



County Council Meeting Beaufort County, SC

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

**Monday, October 03, 2022
6:00 PM**

AGENDA

COUNCIL MEMBERS:

JOSEPH F. PASSIMENT, CHAIRMAN	D. PAUL SOMMERVILLE, VICE-CHAIRMAN
LOGAN CUNNINGHAM	GERALD DAWSON
BRIAN FLEWELLING	YORK GLOVER
CHRIS HERVOCHON	ALICE HOWARD
MARK LAWSON	LAWRENCE MCELYNN
STU RODMAN	

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION - COUNCIL MEMBER ALICE HOWARD
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 - SEPTEMBER 12, 2022 & SEPTEMBER 26, 2022
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. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS
Vote at First Reading on September 12, 2022: 7/3
Vote at Second Reading on September 26, 2022: 7/4
11. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR FISCAL YEAR 2022 CARRYOVERS, USE OF FUND BALANCE FOR PROPERTY ACQUISITION AND TRANSPORTATION PROJECTS, AND THE USE OF CURRENT YEAR FUNDS FOR CAPITAL PROJECTS AND EQUIPMENT PURCHASES, DEFEASE/REFUND GENERAL OBLIGATION BONDS, AND OTHER MATTERS RELATED THERETO
Vote at First Reading on September 26, 2022: 11/0
12. SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE SALE OF COUNTY OWNED REAL PROPERTIES IDENTIFIED AS 1407 KING STREET AND 600 WILMINGTON STREET, CITY OF BEAUFORT
Vote at First Reading on September 26, 2022: 9/2
(public hearing to be held on October 24, 2022)
13. SECOND READING READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, DIVISION 2, SECTION 2-619 TO REQUIRE A PROPERTY IDENTIFICATION NUMBER ON QUIT CLAIM DEEDS
Vote at First Reading on September 26, 2022: 10/1
(public hearing to be held on October 24, 2022)
14. SECOND READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR DISTRIBUTIONS FROM MYRTLE PARK PHASE II FUND AND OTHER MATTERS RELATED THERETO. *(FISCAL IMPACT: Beaufort County put a substantial amount of capital into this project \$828,576. Staff feels that the County should be reimbursed for its investment in the property)*
Vote at First Reading on September 26, 2022: 11/0
(public hearing to be held on October 24, 2022)
15. SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN EXCHANGE, PURCHASE AND/OR SALE AGREEMENT WITH THE TOWN OF HILTON HEAD ISLAND FOR THE SALE AND PURCHASE OF REAL PROPERTY CONSISTING OF 68 HELMSMAN WAY, 43 JENKINS ROAD, 70 BAYGALL ROAD, AND 152 WILLIAM HILTON PARKWAY
Vote at First Reading on September 26, 2022: 11/0
(public hearing to be held on October 24, 2022)
16. SECOND READING OF AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO
Vote at First Reading on September 26, 2022: 11/0
(public hearing to be held on October 24, 2022)

- [17.](#) FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE BEAUFORT COUNTY PROCUREMENT CODE, DIVISION 4, SECTION 2-509, AUTHORITY AND DUTIES OF PURCHASING DIRECTOR AND THE CHIEF FINANCIAL OFFICER
 - [18.](#) FIRST READING OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE II, SECTION 2-28 REGARDING COUNCIL SALARIES
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CITIZEN COMMENTS

- 19. **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)**
- 20. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Executive Committee

1. THIRD READING OF AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

Vote at First Reading on September 12, 2022: 10/0

Vote at Second Reading on September 26, 2022: 11/0

Items Originating from the Natural Resources Committee

2. THIRD READING OF AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

Vote at First Reading on September 12, 2022: 9/1

Vote at Second Reading on September 26, 2022: 11/0

3. THIRD READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.330 (ECOTOURISM) TO CLARIFY GUIDING PRINCIPLES FOR ECOTOURISM DEVELOPMENT AND ESTABLISH BASE SITE AREA CALCULATIONS FOR ECOTOURISM DEVELOPMENT

Vote at First Reading on September 12, 2022: 10/0

Vote at Second Reading on September 26, 2022: 11/0

END OF CONSENT AGENDA

TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



Caucus Beaufort County, SC

This meeting was held in person at the Hilton Head Library, 11 Beach City Road, Hilton Head Island, and virtually through Zoom.

**Monday, September 12, 2022
4:30 PM**

MINUTES

Watch the video stream available on the County's website to hear the Council's entire discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/184144>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 4:30 PM.

PRESENT

Chairman Joseph F. Passiment
 Vice Chairman D. Paul Sommerville
 Council Member Logan Cunningham
 Council Member Brian Flewelling
 Council Member York Glover
 Council Member Chris Hervocho
 Council Member Alice Howard
 Council Member Mark Lawson (arrived at 4:42 PM)
 Council Member Lawrence McElynn
 Council Member Stu Rodman

ABSENT

Council Member Gerald Dawson

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the Pledge of Allegiance.

3. FOIA

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

4. APPROVAL OF THE AGENDA

Motion: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve the agenda.

The Vote - The motion was approved without objection.

5. AGENDA REVIEW

Council Member Flewelling proposed the addition of an agenda item to discuss the rezoning of Spring Island to allow for multiple accessory structures. Council and County Administrator Greenway addressed the request.

Council Member Howard commented that agenda item 20’s ordinance still included a reference to the Spanish Moss Trail. A County staff member replied that the ordinance had been corrected to remove mention of the Spanish Moss Trail.

Council Member Hervochon highlighted a typing error in agenda item 21.

6. COUNCIL MEMBER DISCUSSION

No items were discussed.

7. EXECUTIVE SESSION

PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING CLAIMS WHICH ARE COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (DETENTION CENTER LITIGATION)

PURSUANT TO S.C. CODE SEC. 30-4-70 (A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND POTENTIAL SALE OF REAL PROPERTY (KING STREET & WILMINGTON STREET)

PURSUANT TO S.C. CODE SEC. 30-4-70 (A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED PURCHASE/ACQUISITION OF REAL PROPERTY (MELROSE LANDING/DAUFUSKIE FERRY LANDING)

Motion: It was moved by Council Member McElynn, Seconded by Council Member Rodman, to move into executive session at 4:44 PM.

The Vote – The motion was approved without objection.

8. ADJOURNMENT

Adjournment: at or around 5:55 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 in person at the Hilton Head Library, 11 Beach City Road, Hilton Head Island, and virtually through Zoom.

**Monday, September 12, 2022
6:00 PM**

MINUTES

Watch the video stream available on the County's website to hear the Council's entire discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/184191>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:00 PM.

PRESENT

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

ABSENT

Council Member Gerald Dawson

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Chairman Sommerville led the Pledge of Allegiance and the invocation.

A moment of silence was observed for the passing of Council Member Dawson's wife.

3. FOIA

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

4. APPROVAL OF AGENDA

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=238>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Cunningham, to approve the agenda.

Motion to Amend: It was moved by Council Member Flewelling, Seconded by Council Member Glover, to amend the motion for approval to add an agenda item regarding the change of zoning and map amendments for Spring Island.

Discussion: Chairman Passiment provided background on Council Member Flewelling's proposal.

Council Member Howard stated that each landowner should bring the request for accessory buildings forward to be publicly vetted.

Council Member McElynn agreed with Council Member Howard that there is a process and procedure in place and a more appropriate way to address the issue.

Council Member Flewelling stated that Council Members are arguing the point of the motion, not the amendment.

The Vote - Voting Yea: Council Member Cunningham, Council Member Flewelling, Council Member Glover, Council Member Hervochon, Council Member Lawson, and Council Member Rodman. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Howard, and Council Member McElynn. The motion to amend failed 6:4.

The Vote - The agenda was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve the minutes of August 8, 2022.

The Vote - The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

An administrator's report was not provided.

7. PRESENTATION OF A PROCLAMATION RECOGNIZING SEPTEMBER AS RECOVERY MONTH

Council Member McElynn presented the Proclamation recognizing September as Recovery Month to members of the County's First Responder Team.

Council Member McElynn discussed opioid abuse and read a statement of an individual helped by the County's First Responders Project that began in October 2021.

8. PRESENTATION OF A PROCLAMATION HONORING ELEANOR LIGHTSEY

Council Member McElynn presented a Proclamation honoring Eleanor Lightsey for her dedication to public service to the State of South Carolina and the communities of Columbia, Hilton Head, and greater Beaufort County.

9. PRESENTATION OF A PROCLAMATION HONORING THOMAS BARNWELL, KEVIN CARTER, AND JR & LESLIE RICHARDSON FOR THEIR EFFORTS TOWARDS ATTAINABLE HOUSING

Council Member McElynn presented a Proclamation honoring Thomas Barnwell, Kevin Carter, and JR and Leslie Richardson for their efforts to create affordable and attainable housing for their employees and other members of the Hilton Head community.

10. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=2628>

Chairman Passiment read a statement about Highway 278:

For the last four years, Beaufort County and Hilton Head have gathered initial thoughts, conducted multiple studies, listened to community input, and were presented 17 alternatives to address the US 278 corridor between Moss Creek Drive in Bluffton and Spanish Wells Road on Hilton Head Island. As a result of the vetting process one alternative was chosen.

That one preferred alternative was then further refined based on more community feedback and incorporated most of the recommendations from a study commissioned by the Town of Hilton Head.

So where are we now? Beaufort County is the lead agency for the project and has signed an IGA (intergovernmental Agreement) that holds the County responsible for starting the project by 2024 and completing the project by 2028. Two thirds of the County project cannot and will not be changed, no matter how many additional studies we do. The bridge will start at Moss Creek, travel across the intercoastal waterway to Pickney Island, cross Skull Creek, and proceed to Windmill Harbor. The federal guidelines are non-negotiable since this project crosses the Intercostal Waterway and the Pinckney Island National Wildlife Refuge.

We do have the flexibility for the final mile of the project within town limits. We believe the current plan for the one-mile stretch through the Stoney community is good. As the project moves forward, we are willing to continue to accept more feedback through the design phase and will work with local and state representatives to secure the extra funding for any changes that will be necessary.

The end-to-end study proposed by the Town of Hilton Head will only strengthen the corridor from Windmill Harbor through the Cross Island Expressway. We welcome this feedback for inclusion during the final design phase and to identify future projects that will continue to improve the commute times of ALL Beaufort County residents living, working, and playing on Hilton Head.

However, we CANNOT hold this project up any longer. It is time to move forward and stay on the current timeline. We cannot risk hundreds of millions of dollars when Beaufort County voters approved this County project in 2018. Currently, 95% of the population approves, is indifferent or wants to get to work on time.

A final attempt is being made by the staff of the County and the Town of Hilton Head to finalize a Memorandum of Understanding that will allow this County project to move forward with feedback from the Town of Hilton Head. Since the final MOU was not completed in time for the Beaufort Council to take any action at this meeting, there is no item on the agenda regarding this matter. The Beaufort County Council will discuss the proposed MOU at the September 19 Public Facilities meeting and, if approved, will move to the full Council on September 26.

I call on the elected leaders of Hilton Head to read every line of the proposed MOU and see that compromises have been made and the proposed MOU strengthens the relationship between the two professional staffs and creates the best possible outcome for all our residents.

I hope to see this new MOU on the next Town Council Agenda for discussion and approval, so that we can move forward with this critically important project for all Beaufort County citizens.

Beth McIntyre discussed the logistics of Daufuskie Island life, the ferry's role as a critical link for health care, emergency services, food, and other necessities, and the importance of considering the perspectives of people that ride the ferry.

Leanne Coulter discussed the Daufuskie Island Council's vote to support Beaufort County's effort to obtain ownership of Melrose Landing and that it is critical for the landing to remain publicly owned.

John Schartner asked for Council to delay their decision on the condemnation of Melrose Landing and discussed a proposal he submitted about the development of his own embarkation center for the County.

Frank Babel commented on agenda item 20 and highlighted that the Bluffton pathways were designed for pedestrians and cyclists, the disruptive nature of motorized vehicles, and safety concerns.

Karen Heitman voiced her objection to agenda item 20 and discussed Peachtree City, Georgia, as an example of the downside of allowing motorized vehicles on pathways used by pedestrians and cyclists.

Linda Hills commented on agenda item 18, as she owns a private road, and requested clarity on the ordinance.

Ray Cipollini discussed opposition to agenda item 20, including safety concerns, the paths' width, the original intent of the pathways, speed issues, and costs of creating ramps at intersections.

Council Member Cunningham commented on the lack of access golf carts have roads with speed limits over 35 mph.

11. LIASION AND COMMITTEE REPORTS

Council Member Rodman discussed items from the Public Facilities Committee, including the congestion on SC 170, design services for pathways projects, and identification of engineering firms.

Council Member Lawson discussed items from the Finance Committee, including the approval of an award for First Tryon Advisors, the approval of an award to buy replacement ambulances, and the approval of ARPA Good Neighbor Program municipality funding requests.

12. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Howard, Seconded by Council Member McElynn, to approve the consent agenda.

The Vote - The motion was approved without objection.

13. MATTERS ARISING OUT OF CAUCUS EXECUTIVE SESSION

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to authorize the County Administrator to execute any and all documents necessary to sell two properties owned by the County, 1407 King Street, and 600 Wilmington Street, as part of an effort for county government to work with private industry to look at workforce housing as well as affordable housing in the City of Beaufort.

Discussion: Council Member Hervochoch objected to the motion.

Council Member Flewelling asked about the appraised value of the properties. County Administrator Greenway stated that the properties were put out for bid, per Council's direction, and a high bid was brought forth to Council and approved. Deputy Attorney Ward provided the appraisal ranges for the King Street and Wilmington properties.

The Vote - The motion was approved by 9:1.

14. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000 COLLECTIVELY COMMONLY KNOWN AS MELROSE LANDING. *FISCAL IMPACT: Funds from use of General Fund – Fund balance account. Funding not to exceed \$900,000 plus closing costs and legal fees*

Motion: It was moved by Council Member Lawson, Seconded by Council Member Glover, to approve the third reading of an ordinance to appropriate funds in order to establish public ownership of real property with TMS No. R800 021 000 006C 0000 and R800 021 000 006B 0000 collectively commonly known as Melrose Landing.

Chairman Passiment opened the floor for public comment.

Roberts Vaux spoke as a representative for the Melrose Dock land owner and contested condemnation of the property.

Chairman Passiment closed the public comment.

Discussion: Council Members Hervochoch and Cunningham opposed the motion because of expense and condemnation concerns.

Council Member Lawson voiced his view that condemnation in this instance is the best option for the good of public use.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Cunningham, Council Member Flewelling, and Council Member Hervochoch. The motion passed by 7:3.

15. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.330 (ECOTOURISM) TO CLARIFY GUIDING PRINCIPLES FOR ECOTOURISM DEVELOPMENT AND ESTABLISH BASE SITE AREA CALCULATIONS FOR ECOTOURISM DEVELOPMENT

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover, to approve the first reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 4.1.330 (Ecotourism) to clarify guiding principles for ecotourism development and establish base site area calculations for ecotourism development.

The Vote - The motion was approved without objection.

16. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

Motion: It was moved by Council Member Howard, Seconded by Council Member Flewelling, to approve the first reading of an ordinance amending Ordinance 99/10 to further accept details of the conduct of municipal elections from the City of Beaufort by the Board of Voter Registration and Elections of Beaufort County.

The Vote - The motion was approved without objection.

17. FIRST READING OF AN ORDINANCE TO ALLOCATE THE PROCEEDS FROM THE SALE OF THE MYRTLE BUSINESS PARK TO THE ECONOMIC DEVELOPMENT SITE AND JOB FUND. FISCAL IMPACT: \$631,376.19 (proceeds from sale and interest)

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=4766>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Glover, to approve the first reading of an ordinance to allocate the proceeds from the sale of the Myrtle Business Par to the Economic Development Site and Job Fund.

Motion to Amend: It was moved by Council Member Hervochoch, Seconded by Council Member McElynn, to refer this item to the Finance Committee.

Discussion: Council discussed the reasoning behind the item's referral to the Finance Committee.

County Administrator Greenway stated that additional information had been brought to light, and the Committee could potentially reconsider its recommendation to Council.

Council discussed the potential for reconsideration of the item at the Finance Committee meeting.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Flewelling and Council Member Glover. The motion to amend passed by 8:2.

18. FIRST READING OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=5097>

Motion: It was moved by Council Member Glover, Seconded by Vice Chairman Sommerville, to approve the first reading of an ordinance to provide maintenance work on private roads.

Discussion: Council Member Glover commented that the objective of the maintenance work is to improve the conditions of certain roads so that they are accessible by emergency vehicles.

Council Member Lawson voiced opposition to the motion because of the lack of a funding limit and the view that public money should not be spent on private roads.

Council Member Hervochon expressed concerns about the expenditure of public funds for private property and the lack of a red line for what conditions need to be met for the County to conduct maintenance work.

Council Member Howard commented on the work of County staff to outline seven conditions for when they will and when they will not engage in maintenance work.

