



Community Services and Public Safety Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, December 05, 2022
2:00 PM

AGENDA

COMMITTEE MEMBERS:

LARRY MCELYNN, CHAIRMAN
GERALD DAWSON
ALICE HOWARD

LOGAN CUNNINGHAM, VICE-CHAIRMAN
YORK GLOVER

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
6. **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)**

AGENDA ITEMS

7. DISCUSSION OF A PENDING ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS.
8. ADJOURNMENT

**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>



Community Services and Public Safety Committee Beaufort County, SC

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

Monday, October 10, 2022
2:00 PM

MINUTES

Watch the video stream available on the County's Website to hear the whole discussion or presentation on a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/186232>

1. CALL TO ORDER

Committee Chairman McElynn called the meeting to order at or around 2 PM.

PRESENT

Committee Chairman Lawrence McElynn
Vice Chairman Logan Cunningham
Council Member D. Paul Sommerville
Council Member Gerald Dawson
Council Member Stu Rodman
Council Member York Glover
Council Member Chris Hervocho
Council Member Alice Howard

ABSENT

Council Member Joseph F. Passiment
Council Member Brian Flewelling
Council Member Mark Lawson

2. PLEDGE OF ALLEGIANCE

Committee Chairman McElynn led the Pledge of Allegiance.

3. FOIA

Committee Chairman McElynn noted that 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

Motion: It was moved by Council Member Howard, seconded by Council Member Dawson, to approve the agenda.

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Dawson, seconded by Council Member Howard, to approve the minutes of August 15, 2022.

The Vote - The motion was approved without objection.

6. CITIZEN COMMENTS

No citizen comments.

7. PRESENTATION FROM THE NATIONAL ALLIANCE OF THE MENTALLY ILL

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

<https://beaufortcountysc.new.swagit.com/videos/186232?ts=134>

Assistant County Administrator Foot highlighted the support offered by the National Alliance of the Mentally Ill (NAMI) and introduced Michelle Casey, Executive Director of NAMI Lowcountry.

Michelle Casey briefed the Committee on the communities served, the fourteen programs offered, the role of a mental health advocate in assisting law enforcement, and the public education opportunities for mental health awareness.

Council Member Glover and Mrs. Casey discussed crisis intervention training.

Committee Chairman McElynn and Mrs. Casey discussed the number of NAMI Lowcountry volunteers across the five counties, grant opportunities, and the next steps for community and law enforcement engagement.

8. RECOMMEND APPROVAL OF A CONTRACT FOR KITCHEN FLOOR REPLACEMENT AT THE DETENTION CENTER (*FISCAL IMPACT: Funding has already been allocated for projects at the detention center with account 10401250 (Capital Projects - Estimated project cost \$97,765.50 - this item does not need to go to full council)*)

Assistant County Administrator Foot provided an overview of the potential contract with Surface Systems to replace the Detention Center's kitchen floor with a total cost of \$97,765.50.

Motion: It was moved by Council Member Dawson, seconded by Council Member Howard, to approve a contract for kitchen floor replacement at the detention center.

The Vote - The motion was approved without objection.

9. DISCUSSION OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS

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

<https://beaufortcountysc.new.swagit.com/videos/186232?ts=2117>

County Administrator Greenway updated the Committee on plans for the Thursday, October 13 meeting to address Council's concerns about the ordinance and develop options for the next steps.

Committee Chairman McElynn commented on the ordinance's language describing a protocol for private road maintenance requests and the nominal fees that may be charged. Mr. McElynn also requested that Craig Gordon be included in Thursday's discussion and that the item is included in the November agenda to allow for consideration of the discussion group's recommendations.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Dawson, to move this item to the next Community Services Committee meeting after the discussion group's Thursday meeting.

The Vote - The motion was approved without objection.

10. RECOMMEND APPROVAL OF A RESOLUTION APPROVING THE BEAUFORT COUNTY NOTICE OF FUNDING OPPORTUNITY (NO.1) PLAN CREATED FOR THE PURPOSE OF CRAFTING THE BEAUFORT COUNTY PLAN TO SUBMIT TO THE SOUTH CAROLINA OPIATE RELIEF FUND BOARD

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

<https://beaufortcountysc.new.swagit.com/videos/186232?ts=2462>

Steve Donaldson briefed the Committee on creating a plan to address opiate addiction for the South Carolina Opiate Relief Fund application.

Committee Chairman McElynn and Mr. Donaldson discussed the expected funding amount to be received by Beaufort County and the maximum amount for which people can apply.

Council Member Glover and Mr. Donaldson discussed the seventeen-year funding expectation of \$20 million and performance measures.

Committee Chairman McElynn discussed the pillars of addressing opiate addiction: law enforcement, education and prevention, and treatment and rehabilitation.

Motion: It was moved by Council Member Dawson, seconded by Council Member Howard, to recommend approval of a resolution approving the Beaufort County Notice of Funding Opportunity (No. 1) Plan created for the purpose of crafting the Beaufort County Plan to submit to the South Carolina Opiate Relief Fund Board.

The Vote - The motion was approved without objection.

11. RECOMMEND APPROVAL OF A RESOLUTION TO APPROVE RECOMMENDATIONS TO AWARD FY23 COMMUNITY SERVICES GRANT PROGRAM FUNDS IN THE AMOUNT OF \$398,000 TO COMMUNITY SERVICES ORGANIZATIONS

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

<https://beaufortcountysc.new.swagit.com/videos/186232?ts=3190>

Fred Lido briefed the Committee on the history and purpose of the grants program, the total of applications received, and the panel's grant recommendations. Mr. Lido also discussed the organization of work groups that make up Together for Beaufort County.

Council Member Howard and Mr. Lido discussed the Under One Roof nonprofit organization.

Motion: It was moved by Council Member Glover, seconded by Council Member Rodman, to recommend approval of a resolution to approve recommendations to award FY23 Community Services Grant Program funds in the amount of \$398,000 to community services organizations.

