



## Community Services and Land Use Committee Beaufort County, SC

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

Monday, August 14, 2023  
3:00 PM

### AGENDA

#### COMMITTEE MEMBERS:

ALICE HOWARD, CHAIR  
GERALD DAWSON  
THOMAS REITZ

YORK GLOVER, VICE-CHAIRMAN  
PAULA BROWN  
JOSEPH PASSIMENT, EX-OFFICIO

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 - May 8, 2023 and June 12, 2023
- [6.](#) **CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL**

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

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#### AGENDA ITEMS

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- [7.](#) RECOMMEND APPROVAL OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH SECTION 38-200 - GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM CRITERIA AND APPLICATION PROCESS
- [8.](#) RECOMMEND APPROVAL OF AN ORDINANCE AMENDMENT TO PROVIDE FOR A MODIFIED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES.
- [9.](#) RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62, SOLID WASTE, BEAUFORT COUNTY CODE OF ORDINANCE

- [10.](#) RECOMMEND APPROVAL OF A RESOLUTION TO NAME THE BOUNDARY STREET OPEN SPACE/POCKET PARK LOCATED IN THE CITY OF BEAUFORT: " 1ST SOUTH CAROLINA VOLUNTEERS PARK"
- [11.](#) RECOMMEND APPROVAL OF A RESOLUTION TO ACCEPT SC AERONAUTICS COMMISSION GRANT OFFER 23-025 FOR \$378,044 FOR TAXIWAY F STRENGTHENING AND FOR PARTIAL ACQUISITION OF EXEC AIR PROPERTY AT THE HILTON HEAD ISLAND AIRPORT (**FISCAL IMPACT:** *This is a 100% grant with no local match*)
- [12.](#) RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE (**FISCAL IMPACT:** *No Impact*)
- [13.](#) RECOMMEND APPROVAL OF A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER (**FISCAL IMPACT:** *Not to exceed \$2,306,634 - ARPA Funds Infrastructure*)
- [14.](#) RECOMMEND APPROVAL TO ISSUE TASK ORDERS TO JH HIERS TO PERFORM WORK FOR THE BESSIES LANE DRAINAGE IMPROVEMENT PROJECT (**FISCAL IMPACT:** *\$156,848.51 - Stormwater Utility Fund*)
15. 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 Land Use Committee Beaufort County, SC

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

Monday, May 08, 2023  
3:00 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/226901>

#### 1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3:00 PM.

##### PRESENT

Chairman Alice Howard  
Vice-Chairman York Glover  
Council Member Paula Brown  
Council Member Thomas Reitz  
Council Member Gerald Dawson  
Ex-Officio Joseph F. Passiment  
Council Member Anna Maria Tabernik  
Council Member Mark Lawson  
Council Member Lawrence McElynn

##### ABSENT

Council Member Logan Cunningham  
Council Member David P. Bartholomew

#### 2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

#### 3. FOIA

Committee Chair Howard 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 Dawson, seconded by Committee Vice-Chair Glover, to approve the agenda.

**The Vote** - The motion was approved without objection.

## 5. APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Brown, seconded by Committee Vice-Chair Glover, to approve the minutes of March 13, 2023.

**The Vote** - The motion was approved without objection.

## 6. CITIZEN COMMENT PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=71>

1. Stewart Yarborough
2. Kade Yarborough
3. Deborah Smith
4. Taylor Moran
5. Sallie Ann Robinson

## 7. PRESENTATION FROM SC STATE EXTENSION SERVICES, CORNELIUS HAMILTON

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=966>

Cornelius Hamilton briefed the Committee on the various extension services, including youth development programs, community and economic development programs, family, nutrition, and health program, education, innovation, and support programs, and sustainable agriculture and natural resources programs. Mr. Hamilton also highlighted the benefits the extension services provide to Beaufort County. Mr. Hamilton then requested that the County provide a letter of support, in-kind requests for facility use, advocate and volunteer referrals, and assistance with marketing.

Council Member Reitz asked whether SC State Extension Services had relationships with the Southern Carolina Regional Development Alliance and Beaufort County Economic Development Corporation. Mr. Hamilton replied that they do not currently have partnerships with those entities.

**Motion:** It was moved by Committee Vice-Chairman Glover, seconded by Council Member Reitz, to approve sending a letter of support from the County Council to the SC State Extension Service.