Council Member Rodman stated that the ordinance violates South Carolina law because public funding cannot be spent on private property and his opposition to the motion.

Council Member McElynn and County Attorney Keaveny discussed statutory prohibition.

Vice Chairman Sommerville commented on the County's obligation to provide emergency services and the belief that the ordinance has enough fail-safes to ensure the private owner cannot game the system.

County Administrator Greenway addressed the Council's concerns about South Carolina law and the limited application of the maintenance work as a one-time obligation to bring certain roads up to a passable standard.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Flewelling, Council Member Glover, Council Member Howard, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Cunningham, Council Member Hervochon, and Council Member Lawson. The motion passed 7:3.

19. FIRST READING OF AN ORDINANCE AUTHORIZING THE CONVEYANCE OF RIGHT OF WAY KNOWN AS 16TH STREET EXTENSION AND A RELATED DRAINAGE EASEMENT TO THE TOWN OF PORT ROYAL

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover, to approve the first reading of an ordinance authorizing the conveyance of the right of way known as 16th Street Extension and a related drainage easement to the Town of Port Royal.

The Vote - The motion was approved without objection.

20. FIRST READING OF AN ORDINANCE PROVIDING AUTHORIZATION FOR GOLF CARTS TO USE MULTI-USE TRAILS AND PATHS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=6020>

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Hervocho, to approve the first reading of an ordinance providing authorization for golf carts to use multi-use trails and paths.

Discussion: Council Member Cunningham discussed aspects of the item, including safety concerns, registration requirements, the potential creation of an educational video, and connectivity and access opportunities.

Council Member Howard commented on safety concerns, the potential lowering of speed limits, and law enforcement review.

Council Member Lawson commented on his willingness to move the item forward to second reading to allow for public comment and concerns about intersections.

Council Member Cunningham and Council Member Rodman discussed golf cart safety concerns.

Council Member Glover commented on Daufuskie Island golf cart safety issues.

Council Member Flewelling commented on the difference between golf carts using pathways versus roadways and the risk posed to pedestrians and cyclists.

Council Member Hervocho stated that he would like for the item to move forward to second reading to gain public comment and for staff to reach out to law enforcement to gain their opinion.

Motion: It was moved by Council Member Hervocho, Seconded by Council Member Howard, to extend past the 8 o'clock hour.

The Vote - The motion was approved without objection.

Vice Chairman Sommerville voiced his opposition to the motion, given the width of the Buckwalter and Bluffton Parkway paths.

The Vote - Voting Yea: Chairman Passiment, Council Member Cunningham, Council Member Hervocho, Council Member Lawson, and Council Member McElynn. Voting Nay: Vice Chairman Sommerville, Council Member Flewelling, Council Member Glover, Council Member Howard, and Council Member Rodman. The motion failed 5:5.

21. FIRST READING OF AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

Motion: It was moved by Council Member McElynn, Seconded by Council Member Hervocho, to approve the first reading of an ordinance establishing the Beaufort County Green Space Program Ordinance and setting forth the methods by which the County Council intends to procure open lands and green space for preservation subject to a referendum with Beaufort County pursuant to Section 4-10-1010 et seq. of the Code of Laws of South Carolina, 1976 as amended.

Discussion: Council Member Flewelling objected to the motion and requested a roll call vote.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Glover, Council Member Hervocho, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Flewelling. The motion passed 9:1.

22. APPROVAL OF A RESOLUTION APPROVING THE HIRING OF AN ADDITIONAL FULL-TIME EMPLOYEE IN THE PUBLIC DEFENDER'S OFFICE TO SERVE COLLETON COUNTY

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover, to approve a resolution approving the hiring of an additional full-time employee in the Public Defender's Office to serve Colleton County.

Discussion: Council Member Hervochoch confirmed that Colleton County would fund the position.

The Vote - The motion was approved without objection.

23. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=7304>

Mary Moyden discussed the need to address traffic issues on Sam's Point Road.

Gray Smith informed Council Member Rodman of legal action being taken against him and stated his opposition to the US 278 bridge project.

Chuck Newton commented on the Sea Island Parkway proposal and opposition to widening the parkway.

Skip Hogland discussed overdevelopment and traffic issues, opposition to the US 278 bridge project, and the need for a Hilton Head Island master plan.

Frank Mangan asked about the decision to move forward with the US 278 bridge project before the new County Council members take the Oath of Office.

Chairman Passiment discussed the MOU between the Town of Hilton Head Island and Beaufort County to move forward, the need to comply with federal regulations, and the ability of the Hilton Head Island Town Council to complete the study and make aesthetic arrangements.

John Casey discussed NEPA and its role in highway expansion projects.

Kristen Luken discussed concerns about the US 278 bridge's impact on aesthetics and the Windmill Harbor area.

24. ADJOURNMENT

Adjournment 8:23 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 in person at the St. Helena Library, 6355 Jonathan Francis Sr. Rd., St. Helena Island, SC 29920, and virtually through Zoom.

**Monday, September 26, 2022
5:45 PM**

MINUTES

Watch the video stream available on the County's website to hear the Council's entire discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/185068c>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:45 PM.

PRESENT

Chairman Joseph F. Passiment
 Vice Chairman D. Paul Sommerville
 Council Member Logan Cunningham
 Council Member Gerald Dawson (arrived at 5:50 PM)
 Council Member Brian Flewelling
 Council Member York Glover
 Council Member Chris Hervochon
 Council Member Alice Howard
 Council Member Mark Lawson
 Council Member Lawrence McElynn
 Council Member Stu Rodman

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the Pledge of Allegiance.

3. FOIA

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

4. APPROVAL OF THE AGENDA

Motion: It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to approve the agenda.

The Vote - The motion was approved without objection.

5. AGENDA REVIEW

Chairman Passiment stated that are three consent agenda items. Council Member Rodman and Chairman Passiment discussed agenda item number 17 and the amendment to the budget.

6. COUNCIL MEMBER DISCUSSION

Council Member Rodman proposed a method to recognize appointments to and service on the County’s boards and commissions.

7. ADJOURNMENT

Adjournment: 5:51 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 in person at the St. Helena Library, 6355 Jonathan Francis Sr. Rd., St. Helena Island, SC 29920, and virtually through Zoom.

Monday, September 26, 2022
6:00 PM

MINUTES

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1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:00 PM.

PRESENT

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and the Invocation.

3. FOIA

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

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve the agenda.

The Vote - The motion was approved without objection.

5. ADMINISTRATOR'S REPORT

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=178>

County Administrator Greenway updated Council on preparations for Hurricane Ian and recognized the accomplishments of four employees, including Amber Ferguson, Keyja Smith, Michael Costa, and Pamela Cobb.

6. PRESENTATION OF A PROCLAMATION RECOGNIZING THE PENN CENTER

Council Member Glover presented a Proclamation recognizing The Penn Center's 160th anniversary to Mr. Bernie Wright.

7. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=1150>

Chief Klein

Pat McGuffin

Wendy Zara

Ed Allen

Angela Childers

Kathy McKellen

Linda Hills

8. LIASION AND COMMITTEE REPORTS

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=1910>

Council Member Rodman discussed the three items on the consent agenda.

Council Member Howard commented on the Technical College of the Lowcountry Board meeting and enrollment increases, and the Beaufort Memorial Hospital Board retreat to be held next week.

9. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member McElynn, Seconded by Council Member Rodman, to approve the consent agenda.

The Vote - The motion was approved without objection.

10. SECOND READING AND PUBLIC HEARING OF AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=2053>

Motion: It was moved by Council Member McElynn, Seconded by Council Member Hervochon, to approve the second reading and public hearing of an ordinance establishing the Beaufort County Green Space Program Ordinance and setting forth the methods by which the County Council intends to procure open

lands and green space for preservation subject to a referendum within Beaufort County pursuant to Section 4-10-1010 et seq. of the Code of Laws of South Carolina, 1976 as amended.

Chairman Passiment opened the floor for public comment.

Ray Warco

Grant McClure

Kate Schaffer

Chairman Passiment closed the public comment.

Discussion: Council Member McElynn commented on his support for the green space program to manage growth.

Council Member Hervochon commented on his support for the green space program and his view that the policy will serve as a tax reduction in the long term.

Council Member Dawson asked whether funds raised could be spent in neighboring counties. County Administrator Greenway confirmed that there is a provision for the funds to be spent in surrounding counties.

Council Member Lawson appreciates the opportunity for public involvement in the program's approval.

Council Member Cunningham commented on his support, reiterated the sales tax limitations and collections from non-residents, and its implementation in May during tourist season.

Council Member Rodman commented on Hilton Head Council's support for the referendum.

Council Member Flewelling commented on his support and highlighted his reservations, including wanting more structural involvement of the Rural and Critical Lands Board and the lack of elected official representation on the Advisory Committee.

Vice-Chairman Sommerville commented on his support and recognized ambiguities of the State statute.

Senator Tom Davis stated that he would be receptive to modifications to the statute based on Beaufort County's collective experience and learned best practices.

Council Member Glover asked for clarity about mentions of the Green Plan within the ordinance draft. County Administrator Greenway commented on the inclusion of the Green Print Map and the Comprehensive Plan.

Chairman Passiment stated that Beaufort County would be the lead County in the implementation of the State statute and would set the tone and tenor for modeling the law in the future.

The Vote - The motion was approved without objection.

11. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

Motion: It was moved by Council Member McElynn, Seconded by Council Member Howard, to approve the public hearing and second reading of an ordinance amending Ordinance 99/10 to further accept details of the conduct of municipal elections from the City of Beaufort by the Board of Voter Registration and Elections of Beaufort County.

Chairman Passiment opened the floor for public comment.

Stephen Murray

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

12. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.330 (ECOTOURISM) TO CLARIFY GUIDING PRINCIPLES FOR ECOTOURISM DEVELOPMENT AND ESTABLISH BASE SITE AREA CALCULATIONS FOR ECOTOURISM DEVELOPMENT

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover, to approve the public hearing and second reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 4.1.330 (Ecotourism) to clarify guiding principles for ecotourism development and establish base site area calculations for ecotourism development.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

Discussion: Council Member Howard commented that the ordinance would clarify elements that need to be better defined.

The Vote - The motion was approved without objection.

13. PUBLIC HEARING AND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT BETWEEN BEAUFORT COUNTY, THE TOWN OF HILTON HEAD ISLAND AND HISTORIC MITCHELVILLE FREEDOM PARK FOR THE PROPERTY KNOWN AS THE BEACH CITY ROAD PARCELS (REVISITING RESOLUTION 2021/11)

Motion: It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to approve the public hearing and the approval of a resolution authorizing the County Administrator to execute a lease agreement between Beaufort County, the Town of Hilton Head Island, and Historic Mitchelville Freedom Park for the property known as the Beach City Road Parcels (revisiting Resolution 2021/11).

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

The Vote - The motion was approved without objection.

14. SECOND READING OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=3656>

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover, to approve the second reading of an ordinance to provide maintenance work on private roads.

Discussion: Council Member McElynn commented on the difficulty of reaching residents and the maintenance needed to ensure access by emergency vehicles.

Council Member Dawson commented on his support for the ordinance due to the difficulties of emergency vehicle access to rural areas of his district.

Council Member Rodman stated that the ordinance is a violation of the State Constitution and that he would vote against it.

Council Member Lawson commented on his concerns about maintenance expenses and the expenditure of public money on private property.

Council Member Cunningham commented on his concern about using public funds for private property and the lack of a cap on the expense.

Council Member Hervochon echoed the concerns of Council Members Rodman, Lawson, and Cunningham and commented on confusion about the line between residential and commercial.

Council Member Howard discussed Section G of the ordinance and that people that live on private roads may not have the ability or resources to maintain the roads.

County Administrator Greenway stated that the ordinance is for one-time maintenance, and emergency personnel will evaluate the condition of the road to see if maintenance is required. Mr. Greenway also addressed Council's concerns about State law.

Vice Chairman Sommerville commented on his support for the ordinance and view that there are sufficient safeguards in place.

Council Member Glover commented on the need to do the right thing and civil disobedience.

Chairman Passiment discussed the difficulty of the decision and emergency access concerns.

Council Member Cunningham asked about storm damage to private roads. County Administrator Greenway discussed past responses to hurricane damage.

Council Member McElynn and County Administrator Greenway discussed property ownership and Heir's property.

Council Member Dawson commented on the emergency vehicle access purpose of the ordinance.

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

15. FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE SALE OF COUNTY OWNED REAL PROPERTIES IDENTIFIED AS 1407 KING STREET AND 600 WILMINGTON STREET, CITY OF BEAUFORT

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the first reading of an ordinance authorizing the County Administrator to execute any and all documents necessary for the sale of County-owned properties identified as 1407 King Street and 600 Wilmington Street, City of Beaufort.

Discussion: Council Members Flewelling and Hervochon opposed the motion.

The Vote - The motion passed 9:2.

16. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, DIVISION 2, SECTION 2-619 TO REQUIRE A PROPERTY IDENTIFICATION NUMBER ON QUIT CLAIM DEEDS

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover, to approve the first reading of an ordinance for a text amendment to Beaufort County Code of Ordinances Chapter 2, Article VIII, Division 2, Section 2-619 to require a property identification number on quit claim deeds.

Discussion: Council Member Flewelling opposed the motion.

The Vote - The motion passed 10:1.

17. FIRST READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR DISTRIBUTIONS FROM MYRTLE

PARK PHASE II FUND AND OTHER MATTERS RELATED THERETO. (FISCAL IMPACT: Beaufort County put a substantial amount of capital into this project \$828,576. Staff feels that the County should be reimbursed for its investment in the property)

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

<https://beaufortcountysc.new.swagit.com/videos/185115>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Glover, to approve the first reading of an ordinance to amend Beaufort County Ordinance 2022/33 for the fiscal year 2022-23 Beaufort County Budget to provide for distributions from Myrtle Park Phase II Fund and other matters related thereto.

Discussion: Chairman Passiment highlighted the agenda packet's inclusion of the plan for fund distribution.

Council Member Rodman provided background on the item, including the decision in the Finance Committee to approve the move of \$600,000 to economic development and the use of the money.

Motion to Amend: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to amend the proposed budget ordinance to include the appropriation of \$92,094 to the Job and Work Site Fund.

Discussion: Council Member Glover and Chairman Passiment discussed previous Finance Committee motions.

Chairman Passiment clarified the property in question, a funding breakdown, and the allocation to the Site and Job Fund.

Per County Administrator Greenway's recommendation, Council Members Rodman and McElynn withdrew the motion to amend.

Council Member Lawson commented that it is beneficial for transparency reasons that the County be paid back the money it spent on the project.

Council Member Glover discussed the deal made on Myrtle Park with the Economic Development Corporation.

Council Member Flewelling commented that the order of agenda items 17 and 18 should have been switched.

Council Member Hervochon requested that John O'Toole provide his input. Mr. O'Toole discussed the Finance Committee's motion and appreciation for Council's efforts.

Mayor Murray discussed his appreciation for the funding of the Site and Job Fund and discussed economic development efforts.

Chairman Passiment stated that the ordinance's purpose is to account for the money spent incorrectly on the project and to correct that amount.

County Administrator Greenway discussed the County staff's work to bring Council up to speed on the project's history and to get the record straight so that economic development activities are carried out correctly.

The Vote - The motion was approved without objection.

- 18. FIRST READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR FISCAL YEAR 2022 CARRYOVERS, USE OF FUND BALANCE FOR PROPERTY ACQUISITION AND TRANSPORTATION PROJECTS, AND THE USE OF CURRENT YEAR FUNDS FOR CAPITAL PROJECTS AND**

EQUIPMENT PURCHASES, DEFEASE/REFUND GENERAL OBLIGATION BONDS, AND OTHER MATTERS RELATED THERETO

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=5926>

Motion: It was moved by Council Member Glover, Seconded by Council Member McElynn, to approve the first reading of an ordinance to amend Beaufort County ordinance 2022/33 for the fiscal year 2022-23 Beaufort County Budget to provide for additional appropriations to pay for fiscal year 2022 carryovers, use of fund balance for property acquisition and transportation projects, and the use of current year funds for capital projects and equipment purchases, defease/refund general obligation bonds, and other matters related thereto.

Motion to Amend: It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to amend the proposed budget ordinance amendment to include appropriation of \$1,000,000 of ARPA Funds to the Hilton Head Public Service District number 1, which contains 25,000 residents in both unincorporated Beaufort County and the municipality of Hilton Head, to be used for the following projects: (1) a new water booster station at the PSD's Leg O'Mutton site to help ensure that the PSD's water can be delivered to its customers efficiently and consistently; and (2) an emergency generator at the PSD's reserve osmosis drinking water treatment facility to help ensure resilience during natural disasters.

Discussion: Council Member Hervochon recused himself.

Council Member Flewelling asked if the motion had previously failed in committee.

Council Member Lawson discussed his support for the amendment and concerns that the money will be provided to public service districts on a first come, first serve basis.