The Vote - The motion was approved without objection.

12. ADJOURNMENT

Adjourned: at 3:01 PM

Ratified:



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Approval of an ordinance to provide maintenance work on private roads.
MEETING NAME AND DATE:
Community Services Committee Meeting – December 5, 2022
PRESENTER INFORMATION:
Neil J. Desai, P.E., Public Works Director Jared Fralix, P.E., Assistant County Administrator, Infrastructure (15 Minutes)
ITEM BACKGROUND:
Per direction from the County Administrator, the Public Works & Legal Departments were tasked with creating a one-time work effort on private roads. This item was first discussed at Public Facilities Committee meeting on 8/22/22 and later discussed at the council in September and October. Upon discussion at the county council meeting on 10/3/22, a motion was made to postpone the public hearing and third reading of the ordinance until the December meeting and to refer the item back to the Community Services Committee to have additional information provided to Council.
PROJECT / ITEM NARRATIVE:
After meeting with Fire Department, they provided Public Works a list of 25 private dirt roads that needed immediate maintenance efforts. These 25 roads were inspected, and a general condition assessment of the roads was generated with an approximate cost estimate for these 25 roads. With the assistance of the GIS Department, a full list of all the Bft. Co. private dirt roads was created totaling 1139 private dirt roads equaling 287 miles. Additionally, work effort categorization was created with approximate costs that entails minimal effort costing \$10K per mile, medium effort costing \$18K per mile and large effort costing \$35K.
FISCAL IMPACT:
The 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:
Staff recommends referring this item back to County Council with the included information and backup materials for Council to consider a third reading and public hearing of the proposed ordinance.
OPTIONS FOR COUNCIL MOTION:
Motion to either approve the proposed ordinance to provide work on private roads and revoke the existing Policy Statements 15 & 17 and Ordinance 2016/13 that address similar concerns, or deny the proposed ordinance and continue utilizing existing Policy Statements 15 & 17 and Ordinance 2016/13 for work on private roads.

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



County Council Meeting Beaufort County, SC

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

Monday, October 03, 2022
6:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/185935>

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

Council Member Howard led the Pledge of Allegiance and 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 Glover, to approve the agenda.

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the minutes of September 12 and September 26, 2022.

The Vote - The motion was approved without objections.

6. ADMINISTRATOR'S REPORT

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

<https://beaufortcountysc.new.swagit.com/videos/185935?ts=221>

County Administrator Eric Greenway thanked Beaufort County staff for their Hurricane Ian response efforts and introduced four new employees, Octavia Evans, Kyla Hope, Eric Larson, and Brad Mull.

7. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/185935?ts=472>

Gary Sterling

Joe Mack

Jessie White

8. LIASION AND COMMITTEE REPORTS

Council Member Glover thanked Mr. Sterling for supporting the St. Helena Performing Arts Center.

9. APPROVAL OF CONSENT AGENDA

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

The Vote - The motion was approved without objection.

10. PUBLIC HEARING AND THIRD 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/185935?ts=1080>

Motion: It was moved by Council Member Glover, Seconded by Council Member Flewelling, to approve the public hearing and third reading of an ordinance to provide maintenance work on private roads.

Discussion: Council Member Glover commented on land ownership, Heir's property, and access to emergency services.

Council Member Rodman asked if a nominal charge could bridge the legality gap.

Motion to Postpone: It was moved by Council Member Cunningham, Seconded by Council Member Rodman, to postpone the public hearing and third reading of the ordinance until the December meeting and to refer the item back to the Community Services Committee to have additional information provided to Council.

Discussion: Vice Chairman Sommerville, Council Member Flewelling, and Council Member Howard opposed the motion to postpone.

Council Member Lawson voiced his support for the motion to postpone to address cost concerns.

County Administrator Greenway commented on limitations provided by the ordinance and clarified hurricane response clean-up on private property.

Council Member McElynn and County Administrator Greenway discussed if there were previous situations of paving private roads.

Council Member Hervochon and County Administrator Greenway discussed the difference between a roadway and a driveway.

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

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

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

<https://beaufortcountysc.new.swagit.com/videos/185935?ts=2364>

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

County Administrator Greenway discussed the two options for the additions.

- 15 John Galt expansion for a total cost of 232,950 for a 1,884 square-foot addition for voter registration machine storage
- Harris Pillow building addition for \$90,599.10 for a 30 by 50 wire cage system to improve storage space

Council Member Howard and County Administrator Greenway discussed if there were roof leaks and security concerns with the Harris Pillow building.

Council Member Flewelling and County Administrator Greenway discussed why the appropriation is being added to the budget amendment versus waiting until the next budget year.

Council Member Cunningham and County Administrator Greenway discussed the timeline for the addition's completion.

Council Member McElynn and County Administrator Greenway discussed the Board of Voter Registration and Elections' recommendation and storage needs.

Council Member Hervochon and County Administrator Greenway discussed ownership of the Harris Pillow building. Council Member Hervochon commented that he does not think the addition is an appropriate use of the property.

Council Member McElynn discussed the equipment storage options and the DOD's restrictive easement on the Harris Pillow property that restricts the number of people allowed.

Council Member Cunningham asked a hypothetical question about if the property sale proceeds would reflect money spent on the building's improvements.

Council Member Glover asked about the square footage needed for storage and his preference to wait for a request from the Board of Voter Registration and Elections that makes clear their property preference.

Council Member Flewelling asked if the Facilities Needs Assessment addressed the issue and commented on the property addition options.

Chairman Passiment asked about the number of employees working at the John Galt property.

Motion to Amend: It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to amend the budget to appropriate an additional \$240,000 for a 1,800-square-foot addition for the voter registration facility located at 15 John Galt Road.

Discussion: Council Members Rodman, Howard, and Glover opposed the motion to amend.

