



**County Council of
Beaufort County
Executive Committee
Meeting**

Committee Members

JOSEPH PASSIMENT, CHAIRMAN

PAUL SOMMERVILLE, VICE CHAIRMAN

BRIAN FLEWELLING,

ALICE HOWARD

LAWRENCE MCELYNN

CHRIS HERVOCHON

County Administrator

ASHLEY M. JACOBS

Clerk to Council

SARAH W. BROCK

Administration Building

Beaufort County Government

Robert Smalls Complex

100 Ribaut Road

Contact

Post Office Drawer 1228

Beaufort, South Carolina 29901-1228

(843) 255-2180

www.beaufortcountysc.gov

Executive Committee Agenda

Monday, April 27, 2020 at 5:00 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.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE – Council Member Howard
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES

ACTION ITEMS

5. Consideration of an Ordinance establishing the Communications and Transparency Committee as a standing committee

DISCUSSION ITEMS

6. River Oaks Development and School Capital Construction Fee Update

EXECUTIVE SESSION

7. Pursuant to 30-4-70(a)(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.
- 8. Matters arising out of Executive Session**

CITIZEN COMMENTS

9. 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)
10. ADJOURNMENT



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Approval of Minutes

Council Committee:

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Meeting Date:

04/13/2020

Committee Presenter (Name and Title):

Issues for Consideration:

Approval of the April 13, 2020 minutes

Points to Consider:

Funding & Liability Factors:

None.

Council Options:

Approve, Modify or Reject

Recommendation:

Approve



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Chairman
JOSEPH PASSIMENT

Vice Chairman
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Executive Committee Minutes

Monday, April 13, 2020 at 5:00 PM

**THIS MEETING WAS HELD VIRTUALLY IN ACCORDANCE WITH
RESOLUTION 2020 / 05**

PRESENT: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Flewelling, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member McElynn, Council Member Hervochon, Council Member Howard

CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00 PM

FOIA

Chairman Passiment noted that Public notification of this meeting had been published, posted and distributed in compliance with the South Carolina Freedom of Information Act.

APPROVAL OF AGENDA

Motion: It was moved by Council Member Flewelling, seconded by Council Member Hervochon to approve the agenda. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Flewelling, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member McElynn, Council Member Hervochon, Council Member Howard. The motion passed.

APPROVAL OF MINUTES

Motion: It was moved by Council Member Flewelling, seconded by Council Member Hervochon to approve the minutes with the exception that Council Member Dawson was not present at the March 23, 2020 Executive Committee Meeting. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Flewelling, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member McElynn, Council Member Hervochon, Council Member Howard. The motion passed.

DISCUSSION ITEMS

Discussion of a proposed Stormwater Ordinance that would include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes. – Neil Desai, Public Works Director

Currently, the ordinance includes an exemption for improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property. Amendment to the Ordinance is needed to include an exemption for improved private roadways that are not shown as a separate parcel of land on the most current Beaufort County tax maps but are used by more than one property owner to access their property. This will allow fair and equitable assessment of stormwater fees. Other proposed revisions are to reflect organizational changes and provide clarification in regards to Beaufort County Stormwater Utility's jurisdiction.

Consistent application of stormwater fees for roadways used by more than one property owner to access their property. Presented to Stormwater Management Utility Board on February 12, 2020, and the Board recommends the proposed changes to the ordinance. This allows stormwater rate structure to be more defensible and consistently applied.

The recommendation is to approve the proposed amendment of the Stormwater Ordinance to include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes.

Discussion:

Council Member Flewelling: How much revenue will be lost?

Neil Desai: We have not calculated it because there are not many roads that meet that criteria.

Council Member Flewelling: What are the utilities obligation to preform stormwater remediation on these very private roads we are seeking to exempt?

Neil Desai: Beaufort County's obligation is to not use public funds, remediate repair, or maintenance on these private roads.

Council Member Sommerville: Clarify the exemption, does that mean we do or do not do maintenance on private roads?

Neil Desai: This ordinance is for stormwater utility not maintenance operations on the road. It is how we access the stormwater utility fee for private roads that fall under the criteria of serving multiple parcels on that road.

Council Member Dawson: If a matter arises and the need for stormwater relief or maintenance to their system is required, is the County obligated to assist them?

Neil Desai: Not if it is private property.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover to forward the proposed Stormwater Ordinance that would include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes to County Council for a first reading on April 27, 2020. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Flewelling, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member McElynn, Council Member Hervocho, Council Member Howard. The motion passed.

EXECUTIVE SESSION

S.C. Code Section 30-4-70(2): Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property through the Rural and Critical Lands Program Project ID 2020 B.