Council Member Glover discussed infrastructure needs in rural areas and the assurance that other funding requests will come forward.

The Vote - The motion to amend was approved 10:0. Council Member Hervochon recused himself from the discussion and vote.

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to amend the proposed budget ordinance amendment to include appropriation of the 1,055,000 dollars we are contracted to receive from the sale of the King Street property and the sale of the Wilmington Street property, both of which are located in the City of Beaufort, to the Parks and Recreation Department to be used for capital improvement projects for Southside Park in the City of Beaufort and other County parks.

Discussion: Council Member Cunningham asked about eligibility and wanted to ensure that proceeds are available across the County.

County Administrator Greenway and Assistant County Administrator Atkinson discussed project types and funding allocations.

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

Motion to Extend: It was moved by Council Member McElynn, Seconded by Council Member Hervochon, to extend the meeting beyond the 8 o'clock hour.

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

Motion to Amend: It was moved by Council Member Rodman, Seconded by Council Member Glover, to amend the proposed budget ordinance amendment to include appropriation of \$600,000 to the Job and Work Site Fund; these funds to consist of \$92,094 from the Myrtle Park Fund and \$507,906 from the general fund; this \$600 thousand is to be returned to the Job and Work Site Fund upon the sale of any

facility/project where this \$600 thousand has been used and will serve as a revolving amount for previously committed and future economic development projects.

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

The Vote - The motion, as amended, was approved without objection.

- 19. FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN EXCHANGE, PURCHASE AND/OR SALE AGREEMENT WITH THE TOWN OF HILTON HEAD ISLAND FOR THE SALE AND PURCHASE OF REAL PROPERTY CONSISTING OF 68 HELMSMAN WAY, 43 JENKINS ROAD, 70 BAYGALL ROAD, AND 152 WILLIAM HILTON PARKWAY**

Motion: It was moved by Council Member McElynn, Seconded by Council Member Lawson, to approve the first reading of an ordinance authorizing the County Administrator to enter into an exchange, purchase, and/or sale agreement with the Town of Hilton Head Island for the sale and purchase of real property consisting of 68 Helmsman Way, 42 Jenkins Road, 70 Baygall Road, and 152 William Hilton Parkway.

The Vote - The motion was approved without objection.

- 20. FIRST READING OF AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO. (FISCAL IMPACT: Each participating entity will contribute 3% of their allocation from their ARPA appropriations in year 1; Beaufort County year 1 contribution will be \$1,119,523. ARPA funds allocated previously)**

Motion: It was moved by Council Member Howard, Seconded by Council Member Dawson, to approve the first reading of an ordinance to establish a Regional Housing Trust Fund and other matters related thereto.

Discussion: Council Member Howard commented on the efforts to establish the Regional Housing Trust Fund.

Council Member Glover discussed his support for the homeless housing definition.

The Vote – The motion was approved without objection.

- 21. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH COMMUNITY WORKS TO PROVIDE ADMINISTRATION AND MANAGEMENT SUPPORT FOR A DESIGNATED REGIONAL HOUSING TRUST FUND**

Motion: It was moved by Council Member Dawson, Seconded by Council Member McElynn, to approve a resolution authorizing the County Administrator to enter into an agreement with Community Works to provide administration and management support for a designated Regional Housing Trust Fund.

The Vote – The motion was approved without objection.

- 22. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH JASPER COUNTY, TOWN OF HILTON HEAD ISLAND, TOWN OF BLUFFTON, TOWN OF PORT ROYAL, CITY OF HARDEEVILLE, CITY OF BEAUFORT, AND THE TOWN OF YEMASSEE TO JOINTLY CREATE, FUND, AND OPERATE A REGIONAL HOUSING TRUST FUND**

Motion: It was moved by Council Member McElynn, Seconded by Council Member Dawson, to approve a resolution authorizing the County Administrator to enter into an intergovernmental agreement with Jasper County, Town of Hilton Head Island, Town of Bluffton, Town of Port Royal, City of Hardeeville, City of Beaufort, and the Town of Yemassee to jointly create, fund, and operate a Regional Housing Trust Fund.

The Vote – The motion was approved without objection.

- 23. APPROVAL OF A RESOLUTION TO ACCEPT FAA AIP GRANT 50 FOR HILTON HEAD ISLAND AIRPORT (HXD) TERMINAL CONSTRUCTION PROJECT. (FISCAL IMPACT: FAA AIP Grant 50 is in the amount of \$11,626,638. The AIP grant requires a local sponsor contribution in the amount of \$1,162,663.80 (10%). That airport portion is built into the project budget)**

Motion: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve a resolution to accept FAA AIP Grant 50 for Hilton Head Island Airport (HXD) Terminal Construction Project.

The Vote – The motion was approved without objection.

- 24. APPROVAL OF A RESOLUTION DEFERRING WORK ON US HWY 21 (SEA ISLAND PARKWAY) FROM THE INTERSECTION OF SC HWY 802 (SAM'S POINT ROAD/LADY'S ISLAND DRIVE AND US HWY 21) TO THE WOODS MEMORIAL BRIDGE**

Motion: It was moved by Council Member Rodman, Seconded by Council Member Howard, to approve a resolution deferring work on US Hwy 21 (Sea Island Parkway) from the intersection of SC Hwy 802 (Sam's Point Road/Lady's Island Drive and US Hwy 21) to the Woods Memorial Bridge.

Discussion: Council Member Rodman provided background on the item.

The Vote – The motion was approved without objection.

- 25. APPROVAL OF A MEMORANDUM OF AGREEMENT WITH THE TOWN OF HILTON HEAD ON THE US 278 CORRIDOR PROJECT**

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=7113>

Motion: It was moved by Council Member McElynn, Seconded by Council Member Howard, to approve a memorandum of agreement with the Town of Hilton Head on the US 278 corridor project.

Discussion: Senator Davis pointed out the difference between the MOA and conversations had by the Town of Hilton Head Island's Council, including the selection process of the independent consultant, the participation of a citizen group in the selection process, the scope of work, and consent to the project. Senator Davis also mentioned a meeting with Secretary Hall, which involved discussions about the need for additional due diligence, conversion of the temporary environmental assessment, and FONSI delay impacts on the State infrastructure grant to Beaufort County.

Council Member McElynn discussed the language of the proposed MOA and highlighted a scrivener's error.

Senator Davis and County Administrator Greenway commented on citizens' involvement in consultant selection.

Council Member Howard discussed delays with environmental impact statements and FONSI's, the sense of urgency, and town representatives' involvement.

Senator Davis and Council Member Howard discussed the NEPA process and the potential loss of funding from the State Infrastructure Bank.

Council, Senator Davis, and County Administrator Greenway discussed possible timeline issues, project expenses, the scope of work, and the independent consultant.

The Vote - The motion was approved without objection.

- 26. APPROVAL OF RECOMMENDED CHANGES TO THE BEAUFORT COUNTY PROCUREMENT CODE, DIVISION 4, SECTION 2-509, AUTHORITY AND DUTIES OF PURCHASING DIRECTOR AND THE CHIEF FINANCIAL OFFICER**

Motion: It was moved by Council Member Dawson, Seconded by Council Member Howard, to approve the recommended changes to the Beaufort County Procurement Code, Division 4, Section 2-509, Authority and Duties of Purchasing Director and the Chief Financial Officer.

The Vote - The motion was approved without objection.

27. APPROVAL OF A PAYMENT OF \$186,840.38 TO A GROUP OF RETIREES AS WE NOW KNOW IT (RETIRED JULY 1, 2016-JULY 1, 2021) FOR LOSS OF POST-RETIREMENT HEALTH INSURANCE BENEFITS

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover, to approve a payment of \$186,840.38 to a group of retirees as we now know it (retired July 1, 2016 – July 1, 2021) for loss of post-retirement health insurance benefits.

Discussion: Council Member Lawson objected.

The Vote - The motion passed 10:1.

28. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/185115?ts=9377>

Gray Smith

Tamera Becker

29. ADJOURNMENT

Adjournment: 8:43 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified:

County Council Meeting October 3, 2022

FULL NAME

PHONE # or EMAIL
ADDRESS

- 1. Stirling, Gary Center for the arts on St. Helena
- 2. Joe Mac Beaufort Trail Blazers. 1st referendum
- 3. Jesse White _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Discussion of Ordinance to provide maintenance work on private roads.
MEETING NAME AND DATE:
Public Facilities Committee Meeting – August 22, 2022
PRESENTER INFORMATION:
Neil J. Desai, P.E., Public Works Director Jared Fralix, P.E., Assistant County Administrator, Engineering (5 Minutes)
ITEM BACKGROUND:
Per direction from the County Administrator, Public Works & Legal Department were tasked with creating a one-time work effort on private roads.
PROJECT / ITEM NARRATIVE:
Based on research from public works departments throughout the state and from various statewide municipal and county attorneys, both the Public Works Department and the Legal Department created the proposed ordinance that allows maintenance work efforts on countywide private roads. Originally, brought to Public Facilities Committee in April, the committee request to come back to in a few months after revisiting this issue.
FISCAL IMPACT:
Fiscal impact to the County will vary from situation to situation. For example, a small fallen tree will require minimum effort and expenditure of County funds versus a private road needing crusher run or gravel.
STAFF RECOMMENDATIONS TO COUNCIL:
Public Works Director recommends approval of Ordinance.
OPTIONS FOR COUNCIL MOTION:
Motion to either accept/deny the recommendation to approve new Ordinance for work on private roads. <i>Next Steps – A majority vote for acceptance by Committee would move item forward to final acceptance by full County Council vote.</i>

ORDINANCE 2022/_____

AN ORDINANCE TO PROVIDE FOR LIMITED CIRCUMSTANCES WHERE COUNTY STAFF MAY PERFORM WORK ON PRIVATE PROPERTY

WHEREAS Beaufort County Council hereby finds that under limited circumstances, public resources may be properly used on private property; and

WHEREAS County Council wishes to define the circumstances and limitations under which such resources may be used;

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

I. Emergency maintenance of roads.

(a) No work may be performed on any roadway not already maintained by the County unless the county administrator determines that access to such roadway is necessary for the performance of one or more public functions, that the work would constitute a public purpose that and the following conditions exist:

(1) Such a roadway is the only access for one (1) or more property owners or residences, and

(2) Emergency medical services, sheriff department vehicles and other County vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one (1) residence unless road scraping is performed, and

(3) At least one (1) of the properties to be accessed is used as a primary residence.

(b) Any work pursuant to this section will be done on a one-time basis only. In such cases, the County Department of Public Works is limited to the minimum improvements that will allow full and immediate access to the affected residences. Crusher run, gravel, pipe or other materials will not be routinely provided.

II. Other use of public resources on ostensibly private property.

The County Administrator may also direct the use of public forces and resources if he/she makes a finding that such is necessary in the following circumstances:

(a) In the event of a declared national emergency or natural disaster such as floods, tornadoes, hurricanes, earthquakes, or other acts of God or manmade disasters of similar consequences, such as explosions, fires, pollution, and other dangerous conditions; and

(b) For use upon borrow pits purchased, donated, or leased to the county for construction materials, and roads providing access thereto; and

- (c) To clean up, repair or resurface property which has been damaged or altered by the parking, storage, or transporting of county equipment or material; and
- (d) To settle or compromise litigation that is threatened or instituted because of some condition created by or for which the County is legally responsible or liable; and
- (e) For temporary detours or bypasses while County roads or bridges are being constructed, repaired, resurfaced, or maintained; and
- (f) To aid municipalities, special purpose districts, and special tax districts within Beaufort County in the construction, repair, or maintenance of roadways or other projects located within municipal or district boundaries; and
- (g) To provide minimally necessary ingress and egress, such determination to be made at the sole discretion of either the prevailing Fire Chief within that district or the EMS Director or his/her designee, when a public health or medical emergency exists or upon request and certification signed by licensed medical doctor that an urgent medical need exists or by a licensed funeral director that a need exists for receiving or burial of a deceased person. The Fire Chief or EMS Director is to furnish to the County Administrator a statement showing the name of the property owner, the property address, the request, and certification from the licensed professional, and the materials, labor, and equipment used within five business days of completing such work.
- (h) With the exception of the above seven instances, no use of County equipment upon private property shall be permitted, Additionally, any private road that services a commercial property there shall be no use of County equipment. Any County official or employee violating these rules and regulations shall be subject to disciplinary action by the County Administrator and any violations of the rules and regulations contained herein shall be reported to County Council by the County Administrator, provided, however, nothing contained herein shall be construed or interpreted in any manner to restrict the use of County equipment for the ordinary County purposes as provided by law.

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

Joseph Passiment, Council Chair

Attest:

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of approval of an Ordinance to amend Beaufort County Ordinance 2022/33 for the fiscal year 2022-23 Beaufort County budget to provide for additional appropriations to pay for fiscal year 2022 carryovers, use of fund balance for property acquisition and transportation projects, and the use of current year funds for capital projects and equipment purchases, defease/refund General Obligation Bonds, and other matters related thereto.
MEETING NAME AND DATE:
Finance Committee 09/19/2022
PRESENTER INFORMATION:
Hayes Williams, Chief Financial Officer 20 minutes
ITEM BACKGROUND:
Based on current financial needs of Beaufort County, Administration recommends a budget amendment.
PROJECT / ITEM NARRATIVE:
During the first several months of Fiscal Year 2023, it has become apparent that a budget amendment needed to be proposed to Council. It consists of three categories. First, Carryover from Fiscal Year 2022, this represent projects and capital equipment that could not be completed by the Fiscal Year End 2022, totaling \$2,531,417. The second represents use of the General Fund – Fund Balance to purchase 1505 North Street (to include related closing costs) and fund the Transportation Project which would start the planning and engineering needed for Beaufort County’s upcoming road and transportation needs totaling \$6,630,000. The last piece is use of current year funding and includes use of local Hospitality and Accommodation tax to put in lighting at the Boundary Street Tennis Courts, design and renovations of Broad River Fishing Pier, renovation of the Alljoy Boat Landing and Beach, establishing a pocket park for the Witness Oak on North Street and overall boat landing repairs totaling \$1,748,900. A new Traffic Engineer funded with gapped positions in the General Fund totaling an estimated \$90,000 (including salary and benefits). Fund a contract with SouthernCarolina Regional Development Alliance, totaling \$120,000 to be funded with estimated surpluses in the General Fund. Fund the Retiree Litigation Claims, totaling \$186,840, to be funded with estimated surpluses in the General Fund. A feasibility study of the Saint Helena Performing Arts Center, totaling \$66,000 to be funded with ARPA funding. A purchase of a CAT Motograder using capital Fund surpluses and closing out Capital Project Funds 4008 and 4009 totaling \$246,147. Defease/ refund General Obligation bonds, totaling \$1,747,193 to be funded by projected surplus in Fund 3000. Defease/ refund General Obligation bonds for the purchase of Real Property, totaling \$1,523,586 to be funded by projected surplus in Fund 2003. Capital projects for Hilton Head Island Public Service District totaling \$1,000,000 to be funded by ARPA funds. Capital projects for Beaufort County Parks and Recreation totaling \$1,055,000, to be funded by the King Street and Wilmington Street Properties. A \$600,000 appropriation to the Jobs and Work Site Fund to be funded from the Myrtle Park Fund \$92,094 and the General Fund \$600,000.
FISCAL IMPACT:

See attached listing

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommends approval of the motion to carry to County Council.

OPTIONS FOR COUNCIL MOTION:

Motion to approve/deny "the Budget Amendment"

Move forward to Council for First Reading/Approval/Adoption on September 26, 2022.

ORDINANCE 2022/ ____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR FISCAL YEAR 2022 CARRYOVERS, USE OF FUND BALANCE FOR PROPERTY ACQUISITION AND TRANSPORTATION PROJECTS, AND THE USE OF CURRENT YEAR FUNDS FOR CAPITAL PROJECTS AND EQUIPMENT PURCHASES, DEFEASE/ REFUND GENERAL OBIGATION BONDS AND OTHER MATTERS RELATED THERETO.

WHEREAS, on June 27, 2022, Beaufort County Council adopted Ordinance No. 2022/33 which set the County's FY 2022-2023 budget and associated expenditures; and

WHEREAS, it has been determined to be necessary and proper to appropriate certain funds for expenses which are immediate in need; and

WHEREAS, Council wishes to appropriate these additional funds from the General Fund - Fund Balance, projected surpluses in the General Fund, current year Local Hospitality and Accommodations Taxes, the closing of Funds 4008 and 4009, the use of ARPA funding, the use of projected surpluses in the Debt Service Fund and the Purchase of Real Property Fund, and use of the surplus in the capital project fund; 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 additional appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2022-2023 Beaufort County Budget Ordinance 2022/33 is hereby amended as follows:

1. The sum of \$2,531,417 is hereby appropriated from General Fund - Fund Balance for completing capital projects and equipment carried over from Fiscal Year 2022.
2. The sum of \$6,630,000 is hereby appropriated from General Fund - Fund Balance for purchasing 1505 North Street (to include additional closing costs) and the Future Transportation Project.
3. The sum of \$1,748,900 is hereby appropriated from current year funding of Local Accommodations and Hospitality Tax Funds for Boundary Street Tennis Court lighting, design and renovations of Broad River Fishing Pier, renovations of the Alljoy Boat Landing, to build a pocket park for the Witness Oak on North Street, boat landing repairs at large.
4. The sum of \$396,840 for a new Traffic Engineer, the SouthernCarolina Regional Development Alliance contract, and the Retiree Litigation claims to be funded from projected surpluses in the General Fund.
5. The sum of \$66,000 for the Saint Helena Island Performing Arts Center Feasibility Study to be funded from the ARPA Fund.