The Vote - The motion to amend passed 7:3.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

Council Member Cunningham asked if a second story could be added.

Council Member Rodman reiterated his opposition.

Deputy County Administrator Richland discussed the option to defease.

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

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

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to approve the 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.

Discussion: Council Members Hervochon and Flewelling opposed the motion.

The Vote - The motion was approved by 8:2.

13. SECOND 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 Glover, Seconded by Council Member Rodman, to approve the second 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 was approved by 9:1.

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)

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

The Vote - The motion was approved without objection.

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**

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

The Vote - The motion was approved without objection.

16. **SECOND READING OF AN ORDINANCE TO ESTABLISH A REGIONAL HOUSING TRUST FUND AND OTHER MATTERS RELATED THERETO**

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

The Vote - The motion was approved without objection.

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**

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

The Vote - The motion was approved without objection.

18. **FIRST READING OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 2, ARTICLE II, SECTION 2-28 REGARDING COUNCIL SALARIES**

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

<https://beaufortcountysc.new.swagit.com/videos/185935?ts=4218>

Motion: It was moved by Council Member McElynn, Seconded by Council Member Cunningham, to approve the first reading of an ordinance amending Beaufort County Code of Ordinances Chapter 2, Article II, Section 2-28 regarding Council salaries.

Discussion: Council Member McElynn discussed the salary adjustment and the salary structures for Council Members, the Council Vice Chair, and the Council Chair.

Council Member Howard commented on her approval of the last salary adjustment because of the removal of stipends and opposed the motion.

Council Member Cunningham discussed flexibility requirements and compensation to supplement the loss of work income in order to get the best representation.

Council Member Flewelling opposed the motion because it had not gone through a Council committee.

Chairman Passiment clarified the timeline of the ordinance.

Council Member Glover opposed the motion.

Council Member Hervochon opposed the motion and stated that Council salaries should rise to the level of the Treasurer and Auditor. Council Member Hervochon also reiterated Council Member Cunningham’s point about attracting the best candidates and Council Member Flewelling’s point about the item not going through a committee.

Council Member Lawson opposed the motion and referenced an issue with the ordinance’s timing.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, and Council Member McElynn. Voting Nay: Council Member Flewelling, Council Member Glover, Council Member Hervochon, Council Member Howard, and Council Member Lawson. Voting Abstaining: Council Member Rodman. The motion was defeated at 4:5.

19. CITIZEN COMMENTS

No one came forward.


20. ADJOURNMENT

Adjourned: 7:23 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Joseph F. Passiment, Jr., Chairman

ATTEST:


Sarah W. Brock, Clerk to Council

Ratified: October 24, 2022

**RESOLUTION
Policy Statement 15**

A RESOLUTION APPROVING THE BEAUFORT COUNTY POLICY FOR WORKING ON PRIVATE PROPERTY.

WHEREAS, Beaufort County employees shall not enter private property for the purpose of correcting drainage problems, unless the Engineering Department, the Stormwater Management Utility, or the Public Works Department can conclusively determine that actions of Beaufort County or another government entity created the problem. County employees shall obtain permission from the private property owner, in the form of formal written easements or rights-of-way, before entering the private property to correct problems caused by the actions of Beaufort County or other government entities. The County Administrator may recommend an exception to this policy based upon the health and welfare of the residents of the private property in question or their neighbors, and refer his recommendation to the Public Facilities Committee for its review and recommendation to the Council.

WHEREAS, This policy encourages Beaufort County employees to secure easements or rights-of-way to traverse property with ditches and other infrastructure so as to move water in the best interest of the Beaufort County Stormwater Management Program. Before any drainage work on private property may be done without properly executed easements or rights-of-way obtained in accordance with paragraph 2 above, the County Administrator must approve the work, after appropriate recommendation(s) from the Engineering and/or Public Works Departments.

NOW THEREFORE, BE IT RESOLVED, the Beaufort County Council does approve the Policy for Working on Private Property.

Adopted this 10th day of September 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

Amending Policy Statement #15, adopted July 28, 2003.

RESOLUTION**A RESOLUTION APPROVING THE BEAUFORT COUNTY POLICY FOR WORKING ON PRIVATE PROPERTY.**

WHEREAS, Beaufort County Council has designated certain public roads that are maintained by the County's Public Works Department. (Other "public roads" within the County are designated and maintained by the Federal or State governments). All public roads are designated and maintained as public roads by the County Public Works Department; all other roads are private roads. Beaufort County employees shall not enter private property for the purpose of repairing or improving non-public roads, except as provided hereunder.

- (A) Citizens who have not asked for their roads to be converted from private road(s) to a public road(s) may apply to the County Administrator (County Engineer) by petition to have their road(s) classified as "County maintained public roads" Such roads shall not be maintained until the appropriate rights-of-way or easement are donated to the County, and the property owner agrees the road(s) will be designated a "public road(s)" and the petition has been accepted.
- (B) It is the policy of Beaufort County that it will not maintain "private driveways" as defined herein. A "private driveway" is defined as any vehicular pathway where ownership of the land abutting both sides of such pathway is the same and the pathway serves less than six (6) discrete dwelling units, and the property owners have not granted either an easement or a right-of-way to the County, as appropriate and the road is not designated as a public road.
- (C) Exceptions to this policy may be granted, on a case-by-case basis, by a majority vote of County Council upon the recommendation of the County Administrator. Exceptions to this policy will be considered: upon receipt of a petition in writing from all the property owner(s) of a "private driveway" that serves five (5) or more discrete dwelling units, and the property owner(s) agreement to execute either an easement or a right-of-way (or assignment thereof) to the County as appropriate, and accept a public road designation. The County Administrator may recommend an exception to this policy based upon medical needs of occupants of private dwelling units abutting "private driveways", and refer his recommendation to the Public Services Committee for its review and recommendation to Council.