**The Vote** - The motion was approved without objection.

Committee Vice-Chair Glover commented on the collaboration between the 1980 and 1862 extension services.

Committee Chair Howard and Mr. Hamilton discussed work with senior centers, including providing family, nutrition, and health programs.

## 8. PRESENTATION OF THE BEAUFORT COUNTY ADAPTS: SEA LEVEL IMPACTS BENEATH OUR FEET

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=2046>

Amanda Guthrie briefed the Committee on the impacts of sea level rise on groundwater and septic tanks. Ms. Guthrie also provided an overview of the installation of fifteen wells across Beaufort County to monitor groundwater's salinity, water level, and water temperature.

Committee Vice-Chair Glover commented on the prevalence of septic tanks in some areas of Beaufort County and asked about saltwater intrusion into the aquifer. Ms. Guthrie replied that this project was not focused on collecting aquifer data.

Committee Chair Howard encouraged Ms. Guthrie to share meetings with the County's Public Information Office because of the high level of public interest.

**9. PRESENTATION OF THE SENTINEL LANDSCAPES PARTNERSHIP PROGRAM**

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=2745>

Kate Schaefer briefed the Committee on the sentinel landscape designation, background on the program's creation and operation, synergies between federal agencies and state and local partners, and five goals tied to the program. Ms. Schaefer highlighted that the sentinel landscape designation enables Beaufort County to support its military resources and protect its natural resources.

**10. RECOMMEND APPROVAL OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE ("CDC") APPENDIX B:- THE DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE, TO AMEND DIVISION B.3, SECTION B.3.20 (CONSOLIDATED LAND USE TABLE AND LAND USE DEFINITIONS), AND TO ADD A NEW SECTION B.3.30 (OTHER STANDARDS) AND A NEW SUBSECTION B.3.30.A (SHORT-TERM RENTAL) TO ALLOW THE USAGE OF SHORT-TERM RENTALS AS A SPECIAL USE IN D2 RURAL, D2R-CP (RURAL-CONVENTIONALLY PLATTED), D2R-GH (RURAL-GULLAH HERITAGE), AND D3 GENERAL NEIGHBORHOOD, AND A PERMITTED USE IN D4 MIXED USE, D5 VILLAGE CENTER, AND D5 GENERAL COMMERCIAL**

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=3391>

Council Member Lawson introduced the item by outlining how the zoning on Daufuskie Island does not allow for short-term rentals and that the community wants the zoning changed.

Planning and Zoning Department Director Merchant briefed the Committee on the amendments to the Community Development Code, which would establish four special-use districts and three permitted-use districts for short-term rentals.

Committee Chair Howard and Director Merchant discussed the recommendation not to include the insurance certificate provision.

Council Member Reitz asked if the appeals process could be more accessible to Daufuskie Island residents. Director Merchant said the Zoning Board of Appeals might allow people to present over Zoom.

Council Member Lawson and Director Merchant discussed the differences between special and conditional use.

Council Member Passiment and County Administrator Greenway discussed broader County policy for short-term rentals.

The Committee and County Administrator Greenway discussed the role of the Daufuskie Island Council and how it does not have legislative authority. The Committee and County Administrator Greenway also discussed the possible postponement of the item to allow for additional public input.

**Motion:** It was moved by Council Member Lawson, seconded by Council Member Glover, to recommend approval of an ordinance for a text amendment to the Community Development Code ("CDC") Appendix B:- The Daufuskie Island Community Development Code, to amend Division B.3, Section B.3.20 (Consolidated Land Use Table and Land Use Definitions), and to add a new Section B.3.30 (Other Standards) and a new Subsection B.3.30.A (Short-Term Rental) to allow the usage of short-term rentals as

a special use in D2 Rural, D2R-CP (Rural-Conventionally Platted), D2R-GH (Rural-Gullah Heritage), and D3 General Neighborhood, and a permitted use in D4 Mixed Use, D5 Village Center, and D5 General Commercial.