- 6. The sum of \$246,147 for the purchase of a motograder to be funded from the Capital Fund Surplus and closing down Capital Project Funds 4008 and 4009.
- 7. The sum of \$1,747,193 to defease/ refund General Obligation Bonds to be funded from projected surpluses in the Debt Service Fund.
- 8. The sum of \$1,523,586 to defease/ refund General Obligation Bonds to be funded from projected surpluses in the Purchase of Real Property Fund.
- 9. The sum of \$1,000,000 for The Hilton Head Public Service District to be used for the following projects: (1) a new water booster station at the HHIPSD’s Leg o’ Mutton site to help ensure that the HHIPSD’s water can be delivered to its customers efficiently and consistently; and (2) an emergency generator at the HHIPSD’s reverse osmosis drinking water treatment facility to help ensure resilience during natural disasters to be funded by ARPA Funds.
- 10. The sum of \$1,055,000 for Beaufort County Parks and Recreation Department to be used for capital improvement projects for Southside Park in the City of Beaufort and other county parks, funding from the sale of the King Street property and the sale of Wilmington Street property.
- 11. The sum of \$600,000 to the Job and Work Site Fund, funded \$92,094 from the Myrtle Park Fund and \$507,906 from the General Fund. This \$600,000 is to be returned to the Job and Work Site Fund upon the sale of any facility/project where this \$600,000 has been used and will serve as a revolving amount for previously committed and future economic development projects.

The funds are to be appropriated for fiscal year 2023.

DONE this _____ day of October, 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
Carryover Budget from 2022 to 2023

PO#	Org and object Codes	Vendor Name	Order Amount	Balance	RO/CO	Notes
Fleet						
20220592	10001301-54000	VIC BAILEY FORD	149,826.00	\$ 149,826	Carryovers	F-550 RPLC 22995 - May 16 produced, vehicle required to provide to First Vehicle per contract (Closeout)
20230286	10401301-54000	MATTHEWS MOTORS	139,480.00	139,480	Carryovers	Dodge Ram 5500- need to pay - (formally PO#20220592)
20220961	10401301-54000	ALAN JAY FLEET SALES	60,145.01	55,743	Carryovers	2500 Pick up truck (Need to pay) Delivered beginning FY23
				<u>345,049</u>		
Public Works						
20220765	10001301-51170	MCSWEENEY ENGINEERS, LLC	13,360.00	8,050	Carryovers	Wimbee and Broadriver Fishing Pier
20220578	10001301-51170	JON GUERRY TAYLOR AND ASSOCIATES INC.	10,500.00	6,275	Carryovers	Rollover - HE Trask Construction Admin
20221074	10001301-54000	TIGER CORPORATION	245,072.56	245,073	Carryovers	Delivered in August
20220318	10001301-54000	TIGER CORPORATION	218,622.40	218,622	Carryovers	Ordered in March - Delivery in Feb 2023
20221226	10001301-51170	R.L. MORRISON & SONS	288,609.00	251,967	Carryovers	Received invoice -waiting on Final Inspection
20221290	10001301-51170	PW GARAGE AWNING PROJECT	80,216.00	80,216	Carryovers	Johns Crew Construction
		Total Garage		<u>810,203</u>		
Sheriff						
20221122	10001201-52612	FORMS & SUPPLY INC.	133,756.19	133,756	Carryovers	FURNITURE FOR BCSO COURTHOUSE RENOVATION
		Total Sheriff		<u>133,756</u>		
Animal Shelter						
20220396	10001270-54000	VIC BAILEY FORD	46,106.00	46,106	Carryovers	2021 Ford F-250 Replacement for A #18965
		Total Animal Shelter		<u>46,106</u>		
Facility Maintenance						
20220052	10001310-51160	RMF ENGINEERING, INC.	4,532.27	4,093	Carryovers	Admin Building HVAC A&E Services
20220094	10001310-51160	BEAUFORT DESIGN BUILD LLC	38,750.00	3,824	Carryovers	Admin Building Roof Project A&E Services
20220358	10001310-51160	RMF ENGINEERING, INC.	4,532.27	4,532	Carryovers	Admin Building A&E Services
20220386	10001310-51130	RMF ENGINEERING, INC.	2,693.16	5,393	Carryovers	Courthouse HVAC A&E Services
20220551	10001310-54200	VIC BAILEY FORD	27,409.00	27,409	Carryovers	250 Ford Van-scheduled for production 6/13/22
20220670	10001310-51160	RMF ENGINEERING, INC.	23,770.07	6,260	Carryovers	Burton Wells HVAC A&E Services
20220786	10001310-51160	CDDC, LLC	15,000.00	15,000	Carryovers	Myrtle Park Generator design A&E Services
20220919	10001310-52010	SOUTHERN FOLGER DETENTION EQUIP CO	6,249.00	6,249	Carryovers	Detention Center metal slider
20221022	10001310-54200	ALAN JAY FLEET SALES	38,755.00	38,755	Carryovers	2022 Ford Transit Van Scheduled for 6/15/22
20221023	10001310-54200	KEMO MANUFACTURING LLC	17,533.69	17,534	Carryovers	Flatbed utility trailer
20221240	10001310-51130	ADVANCED DOOR SYSTEMS	29,012.23	29,012	Carryovers	Detention Center Storage Room Doors
20221241	10001310-51130	G2GC, LLC	17,935.92	17,936	Carryovers	Lind Brown Center containment/repairs
20221223	10001310-51130	PETROLEUM RECOVERY SERVICES, INC.	25,912.72	25,913	Carryovers	1000 GALLON FUELK TANK
20221225	10001310-51130	VERTIV CORPORATION	7,228.23	7,228	Carryovers	BIV# 3 UPS
20221246	10001310-51130	TRANE COMFORT SOLUTIONS	7,508.00	7,508	Carryovers	Government South HVAC
20221248	10001310-51130	SOUTHERN FENCE	26,795.00	26,795	Carryovers	Shell Point Gate
20220624	10001310-51130	CREECH & ASSOCIATES, PLLC	112,965.00	112,965	Carryovers	Boat Landing Study-
		Total Facilities maintenance		<u>356,406</u>		

Parks and recreation

10001600-51130			125,000	Carryovers	Bathroom facilities - Bruce Edgerly and Old Burton Wells
10001600-54420			175,000	Carryovers	Bathroom facilities - Bruce Edgerly and Old Burton Wells
10001604-51130			50,000	Carryovers	Bathroom facilities - Bruce Edgerly and Old Burton Wells
10001604-54420			85,000	Carryovers	Bathroom facilities - Bruce Edgerly and Old Burton Wells
20220785 10001600-54000	VIC BAILEY FORD	30,899.00	30,899	Carryovers	2022 Ford F250
20220825 10001600-54000	VIC BAILEY FORD	30,899.00	30,899	Carryovers	2022 Ford F250
	Total Parks & recreation		<u>496,798</u>		

Emergency Medical Services

20220701 10001230-54000	NORTHWESTERN EMERGENCY VEHICLES, INC	310,878.00	<u>310,878</u>	Carryovers	PO Rollover 20211354 Ambulance (2) - Remount
	Total Emergency Medical Services		<u>310,878</u>		

Finance

20221236 10001111-54200	MUNIS-TYLER	32,221	<u>32,221</u>	Carryovers	Purchase project accounting module from Munis
	Total Carryovers		<u>\$ 2,531,417</u>		

Beaufort County
Use of Fund Balance
FY 06/30/2023

Purchase 1505 North Street - Federal Court House Parking Lot \$ 630,000 Fund 1000

Transportation project

To include Triangle Preliminary Design, SC 46 Improvements,
Reimagine Ribaut Road, Safety, Intelligent Transportation system \$ 6,000,000 Fund 1000

Total \$ 6,630,000

Beaufort County
Use of current year funding
FY 06/30/2023

Boundary Street, Tennis Court Lighting	\$ 108,900	Htax Atax	Fund 2001 & 2002
Alljoy Boat Landing	1,100,000	Htax Atax	Fund 2001 & 2002
Pocket park Witness Tree	40,000	Htax Atax	Fund 2001 & 2002
Boat landing repairs	500,000	Htax Atax	Fund 2001 & 2002
Total Htax Atax	<u>\$ 1,748,900</u>		
Traffic Engineer (salary plus benefits)	<u>\$ 90,000</u>	Funded with gapped positions	Fund 1000
SouthernCarolina Regional Development Alliance - contract payment	<u>\$ 120,000</u>	Funded with estimated surplus	Fund 1000
Retiree Litigation Claims	<u>\$ 186,840</u>	Funded with estimated surplus	Fund 1000
Saint Helena Island Performing Arts Center Feasibility Study	<u>\$ 66,000</u>	ARPA	Fund 2330
Purchase of Motograder			
CAT Motorgrader 120 - 1	\$ 147,362	2013 Bond Closing	Fund 4008
CAT Motorgrader 120 - 1	80,134	2014 Bond Closing	Fund 4009
CAT Motorgrader 120 - 1	18,650	Capital Fund Surplus	Fund 1040
Total cost of motorgrader	<u>\$ 246,147</u>		
Dease/ refund bonds from surplus	<u>\$ 1,747,193</u>	Surplus in debt service fund	Fund 3000
Dease/ refund bonds from surplus	<u>\$ 1,523,586</u>	Surplus in puchase of real property	Fund 2003
Hilton Head Island Public Service District projects	<u>\$ 1,000,000</u>	ARPA Funding	Fund 2330
Park and Recreation Capital Projects	<u>\$ 1,055,000</u>	Sale of property King Street & Wilmington Street	Fund 1040
Job and Work Site Appropriation	<u>\$ 600,000</u>	Funding from Myrtle Park and General Fund	Fund 1000 and 4807
Total	<u>\$ 8,383,666</u>		



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE SALE OF COUNTY OWNED REAL PROPERTIES IDENTIFIED AS 1407 KING STREET AND 600 WILMINGTON STREET, CITY OF BEAUFORT
County Council; September 26, 2022
PRESENTER INFORMATION:
Brittany Ward, Interim County Attorney 10 Minutes
ITEM BACKGROUND:
County Council approved first reading (10-1) in Matters Arising Out of Executive Session on September 12, 2022.
PROJECT / ITEM NARRATIVE:
Beaufort County owns property located at 1407 King Street and at 600 Wilmington Street ("Property"). The properties were publicly advertised for sale. One developer has been chosen as the successful bidder. The County will work with the developer (who has agreed) to place covenants and restrictions on the Wilmington Street property to ensure that it is dedicated to work force and affordable housing and that this property is fully developed and leased before vertical construction begins on the King Street property.
FISCAL IMPACT:
Sale of 1407 King Street - \$275,000 Sale of 600 Wilmington Street - \$780,000
STAFF RECOMMENDATIONS TO COUNCIL:
Approve sale of Property
OPTIONS FOR COUNCIL MOTION:
Approve at Second Reading

ORDINANCE 2022/_____

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE SALE OF COUNTY OWNED REAL PROPERTIES IDENTIFIED AS 1407 KING STREET AND 600 WILMINGTON STREET, CITY OF BEAUFORT

WHEREAS Beaufort County (“County”) is the owner of certain real property located at 1407 King Street with TMS No. R120 004 000 0598 0000 and 600 Wilmington Street with TMS No. R120 004 000 0599 0000, totaling approximately 2.36 acres more or less; collectively hereinafter the “Property”; and

WHEREAS the County recognizes that work force and affordable housing is a serious public health and safety concern throughout the County, which places stress on individual families and communities at large from a lack of diversity in neighborhoods, a separation of the workforce from workplaces, imbalances in educational opportunities and community amenities, adverse impacts on child development, and a higher incidence of violent crime that affect low-income neighborhoods; and

WHEREAS the County desires to sell 1407 King Street for \$275,000 and 600 Wilmington Street for \$780,000; and

WHEREAS the County will (i) place contractual obligations on the purchaser to ensure that the housing which is constructed on 1407 Wilmington Street is dedicated to work force and affordable housing; (ii) ensure that covenants and restrictions are placed on the Wilmington Street property to provide additional reassurance that it will be used for work force and affordable housing in the future; and (iii) ensure that construction and leasing of the Willington Street property is complete before vertical construction is commenced on the King Street property; and

WHEREAS County Council finds that it is in the best interest of the citizens and residents of Beaufort County to sell the Property as described herein.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, that the County Administrator is hereby authorized to execute any and all documents necessary for the sale of county owned real properties identified as 1407 King Street and 600 Wilmington Street on substantially the same terms as set forth herein above.

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 13.

ITEM TITLE:
AN ORDINANCE FOR A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, DIVISION 2, SECTION 2-619 TO REQUIRE A PROPERTY IDENTIFICATION NUMBER ON QUIT CLAIM DEEDS
MEETING NAME AND DATE:
Finance Committee; September 19, 2022
PRESENTER INFORMATION:
Patsye Greene, Registrar of Deeds 10 minutes
ITEM BACKGROUND:
Property Identification number assigned by the Tax Assessor's office is the currently accepted standard for real property identification and should be required on all deeds.
PROJECT / ITEM NARRATIVE:
Requiring (PIN) property identification number on all deeds
FISCAL IMPACT:
No fiscal impact
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
Move forward to Council for First Reading

ORDINANCE 2022/_____

AN ORDINANCE FOR A TEXT AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, DIVISION 2, SECTION 2-619 TO REQUIRE A PROPERTY IDENTIFICATION NUMBER ON QUIT CLAIM DEEDS

WHEREAS, the correct identification of real property, for which deeds and other instruments are recorded to prove ownership or other interest in such property, is critical for the maintenance of accurate land ownership records to protect the rights and interests of our citizens, for taxation and for other governmental purposes; and

WHEREAS, Property Identification Number (“PIN”) assigned by the Tax Assessor’s Office is the currently accepted standard for such real property identification; and

WHEREAS, to correctly identify the real property in a deed the text needs to be amended to require all deeds to include a PIN, whereby the deleted text is struck through and the added text is underlined, as follows:

Sec. 2-619. Property identification number required on deeds.

(a) All deeds, ~~except~~ including quit claim deeds, which are submitted for recording to the register of deeds for the county shall have included in the property description section thereof the current county property identification number (PIN) of the subject property, which shall include the district, map, and parcel numbers as assigned by the county tax assessor. It shall be the responsibility of the deed preparer, as indicated in the preparation clause, to obtain the proper PIN prior to recording.

WHEREAS, the Beaufort County Council finds it is appropriate to amend the text as provided for herein in order to protect the rights and interests of our citizens.

NOW, THEREFORE, BE IT ORDAINED, in a meeting duly assembled, hereby approves a text amendment to the Beaufort County Code of Ordinances Chapter 2, Article VIII, Division 2, Section 2-619 as described herein.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Court



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of approval of an Ordinance to amend Beaufort County Ordinance 2022/33 for the fiscal year 2022-23 Beaufort County budget to provide for distributions from Myrtle Park Phase II Fund and other matters related thereto.
MEETING NAME AND DATE:
Finance Committee 09/19/2022
PRESENTER INFORMATION:
Brittany Ward Interim County Attorney and Hayes Williams Chief Financial Officer 15 minutes
ITEM BACKGROUND:
This is a discussion of the purchase, development and sale of Myrtle Park Phase II.
PROJECT / ITEM NARRATIVE:
The Myrtle Park property was purchased in 2014 with the intention of developing the site. Total site and development costs were \$1,772,584. To pay for the development, funding came from Economic Development Contributions totaling \$1,233,167, Beaufort County sales of other properties \$668,576, payment of interest on a loan from the debt service fund \$160,000 and interest of \$31,397. The property was sold on 05/20/2022 for net proceeds of \$599,979.19.
FISCAL IMPACT:
Beaufort County put a substantial amount of capital into this project \$828,576. Staff feels that the County should be reimbursed for its investment in the property.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends to close fund 4807 Myrtle Park Phase II with distributions as follows: \$160,000 transfer to debt service fund (to cover interest payment for the development of the Park), \$668,576 to be transferred to the General Fund (representing the two properties sold to finance the Park) to be allocated as County Council advises, and \$92,094 to be transferred to Site and Job Fund.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny "Recommendation of approval of an Ordinance to amend Beaufort County ordinance 2022/33 for the fiscal year 2022-23 Beaufort County budget to provide for distributions from Myrtle Park Phase II Fund and other matters related thereto." Move forward to Council for First Reading/Approval/Adoption on 09/26/2022

ORDINANCE 2022/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2022/33 FOR THE FISCAL YEAR 2022-23 BEAUFORT COUNTY BUDGET TO PROVIDE FOR DISTRIBUTIONS FROM MYRTLE PARK PHASE II FUND AND OTHER MATTERS RELATED THERETO.