WHEREAS, Beaufort County employees shall not enter private property for the purpose of correcting drainage problems, unless the Engineering Department, the Stormwater Management Utility, or the Public Works Department can conclusively determine that actions of Beaufort County or another government entity created the problem. County employees shall obtain permission from the private property owner, preferably in the form of formal written easements or rights-of-way, before entering the private property to correct problems caused by the actions of Beaufort County or other government entities. The County Administrator may recommend an exception to this policy based upon the health and welfare of the residents of the

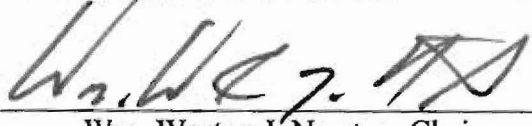
private property in question or their neighbors, and refer his recommendation to the Public Services Committee for its review and recommendation to the Council.

WHEREAS, This policy encourages Beaufort County employees to secure easements or rights-of-way to traverse property with ditches and other infrastructure so as to move water in the best interest of the Beaufort County Stormwater Management Program. Before any drainage work on private property may be done without properly executed easements or rights-of-way obtained in accordance with paragraph 2 above, the County Administrator must approve the work, after appropriate recommendation(s) from the Engineering and/or Public Works Departments.

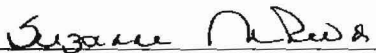
NOW THEREFORE, BE IT RESOLVED, the Beaufort County Council does approve the Policy for Working on Private Property.

Adopted this 28th day of July, 2003.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Wm. Weston J. Newton, Chairman

ATTEST:


Suzanne M. Rainey, Clerk to Council

Policy Statement
PS-17

POLICY FOR THE ACCEPTANCE OF PRIVATE ROADS

Policy Statement (PS-15), adopted by County Council on July 28, 2003, outlined the County's policy with regard to "Working on Private Property". As a related issue, Policy Statement-15 (PS-15) also outlines a general procedure for qualifying and accepting private roads into the County's road maintenance inventory.

The demand for private road acceptance has grown significantly since the adoption of PS-15. County Council recognizes the necessity of treating private road acceptance as a separate issue, and wishes to clarify and refine the acceptance procedure. The new policy set forth herein, is intended to supersede only those portions of PS-15 that deal with the acceptance of private roads and the definitions of "private road" and "private driveway".

Definitions:

1. Private road: a road, street or other vehicular pathway, paved or unpaved, that is owned and maintained by a non-governmental body (e.g., private individual or individuals), property owners association, developer, etc., and that has not been designated for public use.
2. Private driveway: a vehicular pathway where ownership of the land abutting both sides of such pathway is the same.
3. Dwelling unit: any residential unit, including detached, single-family dwellings, townhouse units, condominium units, individual apartments, and mobile homes. Dwellings may be owner-occupied or rental units

Qualifying Requirements

To be considered for acceptance, a private road must meet each of the four criteria listed below:

1. Not a "private driveway as defined above
2. Directly accessible by a public road
3. Serve at least six (6) dwelling units
4. Property owners must submit a "Road Acceptance Application" as outlined below.

Road Acceptance Application

1. Submission of written application (petition): any property owner with land abutting a private road may request a "Road Acceptance Application" from the County Engineering Division:

- (a) Requests will be forwarded to the R/W Manager who will return an application form and a list of the names and mailing addresses of the abutting property owners;
 - (b) It will be the applicant's responsibility to have each and every owner sign the application and then return the completed document to the R/W Manager. One hundred percent (100%) participation on the part of the property owners is required for acceptance consideration;
 - (c) The R/W Manager will ensure that all necessary signatures have been obtained. He/she will notify the applicant of any deficiencies.
2. The completed application indicates the property owners' willingness to:
- (a) Donate that amount of land needed to assemble a 50-foot wide right-of-way. A lesser right-of-way may be considered if it can be demonstrated that it is not feasible to assemble a full 50' right-of-way;
 - (b) Donate any existing or proposed drainage easements that the Public Works Department considers necessary for adequate drainage;
 - (c) Have the road designated for public use.
3. The completed application also indicates the property owners' permission for County employees to enter their property, as necessary, for the purpose of inspecting the existing roadway, assessing drainage needs, and surveying the proposed 50' right-of-way.

Right-Of-Way Deeds

When it is determined that an application has been properly executed, the R/W Manager will prepare the necessary right-of-way deeds. Each deed will reference the County's survey of the proposed 50' right-of-way. The deeds will be mailed to the property owner at the address used by the County Treasurer for property tax mailings. All deeds must be properly executed and returned to the R/W Manager.

Road Inspection

R/W Manager will determine the length of the road and the number of discrete dwelling units served by the road. He/she will pass this information on to the Public Works Director, whose staff will conduct an inspection of the existing roadway for the purpose of assessing needed repairs, drainage adequacy, and the estimated cost of bringing the road up to acceptable condition. A summary of these findings, along with comments and recommendations, will be returned to the R/W Manager.

Public Facilities Committee Agenda Item

The R/W Manager will prepare an agenda item summarizing all the data regarding the subject road. The agenda item will include the recommendations, if any, of the Engineering Division and Public Works Department.

Public Facilities Committee and County Council

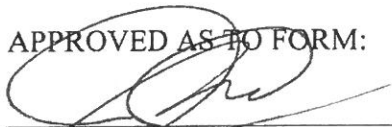
An affirmative vote by simple majority, first by the Public Facilities Committee and then by County Council, is required for road acceptance.

NOW, THEREFORE, BE IT RESOLVED, the Beaufort County Council has approved the Policy for the Acceptance of Private Roads.

Adopted this 28th day of October, 2013.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

ORDINANCE 2016 / 13

AN ORDINANCE CREATING PROCEDURE FOR ESTABLISHING DIRT ROAD MAINTENANCE AND THE ESTABLISHMENT OF A SPECIAL PURPOSE TAX DISTRICT TO COVER COSTS ASSOCIATED WITH IMPROVEMENTS

WHEREAS, Beaufort County has a duty to provide for the general public works including roads, drainage, bridges and related access services.

