



County Council Meeting Beaufort County, SC

This meeting will be held both in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and also virtually through Zoom.

**Monday, January 24, 2022
6:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION- Council Member Gerald Dawson
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES- October 25, 2021 and November 8, 2021
6. ADMINISTRATOR'S REPORT

CITIZEN COMMENTS

7. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

COMMITTEE REPORTS

8. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

9. APPROVAL OF CONSENT AGENDA
10. MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION
- [11.](#) PRESENTATION AND PUBLIC HEARING OF THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG)- LOWCOUNTRY COUNCIL OF GOVERNMENTS, MICHELLE KNIGHT.
- [12.](#) SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET (GRAVES ROAD)

Vote at First Reading on January 10, 2022- 7/4

Public Hearing to be held at third reading on February 14, 2022

13. SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET TO PURCHASE THE BCSO DOWLING LOTS

Vote at First Reading on January 10, 2022- 9:2

Public Hearing to be held at third reading on February 14, 2022

14. SECOND READING OF AN ORDINANCE AMENDING THE FY 2022 GENERAL FUND BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATION ALLOCATING \$83,198.15 TO THE BEAUFORT COUNTY PUBLIC DEFENDER'S OFFICE (*Fiscal Impact: An additional appropriation of \$83,198.15*)

Vote at First Reading on December 13, 2021: 7/4

15. FIRST READING OF AN ORDINANCE TO AMEND ARTICLE IX. GOVERNMENT-OWNED PROPERTY AND FACILITIES, DIVISION 2. RESTRICTED ACCESS

16. FIRST READING OF AN ORDINANCE AMENDING THE 2020 BUSINESS LICENSE ORDINANCE

17. AN ORDINANCE APPROVING THE CONVEYANCE OF PORTIONS OF THE RIGHT OF WAY KNOWN AS BOSTICK ROAD AND AUTHORIZES THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS

18. FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FROM ACCOMMODATIONS TAX FUND BASED ON RECOMMENDATIONS FROM THE ACCOMMODATIONS TAX (STATE 2%) BOARD TO TOURISM RELATED ORGANIZATIONS IN THE AMOUNT OF \$800,000

19. FIRST READING OF AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE TO APPROVE THE FUNDING OF THE BOUNDARY STREET TENNIS COURTS PROJECT, AND TO MAKE APPROPRIATIONS THEREFORE

20. A RESOLUTION TO ACCEPT 2022 PALMETTO PRIDE LITTER CREW GRANT AWARD

21. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR SCHOOL ROAD

22. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR CHURCH ROAD

23. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR FRANCES JONES BLVD

24. RESOLUTION EXTENDING THE PRESCRIBED TIME TO APPLY FOR THE SPECIAL PROPERTY TAX ASSESSMENT RATIO

25. A RESOLUTION CREATING A CITIZENS ADVISORY COMMITTEE TO RECOMMEND POSSIBLE 2022 TRANSPORTATION SALES TAX PROJECT LIST AND/OR VALUE/ DURATION LIMITATION

CITIZEN COMMENTS

- 26. CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

27. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Finance Committee

1. REAPPOINTMENTS OF JONATHAN SULLIVAN AND ANITA SINGLETON-PRATHER TO THE BEAUFORT COUNTY ACCOMMODATIONS TAX BOARD WITH AN EXPIRATION DATE OF 2026
2. REAPPOINTMENTS OF TREY AMBROSE AND MARK BAILEY TO THE BEAUFORT COUNTY AIRPORTS BOARD WITH AN EXPIRATION DATE OF 2024

Items Originating from the Executive Committee

3. THIRD READING OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY
Vote at First Reading on December 13, 2021 - 11:0
Vote at Second Reading on January 10, 2022- 11:0

Items Originating from the Public Facilities Committee

4. APPROVAL TO APPLY FOR THE AMERICAN RESCUE PLAN ACT 2021 (ARPA) TRAVEL, TOURISM, AND OUTDOOR RECREATION GRANT FUNDS- SPANISH MOSS TRAIL (*Fiscal Impact: Incoming Grant Funds- \$800,000*)
5. APPROVAL TO APPLY FOR THE AMERICAN RESCUE PLAN ACT 2021 (ARPA) TRAVEL, TOURISM, AND OUTDOOR RECREATION GRANT FUNDS- BEAUFORT HIGH SCHOOL REALIGNMENT (*Fiscal Impact: Incoming Grant Funds - \$5,500,000*)
6. APPROVAL TO APPLY FOR THE GOOD JOBS CHALLENGE GRANT (*Fiscal Impact: The \$500,000 ARPA appropriation would be used as the matching funds for the grant opportunity*)
7. RECOMMENDATION TO AWARD RFQ# 111921E TRANSPORTATION PROGRAM MANAGEMENT TO J.BRAGG CONSULTING, LLC (\$410,197.48)
8. APPOINTMENT OF JOHN SCHATNER TO THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE FOR A FIRST-TERM WITH AN EXPIRATION DATE OF 2026
9. APPOINTMENT OF FORD BARTHOLOW (DISTRICT 9) TO THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD AS A REPRESENTATIVE FOR DISTRICT 7 FOR A FIRST-TERM WITH AN EXPIRATION DATE OF 2026

END OF CONSENT AGENDA



Caucus Beaufort County, SC

This meeting was held both in person in Council Chambers at 100 Ribaut Road, Beaufort, and virtually through Zoom.

**Monday, October 25, 2021
5:00 PM**

MINUTES

1. **CALL TO ORDER**

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

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman D. Paul Sommerville
Council Member York Glover
Council Member Chris Hervocho
Council Member Stu Rodman
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Gerald Dawson
Council Member Brian Flewelling
Council Member Logan Cunningham

2. **PLEDGE OF ALLEGIANCE**

Chairman Passiment led the Pledge of Allegiance.

3. **FOIA**

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

4. **APPROVAL OF THE AGENDA**

Motion: It Was Moved by Council Member Rodman, Seconded by Vice-Chairman Sommerville To Approve the Agenda. The Motion Was Approved Without Objection.

DISCUSSION ITEMS

5. **AGENDA REVIEW**

Chairman Passiment stated there may be items coming out of the Executive session.

6. **COUNCIL MEMBER DISCUSSION**

Council Member Howard stated that she will make an amendment to item #13, first reading of an ordinance declaring certain county owned real property as surplus property and authorizing the County Administrator to execute any and all necessary documents to sell real property identified as TMS no. R700 036 000 13J 0000, R700 036 000 0112 0000, R700 036 000 0109 0000, R700 036 000 002C 0000 AND R600 036 000 001B 0000, that is on the County Council Agenda

Council Member Rodman stated the item on the agenda is about excess management running from Highway 278 to Bluffton Parkway.

Vice-Chairman Sommerville stated there needs to be clarification on the excess management plan from engineering concerning moving the intersection.

EXECUTIVE SESSION

Motion: It was moved Council Member Rodman, seconded by Council Member Dawson to go into Executive Session. The motion was approved without objection.

7. **PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (LEGAL ISSUES RELATED TO ACCOMMODATIONS TAX)**

8. **PURSUANT TO SC CODE SEC. 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF PROPERTY**

9. **ADJOURNMENT**

The meeting is adjourned at 6:03 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

This meeting was held both in person in Council Chambers at 100 Ribaut Road, Beaufort, and virtually through Zoom.

**Monday, October 25, 2021
6:00 PM**

MINUTES

1. **CALL TO ORDER**

Chairman Passiment called the meeting to order at 6:08 PM.

PRESENT

Chairman Joseph F. Passiment
 Vice-Chairman D. Paul Sommerville
 Council Member York Glover
 Council Member Chris Hervochon
 Council Member Stu Rodman
 Council Member Alice Howard
 Council Member Mark Lawson
 Council Member Lawrence McElynn
 Council Member Gerald Dawson
 Council Member Brian Flewelling
 Council Member Logan Cunningham

2. **PLEDGE OF ALLEGIANCE AND INVOCATION**

Chairman Passiment led the Pledge of Allegiance and gave the invocation.

3. **FOIA**

Chairman Passiment stated public notice of this meeting had been published, posted, and distributed in compliance with the SC FOIA Act.

4. **APPROVAL OF AGENDA**

Motion: It Was Moved by Council Member Rodman, Seconded by Council Member Howard To Approve the Agenda. The Motion Was Approved Without Objection.

5. **ADMINISTRATOR'S REPORT**

To see County Administrator, Eric Greenway's report please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

6. **PRESENTATION BY PALMETTO PRIDE ON KEEP BEAUFORT COUNTY BEAUTIFUL**

Mallory Coffey with Palmetto Pride presented on Keep Beaufort County Beautiful.

To View Full Presentation, please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

7. **CITIZEN COMMENTS**

Mike MacDonald, Hilton Head, commented Beaufort county council made a huge mistake in passing a “blanket” impact fee on new home construction. An impact fee should be incurred by all areas of the county, not just unincorporated areas. All residents of Beaufort county have access to its amenities. As a result, they should have to pay for their share. Also, the impact fee should be based on the value of the project, like a building permit. Why should a \$250,000 home be assessed the same as a \$2.5 million dollar home? The new impact fee is going to put lower-cost homes out of reach for many potential new home buyers. As a long-time licensed builder in the Hilton Head – Bluffton area, it is difficult to understand how Council can think this is a good idea to penalize one of the industries that help make the Lowcountry what it is.

Submitted by Mike MacDonald
MacDonald Brothers Enterprises, INC.
9 Big Oak Street, HHISC

Micheal McFee, mcfemike@gmail.com, commented Oppose disclosure requirements of CRO, by use of shaded Zone X zones are falsely implying flood issues that are significantly lower risk properties, thereby impacting value. Undue burden on public and realtors to disclose flood risk in areas that have less than .2 of a percent annual chance. Feel redundant with existing disclosures.

Andrew Twisdale, andytwisdale@gmail.com, commented Hello to members of Beaufort County Council. I am opposed to the ordinance “Coastal Resilience Overlay District.” Currently, in SC and Beaufort County, there are SIX requirements for a seller to disclose any issues relative to possible flooding or past flooding.

- 1) Page #4 of the standard contract of sale. Paragraph #11 “states that the seller is responsible for any survey required by the South Carolina Coastal Tidelands & Wetlands Act”
- 2) Page #3 of the SC Residential Property Disclosure. Items #20) “Problems caused by fire, smoke or water to the property during your ownership” #23) “Flood Hazards, wetlands or flood hazard designations affecting the property” #24) “Flood insurance covering the property” #25) Federal Emergency Management Agency (FEMA) claims filed on the property” “if yes to number 25, please list the dates of claims.”
- 3) SC Residential Property Condition Disclosure Addendum item #10 “Is property or common area structure subject to SC Coastal Zone Management Act.”

Patricia Harvey-Palmer, pharveypalmer@islc.net, commented due to a prior commitment I cannot be at the meeting this evening. I have been in real estate here in Beaufort for over 40 years, so I'm not new to issues that concern everyone. However, we really do not need another disclosure, so I am totally opposed to this recommendation. We are referred to as the Lowcountry, which is an automatic tip-off that we are "low." We have an AICUZ disclosure to alert residents of plane noise which is created by man. Now you are talking about Mother Nature which is totally out of our control. We would then need disclosures about hurricanes, tornadoes, drought, fires, earthquakes, and don't forget we have the five most deadly snakes all in South Carolina, along with no-see-ums and mosquitos. We simply cannot take the danger out of everything. Flood insurance is available.

<https://beaufortcountysc.new.swagit.com/videos/142257>

8. **LIASION AND COMMITTEE REPORTS**

Council Member Alice Howard reviewed and explained items on the consent agenda from Natural Resources Committee.

Council Member Rodman reviewed and explained items on the consent agenda from Public Facilities.

Chairman Passiment stated that Bamberg County has applied for a National Cemetery site for local Veterans, and they have asked for support which he will do.

<https://beaufortcountysc.new.swagit.com/videos/142257>

9. **APPROVAL OF CONSENT AGENDA**

Motion: It Was Moved by Council Member Howard, Seconded by Council Member Rodman to Approve the Consent Agenda. The Motion Was Approved Without Objection.

Council Member Flewelling commented on the short-term project and would like a correction before the third reading.

<https://beaufortcountysc.new.swagit.com/videos/142257>

CONSENT AGENDA

Items Originating from the Natural Resources Committee

1. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE ADOPTING THE "ENVISION BEAUFORT COUNTY 2040 COMPREHENSIVE PLAN" AND "BEAUFORT COUNTY CONNECTS BICYCLE AND PEDESTRIAN PLAN 2021" AS AN APPENDIX TO THE PLAN.

Items Originating from the Public Facilities Committee

2. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MODIFICATION OF DRAINAGE EASEMENT ASSOCIATED WITH PARCEL #R112-031-000-0628-0000
3. RECOMMENDATION OF AWARD RFP HXD 091021 LOWCOUNTRY COMMERCIAL SERVICES (\$259,424)
4. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR CRYSTAL BEACH LANE

END OF CONSENT AGENDA

10. **MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION**

Motion: It Was Moved by Council Member Cunningham, Seconded by Council Member Hervochoon To Convey Real Property Identified as Parcel A, Convey A Perpetual Easement Over Real Property Identified as Parcel B for The Continued Existing Use, And Accept an Amended Perpetual Easement Over Real Property Identified as Parcel C to Allow for Public Vehicular Access to The Okatie River Park. The Motion Passed. 7:4

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

The Vote Yea: Chairman Passiment, Council Member Hervochoon, Council Member Rodman, Council Member Lawson, Council Member McElynn, Council Member Flewelling, Council Member Cunningham
Voting Nay: Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Dawson.

11. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS AND UTILITY EASEMENT FOR A PORTION OF A RIGHT OF WAY OWNED BY BEAUFORT COUNTY KNOWN AS CASSIDY DRIVE OFF BUCKWALTER PARKWAY IN BLUFFTON TOWNSHIP, SOUTH CAROLINA**

Motion: It Was Moved by Council Member Rodman, Seconded by Council Member Flewelling To Approve First Reading of An Ordinance Authorizing the Execution and Delivery of An Access and Utility Easement for A Portion of a Right of Way Owned by Beaufort County Known as Cassidy Drive Off Buckwalter Parkway in Bluffton Township South Carolina. The Motion Was Approved Without Objection.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

12. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO AMEND THE FY2022 BUDGET ORDINANCE 2021/30 TO INCLUDE AN ADDITIONAL \$150,000 TO THE SOLICITOR'S OFFICE**

Motion: It Was Moved by Council Member Flewelling, Seconded by Council Member Cunningham To Approve First Reading of An Ordinance to Amend the Fy2022 Budget Ordinance 2021/30 To Include an Additional \$150,000 To the Solicitor's Office. The Motion Is Defeated. 6/5

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

The Vote Yea: Council Member Hervochoon, Council Member Rodman, Council Member Lawson, Council Member Flewelling, Council Member Cunningham

Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member McElynn, Council Member Dawson.

13. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE DECLARING CERTAIN COUNTY OWNED REAL PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE**

ANY AND ALL NECESSARY DOCUMENTS TO SELL REAL PROPERTY IDENTIFIED AS TMS NO. R700 036 000 13J 0000, R700 036 000 0112 0000, R700 036 000 0109 0000, R700 036 000 002C 0000 AND R600 036 000 001B 0000

Motion: It Was Moved by Council Member Howard, Seconded by Council Member Dawson To Approve the First Reading of An Ordinance Declaring Certain County Owned Real Property as Surplus Property and Authorizing the County Administrator to Execute Any and All Necessary Documents to Sell Real Property Identified as TMS No. R700 036 000 13J 0000, R700 036 000 0112 0000, R700 036 000 0109 0000, R700 036 000 002C 0000 And R600 036 000 001B 0000. The Motion Was Approved Without Objection.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

Motion to Amend: It was moved by Council Member Howard, seconded by Council Member Glover to set aside the funds from the sale of surplus property to use for purposes of new affordable housing specifically for new hook-up fees for the units in unincorporated Beaufort County. The motion was approved. 9/2

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

The Vote Yea: Council Member Howard, Council Member Glover, Council Member Cunningham, Council Member Dawson, Council Member Flewelling, Council Member Lawson, Council Member McElynn, Vice-Chairman Sommerville, and Chairman Passiment

Voting Nay: Council Member Hervochoch and Council Member Rodman

14. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE REGARDING a TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES: ARTICLE VII, DIVISION 4, SECTION 2-508; SECTION 2-509; SECTION 2-513; SECTION 2-517; AND SECTION 2-541 TO UPDATE ADMINISTRATIVE CHANGES, TO PROVIDE NECESSARY CONTRACT DOLLAR THRESHOLD CHANGES AND TO UPDATE EXEMPTION PROVISIONS AND PROCEDURES.**

Motion: It Was Moved by Council Member Lawson, Seconded by Council Member Rodman to Approve the First Reading of An Ordinance Regarding A Text Amendment to Beaufort County Code of Ordinances: Article Vii, Division 4, Section 2-508; Section 2-509; Section 2-513; Section 2-517; And Section 2-541 To Update Administrative Changes, To Provide Necessary Contract Dollar Threshold Changes and To Update Exemption Provisions and Procedures. The Motion Was Approved. 9/2

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling

Voting Nay: Council Member Hervochoch, Council Member Cunningham.

Motion to Amend: It Was Moved by Council Member Rodman, Seconded by To Indicate That Out-Of-Budget Items Would Be At 50% Of the Threshold of In-Budget Items. **Motion Withdrawn**

Motion to Amend: It Was Moved by Council Member Cunningham, Seconded by Council Member Flewelling To Lower the Committee Amount Back Down To \$100,000 And Leave the Rest the Same. The Motion Was Defeated. 2/9

Voting Yea: Council Member Hervochoch and Council Member Cunningham

Voting Nay: Chairman Passiment, Vice-Chairman Sommerville, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling

15. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING BEAUFORT COUNTY ORDINANCE 2008/17 AND ADOPTING THE BUCKWALTER ACCESS MANAGEMENT PLAN**

Motion: It Was Moved by Council Member Cunningham, Seconded by Council Member Rodman to Approve the First Reading of An Ordinance Amending Beaufort County Ordinance 2008/17 And Adopting the Buckwalter Access Management Plan. The Motion Was Approved Without Objection.

Discussion: To see the full discussion click the link below.

<https://beaufortcountysc.new.swagit.com/videos/142257>

16. **RESOLUTION TO ACCEPT SFY2022 GRANT IN AID FUNDS FROM SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR BEAUFORT COUNTY EMERGENCY MEDICAL SERVICES IN THE AMOUNT OF \$15,803.61**

Motion: It Was Moved by Council Member Rodman, Seconded by Council Member Glover to Approve the Resolution to Accept SFY2022 Grant in Aid Funds From South Carolina Department of Health and Environmental Control for Beaufort County Emergency Medical Services in The Amount Of \$15,803.61. The Motion Was Approved Without Objection

17. **RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT DEPARTMENT OF HOMELAND SECURITY GRANT 21SHSP34 IN THE AMOUNT OF \$40,000 FOR BEAUFORT COUNTY EMERGENCY MEDICAL SERVICES**

Motion: It Was Moved by Council Member Rodman, Seconded by Council Member Glover to Approve the Resolution Authorizing the County Administrator to Accept Department of Homeland Security Grant 21shsp34 In the Amount Of 40,000 For Beaufort County Emergency Medical Services. The Motion Was Approved Without Objection

18. **APPROVAL OF A RESOLUTION FORMALLY ADOPTING THE BEAUFORT COUNTY EMPLOYEE CLASSIFICATION AND COMPENSATION PLAN. INCLUDED IN THE RESOLUTION IS EXHIBIT A - 2021 CLASSIFICATION AND COMPENSATION PLAN.**

Motion: It Was Moved by Council Member Hervochon, Seconded by Council Member Glover to Approve the Resolution Formally Adopting the Beaufort County Employee Classification and Compensation Plan. The Motion Was Approved Without Objection.

19. **APPROVAL OF A HOMELAND SECURITY GRANT/ BEAUFORT CO. SWAT TEAM**

Motion: It Was Moved by Council Member Cunningham, Seconded by Council Member Hervochon For the Approval of a Homeland Security Grant/ Beaufort Co. Swat Team. The Motion Was Approved Without Objection.

20. **APPROVAL OF A HOMELAND SECURITY GRANT/ BEAUFORT CO. BOMB SQUAD**

Motion: It Was Moved by Council Member Cunningham, Seconded by Council Member Hervochoh For the Approval of a Homeland Security Grant/ Beaufort Co. Bomb Squad. The Motion Was Approved Without Objection.

21. **CITIZEN COMMENTS**

No citizen comments

22. **ADJOURNMENT**

The meeting was adjourned at 7:49 PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified:



Caucus Beaufort County, SC

This meeting was held both in person and virtually through zoom.

Monday, November 08, 2021
5:00 PM

MINUTES

1. **CALL TO ORDER**

Chairman Passiment called the meeting to order at 5:06 PM.

PRESENT

Chairman Joseph F. Passiment
Vice Chairman D. Paul Sommerville
Council Member York Glover
Council Member Chris Hervochon
Council Member Stu Rodman
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Gerald Dawson
Council Member Brian Flewelling
Council Member Logan Cunningham

2. **PLEDGE OF ALLEGIANCE**

Council Member Alice Howard led the Pledge of Allegiance.

3. **FOIA**

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

4. **APPROVAL OF THE AGENDA**

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover to approve the agenda.

The Vote - The motion was approved without objection.

5. **AGENDA REVIEW**

Council Member Alice Howard stated the Amendment for Item number 14 was not included in the packet.

6. **COUNCIL MEMBER DISCUSSION**

Council Member Rodman stated that the backup documentation was over 1500 pages, and we need to come up with a way to lessen that number as it's overburdensome to the public.

7. **EXECUTIVE SESSION**

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Howard to go into Executive Session at 5:10 PM.

The Vote - the motion was approved without objection.

9. **ADJOURNMENT**

The meeting adjourned at 5:59 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

This meeting was held both in person and virtually through Zoom.

Monday, November 08, 2021
6:00 PM

MINUTES

1. **CALL TO ORDER**

Council Chairman Passiment called the meeting to order at 6:02 PM

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman D. Paul Sommerville
Council Member York Glover
Council Member Chris Hervochon
Council Member Stu Rodman
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Gerald Dawson
Council Member Brian Flewelling
Council Member Logan Cunningham

2. **PLEDGE OF ALLEGIANCE AND INVOCATION**

Council Member Alice Howard led the Pledge of Allegiance and gave the Invocation.

3. **FOIA**

Chairman Passiment noted that the 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 Vice-Chairman Sommerville, Seconded by Council Member Glover to approve the agenda.

The Vote - The motion was approved without objection

5. **APPROVAL OF MINUTES**

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Glover to approve the minutes from August 23, 2021, and September 13, 2021.

The Vote - The motion was approved without objection

6. **ADMINISTRATOR'S REPORT**

To see County Administrator, Eric Greenway's report please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/147823>

7. **CITIZEN COMMENTS**

Leroy Gilliard stated he has been involved with redistricting since 1972 and he didn't like the results of the last redistricting and begged council to help him get proper representation.

8. **LIASION AND COMMITTEE REPORTS**

Vice-Chairman Paul Sommerville reviewed the Executive Committee consent agenda items.

Council Member Alice Howard reviewed the Natural Resources Committee consent agenda items.

To see the full discussion that occurred during the liaison and committee reports please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/147823>

9. **APPROVAL OF CONSENT AGENDA**

Motion: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to approve the consent agenda.

The Vote - The motion was approved without objection

10. **MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION**

Motion: It was moved by Vice-Chairman Sommerville, Seconded by Council Member Flewelling to authorize the County Administrator to execute the documents recommended by outside counsel relative to the pending opioid litigation.

The Vote - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling, Council Member Cunningham. Voting Abstaining: Vice Chairman Sommerville, and Council Member Howard. Motion passed 9 yes, 0 no's and 2 abstentions.

11. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE ADOPTING THE "ENVISION BEAUFORT COUNTY 2040 COMPREHENSIVE PLAN" AND "BEAUFORT COUNTY CONNECTS BICYCLE AND PEDESTRIAN PLAN 2021" AS AN APPENDIX TO THE PLAN.**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve public hearing and third reading of an ordinance adopting the "envision Beaufort County 2040 comprehensive plan" and "Beaufort County connects bicycle and pedestrian plan 2021" as an appendix to the plan.

The Chairman opened the floor for a public hearing.

Jessie White with the Coastal Conservation League spoke in favor of the 2040 Comprehensive Plan and complimented the planning staff in putting together this robust plan.

The Chairman closed the public hearing.

The Vote – the motion was approved without objection.

12. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MODIFICATION OF DRAINAGE EASEMENT ASSOCIATED WITH PARCEL #R112-031-000-0628-0000**

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Lawson to approve public hearing and third reading of an ordinance authorizing the County Administrator to execute a modification of drainage easement associated with parcel #r112-031-000-0628-0000.

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote – the motion as approved without objection.

13. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACCESS AND UTILITY EASEMENT FOR A PORTION OF A RIGHT OF WAY OWNED BY BEAUFORT COUNTY KNOWN AS CASSIDY DRIVE OFF BUCKWALTER PARKWAY IN BLUFFTON TOWNSHIP SOUTH CAROLINA**

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Lawson to approve public hearing and second reading of an ordinance authorizing the execution and delivery of an access and utility easement for a portion of a right of way owned by Beaufort County known as Cassidy Drive off Buckwalter Parkway in Bluffton township South Carolina

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote – the motion was approved without objection

14. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE DECLARING CERTAIN COUNTY OWNED REAL PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO SELL REAL PROPERTY IDENTIFIED AS TMS NO. R700 036 000 13J 0000, R700 036 000 0112 0000, R700 036 000 0109 0000, R700 036 000 002C 0000 AND R600 036 000 001B 0000**

Motion: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to approve public hearing and second reading of an ordinance declaring certain county owned real property as surplus property and authorizing the County Administrator to execute any and all necessary documents to sell real property identified as tms no. R700 036 000 13j 0000, r700 036 000 0112 0000, r700 036 000 0109 0000, r700 036 000 002c 0000 and r600 036 000 001b 0000

Discussion: Council Member Hervochoch stated he was going to continue to vote against this item because he does not believe council should be putting an undefined sum of money towards the affordable house efforts especially since council has identified funding through ARPA that would fully fund this.

Council Member Lawson stated he agreed with Council Member Hervochoch and is for selling the property but not for how this one is being done.

Council Member Dawson stated Council needs to have a discussion as to where these funds will be channeled and utilized, and he is not going to support it either.

Council Member Rodman stated he was not going to vote against this item but believes this is the wrong vehicle to be allocating funds.

Motion to Amend: It was moved by Council Member Flewelling, seconded by Council Member Hervochon to remove the amendment from the prior council meeting declaring the proceeds from the property go towards affordable housing.

Discussion: Administrator Greenway stated he had no problem coming back to council once the properties have been sold to get Council's direction on what to do with the funds.

The Vote - The motion to amend was approved without objection.