WHEREAS, on June 27, 2022, Beaufort County Council adopted Ordinance No. 2022/33 which set the County's FY 2022-2023 budget and associated expenditures; and

WHEREAS, it has been determined to be necessary and proper to appropriate certain funds for expenses which are immediate in need; and

WHEREAS, Council wishes to distribute the remaining funds from the Myrtle Park Phase II Fund; 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 additional appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2022-2023 Beaufort County Budget Ordinance 2022/33 is hereby amended as follows:

1. The sum of \$160,000 is hereby appropriated from Fund Balance (Fund 4807) for the repayment of interest payments related to development of the Myrtle Park site; to be transferred to the Debt Service Fund (Fund 3000).
2. The sum of \$668,576 is hereby appropriated from Fund Balance (Fund 4807) for repayment to Beaufort County for the sale of two properties used to development of the Myrtle Park site; to be transferred to the General Fund (Fund 1000).
3. The sum of \$92,094 is hereby appropriated from Fund Balance (Fund 4807) for use of Economic Development; to be transferred to the Site and Job Fund (Fund 1010).

DONE this _____ day of September, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:

Public Hearing:
Third Reading

Myrtle Park Phase II
Recap of funding sources and capital outlay from Beaufort County

Cost of development			
Purchase 7.7 Acres Kittie's Landing LLC	3/18/2014	\$	1,155,748
Site development costs	life of project		410,021
Professional Services	2016 expenses		46,815
Loan 1176 interest	8/5/2016		80,000 *1
Loan 1176 interest	1/26/2018		80,000 *1
Total cost to develop			<u>1,772,584</u>
Economic Development Contributions			
Hargray	9/30/2013	\$	325,000
Palmetto Electric Cooperative Inc.	11/19/2013		400,000
Berkeley Electric Cooperative	1/7/2014		33,333
Central Electric Power Cooperative Inc.	1/7/2014		12,834
Palmetto Electric Cooperative Inc.	12/5/2014		150,000
Central Electric Power Cooperative Inc.	1/6/2015		12,000
Department of Commerce	1/26/2015		150,000
Hargray	11/6/2015		150,000
Total Economic Development Contributions			<u>1,233,167</u>
Amount not funded with development credits			<u>(539,416)</u>
<hr/>			
Beaufort County contributions			
Sale of 5 acres A-1A located in Bluffton Technology Park	6/30/2014		459,340
Sale of Lady's Island Convenience Center	6/25/2014		209,236
Loan 1176 interest - paid from Debt Service Fund	8/5/2016		80,000
Loan 1176 interest - paid from Debt Service Fund	1/26/2018		80,000
Total Beaufort County Contributions			<u>828,576</u>
Other Funding			
Mortgage Proceeds	9/10/2015		4,000,000
Mortgage Repayment	9/7/2017		(4,000,000)
Interest	life of project		31,531
Total other Funding			<u>31,531</u>
Sale of Myrtle Park Property			<u>599,979</u>
Total in equity in pooled cash			<u>\$ 920,670</u>
Suggested distribution by staff			
Transfer Debt Service Fund for loan interest paid by Debt Service Fund		\$	160,000
Transfer General Fund - For sales of Bluffton Technology Park & Lady's Island Convenience Center			668,576
Transfer Site and Job Fund - includes interest for life of project of \$31,531			92,094
			<u>\$ 920,670</u>

*1 - Loan 1176 to develop Myrtle Park \$4,000,000 issued 09/07/2015; Beaufort County did not use refunded 08/07/2017; Loan from Santee Cooper Interest paid from debt service fund. I believe it should have been paid as development costs in fund 4807



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN EXCHANGE, PURCHASE AND/OR SALE AGREEMENT WITH THE TOWN OF HILTON HEAD ISLAND FOR THE SALE AND PURCHASE OF REAL PROPERTY CONSISTING OF 68 HELMSMAN WAY, 43 JENKINS ROAD, 70 BAYGALL ROAD, AND 152 WILLIAM HILTON PARKWAY
MEETING NAME AND DATE:
County Council; September 26, 2022
PRESENTER INFORMATION:
Brittany Ward, Interim County Attorney 10 Minutes
ITEM BACKGROUND:
Public Facilities Committee voted unanimously recommended approval to County Council <i>September 19, 2022</i>
PROJECT / ITEM NARRATIVE:
The County and Town of Hilton Head Island have negotiated terms of an exchange of several real properties located on Hilton Head Island. The County owned properties are the location of several active park facilities which are currently maintained by the Town. The Town owned properties are located at or adjacent to County owned or maintained docks and piers.
FISCAL IMPACT:
Exchange of properties has no financial impact. The County and Town find the value of the properties to each entity is sufficient compensation and neither party is requesting additional monetary compensation.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the exchange of properties with the Town of Hilton Head Island.
OPTIONS FOR COUNCIL MOTION:
Not Approve Move forward to Council for Second Reading

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN EXCHANGE, PURCHASE AND/OR SALE AGREEMENT WITH THE TOWN OF HILTON HEAD ISLAND FOR THE SALE AND PURCHASE OF REAL PROPERTY CONSISTING OF 68 HELMSMAN WAY, 43 JENKINS ROAD, 70 BAYGALL ROAD, AND 152 WILLIAM HILTON PARKWAY

WHEREAS, Beaufort County (“County”) is the current owner of the real properties known and described as follows:

- 70 Baygall Road, Hilton Head Island with TMS No. R510 005 000 0005 0000
- 70 Baygall Road, Hilton Head Island with TMS No. R510 005 000 019G 0000
- 152 William Hilton Parkway, Hilton Head Island with TMS No. R511 007 000 0070 0000
- 152 William Hilton Parkway, Hilton Head Island with TMS No. R511 007 000 0070 0000

WHEREAS, the Town of Hilton Head Island (“Town”) is the current owner of the real properties known as described as follows:

- 68 Helmsman Way, Hilton Head Island with TMS No. R552 010 000 0650 0000
- 68 Helmsman Way, Hilton Head Island with TMS No. R552 010 000 0309 0000
- 43 Jenkins Road, Hilton Head Island with TMS No. R510 006 000 001C 00000

WHEREAS, the County and Town have negotiated the terms of an exchange of the real properties described above, said terms are substantially similar to the proposed Purchase and Sale Agreement in “Exhibit A” attached hereto and incorporated herein by reference: and

WHEREAS, Beaufort County Council has determined that it is in the best interest of the citizens of Beaufort County to enter into a purchase and sale agreement for the mutual transfer of real properties by and between the County and the Town.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council hereby authorizes the County Administrator to enter into a purchase and sale agreement with the Town of Hilton Head Island for the sale and purchase of real property consisting of 68 Helmsman Way, 43 Jenkins Road, 70 Baygall Road, and 152 William Hilton Parkway.

Adopted this ____ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
AGREEMENT TO SELL AND PURCHASE REAL PROPERTY

THIS AGREEMENT TO SELL AND PURCHASE REAL PROPERTY ("Agreement") made and entered into this _____ day of _____ 2022 ("Effective Date"), by and between BEAUFORT COUNTY, a subdivision of the State of South Carolina (the "County") and TOWN OF HILTON HEAD (the "Town"); hereinafter collectively referred to as the "Parties" and individually referred to as a "Party".

WITNESSETH:

WHEREAS, the Parties hereto have had preliminary discussions with regard to the sale and purchase of certain real property located in the Town of Hilton Head, Beaufort County, South Carolina, and it is their desire to document their understandings with respect to said real property.

NOW THEREFORE, in consideration of the real property and of the mutual promises and covenants herein contained the Parties agree as follows:

1. Real Property. The Parties agrees to sell and purchase the following real property:

Barker Field Properties

(a) Parcel A. The County is fee simple owner of the real property with the address of 70 Baygall Road, Hilton Head Island, South Carolina 29928, also currently identified as TMS No. R510 005 000 0005 0000, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel A").

(b) Parcel B. The County is fee simple owner of the real property immediately adjacent to the southern boundary of 70 Baygall Road, Hilton Head Island, South Carolina 29928, also currently identified as TMS No. R510 005 000 019G 0000, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel B").

Old School House Properties

(c) Parcel C. The Town and County are fee simple owners of the real property immediately adjacent to the southern boundary of 152 William Hilton Parkway, Hilton Head Island, South Carolina 29928, each holding a fifty percent (50%), undivided interest in the same, also currently identified as TMS No. R511 007 000 0070 0000, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel C").

(d) Parcel D. The Town and County are fee simple owners of the real property immediately adjacent to the southern boundary of 152 William Hilton Parkway, Hilton Head

Island, South Carolina 29928, each holding a fifty percent (50%), undivided interest in the same, also currently identified as **TMS No. R511 007 000 0247 0000**, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel D").

Cross Island Boat Landing

(e) *Parcel E.* The Town is fee simple owner of the real property with the address of **68 Helmsman Way, Hilton Head Island, South Carolina 29928**, also currently identified as **TMS No. R552 010 000 0650 0000**, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel E"), provided that the County agrees that Parcel E shall be conveyed subject to a deed restriction that prohibits the property from being used for anything other than a boat access ramp / dock and vehicular parking for the public. The aforementioned deed restriction shall not prohibit the County from building ancillary structures that support the public boat access and parking purpose.

(f) *Parcel F.* The Town is fee simple owner of the real property with the address of **68 Helmsman Way, Hilton Head Island, South Carolina 29928**, also currently identified as **TMS No. R552 010 000 0309 0000**, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel F"). That portion of Parcel F, as depicted in Exhibit B and as to be recorded on a plat at a later time by the County in accordance with Section 4(c) of this Agreement, will be conveyed to the County by the Town, provided that the County agrees that Parcel F shall be conveyed subject to a deed restriction that prohibits the property from being used for anything other than a boat access ramp / dock and vehicular parking for the public. The aforementioned deed restriction shall not prohibit the County from building ancillary structures that support the public boat access and parking purpose.

Jenkins Road Property

(g) *Parcel G.* The Town is fee simple owner of the real property located immediately adjacent to the eastern boundary of **43 Jenkins Road, Hilton Head Island, South Carolina 29928**, also currently identified as **TMS No. R510 006 000 001C 0000**, and as further described in Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances, rights, easements, rights-of-way, tenements and hereditaments incident thereto, and all title and interest, if any, of County in and to all strips, gores, and any land lying in the bed of any street, road, or avenue open, proposed in front or adjoining the property (collectively, the "Parcel G").

The real properties in this Section shall hereinafter collectively be referred to as the "Properties".

2. **Purchase Price and Other Considerations.** The County shall sell and Town shall purchase Parcels A, B, C and D for a purchase price of Ten and XX/100 (\$10.00) Dollars, and for other good and valuable consideration; and the Town shall sell and County shall purchase Parcels E, F (only that portion depicted in Exhibit B, as to be recorded on a plat at a later time by the County in accordance with Section 4(c) of this Agreement) and G for a purchase price of Ten and

XX/100 (\$10.00) Dollars, and for other valuable consideration, as described in this Agreement (“Purchase Price”).

As further consideration in the inducement of this transaction, the County acknowledges that the Town will be allowed to participate in the final design and site layout of any improvements that may occur on Parcels E and F. The Town shall have the authority to review and approve project design characteristics to ensure that any proposed improvement is not inconsistent with the character of development on Hilton Head Island or is otherwise contrary to the best interests of the residents of Hilton Head Island. Such approval shall not be arbitrarily withheld. Additionally, the County warrants that as a permanent condition of the transfer of Parcels E and F, it shall ensure that the general public will have continued access to and use of the public boat launch and parking located on Parcels E and F. This obligation will be memorialized within the respective deeds from the Town to the County relative to the transfer of these parcels.

As further consideration in the inducement of this transaction, the Town agrees to support the County’s desire to enter into an agreement with the Island Recreation Association in order to ensure that the County will be able to obtain scheduling and use of the athletic fields located at what is known as Barker Field to the mutual satisfaction of both the County and the Island Recreation Association. If requested by the County, the Town shall place such support in writing.

4. **Conveyance and Due Diligence Period.** The Parties shall individually perform all due diligence on the Properties no later than sixty (60) days from the Effective Date. The Parties shall individually be solely responsible for any costs associated with Due Diligence.

a) Conveyance of Real Property/Title. Conveyance shall be made subject to all easements, encumbrances (but not liens), covenants, conditions and restrictions of record (provided they do not make the title unmarketable), to all governmental statutes, ordinances, rules and regulations and to all matters that would be disclosed by a current and accurate survey and inspection of the Properties. Title to the Properties shall be conveyed to each Party by limited warranty deed. Parties agree to convey marketable title free, and clear of all liens.

b) The County agrees that that portion of Parcel F, as depicted in Exhibit B and as to be recorded on a plat at a later time by the County in accordance with Section 4(c) of this Agreement, shall be conveyed subject to a deed restriction that prohibits the property from being used for anything other than a boat access ramp / dock and vehicular parking for the public. The aforementioned deed restriction shall not prohibit the County from building ancillary structures that support the public boat access and parking purpose.

Each Party shall have the responsibility to examine the title to the Properties. Each Party shall notify the other Party in writing of any title defects during the Due Diligence Period. The Party receiving notice of a title defect shall have thirty (30) days from the date of such notification in which to cure such defects at its own expense or to decline to cure such defects noted by the notifying Party. The receiving Party shall provide the notifying Party communication in writing of receiving Party’s election to cure or decline to cure such defects noted by notifying Party within ten (10) days of receipt of notifying Party’s communication. Notifying Party shall then have five (5) days from the date of receiving Party’s communication to the termination of this Agreement for lack of sufficient cure to such defects. Absent receiving Party’s receipt of notice from notifying Party within said five (5) day period, all of the notifying Party’s outstanding defects shall be deemed Permitted Exceptions, and the Closing shall be held on or before the date provided for Closing in this Agreement.

c) Survey and Subdivision of Parcel F. The County shall be responsible for obtaining a survey of Parcel F by a licensed surveyor and is solely responsible for the cost

associated with the survey. The Town shall have the right to review and approve said survey prior to the Closing Date. The County shall also be solely responsible for both the cost and accomplishing any subdivision of Parcel F, as depicted in Exhibit B.

d) Property Sold “As Is”. The Parties acknowledge that the Properties are being sold “as is”, and that each Party has the opportunity to perform a full examination of the Properties prior to the Closing Date. Neither Party shall make any request to perform any tasks on the any Property, including but not limited to, removing vegetation or clearing timber.

e) Inspection. Parties hereby acknowledge and agree that each Party has or will thoroughly inspect and examine the Properties prior to closing. Each Party is responsible for obtaining inspection reports from qualified professionals to assess the Properties. Each Party and/or its agents shall have the privilege of going upon the Properties at any time during the existence of this Agreement to inspect, examine, and survey. Each Party assumes all responsibility for the acts of itself, its agents or representatives in exercising its rights under this Agreement.

7. **Closing**. The Closing occurs when the County and Town transfer the Purchase Price as described in Section 2, when County conveys interest in Parcels A, B, C, and D to Town, and when Town conveys interest in Parcels E, F, and G to County.

a) Closing Date. The Closing shall occur on or before December 15, 2022 (“Closing Date”) at the offices of County’s attorney, or on such other date, place and/or time as the Parties may mutually agree.

b) Closing Costs and Prorations. All current real estate taxes, assessments, dues and other proratable items, if any, shall be apportioned pro rata on a per diem basis as of the Closing Date. The County shall be responsible for paying the South Carolina recording fee (formerly referred to as documentary stamps), transfer tax to be affixed to the deed and related transfer documents, if any such fee or tax be applicable to this transaction as applicable to the conveyance of Parcels E, G and F. The Town shall be responsible for paying the South Carolina recording fee (formerly referred to as documentary stamps), transfer tax to be affixed to the deed and related transfer documents, if any such fee or tax be applicable to this transaction as applicable to the conveyance of Parcels A, B, C, and D. Each Party shall be responsible for its own legal fees.

8. **Brokerage Fees**. The Parties represent that the Properties are not subject to a listing contract with any real estate broker. The Parties agree to indemnify and hold each other harmless from any claim of commission by others arising by, through or on account of the acts of the Parties.

9. **Delivery of Documentation**.

a) County shall deliver to Town at or before the Closing (at such times as Town may reasonably request) A limited warranty deed satisfactory in form and substance to counsel for Town, conveying fee simple title to Parcels A, B, C, and D free and clear of all liens, encumbrances, easements and restrictions of every nature and description, except those Permitted Exceptions referenced herein. The delivery and accuracy of said limited warranty deed shall be a condition to Town’s obligation to consummate the purchase and sale herein contemplated.

b) Town shall deliver to County at or before the Closing (at such times as County may reasonably request) a limited warranty deed satisfactory in form and substance to counsel for County, conveying fee simple title to Parcels E, F and G, free and clear of all liens, encumbrances, easements and restrictions of every nature and description, except those Permitted Exceptions referenced herein. The delivery and accuracy of said limited warranty deed shall be a

condition to County's obligation to consummate the purchase and sale herein contemplated.

c) Permitted Easements shall include easements found on surveys recorded with the Beaufort County Register of Deeds, utilities, or rights-of-way easements which are currently encumbering a property.