**The Vote** - The motion was approved without objection.

11. **RECOMMEND APPROVAL OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): DIVISION 4.2.20 (GENERAL STANDARDS AND LIMITATIONS) TO CLARIFY CONNECTIVITY STANDARDS FOR PRIMARY STRUCTURES REGARDING BUILDING CONNECTIONS; DIVISION 4.2.30 (ACCESSORY/SECONDARY DWELLING UNIT) TO MODIFY ALLOWABLE DENSITY TO PROVIDE OPPORTUNITY FOR AN ADDITIONAL ACCESSORY DWELLING UNIT AND TO PROVIDE FLEXIBILITY FOR AREA OF UNITS; DIVISION 4.1.360 (SHORT-TERM RENTALS) TO MODIFY GENERAL STANDARDS TO ALLOW ONLY A PRINCIPAL DWELLING UNIT OR AN ACCESSORY DWELLING UNIT AS A SHORT-TERM RENTAL ON A SINGLE PARCEL**

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=4684>

Director Merchant briefed the Community on the three proposed amendments to the Community Development Code, which would clarify connectivity standards, including covered walkways, allow for properties of a certain size to have an additional dwelling unit, and limit the short-term rentals per property.

Deputy Director Davis commented that the text amendments are staff initiated and that the Planning Commission recommended approval. Deputy Director Davis also provided an example of a roofline with property connections.

Committee Vice-Chair Glover and Deputy Director Davis discussed the minimum acreage of property needed to allow an additional dwelling unit and flexibility of property design.

Council Member Dawson and Deputy Director Davis discussed detached accessory units.

**Motion:** It was moved by Council Member Passiment, seconded by Committee Vice-Chair Glover, to recommend approval of an ordinance for a text amendment to the Community Development Code (CDC): Division 4.2.20 (General Standards and Limitations) to clarify connectivity standards for primary structures regarding building connections; Division 4.2.30 (Accessory/Secondary Dwelling Unit) to modify allowable density to provide opportunity for an additional accessory dwelling unit and to provide flexibility for area of units; Division 4.1.360 (Short-Term Rentals) to modify general standards to allow only a principal dwelling unit or an accessory dwelling unit as a short-term rental on a single parcel.

**The Vote** – The motion was approved without objection.

12. **A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH LANDMARK BAPTIST CHURCH ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY KNOWN AS A PORTION OF THE CHECHESSEE TRACT**

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

<https://beaufortcountysc.new.swagit.com/videos/226901?ts=5234>

Passive Parks Manager Nagid briefed the Committee on the current and proposed lease agreement with Landmark Baptist Church, including the change from a month-to-month to a year-long lease, the rental rate increase, and the funding for passive parks.

Council Member Tabernik and Passive Parks Manager Nagid discussed the increase in the lease amount.

**Motion:** It was moved by Council Member Tabernik, seconded by Council Member Dawson, to approve a resolution authorizing the County Administrator to execute a lease agreement with Landmark Baptist Church encumbering property owned by Beaufort County known as a portion of the Chechessee Tract.

**The Vote** - The motion was approved without objection.

**13. ADJOURNMENT**

Adjourned: 4:29 PM

Ratified:



## Community Services and Land Use Committee Beaufort County, SC

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

Monday, June 12, 2023  
3:00 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/237227>

#### 1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3:00 PM.

#### PRESENT

Chair Alice Howard  
Vice-Chairman York Glover  
Council Member Gerald Dawson  
Council Member Paula Brown  
Council Member Anna Maria Tabernik  
Council Member Joseph F. Passiment  
Council Member Lawrence McElynn  
Council Member Mark Lawson (arrived late)

#### ABSENT

Council Member Thomas Reitz  
Council Member Logan Cunningham  
Council Member David P. Bartholomew

#### 2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

#### 3. FOIA

Committee Chair Howard 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 Dawson, seconded by Council Member Tabernik, to approve the agenda.

**The Vote** – The motion was approved without objection.



## 5. APPROVAL OF MINUTES

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Brown, to approve the minutes of April 10, 2023.

**The Vote** – The motion was approved without objection.

## 6. CITIZEN COMMENT PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=109>

1. Ty O'Farrell
2. Darrell Orage
3. Queen Quet
4. Wille Turrall
5. William Cook

## 7. PRESENTATION ON B.E.A.D AND BROADBAND EQUITY

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=1005>

Chad Chadwick, a Federal Program Officer with the National Telecommunications and Information Administration, briefed the Committee on the U.S. Department of Commerce's Broadband Equity Access and Deployment (BEAD) program, which will support unserved, underserved and community institutions with access to high-speed and affordable internet. Mr. Chadwick also highlighted the State of South Carolina's five-year strategic plan to be finalized on August 28, 2023.