Main Motion: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to approve public hearing and second reading of an ordinance declaring certain county owned real property as surplus property and authorizing the County Administrator to execute any and all necessary documents to sell real property identified as tms no. R700 036 000 13j 0000, r700 036 000 0112 0000, r700 036 000 0109 0000, r700 036 000 002c 0000 and r600 036 000 001b 0000 without the affordable housing clause.

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote – the motion was approved without objection

15. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE REGARDING A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES: ARTICLE VII, DIVISION 4, SECTION 2-508; SECTION 2-509; SECTION 2-513; SECTION 2-517; AND SECTION 2-541 TO UPDATE ADMINISTRATIVE CHANGES, TO PROVIDE NECESSARY CONTRACT DOLLAR THRESHOLD CHANGES AND TO UPDATE EXEMPTION PROVISIONS AND PROCEDURES.**

Motion: It was moved by Council Member Lawson, seconded by Council Member Rodman to approve public hearing and second reading of an ordinance regarding a text amendment to Beaufort County code of ordinances: article vii, division 4, section 2-508; section 2-509; section 2-513; section 2-517; and section 2-541 to update administrative changes, to provide necessary contract dollar threshold changes and to update exemption provisions and procedures.

The Chairman opened the floor for a public hearing.

No one came forward.

The Chairman closed the public hearing.

Motion to Amend: It was moved by Council Member Rodman, seconded by Council Member Flewelling to change the committee back \$100,000 from \$150,000.

Discussion: Council Member Hervochon stated he does not see consistency and doesn't think this does anything to help transparency.

Motion Amend was withdrawn.

Motion to Amend: It was moved by Council Member Flewelling, seconded by Council Member Cunningham to refer this item back to the Finance Committee.

The Vote - The motion to amend was approved without objection.

16. **FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF, ACCEPT A DEED FOR, AND CONVEY A PERPETUAL EASEMENT ON A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R600 021 000 0673 0000; EXECUTE AN AMENDMENT TO A DEED OF PERPETUAL EASEMENT ON A PORTION OF THE**

PROPERTY WITH TMS NO. R600 021 000 0007 0000; AND ACCEPT A DONATION TO THE RURAL AND CRITICAL LANDS PROGRAM

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Lawson to approve first reading of an ordinance authorizing the county administrator to execute the necessary documents to convey a portion of, accept a deed for, and convey a perpetual easement on a portion of property owned by Beaufort County with tms no. R600 021 000 0673 0000; execute an amendment to a deed of perpetual easement on a portion of the property with tms no. R600 021 000 0007 0000; and accept a donation to the Rural and Critical Lands program

Motion Withdrawn

Motion: It was moved by Council Member Cunningham, seconded by Council Member Lawson to approve first reading of an ordinance authorizing the county administrator to execute the necessary documents to convey a portion of, accept a deed for, and convey a perpetual easement on a portion of property owned by Beaufort County with tms no. R600 021 000 0673 0000; execute an amendment to a deed of perpetual easement on a portion of the property with tms no. R600 021 000 0007 0000; and accept a donation to the Rural and Critical Lands program

Discussion: Council Member Flewelling stated he would support this item on first reading but has some legal concerns he would like to get addressed by second reading.

Council Member Howard stated the entire development agreement has been a disaster since the beginning and she plans on voting no.

Council Member Lawson stated this is not about pepper hall but this is about taking corrective measures to make what we already have something that is workable and usable.

The Vote - Voting Yea: Chairman Passiment, Council Member Hervochon, Council Member Rodman, Council Member Lawson, Council Member McElynn, Council Member Flewelling, and Council Member Cunningham. Voting Nay: Vice Chairman Sommerville, Council Member Glover, Council Member Howard, and Council Member Dawson. The motion passes 7:4.

17. **FIRST READING OF AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26, 2016 TO PROVIDE FOR THE ADOPTION OF STORMWATER MANAGEMENT STANDARDS SET FORTH IN THE SOUTHERN LOWCOUNTRY DESIGN MANUAL TO MEET THE MUNICIPAL SEPARATE STORMSEWER SYSTEM (MS4) PERMIT REQUIREMENTS**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve first reading of an ordinance to amend the stormwater management utility ordinance as adopted September 26, 2016 to provide for the adoption of stormwater management standards set forth in the Southern Lowcountry design manual to meet the municipal separate stormsewer system (ms4) permit requirements.

The Vote - the motion was approved without objection.

18. **FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 26TH, 2016 TO ADDRESS THE ADOPTION OF THE SOUTHERN LOWCOUNTRY DESIGN MANUAL**

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve first reading of an ordinance for a text amendment to the stormwater management utility ordinance as adopted September 26th, 2016 to address the adoption of the Southern Lowcountry design manual.

The Vote - the motion was approved without objection.

19. **FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION A.3.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND EXPANDED HOME BUSINESS DISTRICT TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE.**

Motion: It was moved by Council Member Glover, Seconded by Council Member Dawson to approve first reading of an ordinance for a text amendment to the community development code (cdc): section a.3.40 (permitted activities) to revise the Lady’s Island expanded home business district to include short-term rentals as a special use.

Discussion: Council Member Sommerville stated he was going to have to recuse himself from this item.

The Vote - the motion was approved without objection and with 1 abstention.

20. **A RESOLUTION ESTABLISHING THE CRITERIA TO BE USED FOR THE REAPPORTIONMENT OF ALL COUNTY COUNCIL DISTRICTS AS TO POPULATION FOLLOWING THE ADOPTION BY THE STATE OF THE FEDERAL DECENNIAL CENSUS AS REQUIRED BY S.C. CODE ANN. SEC. 4-9-90**

Motion: It was moved by Council Member Howard, seconded by Council Member Flewelling to approve a resolution establishing the criteria to be used for the reapportionment of all County Council Districts as to population following the adoption by the state of the federal decennial census as required by S.C. Code ann. Sec. 4-9-90.

The Vote –_the motion was approved without objection.

21. **APPROVAL OF MONDAY, DECEMBER 27, 2021, AS AN ADDITIONAL CHRISTMAS HOLIDAY FOR THE BEAUFORT COUNTY EMPLOYEES.**

Motion: It was moved by Council Member Dawson, Seconded by Council Member Cunningham to approve Monday, December 27, 2021, as an additional Christmas holiday for the Beaufort County employees

22. **CITIZEN COMMENTS**

There were no citizen comments.

23. **ADJOURNMENT**

The meeting adjourned at 7:08 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:

CDBG & HOME Notice of Public Hearing Concerning Needs Assessment**Beaufort County**

NOTICE IS HEREBY GIVEN that on Monday, January 24, 2022 at 6:00 p.m., Beaufort County will hold a public hearing to solicit public input on community needs and priorities for housing, public facilities, economic development, and respond to Covid-19 and Omicron Variant. At this public hearing Beaufort County will provide the results of its needs assessment and the activities which might be undertaken to meet identified needs, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income. Due to the Covid-19 pandemic and the Omicron Variant, Beaufort Council will be holding the meeting in person and virtually and the public will be able to stream the meeting via Zoom, Meeting ID: 161 4154 7770, Passcode: BC123. Individuals who would like to participate in public comment can do so at www.beaufortcountysc.gov.

The County will also discuss matters related to housing needs and Affirmatively Furthering Fair Housing in anticipation of participation in the Beaufort County/Lowcountry Regional HOME Consortium funded by the US Department of Housing and Urban Development (HUD).

This public hearing and the matters to be discussed are subject to the provisions of the County's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of the County in the planning and implementation of community and economic development projects which will involve CDBG funds. The Citizen Participation Plan is available for review at Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC, 29902 Monday through Friday between the hours of 9:00a.m. and 5:00p.m. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 473-3990.

Beaufort County does not discriminate on the basis of race, age, color, religion, sex, national origin, familial status, limited English proficiency or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Audra Antonacci, Beaufort County, PO Box 1228, Beaufort, SC 29901-1228, (843) 255-2033, has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations.

Note: Assistance will be provided to accommodate the special needs of disabled or limited English proficient persons upon request with a forty-eight hour notice.

Nota: Se proporcionará asistencia para acomodar las necesidades especiales de personas discapacitadas o con dominio limitado del inglés previa solicitud con un aviso de cuarenta y ocho horas.

2022 Community Development Block Grant (CDBG)

Program Year: April 1, 2022 – March 31, 2023

Community and Economic Development
Strengthening People Strengthening Communities



www.lowcountrycog.org

FAIR HOUSING IS THE LAW

Item 11.

Also, as a part of the requirements of the program, the locality is expected to undertake activities that promote Fair Housing. Title VIII of the Civil Rights of 1968 stipulates that we all have the right to be treated fairly regardless of our **race, color, religion, sex, disability, familial status, or national origin.**



**In the sale and rental of housing
In residential real estate transactions
In the provision of brokerage services**

If you believe that you have been a victim of discriminatory housing practices, you have avenues by which the matter can be investigated.



Beaufort County and Lowcountry Council of Governments are committed to Fair Housing.

**For more information contact
LCOG at (843) 473-3990.**

The SC CDBG Program is designed to provide assistance to units of local government in improving economic opportunities and meeting community revitalization needs, particularly for persons of low and moderate income (LMI).

LMI QUALIFIED

Beaufort County

Beaufort MFI
\$76,000

	1	2	3	4	5	6	7	8+
	Person	Person	Person	Person	Person	Person	Person	Person
30% Limits	\$16,300	\$18,600	\$20,950	\$23,250	\$25,150	\$27,000	\$28,850	\$30,700
50% Limits	\$27,150	\$31,000	\$34,900	\$38,750	\$41,850	\$44,950	\$48,050	\$51,150
80% Limits	\$43,400	\$49,600	\$55,800	\$62,000	\$67,000	\$71,950	\$76,900	\$81,850

Community and Economic Development
Strengthening People Strengthening Communities

The CDBG program has been funded through the State since 1982 by the US Department of Housing and Urban Development (HUD) under Title I of the Housing Community Development Act of 1974 as amended (Title I).

The Annual allocation from HUD for the program is administered by the S C Department of Commerce – Division of Grant Administration. SC has been allotted approximately **\$20,158,757 in CDBG funds for 2022.**

SC STATE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

Draft 2022 Action Plan

Written comments on the plan can be submitted from
January 10 - February 8, 2022.

Email: lross@sccommerce.com

Mail: SC Department of Commerce
Grants Administration
1201 Main Street, Suite 1600
Columbia, SC 29201

GRANT PROGRAM CATEGORIES

There are three broad grant program categories:

- **Community Development**
- **Business Development**
- **Regional Planning**

The Community Development Program is further broken down into several subcategories to address infrastructure, community facilities, and neighborhood priorities as follows:

COMMUNITY DEVELOPMENT PROGRAM

Item 11.

COMMUNITY INFRASTRUCTURE \$11,353,995
APPLICATION REQUEST March 14,2022 APPLICATION DEADLINE April 15, 2022
WATER
SEWER
DRAINAGE
ROADS
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$750,000

SPECIAL PROJECTS \$1,000,000
APPLICATION REQUEST August 15, 2022 APPLICATION DEADLINE September 16, 2022
ECONOMIC DEVELOPMENT
PUBLIC HEALTH & SAFETY
ENERGY CONSERVATION & HISTORIC PRESERVATION
PARK/TRAILS/GREENWAYS MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$250,000

COMMUNITY ENRICHMENT \$3,000,000
APPLICATION REQUEST August 15, 2022 APPLICATION DEADLINE September 16, 2022
BROWNFIELD PROJECTS/DEMOLITION OBSOLETE BUILDINGS
DOWNTOWN STREETScape IMPROVEMENTS*
PLANNING FOR REGIONAL INFRASTRUCTURE (\$25,000 maximum)
LIBRARIES
PUBLICLY OWNED FACILITIES
TRANSPORTATION-ORIENTED PUBLIC FACILITIES
PUBLIC SAFETY FACILITIES/SERVICES
DEMOLITION VACANT, DILAPIDATED STRUCTURES TO ADDRESS/SUPPORT CRIME PREVENTION
FIRE SUBSTATIONS OR FIRE TRUCKS
HEALTH CLINIC FACILITIES/EQUIPMENT
PUBLIC FACILITY MODIFICATIONS
NEW SIDEWALKS IN LMI AREAS MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000* (*\$750,000 for streetscape projects)

READY TO GO \$600,000
APPLICATION REQUEST ONGOING APPLICATION DUE 30 DAYS AFTER REQUEST
ACTIVITIES LISTED IN COMMUNITY INFRASTRUCTURE & COMMUNITY ENRICHMENT
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000* (*maximum waiver available)
NATIONAL OBJECTIVE
•Benefit low-to-moderate income (“LMI”) Persons
•Aid in the prevention or elimination of slums or blight
•Meet other urgent community needs posing a serious threat to the health or welfare of the community

NEIGHBORHOOD REVITALIZATION \$1,000,000- MUST HAVE A PLAN
APPLICATION REQUEST August 15, 2022 APPLICATION DEADLINE September 16, 2022
INFRASTRUCTURE - WATER, SEWER, ROADS, DRAINAGE
PUBLIC FACILITIES (SIDEWALKS, SECURITY LIGHTING, CAMERAS, POLICE SUBSTATIONS)
HOUSING - INFRASTRUCTURE TO SUPPORT AFFORDABLE HOUSING
HOUSING - LIMITED EXTERIOR ONLY
DEMOLITION AND CLEARANCE OF VACANT/DILAPIDATED PROPERTIES
PUBLIC SERVICES (CRIME WATCH PROGRAM, DRUG/GANG EDUCATION, AWARENESS/PREVENTION PROGRAMS)
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000* (*\$750,000 if project includes infrastructure)

10% MATCH REQUIREMENT FOR ALL PROJECTS

GRANT PROGRAM CATEGORIES

Business Development Program: \$2,000,000

This program provides financial resources for local governments to pursue opportunities that create new jobs, retain existing employment, stimulate private investment, and revitalize or facilitate the competitiveness of the local economy. Funding will be prioritized based on the following order:

1. New or expanding businesses tied to job creation
2. Area economic development activities not associated with job creation
3. New or expanding local businesses that provide essential goods and services in predominately LMI communities

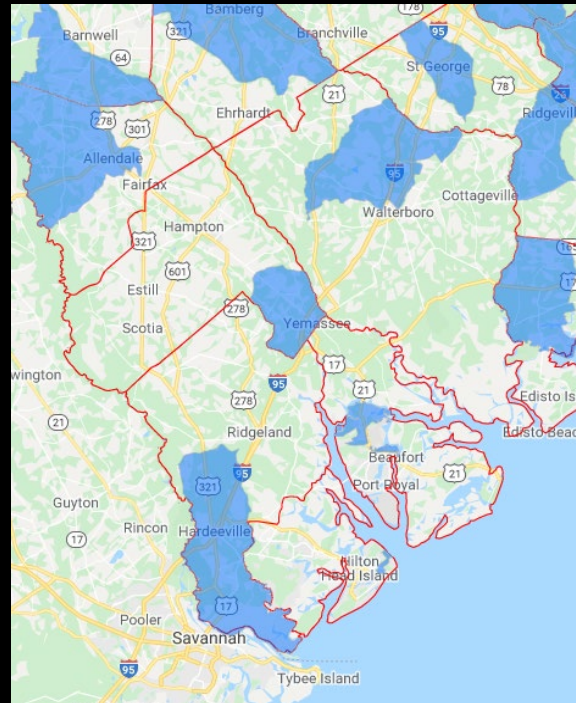
Regional Planning Program: \$500,000

This program is designed to provide CDBG funds to Councils of Governments to assist local governments in developing plans and building local community development capacity.

State TA & Admin: \$ 704,762

OPPORTUNITY ZONES

Projects located in Opportunity Zones will receive an additional 10 bonus points (scopportunityzone.com)



PERFORMANCE THRESHOLD

A unit of local government can apply for an additional Community Development grant if it has no more than two open CDBG grants (excluding Business Development or Regional Planning grants).

However, the open grants must not have exceeded a **30-month grant period.**

PERFORMANCE THRESHOLD

No more than one Neighborhood Revitalization/Village Renaissance or streetscape project.

No more than one Ready to Go project.

No more than one project for the same general target area/neighborhood open at the same time, unless the current project is under construction.

BEAUFORT COUNTY/ LOWCOUNTRY REGIONAL HOME CONSORTIUM

The Beaufort County/Lowcountry Regional HOME Consortium (LRHC) is comprised of the following counties: Beaufort, Colleton, Hampton, and Jasper and all 21 municipalities in the region.

BEAUFORT COUNTY/ LOWCOUNTRY REGIONAL HOME CONSORTIUM

TOP THREE OBJECTIVES:

1. **Rehabilitation of substandard housing**
2. **Increase accessibility to adequate and affordable housing**
3. **Support the development and availability of safe, decent, and affordable housing**

BEAUFORT COUNTY/ LOWCOUNTRY **REGIONAL HOME CONSORTIUM**

Beaufort, Hampton, Colleton and Jasper Counties have areas that are in need of affordable housing, rehabilitation of substandard housing, and demolition of vacant/dilapidated houses.

As the housing stock ages, there becomes a greater need for rehabilitation of substandard houses and the number of vacant/dilapidated houses increases while increasing the number of persons at risk for homelessness.

Please give us a list of the priority housing needs for your area to be considered in our upcoming 2022-2023 Annual Action Plan to be submitted to HUD by April 30, 2022.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
First reading of an ordinance amending the FY 2022 general fund budget (Graves Road)
MEETING NAME AND DATE:
County Council – January 10, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering (5 mins)
ITEM BACKGROUND:
<ul style="list-style-type: none">- On October 6, 2020, Beaufort County amended the Pepper Hall and Okatie River Park Joint Development Agreement to clarify and implement certain provisions about the construction and funding for the road improvements. The amendment states that the County will reimburse the Owner, Robert L. Graves, \$1.3 million of the costs to construct the roads, however; a funding source is not identified.- Item was discussed and approved at Public Facilities Committee on November 15, 2021
PROJECT / ITEM NARRATIVE:
Road Use Fees (Tag Fees) had previously been discussed at a staff level as the source of funding, however; with a recent decline in revenue and future obligations of the funding, this account should be spent conservatively. The major uses of these funds currently are the dirt road paving program, which averages \$2.5 million annually. These funds are also spent on other road projects not identified in impact fees and other capital project lists.
FISCAL IMPACT:
\$1.3 million to be reimbursed to Robert L. Graves for the construction of Graves Road and Primary Park Access Road. Funding source to be sourced from the fund balance of the general fund.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends the \$1.3 million expenditure commitment for paving Graves Road from the fund balance within the General Fund.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny funding the \$1.3 million expenditure commitment for paving Graves Road from the fund balance within the General Fund.
<i>(Next Step: Move action forward to County Council for approval)</i>

ORDINANCE 2022/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/____ FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS IN THE PEPPER HALL DEVELOPMENT.

WHEREAS, on June ____, 2021, Beaufort County Council adopted Ordinance No. 2021/____ which sets the County's FY 2021-2022 budget and associated expenditures; and

WHEREAS, - On October 6, 2020, Beaufort County amended the Pepper Hall and Okatie River Park Joint Development Agreement to clarify and implement certain provisions about the construction and funding for certain road improvements in the development; and

WHEREAS, the amendment states that the County will reimburse the Owner, Robert L. Graves, \$1.3 million of the costs of the road improvements; and

WHEREAS, it was determined by County Council at the Public Facilities Committee on November 15, 2021 that the source of funds for the reimbursement was to be general fund balance; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. The sum of \$1,300,000 is hereby appropriated for the reimbursement of costs for the road improvements as described in the Pepper Hall and Okatie River Park Joint Development Agreement.
2. The funds are to be transferred from countywide general fund balance.

DONE this _____ day of February, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading

ORDINANCE 2020/31

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

WHEREAS, Beaufort County (“County”) and Robert L. Graves (“Property Owner”) entered into that certain Pepper Hall and Okatie River Park Joint Development Agreement effective February 1, 2019, and recorded in the Beaufort County Register of Deeds Office on February 4, 2019, in Book 3735, Page 1 (the “Development Agreement”) pursuant to the South Carolina Development Agreement Act, S.C. Code of Laws 6-31-10, et seq., as amended (the “Act”) and the Beaufort County Community Development Code (the “CDC”); and

WHEREAS, the Development Agreement sets forth the terms and conditions for a mutually binding agreement to allow the County and the Property Owner to work together to protect and preserve the natural environment and to secure for Beaufort County citizens a quality, well-planned and well-designed development and a stable and viable tax base; to provide an unprecedented opportunity to secure quality planning and growth in the public and private sectors; and to enhance and provide public access to the Okatie River Park for public benefit; and

WHEREAS, the Development Agreement provides for, among other things, the construction of certain road improvements necessary to access the Okatie River Park; and

WHEREAS, pursuant to the Development Agreement, the County will pay for the design, permitting, and the construction costs of the road improvements; and

WHEREAS, the County has identified a funding source for approximately \$2.2 million of the road improvement costs and anticipates appropriating \$1.1 million in each of the Fiscal years 2021 and 2022 for this purpose; and

WHEREAS, the Development Agreement provided that the County may establish an improvement district for the assessment and collection of revenue to provide a mechanism for the County to recover the cost of the construction of the road improvements; and

WHEREAS, Property Owner and County desire to clarify and implement certain provisions of the Development Agreement regarding the construction and funding for the cost of certain road improvements and the establishment of an improvement district by executing an amendment to the Development Agreement (the “Amendment”); and

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Beaufort County, South Carolina, in a meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In addition to the recitals set forth above, which the County Council hereby adopts as findings of fact, the County Council specifically finds that the Amendment attached hereto as Exhibit "A" and incorporated herein by reference, complies with the Act, the Comprehensive Plan, and the CDC.

SECTION II. DEVELOPMENT AGREEMENT

The terms of the Amendment are hereby approved in accordance with the Act and the CDC. The Amendment shall be effective upon approval of this Ordinance after third reading, execution by both parties and recording in the Beaufort County Register Deeds Office as required under the Act.

SECTION III. EXECUTION

The County Administrator is authorized to execute and deliver the Amendment on behalf of the County, and any and all other necessary documents or instruments incidental to the approval of this Ordinance and the Amendment.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval following third reading by the County Council

ENACTED and **APPROVED**, in meeting duly assembled, this 28th day of September, 2020.

BEAUFORT COUNTY, SOUTH CAROLINA

By: Joseph Passiment
Joe Passiment, Chairman of Beaufort County Council,
Beaufort County, South Carolina

[SEAL]

Attest:

By: Sarah W. Brock
Sarah Brock, Clerk to Beaufort County Council,
Beaufort County, South Carolina

First Reading: August 10, 2020
Second Reading: September 14, 2020
Public Hearing: September 14, 2020
Third Reading: September 28, 2020

7
NC Legal Dept.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) AMENDMENT TO THE PEPPER HALL
AND OKATIE RIVER PARK JOINT
DEVELOPMENT AGREEMENT

This AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT (the "Amendment") is made effective as of the 6th day of Oct., 2020 (the "Effective Date") by and between ROBERT L. GRAVES ("Owner"), and BEAUFORT COUNTY, SOUTH CAROLINA, a body politic and corporate (the "County").

RECITALS

WHEREAS, Property Owner is the owner of several tracts of land containing a total of approximately eighty-four and eighty-one hundredths (84.81) acres near the Okatie River, as more particularly described on Exhibit A of the Development Agreement, defined below (the "Property"). The Property, commonly known as Pepper Hall, is located in the unincorporated area of Bluffton Township, Beaufort County, South Carolina; and

WHEREAS, County is the owner of approximately eighteen (18) acres of land lying adjacent to the Property and the waters and marshes of the Okatie River, on which it intends to develop and establish a county-wide passive park (the "Okatie River Park"); and

WHEREAS, Property and County Owner entered into that certain Pepper Hall and Okatie River Park Joint Development Agreement effective February 1, 2019, and recorded in the Beaufort County Register of Deeds Office on February 4, 2019, in Book 3735, Page 1 (the "Development Agreement"); and

WHEREAS, the Development Agreement provides for, among other things, the construction of certain road improvements necessary to access the Okatie River Park; and

WHEREAS, the design of the road improvements has been completed; and

WHEREAS, Owner and County desire to clarify and implement certain provisions of the Development Agreement regarding the construction and funding for the cost of certain road improvements, and provide that the Owner and County will share in the cost of the road improvements; and

WHEREAS, the County is committed to developing the Okatie River Park at a cost of approximately \$1.15 million; and

WHEREAS, the County shall be in sole control of the scope and design of the Okatie River Park Improvements, and will pay for the design and construction thereof; and

WHEREAS, the Development Agreement provided that the County may establish an improvement district for the assessment and collection of revenue to provide a mechanism for the County to recover the cost of the road and park improvements; and

BEAUFORT COUNTY SC-ROD
BK 3919 Pgs 275-281
INST# 2020057583 RCPT#997198
DATE: 10/08/2020 11:41:42 AM
REC FEES: \$0.00
CO\$0.00 ST\$0.00 TR\$0.00

Reviewed by Beaufort County

Robert L. Graves
October 8, 2020
Legal Department
NPCHAR1:2881058.1

ps 187

WHEREAS, the County no longer desires to establish an improvement district for the assessment and collection of revenue for the cost of the construction of the road and park improvements; and

WHEREAS, pursuant to the Code of Laws of South Carolina Section 6-31-60, the County conducted a public hearing regarding its consideration of this Amendment on September 14, 2020, after publishing and announcing notice; and

WHEREAS, the County, acting by and through County Council adopted Ordinance Number 20/31 on September 25, 2020, approving this Amendment.

NOW, THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this Amendment, the receipt and sufficiency of such consideration being acknowledged by the parties, and pursuant to the South Carolina Local Government Development Agreement Act, codified as S.C. Code §§ 6-31-10 to -160, the parties to this Amendment, intending to be legally bound, agree as follows:

- 1. Recitals. The above recitals are herein incorporated.
- 2. Improvement District. The parties acknowledge and agree that an improvement district will not be established.

- a. The seventeenth, eighteenth, and nineteenth Recitals and Sections VI.N, IV.B.2 and IV.B.3.b shall be deleted in their entirety. The last two sentences of Section VI.B shall be deleted in their entirety. In addition, any reference to South Carolina Code 6-35-10, et seq., South Carolina Code 4-35-10, et seq., “Residential Improvement District,” “RID” or “County Public Works Improvement Act” shall be deleted in their entirety.

- b. The County will reimburse the Owner for all legal and professional costs incurred in investigating the feasibility of establishing an improvement district at the request of the County (the “Establishment Costs”). Upon execution of this Amendment, Owner shall submit a certification of the Establishment Costs incurred as of the Effective Date, and County shall remit payment within thirty (30) days of receipt the certification.

- 3. Okatie River Park Improvements.

- a. The following sentence shall be added to Section IV.B.1:

The Property Owner will contribute \$50,000 to the cost of the design and construction of the Okatie River Park Improvements, On-Site (the “Park Contribution”).