10. **Conditions Precedent.** Notwithstanding anything to the contrary stated herein, the obligations of the Parties to purchase the Properties are expressly made subject to the conveying Party's representation that as of the Closing Date the warranties and representations of conveying Party shall be true and correct. The foregoing conditions are for the sole benefit of and may be waived by receiving Party by written notice to conveying Party.

11. **Default.** If either Party fails to perform any provision of this Agreement, the other party may elect to seek any remedy provided in equity (but not at law for money damages) as a result of such failure to perform, including an action for specific performance of either Party's obligations under this Agreement, or terminate this Agreement with a five (5) day written notice. If terminated, both Parties shall execute a written release of the other from this Agreement. The Parties agree to cooperatively pursue their obligations set forth herein in good faith.

12. **Notices.** Any notice, communication, request, approval or consent which may be given or is required to be given under the terms of this Agreement shall be in writing and shall be transmitted (1) via hand delivery or express overnight delivery service to a Party, (2) via facsimile with the original to follow via hand delivery or overnight delivery service, or (3) via e-mail, provided that the sending party can show proof of delivery, as the case may be, at the addresses/numbers set forth below:

TO COUNTY: Beaufort County
Post Office Box 1228
Beaufort, SC 29901
Attn: County Administrator

Copy to: Beaufort County
Post Office Box 1228
Beaufort, SC 29901
Attn: Brittany Ward , Beaufort County Deputy Attorney
E-mail: bward@bcgov.net
(843) 255-2059

TO TOWN: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928
Attn: Town Manager

Copy to: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928
Attn: Town Attorney

13. **No Joint Venture.** It is understood and agreed between the Parties hereto that this is an agreement for the sale and purchase of real estate and is in no way to be considered a joint venture between Seller and Purchaser. It is further understood and agreed that Purchaser is

assuming no liabilities, whether fixed or contingent, of Seller, and that this is a purchase of real estate assets.

14. **Entire Agreement.** This Agreement incorporates any and all prior agreements, covenants, and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this agreement. No prior agreement or understandings, verbal or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. **Binding Nature and Assignment.** This Agreement shall bind the Parties and their respective successors in interest as may be permitted by law. Neither party to this Agreement may assign their rights or obligations arising under this Agreement without the prior written consent of the other party.

16. **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

17. **Severability.** If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, then such provision shall be deemed to be written, construed and enforced as so limited.

18. **Amendment.** This Agreement cannot be amended orally or by a single party. No amendment or change to this Agreement shall be valid unless in writing and signed by both Parties to this Agreement.

19. **Authority.** Each individual and entity executing this Agreement hereby represents and warrants that he, she or it has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he, she or it is executing this Agreement to the terms hereof.

20. **Governing Law.** The laws of the State of South Carolina shall govern the interpretation, validity, performance and enforcement of this Agreement; and, of any personal guarantees given in connection with this Agreement.

21. **Time is of the Essence.** The time and dates specified in this Agreement shall be enforced; however, the time and dates may be modified for reasonable cause when both parties agree in writing to a reasonable extension.

IN WITNESS WHEREOF, and in acknowledgement that the Parties hereto have read and understood each and every provision hereof, the Parties have caused this Agreement to be executed on the date first written above.

WITNESSES:

COUNTY:

Eric Greenway
Beaufort County Administrator

WITNESSES:

TOWN:

Marc Orlando
Hilton Head Town Manager

DRAFT

EXHIBIT A

PROPERTY DESCRIPTION

Parcel A

All that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, having and containing 7.44 acres, more or less, and being more particularly described as follows, to wit:

Commencing at a point which is the intersection of the Northeastern right-of-way of South Carolina Highway No. 334 with the Eastern right-of-way of South Carolina Highway No. 335 and proceeds from said point of commencement in a Northeasterly direction along the Eastern right-of-way of said South Carolina Highway No. 335 on a course N 47°50'35" East for a distance of 1,342.87 feet to a concrete monument which marks the point of beginning; thence proceeding from said point of beginning and continuing along said South Carolina Highway No. 335 N 47°50'35" East for a distance of 261.0 feet to a concrete monument; thence proceeding N 47°50'35" East for a distance of 348.48 feet to a concrete monument; thence proceeding N 47°50'35" East for a distance of 260.92 feet to a concrete monument; thence proceeding N 47°59'35" East for a distance of 114.95 feet to a concrete monument; thence proceeding S 45°06'45" East for a distance of 291.60 feet to a concrete monument; thence proceeding S 49°49'35" West for a distance of 599.14 feet to a concrete monument; thence proceeding N 37°35'25" West for a distance of 736.00 feet to a concrete monument which marks the beginning.

Parcel B

All that certain piece, parcel or lot of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, assured and designate as Lot Number Eight and identified as belonging to Herbert Brown on a plat entitled "25.832 Acres for Heirs of William Brown," prepared by E.G. Freiesleben consulting P.E. and L.S. Number 4624; said plat being recorded in Beaufort County Plat Book 24 at Page 194. For a more detailed description as to location, courses, metes, bounds, distances and directions, reference may be had to said plat of record

Parcel C

All that certain piece, parcel or lot of land situate, lying and being located in the Town of Hilton Head Island, Beaufort County, South Carolina, containing 3.02, more or less, which is more fully delineated on a plat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freiesleben, P.E. & P.L.S., S.C. #4624. County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991 and revised September 11, 1992, entitled "A 3.02 Acre and a 3.73 Acre Subdivision of a Part of Honey Horn Plantation, Hilton Head Island, South Carolina," said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 45 at Page 67.

Parcel D

All that certain piece, parcel or lot of land situate, lying and being located in the Town of Hilton Head Island, Beaufort County, South Carolina, containing 3.73, more or less, which is more fully delineated on a plat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freiesleben, P.E. & P.L.S., S.C. #4624. County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991 and revised September 11, 1992, entitled "A 3.02 Acre and a 3.73 Acre Subdivision of a Part of Honey Horn Plantation, Hilton Head Island, South Carolina," said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 45 at Page 67.¹

Parcel E

All that certain piece, parcel or tract of land containing approximately 1.515 acres of land, situate, lying and being on the northwestern side of Road S-80 (Palmetto Bay Road) near Hilton Head Island in Beaufort County, and being shown on the South Carolina Department of Transportation Plans for Cross Island Expressway on sheet No. 13, File 7.558, and on a plat entitled "Property of Plantation Land Co, Inc. to be Conveyed to South Carolina Department of Transportation". Prepared by Niels Christensen dated October 13, 1993. Said property being more particularly described as follows:

Beginning at a point located at the southeastern corner of the subject parcel on the northwestern side of Road S-80 and on the New 100-foot right of way line (Road S-80); thence along said right of way with a radius of 5,629.58 feet and chord bearing N 27°54'45" E for 307.74 feet to a point; thence continuing along the said right of way N 26°24'01" E for a distance of 170.68 feet to a point; thence N 74°07'17" W for a distance of 42.82 feet, to a point; thence S 85°02'38" W for a distance of 63.61 feet; thence S 46°10'20" W for a distance of 70.75 feet to a point; thence continuing S 46°10'20" W for a distance of 277.43 feet to a point; thence along said right of way for the Marina Access Road S 20°22'11" E for a distance of 65.04 feet to a point; thence continuing along said right of way for Marina Road Access with a radius of 366.60 feet and chord bearing S 44°38'28" E for a distance of 167.79 feet to the point of beginning; being bounded on the North and West by other lands of the Grantee. East by Road S-80, South by Marina Road Access

Parcel F²

All that certain piece, parcel or tract of land containing approximately 2.409 acres of land, situate, lying and being on the southeastern side of Road S-80 (Palmetto Bay Road) near Hilton Head Island in Beaufort County, and being shown on the South Carolina Department of Transportation Plans for Cross Island Expressway on sheet No. 13, File 7.558, and on a plat entitled "Property of Plantation Land Co., Inc. to be Conveyed to South Carolina Department of

¹ Same as Parcel C.

² Only that portion of Parcel F depicted in Exhibit B will be conveyed to the County by the Town, which consists of all of the land north of Helmsman Way, as to be recorded on a plat at a later time by the County in accordance with Section 4(c) of this Agreement.

Transportation". Prepared by Niels Christensen dated October 13, 1993. Said property being more particularly described as follows:

Beginning at a point located on the southwestern corner of the subject parcel on the southeastern side of Road S-80 and on the New 52-foot right of way line (Road S-80); thence along said right of way N 36°07'46" E for a distance of 2.34 feet to a point; thence along the New right of way line S 53°52'14" E for a distance of 11.00 feet to a point on the New Transitional right of way; thence along said right of way N 38°42'27" E for 668.98 feet to a point on the New 33-foot right of way line of Marine Access Road; thence along said right of way for Marine Access Road with a radius of 217.00 feet and chord bearing S 00°23'16" W for a distance of 294.86 feet to a point; thence continuing along said right of way for Marina Access Road S 43°11'05" W for a distance of 412.63 feet to a point; thence S 84°34'22" W for a distance of 32.26 feet, to a point; thence along said right of way for Haig Point Road N 54°02'21" W for a distance of 138.51 feet to the point of beginning; being bounded on the North and East by Marina Access Road, South Haig Point Road, and West by Road S-80.

Parcel G

All that certain piece, parcel or tract of land situate lying and being on Jenkins Island, Hilton Head, Beaufort County, South Carolina and containing .619 acres, more or less, and being more particularly shown on a plat prepared by Freisleben – Yerkes, Inc., dated August 15, 1979, for Jenkins Island Realty Corporation and American Title Insurance Company. According to said plat, said property is more particularly described as follows, to-wit: Beginning at a point on the Eastern side of a paved road at its juncture with the public landing as shown on said plat; thence N 20 degrees 40 minutes E, a distance of 20 feet to a hub of flagger at the mean high water mark of Skull Creek, thence S 53 degrees 42 minutes 52 seconds E, a distance of 360.67 feet along the mean high water mark to a marker; thence S 80 degrees 08 minutes W, a distance of 212.7 feet to a marker at the Eastern margin of the aforesaid paved road; thence N 23 degrees 47 minutes 51 seconds W, a distance of 244.54 feet to the point of beginning.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO
MEETING NAME AND DATE:
Finance Committee; September 19, 2022
PRESENTER INFORMATION:
Eric Greenway, County Administrator; and Brittany Ward, Interim County Attorney 10 Minutes
ITEM BACKGROUND:
Southern Lowcountry Regional Board ("SoLoCo") approved
PROJECT / ITEM NARRATIVE:
<p>SoLoCo and other local governments commissioned an analysis of regional housing needs and a recommendation report which was completed August 2021 by Asakura Robinson and presented to SoLoCo thereafter. The Asakura Robinson report recommended the establishment of a non-profit 501c(3) Regional Housing Trust Fund in accordance with legislation passed by the South Carolina State Legislature known as the "William C. Mescher Local Housing Trust Fund Enabling Act" which, <i>inter alia</i>, allows for the establishment of Regional Housing Trust Funds ("RHTF") among local governments.</p> <p>The RHTF will include Jasper County, the Town of Hilton Head Island, the Town of Bluffton, the City of Beaufort, the City of Port Royal, the Town of Hardeeville and the Town of Yemassee.</p>
FISCAL IMPACT:
<p>Each participating entity will contribute 3% of their allocation from their ARPA appropriations in year 1; Beaufort County year 1 contribution will be \$1,119,523. ARPA funds allocated previously.</p> <p>In each year thereafter, each entity will contribute funds based on population.</p>
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of establishing the RHTF
OPTIONS FOR COUNCIL MOTION:
<p>Motion to approve/deny an ordinance establishing a regional housing trust fund and other matters related thereto.</p> <p>Move forward to Council for First Reading on September 26, 2022.</p>

ORDINANCE 2022/___

AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO

WHEREAS, the South Carolina State Legislature has enacted enabling legislation known as the “William C. Mescher Local Housing Trust Fund Enabling Act” which, *inter alia*, allows for the establishment of Regional Housing Trust Funds among local governments; and

WHEREAS, Beaufort County Council wishes to establish a regional housing trust fund with adjacent counties and municipalities within Beaufort County; and

WHEREAS, S.C. Code Section 31-22-30 provides “a local government, including a municipality or county, may jointly form a regional housing trust fund by ordinance. A regional housing trust fund created under this chapter is subject to the same requirement and has the same power as a local housing trust fund created by an individual local government”; and

WHEREAS, Beaufort County wishes to establish a regional housing trust fund with Jasper County, the Town of Hilton Head Island, the Town of Bluffton, the City of Beaufort, the City of Port Royal, the Town of Hardeeville and the Town of Yemassee, under terms set forth herein.

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

SECTION 1. Legislative findings.

A. County Council finds:

- (1) In Beaufort County and the surrounding area, there is a shortage of adequate shelter for South Carolinians including the availability of an affordable residence or permanent domicile with adequate privacy, space, physical accessibility, security, structural stability and durability, and adequate electrical, plumbing, and heating systems.
- (2) Private enterprise and investment has not produced, without government assistance, the needed construction of sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent.
- (3) The public's health, safety, and economic interests are best served by the provision of permanent affordable housing because such housing enables South Carolinians to maintain employment, assists this state's children to succeed in school, and helps this State's economic growth and prosperity.

B. The purpose of this ordinance is to authorize Beaufort County and adjacent counties and municipalities to jointly create and operate a regional housing trust fund.

SECTION 2 Definitions.

For purposes of this ordinance:

- (1) "Affordable housing" means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed eighty percent of the median income for the

local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).

(2) "Homeless housing" means emergency, transitional, or permanent residential housing shelter for a person needing special assistance and shelter because he is homeless as defined by HUD or consistent with another definition of homelessness under which a person may receive federal financial assistance, state financial assistance, or another supportive service.

(3) "Regional housing trust fund" (RHTF) means a multi-jurisdictional government fund separate from the general fund and established jointly by the governing authorities of one or more municipalities or county governments with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.

(4) "Special needs housing" means housing or shelter provided by private or public entities including privately operated elderly housing, nursing homes, community residential care facilities, and other special needs population housing facilities regardless of purpose or type of facility.

SECTION 3. Funding.

A. The Beaufort Regional Housing Trust Fund may finance its expenditures with money available to the member local governments through their budgeting authority unless expressly prohibited by the law of this State. Sources of these funds include, but are not limited to, one or more of the following:

- (1) donations;
- (2) bond proceeds; and
- (3) grants and loans from a state, federal, or private source.

Beaufort County and the other participating members of the RHTF may alter a source of funding for the RHTF by amending the ordinance(s) that establish financing for the RHTF, but only if sufficient funds exist to cover the projected debts or expenditures authorized by the RHTF in its budget. State law does not create, grant, or confer a new or additional tax or revenue authority to a local government or political subdivision of the State unless otherwise provided by the law of this State.

B. The member local governments of the RHTF shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The RHTF may be included in the required financial expense reports or annual audit for each local government.

C. The member local governments operating a RHTF may allocate funds to a program that promotes the development or rehabilitation of affordable housing as defined in the state enabling legislation. Regarding the distribution of funds from a RHTF, preference must be given to a program or project that promotes the development or rehabilitation of affordable housing for an individual or family with an annual income at or below fifty (50%) percent of the median income for the local area, adjusted for family size according to current data from HUD, the development or rehabilitation of special needs housing, or the development or rehabilitation of homeless housing.

D. RHTF funds may be used to match other funds from federal, state, or private resources, including the State Housing Trust Fund. Member local governments shall seek additional resources for housing programs and projects to the maximum extent practicable. The member local governments shall administer the housing trust fund through new or existing nonprofit organizations to encourage private

charitable donation to the funds. Where the RHTF receives such a donation, the donation must be used and accounted for in accordance with the provisions of this chapter.

- E. A RHTF established, utilized, or funded under this ordinance must provide an annual report to the member local governments that created the fund. The member local governments shall require the RHTF to provide an accounting of its funds each year. This report must be made available to the public by posting on the appropriate website of the member local governments. Any alteration or amendment to such governing documents must conform to the provisions of the enabling legislation.

SECTION 4. Operations.

