



## Special Called Meeting of County Council Meeting

### Chairman

Joseph F. Passiment, JR.

### Vice Chairman

D. Paul Sommerville

### Council Members

Michael E. Covert

Gerald Dawson

Brian E. Flewelling

York Glover, SR.

Chris Hervochon

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

### Interim County Administrator

Eric Greenway

### Clerk to Council

Sarah W. Brock

### Administration Building

Robert Smalls Complex

100 Ribaut Road

### Contact

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# County Council Agenda

Monday, December 07, 2020 at 1:00 PM

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

**ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT [WWW.BEAUFORTCOUNTYSC.GOV](http://WWW.BEAUFORTCOUNTYSC.GOV) AND CAN ALSO BE VIEWED ON HARGRAY CHANNELS 9 AND 113, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304**

1. CALL TO ORDER – Chairman Joseph Passiment
2. PLEDGE OF ALLEGIANCE - Chairman Joseph Passiment
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

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### ACTION ITEMS

5. A RESOLUTION REQUESTING AND AUTHORIZING THE TREASURER TO ACCEPT PREPAYMENTS OF AD VALOREM TAXES AND FEES FOR TAX YEAR 2020, DUE TO THE AUDITOR'S ANTICIPATED DELAY IN THE COMPLETION OF AMENDING THE ANNUAL TAX ROLL TO REFLECT THE CORRECT MILLAGE FOR RURAL & CRITICAL DEBT SERVICE.
6. AN UPDATE ON THE TOWN OF HILTON HEAD ISLAND SHERIFF USER FEE LITIGATION AND SETTLEMENT NEGOTIATIONS
7. DISCUSSION REGARDING AN AGREEMENT WITH HILTON HEAD ISLAND FOR LAND USE PLANNER FOR US 278 PROJECT

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### EXECUTIVE SESSION

8. Pursuant to SC Code Section 30-4-70(a)(2), (2) for the receipt of legal advice where the legal advice relates to a settlement of legal claims in the Whitehall litigation.
9. **Matters Arising Out of the Executive Session**

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### CITIZEN COMMENTS

10. **CITIZENS COMMENTS** – CITIZENS MAY JOIN VIA WEBEX USING THE LINK AND MEETING INFORMATION BELOW:

#### [MEETING LINK](#)

**Meeting number: 179 978 4534**

**Password: BC123**

COMMENTS WILL ALSO BE ACCEPTED IN WRITING AT PO DRAWER 1228, BEAUFORT SC 29901, BY WAY OF OUR PUBLIC COMMENT FORM AVAILABLE

ONLINE AT [WWW.BEAUFORTCOUNTYSC.GOV](http://WWW.BEAUFORTCOUNTYSC.GOV) (ANYONE WHO WISHES TO SPEAK DURING THE CITIZEN COMMENT PORTION OF THE MEETING WILL LIMIT THEIR COMMENTS TO NO LONGER THAN THREE (3) 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)

11. ADJOURNMENT.



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>A resolution requesting and authorizing the Treasurer to accept prepayments of ad valorem taxes and fees for tax year 2020, due to the Auditor's anticipated delay in the completion of amending the annual tax roll to reflect the correct millage for Rural &amp; Critical Debt Service.</i>
<b>MEETING NAME AND DATE:</b>
County Council Special Called Meeting on December 7 <sup>th</sup> at 1:00PM
<b>PRESENTER INFORMATION:</b>
<i>Maria Walls and Tom Keaveny 30 minutes</i>
<b>ITEM BACKGROUND:</b>
<i>This issue has come about due to the length of time being taken to update the 2020 annual tax roll, as ordered by the Court, to reflect the correct millage previously adopted by Council. This delay may result in many individuals not being able to pay their property taxes prior to December 31<sup>st</sup>, 2020 in order to qualify for an income tax deduction.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
The proposed process will be explained during the presentation of this item but, in summary, will entail the use of myBeaufortCounty to accept prepayments for the 2020 tax bills in calendar year 2020 thereby allowing those who wish to claim the property tax deduction on their 2020 income tax returns to do so.
<b>FISCAL IMPACT:</b>
<i>It is projected that the possible liability, if an alternative procedure is not approved, that the liability could be in excess of 12 million dollars.</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Adopt the resolution authorizing the Treasurer to collect <i>Ad Valorem Taxes and Fees for FY 2020/2021 tax year.</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>Due to the length of time being taken by the Auditor to amend the 2020 annual tax roll, as ordered by the Court, Council hereby requests and authorizes that the Treasurer accept prepayments of ad valorem taxes and fees for tax year 2020 to ensure continued government services throughout Beaufort County and to provide taxpayers the ability to pay during calendar year 2020.</i>

