



**County Council of
Beaufort County
Natural Resources
Committee Meeting**

Chairman
ALICE HOWARD

Vice Chairman
GERALD DAWSON

Council Members
MICHAEL E. COVERT
YORK GLOVER, SR.
CHRIS HERVOCHON

County Administrator
ASHLEY M. JACOBS

Clerk to Council
SARAH W. BROCK

Staff Support
ERIC GREENWAY
EBONY SANDERS
DAN MORGAN

Administration Building
Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
(843) 255-2180
www.beaufortcountysc.gov

Natural Resources Committee Agenda

Monday, July 13, 2020 at 2:00 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

THIS MEETING WILL BE CLOSED TO THE PUBLIC. CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
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

DISCUSSION/ACTION ITEMS

5. CONSIDERATION OF AN ORDINANCE REGARDING AN AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT
6. CONSIDERATION OF A RESOLUTION REGARDING THE OKATIE RIVER IMPROVEMENT DISTRICT

BOARDS AND COMMISSIONS

7. CONSIDERATION OF APPOINTING ROB McFEE TO THE BEAUFORT JASPER WATER AND SEWER AUTHORITY

CITIZEN COMMENTS

8. CITIZEN COMMENTS (*Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment*)
9. ADJOURNMENT



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

Committee:

Natural Resources Committee

Meeting Date:

July 13, 2020 @ 2:00PM

Committee Presenter (Name and Title):

Eric Greenway, Planning and Zoning Director

Issues for Consideration:

The proposed DA Amendment amends and restates certain sections of the original Development Agreement in order to more clearly detail each party's obligations and rights as far as the construction of Graves and the Park Access Road are concerned as well as clarifying the details associated with creation of the Improvement District.

Points to Consider:

Does the County Council desire to adopt the amended Development Agreement?

Does the County Council agree to use the Improvement District to cover the fees paid by the owner to establish the district? The original DA stated that the owner has agreed for the County to be able establish the improvement district which may have implied the county would assume the costs for creating the district.

Funding & Liability Factors:

1.1 million per year until the County has fully reimbursed the owner. It is assumed the funding the source will be TAG revenue but that will be more fully determined in each budget cycle.

Council Options:

Adopt the amended Development Agreement. Deny the adoption of the amended Development Agreement. The original obligations will still be in effect

Recommendation:

Staff, based on the property owner's /developer's need for a more specific commitment, for financing purposes, regarding the County's desire to pursue the funding of the improvements and the need for more specificity to the details of the Neighborhood Improvement District recommends that the resolution be adopted by the County Council.

AN ORDINANCE

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, public-private partnership¹ 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

¹ See Section IV.D. of the Development Agreement.

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

SECTION 1. 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 ____ day of _____, 2020.

BEAUFORT COUNTY, SOUTH CAROLINA

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

[SEAL]

Attest:

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

First Reading: June 8, 2020
Second Reading: _____, 2020
Public Hearing: _____, 2020
Third Reading: _____, 2020

[EXHIBIT A FOLLOWS ON NEXT PAGE]

EXHIBIT A

AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK
JOINT DEVELOPMENT AGREEMENT

STATE OF SOUTH CAROLINA)
) CERTIFIED COPY OF ORDINANCE NO. _____
COUNTY OF BEAUFORT)

I, the undersigned, being the duly qualified and acting Clerk to County Council of Beaufort County, South Carolina (the "County"), do hereby certify that attached hereto is a copy of Ordinance No. _____ enacted by the County Council of the County at a meeting duly called and held on _____, 2020, at which a quorum was present and acting throughout, which Ordinance has been compared by me with the original thereof, and that such copy is a true, correct and complete copy thereof, and that such Ordinance has been duly enacted, including the required number of readings, and has not been modified, amended or repealed and is in full force and effect on and as of the date hereof in the form attached hereto.

In witness whereof, I have hereunto set my hand as of the ___ day of _____, 2020.

Sarah Brock, Clerk to Beaufort County Council,
Beaufort County, South Carolina



 BEAUFORT COUNTY COUNCIL

Agenda Item Summary
Item Title:

OKATIE RIVER IMPROVEMENT DISTRICT

Committee:

Natural Resources

Meeting Date:

July 13, 2020 @2:00PM

Committee Presenter (Name and Title):

Eric Greenway, Planning and Zoning Director

Issues for Consideration:

The proposed resolution lays out the commitment by Beaufort County for setting up the Graves/Pepperhall Neighborhood Improvement District. This resolution specifies the acreage, the covered improvements, the proposed time schedule for adoption, the projected cost of improvements, and the basis for the established rates.