The local governments who are to be a party to the RHTF shall enter into an Intergovernmental Agreement which shall contain, *inter alia*, clauses which address the following:

- A. The creation, governance, operation and maintenance of a non-profit corporation, created as tax exempt under Section 501(c)(3) of the US Internal Revenue Code.
- B. The relative financial contributions of each of the members.
 - 1. Each participating jurisdiction will dedicate 3% of their allocation from their American Recovery Act appropriations
 - 2. Each year thereafter, there will be a total annual additional contribution of \$500,000 from all jurisdictions, divided based upon population of each local government, as set forth in the below table:

Year Sum	Beaufort County	Hilton Head Island	Bluffton	Port Royal	City of Beaufort	Jasper County	Hardeeville	Yemassee	
Y1*	\$2,035,058	\$1,119,523	\$156,815	\$59,474	\$197,669	\$200,671	\$175,240	\$108,699	\$16,967

*Year 1 = 3% of American Rescue Plan funds

Y2	\$515,000	\$228,605	\$86,559	\$63,702	\$32,683	\$31,274	\$57,117	\$12,579	\$2,482
Y3	\$530,750	\$235,596	\$89,206	\$65,650	\$33,682	\$32,230	\$58,864	\$12,964	\$2,558
Y4	\$546,672	\$242,664	\$91,882	\$67,619	\$34,693	\$33,197	\$60,629	\$13,353	\$2,635
Y5	\$563,072	\$249,944	\$94,639	\$69,648	\$35,734	\$34,193	\$62,448	\$13,753	\$2,714
Y6	\$579,965	\$257,442	\$97,478	\$71,737	\$36,806	\$35,219	\$64,322	\$14,166	\$2,795
Y7	\$597,363	\$265,165	\$100,402	\$73,889	\$37,910	\$36,275	\$66,251	\$14,591	\$2,879
Y8	\$615,284	\$273,120	\$103,414	\$76,106	\$39,047	\$37,364	\$68,239	\$15,028	\$2,966
Y9	\$633,743	\$281,314	\$106,517	\$78,389	\$40,218	\$38,485	\$70,286	\$15,479	\$3,055
Y10	\$652,755	\$289,753	\$109,712	\$80,741	\$41,425	\$39,639	\$72,395	\$15,944	\$3,146
Sum	\$7,269,662	\$3,443,127	\$1,036,623	\$706,955	\$529,866	\$518,548	\$755,791	\$236,555	\$42,197

SECTION 5. Severability.

If any part of this Ordinance is held by a court of competent jurisdiction 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, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction 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.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council to establish a regional housing trust fund and other matters related thereto.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Court

ORDINANCE 2022/

**TEXT AMENDMENT TO THE BEAUFORT COUNTY PROCUREMENT CODE,
DIVISION 4, SECTION 2-509, AUTHORITY AND DUTIES OF PURCHASING
DIRECTOR AND THE CHIEF FINANCIAL OFFICER**

WHEREAS, the Beaufort County Procurement Code is hereby amended as set forth in Exhibit A hereto. Deletions in the existing code are stricken through. Additions are highlighted and underlined.

ADOPTED, this ____ day of ____2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

EXHIBIT A

- **Sec. 2-509. - Authority and duties of purchasing director.**

(a) *Principal public procurement official.* The purchasing director shall serve as the principal public procurement official of the county and shall be responsible for the procurement of supplies, services, and construction in accordance with this division, as well as the management and disposal of supplies.

(b) *Duties.* In accordance with this division, the purchasing director shall:

(1) *Purchase.* Purchase all supplies, materials, equipment, and contractual services required by county agencies and perform the purchasing-related functions required of the purchasing director in this division.

(2) *Negotiate contracts.* Negotiate contracts for personal services and submit them for approval and award as provided in this division.

(3) *Use standard specifications.* Use standard specifications wherever they are applicable to purchase orders and contracts, and ensure compliance with such specifications through adequate inspection of deliveries.

(4) *Transfer between agencies.* Transfer between agencies supplies, materials, and equipment that are no longer needed by a holding agency but that can be used by the receiving agency.

(5) *Exchange, trade in and sell.* Exchange, trade in or sell those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use.

(6) *Develop standard forms and conditions.* Develop, with the approval of the county attorney as to legal sufficiency, standard forms and conditions of invitations to bid and purchase orders and contracts; develop and prescribe the use by agencies of other forms required in carrying out this division, and amend or eliminate any such forms.

(7) *Acquire and dispose of real property.* Upon request of the county council and subject to its approval of each transaction, perform all delegable functions in connection with acquisition and disposal of real property.

(8) *Perform other duties.* Perform other duties as assigned by the county administrator and ACA, finance.

(c) *Operational procedures.* Consistent with this division, the purchasing director shall adopt operational procedures relating to the execution of his duties.

(d) *Dollar limitations.* Provided that funds have been preapproved by the county council as part of the budget process, an award is made to the lowest responsive and responsible bidder, the contracting authority for the county, except as otherwise provided in [section 2-512](#) pertaining to authority to contract for certain services, [section 2-513](#) pertaining to exemption and [section 2-514](#) pertaining to exemption for real property, shall be as follows:

(1) Purchasing director, delete ~~budget director~~ **add Chief Financial Officer**, \$50,000.00 or less.

(2) County administrator or his designee, over \$50,000.00, but less than \$150,000.00. The county administrator may approve contract renewals and be exempt from the dollar limitations on expenditure authority identified in this [section 2-509](#), authority and duties of purchasing director, paragraph (d), dollar limitations in paragraphs (1)—(4), provided that the funds have been approved by the county council as part of the annual budget appropriation process, and that any expenditure of funds regardless of the amount will not result in a budget deficit.

(3) Council committee, over \$150,000.00, but less than \$200,000.00.

(4) The county council, \$200,000.00 and over.

(e) *Elected and appointed officials.* Provided that funds have been approved by the county council as part of the annual budget appropriation process, and that any expenditure of funds regardless of the amount will not result in a budget deficit within any elected official's office, the sheriff, auditor, treasurer, clerk of court, coroner, solicitor, public defender, probate judge, and magistrates shall be exempt from the dollar limitations on expenditure authority identified above provided that they shall comply with all of [the] provisions of competitive purchasing as may be required by South Carolina law and the Beaufort County Purchasing Ordinance. The county council may request such reports and information as it deems necessary and prudent on the purchasing activities of these offices to ensure compliance with these provisions.

(Code 1982, § 12-10; Ord. No. 99-14, 5-24-1999; [Ord. No. 2014/4, 2-10-2014](#); [Ord. No. 2021/42](#), 12-13-2021)



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE II, SECTION 2-28
MEETING NAME AND DATE:
County Council, September 26, 2022
PRESENTER INFORMATION:
Thomas J. Keaveny, II 15 Minutes
ITEM BACKGROUND:
Administration has been asked to bring forward an amendment to the existing code section the purpose of which is twofold: (1) to update salaries of council members; and (2) to provide that council members will receive cost-of-living increases at the same time employees of Beaufort County receive them.
PROJECT / ITEM NARRATIVE:
See above
FISCAL IMPACT:
The fiscal impact to the county of increasing salaries for council members is nominal and is reflected in the draft ordinance.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff Has No Recommendation.
OPTIONS FOR COUNCIL MOTION:
Motion to approve the ordinance at first reading. If the motion receives a majority vote it will move forward. If no motion is made and seconded, or if the motion fails, the proposed ordinance will not move forward.

ORDINANCE 2022/ ____

AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE II, SECTION 2-28 (a)

(Stricken through language to be removed; underlined language to be added)

WHEREAS Beaufort County Council desires to amend the current Beaufort County Code pertaining to elected officials; and

WHEREAS this Ordinance shall be made effective immediately; and

WHEREAS, the salary amount set forth herein includes the five (5%) percent Cost of Living Adjustment adopted in Ordinance 2022/31; and

WHEREAS, pursuant to S.C. Code Ann. §4-9-100, the amended text relating to salary shall not be effective until the date of commencement of terms of at least two members of council elected at the next general election following the enactment of this Ordinance at which time the amended salary rates will become effective for all members.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council to amend Beaufort County Code of Ordinances, Chapter 2, Article II, Section 2-28 (a) by removing the stricken through language and by adding the underlined language as follows:

Sec. 2-28. Salary and reimbursement.

- (a) *Base annual pay.* The members of council shall receive base annual pay for each fiscal year as follows:
 - (1) *Councilmember.* Each member of council, except for the chair and vice chair, shall receive ~~\$26,988.00~~ \$30,004.00; and
 - (2) *Council chair.* The chair of council shall receive ~~\$28,990.00~~ \$35,022.00; and
 - (3) *Council vice-chair.* The vice-chair of council shall receive ~~\$28,002.00~~ \$32,006.00; and
 - (4) *[Cost of living.]* Any cost-of-living increases approved for county employees in an annual budget or otherwise shall apply to salaries of council members at the same time as they apply to employees of the county. ~~However, the effective date of any such cost of living increase for all members of council shall be the first of January following a general election where two or more members of council have been elected.~~

ADOPTED IN MEETING DULY ASSEMBLED this ____ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

ORDINANCE

An Ordinance transferring the authority for conducting municipal elections to the county election commission, and repealing Section 1-8003 of the City Code of Ordinances

WHEREAS, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and,

WHEREAS, §5-15-145 also provides that the County elections commission is authorized to conduct municipal elections; and,

WHEREAS, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and,

WHEREAS, City Council for the City of Beaufort finds that it is in the best interest of the City and its citizens for the authority to conduct municipal elections to be transferred to the Board of Voter Registration and Elections of Beaufort County; and,

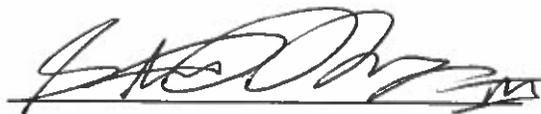
WHEREAS, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to this transfer of authority under the terms set forth below:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, in council duly assembled, and by the authority of the same, as follows:

1. The authority for the conducting municipal elections in the City of Beaufort is hereby transferred to the Board of Voter Registration and Elections of Beaufort County.
2. The Board of Voter Registration and Elections of Beaufort County (the Beaufort County Board) shall hereafter be empowered to conduct municipal elections in the City of Beaufort in accordance with Title 7 of the South Carolina Code of Laws, and the Code of Ordinances for the City of Beaufort. The Beaufort County Board will certify the results of each election to the municipality immediately following the certification of the votes cast in each election.
3. The City Municipal Election Commission shall be abolished, and Section 1-8003 of the City Code of Ordinances shall be repealed.
4. The City of Beaufort shall reimburse the Board of Beaufort County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers compensation and other related additional expenses incurred in its conduct of

municipal elections in the City of Beaufort. Poll Managers will be paid at the standard rate set by the State Election Commission for all other elections. In the event a protest is filed, or litigation is commenced in connection with the conduct of municipal elections, the City of Beaufort shall pay all fees, costs and expenses incurred in such protest or litigation. The Beaufort County Board shall provide invoices and/or other documentation to the City of all such additional costs and expenses incurred in the conduct of City of Beaufort Municipal Elections, protests, certifications of results, litigation or other costs which may be incurred, not specifically mentioned in this ordinance.

- 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of inconsistency.
- 6. This Ordinance shall become finally binding upon adoption, and additionally upon the adoption of Beaufort County Council of an Ordinance accepting such transfer.



Stephen D. Murray III, Mayor

Attest



Traci Guldner, City Clerk

First Reading 5-10-22

Second Reading and adoption 5-24-22

Approved in Form: William B. Harvey, III

(1)

ORDINANCE No. 2022/_____

AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

WHEREAS, §5-15-145 of the South Carolina Code of Laws provides that municipalities are authorized to transfer by Ordinance authority for conducting municipal elections to the county elections commission; and,

WHEREAS, §5-15-145 also provides that county elections commissions are authorized to conduct municipal elections; and,

WHEREAS, §5-15-145 provides that the ordinance transferring such authority must state the terms of the agreement between the municipality and the County for such transfer of authority; and,

WHEREAS, on April 26, 1999, Beaufort County Council adopted ordinance 99/10 (which amended ordinance 97/11) accepting certain elements of the conduct of municipal elections for the City of Beaufort; and

WHEREAS, ordinance 99/10 provided that the City of Beaufort would retain certain elements of the conduct of municipal elections; and

WHEREAS, City Council for the City of Beaufort has adopted an ordinance dated May 24th, 2022 which finds that it is in the best interest of the City and its citizens for the full authority to conduct municipal elections to be transferred to the Board of Voter Registration and Elections of Beaufort County; and,

WHEREAS, pending approval of Beaufort County Council, the Board of Voter Registration and Elections of Beaufort County has agreed to this transfer of authority under the terms set forth below:

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County Council, in meeting duly assembled, and by the authority of the same, as follows:

1. In accordance with the authority devolved by Section 5-15-145, Code of Laws of South Carolina, 1976 as amended, and pursuant to the terms of the Beaufort City ordinance adopted May 24th, 2022 Beaufort County Council approves and accepts the complete transfer of authority to conduct all aspects of municipal elections for the town to the Board of Voter Registration and Elections of Beaufort County (the "Board"). The Board shall be completely responsible for municipal elections held within the City. The authority here transferred includes, but is not limited to, addressing all disputes and questions that arise out of the election process, publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the early voting centers absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, certifying the results of the election, reviewing decisions on

challenges from candidates, reviewing decisions on challenged ballots, hearing protests filed or litigation commenced in connection with the conduct of a City election. All elections conducted by the board shall be in accordance with S.C. Code 1976, title 7, as amended, unless otherwise provided in or modified by S.C. Code 1976, title 5, as amended.

2. The City shall reimburse the Board for all costs incurred in providing ballots, advertising elections, printing costs, poll managers' compensation and other additional expenses incurred in, or arising from, its conduct of municipal elections in the City town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

3. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the same shall be heard by the Board and defended by its attorney. The City town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the board, its officers, agents and employees, and the officers, agents and employees of the county

4. The Board shall provide invoices and/or other documentation to the City town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this section.

5. If any provision of this section or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.

6. This action shall take effect upon adoption of this section accepting the authority being transferred hereunder;

7. All portions of ordinances 97/11 and 99/10 which are inconsistent with the terms herein are hereby repealed.

IT IS SO ORDAINED.

Attest: Sarah Brock, Clerk to Council

Joe Passiment, Chair of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

AN ORDINANCE TO AMEND ORDINANCE 97/11 AND TO EMBODY TERMS OF AGREEMENT BETWEEN THE CITY OF BEAUFORT AND THE BEAUFORT COUNTY ELECTIONS AND REGISTRATION COMMISSION REGARDING MUNICIPAL ELECTIONS AND SPECIFYING AUTHORITY BEING TRANSFERRED.

Whereas, the City of Beaufort and the Beaufort County Elections and Registration Commission have previously operated pursuant to a working agreement for the conduct of Municipal Elections; and

WHEREAS, in March 1992, the South Carolina Legislature amended Section 5-15-145 of the *Code of Laws of South Carolina*, 1976, as amended, required that, as a condition of the transfer of authority to County Elections and Registration Commission for the conduct of municipal election, the municipality must enact an Ordinance embodying the terms of the Agreement; and

WHEREAS, the City of Beaufort and the Beaufort County Elections and Registration Commission have agreed to the terms of the transfer of authority for the conduct of the upcoming Municipal Election in May 1999; and

WHEREAS, pursuant to State law, the County desires to enact an Ordinance embodying the terms of this Agreement; and

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Beaufort County, South Carolina, duly assembled and by authority of the same, accepts the authority being transferred, which shall read as follows:

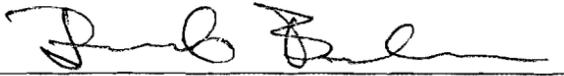
Beaufort County Council on behalf of the Beaufort County Elections and Registration Commission accepts the authority to assist the City of Beaufort and its Municipal Election Commission with City Municipal Elections. Pursuant to this authority and Agreement, the County Elections and Registration Commission hereby accepts the following authority and responsibilities for the conduct of municipal elections:

1. Preparation of voting machines, ballot pages, cards, and other documents, materials and equipment in conjunction therewith; and
2. The training of poll managers and election night workers; and
3. The total conduct of the absentee precinct; and
4. The conduct of the election procedure and tabulating of the results; and
5. The securing of polling places.

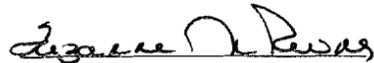
The City of Beaufort and its Municipal Election Commission shall remain responsible for the total cost of conducting all municipal elections, including providing the supplies to be used at the precincts, the certification of all candidates, the designation of polling places, the inspection and visitation of polls during election day, the recruitment and assignment of poll managers, the hearing of challenged ballots and ruling on any protest and/or complaints regarding the election or its procedures, and the certification of the election results.

Adopted this 26th day of April, 1999.