## RESOLUTION

### A RESOLUTION REQUESTING AND AUTHORIZING THE BEAUFORT COUNTY TREASURER TO ACCEPT PREPAYMENTS OF AD VALOREM TAXES AND FEES FOR TAX YEAR 2020

**WHEREAS**, it appears that, for reasons which are beyond the control of County Council, the annual real property tax bills which the County is required by law to issue in the last quarter of each calendar year will not be issued timely in 2020; and

**WHEREAS**, Beaufort County has received, from the South Carolina Department of Revenue, extensions of time to issue the annual property tax bills and the County expects to request and to receive from the department another extension authorizing the 2020 property tax bills to be issued at the beginning of 2021 for the reasons stated above and also extending the time period for owners of property to pay their property tax bills without incurring penalties and interest; and

**WHEREAS**, delaying the date by which owners of real and personal property must pay taxes on their property will inure to the benefit of many taxpayers given the vicissitudes of 2020. But some taxpayers may, for a variety of reasons, wish nevertheless to make their property tax payments in this calendar year; and

**WHEREAS**, the Beaufort County Treasurer and representatives of the South Carolina Department of Revenue, have determined that although Beaufort County will not issue its annual property tax bills this calendar year, and that the issuance of such tax bills is ordinarily a prerequisite to a taxpayer’s ability to make tax payments, the Treasurer has the authority, given the exceptional circumstances presented this year, to accept prepayment of property taxes, fees and all other sums for tax year 2020 through the web portal myBeaufortCounty.

**NOW, THEREFORE, BE IT RESOLVED THAT** Beaufort County Council hereby requests and authorizes the Beaufort County Treasurer to accept prepayments of ad valorem taxes and fees for tax year 2020 through the web portal myBeaufortCounty to ensure continued government services throughout Beaufort County and to provide those taxpayers who wish to do so the ability to make their annual payment of property taxes and fees in calendar year 2020.

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph F. Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah Brock  
Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>An update on the Town of Hilton Head Island Sheriff User Fee litigation and settlement negotiations</i>
<b>MEETING NAME AND DATE:</b>
County Council Special Called Meeting on December 7 <sup>th</sup> at 1:00PM
<b>PRESENTER INFORMATION:</b>
<i>Tom Keaveny and Dawes Cooke</i> <i>30 minutes</i>
<b>ITEM BACKGROUND:</b>
<i>This issue has come about as a result of the litigation filed by the Town of Hilton Head Island regarding the County Sheriff User Fee and their recent attempt to negotiate a settlement.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
The details will be explained during the presentation of this item.
<b>FISCAL IMPACT:</b>
<i>It is projected that the fiscal impact could range from \$0.00- \$4,400,000.00 depending on the settlement negotiations or findings by the court.</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
No recommendation.
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>No motion may be needed.</i>



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## BEAUFORT COUNTY COUNCIL

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### Agenda Item Summary

**Item Title:**

Agreement with Hilton Head Island for Land Use Planner for US 278 Project

**Council Committee:**

Special Council Meeting

**Meeting Date:**

Monday December 7, 2020

**Committee Presenter (Name and Title):**

Councilman Rodman

**Issues for Consideration:**

Councilman Rodman has requested that council consider entering into a Memorandum of Agreement with the Town of Hilton Head Island regarding hiring a land use planner to study the impact of the US 278 project on the neighborhoods and lands affected by the project. The Town has proposed to share the \$70,000 cost with the County. It would be an amendment to the contract for the Mitchellville study project.

**Points to Consider:**

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**Funding & Liability Factors:**

A funding source will need to be identified.

**Council Options:**

Approve or reject

**Recommendation:**

Consider the MOU.