Cedric Keitt, Director of Broadband Communications and Safety in the South Carolina Office of Regulatory Staff, highlighted how federal dollars are being allocated to support infrastructure and broadband technology expansion in South Carolina through a competitive grant program.

Council Member McElynn asked about financial support for homeowners with issues paying for internet service and equipment. Mr. Chadwick replied that there would be a variety of digital equity programs to support the provision of equipment and internet service.

Committee Vice-Chair Glover, Mr. Chadwick, and Mr. Keitt discussed competitive bids, vendor applications for grant awards, and a map of unserved locations to ensure communities are not left out of the efforts to bridge the digital gap.

## 8. GREEN SPACE ADVISORY COMMITTEE UPDATE

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=1743>

Mike McShane, newly elected Chairman of the Green Space Advisory Committee, provided an update on the establishment of the Committee, the work on due diligence, the creation of the application scoring process, and the goal to bring recommendations forward to the Council by the end of summer. Mr. McShane also highlighted that Council Member Howard was elected Vice-Chair of the Committee.

Council Member Tabernik commented on the importance of educating the public on what the sales tax funds can be used for, including lands outside of Beaufort County and buying down density.

## 9. RECOMMEND APPROVAL TO UNDERTAKE DUE DILIGENCE AND DISCUSSION/NEGOTIATIONS FOR THE PROPOSED FEE SIMPLE PURCHASE OF REAL PROPERTY (2935 AND 2729 BOUNDARY STREET)

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=2253>

Natural Resources Planner Amanda Flake briefed the Committee on the due diligence request for a one-acre property for a possible fee simple purchase, which the Rural and Critical Lands Board approved on May 11, 2023.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member Dawson, to recommend approval to undertake due diligence and discussion/negotiations for the proposed fee simple purchase of real property (2935 and 2729 Boundary Street).

**The Vote** – The motion was approved without objection.

**10. RECOMMEND APPROVAL TO UNDERTAKE DUE DILIGENCE AND DISCUSSION/NEGOTIATIONS FOR THE PROPOSED FEE SIMPLE PURCHASE OF REAL PROPERTY KNOWN AS BARRELL LANDING**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=2373>

Natural Resources Planner Flake briefed the Committee on the due diligence request for a possible fee simple purchase, which the Rural and Critical Lands Board approved on May 11, 2023. Ms. Flake noted that the property is a priority parcel for staff, and Beaufort County already owns the surrounding property.

**Motion:** It was moved by Council Member Passiment, seconded by Committee Vice-Chair Glover, to recommend approval to undertake due diligence and discussion/negotiations for the proposed fee simple purchase of real property known as Barrell Landing.

**The Vote** – The motion was approved without objection.

**11. RECOMMEND APPROVAL OF AN ORDINANCE APPROPRIATING PROCEEDS AND INTEREST FROM THE 2017 GENERAL OBLIGATION BOND ANTICIPATION NOTE TO DESIGN, ENGINEER, CONSTRUCT, AND EQUIP A JOINT FIRE/EMS STATION IN SUN CITY AND TO DEFRAY COSTS ASSOCIATED WITH THE ESTABLISHMENT OF PERMANENT EMBARKATION LOCATIONS FOR THE DAUFUSKIE ISLAND FERRY AND OTHER MATTERS RELATED THERETO**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=2438>

**Motion:** It was moved by Council Member Tabernik, seconded by Council Member Brown, to recommend approval of an ordinance appropriating proceeds and interest from the 2017 General Obligation Bond Anticipation Note to design, engineer, construct, and equip a joint Fire/EMS Station in Sun City and to defray costs associated with the establishment of permanent embarkation locations for the Daufuskie Island Ferry and other matters related thereto.

**Discussion:** Council Member Tabernik commented on the inadequate fire and EMS response time for Sun City residents and the appropriation of funds for the design, engineering, construction, and equipment for a new station.

County Administrator Greenway commented that the item is for appropriating funds for the station and the ferry litigation and does not materially affect the station construction or ferry service.