S.C. Code Section 30-4-70(2): Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property through the Rural and Critical Lands Program Project ID Longwood Drive PDR.

MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member Glover, seconded by Council Member Howard to allow for due diligence of negotiations incident to proposed contractual agreements and proposed sale or purchase of property through Rural and Critical Lands Program Project ID 2020B for approximately \$15,000.00 The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Glover, Council Member Rodman, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn. Recused: Council Member Flewelling. The motion passed.

Motion: It was moved by Council Member McElynn, seconded by Council Member Glover to allow for due diligence of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property through the Rural and Critical Lands Program Project ID Longwood Drive PDR in the amount of \$360,000.00. Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Dawson, Council Member Flewelling, Council Member Glover, Council Member Rodman, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn.

BOARDS AND COMMISSIONS

Airports Board Vacancy - Chamber of Commerce Seat

Chairman Passiment: Chamber of Commerce is receiving applications, once received and forwarded, it will be discussed for approval.

CITIZEN COMMENT

No Citizen Comments

ADJOURNMENT

The meeting adjourned at 5:40 PM



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

An Ordinance establishing the Communications and Transparency Committee as a standing committee

Council Committee:

Executive Committee and County Council

Meeting Date:

April 27, 2020

Committee Presenter (Name and Title):

Joseph Passiment, Chairman; Christopher S. Inglese, Deputy Administrator

Issues for Consideration:

Establishes the Communications and Transparency committee as a standing committee with a directive to update council's rules and procedures, work with the county PIO, and consider other ways of effectively communicating and providing transparency in government.

Points to Consider:

The standing committee will serve as support and oversight of the public information efforts of the County including regular interaction with the Public Information Officer, review of Council's Rules and Procedures, promoting public interaction, considerations of communications policies, and any other issues relevant to Communications both within the organization and with external communications.

Funding & Liability Factors:

Funding for staff PIO position as staff liaison should be continuously supported.

Council Options:

- 1) Adopt an ordinance establishing the Communications and Transparency committee as a standing committee.
- 2) Defer adoption of an ordinance establishing the Communications and Transparency Committee
- 3) Deny adoption of the proposed committee

Recommendation:

The establishment of a Council Committee is Council's decision and staff will execute and support the will of Council.

ORDINANCE 2020/ _____

AN ORDINANCE ESTABLISHING A STANDING COMMITTEE OF COUNTY COUNCIL CALLED THE COMMUNICATIONS AND TRANSPARENCY COMMITTEE.

WHEREAS, Beaufort County Council has authority pursuant to S.C. Code of Law Section 4-9-170 to establish by ordinance certain committees; and

WHEREAS, Beaufort County Council has identified transparency and communications as a priority in past strategic planning sessions; and

WHEREAS, Beaufort County Council promotes the principles of open government, transparency, and communication; and

WHEREAS, changes in technology, the advent of social media platforms, and the presence of instant news sources, provide new opportunities for communications about County activities and to ensure transparency whenever possible; and

WHEREAS, County Council's Rules and Procedures require committee oversight for updating the Rules and Procedures of Council and promote communications and transparency in the current age of technology, social media, and rapidly changing venues for information; and

WHEREAS, the Executive Committee discussed the formation of a standing committee called the Communications and Transparency Committee at its _____, 20__ meeting and recommends approval of an ordinance to establish such a committee; and

WHEREAS, County Council finds that it is in the best interests of Beaufort County citizens, residents, employees, and visitors to establish a standing committee for the purpose of studying and making recommendations for improving external and internal communications as well as transparency of County activities.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council, duly assembled, does hereby establish a standing committee to be known as the Communications and Transparency Committee as follows:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein as if fully restated.

Section 2. Creation of a Standing Committee: The Beaufort County Council hereby forms the Communications and Transparency Committee for the purpose of reviewing, evaluating, and recommending to County Council actions to improve communications and transparency of County activities both within the County organization as well as with the public and media. Topics of study include, but should not be limited to, improving transparency, maximizing the benefits of the County Channel, reviewing Council Rules and Procedures, and engaging the public through social media and other modern platforms for communication. The Committee shall study, monitor,

and recommend updates to the County Council Rules and Procedures that promote and support open communications and transparency in government activities and other matters as may be assigned by the Chair of County Council or a majority of Council.

Section 3. The Membership. The Committee shall be made of five (5) members of County Council as appointed by the Chair. Other members of County Council shall serve as ex-officio members, having the same rights and privileges of the other members including voting and debating. Ex-officio members shall not be counted for the purposes of establishing a quorum to conduct business of the Committee.