- b. Section VI.P.i of the Development Agreement shall be amended and re-stated as follows:

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As to the Okatie River Park, Owner has agreed to construct the park improvements. The County shall be in the sole control of the scope and design of the Okatie River Park improvements and, upon approval by County staff of plans and permits, Property Owner is authorized to begin construction. County staff shall use best efforts to review and approve plans and permits expeditiously, but in no case later than 30 days from the date of submission of a full and complete application. The County shall provide any and all construction easements or other rights of access needed to complete construction of the Okatie River Park improvements.

The County shall reimburse the Owner for the costs of the construction of the park improvements, less and excepting the Park Contribution. The reimbursement schedule shall be mutually agreed upon by the Parties upon design completion. The County shall reimburse the Owner within thirty (30) days of receipt of a reimbursement request and a certification of costs.

Beaufort County has previously determined that Owner will be the single source for construction purposes. This determination satisfies the Beaufort County and South Carolina public works bidding and proposal requirements.

4. Construction and Funding for Graves Road and Park Access Road.

a. The third sentence of Section IV.B.3.a shall be revised as follows:

The County and Owner will share the costs for the design, permitting and construction costs of Graves Road and the Primary Access Road in accordance with Section VI.P.ii. Graves Road shall be constructed to those County standards required for a publicly-dedicated road.

b. Section VI.P.ii of the Development Agreement shall be amended and re-stated as follows:

ii. As to the roads provided by the County under this Agreement (a portion of Graves Road and Primary Park Access Road), Owner has agreed to construct them at an estimated cost of \$3.7 million. Upon approval by County staff of plans and permits, Owner is authorized to begin construction. County staff shall use best efforts to review and approve plans and permits expeditiously, but in no case later than 30 days from the date of submission of a full and complete application.

The County will reimburse the Owner for \$1.3 million of the costs of the construction of the roads provided by the County under this Agreement (a portion of Graves Road and Primary Park Access Road) with Owner having responsibility for all remaining costs of construction. The County shall reimburse Owner as work is materially completed (i.e., 90% completion) at

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each of the following stages: design (10%), site work (15%), concrete (20%), road construction (30%), hardscape and landscaping (15%), and final inspection and acceptance (10%). The County shall reimburse Owner within thirty (30) days of receipt of a reimbursement request and a certification of costs. The County shall be responsible for the maintenance of Graves Road, and Owner shall be responsible for the maintenance of the Park Access Road.

Beaufort County has previously determined that Owner will be the single source for construction purposes. This determination satisfies the Beaufort County and South Carolina public works bidding and proposal requirements.

5. Graves Road. The following is added to Section VI.C.2 as follows:

The Parties agree that the County will take the necessary actions through the appropriate legal process to obtain ownership of Graves Road if it is determined by the County that it does not presently have ownership of the road. Owner agrees to convey that portion of the Property necessary to meet County right-of-way requirements to the County by way of a limited warranty deed. In addition, Owner will provide a quit claim deed to the current Graves Road, and cooperate with the County in a condemnation action, provided there is no cost to Owner.

6. Private-Public Partnership. Any reference contained with the Development Agreement to a private-public partnership is hereby deleted.

7. Effect. Terms and provisions of the Development Agreement that are not expressly modified by this Amendment shall remain in full force and effect. All of the provisions of the Development Agreement affected by this Amendment shall be deemed amended, whether or not actually specified herein, if such amendment is clearly necessary to effectuate the intent of the parties hereto. The Development Agreement, as modified hereby, is hereby ratified and approved in all respects.

8. Final Agreement. This Amendment and the Development Agreement, as amended by the Amendment, represent the final agreement between the parties regarding the subject matter hereof and may not be contradicted by evidence of prior, subsequent or contemporaneous oral agreements of the parties. No amendment or modification hereto shall be valid and binding unless expressed in writing and executed by both parties hereto.

9. Counterparts. This Amendment may be executed in any number of counterparts, which may be electronically transmitted to the originating office, all of which when executed and delivered shall have the force and effect of an original.

PS 4/8/1

[SEPARATE SIGNATURE PAGES TO FOLLOW]

|

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IN WITNESS WHEREOF, the undersigned have executed this Memorandum of Understanding as of the day and year first above written.

Witnesses:

[Signature] Robert L. Graves
[Signature] ROBERT L. GRAVES

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, CARA L. OKUPSKI (Notary Public) do hereby certify that Robert L. Graves, either known to me or having provided sufficient proof of his identity, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 6th day of October, 2020.

[Signature]
 Notary Public for the State of South Carolina
 My Commission Expires



15687

IN WITNESS WHEREOF, the undersigned have executed this Memorandum of Understanding as of the day and year first above written.

BEAUFORT COUNTY, SOUTH CAROLINA

Witnesses:

B. Owens
Litha Voss

By: Joseph F. Passiment
Joseph F. Passiment
Chairman, Beaufort County Council

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, Cheryl H. Harris (Notary Public) do hereby certify that Beaufort County, by Joseph F. Passiment, Chairman of Beaufort County Council, either known to me or having provided sufficient proof of his identity, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 2nd day of October, 2020.

Cheryl H. Harris
Notary Public for the State of South Carolina
My Commission Expires 8/24/2028

10-14



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
An Ordinance Amending the FY2022 General Fund Budget
MEETING NAME AND DATE:
County Council Meeting, January 10, 2022
PRESENTER INFORMATION:
Pinky Harriott, Budget Director (10 minutes needed for discussion)
ITEM BACKGROUND:
Beaufort County entered in mediation for the purpose of acquiring two lots for use by the Sheriff's office. The result of the mediation was approved by County Council on December 13, 2021. This acquisition will be funded through the General fund balance. Use of fund balance must be approved by County Council.
PROJECT / ITEM NARRATIVE:
Beaufort County adopted the fiscal year 2022 budget in June 2021. At the time, though there were talks of acquiring land for parking near the Sheriff's new location, details were unknown and thus, unbudgeted. Now that details of acquisition are known and County Council approved the amount (\$1,900,000), Council must amend the FY 2022 budget for this expenditure which will be funded from the General fund balance.
FISCAL IMPACT:
<i>\$1.9 Million increase in expenditures</i>
STAFF RECOMMENDATIONS TO COUNCIL:
Approve the use of fund balance and amend the FY2022 General Fund budget.
OPTIONS FOR COUNCIL MOTION:
<i>Approve or deny the use of fund balance to amend the FY2022 budget for this purpose.</i>

ORDINANCE 2022/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/____ FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PURCHASE TWO LOTS ADJACENT TO THE OLD COURTHOUSE ON NORTH STREET.

WHEREAS, on June ____, 2021, Beaufort County Council adopted Ordinance No. 2021/____ which sets the County's FY 2021-2022 budget and associated expenditures; and

WHEREAS, on December 13, 2021, County Council approved the purchase of two lots located at 1509 and 1511 North Street, PID#R120-004-000-0657-0000 and R120-004-000-0658-0000; (the "Lots") and

WHEREAS, County Council directed that the source of funds for the purchase of the lots be the general fund balance; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. The sum of \$1,900,000 is hereby appropriated for the purchase of the Lots.
2. The funds are to be transferred from countywide general fund balance.

DONE this _____ day of February, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Public Defender's Additional Funding Request for FY22
MEETING NAME AND DATE:
Finance Committee, January 18, 2022
PRESENTER INFORMATION:
Pinky Harriott, Budget Director 10 minutes
ITEM BACKGROUND:
Council deferred item back to Finance Committee for further discussion at the December 13 th Meeting. Finance Committee approved in Nov 2021 to move to Council for First Reading by Title Only.
PROJECT / ITEM NARRATIVE:
The Public Defender's Office requested on Nov 12 th additional funding of \$166,397.00 for FY2022 to implement a cost-of-living increase of 5.9% and hire an additional Magistrate Court attorney. Since then, Council requested additional information and the request has been reduced on January 3 rd to \$83,198.15 to fund the 5.9% cost of living increase for all staff, & to adjust the 3 vacant attorneys starting salaries up to \$66,000.00.
FISCAL IMPACT:
An additional appropriation of \$83,198.15
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends that the amount requested be absorbed the current vacancy savings within the current FY2022 appropriations.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny FY2022 Additional Funding Request.

ORDINANCE 2022/ ____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/____ FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO THE PUBLIC DEFENDER’S OFFICE BUDGET.

WHEREAS, on June ____, 2021, Beaufort County Council adopted Ordinance No. 2021/____ which sets the County's FY 2021-2022 budget and associated expenditures; and

WHEREAS, the Public Defender has requested additional funds for the purpose of personnel recruitment and retention;

WHEREAS, County Council wishes to appropriate additional funds for the Public Defender’s Office budget; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. The additional sum of \$83,198.15 is hereby appropriated to the budget of the Public Defender’s Office.
2. The funds are to be transferred from countywide general fund balance.

DONE this _____ day of February, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Gittings, Circuit Defender

BEAUFORT COUNTY
Human Services Building
1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)
(843) 255-9494 (Fax)

ALLENDALE, HAMPTON & JASPER COUNTIES
1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
Hampton, SC 29924
(803) 914-2240 (Phone)

COLLETON COUNTY
319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)
(843) 549-2912 (Fax)

January 3, 2022

RE: FY 2021/2022

In response to your additional questions, I wanted to provide you additional information in order to clarify our mid-year budget request.

The current Beaufort County allocation for the Beaufort County Public Defender’s Office stands at \$1,498,131.00. The Beaufort County Public Defender’s Office is not requesting additional attorneys at this time. This request of \$83,198.15 is for the remaining FY 2021/2022 in order to recruit and retain current staff in Beaufort County. The reoccurring amount would be \$166,397.00 starting FY 2022/2023.

As you are aware, the Commission on Indigent Defense appropriated \$75,000 for one additional Public Defender per circuit. In an effort to provide the most for the 14th Circuit, I contracted with three attorneys to handle cases in the 14th Circuit; one of which is specifically assigned to handle six lower level cases in Beaufort County each month. I hired two investigators to handle regions: one for Jasper, Hampton and Allendale and one for Beaufort and Colleton. This is paid for by the appropriation act.

Currently the Beaufort County Public Defender’s Office employees (or has positions for) Sixteen (16) Public Defenders, and ten (10) support staff members in Beaufort County. The breakdown is as follows:

- Eight (8) General Sessions Attorneys,
- Two (2) Juvenile Attorneys,
- Two (2) Bond Court Attorneys,
- One (1) Mitigation Attorney,
- Two (2) Magistrate Court Attorneys, and
- One (1) Municipal Court Attorney (Fully funded by Municipalities),
- Seven (7) Administrative Assistants; to include one Bond Court Admin, one violent crimes admin, one mitigation assistant, one juvenile assistant, one executive assistant, one GS/ Mag Court Assistant, and one Municipal Court Admin (funded by local Municipalities).
- Three (3) full time and one part time Investigators; one violent crimes and juvenile, two General Sessions, one state funded investigator (Beaufort/Colleton).

These attorney and staff members, except for one Juvenile attorney, work primarily for Beaufort County. One attorney and one administrative assistant for Municipal Court is exclusively funded by the local Municipalities.

When the initial request was made, I had four (4) vacancies in Beaufort County for General Sessions Attorneys. I was able to hire one experienced attorney since my request, and therefore currently have three (3) vacant General Sessions Attorney Positions.

Within the last year, six (6) attorneys have resigned from the Beaufort County Public Defender's Office to take other positions. A general consensus among these attorneys was their salaries. In an effort to recruit/ retain current employees, I am proposing the following Tier System for Public Defenders in Beaufort County:

Tier 1 Attorney:	65,000 – 85,000
Tier 2 Attorney:	86,000 – 130,000

Additionally, the Beaufort County Public Defender's Office did not receive the previous cost of living increase or compensation study increase last year. Therefore, I am proposing a 5.9% increase for all staff members of the Beaufort County Public Defender's Office.

The total request of \$83,198.15 breakdown is below:

- **\$11,698.50 STAFF MEMBERS INCREASE**
 - o Beaufort County Investigators, Administrative Assistants, and Mitigation Specialists 5.9% cost of living/ retention increase for current staff members
 - o Rate of 5.9% which is consistent with the Social Security Administrations 2022 cost of living increase
- **\$50,856.50 ATTORNEY RETENTION AND RECRUITING ADJUSTMENT**
 - o Attorney Tier System Increase
- **\$20,643.15 FRINGE BENEFITS INCREASE**
 - o Beaufort County Fringe Benefits due to increases (approximate based on 33%)

This increase would allow my office to recruit at a higher salary for the three (3) vacant positions. Currently I have these positions listed at \$55,000 and would need to increase them to \$66,000.00.

Lastly, I would not use my fund balance for this request. This is a reoccurring request for salaries exclusively for Beaufort County employees. The Fund Balance is a result of many different funding sources.

In conclusion, I appreciate your consideration and am available for any additional questions you or council may have.

With kind regards, I am,

Sincerely,

Stephanie Smart-Gittings
14th Circuit Public Defender

South Carolina Association of Counties
Wage and Salary Report
Population Group: 1
(Greater than 200,000 Population)

PUBLIC DEFENDER**Job Code: 1804**

<u>County</u>	<u>Hours</u>	<u>Staff Totals</u>	<u>Pay Range</u>			<u>Avg or Actual</u>	<u>Percent Spread</u>
			<u>Minimum</u>	<u>Maximum</u>	<u>Midpoint</u>		
Horry	40	2	75,427	113,142	94,285		50%
Richland	37.5	1	78,577	141,438	110,008		80%
York	40	1	69,816	97,742	83,779		40%
ARITHMETIC AVERAGES:			74,607	117,441	96,024		

DEPUTY PUBLIC DEFENDER**Job Code: 1805**

<u>County</u>	<u>Hours</u>	<u>Staff Totals</u>	<u>Pay Range</u>			<u>Avg or Actual</u>	<u>Percent Spread</u>
			<u>Minimum</u>	<u>Maximum</u>	<u>Midpoint</u>		
Charleston	40	2	73,860	127,046	100,453		72%
Greenville	37.5	2	82,227	132,859	107,543		62%
Horry	40	1	75,427	113,142	94,285		50%
Lexington	40	2	73,659	110,489	92,074		50%
Richland	37.5	1	78,577	141,438	110,008		80%
Spartanburg	37.5	2	81,602	130,564	106,083		60%
York	40	2	93,320	130,648	111,984		40%
ARITHMETIC AVERAGES:			79,810	126,598	103,204		

ASST PUBLIC DEFENDER**Job Code: 1806**

<u>County</u>	<u>Hours</u>	<u>Staff Totals</u>	<u>Pay Range</u>			<u>Avg or Actual</u>	<u>Percent Spread</u>
			<u>Minimum</u>	<u>Maximum</u>	<u>Midpoint</u>		
Charleston	40	28	58,864	101,254	80,059		72%
Greenville	37.5	10	65,712	100,460	83,086		53%
Spartanburg	37.5	19	71,275	114,039	92,657		60%
York	40	13	53,024	74,234	63,629		40%
ARITHMETIC AVERAGES:			62,219	97,497	79,858		

DEPUTY SOLICITOR**Job Code: 1807**

<u>County</u>	<u>Hours</u>	<u>Staff Totals</u>	<u>Pay Range</u>			<u>Avg or Actual</u>	<u>Percent Spread</u>
			<u>Minimum</u>	<u>Maximum</u>	<u>Midpoint</u>		
Berkeley	37.5	1	87,404	139,847	113,626		60%
Charleston	40	1	106,870	183,830	145,350		72%
Greenville	37.5	12	82,227	132,859	107,543		62%
Horry	40	2	75,427	113,142	94,285		50%
Lexington	40	2	73,659	110,489	92,074		50%
Richland	37.5	2	78,577	141,438	110,008		80%
Spartanburg	37.5	1	81,602	130,564	106,083		60%
York	40	2	93,320	130,648	111,984		40%
ARITHMETIC AVERAGES:			84,886	135,352	110,119		

Note: "Pay Range" reflects either the minimum and maximum salaries of a position's pay grade or the lowest and highest actual salary paid for a position. "Avg or Actual" is a county's reported arithmetic average of all actual salaries paid for a specific position or the actual salary for the position. "Percent Spread" shows the percent difference between the minimum and maximum salaries.

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Gittings, Circuit Defender

Item 14.

BEAUFORT COUNTY
Human Services Building
1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)
(843) 255-9494 (Fax)

ALLENDALE, HAMPTON & JASPER COUNTIES
1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
Hampton, SC 29924
(803) 914-2240 (Phone)

COLLETON COUNTY
319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)
(843) 549-2912 (Fax)

November 12, 2021

Beaufort County Finance Council
100 Ribaut Road
Post Office Drawer 1228
Beaufort, SC 29901

RE: FY 2021/2022

Dear Council Members,

The current Beaufort County allocation for the Beaufort County Public Defender's Office stands at \$1,498,131.00. I am making a mid-year request for additional funding of \$166,397.00 in order to maintain staff for the Beaufort County Public Defender's Office.

Currently I have four (4) open previously funded attorney positions with the Beaufort County Public Defender's Office. Based on research of neighboring agencies and other Public Defender's Offices' throughout our state, I am proposing the following chart for Public Defenders in Beaufort County:

Tier 1 Attorney:	65,000 – 85,000
Tier 2 Attorney:	86,000 – 130,000

This is an increase from the funding you provided in 2020 wherein I predicted to hire Tier 1 attorneys at \$56,000 and Tier 2 attorneys at \$80,000.

Like many agencies and courts around the state, Covid-19 and the closures that followed increased the case load for the Beaufort County Public Defender's Office. This was especially prevalent in the Beaufort County Magistrate Court. The single attorney assigned to Magistrate Court became overwhelmed in 2021 with the pending case load, and ultimately, I was required to use any available funds to hire another attorney to assist in magistrate court. The Beaufort County Public Defender's Office now has two attorneys in Magistrate Court; one (1) attorney handling Beaufort Magistrate Court and one (1) attorney handling Bluffton Magistrate Court.

While this addressed the unyielding issue in Magistrate Court in Beaufort County, I was unable to give needed salary increases to Beaufort County attorneys and staff members. The Beaufort County Public Defender's Office did not receive the previous cost of living increase or the compensation study increase last year. In order to recruit and retain employees in the Beaufort County Public Defender's Office, I am requesting \$166,397.00 to cover this cost of

living increase, compensation study increase, and cost required to hire another Magistrate Court attorney.

At this time, I am not requesting additional attorneys for the Beaufort County Public Defender's Office. My current immediate need is to compensate the valuable staff members currently employed with my office, and recruit and retain attorneys for the four (4) available attorney positions with my office.

I am happy to answer any questions that council may have, and respectfully request to be heard at your next available council meeting on November 15, 2021.

With kind regards, I am,

Stephanie Smart- Gittings

Stephanie Smart-Gittings
14th Circuit Public Defender

NEW HIGHLIGHTS OF BEAUFORT COUNTY PUBLIC DEFENDER'S OFFICE:

1. MITIGATION TEAM CREATED IN 2020:

In 2020, the Beaufort County Public Defender's Office received funding from the Beaufort County Council which enabled our office to be able to form the Mitigation Division of the Public Defender's Office.

This team consist of a Mitigation Attorney, a Sentencing/ Mitigation Specialist, and an Administrative Assistant.

This elite team places a holistic approach to the criminal justice system and handles a variety of tasks including:

- Assisting attorneys in investigating, analyzing, developing, and presenting mitigation evidence to the court,
- Develops relationships with clients, their families, local service providers, treatment centers, substance abuse networks, mental health agencies, and vocational programs aimed at addressing substance abuse, mental illness, homelessness, or other issues that many clients maybe facing, and
- Addresses the collateral consequences associated with General Sessions cases.

2. BOND COURT DIVISION:

Likewise in 2021, the Beaufort County Public Defender's Office created the Bond Court Division. This Division handles Bond Hearings twice a day at the Beaufort County Detention Center. A dedicated Administrative Assistant assists our attorneys in bond court.

3. MAGISTRATE COURT:

Two Public Defenders now handle Magistrate Court in Beaufort County; one for Beaufort Magistrate and one for Bluffton Magistrate.

Previously one attorney rotated between the two courts: causing scheduling issues, and a growing case load.

UPCOMING GENERAL SESSIONS COURT DATES:

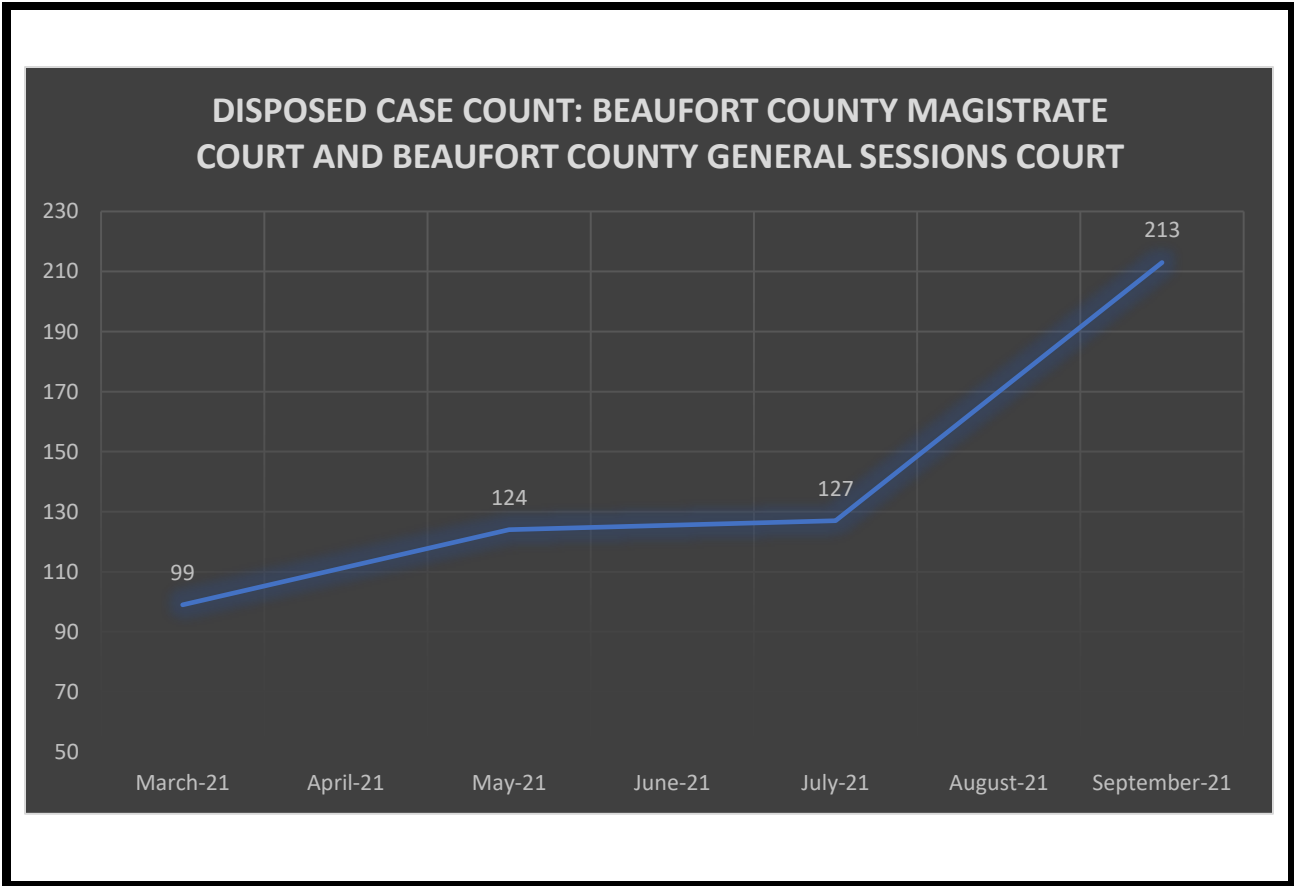
November 8 - 12, 2021
 November 15 -19, 2021
 December 6 -10, 2021
 December 13 -17, 2021
 January 10 -14, 2021
 January 18 -21, 2021
 January 31 - February 4, 2021
 February 14 - 18, 2021
 February 21 – 25, 2021
 March 14 – 18, 2021
 March 21 – 25, 2021
 April 11 – 15, 2021
 April 18 – 22, 2021
 May 9 – 13, 2021
 May 16 – 20, 2021

Did you know?

The Beaufort County Public Defender's Office Mitigation Division assisted 43 individuals with placement in substance abuse treatment centers, homeless shelters, or half-way housing since August 2020.

Beaufort County
Public Defender's
Office Current
Numbers (as of
November 10, 2021):

Court Type	Clients (People)	Cases (Incidents)	Charges (Warrants/Tickets)
General Sessions	1371	1805	3164
Magistrate Court	524	583	970
Municipal Court	231	261	516
Juvenile	49		
Total	2175	2649	4650



BEAUFORT COUNTY PUBLIC DEFENDER’S OFFICE REQUEST:

STAFF MEMBERS COST OF LIVING INCREASES \$23,397.00

- Investigators, Administrative Assistants, Mitigation Specialist
- This would be a 5.9% cost of living/ retention increase for current staff members.
- Rate at 5.9% which is consistent with the Social Security Administrations 2022 cost of living increase.

ATTORNEYS RETENTION AND RECRUITING ADJUSTMENT \$143,000.00

Tier 1 Attorney: 65,000 – 85,000
Tier 2 Attorney: 86,000 – 130,000

TOTAL REQUEST: \$166,397.00

ARTICLE IX. GOVERNMENT-OWNED PROPERTY AND FACILITIES¹

DIVISION 1. GENERALLY

Secs. 2-646—2-670. Reserved.

DIVISION 2. RESTRICTED ACCESS

Sec. 2-671. Purpose.

This division has, as its purpose, to protect county government property and facilities from unauthorized or improper access, as defined in this division, and to make special provisions for restricting access to the county detention centers' grounds and facilities.

(Code 1982, § 10.5-61)

Sec. 2-672. Scope.

This division shall apply to every county government-owned land, structure, and facility within the physical boundaries of the county.

(Code 1982, § 10.5-62)

Sec. 2-673. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County detention centers includes any facility of whatever nature that is employed by the county for the purpose of detaining persons under arrest of any police agency, or serving a sentence of any court, having jurisdiction in the county.

County government-owned property and facilities includes every land, whether improved by manmade structures or not, and all vegetation on such land of whatever nature, and every manmade structure on such land of whatever nature, to which the county council owns lawful title.

(Code 1982, § 10.5-63)

Cross reference(s)—Definitions generally, § 1-2.

¹Cross reference(s)—County airports, § 6-56 et seq.; library, ch. 50.

Sec. 2-674. Unauthorized or improper access.