STATE OF SOUTH CAROLINA )  
 ) MEMORANDUM OF AGREEMENT  
COUNTY OF BEAUFORT )

THIS MEMORANDUM OF AGREEMENT is executed by the Town of Hilton Head Island, South Carolina (the "Town"), and Beaufort County, South Carolina (the "County"), on the dates set forth below, with the terms hereof to be binding upon the parties effective as of the date when both parties have signed it.

WHEREAS, the Town and the County have contracted with HDR Engineering of the Carolinas, Inc. (the "Independent Engineer"), to perform an independent engineering review (the "Independent Engineering Review") of the conceptual and preliminary engineering work done by the South Carolina Department of Transportation (the "SCDOT") for the US 278 Corridor Improvement Project (the "Project"), such to be materially completed by January 31, 2021, the Town and the County having determined that this additional due diligence is necessary in order to ensure that the conceptual and preliminary engineering work on the Project have adequately assessed and addressed the project goals of improved safety and reduced congestion; and

WHEREAS, the Town and the County have also determined that this additional due diligence must include a consideration of the community holistically and, accordingly, that a land use planner should be retained to: 1) evaluate the land within and in the vicinity of the Project, including the history of land ownership and use, the characteristics of Native Islander neighborhoods, the cultural identity of the area, the natural environment, and the community's sense of place, and 2) suggest ways, including, without limitation, the use of Town-owned land, to create/sustain mixed-use and family-oriented neighborhoods and commercial opportunities for those negatively impacted by the Project, with such land use planning work to be done concurrently and in collaboration with the Independent Engineering Review; and

WHEREAS, the Town and the County have also determined that there is a need to address the impact the Project will have on the use of roads proximate or near to US 278, including, without limitation, Squire Pope, Spanish Wells, Wild Horse and Gum Tree roads, and to consider proposals to create an overpass at a point or points of intersection with US 278 in order to eliminate signalization and conflicting traffic movements, and that a land use planner would be able to examine the impact of those proposals on important matters like public safety, congestion, historic land ownership and use, traffic patterns, and economic development; and

WHEREAS, the County has previously budgeted \$250,000.00 to develop a master plan for Mitchelville, a preservation project in the vicinity of the Project, and contracted with and paid \$215,000.00 to WLA Studios (the "Land Use Planner"), a land use planner based in Atlanta, to do that work, and the Town and the County are advised that, in doing that work, the Land Use Planner effectively engaged the community and developed an understanding of it, and the Town and the County believe there is an opportunity to leverage for the benefit of the Project the experience and knowledge obtained by WLA in developing the Mitchelville master plan; and

WHEREAS, the Town and the County have therefore decided that the County should extend its contract with the Land Use Planner to have it develop a land use plan for the land within and in the vicinity of the Project for a fee of up to but not to exceed \$70,000.00, with that contract extension to be expressly contingent upon the County and the Town entering into the within Memorandum of Agreement which, *inter alia*, provides for the County and the Town to split equally the fee to be paid to the Land Use Planner; and

WHEREAS, the Town and the County have determined that, notwithstanding the fact that the County would be the primary contracting party and the Land Use Planner's fee would be split equally between the County and the Town, that the Town is the appropriate entity to administer the contract with the Land Use Planner and the work thereunder, in material part because a substantial portion of the land subject to the planning is owned by the Town; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Town and the County, having been duly authorized by their respective councils, hereby agree that: 1) the County shall extend its contract with the Land Use Planner to have it develop a land use plan for the land within and in the vicinity of the Project for a fee of up to but not to exceed \$70,000.00, and the County and the Town shall split equally the Land Use Planner's fee; 2) the work to be done by the Land Use Planner shall be done concurrently and in collaboration with the Independent Engineering Review, with the Land Use Planner's work to be materially completed no later than the January 31, 2021, i.e., the anticipated completion date of the Independent Engineering Review; and 3) the Town shall administer the contract with the Land Use Planner and the work thereunder, but the nature of that work to be guided by and in furtherance of the objectives set forth in the "WHEREAS" clauses herein.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the dates hereinafter set forth.

WITNESSES:

BEAUFORT COUNTY

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Eric Greenway  
Acting County Administrator  
Date: \_\_\_\_\_

TOWN OF HILTON HEAD ISLAND

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Steve Riley  
Town Manager  
Date: \_\_\_\_\_