In addition to the voting members, the Clerk to Council shall be present and take minutes of the Committee meetings. All meetings of the Committee shall be subject to the S.C. Freedom of Information Act and open meetings laws. The County Administrator shall appoint a staff liaison for the purpose of assisting the Committee with compiling information and preparing a report.

Section 4. Committee Rules. The Committee shall abide by the same Rules and Procedures as provided for County Council and its Committees. The Committee shall provide opportunities for public comment, stakeholder input, expert presentations and any other means that will assist the Committee with submitting its findings and recommendations to Council.

Section 5. Effective Date and Dissolution of Committee. The effective date of this ordinance shall be upon its adoption at third reading. The Committee may be modified or dissolved only upon action of County Council adopting an ordinance providing for the modification or dissolution of the standing committee created herein.

Adopted this ____ day of _____, 20__.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council.

Chronology

- Third and final reading occurred
- Public hearing occurred
- Second reading occurred
- First reading approval occurred
- Executive Committee discussion and recommendation occurred

DRAFT



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

River Oaks Development and School Capital Construction Fee Update

Council Committee:

County Council

Meeting Date:

4-27-2020

Committee Presenter (Name and Title):

Eric Greenway with Kurt Taylor assisting

Issues for Consideration:

Village Park Homes has elected to develop River Oaks under the existing 2008, as amended in 2014, Development Agreement. That Development Agreement included a provision for the payment of a School Capital Construction Fee in the amount of \$6000.00 per dwelling unit so long as the county did not enter into another DA that reduced the amount for another project. The Malind Bluff Amended DA reduced the School Capital Construction Fee to \$1500.00 so River Oaks has raised the question of which fee do they pay. Please refer to attachments for more details.

Points to Consider:

The Legal Dept. agrees with the Planning and Zoning Director that the River Oaks DA would require the County to reduce the original \$6000.00 fee to \$1500.00 per dwelling until such time as the River Oaks DA expires in January 2022 and/or the School Impact Fee is adopted because that fee will likely be higher for each development. Please refer to attachments for more details.

Funding & Liability Factors:

The reduced fee will be as much as \$4500.00 per dwelling unit until January 2022

Council Options:

None- this is an update.

Recommendation:

None- this is an update.

Malind Bluff Development Agreement as amended in July, 2019 (excerpt)

7. MODIFICATION OF SECTION IV(G)

Section IV(G) on Pages 8-10 of 38 of the the Development Agreement is hereby deleted. The parties agree that the Property and contemplated project shall be subject to all applicable impact fees, user fees and assessments in effect in Beaufort County at the time the developer submits its permit applications, specifically including any such fees and assessments that were or may be adopted after entry of the Development Agreement or this First Amendment.

The County agrees to cooperate with Owner in seeking the reciprocal easement from the School District for the use of the existing road and the road be constructed behind the commercial frontage that will provide a second ingress and egress to Highway 170 for the School.

Owner will pay an impact fee of \$1,500 for each residential unit at the time of obtaining the building permit. This fee would terminate if the County were to adopt a school impact fee during the Term at which time the Owner would pay the amount of the County-wide fee in lieu of the amount of the fee specified herein.

River Oaks 2008 Development Agreement Language as adopted in 2008 (excerpt):

D. **School Capital Construction Fee.** The laws of the State of South Carolina do not permit the imposition of impact fees for the effect and impact that development has or will have upon the public school systems servicing the Property. Owner agrees to pay to Beaufort County the sum of \$6,000 per residential dwelling unit which is 2400 square feet or greater, and a prorated sum of \$2.50 per square foot for all residential units less than 2400 square feet (heated interior). All commercial development shall pay a fee of \$2.50 per square foot of interior heated space to Beaufort County. These sums shall be payable at the time that a lot or residential unit or commercial building is initially transferred to an end user from a Developer or Secondary Developer. These fees shall not be applicable to transfers to service providers or Property Owner Association(s) or governmental related entities.

At the end of five years from the date of this Development Agreement, if this Development Agreement is terminated, should Beaufort County approve any PUD or Development Agreement in the future which imposes lesser School Capital Construction Fees than are imposed upon the Property hereunder, after due allowance for potential differences in circumstance such as land contributions or other forms of contribution or compensation, then the School Capital Construction Fees hereunder shall be automatically reduced to the amounts being charged under such future approved PUD or Development Agreement, after appropriate adjustments for such differing circumstances as mentioned above, as may be equitably and reasonably determined by Beaufort County Council. In the event residential or commercial development is permitted as