**The Vote** – The motion was approved without objection.

**12. RECOMMEND APPROVAL OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS FOR THE SALE OF REAL PROPERTY WITH TMS NO. R600-009-000-0003-0000, ALSO KNOWN AS CAMP ST. MARY'S, TO THE BEAUFORT COUNTY RURAL AND CRITICAL LANDS PROGRAM**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=2656>

Assistant County Administrator Atkinson gave an overview of the purchase history for the 8-acre property, including how the property has been in the County's general inventory for 26 years and the increase in the property's value to \$2 million. ACA Atkinson discussed the proposal to have the property purchased by the Rural and Critical Lands program and the development of a passive park. ACA Atkinson noted that at a recent Rural and Critical Lands Board meeting, the members did not approve the proposal due to the property's low scores in terms of development pressure and value because the County already owns the property. ACA Atkinson reiterated that County staff thinks the proposal is a good opportunity and would benefit Beaufort County citizens.

The Committee and ACA Atkinson discussed the difference between an active and passive park and possibly adding a campground to the property. ACA Atkinson clarified that the passive park development would provide improved gate access, bathrooms, walking trails, parking, picnic tables, and dock access but not active programming. ACA Atkinson added that several use options have been discussed for the property, but nearby residents want to avoid increased traffic associated with an active park.

Council Member Tabernik requested an update on the Rural and Critical Lands Program funds.

Passive Parks Manager Stefanie Nagid discussed the process for creating a passive park, including camping in the definition of passive recreation and the lack of prioritization of camping in community surveys. Ms. Nagid added that there are 12 upcoming projects, including Camp St. Mary's, that, if approved, would deplete the Rural and Critical Lands Program's \$14.5 million in funds.

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Dawson, to recommend approval of an ordinance authorizing the County Administrator to execute the necessary documents for the sale of real property with TMS No. R600-009-000-0003-0000, also known as Camp St. Mary's, to the Beaufort County Rural and Critical Lands Program.

**Discussion:** Committee Chair Howard commented that the Rural and Critical Lands Board had questions about public input.

County Administrator Greenway noted that a public hearing would be held for the ordinance addressing the purchase of the property.

**The Vote** – The motion was approved without objection.

**13. RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 21 ACRES (R100 025 000 068A 0000, R100 025 000 068B 0000, AND R100 025 000 0068 0000) LOCATED AT LAUREL BAY ROAD AND ROSEIDA ROAD EXTENSION FROM T2 RURAL (TR2) TO INDUSTRIAL (SI)**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=3736>

Long Range Planner Kristen Forbus briefed the Committee on the request to rezone three parcels for industrial use and the recommendation by staff and the Planning Commission to deny the request.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member, to recommend approval of an ordinance for a zoning map amendment/rezoning request for 21 acres (R100 025 000 068A 0000, R100 025 000 068B 0000, and R100 025 000 0068 0000) located at Laurel Bay Road and Roseida Road Extension from T2 Rural (TR2) To Industrial (SI).

**Discussion:** The Committee and County Attorney Keaveny discussed the language of the motion to reflect the staff's recommendation and deny the request to rezone the parcels.

Council Members Glover and Dawson withdrew their motion.

**Motion:** It was moved by Council Member Dawson, seconded by Council Member Tabernik, to recommend denial of the zoning map amendment/rezoning request for 21 acres (R100 025 000 068A 0000, R100 025 000 068B 0000, and R100 025 000 0068 0000) located at Laurel Bay Road and Roseida Road Extension from T2 Rural (TR2) To Industrial (SI).

**The Vote** – The motion was approved without objection.

**14. RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 502 ACRES (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) LOCATED AT 288 DULAMO ROAD TO BE REMOVED FROM THE CULTURAL PROTECTION OVERLAY (CPO) BOUNDARY**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=4087>

Planning and Zoning Department Deputy Director Mark Davis discussed the County's land use policy and the recommendation by staff and the Planning Commission to deny the application to remove these acres from the boundary.

Council Member Brown confirmed that the property owner has the right to build approximately 150 homes but not a golf course.

Council Member Passiment and Mr. Davis discussed spot zoning.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member Dawson, to recommend denial of the request to rezone 502 acres (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, and R300-012-000-0256-0000) that is currently under the Cultural Protection Overlay (CPO) Boundary at 288 Dulamo Road.

**Discussion:** Committee Vice-Chair Glover commented on the difficulty with stopping spot zoning once a precedent is set.