Points to Consider:

Does the County Council desire to adopt the resolution in order to affirm its commitment to the items agreed upon in the Development Agreement?

Does the County Council agree with the costs associated with the covered improvements and the amount to be recouped, over time, from the district? Projected costs of improvements is \$3,700,000 and the County will recoup \$2,400,000 over the life of the district.

Funding & Liability Factors:

County will fund approximately 3,700,000.00 for the proposed improvements. It is believed the funding source will be TAG fees but this will be determined within each budget cycle.

Council Options:

Adopt the resolution.

Deny the adoption of the resolution (Development Agreement obligations are still in effect).

Recommendation:

Staff, based on the property owner's /developer's need for a more specific commitment, for financing purposes, regarding the County's desire to pursue the funding of the improvements and more specificity to the details of the Neighborhood Improvement District recommends that the resolution be adopted by the County Council.

RESOLUTION NO. ____

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

BE IT RESOLVED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Findings and Determinations.

The County Council (the “Council”) of Beaufort County, South Carolina (the “County”), hereby finds and determines:

(a) The County is a political subdivision of the State of South Carolina (the “State”), and as such, possesses certain powers granted by the Constitution and general laws of the State.

(b) Pursuant to Title 4, Chapter 35, Code of Laws of South Carolina 1976, as amended (the “Act”), the counties of the State are vested with all powers consistent with the Constitution necessary, useful, and desirable to affect improvements within an improvement district, to increase property values, prevent depreciation of property values and preserve and increase their tax bases.

(c) An “improvement plan” (within the meaning of Section 4-35-30(4) of the Act), entitled “Okatie River Improvement Plan” (the “Improvement Plan”), has been prepared and presented to the Council, which such Improvement Plan, among other things, contemplates the creation of an “improvement district” (within the meaning of Section 4-35-30(3) of the Act) to be known as the Okatie River Improvement District (the “Improvement District”). A copy of the Improvement Plan, which may be amended or supplemented from time to time, is attached hereto as Exhibit A and incorporated herein by reference and available for review in the office of the County Attorney. The Improvement Plan contemplates the provision of approximately \$3,700,000 of improvements to the Improvement District, as more particularly described therein and below (collectively, the “Improvements”), which such improvements constitute “improvements” (within the meaning of Section 4-35-30(2) of the Act).

(d) The Council finds that (1) the Improvements may be beneficial within the designated Improvement District, (2) the Improvements are likely to significantly improve property values within the Improvement District by promoting the development of the property, (3) it would be fair and equitable to fund all or part of the cost of the Improvements by an assessment upon the real property located within the Improvement District, and (4) written consent for the creation of the Improvement District from majority of the owners of real property within the Improvement District having an aggregate assessed value in excess of sixty-six percent of the assessed value of all real property within the Improvement District will be obtained prior to the establishment of the District.

(e) Pursuant to the Act, the Council may establish the Improvement District and implement and finance, in whole or in part, the Improvement Plan in the Improvement District in accordance with the provisions of the Act.

(f) In accordance with the requirements of Section 4-35-70 of the Act, Council hereby directs and authorizes the publication of this resolution and the establishment of the time and place of a public hearing concerning the Improvement Plan.

It is now necessary and in the best interest of the health, safety, and general welfare of the citizens of the County that the Improvement District and Improvement Plan be described and the other requirements of the Act be met through adoption and publication of this resolution.

Section 2. Description of Improvement District.

The Improvement District shall consist of approximately seventy-six and fifty-eight hundredths (76.58) acres of mixed-use development consisting of proposed commercial and residential land uses. The Improvement District shall consist of the real property and bordering roads and highway as set forth in the Improvement Plan. The property is located in Beaufort County north of U.S. Highway 278 and is generally bordered by Graves Road, Brannan Point Road and other parcels of real property to the north and northeast, and the proposed Okatie River Park and other parcels of real property to the west.

Section 3. Description of Improvements.

Subject to the terms set forth in the Improvement Plan, the Council finds that the future development within the Improvement District requires the acquisition and /or construction of the Improvements, including but not limited to the following:

a) Primary Park Access Road infrastructure, including sidewalks, street trees, landscaping, street signage and storm water drainage assets; and

b) Graves Road infrastructure, including upgrades to the existing form of this road, from Highway 278 to the northern entrance to the District, including turn lanes off

of Highway 278 onto Graves Road, sidewalks, street trees, landscaping, street signage and storm water drainage assets;

all as described and more particularly identified in the Improvement Plan.

