Council Member Sommerville: What does the development agreement commit us to build, the Graves Road or Park Access?

Eric Greenway: It commits us to improve Graves Road and to construct the park access road. We have already figured out where the access road will be.

Nicole Scott: \* Reads the presentation.\*

Chairman Howard: Why has commercial been excluded?

Nicole Scott: Who would benefit from the commercial usage, the developer or county.

Council Member Sommerville: What number of units are you starting with?

Nicole Scott: There is no number. We are only looking at the proposed land on the agreement.

Council Member Passiment: Can we recoup all or just a portion of money? Can we include commercial area for part of the assessment?

Nicole Scott: Yes, the county can recoup \$3.7 million. There is nothing from a legal stand point to prohibit the commercial area however we have looked at the broader picture with marketability. Looking at the county reasonableness which is two-thirds of assessment district. We feel that this way it will be more profitable.

Thad Wilson: The assessment method will create classes of property that will cover anything we build. Broad enough classes of property that we can have an unexpected usage comes up it is able to handle anything. The second and third floor will be mixed usage and not in district. There is assessment can be allocated for the entire process.

Council Member Sommerville: What about the square footage of residential that can be converter to commercial.

Thad Wilson: If the district gets drawn like proposed, it will not be in district. This proposal does not include lands along 278.

Council Member Sommerville: We asking our county to take the load to make the property more profitable for Mr. Graves.

Nicole Scott: Before the assessment district was added they were on the hook for this amount. We are trying to be as neutral as possible. We are looking for a legal proposal but Council does not have to accept this. We are not asking the taxpayers to do anything.

Berry Johnson: Mr. Greenway suggested the special assessment so that the county can recoup some of the money. They could expect the rates to be about \$30 to \$40 range and was agreed that this could be done. This was the content discussed about an improvement district.

Nicole Scott: This is supposed to be commercial at this time, to the best of our knowledge. On our proposal since this is out of district it will not be assessed. This is a geographical analysis not usage.

Council Member Passiment: We need to decide to exclude or include commercial area.

Thad Wilson: We looked at the public improvements this district is going to fund. We will see if the commercial area will give any benefits. We see not much if any.

Council Member Sommerville: I am thinking of the taxpayers not just Mr. Graves. I think the county should have the right to decide what is included or excluded in RID because Mr. Graves has signed over his rights to that.

Nicole Scott: You do not have to go with this agreement. This is just a proposal made by experience and knowledge of the firm. We are looking out for both Mr. Graves and the taxpayers.

Council Member Sommerville: Our attorney's need to look at page 37, section D.

Council Member Dawson: The county should go forward with the residential special assessment looking to try and recoup all money.

Nicole Scott: Mr. Graves needs this decision on what needs to be done so he can go forward. The goal for all of us is for there to be a win-win on both sides.

\*continue with presentation\*

Council Member Sommerville: Before we forward to council we need to find out if we can recoup 2.4 million by adding interest. We also need to find out about the design cover and construction, we need to find out about Stormwater and if we can recoup that as well.

Nicole Scott: This is only for the road construction and park

Chairman Howard: Please email me all questions so that we can present at the next council meeting.

Council Member Passiment: During this discuss we need to see if we want to create the special assessment district, if we create the district which should it be, and what the assessments will be before we can send to council.

Council Member Sommerville: We should also ask who should define the district.

**Motion:** Discussion only

**CONSIDERATION TO APPROVE A RESOLUTION OF THE COUNTY COUNCIL OF BEAUFORT, SOUTH CAROLINA, DESCRIBING THE OKATIE RIVER IMPROVEMENT DISTRICT AND THE OKATIE RIVER IMPROVEMENT PLAN BE EFFECTED THEREBY, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE OKATIE RIVER IMPROVEMENT PLAN, THE ESTIMATED COST OF THE IMPROVEMENTS AND THE AMOUNT OF SUCH COSTS TO BE DERIVED FROM ASSESSMENTS OR OTHER FUNDS; SETTING FORTH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE OKATIE RIVER IMPROVEMENT DISTRICT; ORDERING A PUBLIC HEARING, AND OTHER MATTERS RELATED THERETO.**

**Status:** Items 8 and 9 were discussed together

### **ACTION ITEMS**

**CONSIDERATION FOR APPROVING AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO ESTABLISH "SHORT TERM HOME RENTAL" AS A SPECIAL USE**

**Discussion:** Eric Greenway: The Natural Resources Committee reviewed, for the second time, the original amendment in early 2019 and, based on public input that we should adopt something more in character with our locale, appointed a STR Citizens Committee to study the issue. The committee met 4 times and are recommending the proposed attached amendment as a result of their work. The proposal will amend the current ordinances on Bed and Breakfast to create a category known as "Lodging: Short Term Home Rental" with a limitation that consecutive

days' rental cannot exceed 29 days. Leave the definitions as currently stated in the CDC for Bed and Breakfast development standards and definitions which carries no standard for the length of time rented but must be owner occupied. Amend the CDC to create the Short Term Home Rental provision that defines the term and further regulates the use while doing away with the owner occupied provision.

Chairman Howard: Public hearing to be advertised.

Council Member Covert: This is like the Air B & B situations, correct? Is this for each time?

Eric Greenway: As long as they stay in compliance with the short term rental usage is indefinitely.

Council Member Covert: Like the Town of Bluffton.

Eric Greenway: Looking to adopt something similar to City and County. City is looking at a percentage, do not think we are going to look at doing that.

Chairman Howard: Port Royal has not been adopted yet.

Eric Greenway: A lot of individual in Beaufort County have turned to short term rentals. We need to establish something in Zoning Board of Appeals. Everyone needs to work as a team to make sure Beaufort County is in this together and to make sure the property is getting charged as a rental.

Council Member York: Are there any individuals from community from the rural area?

Eric Greenway: They can if they go through the process and get special use provision however this does not apply to PUD's or Community Preservation districts. The makeup of community is made up of varies individuals who know about short term rentals industry.

Council Member York: Would like when there is a committee of this nature that the rural community be a member and included.

Eric Greenway: Ok

**Motion:** It was moved Council Member Glover, seconded by Council Member Hervochon, to move to council. The vote: YEAS - Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Covert, Council Member Hervochon, Council Member Rodman, Council Member Passiment, Council Member Sommerville and Council Member Glover. The motion passed.

## **BOARDS AND COMMISSIONS**

### APPOINTMENT OF CHRISTOPHER MARSH TO RURAL AND CRITICAL LANDS PRESERVATION BOARD

**Motion:** It was moved by Council Member Glover, Seconded by Council Member Hervochon to approve Christopher Marsh to Rural and Critical Lands Preservation Board. The vote: YEAS - Chairman Alice Howard, Vice Chairman Gerald Dawson, Council Member Covert, Council Member Hervochon, Council Member Rodman, Council Member Passiment, Council Member Sommerville and Council Member Glover. The motion passed.

## **ADJOURNMENT**