WHEREAS, Beaufort County has several hundred miles of paved and unpaved roads including an undetermined number of miles of dirt surface roads that are private or not otherwise a part of the County Road System; and

WHEREAS, a majority of these dirt surface roads serve as the sole means of ingress and egress by many Beaufort County residents and taxpayers and are not generally maintained creating difficulty for persons living on them to have a reasonable means of access to their property; and

WHEREAS, Beaufort County Council recognizes that in order for its residents and citizens to have reasonable access to government provided services including fire and EMS, work, church and other opportunities, a reasonable means of getting to and from their residences is essential; and

WHEREAS, Beaufort County Council recognizes that some private roads are in need of one-time repair by the County based on hardship conditions; therefore, a procedure should be put in place for a resident to petition for repair and establish payment of the benefits received; and

WHEREAS, S.C. Code Sec. 4-9-30(5)(a)(ii) allows for the establishment of a Special Tax District when a petition is submitted to the County Council signed by seventy – five percent or more of the resident freeholders who own at least seventy – five percent of the assessed valuation of the real property in the proposed special tax district and upon certification of the petition County Council may pass an ordinance establishing the special tax district; and

WHEREAS, it should be noted that at no time will this petition process be utilized to develop a road in an area which is underdeveloped and in which the property owners are seeking assistance from the County to build a road in order for them to subdivide their land to make a profit.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the following procedure is enacted for the one-time repair of a private road based on hardship conditions and the establishment of a special tax district for the benefits gained from some such improvement.

CHAPTER 34, Article 1

Section 34.1 PURPOSE

Beaufort County Council recognizes that some private roads are in need of one-time repair by the County based on hardship conditions so its residents and citizens can have reasonable access to government provided services including fire and EMS, work, church and other opportunities.

Section 34.2 PROCEDURE

- 1) Upon receipt of a signed petition of the residents for a one-time maintenance request, the Beaufort County Public Works Director will review the roadway and determine whether roadway maintenance is necessary and appropriate.
- 2) If deemed necessary and appropriate and the one-time maintenance would provide reasonable access to government-provided services including fire and EMS, work, church and other opportunities, the Public Works Director shall prepare a cost estimate for road maintenance and provide a copy to the property owners.
- 3) Upon receipt of the cost estimate, seventy – five percent or more of the resident freeholders who own at least seventy – five percent of the assessed valuation of the real property adjacent to any road proposed roadway project shall sign a petition affirming the approval of establishment of a special purpose tax district for the purpose of a one-time roadway maintenance project.
- 4) After receiving 75% approval from the resident freeholders, the Public Works Director will forward the cost estimate and maintenance proposal to County Council for review and approval.
- 5) Upon approval, County Council shall create a special tax district pursuant to S.C. Code Sec. 4-9-30(5)(a)(ii) to cover the costs of the maintenance.

Adopted this 23rd day of May, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:


Thomas J. Keaveny, II, County Attorney

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading: April 25, 2016
Second Reading: May 9, 2016
Public Hearing: May 23, 2016
Third and Final Reading: May 23, 2016