- (a) It shall be unlawful for anyone to enter any county government-owned property or facility except via an unlocked public entrance during the days and times such are open to the public. Regularly scheduled open days and times shall be published at regular intervals in local newspapers of the widest circulation available and shall be posted at the main public entryway to each such property or facility. Any variation to such routine access days and times shall be similarly posted and shall be made public as soon as known, utilizing the broadest circulation available. It shall be unlawful for anyone to enter such property or facility at any other days or times or via any other means of entry without authorization.
- (b) Except as otherwise provided for public access during authorized days and times or as otherwise authorized, it shall be unlawful for anyone to enter onto any county government-owned land that is fenced, and/or that is posted by signs reading "no trespassing," "restricted access" or other such signs intended to restrict or limit access or by verbal warning of a county employee or police official that entry into such lands is trespassing. Such signs shall be posted in at least four conspicuous places on the borders of such lands, and a proof of posting such signs shall be deemed and taken as notice conclusive against any person making illegal entry under this division.
- (c) Except for public parking lots and walkways and for entrances provided for public access to county detention facilities on the days and times such facilities might be open to such public access, it shall be unlawful for anyone to enter the grounds of any such detention facility or beyond signs displayed around the facility for the purpose of establishing such limited access or for anyone to attempt to touch such facility by any means or to attempt to throw any object against or into such facility or to otherwise approach, enter, or disturb such facility or any part or feature thereof. It shall also be unlawful for any person to loiter on any highway, roadway, sidewalk, or grounds adjacent to the detention center. Except as specifically provided for visitation purposes by the detention facility administrator, it shall also be unlawful for anyone to attempt to communicate in any way with the occupants of such detention facilities or to give to or take from any occupant of such facilities any physical object of whatever nature.

(Code 1982, § 10.5-64)

Sec. 2-675. Camping prohibited. Notwithstanding any other provision of law, a person or group of persons may not use any county government-owned property or facility grounds for:

- (a) camping, or other living accommodations purposes;
- (b) sleeping, or making preparations to sleep;
- (c) storing personal belongings that support camping or other outdoor living accommodations purposes;
- (d) building a campfire;
- (e) erecting tents or other structures used for camping or outdoor living accommodations;
- (f) digging or breaking ground without proper written authorization; or
- (g) cooking, or cooking activities that support camping or other outdoor living accommodations purposes.

This prohibition applies regardless of the participant's intent or the nature of other activities in which the participant may be engaged.

(Code 2022, Ord. 2022/___)

Sec. 2-676. Penalties.

Violation of this division shall be a misdemeanor and shall be punishable by fine of no more than \$200.00 or imprisonment for no more than 30 days, except that violation of subsection 2-674(c) or damage to persons or property during violations as defined under this division or violation of other applicable statutes and ordinances may result in additional charges to include felony arrest.

(Code 1982, § 10.5-65)



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
An Ordinance to amend Article IX. Government Owned Property and Facilities, Division 2. Restricted Access
MEETING NAME AND DATE:
Public Facilities, January 18, 2022
PRESENTER INFORMATION:
Thomas J. Keaveny, II, Deputy County Attorney <i>15 minutes</i>
ITEM BACKGROUND:
We currently have someone living on the Administration Building grounds which is unsightly, a public health issue, and a safety issue. This amendment will prohibit sleeping, camping, etc. on county owned property and facilities. It mirrors an existing state statute which prohibits the same on the state house grounds. Adoption of the amendment will allow the Sheriff to arrest and prosecute anyone who violates the provisions of the amendment. The Sheriff's Office has agreed to enforce the amended ordinance.
PROJECT / ITEM NARRATIVE:
Sec. 2-675. Camping prohibited. Notwithstanding any other provision of law, a person or group of persons may not use any county government-owned property or facility grounds for: (a) camping, or other living accommodations purposes; (b) sleeping, or making preparations to sleep; (c) storing personal belongings that support camping or other outdoor living accommodations purposes; (d) building a campfire; (e) erecting tents or other structures used for camping or outdoor living accommodations; (f) digging or breaking ground without proper written authorization; or (g) cooking, or cooking activities that support camping or other outdoor living accommodations purposes. This prohibition applies regardless of the participant's intent or the nature of other activities in which the participant may be engaged.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Approval
OPTIONS FOR COUNCIL MOTION:
Motion to approve first reading of the amendment to prohibit camping on County-owned properties.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Ordinance Amending 2020 Business License Ordinance
MEETING NAME AND DATE:
County Council January 24, 2022
PRESENTER INFORMATION:
Thomas J. Keaveny, II, Deputy County Attorney 15 Minutes
ITEM BACKGROUND:
During it's meeting of January 18, 2022 the Finance Committee voted unanimously to amend the 2020 Business License Ordinance. The attached Amended Ordinance contains the language which the Committee voted to recommend that Council adopt.
PROJECT / ITEM NARRATIVE:
Amendment of 2020 Business License Ordinance
FISCAL IMPACT:
Amending the Ordinance as proposed will result in lower revenue collection but it should not have an adverse impact of past collections because Beaufort County has not historically collected revenue for this activity.
STAFF RECOMMENDATIONS TO COUNCIL:
Amend the 2020 Business License Ordinance as recommended by the Finance Committee.
OPTIONS FOR COUNCIL MOTION:
Follow the Finance Committee's recommendation or reject it.

ORDINANCE 2022/_____

AN ORDINANCE AMENDING THE 2020 BUSINESS LICENSE TAX ORDINANCE

WHEREAS, Beaufort County has been in the practice of regulating business licensing as evidenced by the Beaufort County Code of Ordinances Chapter 18, Article III, Sections 18-46 through 18-71; and

WHEREAS, in December 2020 Beaufort County repealed its then existing Business License Ordinance and adopted a new Ordinance which was designed to bring its Ordinance into conformity with the South Carolina Business License Tax Reform Act of 2019; and

WHEREAS, in adopting its new ordinance Beaufort County inadvertently failed to carry forward a then existing exemption for individuals who rent less than two residential rental units on a long-term basis (30 days or more) within the county and Council wishes to include that exemption in its current Ordinance.

NOW, THEREFORE, be it ordained by Beaufort County Council, in a meeting duly assembled, that Chapter 18, Article III, of the Code of Ordinances is amended to exempt from the requirements of the business license tax, individuals who rent less than two residential rental units on a long-term basis all as set forth in Exhibit "A" .

IT IS SO ORDAINED, this ____ day of _____, 2022

Joseph Passiment, Chairman

Attest: Sarah Brock, Clerk to Council

First Reading:_____

Second Reading:_____

Third Reading:_____

ARTICLE III. - BUSINESS AND PROFESSIONAL LICENSES

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of Beaufort County, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

“*Business*” means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly. In addition to the above-described activities constituting doing business in the county, an individual shall be deemed to be in business if that individual owns and rents two or more residential rental units (or holds a partial interest therein) within the county, excluding the municipalities therein. The applies to long-term rentals (30 days or more) only.

“*Charitable Organization*” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

“*Charitable Purpose*” means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

“*Classification*” means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“*Council*” means the County Council of Beaufort County.

“*Domicile*” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“*Gross Income*” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the County. If the licensee has a domicile within the County, business done within the County shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the County, business done within the County shall include only gross receipts or revenue received or accrued within the County. In all cases, if the licensee pays a business license tax to another Municipality or County, then the licensee’s gross income for the purpose of computing the tax within the County must be reduced by the amount of revenues or receipts taxed in the other Municipality or County and fully reported to the County. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license

purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the County shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

“*License Official*” means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the County may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

“*Licensee*” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“*County*” means the Beaufort County, South Carolina.

“*NAICS*” means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

“*Person*” means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on December 31, 2021 shall commence on May 1st, 2022 and shall run through April 30th 2023. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file,

by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the County before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The County shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the County, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.
- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official.

Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the County have been paid.
- D. The County shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the County on which a license tax is paid by the business to some other County or county and fully reported to the County, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the County, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the County. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.
- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market

value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the County.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the County is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the County pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 4-9-30 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the County, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the County three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the County or in another jurisdiction;

- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the County of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the County or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- E. A licensee has engaged in an unlawful activity or nuisance related to the business; or
- F. A licensee is delinquent in the payment to the County of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the County by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its

designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the County.

- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the County may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the County any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the County may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the County shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the County, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.
- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000</u>	<u>INCOME OVER \$2,000</u>
<u>FRACTION THEREOF</u>	<u>BASE RATE</u>	<u>RATE PER \$1,000 OR</u>
1	\$ 35.00	\$ 0.37
2	\$ 40.00	\$ 0.47
3	\$ 45.00	\$ 0.57
4	\$ 50.00	\$ 0.67
5	\$ 55.00	\$ 0.77
6	\$ 60.00	\$ 0.87
7	\$ 65.00	\$ 0.97
8.1	\$ 40.00	\$ 0.47
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$ 45.00 plus \$5.00 -OR- \$12.50 per table	\$ 0.57

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the County.

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the County also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the County:

Minimum on first \$2,000	\$ <u>see rates</u> PLUS
Each additional 1,000.....	\$ <u>see rates</u>

Non-resident rates apply to contractors that do not have a permanent place of business within the County. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies (See S.C. Code § 12-23-210).

8.3 NAICS 517311, 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 – Insurance Companies:

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) [**Type I and Type II**].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine	\$12.50 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [**Type III**].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine	\$180.00 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types. (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

Minimum on first \$2,000 \$ see rates PLUS
Per \$1,000, or fraction, over \$2,000 \$ see rates

Business License Class Schedule by NAICS Code

Item 16.

Appendix B

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41 & 9.42
48-49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
522298	Pawnshops	9.20
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713290	Bingo Halls	9.50
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
721	Accommodation	3.00
722	Food services and drinking places	1.00
722410	Drinking Places (Alcoholic Beverages)	9.70
81	Other services	5.00

Note: Class Schedule is based on 2017 IRS data.

This appendix will be updated every odd year based on the latest available IRS statistics. The Business License Class Schedule may be accessed at:

Item 16.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE APPROVING THE CONVEYANCE OF PORTIONS OF THE RIGHT OF WAY KNOWN AS BOSTICK ROAD AND AUTHORIZES THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS
MEETING NAME AND DATE:
County Council; January 24, 2022
PRESENTER INFORMATION:
Brittany Ward, Legal Department <i>10 Minutes</i>
ITEM BACKGROUND:
Presented to County Council January 10, 2022
PROJECT / ITEM NARRATIVE:
County Council authorized the County Administrator to enter into a settlement agreement regarding pending litigation. Pursuant to the settlement agreement, certain portions of the right of way known as Bostick Road will be conveyed to the adjacent property owners.
FISCAL IMPACT:
No funding required
STAFF RECOMMENDATIONS TO COUNCIL:
Approval of conveyance of right of way
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny conveyance of right of way

AN ORDINANCE APPROVING THE CONVEYANCE OF PORTIONS OF THE RIGHT OF WAY KNOWN AS BOSTICK ROAD AND AUTHORIZES THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, Beaufort County (“County”) received a donation of real property from Paul and Marjorie Trask, said real property being a sixty (60) foot right of way and a portion of Bostick Road located in Beaufort County, which was adopted into the County’s road system in 2005; collectively hereinafter referred to as the “Property”; and

WHEREAS, the property lines for the Property were disputed by way of litigation in Case No. 2017-CP-07-00327; and

WHEREAS, the County determined that the use of the Property as a right of way is no longer desired, and has entered into a settlement agreement regarding the aforementioned litigation; and

WHEREAS, the County desires to convey the Property by way of a quit claim deed to the adjacent property owners as shown in the plat attached hereto and incorporated herein by reference in Exhibit A; and

WHEREAS, the County shall retain an access easement over the Property for purposes of accessing the adjacent stormwater drainage system as shown in Exhibit A; and

WHEREAS, Beaufort County Council has determined that it is in the best interest of the citizens of Beaufort County to convey the Property.

NOW, THEREFORE BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, duly assembled, does hereby approve the conveyance of portions of the right of way known as Bostick Road and further described in Exhibit A, and authorizes the County Administrator to execute the necessary documents.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

N/F SALEM FARMS OF BEAUFORT LLC
(SALEM BAY, PHASE III)

30' EASEMENT PER DEED BOOK 3522, PAGE 1045

25' EASEMENT PER PLAT BOOK 15, PAGE 71

25' DRAINAGE EASEMENT PER DEED BOOK 348, PAGE 3375

30' EASEMENT FOR ACCESS BY BEAUFORT COUNTY
FOR DRAINAGE EASEMENT

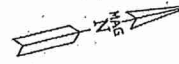
REFERENCE PLATS:
REGISTERED OF DEEDS OFFICE
FOR BEAUFORT COUNTY, SOUTH CAROLINA

- 1 - PLAT OF BLOCKS 'A', 'D' & 'C', SALEM PLANTATION SUBDIVISION BY H.F. WILSON, JR. DATED SEPT. 15, 1965 AND RECORDED IN PLAT BOOK 15, PAGE 31.
- 2 - PLAT OF BLOCK 'C' AND A PORTION OF BLOCK 'B' SALEM PLANTATION SUBDIVISION BY ROY HUSSEY DATED JUNE 1966 AND RECORDED IN PLAT BOOK 15, PAGE 71.
- 3 - PLAT OF REVISION OF LOT 15, BLOCK 'C', SALEM PLANTATION SUBDIVISION BY SHELLER REYNOLDS DATED JUNE 1997 AND RECORDED IN PLAT BOOK 17, PAGE 32.
- 4 - PLAT OF BOSTOCK ROAD R/W BY ROBERT D. TROSDON, IV. DATED MAY 23, 2005 AND RECORDED IN DEED BOOK 2275, PAGE 1807.
- 5 - PLAT OF LOT 15, BLOCK 'C', SALEM PLANTATION SUBDIVISION AND BOSTOCK ROAD BY LORICK V. FANNING DATED SEPT. 22, 2004 AND RECORDED IN PLAT BOOK 110, PAGE 72.

NO.	DELTA	RADIUS	ARC TANGENT	CENTRING	CHORD
1	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
2	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
3	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
4	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
5	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
6	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
7	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
8	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
9	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
10	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
11	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
12	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
13	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
14	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
15	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
16	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
17	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
18	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
19	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'
20	44.845°	23217	8.86'	NE 73° 17' 11" W	1538'

NO.	STARTING	BEARING	DISTANCE	MARK
A1	S20° 59' 55" W		3.66'	3/8" IRON PIN FOUND
A2	S21° 00' 00" W		3.66'	3/8" IRON PIN FOUND
A3	S21° 00' 05" W		3.66'	3/8" IRON PIN FOUND
A4	S21° 00' 10" W		3.66'	3/8" IRON PIN FOUND
A5	S21° 00' 15" W		3.66'	3/8" IRON PIN FOUND
A6	S21° 00' 20" W		3.66'	3/8" IRON PIN FOUND
A7	S21° 00' 25" W		3.66'	3/8" IRON PIN FOUND
A8	S21° 00' 30" W		3.66'	3/8" IRON PIN FOUND
A9	S21° 00' 35" W		3.66'	3/8" IRON PIN FOUND
A10	S21° 00' 40" W		3.66'	3/8" IRON PIN FOUND
A11	S21° 00' 45" W		3.66'	3/8" IRON PIN FOUND
A12	S21° 00' 50" W		3.66'	3/8" IRON PIN FOUND
A13	S21° 00' 55" W		3.66'	3/8" IRON PIN FOUND
A14	S21° 01' 00" W		3.66'	3/8" IRON PIN FOUND
A15	S21° 01' 05" W		3.66'	3/8" IRON PIN FOUND
A16	S21° 01' 10" W		3.66'	3/8" IRON PIN FOUND
A17	S21° 01' 15" W		3.66'	3/8" IRON PIN FOUND
A18	S21° 01' 20" W		3.66'	3/8" IRON PIN FOUND
A19	S21° 01' 25" W		3.66'	3/8" IRON PIN FOUND
A20	S21° 01' 30" W		3.66'	3/8" IRON PIN FOUND
A21	S21° 01' 35" W		3.66'	3/8" IRON PIN FOUND
A22	S21° 01' 40" W		3.66'	3/8" IRON PIN FOUND
A23	S21° 01' 45" W		3.66'	3/8" IRON PIN FOUND
A24	S21° 01' 50" W		3.66'	3/8" IRON PIN FOUND
A25	S21° 01' 55" W		3.66'	3/8" IRON PIN FOUND
A26	S21° 02' 00" W		3.66'	3/8" IRON PIN FOUND
A27	S21° 02' 05" W		3.66'	3/8" IRON PIN FOUND
A28	S21° 02' 10" W		3.66'	3/8" IRON PIN FOUND
A29	S21° 02' 15" W		3.66'	3/8" IRON PIN FOUND
A30	S21° 02' 20" W		3.66'	3/8" IRON PIN FOUND
A31	S21° 02' 25" W		3.66'	3/8" IRON PIN FOUND
A32	S21° 02' 30" W		3.66'	3/8" IRON PIN FOUND
A33	S21° 02' 35" W		3.66'	3/8" IRON PIN FOUND
A34	S21° 02' 40" W		3.66'	3/8" IRON PIN FOUND
A35	S21° 02' 45" W		3.66'	3/8" IRON PIN FOUND
A36	S21° 02' 50" W		3.66'	3/8" IRON PIN FOUND
A37	S21° 02' 55" W		3.66'	3/8" IRON PIN FOUND
A38	S21° 03' 00" W		3.66'	3/8" IRON PIN FOUND
A39	S21° 03' 05" W		3.66'	3/8" IRON PIN FOUND
A40	S21° 03' 10" W		3.66'	3/8" IRON PIN FOUND
A41	S21° 03' 15" W		3.66'	3/8" IRON PIN FOUND
A42	S21° 03' 20" W		3.66'	3/8" IRON PIN FOUND
A43	S21° 03' 25" W		3.66'	3/8" IRON PIN FOUND
A44	S21° 03' 30" W		3.66'	3/8" IRON PIN FOUND
A45	S21° 03' 35" W		3.66'	3/8" IRON PIN FOUND
A46	S21° 03' 40" W		3.66'	3/8" IRON PIN FOUND
A47	S21° 03' 45" W		3.66'	3/8" IRON PIN FOUND
A48	S21° 03' 50" W		3.66'	3/8" IRON PIN FOUND
A49	S21° 03' 55" W		3.66'	3/8" IRON PIN FOUND
A50	S21° 04' 00" W		3.66'	3/8" IRON PIN FOUND

LEGEND:
CONCRETE MARKER FOUND
3/8" IRON PIN FOUND
3/8" IRON PIN SET
C/S - CEMENT
R/H - FRESH HANDPAINT
C/L - CEMENT
C/O - CONCRETE LINE
PP - POWER POLE
M - METAL POST

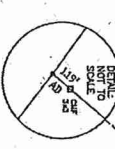


THIS PROPERTY IS LOCATED IN ZONE X AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450225 450130762 G, DATED 3-23-21.

SUBDIVISION PLAT
SHOWING DIVISION OF
R/W OF BOSTOCK ROAD
BETWEEN LOTS 1 AND 2, BLOCK D
AND LOT 15, BLOCK C
SALEM PLANTATION

PREPARED FOR
TIMOTHY SUMMERALL
PORTION OF SALEM PLANTATION
BEAUFORT COUNTY, SOUTH CAROLINA

R100-029-004-0014-0000
SCALE 1" = 20'
NOVEMBER 16, 2021
P13250/JWA



DAVID S. YODANIS, RLS 9765
BEAUFORT SURVEYING, INC.
2201 BOUNDARY ST., SUITE 103
BEAUFORT, S.C. 29502
PHONE (843) 524-3281

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH CAROLINA SURVEYING ACT, FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS II SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Accommodations Tax (State 2%) Board Recommendations to Tourism-Related Organizations in the Amount of \$800,000.</i>
MEETING NAME AND DATE:
<i>Finance Committee, November 15, 2021</i>
PRESENTER INFORMATION:
<i>Dick Farmer, Chairman, Accommodations Tax (State 2%) Board 20 minutes</i>
ITEM BACKGROUND:
<i>See attached.</i>
PROJECT / ITEM NARRATIVE:
<i>The Accommodations Tax (State 2%) Board Chairman will present the board's recommendations for the 2021-2022 State ATAX Grant Awards</i>
FISCAL IMPACT:
<i>Beaufort County CFO, Hayes Williams, determined an allocation of \$800,000 from State ATAX Funds Collections to be awarded to grant applicants as per the attached.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommendation is to approve.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Approve the Motion for First Reading at the next County Council Meeting Modify recommendations made by the Accommodations Tax Board and approve edited motion for First Reading at the next County Council Meeting Deny the Motion</i>

	Organization	Event/Project	Amount Requested	Received Last Year	Amount Received	% of Ask	Name	Notes
1	Greater Beaufort-Port Royal CVB	Tourism Marketing FY 2021-2022	\$ 175,000	\$ 229,300	\$ 175,000	100.0%	Robb Wells	Fully Funded; Budget is for Marketing Only
2	Lean Ensemble Theater	Tourism marketing 2020-2021	\$ 6,000	\$ 1,500	\$ 850	14.2%	Blake White	Funds for Chamber Dues
4	Friends of the Spanish Moss Trail	Spanish Moss Trail Visitor Marketing Video Phase 2	\$ 3,950	\$ 2,000	\$ 3,950	100.0%	Sissy Perryman	Fully Funded; Budget is to Complete Video that was partially funded in 2020
5	Daufuskie Island Historical Foundation	Brochure printing	\$ 6,000	\$ -	\$ 4,000	66.7%	Nancy Ludtke	Funds for Brochure Printing
6	HHI Concourse d'Elegance	Motoring Festival	\$ 40,000	\$ -	\$ 24,755	61.9%	Lindsey Harrell	Funding for Social Media and Chamber Digital Ads
7	Arts Center of Coastal Carolina	Tourism Marketing of the Unincorporated Areas of Beaufort County	\$ 6,000	\$ 4,000	\$ 3,050	50.8%	Andrea Gannon	Funds for Print Ads in Experience Charleston, The Post and Courier and Footlight Payers in Charleston
8	Friends of Port Royal Cypress Wetlands	Rack cards/Guided tours/Birthday for the birds	\$ 5,600	\$ -	\$ 2,400	42.9%	Bernadette Clayton	Funds for Marketing the Guided Naturalist Tours
9	HHI Land Trust	Fort Howell Historical Tourism marketing	\$ 20,000	\$ -	\$ 3,600	18.0%	Linda Hyslop	Funds for Hiring PR Firm to assist with Marketing
10	Beaufort Area Sports Council	Beaufort area sports marketing and sales	\$ 40,000	\$ -	\$ 40,000	100.0%	Christian Kata	Fully Funded; Budget is for Marketing Only
11	HHI Symphony Orchestra	HHSO Marketing	\$ 20,000	\$ -	\$ 5,250	26.3%	Alan Jordan	Funds for Airport Kiosk, Radio Advertising and Social Media
12	Hilton Head Hospitality Association	Hilton Head Wine and Food Festival	\$ 10,000	\$ 10,000	\$ 10,000	100.0%	Jeff Gerber	Fully Funded; Budget is for Marketing Only
13	Beaufort Festivals & Events Advertising	Gullah Fest/Shrimp Fest/Taste of Beaufort	\$ 48,500	\$ -	\$ 48,500	100.0%	Thomas Hicks	Fully Funded due to Large Number of Room Nights Produced by Events
14	HHI Sea Turtle Patrol	Sea Turtle GREEN carpet event	\$ 7,800	\$ -	\$ -	0.0%	Heather Malia Rath	Not Funded; No Tourism Production Impact
15	Beaufort County Black Chamber of Commerce	Cultural Tourism Marketing/Events	\$ 155,000	\$ 32,000	\$ 32,000	20.6%	Larry Holman	Allocated what County Council Awarded during Last Cycle
16	Beaufort Film Society	Beaufort International Film Festival (16th)	\$ 30,000	\$ 20,000	\$ 30,000	100.0%	Ron Tucker	Fully Funded due to Large Number of Room Nights Produced by Event
17	Hilton Head Choral Society	Marketing for Tourist/Visitor Development	\$ 4,000	\$ -	\$ -	0.0%	Margie Lechowicz	Not Funded; All Marketing/Advertising Proposed is Local
18	Beaufort County Parks and Rec	Burton Wells Pickleball complex	\$ 617,400	\$ -	\$ 140,000	22.7%	Shannon Loper	Partially Funded to Assist with Development of Pickleball
19	SC Lowcountry & Resort Islands	Promotion of Beaufort Country & the Lowcountry	\$ 49,400	\$ 40,000	\$ 49,400	100.0%	Peach Morrison	Fully Funded; Budget is for Marketing Only
20	Port Royal Sound Foundation	Family field trip marketing campaign/Fleet of kayaks	\$ 52,380	\$ 50,250	\$ 52,380	100.0%	Kat Armstrong	Fully Funded due to Large Number of Room Nights Produced by Programs
21	Historic Bluffton Foundation	Heyward House summer kitchen roof	\$ 31,044	\$ 17,000	\$ 31,044	100.0%	Kelly Graham	Fully Funded to Replace Roof on Welcome Center
22	NIBCAA	HHI Gullah Celebration	\$ 41,800	\$ 20,000	\$ 37,326	89.3%	Courtney Young	Funding for TV Advertising, Billboards and Social Media
23	Historic Mitchelville Freedom Park	Holiday Tree Lighting, Freedom Day, Marketing and Site Prep / Design for Juneteenth Celebration	\$ 35,000	\$ 20,000	\$ 35,000	100.0%	Ahmed Ward	Fully Funded; Budget is for Marketing Only
24	HHI Airport	HHI Inbound Awareness Campaign	\$ 60,000	\$ -	\$ -	0.0%	Jon Rembold	Not Funded due to No Tourism Impact
25	Gullah Traveling Theater	A Gullah Kinfolk Christmas Wish	\$ 30,990	\$ -	\$ 19,795	63.9%	Anita Singleton-Prather	Funding for Facility Rental, Equipment Rental for Video and Video Production
26	Penn Center	Heritage Festival; Operations & Marketing	\$ 60,000	\$ 24,800	\$ 19,500	32.5%	Annette Sumpter	Funding for Video Production, Equipment Rental for Video and Print Ads
28	Lowcountry Golf Course Owners Association	Golf Tourism Broadcast Golf Channel TV Campaign	\$ 20,000	\$ 7,500	\$ 10,000	50.0%	Barry Fleming	Funding for Golf Channel Ads
3	Coastal Discovery Museum	Cultural & EcoTourism Program	\$ 34,500	\$ 15,000	\$ 22,200	64.3%	Natalie Hefter / Rex Garniewicz	Funding for Web Site, Exhibits and Special Event Marketing
Total Applications: 27			\$ 1,610,364	\$ 379,000	\$ 800,000	49.7%		
AMOUNT AVAILABLE:			\$ 800,000					
Amount Remaining:			\$ -					

ORDINANCE 2022/ ____

AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE 2% ACCOMMODATIONS TAX FUND AND OTHER MATTERS RELATED THERETO

WHEREAS, County Council is authorized to utilize State 2% Accommodations Tax ("A-Tax') Funds to promote tourism and enlarge the economic benefits of tourism through advertising, promotion, construction and maintenance of access and access to nearby roads for civic, cultural recreational or historic facilities; and

WHEREAS, S.C. Code Ann. §6-4-10(4)(b) expressly authorizes a county which has a high concentration of tourism activity to use state accommodations tax funds "to provide additional county and municipal services including, but not limited to, law enforcement [and] traffic control" as may be necessary for tourism related activities; and

WHEREAS, Beaufort County ("County") initiated a formal grant application process, and accepted applications from local entities to receive grant funds from the state A-Tax; and

WHEREAS, applications were received, reviewed and scored by the state accommodations tax advisory board, which has made award recommendations to County Council for approval and appropriation of funds; and

WHEREAS, County Council finds that it is in the best interest of its citizens, residents, visitors and tourists to provide the recommended funds to local entities and projects as set forth in the attached "Exhibit A" which is incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that appropriations shall be made in the form of grant awards to local entities from Beaufort County's state A-Tax Funds as set forth in the attached Exhibit A.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Jr.