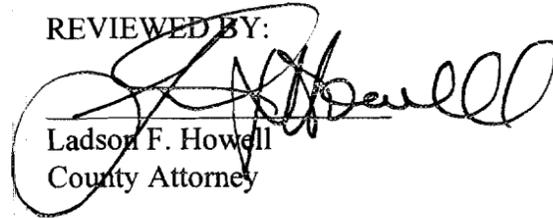
COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Frank Brafman
Chairman

ATTEST:


Clerk to Council

REVIEWED BY:


Ladson F. Howell
County Attorney

First Reading: March 22, 1999
Second Reading: April 12, 1999
Third and Final Reading: April 26, 1999

Amending 97/11

ORDINANCE 2022/_____

AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

WHEREAS, the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County’s quality of life; and

WHEREAS, in recognition of the negative consequences which are often associated with environmentally unsustainable levels of development, South Carolina adopted, the “County Green Space Sales Tax Act,” (“Act”) which is designed to empower counties to undertake land preservation efforts.; and

WHEREAS, the Beaufort County Council has, by Ordinance 2022/36, provided for the imposition of a one percent (1%) sales and use tax pursuant to the Act subject to the results of a Referendum which is to be held on November 8, 2022 (“Referendum”) on the imposition of the sales and use tax; and

WHEREAS, in the event voters approve the Referendum, the net revenues of the sales and use tax are to be applied by County Council for the purposes permitted under the Act; and

WHEREAS, the Act provides that two weeks before the Referendum a county’s election commission must publish in a newspaper of general circulation the questions which are to appear on the ballot along with a description of the methods by which County Council intends to procure open lands and green space of preservation; and

WHEREAS, by the adoption of this ordinance County Council undertakes to set forth a description of the methods by which Council intends to procure open lands and green space for preservation if voters approve the Referendum imposing a one percent (1%) sales and use tax for preservation procurement under the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY AS FOLLOWS:

SECTION 1. TITLE

This article shall be known as the “Beaufort County Green Space Program Ordinance.”

SECTION 2. PURPOSE

It is the purpose of this ordinance to:

- (a) Provide a means by which lands may be protected and enhanced as economic and environmental resources of major importance.
- (b) Encourage landowners to make a voluntary long-term commitment to conservation by offering landowners financial incentives and security of land use.
- (c) Preserve open space; protect critical and natural resources; and/or provide land for recreation.
- (d) Leverage federal, state, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements.
- (e) Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation.
- (f) Provide compensation to landowners in exchange for relinquishment, in part or in whole, of their right to develop their private property.
- (g) Reduce and defer the need for major public infrastructure improvements in the county when the expenditure of public funds is the requirement for such improvements.
- (h) Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, passive recreation, viewscapes and lands suitable for public use in a manner consistent with its conservation values.
- (i) Provide for purchase of development rights and fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives.
- (j) Provide for purchase of development rights on rural lands, which provide protection of natural resources and stability of agricultural, timber, and other open space uses.
- (k) Protect and preserve watersheds; natural habitat for plants and animals.

SECTION 3. TYPES OF ACQUISITIONS

Preservation procurements are defined in the Act. They include procuring for preservation, open lands or green spaces which are located within and without, or both within and without, the boundaries of Beaufort County, other counties, municipalities, and special purpose districts by and through the acquisition of interests in real property, including:

- (a) The acquisition of fee simple titles;
- (b) Conservation easements;
- (c) Development rights;
- (d) Rights of first refusal;

- (e) Options;
- (f) Leases with options to purchase;
- (g) Any other interest in real property.

SECTION 4. GREEN SPACE ADVISORY COMMITTEE MEMBERSHIP, TERMS, ORGANIZATION

To facilitate preservation procurement purchases Council establishes the following Committee, sets forth the terms of membership and its organization:

- (a) County Council shall appoint a seven-member Green Space Advisory Committee as follows:
 - (1) one member who is a member of the County Council;
 - (2) one member who is a member of the Beaufort County Legislative Delegation;
 - (3) one member who is knowledgeable about the geography and condition of Beaufort County's land; and
 - (4) four citizen members, each representing the northern, southern, eastern, and western portions of the county.
- (b) Terms of committee members are for four years and until their successors are appointed and qualify, except that the initial terms of the members must be staggered with the initial term noted on the appointment.
- (c) The committee is a public body, and its members are subject to the South Carolina Ethics Act, as amended, and must perform their duties in accordance with its provisions.
- (d) The committee must conduct its business in accordance with the South Carolina Freedom of Information Act.

SECTION 5. GREEN SPACE ADVISORY COMMITTEE DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Green Space Advisory Committee are to:

- (a) Identify stakeholder groups with extensive knowledge of and experience in land preservation to assist with recommendations to the Advisory Committee on which areas and types of properties to target for acquisition with guidance from the Greenprint Plan and the Comprehensive Plan ("Stakeholder groups").
- (b) Develop and recommend to County Council for adoption program criteria to guide the identification and prioritization of lands to be acquired through the Green Space Program. At a minimum the criteria shall include:
 - (1) That the program is transparent and equally distributes the funds within the County in the interest of Beaufort County residents.

- (2) For properties which are located outside the geographic boundaries of the County known as Beaufort County, matching funds may be required.
- (3) Acquisitions of development rights secured through annexations, rezonings, and/or other entitlements occurring after the adoption of this ordinance will be closely scrutinized and use of/access to Green Space funds may be restricted or prohibited.
- (4) A jurisdictional letter of support or opposition for projects located in other governmental jurisdictions shall be required at the time of application.
- (c) Develop and recommend to County Council an application process that includes a measurable scoring system based on adopted program criteria. When applicable, scoring may at a minimum consist of the following factors:
 - (1) The extent to which the acquisition will protect valuable natural resources, habitat, and water quality.
 - (2) Consistency with adopted plans including the Beaufort County Comprehensive Plan and the Greenprint Plan.
 - (3) The extent to which the acquisition will result in the reduction of vehicle miles traveled and reduce the need for future roadway improvements.
 - (4) The extent to which matching funds will be available for applications.
 - (5) For purchases of existing development rights, how recently the property was entitled for development.
- (d) Submit to South Carolina Department of Revenue, Council approved program criteria and application process for acknowledgement.
- (e) Review and recommend to County Council Green Space lands to be acquired based on the adopted program criteria and scoring system (Section 5-a & 5-b).
- (f) Perform such other duties as may be assigned by County Council.

SECTION 6. METHOD OF PROGRAM AND PROCEDURES

The following procedures shall be followed in evaluating preservation procurements:

- (a) County Staff Receipt and Review of Applications:
 - (1) Applications for participation in the Green Space Program shall be submitted to County staff.
 - (2) County staff, upon determining completeness of the application, shall review and provide a ranking and recommendation to the Green Space Advisory Committee based on the adopted program criteria and scoring (Section 5-a & 5-b).
- (b) Review, Recommendation, and Action to Proceed with Due Diligence and Acquisition Negotiations:

- (1) The Green Space Advisory Committee shall review and make recommendations whether to engage in due diligence and acquisition negotiations based upon staff scoring and recommendation.
 - (2) The Advisory Committee recommendation will be presented to the Natural Resources Committee where a decision to fund due diligence and acquisition negotiations will or will not be approved for each application.
 - (3) If approved by the Natural Resources Committee, county staff will proceed with due diligence and acquisition negotiations.
- (c) Review, Recommendation and Action to Proceed with Acquisition:
- (1) Based on the due diligence and the acquisition negotiations, staff shall make any necessary revisions to the original scoring and recommendation to the Green Space Advisory Committee.
 - (2) The Green Space Advisory Committee shall review and make recommendations whether to approve funding for acquisitions.
 - (3) The Advisory Committee's recommendations will be presented to the Natural Resources Committee where a recommendation to acquire will or will not be approved for each application.
 - (4) The Natural Resources Committee's recommendations will be presented to County Council for final consideration. Approval will be by Resolution.

SECTION 7. DUE DILIGENCE

All proposed acquisitions will be subject to due diligence being satisfactorily completed, reviewed, and approved by the county. All due diligence shall be initiated and reviewed by appropriate county staff before being sent to County Council for action. Due diligence shall include, but may not be limited to:

- (a) An appraisal of the value of the interest being acquired prepared by a member of the appraisal institute (MAI), or other appropriately licensed or certified South Carolina Appraiser.
- (b) A boundary survey completed by a South Carolina Registered Land Surveyor. For purchase of fee simple interests, a topographic survey, tree survey, archaeological survey, or other due diligence items shall also be obtained when appropriate.
- (c) A Phase I environmental assessment by a qualified environmental consulting firm. In instances where the Phase I report so indicates, a Phase II environmental assessment including a plan for any remediation, by the seller or purchaser, is required for the property to address the concerns to the satisfaction of the county.
- (d) When warranted, a title search, title opinion, and/or title insurance commitment with only normal title exceptions will be required.

SECTION 8. CONSERVATION EASEMENTS

- (a) Conservation easements shall concurrently be placed on property where development rights are being acquired with all documents ready to be filed with the Register of Deeds.
- (b) The conservation easements shall be granted directly to an appropriate easement holder by the owner or by the county. The Green Space Advisory Committee shall recommend appropriate easement terms/language to County Council in recordable form.
- (c) The stewardship funding required by the easement holder to defend and provide the necessary annual monitoring required for the easement may be granted by the county for the easement depending on the nature of the agreement reached between the county and the easement holder.
- (d) When the county and Marine Corps Air Station (MCAS) Beaufort collaborate on a purchase of development rights acquisition, an appropriate restrictive easement will be applied to the acquired property.

SECTION 9. EFFECTIVE DATE; SEVERALBILITY

This Ordinance shall take effect immediately upon third reading; provided however, the Green Space Advisory Committee shall not be appointed, and Beaufort County shall not appropriate funds for preservation procurement under this Ordinance or under Ordinance 2022/36 unless voters approve the Referendum imposing a Green Space Sales and Use Tax.

If any provision of the Ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid, such holding shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable.

COUNTY COUNCIL OF BEAUFORT COUNTY

Joseph Passiment, Chairman

ATTEST:

Sarah Brock
Clerk of Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Section 4.1.330 (Ecotourism) to clarify guiding principles for ecotourism development and establish base site area calculations for ecotourism development.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, August 15, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<p><i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards, including changes to the County's ecotourism standards.</i></p> <p><i>At their April 4, 2022 meeting, the Beaufort County Planning Commission voted unanimously to send the amendments back to staff to create more specific and measurable standards. Staff presented the updated amendments at the June 6, 2022 meeting, where the Beaufort County Planning Commission voted unanimously to recommend approval of the amendments with the condition that wastewater treatment be added as a required component of the operational plan.</i></p>
PROJECT / ITEM NARRATIVE:
<p><i>Proposed changes to Section 4.1.330 (Ecotourism) clarify the definition of the Ecotourism use, replace the reference to the Ecotourism Society's (TES) standards with specific, measurable standards to guide Ecotourism projects in the County, specify required components of the operational plan, provide the Director opportunity to ask for more information as needed using a Community Impact Statement (Appendix A.1.30), bring the lodging allowances in line with T2 district's base zoning allowances, and clarify how base site area calculations for ecotourism projects are to be calculated to prevent artificially inflated densities.</i></p>
FISCAL IMPACT:
<i>Not applicable.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Section 4.1.330 (Ecotourism).</i>



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: August 15, 2022

SUBJECT: Proposed Text Amendments to Section 4.1.330 (Ecotourism)

STAFF REPORT:

A. BACKGROUND: In November 2021, Beaufort County Council adopted the 2040 Comprehensive Plan. As a result, staff have been reviewing the Community Development Code (CDC) for necessary amendments. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards, including changes to the County's ecotourism standards.

Proposed changes to Section 4.1.330 (Ecotourism) were first brought before the Beaufort County Planning Commission during their April 4th, 2022 meeting. The original revisions clarified the intent of the Ecotourism use, which is allowed as a Special Use in T1 Natural Preserve and a Conditional Use in T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, and T2 Rural Center. It also replaced the reference to the Ecotourism Society's (TES) standards with actual standards to guide Ecotourism projects in the County. Finally, the original amendment directly referenced base site area calculations for ecotourism projects to prevent artificially inflated densities. At that time, the Commissioners voted unanimously to send the proposed changes back to staff to create more specific and measurable standards. Staff have made modifications to the changes in order to address the Commission's comments.

B. SUMMARY OF PROPOSED REVISIONS: Based on the discussion held during the April 4th, 2022 Planning Commission meeting, staff have made further revisions to Section 4.1.330 (Ecotourism). The new changes include:

- Directly referencing the definition of Ecotourism as outlined in Table 3.1.70 (Land Use Definitions) to provide consistency and reinforce expectations. Ecotourism is defined in Table 3.1.70 (Land Use Definitions) as follows:

Organized, educational and mainly outdoor recreation with or without lodging that invites participants to learn about and promote ecological preservation, conservation, and sustainability. This use shall include at least two of the following characteristics:

- 1. Located near or within a wilderness setting, park, or protected area;*
- 2. Interpretive educational program with or without guides;*
- 3. Outdoor activities; or*
- 4. Cultural experiences.*

- Clarifying standards for the required operational plan to include specific information, as applicable, such as emergency response plans, how utilities are provided, etc.
- Updating the lodging allowances included in ecotourism to better reflect the intention of the special and conditional ecotourism use.
- Refining the ecotourism principles to produce specific, measurable outcomes.

C. LEGAL REVIEW: Staff shared the amended ecotourism standards with the legal department for their review. Legal provided the following recommended changes be made to staff's amendment:

- Add evacuation plans and post-disaster clean-up plans as additional required components of the operational plan detailed in section B.
- Modify the first sentence of Section B so that all of the listed enhancements are equally weighted by removing "and/or" and replacing it with "and".

Because these recommendations were not received until after the Planning Commission agenda was published, staff presented the recommended changes to the Commissioners during the June 6, 2022 meeting. Staff recommended approval of the additional changes recommended by counsel.

D. STAFF RECOMMENDATION: Staff recommends approval of the deletions and amendments. Deletions are stricken through. Additions are highlighted and underlined.

E. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION: At the June 6, 2022 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend approval of the amended ecotourism standards, including the legal department's recommended additions, with the condition that waste water plans also be included as a component of the operational plan.

F. ATTACHMENTS: Revised Community Development Code Section 4.1.330 (Ecotourism)

ORDINANCE 2022 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTION 4.1.330 (ECOTOURISM) TO CLARIFY GUIDING PRINCIPLES FOR
ECOTOURISM DEVELOPMENT AND ESTABLISH BASE SITE AREA
CALCULATIONS FOR ECOTOURISM DEVELOPMENT**

WHEREAS, the Community Development Code permits Ecotourism as a special use in T1 Natural Preserve and as a conditional use in T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, and T2 Rural Center; and

WHEREAS, Section 4.1.330 (Ecotourism) of the Community Development Code sets out the development standards for Ecotourism that reference vague guiding principles set by an outside organization and does not offer specific principles important to Beaufort County; and

WHEREAS, Section 4.1.330 sets a maximum floor area ratio for each ecotourism development, but does not specify how base site area shall be calculated; and

WHEREAS, it is necessary for the Community Development Code to provide clear guidance on ecotourism development standards and how to calculate maximum floor area ratio to achieve orderly development of Ecotourism facilities in our most rural zoning districts; and

NOW, THEREFORE be it ordained by County Council in meeting duly assembled that Section 4.1.330 of the Community Development Code is hereby amended as set forth in Exhibit A hereto. Deletions in the existing code are stricken through. Additions are highlighted and underlined.

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

4.1.330 Ecotourism

Ecotourism shall meet the definition of ecotourism as stated in the Recreation, Education, Safety, Public Assembly section of the Land Use Definitions table in Section 3.1.70 and shall comply with the following:

- A. Applications shall include a site plan whose design incorporates the building, structures, and amenities into the natural and scenic qualities of the area in a complimentary fashion.
- B. An operational plan shall indicate that this use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experiences. An operational plan shall also include, at a minimum, information about access to the site, on and off-site parking for guests and employees, the number and type of jobs and associated wages created, housing for employees, how supplies will be staged and delivered, hours of operation, emergency response plans, how emergency services will be provided, an evacuation plan, post-disaster clean-up plans, how utilities will be provided, how wastewater will be treated, how solid waste will be disposed of, the number and type of amenities provided, and how the operation will adaptively respond to sea level rise. Additional information may be required through a Community Impact Statement as determined by the Director and as described in Appendix A.1.30.
- C. The maximum floor area ratio for each development shall be 0.1. Base Site Area shall be calculated per Section 6.1.40.G.
- D. An open space ratio of (at least) 85% shall be required for the entire property.
- E. Impervious surface shall not exceed 8% for the entire property.
- F. There shall be a 3-acre minimum site size for this use.
- G. Lodgings are permitted with this use and include cabins, inns, B&Bs, historic properties, and small hotels. Hotel uses shall be limited to no more than 50 units per development, 8 units per building, 24 guest rooms and a maximum height of 2 stories.
- H. Operators of ecotourism uses shall adhere to the following stewardship, research, and education principles promoted by The Ecotourism Society (TES), and shall address in their application how they will adhere to them:
 - Provide benefits for local ecosystems via research, conservation, educational awareness, etc.
 - Generate financial benefits for local people via jobs, grants, community investment, etc.
 - Deliver interpretative experiences to visitors that help raise awareness and sensitivity to local environmental and cultural climates.
 - Design, construct, and operate low-impact eco-tours, activities, and facilities.