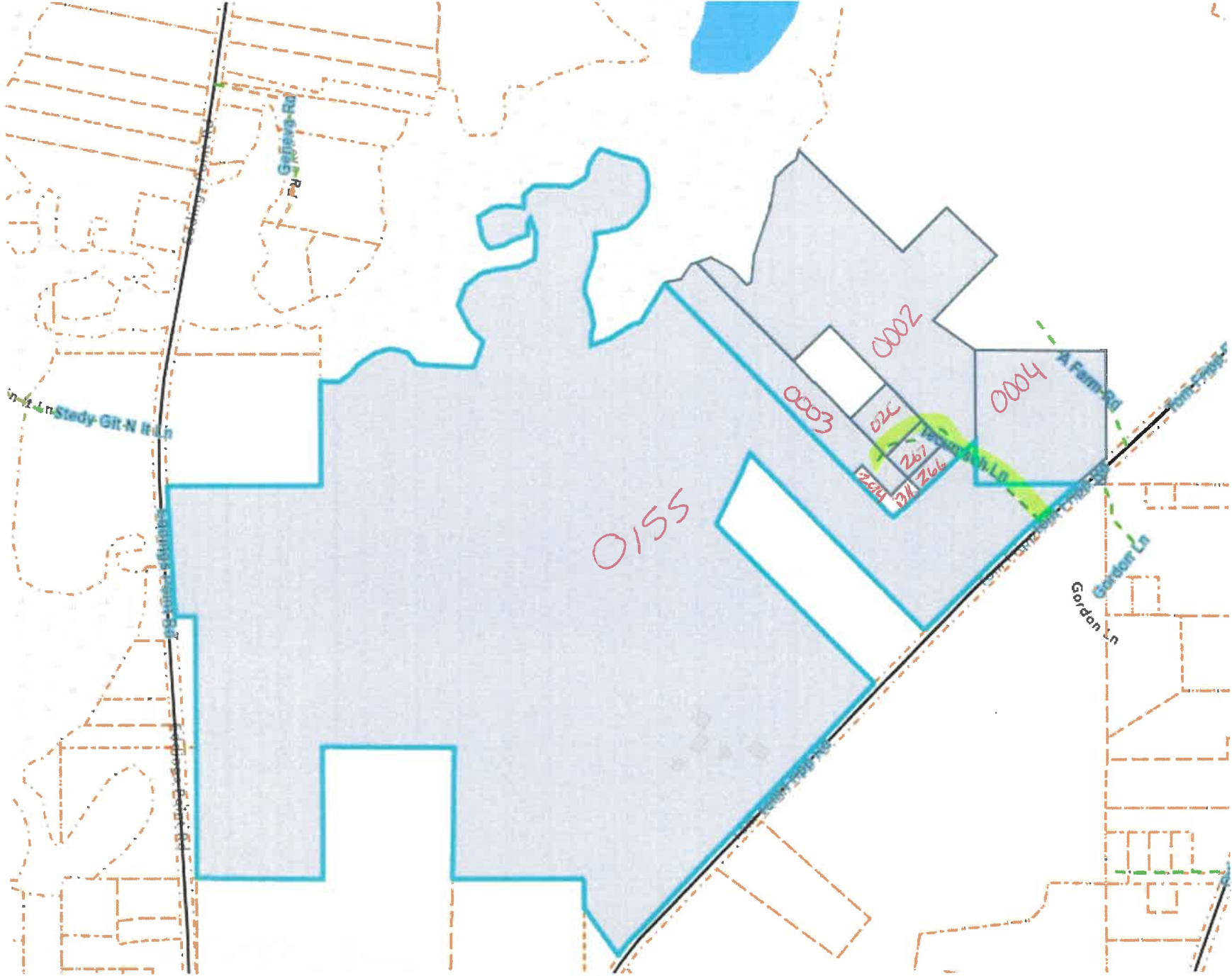
Chronology

- Third and final reading occurred on May 23, 2016 / Vote 11:0
- Second reading approval occurred on May 9, 2016 / Vote 10:1
- First reading approval occurred on April 25, 2016 / Vote 9:0
- Public Facilities Committee discussion and recommendation to approve ordinance on first reading. Approval occurred on April 18, 2016 / Vote 5:1