County Administrator Greenway recommended that the Committee make findings of fact part of the motion and state that the rezoning application violates the Comprehensive Plan and is not in accordance with the actions of the CPO Committee to strengthen the CPO.

**Motion to Amend:** It was moved by Committee Vice-Chair Glover, seconded by Council Member Dawson, to amend the motion to recommend denial of the request to rezone 502 acres (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, and R300-012-000-0256-0000) that is currently under the Cultural Protection Overlay (CPO) Boundary at 288 Dulamo Road and include the findings of fact that the rezoning violates the Comprehensive Plan and is not in accordance with the actions of the CPO Committee.

**Discussion:** Council Member Brown commented on input from special interest groups on this issue and conservation groups' position against the construction of a golf course.

**The Vote** – Voting Yea: Committee Chair Howard, Committee Vice-Chair Glover, Council Member Dawson, Council Member Tabernik, Council Member McElynn, and Council Member Passiment. Voting Nay: Council Member Brown. The motion passed by 6:1.

**15. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE UNINCORPORATED PARTS OF BEAUFORT COUNTY TO JOIN WITH THE TOWN OF PORT ROYAL AND THE CITY OF BEAUFORT TO CONTINUE MEMBERSHIP IN THE LOWCOUNTRY AREA TRANSPORTATION STUDY (LATS) METROPOLITAN PLANNING ORGANIZATION (MPO) AND TO ADOPT THE GEOGRAPHICAL BOUNDARIES**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=4883>

Assistant County Administrator Fralix discussed the urbanized threshold met with the 2020 census, the decision to remain one Metropolitan Planning Organization, and the update of the MOP's geographical boundary. ACA Fralix added that the resolution had been shared with the City of Beaufort and the Town of Port Royal. ACA Fralix also noted that LATS and the Northern Regional Implementation Committee support this recommendation.

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Dawson, to recommend approval of a resolution authorizing the unincorporated parts of Beaufort County to join with the Town of Port Royal and the City of Beaufort to continue membership in the Lowcountry Area Transportation Study (LATS) Metropolitan Planning Organization (MPO) and to adopt the geographical boundaries.

**The Vote** – The motion was approved without objection.

**16. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A TEMPORARY CUSTODY AGREEMENT WITH THE TOWN OF SULLIVAN'S ISLAND FOR AN ORDNANCE DELIVERY TABLE TO BE INSTALLED AND DISPLAYED AT FORT FREMONT PRESERVE**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=5250>

Passive Parks Manager Nagid commented on the Friends of Fort Fremont's plan to relocate an underutilized Spanish-American War artifact from a Sullivan's Island fort and the agreement by the Town of Sullivan's Island's Manager to the terms and conditions. Ms. Nagid added that the Friends of Fort Fremont have pledged to support the ironwork artifact's removal, transport, cleaning, installation, and interpretation costs.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member McElynn, to recommend approval of a resolution authorizing the County Administrator to enter into a Temporary Custody Agreement with the Town of Sullivan's Island for an ordnance delivery table to be installed and displayed at Fort Fremont Preserve.

**The Vote** – The motion was approved without objection.

**17. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BEAUFORT COUNTY OPEN LAND TRUST FOR MAINTENANCE OF COUNTY OWNED PROPERTY KNOWN AS THE BLOCKER FIELD EXTENSION (R300 015 000 076B 0000)**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=5429>

Passive Parks Manager Nagid commented that the Blocker Field Extension was purchased on May 30, 2023, and that the Open Land Trust will conduct annual mowing and vegetation management to maintain the viewing corridor along Highway 21.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member Tabernik, to recommend approval of a resolution authorizing the County Administrator to enter into a Memorandum of Understanding with the Beaufort County Open Land Trust for maintenance of County-owned property known as the Blocker Field Extension (R300 015 000 076B 0000).

**The Vote** – The motion was approved without objection.

**18. RECOMMEND APPROVAL OF A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE THE BE-CAT3 GRANT PROGRAM TO ASSIST WITH BROADBAND EFFORTS IN BEAUFORT COUNTY**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=5499>

Assistant County Administrator Patrick Hill discussed the goal of bringing high-speed internet to rural parts of the County and dividing underserved areas into three categories. ACA Hill noted that one of the categories covers broadband issues residents face on long driveways or private roads. There is a construction barrier to broadband access, and the cost is often more than the provider allotted. ACA Hill also added that the ARPA-funded project would fund 90% of the cost of the services drop for homeowners.