ATTEST:

Sarah Brock, Clerk to Council

Chronology:

Third and Final Reading: _____

Public Hearing: _____ Second Reading: _____

First Reading: _____



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation to Award IFB #112221E Boundary Street Tennis Court Renovations
MEETING NAME AND DATE:
Public Facilities Committee – January 18, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering (5 mins)
ITEM BACKGROUND:
On October 20, 2021, Beaufort County published an Invitation for Bid (IFB) for the renovation of the tennis courts located at the corner of Boundary Street and Bladen Street. The renovation will include demolition of the existing courts and fence enclosures, sitework to correct the drainage issues and install rain gardens, and the construction of seven new courts/fencing/net hardware/etc, sidewalks and improvements to include ADA-access to all courts.
PROJECT / ITEM NARRATIVE:
Two bids were received on November 22, 2021: Hammer Construction at \$768,900, and McGrath Industries DBA Talbot Tennis at \$683,800. Including a 10% contingency to the latter bid results in a budget of \$752,180 (preliminary engineer estimate for the Work was \$750,000).
FISCAL IMPACT:
Funding will come from a combination of Hospitality Tax (Acct 20020021-54151 with a balance of \$373,979), the sale of Bob Jones Field (Acct 20040000-31510 with a balance of \$387,160.45), and the PARD Grant (\$125,760.24) to be paid at the completion of the project.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of contract award to McGrath Industries DBA Talbot Tennis for IFB#112221E in the amount of \$752,180.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny award of Contract to McGrath Industries DBA Talbot Tennis for IFB#112221E. <i>Next Step: Move forward to County Council for award of contract to McGrath Industries DBA Talbot Tennis.</i>

IFB #112221E

MIRAGE INDUSTRIES

BREAKDOWN OF BIDS FOR PRIMARY SCOPE OF WORK AND ALTERNATES

BEAUFORT TENNIS COURT RENOVATION

NOTE: An Itemized Schedule of Values along with a Time Schedule of Performance will be required to be supplied to the ENGINEER by the CONTRACTOR within 15 days after Notice to Proceed.

The "PRIMARY SCOPE OF WORK" (SOW) amount includes construction of six (6) new marked tennis courts in three enclosures to include fencing, sidewalks (ADA compliant), nets/hardware/posts, and player benches along with the drainage and rain gardens IAW the drawings and specifications laid out in the included Plans. The six courts to be constructed are, from Sheet 2, Courts 2, 3, 4, 5, 6, and 7. The 5% Bid Bond should be based upon this amount. (Court 1, the single enclosure court, will be considered separately in Alternate 2 and is not included here.)

PRIMARY SCOPE OF WORK BID.....\$ 540,000
(Use the following line to write out the same amount using words instead of numerals:)

Five hundred forty thousand Dollars

DO NOT INCLUDE THE FOLLOWING ALTERNATES IN THE TOTAL ABOVE. The following are alternates which may or may not be selected as part of the contract to be awarded.

ALTERNATE 1: DEMOLITION.....\$ 54,800
(Use the following line to write out the same amount using words instead of numerals:)

Fifty four thousand eight hundred Dollars

ALTERNATE 2: If selected, Court #1 (the single enclosed court) would be added to the Work, increasing the total number of courts to be constructed from six (6) to seven (7). Adding Court 1 would also add any associated components (asphalt, fencing, benches, net hardware, etc.). The bid amount shown below reflects the cost to add Court 1 to the contract.

ALTERNATE 2: ADDING AN ADDITIONAL COURT.....\$ 89,000
(Use the following line to write out the same amount using words instead of numerals:)

Eighty nine thousand Dollars

- 6. In accordance with Paragraph 5.1 of the Agreement, progress payments will be made less retainage in an amount equal to ten percent (10%). If the Contractor is 50% complete with the project \$400 per calendar day.
- 5. BIDDER acknowledges that, in accordance with the Agreement, Liquidated Damages are set at

Bidder acknowledges receipt of the following addenda:

The Bidder further proposes and agrees hereby to promptly commence the Work with adequate force and equipment within ten (10) calendar days from receipt of Notice to Proceed, or as may be specified by Special Provision. Contractor shall complete all work not later than 120 calendar days following the date of the Notice to Proceed or IAW any Special Provision by the Owner.

Start and Completion of Work

4. BIDDER agrees that the cost of any work performed, materials furnished, services provided or expenses incurred, which are not specifically delineated in the Contract Documents, but which are incidental to the scope, intent, and completion of the Contract, shall be deemed to have been included in the prices bid for the various items scheduled.

3. BIDDER having examined the plans and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and supplies to construct the project in accordance with the contract documents, within the time set forth herein, and at the process stated below, proposed to enter into a contract with the County to provide the necessary machinery, tools, apparatus, all materials and labor, and other means of construction necessary to complete the Work. The undersigned proposes to furnish and construct the items listed in the attached Schedule of Items for the unit prices stated.

- 2. BIDDER understands and accepts the terms and conditions of the Invitation to Bid, Instructions to Bidders, and all other Contract Documents.
- 1. BIDDER has examined all Contract Documents including Addenda.

THIS BID SUBMITTED TO: Beaufort County Capital Projects Department

TITLE OF WORK: Beaufort Tennis Court Renovation

LOCATION OF WORK: Corner of Boundary and Bladen Streets, Beaufort SC 29902

BID FORM

IFB #112221E

and on schedule, the retainage may be reduced to five percent (5%).

7. The Work shall be completed in accordance with the Schedule of Prices set forth by BIDDERS in Bid Form - Schedule of Prices which is attached hereto and made a part hereof.

8. BIDDER will, if this Bid is accepted by Owner, enter into the Agreement included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents.

9. BIDDER has completed the following additional documents, which are attached hereto and made a part hereof:

- (a) NON-COLLUSION AFFIDAVIT
- (b) CONSENT OF SURETY
- (c) BID BOND
- (d) CERTIFICATION BY CONTRACTOR

10. BIDDER has included with this Bid Form a Bid security in an amount and under the terms and conditions indicated in the Instructions to Bidders.

11. BIDDER is organized under the laws of the State of Georgia as Limited Liability Corp. (indicate proprietorship, partnership, or corporation) as follows:

Name (of business): McGrath Industries DBA Tacket Tennis

Address: 3162 Johnson Ferry Rd Ste 210 #644 Marietta, GA 30062

Telephone: 770 552-5200 FAX: -

South Carolina Bidder's License No.: B115204

Licensing Authority: South Carolina

12. Communications concerning this Bid should be addressed to the BIDDER's company, to the attention of:

Name: Mike McGrath

Address: 3162 Johnson Ferry Rd Ste 210 #644 Marietta, GA 30062

Email: MIKE @ TACKETTENNIS . COM

Telephone: 770-552-5200 Email: _____

I, the above signed, certify that this Bid does not violate any Federal or State Antitrust Laws.

(Initial) *MM*

Title: *Managing Member* Date: *11-18-21*

Name Printed

MIVE Mcbrath

Signature

MIVE Mcbrath

SIGNED BY:

IFB #112221E

CERTIFICATION BY CONTRACTOR

Regarding

NON-SEGREGATED FACILITIES

The Bidder certifies that he does not, provide and maintain segregated facilities for his employees at his establishments and, further that he does not, and will not, permit his employees to perform their services at those locations, under his control, where segregated facilities are provided and maintained. Segregated fountains, transportation, parking, entertainment, recreation, ad housing facilities; waiting, rest, wash, dressing, and locker room, and time clock, work, storage, restaurant, and other eating areas which are set apart in fact, or by explicit directive, habit, local custom, or otherwise, on the basis of color, creed, national origin, and race. The Bidder agrees that, except where he has obtained identical certifications from proposed subcontractors for specific time periods, he will obtain identical certifications from proposed subcontractors prior to the award of subcontractors exceeding \$10,000.00 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity clause in this Contract. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

M'Grath Industries

Contractor

[Handwritten Signature]

(Signature)

MIKE M'Grath Managing Director

Date

11-18-21

Kimberly W Miller
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 05/11/2025

My commission expires: 5-11-25

Title _____

(SEAL) Kimberly W Miller

18 day of Nov 2021

Subscribed and Sworn to before me this

Title Managing member

Name Mike McBrath

representative, owners, employees, or parties in interest, including this affiant. any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, (4) The price or prices quoted in the attached Bid are fair and proper and are not tainted by person interested in the proposed Contract; and,

collusion, conspiracy, connivance or unlawful agreement any advantage against Beaufort County or any overhead, profit or cost element of the bid price or the Bid of any other Bidder, or to fix any Bidder, firm or person to fix the price or prices in the attached Bid or of another Bidder, or to fix any connection with such Contract, or has in any collusion or communication or conference with any other connection with the Contract for which the attached Bid has been submitted to or refrain from bidding in agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Bid in employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or (3) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives,

(2) Such Bid is genuine and is not a collusive or sham Bid;

(1) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

He is _____ (Owner, Partner, Officer, Representative, or Agent) of the Bidder that has submitted the attached Bid;

says that:

Mike McBrath being first duly sworn, deposes and

County of Cobb) ss. _____)

State of GA _____)

NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

IFB #112221E

IFB #112221E

BID BOND

(Five Percent [5%] of Bid)

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned:

McGrath Industries, LLC d/b/a Talbot Tennis

National American Insurance Company

as Surety, are hereby held and firmly bound unto Beaufort County, South Carolina as County in the penal sum of Five Percent of Amount Bid

Dollars

(\$ 5% of Amount Bid) for the payment of which, well and truly to be made, we hereby jointly and severally bid ourselves, our heirs, executors, administrators, successors, and assigns, Signed this 22nd day of November, 2021

The condition of the above obligation is such that whereas the Principal has submitted to Beaufort County, South Carolina a certain bid attached hereto and hereby made a part hereof to enter into a contract in writing for the construction of: Beaufort Tennis Ct. Renovation, IFB #112221E

Beaufort, SC

NOW, THEREFORE,

a) If said bid shall be rejected or in the alternate.

Contract attached hereto (properly complete in accordance with said bid) and shall furnish a bond for his faithful performance of said Contract and for the payment of all persons performing labor and furnishing material in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be void, otherwise the same shall remain in force and effect, it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the County may accept such bids, and said Surety does hereby waive notice of any such extension.

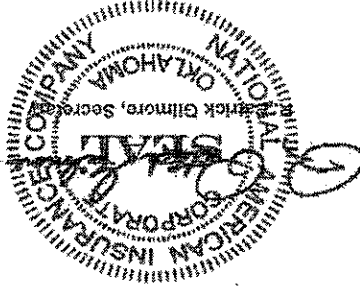
IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

McGrath Industries, LLC d/b/a Talbot Tennis (SEAL)

Principal

By: [Signature]

National American Insurance Company Seal, South Carolina Representative, By: [Signature]



I, the undersigned, Secretary of the National American Insurance Company, an Oklahoma Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force. Signed and Sealed at the City of Chandler, Oklahoma, this 22nd day of November, 2021.

STATE OF OKLAHOMA
COUNTY OF LINCOLN

SS: _____

Notary Public
My Commission Expires April 9, 2022
Commission #02006203

[Handwritten Signature]



On this 28th day of September, A.D. 2017, before me personally came W. Brent Lagere, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Lincoln, State of Oklahoma; that he is the Chairman and Chief Executive Officer of the National American Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name, thereto by like order.

STATE OF OKLAHOMA
COUNTY OF LINCOLN

SS: _____

W. Brent Lagere, Chairman & Chief Executive Officer

[Handwritten Signature]



IN WITNESS WHEREOF, the National American Insurance Company has caused these presents to be signed by any officer of the Company and its Corporate Seal to be hereunto affixed.

To bind the company for bonds, not to exceed \$4,000,000.00 for any single bond. And to bind National American Insurance Company thereby as fully and to the same extent as if such bonds and documents relating to such bonds were, signed by the duly authorized officer of the National American Insurance Company, and all the acts of said Attorney(s) pursuant to the authority herein given, are hereby ratified and confirmed.

A.M. Digeronimo, Colin Y. Tunny

National American Insurance Company does hereby make, constitute and appoint

Know all men by these presents: That the National American Insurance Company, a corporation duly organized under the laws of the State of Oklahoma, having its principal office in the City of Chandler, Oklahoma, pursuant to the following resolution, adopted by the Board of Directors of the said Company on the 6th day of July, 1987, to wit: "Resolved, that any officer of the Company shall have authority to make, execute and deliver a Power of Attorney constituting as Attorney-in-fact, such persons, firms, or corporations as may be selected from time to time to the Power of Attorney shall be construed as a grant of authority to the attorney(s)-in-fact to sign, execute, acknowledge, deliver or otherwise issue a policy or policies of insurance on behalf of National American Insurance Company. Be it further Resolved, that the signature of any officer and the Seal of the Company may be affixed to any such Power of Attorney or any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such powers so executed and certified by facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond and documents relating to such bonds to which it is attached."

DUPLICATES SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORIGINAL ONLY WHEN ISSUED IN CONJUNCTION WITH THE ORIGINAL.

NATIONAL AMERICAN INSURANCE COMPANY
CHANDLER, OKLAHOMA
POWER OF ATTORNEY

Number: CBB0060595

Signature: Mike McBrath
Typed Name and Title: MIKE McBRATH Managing member
Date: 11-18-21

CERTIFICATION: The following is a statement of fact.

CONTRACTOR'S QUALIFICATION STATEMENT

IFB #112221E

GENERAL

A.1 Submit to:

A.2 Name of Project (if applicable): [Project Title] Tennis Court Renovations

[Project Location] Beaufort SC

A.3 Contractor:

Name: McBrath Industries

A.4

Mailing Address: 3162 Johnson Ferry Rd Ste 210 #644 Marietta GA 30067

Street Address:

Telephone Number (including area code): 770-552-5200

Facsimile Number (including area code):

Contact Person: MIKE McBrath

Contact Person's Telephone Number: 404-787-0314

South Carolina Contractor's License Number: 6115204

B. BUSINESS ORGANIZATION

B.1 Check type of business organization:

Corporation Individual Partnership

(Name of Partners) MIKE McBrath Michael Robinson

Joint Venture Other

B.2 If a corporation:

State of Incorporation: Georgia

If not incorporated in South Carolina, State Corporation Commission Registration Number:

Date of Incorporation: 6/15/2009

Federal I.D. Number: 14-1870846

Officers:

Name, address, and phone number of sole-proprietor: _____

B.4 If individually owned: N/A

Years as GP _____

Name Address & Phone No. _____

List of General Partners: _____

Type of partnership: _____

Date of Organization: N/A

N/A

B.3 If a partnership: _____

Subchapter S Shareholders: _____

Name Address Phone No. _____

Are you a Subchapter S Corporation: Yes _____ No X

Treasurer: _____

Secretary: _____

Vice President(s): Michael Robinson

President: MIKE MCGRAW

Name	Address	Phone No.	Position	Yrs in

C.3 Number of years this bonding company has acted as surety for you: 19
 Best's Key Rating of bonding company: A - by AM Best
 Contact Person: _____
 Telephone Number (including area code): 800-822-7802
 Address: 1010 Mauer Ave Chandler, OK 74834
 Name: _____

C.2 Bonding Company: National American Bonding Co
 Contact Person: Michael Dicerommo
 Telephone Number (including area code): 910-394-9444
 Address: 3091 Holcomb Bridge Rd Ste H-2 Norcross GA-30071
 Name: National Surety

C.1 Bonding Agent: Michael Dicerommo
C. BONDING

Contractor's license number in each state in which a business was operated. N/A

Number of years in business under each name: N/A

N/A

All other business names and addresses of principal placed of business for each business. _____

If yes, _____
 B.5 Have you ever operated under another name? _____
 Years in business: 19
 Yes _____ No X

a) In the last in the last five years, received any fines or citations for building code violations which were unrelated to design? Y N

Have you or any officer, partner, or owner of your organization, in any state or territory of the United States, or with respect to any agency of the Federal government:

C.8 If you answer yes to the following, provide the name, address, telephone number, contact person, and circumstances relating to the question on a separate attachment.

If yes, state the name of the project(s); the date; the name, address, telephone number, and contact person for the claimant; the surety satisfying the claim; the size of the claim; and the circumstances giving rise to the claim. (Provide attachments if necessary.)

Yes _____ No X

C.7 Have you ever arbitrated or litigated a claim with an Owner, Architect, or Engineer in the last five years?

If yes, state the name of the project(s); the date; the name, address, telephone number, and contact person for the claimant; the surety satisfying the claim; the size of the claim; and the circumstances giving rise to the claim. (Provide attachments if necessary.)

Yes _____ No X

C.6 Have any Performance or Payment Bond claims ever been paid by any surety on behalf of your organization?

Form of Security: OLA
Bank or Savings & Loan: _____
Contact: _____
Address & Phone No.: _____

If so, indicate the form of security you intend to use and the name, address, point of contact, and telephone number of the banks, savings and loan, or surety you intend to use. (NOTE: Prequalification will not assure acceptance of any form of security.)

C.5 Do you intend to use any alternative form of security? NO

Total bonding limit: \$ 3,000,000. -

C.4 Bonding Capacity: Maximum single job size: \$ 1,500,000. -

If yes, state date, name, address, telephone number, and contact person for agency issuing citation and the nature of the violation. Also, advise the amount of fines paid, if any. Provide attachments if necessary.

Have you, in the last three years, been cited for willful violations for failure to abate, or for repeated violations, by the United States Occupational Safety and Health Administration or by the South Carolina Occupational Safety and Health Administration or by any other governmental body? Y ~~N~~ X

D.1

D. SAFETY

Are you operating under Chapter 11 status now? Y ~~N~~ X

Y ~~N~~ X

If you filed under Chapter 11 Reorganization, how long did you operate under this status? N/A

If the answer to j) was yes, under what chapter of bankruptcy did you file? N/A

- b) Ever been found to be guilty of charges relating to conflicts of interest: Y ~~N~~ X
- c) Ever been convicted on charges related to any criminal activity relating to construction means, methods, or techniques; bidding or bid rigging; or bribery? Y ~~N~~ X
- d) In the last five years, been found guilty of any minority contracting law violations? Y ~~N~~ X
- e) In the last five years, pleaded no contest in any criminal proceeding related to contracting? Y ~~N~~ X
- f) Ever been disbarred from doing Federal, state, or local government work for any reason? Y ~~N~~ X
- g) Ever been terminated on a contract due to your default? Y ~~N~~ X
- h) In the last five years, paid liquidated damages for being late on a project? Y ~~N~~ X
- i) In the last five years, been subject to tax collection proceedings? Y ~~N~~ X
- j) In the last seven years, filed for bankruptcy? Y ~~N~~ X

Financial Institutions: _____
 Major Subcontractors: _____
 Architects/Engineers: _____

See Attached

Provide at least two references from each industry group listed. Provide other references as requested. Provide current names, addresses, telephone numbers, and contacts.

E.1
References

List your worker's compensation experience modifier for the last three years.

D.2

McGrath Industries

References

General Contractors:

JCI Contractors, Adam Hurst, ahurst@jcicontractors.com, 1200 N Hutchinson Ave, Adel, GA 31620

229-985-4444

Parrish Construction, Geoffrey Ammann, 478-987-5544, 221 Industrial Park Dr, Perry, GA 31069

Engineers / Architects

Altman Barrett Architects, 900 Circle 75 Pkwy, Atlanta, GA 30339, 229-585-9018

James W Buckley & Assoc, 700 E 2nd Ave A, Rome, GA 30161, 706-234-1884

Financial

Ameris Bank, Shellie Spagnoletto, 3490 Piedmont Road NE, Ste 700, Atlanta, GA 30305,

404-240-1528, shellie.spagnoletto@amerisbank.com

National Surety, Michael DiGeronimo, 770-394-9444, 3091 Holcomb Bridge Rd, Suite H-2, Norcross, GA 30071, Michael@nationalsurety.com

Certification regarding Debarment, Suspension, Ineligibility,
and Voluntary Exclusion:

Company Name: M'Creath Industries

The contractor certifies, by submission of this qualification statement or acceptance of a contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any State, Federal department, or agency. It further agrees by submitting this qualification statement that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/bid. State whether or not your company has been involved in any litigation within the past five (5) years arising out of your performance.

Circle Yes or No.

If you answer yes, explain fully if it has been involved in any litigation involving performance.

Signature [Handwritten Signature]

Kimberly W Miller
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 05/11/2025

State of Georgia
County of Cobb
Subscribed and sworn to before me this 18 day of November, 20 21
Notary Public Kimberly W Miller
My Commission Expires 5-11-25

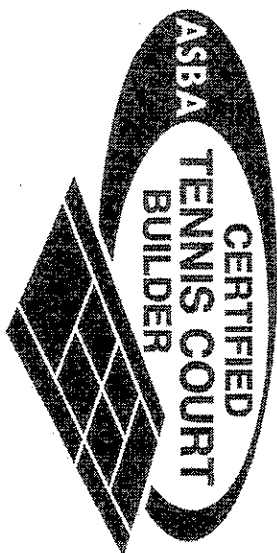
Date 11-18-21
Title Managing Member
Signature [Signature]
Owner or Authorized Representative Name
Name of Company McGrath Industries

By signing this affidavit, I further certify that my company has the capability to perform and will perform all elements of the work on the project referenced above with my company's employees.
I further agree to provide additional information or documentation requested by Beaufort County in support of the above statement.
If a need to subcontract work on this project arises, I will notify the Beaufort County Purchasing Department in writing via email to dthomas@bcgov.net within two (2) business days after submission of the bid.

I hereby certify my company's intent to self-perform 100% of the work required for the referenced project:
Project Name: Beaufort Tennis Court Renovations
Project Number: 112221E

If self-performing 100% of the entire project with your own workforce/staff on your payroll, complete and return this form with your bid package. If self-performing all work, you do not need to solicit SMBS.

Self-Performance Affidavit



AMERICAN SPORTS BUILDERS ASSOCIATION

Through Its Certification Board

Has Conferred Upon

Michael McGrath

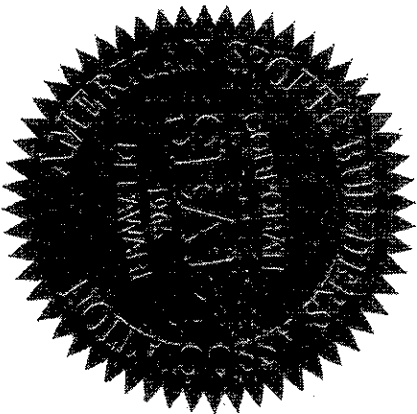
The Designation

CERTIFIED TENNIS COURT BUILDER

FOR EFFORTS TO RAISE THE PROFESSIONAL
STANDARDS OF TENNIS COURT CONSTRUCTION
AND FOR HAVING SUCCESSFULLY FULFILLED THE
CONDITIONS OF ELIGIBILITY AND PASSED THE
REQUIRED EXAMINATION.

In witness whereof we have set our hands on
31st day of December, 2015

Certification expires: December 31, 2017



Executive Director

[Signature]

Certification Chairman

[Signature]

PRELIMINARY BID TABULATION
PURCHASING DEPARTMENT

Item 19.



Project Name:	Beaufort Tennis Court Renovation
Project Number:	IFB 112221
Project Budget:	
Bid Opening Date:	Monday, November 22, 2021
Time:	3:00:00 PM
Location:	Beaufort County
Bid Administrator:	Dave Thomas
Bid Recorder:	Victoria Moyer

The following bids were received for the above referenced project:

BIDDER	BID FORM	BID BOND	ALL ADDENDA	SCH OF VALUES	SUB LISTING	SMBE DOCS	Grand Total Price	
Hammer Construction	X	X	X	X			\$ 633,300.00	Primary Scope Bid
							\$ 74,600.00	Alternate 1
							\$ 71,000.00	Alternate 2
McGrath Industries DBA Talbot Tennis	X	X	X	X	Self Performing	Self Performing	\$ 540,000.00	Primary Scope Bid
							\$ 54,800.00	Alternate 1
							\$ 89,000.00	Alternate 2

Beaufort County posts PRELIMINARY bid tabulation information within 2 business days of the advertised bid opening. Information on the PRELIMINARY bid tabulation is posted as it was read during the bid opening. Beaufort County makes no guarantees as to the accuracy of any information on the PRELIMINARY tabulation. The bid results indicated here do not necessarily represent the final compliance review by Beaufort County and are subject to change. After the review, the final award will be made by Beaufort County Council and a certified bid tab will be posted online.

David Thomas
Bid Administrator Signature

Victoria Moyer
Bid Recorder

ORDINANCE 2022/_____

AN ORDINANCE AMENDING THE 2021-22 BUDGET ORDINANCE TO APPROVE THE FUNDING OF THE BOUNDARY STREET TENNIS COURTS PROJECT, AND TO MAKE APPROPRIATIONS THEREFOR

WHEREAS, On October 20, 2021, Beaufort County published an Invitation for Bids (IFB) for the renovation of the tennis courts located at the corner of Boundary Street and Bladen Street. The renovation will include demolition of the existing courts and fence enclosures, sitework to correct the drainage issues and install rain gardens, and the construction of seven new courts/fencing/net hardware/etc, sidewalks and improvements to include ADA-access to all courts.; and

WHEREAS, County Council wishes to approve the award of the bid and to appropriate funding for the project; and

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

1. County Council authorizes the award of a contract for the abovementioned tennis courts project to McGrath Industries DBA Talbot Tennis at \$683,800.
2. County council authorizes a 10% contingency for the project to bring the total appropriation to \$752,180
3. Ordinance 2021/____ is hereby amended to reflect funding for the project to come from a combination of Hospitality Tax (Acct 20020021-54151 with a balance of \$373,979), the sale of Bob Jones Field (Acct 20040000-31510 with a balance of \$387,160.45), and the PARD Grant (\$125,760.24) to be paid at the completion of the project.

Ordained this ____ day of February, 2022

Joseph Passiment, Chairman

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Resolution to accept 2022 Palmetto Pride Litter Crew Grant Award
MEETING NAME AND DATE:
Public Facilities Committee – January 18, 2022
PRESENTER INFORMATION:
Jared Fralix, ACA-Engineering Cindy Carter, Solid Waste and Recycling Director (Alternate) (Time Needed for Item Discussion = 5 minutes)
ITEM BACKGROUND:
Beaufort County’s Solid Waste and Recycling Department applied for the 2022 Palmetto Pride Litter crew Grant November 29, 2021 after County Council’s permission to apply (October 11, 2021). The grant was offered to eligible applicants (city or county governments) for litter removal in areas that are unsafe for volunteers and to either start or supplement an existing program. Beaufort County has an existing program.\
PROJECT / ITEM NARRATIVE:
The 2022 Palmetto Pride Litter Crew Grant was awarded to Beaufort County January 10, 2022.
FISCAL IMPACT:
All funds (\$25,000) will be spent in calendar year 2022 toward roadside litter removal. A solicitation for bid will be generated and advertised via our Purchasing Department.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommendation to approve resolution to accept the 2022 Palmetto Pride Litter Crew Grant award.
OPTIONS FOR COUNCIL MOTION:
Motion to approve /deny the resolution of award for the 2022 Palmetto Pride Litter Crew Grant for \$25,000.