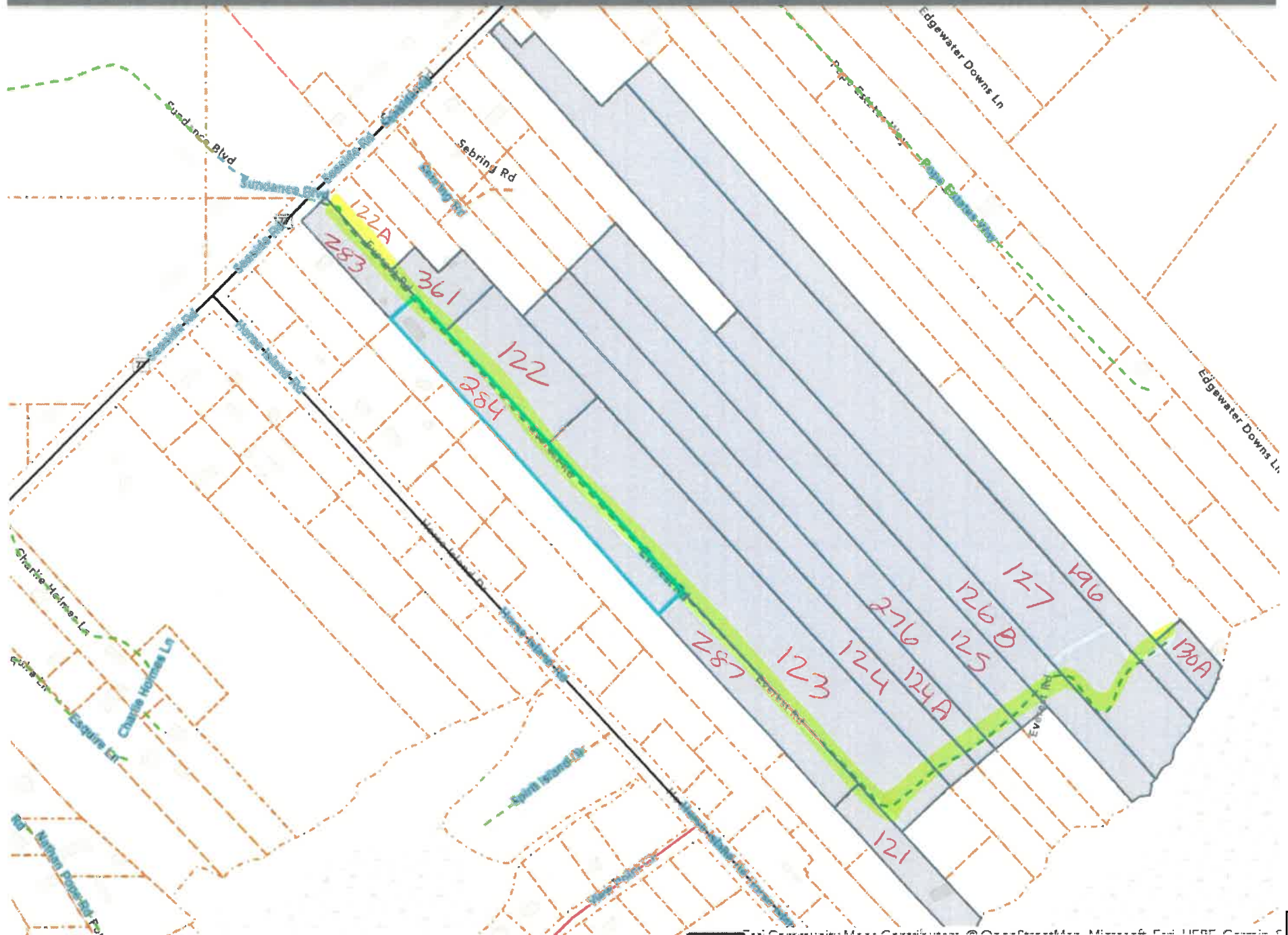
=> Parcels



Tecumseh Lane = 9 parcels



Everest Road = 16 Parcels

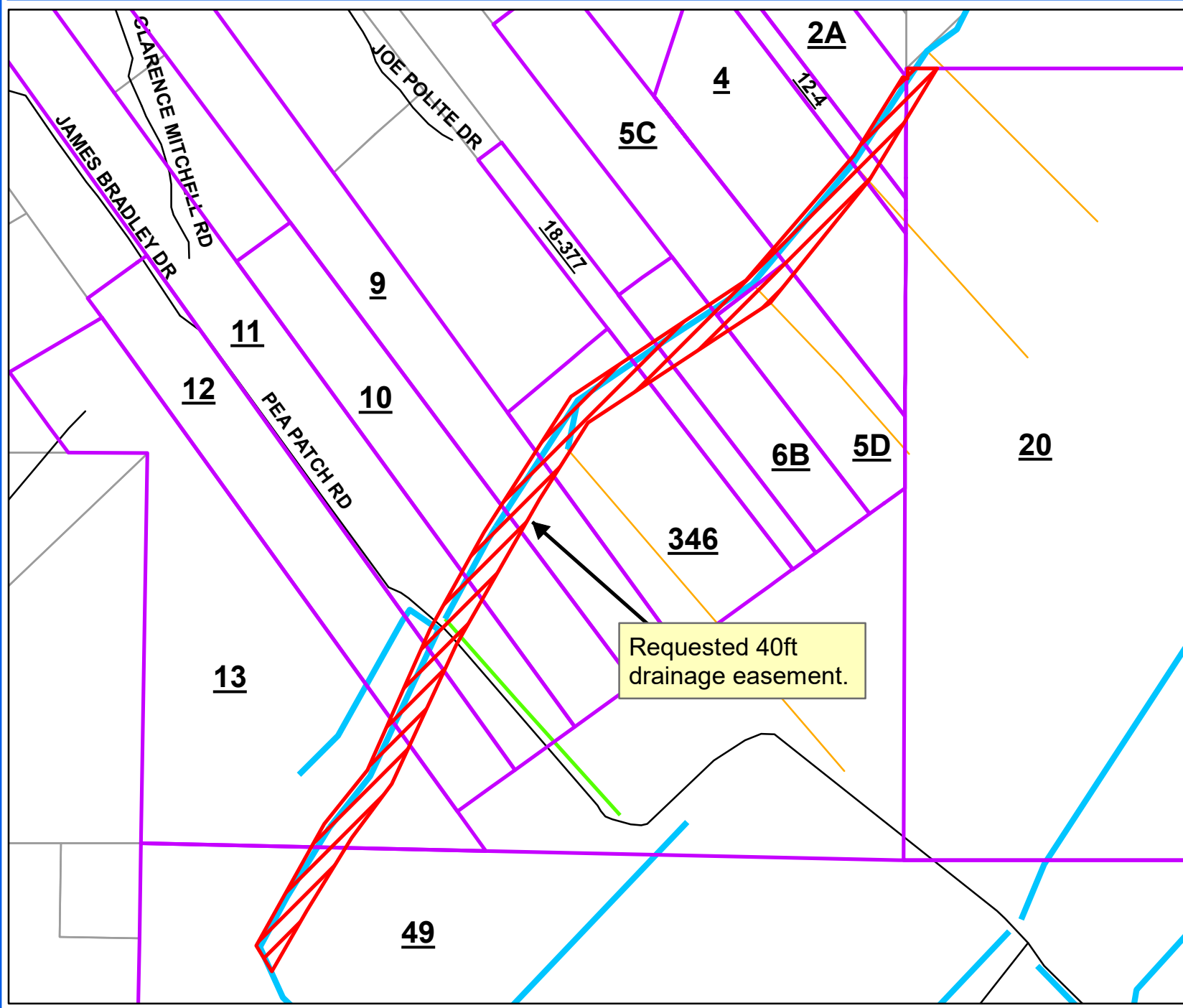


Item 7.