**Motion:** It was moved by Committee Vice-Chair Glover, seconded by Council Member McElynn, to recommend approval of a resolution to authorize the County Administrator to initiate the BE-CAT3 Grant Program to assist with broadband efforts in Beaufort County.

**Discussion:** Committee Vice-Chair Glover commented on the lack of internet connection in some parts of the County and the need to extend broadband connectivity. Mr. Glover also recognized that the initiative may result in additional costs.

Council Member Dawson asked about the extension of broadband into northern Beaufort County. ACA Hill highlighted how the grant program uses remaining ARPA funds to address the needs of homeowners that face high costs for broadband construction, like private roads or long driveways, and that the County is expecting funds from other programs to address other broadband needs.

Council Member Tabernik asked if there is any preference for homes with children. ACA Hill replied that the system is on a first-come, first-serve basis.

**The Vote** – The motion was approved without objection.

**19. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE FEE SIMPLE PURCHASE OF TAX MAP SERIAL NUMBER R710 012 000 0001 0000 AND R710 012 000 0072 0000 ALSO KNOWN AS COTTON HALL**

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

<https://beaufortcountysc.new.swagit.com/videos/237227?ts=6014>

County Administrator Greenway commented that Cotton Hall is a key acquisition for the County and would create the first accessible public park in the Ace Basin.

Mike McShane, Chairman of the South Carolina Conservation Bank, commented on the collaboration between the State and County to conduct due diligence and pursue the opportunity to create public access in the Ace Basin.

**Motion:** It was moved by Council Member Dawson, seconded by Council Member Tabernik, to recommend approval of a resolution authorizing the County Administrator to execute the necessary documents and provide funding for the fee simple purchase of Tax Map Serial Number R710 012 000 0001 0000 and R710 012 000 0072 0000 also known as Cotton Hall.

**Discussion:** Council Member Brown asked about the funding source for the purchase. County Administrator Greenway and Amanda Flake replied that the funds come from the Rural and Critical Lands Board and the Conservation Bank.

**The Vote** – The motion was approved without objection.

**20. EXECUTIVE SESSION**

**PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OF LAND (BEAUFORT COMMERCE PARK).**

**Motion:** It was moved by Council Member Passiment, seconded by Council Member Tabernik, to enter into an executive session at 4:45 PM to discuss the proposed contractual arrangements and the proposed sale of land.

**The Vote** – The motion was approved without objection.

**21. MATTERS ARISING OUT OF EXECUTIVE SESSION**

No matters arising out of the executive session were discussed.

**22. ADJOURNMENT**

Adjourned at or around 5:00 PM.

Ratified:

**CITIZEN COMMENTS**

**Community Services and Land Use Committee**

**August 14, 2023**

**FULL NAME (print only)**

**Agenda Topic**

↓ Rev. Dr. E. Washington

Ham 10

↓ Valinda Littlefield

SC 1st

↓ J. Edward Allen

SC 1st Park #10

↓ Stephen Murray

SC 1st PARK

↓ Kristin Williams

GSAC #1

↓ Grant McClure

GSAC #1



## First SC Volunteer Infantry

To: Chairman of Beaufort County Council, all Council Members and everyone under the sound of my voice- Good Afternoon.

To the entire council, the Grand Army of the Republic Hall Committee wishes to thank you and all others involved with this naming of the passive park, in honor of the 1<sup>st</sup> SC Volunteer Regiment.

There are any number of accounts of the history and story of the SC Volunteer Infantry Regiment but one that I found to be rather interesting was the account that was published about 13 years ago by a Beaufort High School graduate by the name of Andrew Holloway.

He entitled his account "Tigers of the Sea Islands."

I believe that most of us are aware that the men that we are referring to today could not read or write. So what we know about them was written by someone else.

The exception to this would be someone like Prince Rivers, who later helped to form the county of Aiken S.C. and General Robert Smalls whose contributions are many. He has even left his mark on our school system.

Lieutenant Charles Trowbridge of Company A of Hunter's Regiment said of these men as "fighting like tigers."

General Thomas Higginson in his papers went so far as to say that this regiment included some of the best and happiest soldiers in the Union Army.