Section 4. Time Schedule for Plan.

The County projects that the Improvements will be constructed and/or acquired within three (3) years from the effective date of an amendment to the Pepper Hall and Okatie River Park Development Agreement.

Section 5. Estimated Cost of Improvements; Amount to be Derived from Assessments.

The total estimated cost of all of the potential Improvements is approximately \$3,700,000 and that such costs will be funded, in part, by “assessments” (within the meaning of Section 4-35-30(1) of the Act) on all real property in the Improvement District benefiting from the Improvements (“Assessments”). It is expected that the Assessments will be set to fund \$2,400,000 of the cost of the Improvements plus the establishment and administrative costs of the Improvement District.

Section 6. Basis for the Rates of Assessment to be Imposed Within the Improvement District.

Assessments shall be imposed upon parcels of real property in the Improvement District based upon the parcel’s expected development use, the estimated benefit of the Improvements to the parcel and the value of the Improvements, according to the procedures set forth in an assessment roll, a Rate and Method of Apportionment of Assessments, and an assessment report, which shall establish an assessment allocation methodology which fairly reflects the benefits derived from the Improvements.

The total of the Assessments shall equal \$2,400,000 plus the establishment administrative costs of the County related to allocating, billing and collecting and any other administrative costs related to the Improvement District. Upon the subdivision of any parcel, the total Assessment allocated to that parcel prior to the subdivision shall be allocated to the parcels resulting from the subdivision in accordance with the established assessment allocation methodology. The Assessments on the parent parcel prior to the subdivision shall equal the sum of the Assessments on the resulting parcels after the subdivision of the parent parcel.

An Assessment shall not be imposed upon property within the boundaries of the Improvement District that does not receive a benefit from the Improvements. An Assessment shall not be imposed upon property outside the boundaries of the Improvement District. Assessments shall also not be imposed on any property purchased or otherwise acquired by a public entity.

Section 7. Public Hearing.

The Council hereby establishes _____, 2020, as the date of the public hearing to be held in accordance with the provisions of Section 4-35-70 of the Act. Such public hearing shall be held at 6:00 p.m., in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, S.C., or at such other location in or around the complex posted at the main entrance. At the public hearing and at such adjournment of it, all interested persons may be heard either in person or by their designees.

Section 8. Public Notice.

Pursuant to Section 4-35-70 of the Act, the Council hereby authorizes the publication of this Resolution in its entirety once a week for three successive weeks in a newspaper of general circulation within the County, with the final publication to occur not less than 10 days prior to the public hearing to be held _____.

DONE THIS _____ DAY OF _____, 2020.

Joseph F. Passiment, Jr., Chairman
Beaufort County Council

ATTEST:

Clerk to Council

APPROVED AS TO FORM:

County Attorney

EXHIBIT A
OKATIE RIVER IMPROVEMENT PLAN



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Appointment to Beaufort Jasper Water and Sewer Authority

Committee:

Natural Resources Committee

Meeting Date:

July 13, 2020

Committee Presenter (Name and Title):

Issues for Consideration:

Appointment for Robert McFee

Points to Consider:

Funding & Liability Factors:

Council Options:

Approve, Modify or Reject

Recommendation:



COUNTY COUNCIL OF BEAUFORT COUNTY
County Boards, Agencies, Commissions, Authorities and Committees



County Council of Beaufort County selects citizens for service on Council appointed Boards, Agencies, Commissions, Authorities and Committees from a roster of individuals who have either volunteered or have been recommended for appointment. The Clerk to Council uses this form to keep an up-to-date roster of volunteers and to provide Council basic information about each volunteer.