(Exhibit 'A')
R300-18
Pea Patch Rd 1

Activity: Drainage
Easement

Township:
St. Helena



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe



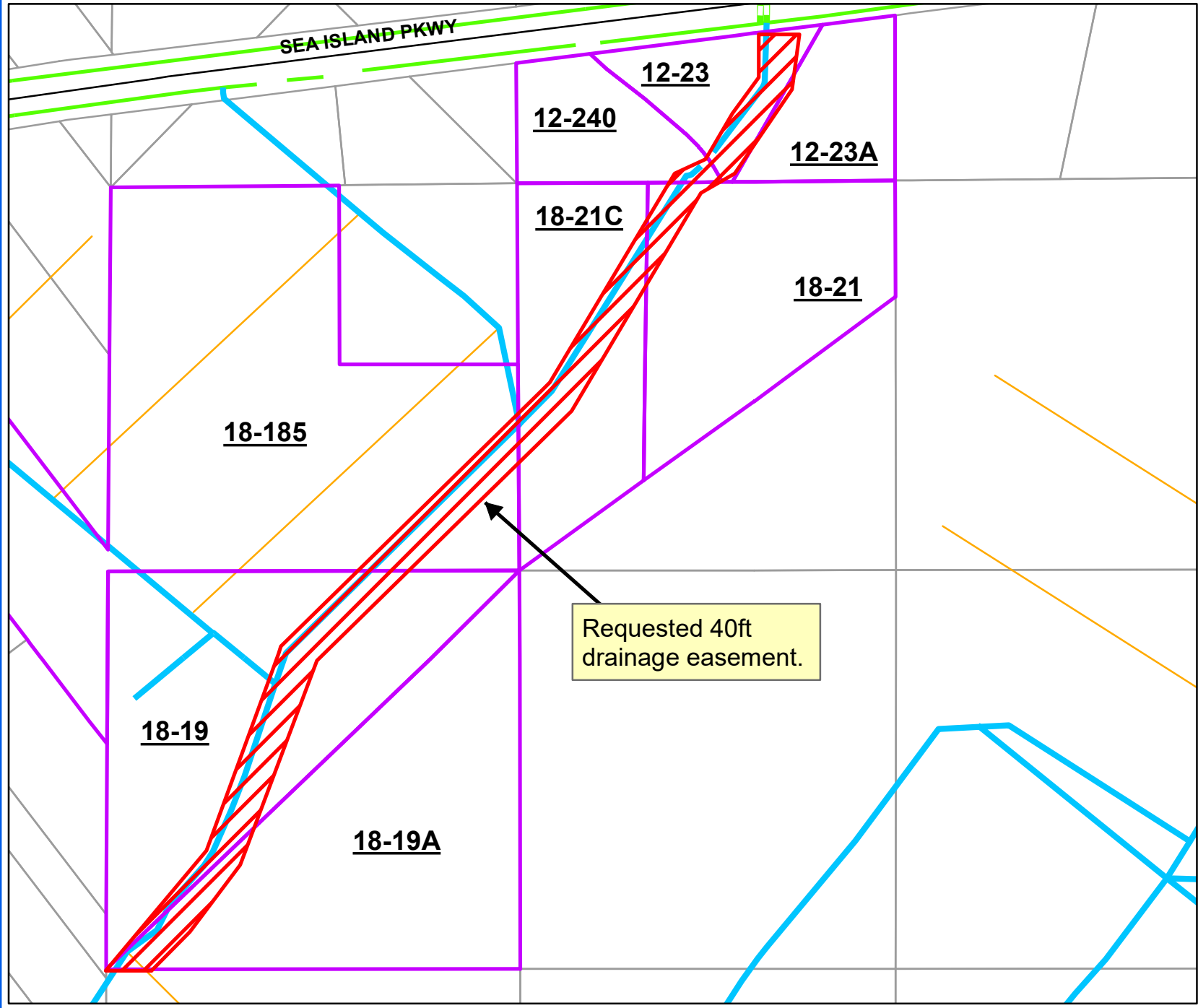
1 inch = 233 feet

Item 7.

(Exhibit 'A')
R300-
Pea Patch Rd 2

Activity: Drainage
Easement

Township:
St. Helena



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe



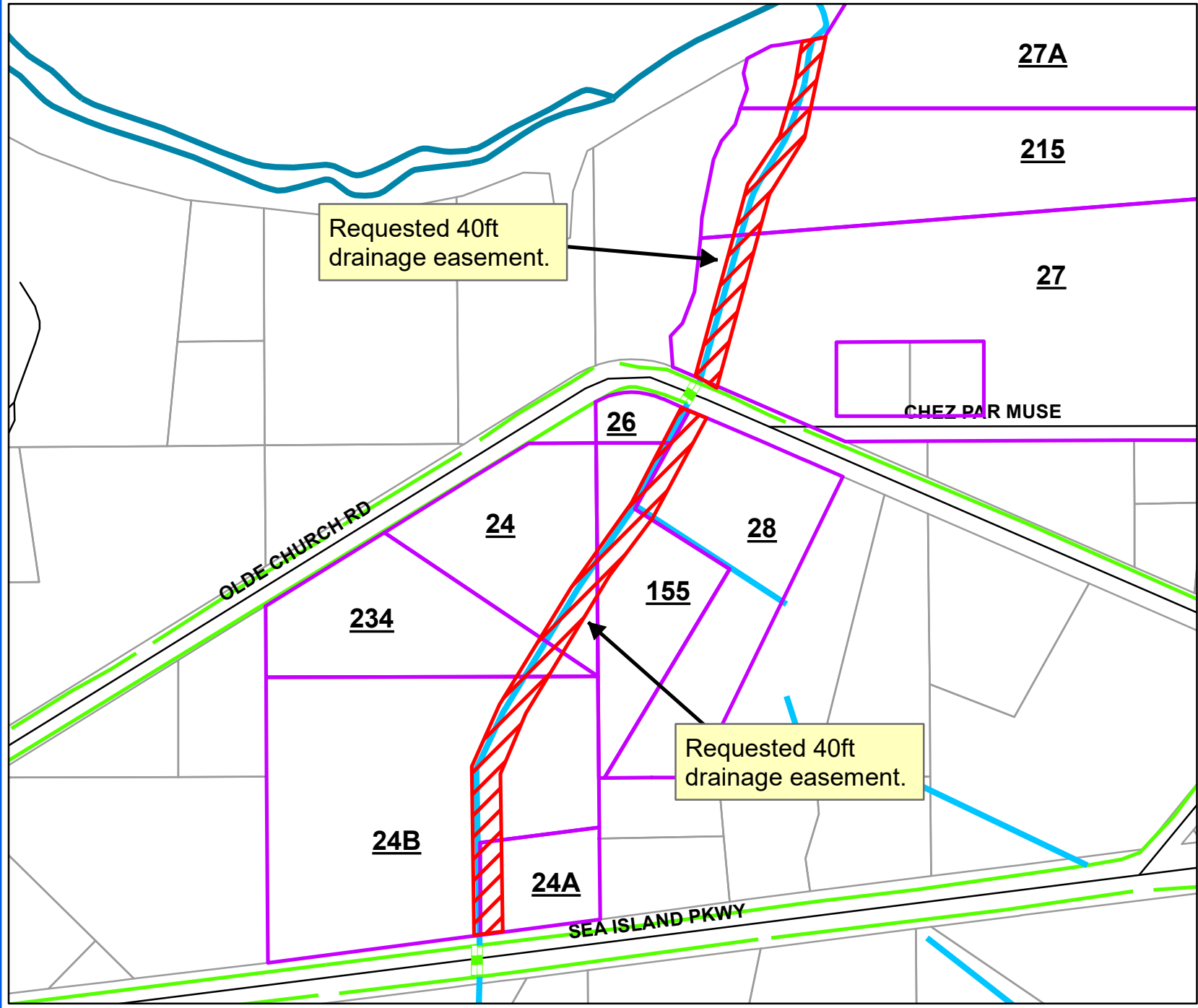
1 inch = 233 feet

Item 7.

(Exhibit 'A')
R300-12
Pea Patch Rd 3

Activity: Drainage
Easement

Township:
St. Helena



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe



1 inch = 276 feet