RESOLUTION 2022 /

A RESOLUTION TO ACCEPT THE 2022 PALMETTO PRIDE LITTER CREW GRANT OF \$25,000 TO ENHANCE THE SOLID WASTE AND RECYCLING LITTER PROGRAM AND CONTRACT FOR THE REMOVAL OF ROADSIDE LITTER IN BEAUFORT COUNTY.

WHEREAS, Beaufort County Council is in good standing with Palmetto Pride [South Carolina Keep America Beautiful Affiliate] and passed APPROVAL TO APPLY for the 2022 Palmetto Pride Litter Crew Grant application on October 11, 2021. The Department of Solid Waste and Recycling applied and was awarded the grant on January 6, 2022. This award is to be used for a contracted litter removal contractor to enhance the Beaufort County Litter staff’s removal of roadside litter in the County.

WHEREAS, the Department of Solid Waste and Recycling staff will contract and execute the grant’s requirements during the calendar year 2022 and complete all applicable reporting deadlines that are specified in the award.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina that:

County Council hereby approves the acceptance of the 2022 Palmetto Pride Litter Crew Grant Award in the amount of \$25,000.

Adopted this ___ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

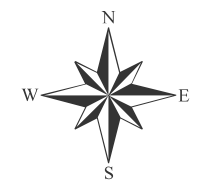
ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR SCHOOL ROAD
MEETING NAME AND DATE:
Public Facilities Meeting 1-18-22
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
The County has been maintaining many roads for over 20 years with an assumed prescriptive right of way referred to as “legacy roads”. County staff have been working with property owners to perfect the right of way on “legacy roads” by requesting formal conveyance of ROW from associated property owners.
PROJECT / ITEM NARRATIVE:
School Road is (~8400 LF) located on Daufuskie Island. This “legacy road” is scheduled for year 4 (2023 – 2024) on the current dirt road improvement plan. Staff is reaching out to abutting property owners in an effort to perfect the right of way ownership necessary for road improvement.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of ROW associated with School Road.
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny ROW associated with School Road. <i>Next Step – Public hearing for Resolution at County Council Meeting</i>









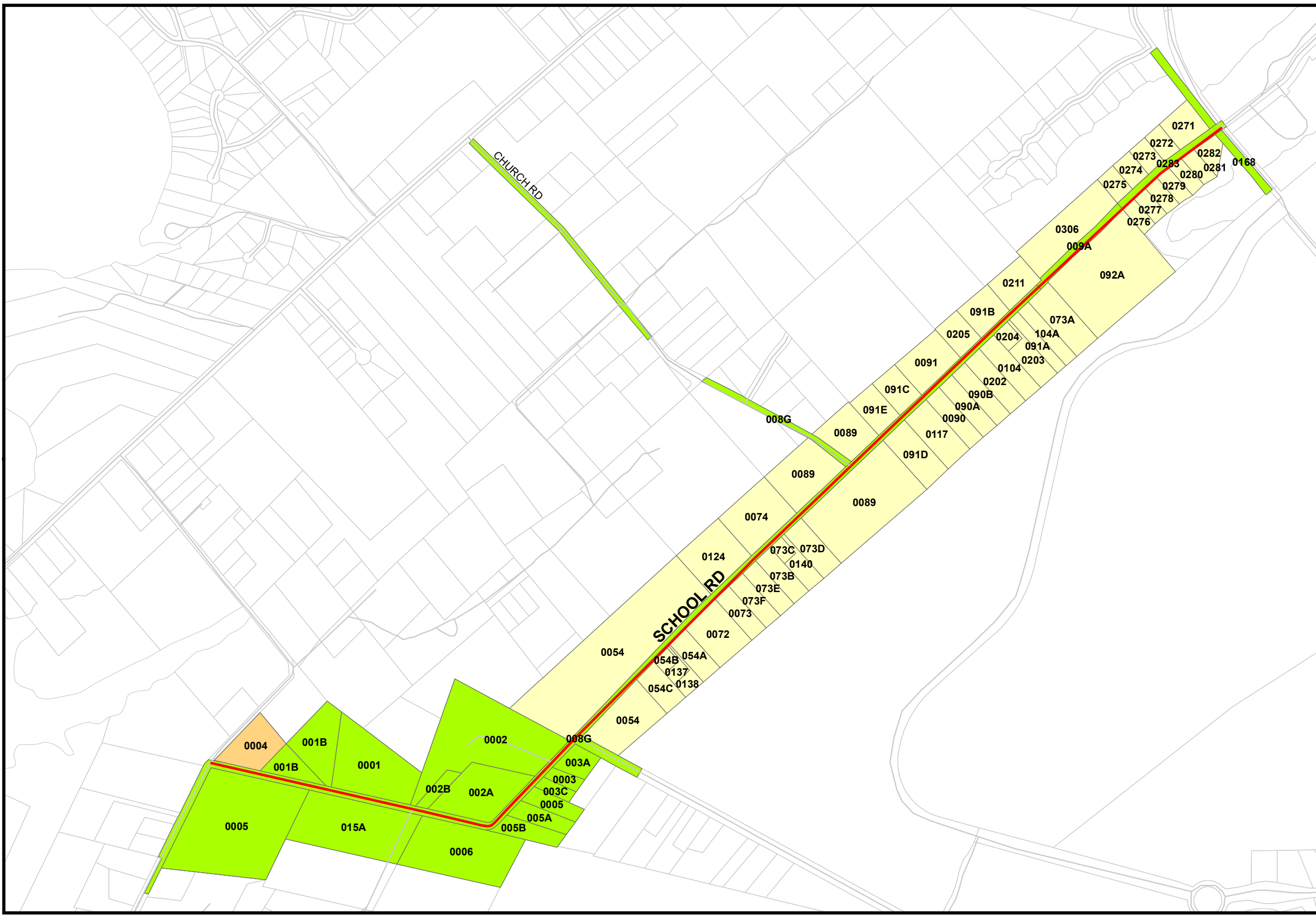
(Exhibit "A")
School Road

Associated parcels
R800 024 000 000
R800 026 000 000
R800 026 000 000

Township:
Daufuskie Island

Legend

-  School_Road
-  Streets
-  Map 27
-  Map 26
-  Map 2 4
-  Parcels



A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR SCHOOL ROAD

WHEREAS, School Road is located on Daufuskie Island and has been maintained by Beaufort County (County) for over 20 years; and

WHEREAS, School Road has been included on the most recent 5 year dirt road improvement plan with the intention of minor grading for drainage and establishing a 6” Graded Aggregate Base Course (GABC) for road improvement/maintenance purposes; and

WHEREAS, the County has maintained this road with an assumed prescriptive right of way (often called a “legacy road”) and desires to formalize ownership with abutting property owners more particularly described on Exhibit A attached hereto; and

WHEREAS, County legal and right of way staff continue efforts to formalize instruments of ownership on County maintained “legacy roads” which are prioritized by the 5 year dirt road paving plan; and

WHEREAS, the County desires to accept the ROW in order to perfect right of way on County maintained roads for current road maintenance and future improvements such as rocking or paving; and

WHEREAS, it is in the best interest of the School Road community and the County to accept the properties from the property owners and perfect the right of way.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for School Road.

ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

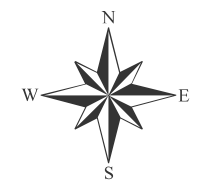
ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR CHURCH ROAD
MEETING NAME AND DATE:
Public Facilities Meeting 1-18-22
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
The County has been maintaining many roads for over 20 years with an assumed prescriptive right of way referred to as “legacy roads”. County staff have been working with property owners to perfect the right of way on “legacy roads” by requesting formal conveyance of ROW from associated property owners.
PROJECT / ITEM NARRATIVE:
Church Road is (~3300 LF) located on Daufuskie Island. This “legacy road” is scheduled for year 4 (2023 – 2024) on the current dirt road improvement plan. Staff is reaching out to abutting property owners in an effort to perfect the right of way ownership necessary for road improvement.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of ROW associated with Church Road.
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny ROW associated with Church Road. <i>Next Step – Public hearing for Resolution at County Council Meeting</i>



(Exhibit "A")

Church Road

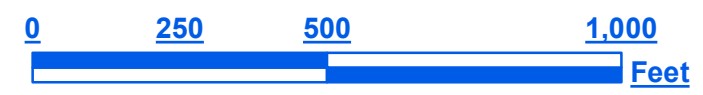
Associated Parcels
R800 024 000 000
R800 027 000 000

Township:
Daufuskie Island



Legend

- Church Road
- Streets
- Map 27
- Map 24
- Parcels



A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR CHURCH ROAD

WHEREAS, Church Road is located on Daufuskie Island and has been maintained by Beaufort County (County) for over 20 years; and

WHEREAS, Church Road has been included on the most recent 5 year dirt road improvement plan with the intention of minor grading for drainage and establishing a 6” Graded Aggregate Base Course (GABC) for road improvement/maintenance purposes; and

WHEREAS, the County has maintained this road with an assumed prescriptive right of way (often called a “legacy road”) and desires to formalize ownership with abutting property owners more particularly described on Exhibit A attached hereto; and

WHEREAS, County legal and right of way staff continue efforts to formalize instruments of ownership on County maintained “legacy roads” which are prioritized by the 5 year dirt road paving plan; and

WHEREAS, the County desires to accept the ROW in order to perfect right of way on County maintained roads for current road maintenance and future improvements such as rocking or paving; and

WHEREAS, it is in the best interest of the Church Road community and the County to accept the properties from the property owners and perfect the right of way.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Church Road.

ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

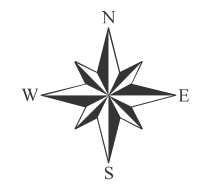
ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR FRANCES JONES BLVD
MEETING NAME AND DATE:
Public Facilities Meeting 1-18-22
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
The County has been maintaining many roads for over 20 years with an assumed prescriptive right of way referred to as “legacy roads”. County staff have been working with property owners to perfect the right of way on “legacy roads” by requesting formal conveyance of ROW from associated property owners.
PROJECT / ITEM NARRATIVE:
Frances Jones Blvd is (~1800 LF) located on Daufuskie Island. This “legacy road” is scheduled for year 4 (2023 – 2024) on the current dirt road improvement plan. Staff is reaching out to abutting property owners in an effort to perfect the right of way ownership necessary for road improvement.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends acceptance of ROW associated with Frances Jones Blvd.
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny ROW associated with Frances Jones Blvd. <i>Next Step – Public hearing for Resolution at County Council Meeting</i>





(Exhibit "A")

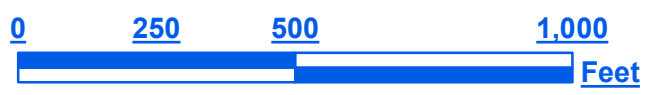
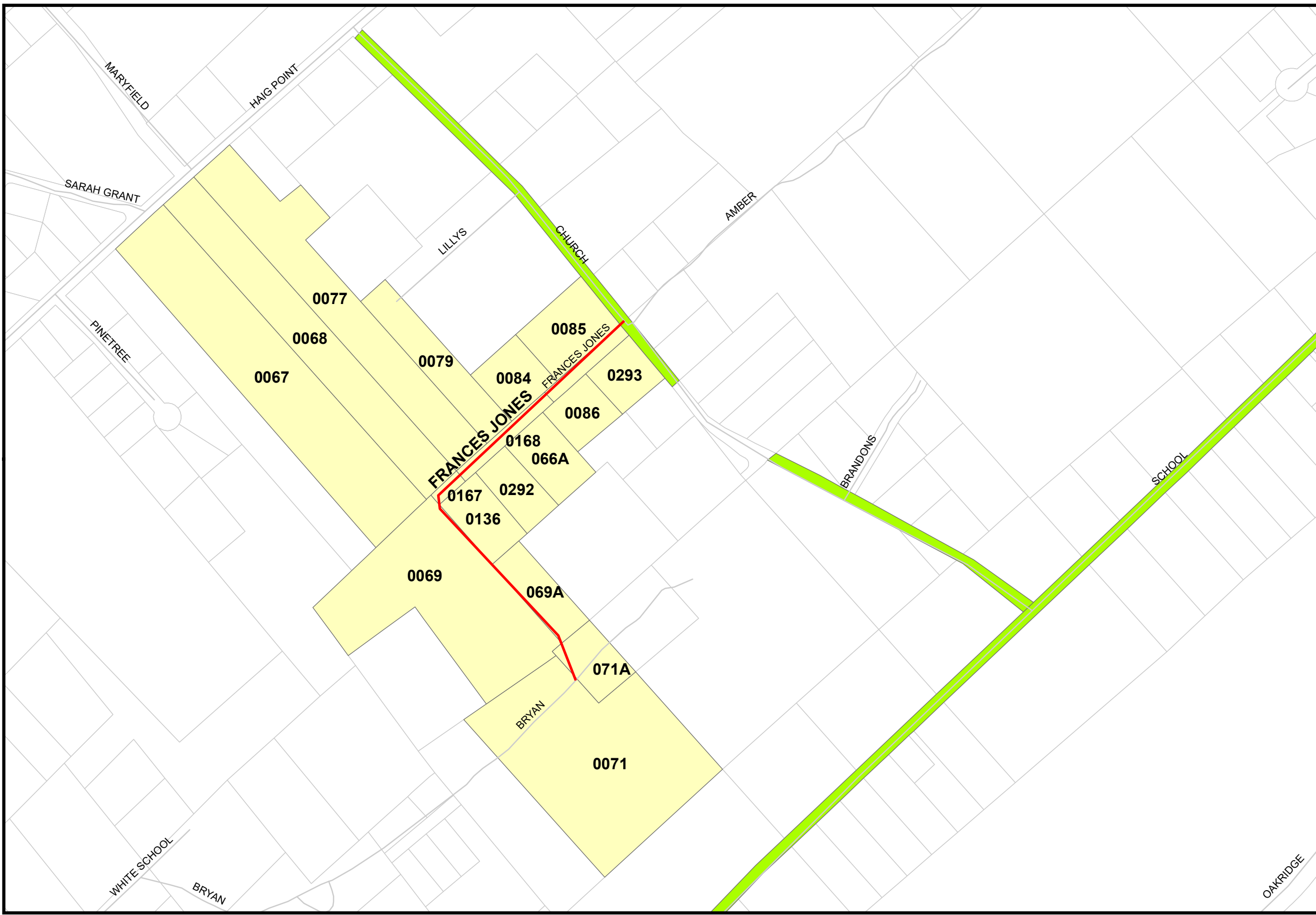
Frances Jones BLVD

Associated Parcels
R800 024 000 000
R800 027 000 000

Township:
Daufuskie Island

Legend

-  Francis Jones Blvd
-  Streets
-  Map24
-  Map 27
-  Parcels



A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR FRANCES JONES BLVD

WHEREAS, Frances Jones Blvd is located on Daufuskie Island and has been maintained by Beaufort County (County) for over 20 years; and

WHEREAS, Frances Jones Blvd has been included on the most recent 5 year dirt road improvement plan with the intention of minor grading for drainage and establishing a 6” Graded Aggregate Base Course (GABC) for road improvement/maintenance purposes; and

WHEREAS, the County has maintained this road with an assumed prescriptive right of way (often called a “legacy road”) and desires to formalize ownership with abutting property owners more particularly described on Exhibit A attached hereto; and

WHEREAS, County legal and right of way staff continue efforts to formalize instruments of ownership on County maintained “legacy roads” which are prioritized by the 5 year dirt road paving plan; and

WHEREAS, the County desires to accept the ROW in order to perfect right of way on County maintained roads for current road maintenance and future improvements such as rocking or paving; and

WHEREAS, it is in the best interest of the Frances Jones Blvd community and the County to accept the properties from the property owners and perfect the right of way.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Frances Jones Blvd.

ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Creation of Citizens Advisory Committee to recommend possible 2022 Transportation Sales Tax project list and/or value/duration limitation.
MEETING NAME AND DATE:
Public Facilities January 18, 2022
PRESENTER INFORMATION:
Eric Greenway, County Administrator 20 minutes
ITEM BACKGROUND:
The consensus of the County Council has been that we pursue a 2022 referendum for another transportation sales tax and that a citizens advisory committee be established to recommend a project list and value/duration limitation.
PROJECT / ITEM NARRATIVE:
<p>The County Administrator is proposing that the Public Facilities Committee recommend the following process to the County Council:</p> <ol style="list-style-type: none">1. A citizens committee be established that consists of one appointee from each of the eleven council districts and one from each of the six-county municipalities for a total of seventeen members.2. Jared Fralix, ACA for Engineering, to serve as the lead Beaufort County Staff person to the committee.3. The citizen’s committee is charged with completing and preparing the following recommendations: 1. A project list for the referendum question; 2. The amount of the sales tax to be collected; and/or 3. The duration of the sales tax period.4. That the committee complete its work by April 29th, 2022.5. That the committee’s recommendations be presented first to the Transportation Advisory Group (B-TAG), then to the Public Facilities Committee, then to County Council for consideration, adoption, and/or revision of a possible Referendum Question.
FISCAL IMPACT:
None at this time
STAFF RECOMMENDATIONS TO COUNCIL:
Approval of the recommended process
OPTIONS FOR COUNCIL MOTION:
To approve, reject or modify the recommendation of the County Administrator.

RESOLUTION 2022/ _____

A RESOLUTION CREATING A CITIZENS ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO COUNTY COUNCIL REGARDING A POSSIBLE 2022 TRANSPORTATION SALES TAX

WHEREAS, the consensus of the County Council has been to pursue a 2022 referendum for the imposition of another transportation sales tax (the “Sales Tax”); and

WHEREAS, County Council now wishes to create a citizens advisory committee to make certain recommendations regarding the proposed Sales Tax.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council, in meeting duly assembled, as follows:

1. A citizens committee is hereby established that consists of one appointee from each of the eleven council districts and one from each of the six-county municipalities for a total of seventeen members. Appointments should be communicated to the Chairman of County Council no later than _____, 2022, who shall then convene a meeting of the committee.
2. The committee shall elect a chairman and vice chairman, and adopt rules of procedure. All meetings of the committee must comply with the SC Freedom of Information Act.
3. Jared Fralix, ACA for Engineering, will serve as the lead Beaufort County Staff liaison to the committee, and will prepare lists, proposals and other documentation for the committee’s consideration.
4. The citizen’s committee is charged with completing and preparing the following recommendations:
 - a. A proposed project list and/or categories for the referendum question(s);
 - b. The amount of the sales tax to be collected; and/or
 - c. The duration of the sales tax collection period.
5. The committee shall begin meetings as called by the Chairman of County Council, as soon as practicable after all members are appointed, and will complete its work by April 29th, 2022.
6. The recommendations must comply with the requirements and limitations of the State enabling act.
7. The committee’s recommendations shall be presented to County Council for consideration, adoption, and/or revision of the recommendations.

BE IT SO RESOLVED, this _____ day of January, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah w. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
REAPPOINTMENTS OF JONATHAN SULLIVAN AND ANITA SINGLETON-PRATHER TO THE BEAUFORT COUNTY ACCOMMODATIONS TAX BOARD WITH AN EXPIRATION DATE OF 2026
MEETING NAME AND DATE:
COUNTY COUNCIL – JANUARY 24, 2022
PRESENTER INFORMATION:
ITEM BACKGROUND:
FINANCE COMMITTEE VOTED TO APPROVE THE REAPPOINTMENTS AT THE JANUARY 2022 MEETING
PROJECT / ITEM NARRATIVE:
FISCAL IMPACT:
(Discuss Funding and Liability Factors) (List Dollar Amount Requested/Needed)
STAFF RECOMMENDATIONS TO COUNCIL:
STAFF RECOMMENDS REAPPOINTMENTING JONATHAN SULLIVAN AND ANITA SINGLETON-PRATHER TO THE BEAUFORT COUNTY ACCOMMODATIONS TAX BOARD WITH AN EXPIRATION DATE OF 2026
OPTIONS FOR COUNCIL MOTION:

12/20/2021

Ms. Anita Singleton-Prather



Shannon Milroy
Grants Administrator



Re: Accommodations Tax (2% State) Board

To Whom it May Concern:

This is a statement to verify the intention that I, Anita Singleton-Prather, am seeking reappointment to the Accommodations Tax (2% State) Board. This will go into effect in February 2022.

Sincerely,

Anita Singleton-Prather

From: [ANITA joyce prather](#)
To: [Milroy, Shannon](#)
Subject: Document: A_ Singleton-Prather - Seeking Reappointment.pdf
Date: Monday, December 20, 2021 4:24:59 PM

[EXTERNAL EMAIL] Please report any suspicious attachments, links, or requests for sensitive information to the Beaufort County IT Division at helpdesk@bcgov.net or to 843-255-7000.

Reappointment to ATAX Board.

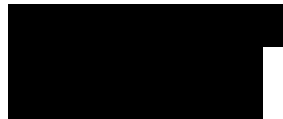
Please accept this as my signed reappointment letter copy to the Beaufort County SC Accommodations Tax Board.

Sincerely,

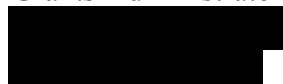
Anita Singleton Prather 

[Sent from Yahoo Mail on Android](#)

Mr. Jonathan Sullivan



Shannon Milroy
Grants Administrator



Re: Accommodations Tax (2% State) Board

To Whom it May Concern:

This is a statement to verify the intention that I, Jonathan Sullivan, am seeking reappointment to the Accommodations Tax (2% State) Board. This will go into effect in February 2022.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Sullivan".

Jonathan Sullivan

LETTER OF INTENT

Jonathan Rembold-Airports Director



Mark Bailey

Committee Member



To Whom it may concern:

This is a statement to verify the intention that I, **Mark Bailey**, am seeking **REAPPOINTMENT / RESIGN**, from the **Beaufort County Airports Board** This will go into effect on **January 1, 2022**.

Sincerely,

DocuSigned by:

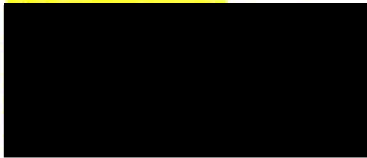
Mark Bailey

0607F75CFDEB4BA...

Mark Bailey

LETTER OF INTENT

Jonathan Rembold-Airports Director



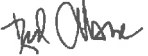
Raymond Ambrose
Chairman



To Whom it may concern:

This is a statement to verify the intention that I, Raymond Ambrose, am seeking REAPPOINTMENT / RESIGN, from the Beaufort County Airports Board This will go into effect on January 1, 2022.

Sincerely,

DocuSigned by:

BA0A7BCEBEAA467...

Raymond Ambrose

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) ORDINANCE 2022/____

AN ORDINANCE TO ABOLISH PREVIOUS COUNTY COUNCIL DISTRICT BOUNDARIES; TO PROVIDE THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY AND THE BOARD OF EDUCATION OF BEAUFORT COUNTY CONTINUE TO BE COMPRISED OF ELEVEN (11) MEMBERS; TO PROVIDE THAT THE COUNCIL MEMBERS OF THE COUNTY COUNCIL AND THE MEMBERS OF THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM ELEVEN (11) SEPARATE DISTRICTS; TO ESTABLISH THE BOUNDARIES OF THE NEW ELEVEN (11) DISTRICTS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The County Council of Beaufort County, South Carolina, did previously adopt Article 7, Code of Laws of South Carolina, (1976) Title 4-9-610 which provides for the membership of Counties adopting the council-administrator form of government; and

WHEREAS, Article 7, Code of Laws of South Carolina, (1976) Title 4-9-610 allows for the County Council to consist of not less than three (3) nor more than twelve (12) members; and

WHEREAS, Act 583 Section 1 .A, South Carolina Acts & Joint Resolutions (1992) states in part... "the Board of Education of Beaufort County shall consist of eleven members elected from the same defined single member districts as members of the Beaufort County Council"; and

WHEREAS, Section 4-9-90, Code of Laws of South Carolina, (1976 Cum. Supp.), provides in part ..." [a]ll districts must be reapportioned as to population by the county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census.

WHEREAS, The County Council of Beaufort County finds that the results of the 2010 census show a significant increase in the population, and change in the demographics, of certain areas within the County; and

WHEREAS, The County Council of Beaufort County, finds that in order to comply with the Voting Rights Act of 1965, the County Council of Beaufort County must now re-draw and/or reapportion the electoral boundaries (redistrict) whereby the total deviation of all districts does not exceed a maximum 5% deviation; and,

WHEREAS, The County Council of Beaufort County finds that the best interest of the County Council of Beaufort County and its citizens will be served by continuing the form of Government of the County to a council that is comprised of eleven (11) members, each elected from eleven (11) single - member districts; and

WHEREAS, this ordinance shall establish, subject to the approval of the requirements of the Voting Rights Act of 1965, the composition of future County Councils and Board of Education membership of Beaufort County, shall abolish any former compositions by which

County Council members and Board of Education members of Beaufort County were elected, and shall provide for designation of the new eleven (11) district boundaries;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL THAT:

Section 1: ABOLISHMENT OF FORMER COUNTY COUNCIL DISTRICTS: the method of electing County Council Members and Board of Education Members as outlined in Beaufort County Ordinance Sec. 30-26 whereby Eleven (11) members were elected from Eleven (11) designated districts within Beaufort County, Beaufort, South Carolina is abolished.

Section 2: COMPOSITION AND METHOD OF ELECTING COUNCIL MEMBERS: The County Council of Beaufort County and the Beaufort County Board of Education shall consist of Eleven (11) members. The Eleven (11) County Council members and the Eleven (11) Board of Education members shall be elected from Eleven (11) Districts within the County. The Council and Board of Education Members from the Eleven (11) Districts shall be residents of the District from which they are elected. The Council and the Board of Education Members from each of the Eleven (11) Districts shall be elected solely by the voters residing in each of their respective Districts.