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

BOARDS AND COMMISSIONS

- Accommodations Tax (2% State)
- Airports
- Alcohol and Drug Abuse
- Assessment Appeals
- 1 Beaufort County Transportation
- Beaufort-Jasper Economic Opportunity
- 2 Beaufort-Jasper Water & Sewer
- 3 Beaufort Memorial Hospital
- Bluffton Township Fire
- Burton Fire
- Coastal Zone Management Appellate (inactive)
- Construction Adjustments and Appeals
- Daufuskie Island Fire
- Design Review
- Disabilities and Special Needs
- 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

DATE: 6.8.2020 NAME: [REDACTED]

BEAUFORT COUNTY VOTER REGISTRATION NUMBER: [REDACTED]

OCCUPATION: Civil Engineer

TELEPHONE: (Home) [REDACTED] (Office) [REDACTED] EMAIL: [REDACTED]

HOME ADDRESS: [REDACTED] STATE: sc ZIP CODE: [REDACTED]

MAILING ADDRESS: Same STATE: sc ZIP CODE: [REDACTED]

COUNTY COUNCIL DISTRICT: 1 2 3 4 5 6 7 8 9 10 11

ETHNICITY: Caucasian African American Other

Are you 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?

- Please return completed form and a brief resume' either Email or U.S. Mail:
 - Email: boardsandcommissions@bcgov.net
 - U.S. Mail: Clerk to Council, County Council of Beaufort County, P.O. Drawer 1228, Beaufort, SC 29901
- Applications without a brief resume' cannot be considered.
- Applications will be held three (3) years for consideration.
- All information contained on this application is subject to public disclosure.

YOU MUST BE A BEAUFORT COUNTY REGISTERED VOTER TO APPLY
YOU MUST ATTACH YOUR RESUME' WITH THIS APPLICATION TO BE CONSIDERED

An incomplete application will be returned

* Anyone submitting an application to serve on the Planning Commission must fill out the questionnaire on page 2.

Applicant's Signature:

**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.

Home: [REDACTED] - Cell: [REDACTED] - [REDACTED]

WORK HISTORY

09/2014 to 03/2020

Division Director, Engineering, Construction and Facilities

Beaufort County – Beaufort, South Carolina

- Served as a member of Management team, making large-scale strategic decisions regarding program budgets, financial feasibility, transparency, scope of county services and contracts based on state law, adopted plans and policy directives of County Council and MPO
- Actively initiated and led planning coordination and collaboration with diverse communities and municipal governments for land use, parks, economic development and other infrastructure.
- Successfully delivered over \$470 million capital and recurring program obligations since 2010.
- Have ensured Division compliance with all applicable codes, comprehensive plans, laws and financial reporting standards for all Division programs
- Secured over \$62 million in competitive grants for infrastructure improvements
- I prepared, and/or approve/evaluated solicitations, contracts, employee actions, financial data, department budgets, Intergovernmental Agreements, Development Agreements, Memorandums of Understanding, ROW acquisitions, executive summaries, audits and other documents/studies submitted to or presented to County Council/Commissions/Advisory boards as well as State and Federal agencies. Coordinate with federal, state and local elected officials.

08/2008 to 09/2014

Director of Public Services

Beaufort County – Beaufort, South Carolina

- Supervised all operations of Public Works, Airports, Facilities, Grounds, Solid Waste, Engineering, Traffic Engineering, Stormwater Utility and county One cent transportation referendum program for one of the fastest growing counties in the US.
- Participated in audits and grant programs for all departments and policy initiatives.
- Increased staff productivity by 28% and reduced staffing levels and project costs by implementing innovative project delivery methods and value engineering.
- Collaborated with municipalities on renewable energy projects resulting in savings of over 30%
- Implemented energy conservation building designs reducing facility energy costs in new or repurposed facilities by over 35%

03/1987 to 08/2008

Resident Engineer/Project Coordinator

SCDOT

Served in numerous capacities ultimately acting as the primary representative of the SCDOT across a 3 county region containing over 430,000 residents and 11 jurisdictions

- Collaborated with members of the city planning staffs, engineering, utilities, other public agencies and private organizations. Improved project delivery and minimized disruption via coordination
- Developed annual personnel budget and expenditure plans
- Assisted in planning and execution of major infrastructure projects
- Duties included responsibility for all personnel actions, unit planning and budgeting
- Fostered a climate of collaboration between the general public, local municipalities, the SCDOT and legislative delegation members to better address citizens' complaints and requests for information and services

Past Chairman of numerous Boards and Committees including Lady's Island Business and Professional Association, Beaufort Jasper Utility Coordination Committee, Technical Advisory Committee for the Technical College of the Lowcountry, LCOG Technical advisory Committee and Fallen Officers Memorial Beaufort County

EDUCATION

BS Civil Engineering

University of South Carolina – Columbia, South Carolina

Registered Professional Engineer

Masters Public Administration

Keller Graduate School of Management—Atlanta, Georgia