Section 3: DISTRICT BOUNDARIES: For the purpose of electing County Council members and members of the Board of Education for the County of Beaufort, there shall be Eleven (11) Single-member Districts within the County of Beaufort, South Carolina. The boundaries for the Eleven (11) Single-member Districts shall be as set forth in the following narrative description and on the accompanying map:

(A) DISTRICT ONE (1) SHELDON – DALE- LOBECO – BURTON:

Beginning at the intersection of Robert Smalls Parkway and the Spanish Moss Trail; thence southwest to Salem Road; thence south on Salem Road to the northeast corner of Census Block 2084; thence west and south along the boundary of Census Block 2084 to Old Salem Road; thence west along Old Salem Road to Old Jericho Road; thence south along Old Jericho Road to Taft Street; thence south to Harding Street; thence east on Harding Street to the northeast corner of Census Block 2064; thence turn to the west along southern border of block 3019, until Parris Island Gtwy; thence south on Parris Island Gateway to Bonaire Circle North; thence west on Bonaire Circle North to Census Block 2001; thence following the northern boundary of Census Block 2001 to Grober Hill Road; thence southwest along Grober Hill Road to Cleveland Drive; thence south along Cleveland Drive to Savannah Highway; thence northwest along Savannah Highway to Robert Smalls Parkway; thence northeasterly on Robert Smalls Parkway to Castle Rock Road; thence north on Castle Rock Road to the southeast corner of Census Block 1015; thence following the boundary of Census Block 1015 to Riley Road; thence west on Riley Road to Census Block 1025; thence along the western boundary of Census Block 1025 to Riley Road; thence north on Riley Road to Broad River Boulevard; thence northeasterly along Broad River Boulevard to Joe Frazier Road; thence northwesterly along Joe Frazier Road to Cherokee Farms Road; thence west along Cherokee Farms Road to the eastern point of block 3049, thence along the northern boundary of block 3049 to Cherokee Farms Road.; thence northerly along Cherokee

Farms Road to Joe Frazier Road; thence north on Joe Frazier Road to Morrall Drive; thence west on Morrall Drive to the southwest corner of Census Block 3018; thence east and north along Census Block 3018 to the southwest corner of Census Block 3019; thence north along Census Block 3019 to Census Block 3018; thence easterly and then north along the boundary of Census Block 3018 to Laurel Bay Road; thence west along Laurel Bay Road to East Laurel Bay Boulevard; thence northeasterly along East Laurel Bay Boulevard to Albacore Street; thence northwest on Albacore Street to East Althea Street; thence east on East Althea Street to the southwest corner of Census Block 1015; thence along the northerly boundary of Census Block 1015 to East Althea Street; thence east along East Althea Street to South Crusaders Crossing; thence south on South Crusaders Crossing to Silver Eagles Way; thence east along Silver Eagles Way to South Swamp Fox Trail; thence northwest on South Swamp Fox Trail to Enduring Freedom Parkway; thence south along Enduring Freedom Parkway to the southwest corner of Census Block 1024; thence north along the boundary of Census Block 1024 to Marauder Bay; thence east along Marauder Bay to the intersection of Marauder Bay and North Swamp Fox Trail; thence northerly following the boundary of Census Block 1018 to the southeast corner of Census Block 1036; thence following the north border of Laurel Bay Military Housing to the Broad River; thence northwesterly to the mouth of the Pocotaligo River; thence along the Pocotaligo River, following the western boundary of Beaufort County to the northern boundary of Beaufort County; thence northeasterly along the northern boundary of Beaufort County to the Combahee River, which describes the northeastern boundary of Beaufort County; thence winding along the Combahee River southeasterly to where the Combahee River meets the Coosaw River; thence westerly along the Coosaw River to Brickyard Creek; thence south along Brickyard Creek to Mulligan Creek; thence westerly along Mulligan Creek to RC West Road East; thence following the eastern and north-western boundaries of Census Block 1041, generally along RC West Road North, to Trask Parkway; thence southeasterly to the northeast corner of Census Block 1063; thence westerly following along the block boundary to the northwest corner of Census Block 1072; thence southerly following the Spanish Moss Trail right-of-way to the southeast corner of Census Block 1010; thence south to County Shed Road; thence east to Ice House Road; thence east along Broad River Blvd to Burton Hill Rd, then south on Burton Hill Rd to Trask Farm Rd. East along Trask Farm Rd, following the southern boundary of Census Block 2013. At Census Block turn northeast, and then north at the Spanish Moss Trail; thence east to the intersection of Robert Smalls Parkway and Spanish Moss Trail, that is the point of beginning.

(B) DISTRICT TWO (2) MCAS – BEAUFORT – LADY’S ISLAND – FRIPP ISLAND:

Beginning at the intersection of the north boundary of the Marine Corp Air Station at Trask Parkway; thence southeasterly to the northeast corner of Census Block 1063; thence westerly following along the block boundary to the northwest corner of Census Block 1072; thence southerly following the Spanish Moss Trail right-of-way to the southeast corner of Census Block 1010; thence south to County Shed Road; thence east to Ice House Road; thence east along Broad River Blvd to Burton Hill Rd, then south on Burton Hill Rd to Trask Farm Rd. East along Trask Farm Rd, following the southern boundary of Census Block 2013. At Census Block turn northeast, and then north at the Spanish Moss Trail; thence east to Robert Smalls Parkway; thence north on Neil Road to Boundary Street; thence west on Boundary Street to the southwest corner of Census Block 1046; thence north along the western boundary of Census Block 1046 to

Albergottie Creek; thence easterly along Albergottie Creek to the Beaufort River; thence easterly along the Beaufort River to the northeast corner of Census Block 1006; thence southerly along the eastern boundary of Census Block 1006 to Census Block 1032; thence along the eastern border of Census Block 1032 to Lafayette Street; thence south along Lafayette Street to National Street; thence east on National Street to Rodgers Street; thence south on Rodgers Street to Boundary Street; thence east on Boundary Street to Scott Street; thence south on Scott Street to Duke Street; thence west on Duke Street to West Street; thence south on West Street to the Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge; thence southeasterly along Sea Island Parkway to the southeast corner of Census Block 3031; thence north to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to the Morgan River; thence easterly along the Morgan River to the St Helena Sound; thence southeasterly along the shoreline to the northern point of Census Block 3005; thence east along north boundary of Census Block 3005 to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Johnson Creek; thence easterly to the Atlantic Ocean; thence northwesterly to the Coosaw River; thence west along the Coosaw River to Brickyard Creek; thence south along Brickyard Creek to Mulligan Creek; thence westerly along Mulligan Creek to RC West Road East; thence following the eastern boundary of Census Block 1041 to RC West Road North; thence following the eastern and north-western boundaries of Census Block 1041, generally along RC West Road North to Trask Parkway that is the point of beginning.

(C) DISTRICT THREE (3) BEAUFORT – LADY’S ISLAND – ST HELENA ISLAND – PARRIS ISLAND:

Beginning at the Woods Memorial Bridge in the Beaufort River; thence southeasterly along Sea Island Parkway to the southeast corner of Census Block 3031; thence north to Lucky Point Creek; thence south to Jenkins Creek; thence following the winding of Jenkins Creek to the Morgan River; thence easterly along the Morgan River to the St Helena Sound; thence southeasterly along the shoreline to the northern point of Census Block 3005; thence east along north boundary of Census Block 3005 to the intersection of Avenue of Oaks; thence following Avenue of Oaks southwest; thence southeasterly along Tom and Mike Road; thence southwesterly along John and Fostine Road; thence to Cee Cee Road; thence southeast to Sea Island Parkway; thence southeasterly along Sea Island Parkway to the western shore of the Harbor River; thence along the western shore of the Harbor River to Johnson Creek; thence easterly to the Atlantic Ocean; thence along the south shore of Hunting Island; thence along the south shore of St Phillip’s Island; thence northwesterly in Port Royal Sound to the mouth of Archer’s Creek on the western side of the Marine Corp Recruiting Depot at Parris Island; thence southerly along the western side of the Marine Corps Recruiting Depot to Khe Sahn Service Road; thence south on Khe Sahn Srevice Road to Khe Sahn Road; thence south on Khe Sahn Road to Wake Boulevard; thence east on Wake Boulevard to 3rd Battalion Pond Road; thence northwesterly along 3rd Battalion Pond Road to Malecon Drive; thence northwesterly along Malecon Drive to Archers Creek; thence easterly along Archers Creek to Beaufort River; thence north along the Beaufort River to the northern border of Census Block 4004; thence west to

Ribaut Road; thence north along Ribaut Road to North Street; thence west along North Street to North Hermitage Road; thence south on North Hermitage Road to the Spanish Moss Trail; thence west along the Spanish Moss Trail to Robert Smalls Parkway; thence across Robert Smalls Parkway to Neil Road; thence north on Neil Road to Boundary Street; thence west on Boundary Street to the southwest corner of Census Block 1046; thence north along the western boundary of Census Block 1046 to Albergottie Creek; thence easterly along Albergottie Creek to the Beaufort River; thence easterly along the Beaufort River to the northeast corner of Census Block 1006; thence southerly along the eastern boundary of Census Block 1006; thence south along the border of Census Block 1006 to Census Block 1032; thence south along the eastern border of Census Block 1032 to Lafayette Street; thence south along Lafayette Street to National Street; thence east on National Street to Rodgers Street; thence south on Rodgers Street to Boundary Street; thence east on Boundary Street to Scott Street; thence south on Scott Street to Duke Street; thence west on Duke Street to West Street; thence south on West Street to the Extension through Waterfront Park and south into the Beaufort River, thence east to the Woods Memorial Bridge that is the point of beginning.

(D) DISTRICT FOUR (4) BEAUFORT - TOWN OF PORT ROYAL - SHELL POINT - PARRIS ISLAND:

Beginning at the intersection of North Street and Ribaut Road; thence south along Ribaut Road to the northern border of Census Block 4004; thence east to the Beaufort River; thence winding southwesterly along Beaufort River to Archers Creek; thence westerly along Archers creek to Malecon Drive; thence southeasterly along Malecon Drive to 3rd Battalion Pond Road; thence southeasterly along 3rd Battalion Pond Road to Wake Boulevard; thence southwest on Wake Boulevard to Khe Sahn Road; thence north on Khe Sahn Road to Khe Sahn Service Road; thence north on Khe Sahn Service Road to Ribbon Creek. Thence north along the western shore of the Marine Corps Recruit Depot to where Archer's Creek empties into the Broad River; thence North along the western border of Census Block 1119 to Archer's Creek; thence following Archer's Creek north to Shell Point Road; thence west on Shell Point Road to Baynard Road; thence north on Baynard Road to the southern boundary of Census Block 1047; thence along the south, west, and north borders of Census Block 1047 to Baynard Road; thence north to Savannah Highway; thence southeasterly along Savannah Highway to Cleveland Drive; thence north along Cleveland Drive to Grober Hill Road; Thence east along Grober Hill Road to the northern border of Census Block 2001; thence easterly along Census Block 2001 to Bonaire Circle North; thence east to Parris Island Gateway; thence northerly along Parris Island Gateway to the northwest corner of Census Block 3013; thence east along the northern border of Census Block 3013 to the eastern border of Census Block 3019; thence northerly along the eastern border of Census Blocks 3019 and 2064 to Harding Street; thence west on Harding Street to Taft Street; thence north on Taft Street to Old Jericho Road; thence northeasterly along Old Jericho Road to Old Salem Road; thence east on Old Salem Road to the southern border of Census Block 2084; thence north and east to Salem Road; thence north along Salem Road to Robert Smalls Parkway; thence northeast on Robert Smalls Parkway to the Spanish Moss Trail; thence southeast along the Spanish Moss Trail to North Hermitage Road; thence north on North Hermitage Road to North Street; thence east to the intersection of North Street and Ribaut Road, which is the point of beginning.

(E) DISTRICT FIVE (5) BURTON – OKATIE – SUN CITY:

Beginning at the intersection of Robert Smalls Parkway and Savannah Highway; thence east along Savannah Highway to Baynard Road; thence south to northeast corner of Census Block 1047; thence following the north, west, and south boundaries of Census Block 1047 to Baynard Road; thence south along Baynard Road to Shell Point Road; thence east along Shell Point Road to the northwest corner of Census Block 1072; thence south to Archer's Creek; thence south to where Archer's Creek empties into the Broad River; thence west to southern shores of Daws Island; thence west to the Chechessee River; thence following westerly along the Chechessee River to the Colleton River; thence westerly along the Colleton River to the northwest corner of Census Block 1030; thence southerly along the boundary of Census Block 1030 to the northeast corner of Census Block 1017; thence west along the northern boundary of Census Block 1017 to the southeast corner of Census Block 1007; thence north and west along the boundary of Census Block 1007 to Pinkney Colony Drive; thence south to Fording Island Road; thence west along Fording Island Road to the northeast corner of Census Block 1028; thence south to the northeast corner of Census Block 1027; thence south along the boundary of Census Block 1027 to Census Block 1022; thence westerly along the boundary of Census Block 1022 to the Town of Bluffton Municipal boundary; thence south along the Town of Bluffton Municipal boundary to Davis Road; thence west along Davis Road to Okatie Highway; thence north on Okatie Highway to the Okatie River; thence west along the Okatie River to southwest corner of Census Block 1032; thence northwest to the southwest corner of Census Block 3000; thence westerly to the eastern corner of Census Block 2028; thence north along the western boundary of Census Block 4009 to West Fording Island Road; thence west to the Beaufort County boundary; thence easterly along the Beaufort County boundary to Okatie Highway; thence north and then east along Okatie Highway to Old Bailey's Road; following Old Bailey's Road as the boundary of Beaufort County, back north to Okatie Highway; thence east to Snake Road; thence north on Snake road to Chelsea Plantation Drive; thence easterly along north boundary of the BJWSA Water Treatment Plant to an unnamed inlet; thence easterly along Hazzard Creek and Euhaw Creek following the boundary of Beaufort County; thence following the north border of Laurel Bay Military Housing to the southwest corner of Census Block 1036; thence along the southwest border of Census Block 1036 to the northern point of Census Block 1018; thence southwest along the northwest border of Census Block 1018 to North Swamp Fox Trail; thence south along the western boundary of Census Block 1024 to Enduring Freedom Way; thence north on Enduring Freedom Way to South Swamp Fox Trail; thence south along South Swamp Fox Trail to Silver Eagles Way; thence west on Silver Eagles Way to South Crusaders Crossing; thence north on South Crusaders Crossing to East Althea Street; thence south on East Althea Street to Census Block 1015; thence along the northerly boundary of Census Block 1015 to East Althea Street; thence west on East Althea Street to Albacore Street; thence south on Albacore Street to East Laurel Bay Boulevard; thence south on East Laurel Bay Boulevard to Laurel Bay Road; thence southeast on Laurel Bay Road to the western boundary of Census Block 3018 to the northeast corner of Census Block 3019; thence south along the boundary of Census Block 3019 to Census Block 3018; thence south along the boundary of Census Block 3018 to Morrall Drive; thence southeast along Morrall Drive to Joe Frazier Road; thence south on Joe Frazier Road to Cherokee Farms Road; thence southwest on Cherokee Farms Road to the southwest corner of Census Block 3049 thence along the northerly boundary of Census Block 3049 to Cherokee Farms Road; thence east on Cherokee Farms Road to Joe Frazier Road; thence southeasterly on Joe Frazier Road to Broad River Boulevard; thence southwesterly along Broad River Boulevard

to Riley Road; thence south along Riley Road to the northeast corner of Census Block 1025; thence following the north, west, and southern boundaries of Census Block 1025 to Riley Road; thence east on Riley Road to Census Block 1015; thence along the southern boundary of Census Block 1015 to Castle Rock Road; thence south on Castle Rock Road to Robert Smalls Parkway; thence southwest along Robert Smalls Parkway to Savannah Highway, the point of beginning.

(F) DISTRICT SIX (6) SUN CITY – NEW RIVERSIDE – PRITCHARDVILLE:

Beginning at the intersection of West Fording Island Road and the border of Beaufort County to the northwest corner of Census Block 4009; thence south along the western boundary of Census Block 4009 to Census Block 2028; thence southeast along Census Block 2028 to Census Block 3000; thence southeast along Census Block 3000 to Census Block 1032; thence southeast along Census Block 1032 to Census Block 1034; thence along the southern boundary of Census Block 1034 to Okatie Highway; thence south on Okatie Highway to Gibbet Road; thence south on Gibbet Road to Census Block 2010; thence easterly along the boundary of Census Block 2010 to the northeastern corner of Census Block 2016; thence south along Census Block 2016 to May River Road; thence east on May River Road to the northeast corner of Census Block 1059; thence follow Stoney Creek southwest to the southeast corner of Census Block 1059; thence westerly along the southern boundary of Census Block 1059 to Pritchard Farms Road; thence south on Pritchard Farms Road to Census Block 1076; thence west along the northern boundary of Census Block 1076 to New Riverside Road; thence north on New Riverside Road to Okatie Highway; thence west along Okatie Highway to the northwest corner of Census Block 1076; thence south along the western boundary of Census Block 1076 to the New River, that is the western boundary of Beaufort County; thence north along the boundary of Beaufort County to the northern border of University Park, at the northern corner of Census Block 3000; thence easterly to the intersection of West Fording Island Road and the border of Beaufort County, which is the point of beginning.

(G) DISTRICT SEVEN (7) BUCKWALTER IN BLUFFTON:

Beginning at the intersection of Davis Road and Okatie Highway; thence easterly along Davis Road to the corner of Census Block 1039; thence north along the boundary of Census Block 1039 to Census Block 1032; thence north along the western boundary of Census Block 1032 to Census Block 1029; thence north along the western boundary of Census Block 1029 to Fording Island Road; thence east on Fording Island Road to Census Block 3002; thence south along the western boundaries of Census Blocks 3002 and 3003 to Census Block 3012; thence south along the western boundary of Census Block 3012 to Census Block 3013; thence follow the northwestern and then southern boundary of Census Block 3013, going east along the southern boundary to Buck Island Road; thence south on Buck Island Road to Bluffton Parkway; thence southwest on Bluffton Parkway to the northwest corner of Census Block 2023; thence east along Census Block 2023 to Census Block 2032; thence south along the eastern boundary of Census Block 2032 to May River Road; thence southwest along May River Road to Census Block 1024; thence along the north boundary of Census Block 1024 to May River Road; thence west along May River Road to the southeast corner of Census Block 1015; thence north to Census Block 1016; thence north along the boundary of Census Block 1016 to Old Miller Road; thence north to the northeast corner of Census Block 2036; thence west along the Town of Bluffton boundary to

Gibbet Road; thence north along Gibbet Road to Okatie Highway; thence northeast along Okatie Highway to the intersection of Davis Road and Oaktie Highway, that is the point of beginning.

(H) DISTRICT EIGHT (8) HILTON HEAD ISLAND – BLUFFTON:

Beginning where the Colleton River meets the Chechessee River; thence southeasterly along the shoreline of Port Royal Sound to the north boundary of Census Block 1007; thence southeasterly along the boundary of Census Block 1007 to Dolphin Head Dr; thence south along Dolphin Head Dr to Pineland Road; thence east along Pineland Road to Myrtle Bank Road; thence east along Myrtle Bank Road to High Bluff Road; thence south along High Bluff Road to Whooping Crane Way; thence south along Whooping Crane Way to Headlands Drive; thence westerly along Headlands Drive to Twisted Oak Court; thence south along Twisted Oak Court to the boundary of Hilton Head Plantation; thence following the boundary of Hilton Head Plantation northwesterly until it reaches Skull Creek; thence westerly along Skull Creek where it meets Mackay’s Creek; thence south to the May River; thence west along the May River to the southeast corner of Census Block 2007; thence north along the eastern boundary of Census Block 2007 to Ulmer Road; thence northwest on Ulmer Road to Foreman Hill Road; thence northeast on Foreman Hill Road to Malphrus Road; thence northeast on Malphrus Road to Fording Island Road; thence northwest on Fording Island Road to northern most corner of Census Block 2022; thence following the northern boundary of Census Block 2022 to Bluffton Road; thence south on Bluffton Road to Census Block 2019; thence west following the boundary of Census Block 2019 to Census Block 2012; thence west following the boundary of Census Block 2012 to Census 2010; thence west following the boundary of Census Block 2010 to Simmonsville Road; thence southwest along Simmonsville Road to Bluffton Parkway; thence west along Bluffton Parkway to Buck Island Road; thence north on Buck Island Road to the southwest corner of Census Block 3013; thence following the south and west boundaries of Census Block 3013 to Census Block 3012; thence north along the western boundary of Census Block 2012 to Census Block 3003; thence north along the western boundary of Census Blocks 3003 and 3002 to Fording Island Road; thence easterly along Fording Island Road to Pinkney Colony Drive; thence north on Pinkney Colony Drive to the northwest corner of Census Block 1007; thence east along the boundary of Census Block 1007 to Census Block 1017; thence northeasterly along the northern boundary of Census Block 1017 to the Colleton River; thence easterly in the Colleton River to its meeting with the Chechessee River, which is the point of beginning.

(I) DISTRICT NINE (9) BLUFFTON – PRITCHARDVILLE- DAUFUSKIE ISLAND:

Beginning at the intersection of May River Road and Okatie Highway; thence east on Okatie Highway to Census Block 1076; thence south following the boundary of Census Block 1076 to the New River; thence southeasterly as it describes the southwestern boundary of Beaufort County until it empties into Calibogue Sound at the south end of Daufuskie Island; thence northerly along the Calibogue Sound to the May River; thence west along the May River to the southeast corner of Census Block 2007; thence north along the eastern boundary of Census Block 2007 to Ulmer Road; thence northwest on Ulmer Road to Foreman Hill Road; thence northeast on Foreman Hill Road to Malphrus Road; thence northeast on Malphrus Road to Fording Island Road; thence northwest on Fording Island Road to northern most corner of

Census Block 2022; thence following the northern boundary of Census Block 2022 to Bluffton Road; thence south on Bluffton Road to Census Block 2019; thence west following the boundary of Census Block 2019 to Census Block 2012; thence west following the boundary of Census Block 2012 to Census 2010; thence west following the boundary of Census Block 2010 to Simmonsville Road; thence southwest along Simmonsville Road to Bluffton Parkway; thence west along Bluffton Parkway to the western most boundary of Census Block 2011; thence east and then south along the western boundary of Census Block 2011 to Census Block 2035; thence southwest along the boundary of Census Block 2035 to May River Road; thence southwest on May River Road to Census Block 1024; thence following the east, north, and west boundaries of Census Block 1024 to May River Road; thence west on May River Road to Census Block 1015; thence north along the boundary of Census Block 1015 to Census Block 1016; thence north along the boundary of Census Block 1016 to Old Miller Road; thence north on Old Miller Road to the boundary of the Town of Bluffton; thence westerly along the border of the Town of Bluffton to the northwest corner of Census Block 2037; thence south along the western boundary of Census Block 2037 to May River Road; thence east on May River Road to Census Block 1058; thence south along the western boundary of Census Block 1058 to Census Block 1129; thence west along the boundary of Census Block 1129 to Census Block 1076; thence westerly along the northern boundary of Census Block 1076 to New Riverside Road; thence northerly along New Riverside Road to the intersection of May River Road and Okatie Highway, the point of beginning.

(J) DISTRICT TEN (10) HILTON HEAD ISLAND #1:

Beginning at the intersection of William Hilton Parkway and Union Cemetery Road; thence easterly along Union Cemetery Road to Census Block 1009; thence along the south and east boundaries of Census Block 1009 to Dillon Road; thence northeasterly along Dillon Road to Census Block 9001007; thence northeast along the boundary of Census Block 9001007 to Fish Haul Creek; thence northeasterly along Fish Haul Creek to Port Royal Sound; thence northwesterly along Porty Royal Sound north boundary of Census Block 7001007; thence southeasterly along the boundary of Census Block 7001007 to Dolphin Head Dr; thence south along Dolphin Head Dr to Pineland Road; thence east along Pineland Road to Myrtle Bank Road; thence east along Myrtle Bank Road to High Bluff Road; thence south along High Bluff Road to Whooping Crane Way; thence south along Whooping Crane Way to Headlands Drive; thence westerly along Headlands Drive to Twisted Oak Court; thence south along Twisted Oak Court to the boundary of Hilton Head Plantation; thence following the boundary of Hilton Head Plantation northwesterly until it reaches Skull Creek; thence westerly along Skull Creek where it meets Mackay’s Creek; thence south to the May River; thence east to Brams Point Road; thence southeast to Spanish Wells Road; thence east on Spanish Wells Road to Marshland Road; thence east on Marshland Road to Census Block 1037; thence south along Census Block 1037 to Marshland Road; thence east on Marshland Road to Census Block 1013; thence south along Census Block 1013 to Broad Creek; thence southeasterly along Broad Creek to Mathews Drive; thence southeast on Mathews Drive to William Hilton Parkway; thence north along William Hilton Parkway to the intersection of William Hilton Parkway and Union Cemetery Road, the point of beginning.

(K) DISTRICT ELEVEN (11) HILTON HEAD ISLAND #2:

Beginning at the intersection of the Cross Island Parkway and Marshland Road; thence west along Marshland Road to Spanish Wells Road; thence west along Spanish Wells Road to Brams Point Road; thence north on Brams Point Road the Calibogue Sound; thence southwesterly along the shoreline to the Atlantic Ocean; thence northeasterly along the southern shoreline of Hilton Head Island to where the shoreline bends to the north; thence north along the shoreline of Hilton Head Island to the southern shore of Fish Haul Creek; thence southeasterly to Dillon Road; thence south and then west, following the boundary of Census Block 1009 to Union Cemetery Road; thence south along Union Cemetery Road westerly until it meets William Hilton Parkway; thence south along William Hilton Parkway to Mathews Drive, thence northwesterly into the Broad Creek; thence westerly along Broad Creek following it to Census Block 1013; thence north along the western boundary of Census Block 1013 to Marshland Road; thence southwest on Marshland Road to the southwest corner of Census Block 1037; thence north along the boundary of Census Block 1037 to Marshland Road; thence following Marshland Road to the intersection of the Cross Island Parkway, the point of beginning

Section 4: DATA AND MAP: The County Council and Board of Education districts contained in this ordinance, the statistical data pertaining to such districts, and the maps delineating these districts have been provided by and are maintained in the Beaufort County office of GIS and Mapping. A copy of the map delineating the geographic boundaries of the County Council and Board of Education districts and the census information pertaining to such districts are incorporated by reference as if set forth verbatim herein and are attached to this ordinance.

Section 5: SEVERABILITY: If any part of this Ordinance is held to be unconstitutional, illegal or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed and held to be valid as if such portion had not been included. If this Ordinance, or any provision thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 6: EFFECTIVE DATE: This Ordinance shall become effective immediately following approval at third reading, and shall govern the primary and general elections for the County Council and the Board of Education of Beaufort County, South Carolina for 2022, and until repealed.

Section 7: ELECTIONS: IMPLEMENTATION

The Board of Elections and Voter Registration of the County is hereby directed, immediately upon the Effective Date hereof, to undertake, by and with the South Carolina Election Commission, all steps necessary for holding elections for members of the Council according to the regular schedule for the primary elections and the general election on November 1, 202 in such of the New Districts as is required in accordance with Section 4-9-90, South Carolina Code of Laws, 1976, as amended.

**APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA, ON THIS _____ DAY OF JANUARY, 2022.**

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

Attest:

By: Sarah Brock, Clerk to Council

First Reading, By Title Only:

Second Reading:

Public Hearing:

Third and Final Reading:



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Spanish Moss Trail – Recommendation of approval to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds (Fiscal Impact: Incoming Grant Funds - \$800,000)</i>
MEETING NAME AND DATE:
<i>Public Facilities Committee Meeting - January 18, 2022</i>
PRESENTER INFORMATION:
<i>Juliana Smith, Long Range Planner (5 minutes)</i>
ITEM BACKGROUND:
<i>On July 22, 2021, the Spanish Moss Trail extension from Smilax Avenue to Appleton Road became eligible for funds under the American Rescue Plan Act 2021 (Public Law 117-2) (ARPA). The purpose of these funds is to provide economic relief to travel, tourism, and outdoor recreation sectors in response to the COVID-19 pandemic. The Spanish Moss Trail has one grant opportunity:</i> <ul style="list-style-type: none">➤ <i>Southern Trail Extension from Smilax Avenue to Appleton Road - \$800,000</i>
PROJECT / ITEM NARRATIVE:
<i>These funds are to be used for the costs related to the extension of the Spanish Moss Trail to bolster the economic impact to the tourism industry suffered as a result of the COVID-19 pandemic. The funds will cover the cost of construction only. The project mentioned above will be funded 80% by these grant funds, 20% by private donation and matching funds.</i> <i>The grant offer cover letter requires the governing body to approve the permission to apply for the ARPA grant to the individual signing the application.</i>
FISCAL IMPACT:
<i>The trail will receive grant funds in the amount of \$800,000 which will fund efforts as outlined in the ARPA documents.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff is requesting permission to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve or deny the permission to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds.</i>



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Beaufort High School Realignment – Recommendation of approval to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds (Fiscal Impact: Incoming Grant Funds - \$5,500,000)
MEETING NAME AND DATE:
Public Facilities Committee Meeting - January 18, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering Brittanee Fields, CIP Coordinator (5 minutes)
ITEM BACKGROUND:
On July 22, 2021, the Beaufort High School Realignment became eligible for funds under the American Rescue Plan Act 2021 (Public Law 117-2) (ARPA). The purpose of these funds is to provide economic relief to travel, tourism, and outdoor recreation sectors in response to the COVID-19 pandemic.
PROJECT / ITEM NARRATIVE:
These funds are to be used for the costs related to the extension of the Beaufort High School Realignment to bolster the economic impact to the tourism industry suffered as a result of the COVID-19 pandemic. The project mentioned above will be funded 77% by these grant funds, 23% by the 2018 One Cent Sales Tax Referendum. The grant offer cover letter requires the governing body to approve the permission to apply for the ARPA grant to the individual signing the application.
FISCAL IMPACT:
The project will receive grant funds in the amount of \$5,500,000 which will fund efforts that will be outlined in the ARPA documents.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff is requesting permission to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds.
OPTIONS FOR COUNCIL MOTION:
Motion to approve or deny the permission to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds. <i>Next Step: Move forward to County Council for approval to apply for the American Rescue Plan Act 2021 (ARPA) Travel, Tourism, and Outdoor Recreation Grant Funds.</i>



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of approval to apply for the Good Jobs Challenge Grant
MEETING NAME AND DATE:
January 18, 2022 Public Facilities Committee Meeting
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering Heather Rath, ARPA Consultant - Alternate (10 minutes)
ITEM BACKGROUND:
ARPA Good Jobs Challenge is a grant that aims to get Americans back to work by building and strengthening systems and partnerships that bring together employers who have hiring needs with other key entities to train workers with in-demand skills that lead to good-paying jobs.
PROJECT / ITEM NARRATIVE:
These funds would be used to support the CNA nursing program at Technical College of the Lowcountry along with our partners to create a robust health sciences workforce development local to Beaufort County.
FISCAL IMPACT:
The \$500,000 ARPA appropriation would be used as the matching funds for the grant opportunity
STAFF RECOMMENDATIONS TO COUNCIL:
Staff is requesting to apply for the Good Jobs Challenge grant through the EDA: American Rescue Plan program
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny the permission to apply for the Good Jobs Challenge grant: America Rescue Plan program grant funds (Next step: County Council Meeting – January 24, 2022)



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation to Award RFQ#111921E Transportation Program Management to J.Bragg Consulting, LLC.
MEETING NAME AND DATE:
Public Facilities Committee – January 18, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Engineering Andrea Atherton, Transportation Engineering Director (Alternate) (5 mins)
ITEM BACKGROUND:
On November 19, 2021, Beaufort County received 6 submission to RFQ#111921E Transportation Program Management. A committee of five evaluated the submissions and interviewed three firms. From the three firms, the committee determined J.Bragg Consulting, LLC the most qualified.
PROJECT / ITEM NARRATIVE:
Beaufort County is requesting program management services for transportation projects throughout Beaufort County. The firm will act as an extension of staff by assisting in management, coordination, programming, public outreach, scheduling, and all other related services.
FISCAL IMPACT:
The contract fee is based on time and materials for 5 years, renewed annually. Year 1, February 1, 2022 to January 31, 2023 is a total is \$410,197.48. Funding varies for this contract dependent on the project the program management team is working on. These funding sources include, but are not limited to, Road Use Fees, Road Impact Fees, C-Funds (Gas Tax), current or future Sales Tax, Accommodation Tax, Hospitality Tax, Grant Funds, and General Fund.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval to award RFQ#111921E Transportation Program Management to J.Bragg Consulting, LLC.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny recommendation to award RFQ#111921E Transportation Program Management to J.Bragg Consulting, LLC. <i>Next Step: Move forward to County Council to award RFQ#111921E Transportation Program Management to J.Bragg Consulting, LLC.</i>

Current Available Funding Sources

<u>Name</u>	<u>Org</u>	<u>Obj</u>	<u>Balance</u>
Road Use Fees - Professional Services	2342001T	51160 \$	972,826.43
Road Impact Fees NOB - Professional Services	23030011	51160 \$	688,487.10
Road Impact Fees Bluffton - Professional Services	23020011	51160 \$	4,064,401.98
Road Impact Fees HHI/Daufuskie - Professional Services	23000011	51160 \$	690,161.00
C-Funds - Professional Services	23430011	51160 \$	3,205.44
Transportation Engineering General Fund - Professional Services	10001243	51160 \$	46,575.00
			<u>\$ 6,465,656.95</u>

Scope of Services

Description of Work - General

This scope of work and the resulting contract covers the Program Management Services for various transportation projects throughout Beaufort County. The Program Management (PM) fee will be on a time and materials contract for 5 years to be renewed annually, and the fee will be revised accordingly based on anticipated workload. The team shall supply labor, services, resources, and consultation necessary to perform the Program Management for various types of projects/programs as follows, but not limited to:

Projects/Programs	Notes
County Transportation Committee (CTC) projects	Resurfacing and dirt road improvements
Bicycle and Pedestrian	Sidewalks, Multi-use Pathways/Trails
Road Improvements/Network	Access Management, Parallel Roads, Intelligent Transportation Systems (ITS), Intersections/Turn Lanes, Widening
Transit	Coordination with Palmetto Breeze
Airports	Capital Improvement Projects
Marine Access & Transport Services	Ferry Services, Water Taxis, Public Dockage Services, Kayak Launches

The above Projects/Programs are defined by multiple guiding documents:

- Envision Beaufort County 2040 Comprehensive Plan
- Beaufort County Connects – Bicycle and Pedestrian Plan 2021
- 2006 Roads Impact Support Study: Fee Update (in process of being updated)
- Beaufort County 2020/21 Transportation Committee Plan (CTCP) (updated for the respective fiscal year)
- Palmetto Breeze Transit: Master Plan Report
- Greenprint Plan Beaufort County 2020 – Final Draft
- Policy Statement 15
- Policy Statement 17

This Scope of Services shall apply to any projects/programs assigned by Beaufort County to the Program Management Team (PM Team). The Program Management team members are:

Team Member	Responsibilities
J. Bragg Consulting, Inc. (J. Bragg)	Point-of-contact, Program Manager and overall leader of program
Ron M. Joye, LLC	Funding Liaison

These team members shall act as an extension of Beaufort County staff.



Project-specific design services and construction engineering inspections services are excluded from this contract. Expert Witness Testimony services for eminent domain (condemnation) cases are excluded from this contract.

Design, Right-of-Way Acquisition, and Construction contracts shall be between the successful contractor/consultant and Beaufort County or another governing agency. The PM team shall have the responsibility of reviewing, recommending, approving, and administering the assigned contracts.

Description of Work - Specifics

The General Program Responsibilities include monitoring all phases of project development (design, permitting, right-of-way acquisition, construction, procurement); maintaining records to include final project closeout; the provision of information to the public and stakeholders; periodic progress reporting, limited financial oversight; performing design, constructability, and/or value engineering reviews; assist in regional planning and coordination process.

These services are further defined as follows:

Task 1 – Financial Tracking/Reporting

The County shall perform the overall financial tracking and reporting of the projects/programs as required by state law. The PM team shall develop procedures for monitoring project design, right-of-way, and construction budgets. This will include:

- Standardized invoice approval template
- Overall program and project specific budget summary, included in quarterly/monthly report
- Project Budget Baselines

The initial project budget baselines are established in various guiding documents. The budgets would be updated, as needed, based on current project-specific scope of services to account for inflation, changes within a project's boundary such as new developments which could impact right of way acquisition, etc. PM team shall prepare updated opinions of probable project costs for assigned projects. These project costs shall be developed from conceptual plans created by the PM team and/or conceptual plans (CADD files) created by others. The project costs would include design, construction, right-of-way acquisition, and utility relocation. These new project costs will create the budget baselines. The new baseline will determine if the overall project's fiscally-constrained budget is sufficient to complete all components. Should the new baseline exceed the project's fiscally-constrained budget, the PM team would coordinate with the County on the implementation of the project's development processes to determine the best path forward.

Task 2 – Project Prioritization/Funding Solutions

It is assumed the County will prioritize projects for implementation and the projects would be prioritized within their categories such as:

- | | |
|--------------------------|----------------------------|
| • Bicycle and Pedestrian | • Intersection/Turn Lanes |
| • Dirt Roads | • Access Management |
| • Resurfacing | • Widenings/Parallel Roads |
| • Dirt Road Improvements | • Marine |
| • ITS/Traffic Signals | • Transit |

The projects could also be prioritized based on their funding source. For some categories, like bicycle and pedestrian improvements, there is no defined funding source. Other categories, while there may be a funding source, there are insufficient funds to complete all projects. This will require multiple sources such as, but not limited to:

Source	Description
Local Funds	Accommodations tax, Hospitality tax, special tax district
Federal Funds	LATS MPO/Lowcountry COG (Regional Mobility Program), SCDOT Programs: safety, enhancement, potential Infrastructure Investment and Jobs Act
Grants	CDBG, RAISE, foundation, ARPA
Sales Tax Program	Transportation Sales Tax/Capital Projects Sales Tax and Local Option Sales Tax
SC State Infrastructure Bank	State funds solicited typically for large/mega projects

The Transportation Program's size is dependent upon its funding sources. J. Bragg Consulting, in association with Ron M. Joye, LLC, would assist the County in preparing applications and coordinating the pursuit of additional funds to implement projects.

Ron M. Joye will serve as the funding liaison. This will involve coordination with various entities for grants and other opportunities such as:

- SCDOT – Safety, Enhancement, Discretionary
- SC Department of Commerce – CDBG
- SC State Transportation Infrastructure Bank (SIB)
- General Assembly State Grants Coordinator
- Regional Mobility Program
- SC Parks, Recreation, Tourism (SCPRT) – Recreational Trails Program
- Federal Aviation Administration
- Federal Highway Administration
- United States Department of Agriculture (USDA)

The pursuit of additional funding sources will require meeting with the various organizations to guide the County and team on which grant would be most appropriate for a specific project or groups of projects. This may also include meetings with members of the state and federal legislature. It may also require meetings with other local jurisdictions such as Jasper County and City of Hardeeville as some projects cross the County's boundary.

J. Bragg Consulting, along with Ron M. Joye, understand the benefits of sales tax programs. Should the County choose to pursue another program or programs, the team will assist the County in the efforts to educate the public on the needs and benefits of capitalizing on the tourism industry to assist in funding the local improvements. This may also involve coordinating with local proponents (i.e. Chamber of Commerce, School Board, hospital association, and other stakeholders) to market for the sales tax program(s). If the program passes, this would yield a long-term solution to implement projects.

Task 3 – Consultant/Contractor Management

The PM team shall manage consultant contracts and assist in management of construction contractors. The PM team shall be provided a copy of the design and construction contracts. The PM team will oversee all aspects of the contracts to verify the consultant/contractor is completing all services on-time and within budget. It is assumed the County will select the following consultant teams:

- Design – 5
- Construction Engineering & Inspection (CEI) – 3
- Right of Way Acquisition – 3
- Traffic – 3

The County would manage the Right of Way Acquisition and Traffic consultant teams with the PM team managing design and CEI consultant teams. The PM team would also assist in assigning projects to the design, right of way, CEI, and traffic on-call consultant teams to equitably distribute the work.

Task 4 – Right-of-Way Acquisition Services

The County is currently using an attorney to perform right-of-way acquisition services, and for future acquisition services, may advertise and select right-of-way acquisition teams. The PM team is not responsible for performing right-of-way acquisition services. The PM team would assist the County's agent for engineering expertise during property owner negotiations and would assist, as needed, with the management of the overall acquisition contract.

Should a tract proceed to the eminent domain (condemnation) process, the PM team will not provide expert witness testimony as part of the Program Management services.

Task 5 – Public Relations/Involvement and Program Reporting

The PM team will assist the County in the overall public involvement/relations and program reporting. This will entail:

- Website
The County has information on their existing website in multiple locations, but it has been discussed to develop a capital improvements project webpage/database to include: project categories (transportation, stormwater, public works, etc.), interactive map, high-level schedule, project description, budget, funding source, etc. The PM team would assist in the development of content and will provide information to the County updates, or if granted access, the PM team could update the content.
- Monthly/Quarterly Reports
The PM team will develop a template for program reporting. This template would include overall program summary and project specific summaries. The report would be developed, at a minimum, on a quarterly basis, but could be monthly. A detailed summary would be provided to the County and other designated stakeholders. The report would include information on budgets, schedules, design/right-of-way/construction details and other pertinent information.

Project highlights summary would be created. This information would be provided to the County for inclusion on the website.

The County staff is also providing quarterly updates during Council meetings. The PM team will assist County staff for the updates.

- **Public Meetings**

Project specific public meetings will be held – virtual and/or traditional. The consultant team(s) will prepare the displays and other meeting materials. The PM team shall review all items. If traditional meetings, the PM team shall attend the meetings as a representative of the County. The PM team would develop project-specific public meeting webpages. These would be hosted on the County’s website. Also, the PM team could prepare a summary and recommendation for each meeting and responses to comments.

The County will conduct other stakeholder meetings (HOA, Rotary Clubs, etc.). The PM team may or may not attend/assist. The PM team may be involved with the content for the meetings.

- **Project Tracking/Schedule**

The project tracking/schedules will be included in the reports. The schedules shall be updated monthly, at a minimum.

- **Media Information**

The PM team shall develop and provide media advertisement/announcements to the County. The County shall provide advertisements/announcements to the media. The PM team will not have direct communication with the media on the County’s behalf.

Task 6 – Procurement Process

The PM team shall assist the County in its procurement process. This includes:

- Professional Services – Develop RFQ/RFP’s, Review of submittals, Assist in interviews, Recommend selection of consultant, and Negotiate of Contract
- Construction Services – Develop bid documents, Assist in Pre-bid meeting, Review and Analyze bids, Prepare recommendation of most responsive, responsible low bidder

Task 7 – Project Reviews

The PM team shall perform design review, constructability reviews and/or value engineering reviews. The reviews will be performed by J. Bragg.

If a review requires a service (i.e. traffic modeling) outside of the expertise of J. Bragg, this would be discussed with the County and could require a contract modification to perform the service or the County may choose to use one of the on-call traffic consultants.

Task 8 – Program Database

J. Bragg shall provide a program folder for access to the County’s program representatives. This folder shall maintain all files for the overall program and projects. The PM team along with the County will collaborate on the folder format for the program. The file structure shall be established and maintained.

Beaufort County Program Management	Overhead	110%
Transportation Program	Profit	10%
5-year contract, Fees for Year 1	Combined Multiplier	2.31

	Program Manager	Asst. Program Manager	Senior Engineer*	Marketing Coordinator	Total Labor Costs	Total Costs
	\$ 75.00	\$ 70.00	\$ 60.00	\$ 30.00		
Year 1 - February 1, 2022 - January 31, 2023	416	832	416	520	\$ 130,000.00	\$ 300,300.00
Non-salary direct expenses						\$ 25,309.40
Subtotal J. Bragg Consulting, Inc.						\$ 325,609.40
Ron M. Joye, LLC						\$ 84,588.08
Total Cost Plus Not to Exceed						\$ 410,197.48

*Senior Engineer would be involved with reviews and other duties as needed - hours shown are assistance from 2 engineers, 25% utilization for each

The above hours are a budget and assumes the team would be engaged in managing and overseeing multiple projects assigned to 5 design consultant teams and 3 CEI consultant teams as well as monitoring contractors and other consultant teams as needed.

Non-salary Direct Expenses

Description	Quantity	Units	Unit Cost	Total
Mileage - current federal rate*	17640	Miles	\$ 0.585	\$ 10,319.40
Postage - current federal rate	6000	Shipment	\$ 0.58	\$ 3,480.00
Prints - full size	1000	pages	\$ 2.40	\$ 2,400.00
Prints - letter**	30400	pages	\$ 0.20	\$ 6,080.00
Per diem without overnight stay	48	meals	\$ 35.00	\$ 1,680.00
Per diem with overnight stay	6	meals	\$ 75.00	\$ 450.00
Hotel	6	night	\$ 150.00	\$ 900.00
				\$ 25,309.40

*current federal rate will fluctuate based on the rate for the year

Postage includes general mailing and mailings for public meetings

**This assumes hard copy program reports are provided. If electronic, this would be reduced.

Beaufort County Program Management	Overhead	110%
Transportation Program	Profit	10%
5-year contract, Fees for Year 1	Combined Multiplier	2.31

Ron M. Joye, LLC	Funding Liason	Total Labor Costs	Total Costs
	\$ 110.00		
Year 1 - February 1, 2022 - January 31, 2023	260	\$ 28,600.00	\$ 66,066.00
Non-salary direct expenses			\$ 18,522.08
Total Cost Plus Not to Exceed			\$ 84,588.08

Non-salary Direct Expenses

Description	Quantity	Units	Unit Cost	Total
Mileage - current federal rate	16448	Miles	\$ 0.585	\$ 9,622.08
Per diem (lunch)	36	Meals	\$ 50.00	\$ 1,800.00
Per diem (dinner)	36	Meals	\$ 150.00	\$ 5,400.00
Hotel	8	Night	\$ 150.00	\$ 1,200.00
Airline	1	Flight	\$ 500.00	\$ 500.00
				\$ 18,522.08

Notes:

1. Mileage - This assumes trips for meetings with Beaufort County and others in the area. It also assumes meetings with others throughout the state such as SIB Chairman/Members, SCDOT Commission, State/Federal representatives, other state agencies, etc.
2. Per diem (lunch and dinner) would be based on actual receipt. This is a budget and assumes a meeting with 1 other person.
3. Hotel would be based on actual receipt.
4. Airline assumes a potential trip to Washington DC to meet with federal legislatures, if needed.

Transportation Program Management

RFQ#111921E

Evaluation Score Sheet

Evaluators	Conсор	HDR	J.Bragg	Cranston	SEPI	Michael Baker
Andrea Atherton	91	95	97	69	94	83
Neil Desai	80	87	90	74	84	85
Brittanee Fields	83	94	97	72	94	77
Juliana Smith	85	100	95	95	90	90
Dave Wilhelm	75	86	95	93	93	59
Totals	414	462	474	403	455	394

J.Bragg	474	1
HDR	462	2
SEPI	455	3
Conсор	414	4
Cranston	403	5
Michael Baker	394	6

Program Management Services for Transportation Projects				
RFQ 111921E				
Summary Score Sheet				
Evaluators	Name of Company	Name of Company	Name of Company	
	<u>J. Bragg</u>	<u>HDR</u>	<u>SEPI</u>	
Atherton	99	95	92	
Wilhelm	95	90	93	
Desai	90	87	84	
Fields	98	93	89	
Smith	97	98	75	
TOTALS:	479	463	433	
1. J. Bragg	479			
2. HDR	463			
3. SEPI	433			



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
APPOINTMENT OF JOHN SCHARTNER TO THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE FOR A FIRST TERM WITH AN EXPIRATION DATE OF 2026
MEETING NAME AND DATE:
COUNTY COUNCIL JANUARY 24, 2022
PRESENTER INFORMATION:
ITEM BACKGROUND:
PUBLIC FACILITIES COMMITTEE VOTED TO APPROVE JOHN SHCARTNER AT THE NOVEMBER 2021 MEETING
PROJECT / ITEM NARRATIVE:
FISCAL IMPACT:
STAFF RECOMMENDATIONS TO COUNCIL:
STAFF RECOMMENDS THE APPOINTMENT OF JOHN SCHARTNER TO THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE FOR A FIRST TERM WITH AN EXPIRATION DATE OF 2026
OPTIONS FOR COUNCIL MOTION:

Assessment Appeals

Beaufort County Transportation

Beaufort -Jasper Economic Opportunity

Beaufort -Jasper Water & Sewer

Beaufort Memorial Hospital

Bluffton Township Fire

Burton Fire

Coastal Zone Management Appellate (inactive)

Construction Adjustments and Appeals

Daufuskie Fire

Design Review

DSN

Economic Development Corporation

Forestry (inactive)

Historic Preservation Review

Keep Beaufort County Beautiful

Lady's Island / St. Helena Island Fire

Library

Lowcountry Council of Governments

Lowcountry Regional Transportation Authority

2

Parks and Recreation

Planning *

Rural and Critical Lands Preservation

Sheldon Fire

Social Services (inactive)

Solid Waste and Recycling

Southern Beaufort County Corridor Beautification

Stormwater Management Utility

Zoning

**Beaufort County Planning Commission
Supplemental Application Questionnaire**

This questionnaire will assist the County Council in assessing your qualifications and experience for the Planning Commission vacancy.

Please explain why you want to serve on the Planning Commission.

What qualifications, experience and expertise make you a good candidate for the Planning Commission?

What role do you feel the Planning Commission plays in making Beaufort County a desirable community in which to live and work?

What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

Item 8.

Attachments



resume.docx



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John Schartner

Resume

1983-2005: Owner resort dive center and hotel management, Antigua, West Indies.

2005-2009: Front Desk operations- Guest services Melrose Resort, Daufuskie Island, South Carolina.

2009-present day: Guest Services, Marine Transportation ferry operations.

Social activities: Daufuskie Island Council member 2010- present day currently Vice Chairman



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
APPOINTMENT OF FORD BARTHOLOW TO THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD FOR A FIRST-TERM WITH AN EXPIRATION DATE OF 2026
MEETING NAME AND DATE:
PRESENTER INFORMATION:
ITEM BACKGROUND:
PUBLIC FACILITIES COMMITTEE VOTED TO APPROVE FORD BARTHOLOW AT THE JANUARY 2022 MEETING
PROJECT / ITEM NARRATIVE:
FISCAL IMPACT:
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
STAFF RECOMMENDS THE APPOINTMENT OF FORD BARTHOLOW (DISTRICT 9) TO THE KEEP BEAUFORT COUNTY BEAUTIFUL BOARD AS A REPRESENTATIVE FOR DISTRICT 7 FOR A FIRST-TERM WITH AN EXPIRATION DATE OF 2026

Beaufort County Boards/Commissions Application

Date

01/11/2022

Name

Ford S. Bartholow

Beaufort County Voter Registration Number

[REDACTED]

Occupation

Business Owner

Phone (Home)

[REDACTED]

Phone (Office)

[REDACTED]

Email

drewfsb@comcast.net

Home Address

[REDACTED]

City

Bluffton

State

SC

Zip Code

29910

Mailing Address

[REDACTED]

City

Bluffton

State

SC

Zip Code

29910

District

9

Ethnicity

Caucasian

Presently Serving on a Board/Agency/Commission/Authority or Committee?

Yes No

If Yes, what is the name of the board and when does term expire?

Rural and Critical Lands

BOARDS AND COMMISSIONS

Top Three Priorities: Please indicate by placing a "1", "2", or "3" alongside your choices.

Accommodations Tax (2% State)

Airports

Alcohol and Drug Abuse

Assessment Appeals

Beaufort County Transportation

Beaufort -Jasper Economic Opportunity

Beaufort -Jasper Water & Sewer

Beaufort Memorial Hospital

Bluffton Township Fire

Burton Fire

Coastal Zone Management Appellate (inactive)

Construction Adjustments and Appeals

Daufuskie Fire

Design Review

DSN

Economic Development Corporation

Forestry (inactive)

Historic Preservation Review

Keep Beaufort County Beautiful

Lady's Island / St. Helena Island Fire

Library

Lowcountry Council of Governments

Lowcountry Regional Transportation Authority

Parks and Recreation

Planning *

Rural and Critical Lands Preservation

Sheldon Fire

Social Services (inactive)

Solid Waste and Recycling

Southern Beaufort County Corridor Beautification

Stormwater Management Utility

Zoning

**Beaufort County Planning Commission
Supplemental Application Questionnaire**

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What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

Item 9.

Attachments



fsb resume.pdf



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Ford S. Bartholow

Bluffton, SC 29910
(847) 687-3645

- Experience** **12/05-present** **Longview Capital Partners, LLC**
Managing Partner
Private equity and corporate finance entity focusing on industrial and consumer product manufacturing enterprises. The firm's core competency is on operational excellence, cash cycle maximization and profitable growth.
- 4/99-12/05** **George K. Baum Merchant Banc, LLC** **Kansas City, Missouri**
Senior Managing Director
Co-Managing Partner of two private equity funds with approximately \$120 million Past board member of 14 privately-held companies and current board member of one privately-held company.
- 1994-1998** **Bank of America Capital Partners** **Chicago, Illinois**
Managing Director
Senior partner in one of Bank of America Securities' private equity partnerships, investing \$425 million in 45 privately-held companies
- 1987-1993** **Continental Bank NA** **Chicago, Illinois**
Managing Director, Capital Markets Group
Senior partner in one of Continental Bank's private equity partnerships. Prior to that position, was a corporate finance advisor to Continental Bank's clients in capital raising efforts.
- 1982-1987** **Arthur Andersen & Co.** **Chicago, Illinois**
Manager- Tax Division
Corporate merger and acquisition tax work, high net worth individual, partnership and family tax planning
- Education** **1983-1986** **Northwestern University** **Evanston, Illinois**
J.L. Kellogg Graduate School of Management- Masters of Business Administration
- 1978-1982** **University of Virginia** **Charlottesville, Virginia**
Bachelor of Science- Accounting
- Certified Public Accountant- State of Illinois**
Series 7 Examination
Accounting Mentor – new minority MBAs – Continental Bank NA
Asst. Coach – First Tee of the Low Country
Volunteer – South Carolina Adopt-a-Highway Program
Volunteer coach – grade school and high school basketball and football teams