At the start of the Civil War, men of color were barred from service in the United States Army. In May 1862, Major General David Hunter began organizing contrabands from the Sea Islands into the Contraband Regiment, later named the 1<sup>st</sup> South Carolina Volunteer Infantry. Elements of the unit fought along Georgia and East Florida Coast even before the regiment was officially mastered into Federal Service on January 1<sup>st</sup>, 1863. The impressive ceremony at the Smith Plantation was held on the same day that Abraham Lincoln's Emancipation Proclamation – This is where they received their colors – took effect. Before the war ended, six black infantry regiments, 1<sup>st</sup> and 3<sup>rd</sup> South Carolina, later designated the 33<sup>rd</sup>, 34<sup>th</sup>, 103<sup>rd</sup>, 104<sup>th</sup>, and 128<sup>th</sup> USCT and Battery G, Second Light Artillery Regiment, USCT were raised in the Port Royal Region.

The first Commander of the 1<sup>st</sup> S.C. Volunteer Infantry after they were federally authorized was Thomas Wentworth Higginson. On November 24<sup>th</sup>, 1862, Higginson arrived at the camp of the 1<sup>st</sup> S.C. on the Smith Plantation along the Beaufort River. Higginson viewed his work as both military and philanthropic in nature. He believed the outcome of the war and the destiny of African Americans might well rest on the performance of black troops.

On May 9<sup>th</sup>, 1862, General Hunter issued order #11, freeing thousands of these individuals. Shortly thereafter, President Lincoln rescinded the order because General Hunter did not have federal approval.

Apparently the news from Washington was slow in coming and General Hunter went on to issue orders to form a regiment. There is a question whether the formation was voluntary or by draft. But it did not take long for Hunter to put together 500 to 600 men.

In June of 1862, General Hunter was forced to decommission and was taken out of service.

General Hunter was replaced by Major General Rufus Saxton. He arrived on St. Simons Island in hostile territory.

He noted the effectiveness of the workers from Hunter's regiment in repelling the attackers. These men were still apparently under the command of Captain Charles Tronbridge.

General Saxton, with the aid of others, convinced the federal government to reconsider. The reorganization took place on November 24<sup>th</sup>, 1862. General Thomas Wentworth Higginson was in control.

After the meeting at Camp Saxton, the 1<sup>st</sup> S.C. Volunteers were divided into companies A, B, C, D, E, F, G, and H. This was their baptism in fire. The raid was a success.

to St. Simons  
St. Mary's  
where  
at  
last  
run  
was  
covered  
out.

On March 10<sup>th</sup>, 1862, the regiment left Camp Saxton and arrived at Fernandino Beach Florida.. They were engaged with an assault on Jacksonville and showed themselves well. But before the military plan could be completed, orders came from Headquarters in Beaufort for them to return.

After the return, they were put on picket duty at Port Royal Ferry.

After Jacksonville, the 1<sup>st</sup> S.C. Volunteer were involved in a few short skirmishes and small coastal campaigns.

Eventually the 1<sup>st</sup> S.C. dispersed. Some stayed in Jacksonville. Others, like Sgt. Prince Rivers served the county as citizens.

From the initial battle on St. Simons to the final campaign at Jacksonville, there was always a chance for failure. But, together with their white officers, these men fought and died for citizenship. These men were the first to fight for a country of which they were not a part of. As a reward, these men gained their freedom and became U.S. Citizens.

The so called "Port Royal Experiment" also made it possible for many of these men to become land owners.



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|   |
|---|
| <b>ITEM TITLE:</b>  |
| <b>AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH SECTION 38-200 - GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM CRITERIA AND APPLICATION PROCESS</b>   |
| <b>MEETING NAME AND DATE:</b>   |
| Community Services and Land Use Committee Meeting, August 14, 2023  |
| <b>PRESENTER INFORMATION:</b>   |
| Michael McShane, Chair of the Green Space Advisory Committee<br>15 minutes  |
| <b>ITEM BACKGROUND:</b>   |
| On November 8, 2022, Beaufort County voters approved a referendum which authorized the establishment of the Beaufort County Green Space Program. Prior to the referendum, County Council approved an ordinance on October 3, 2022 that provided general guidelines for the Green Space Program. The Ordinance also established the duties and responsibilities for the County Council appointed Green Space Advisory Committee. The ordinance being considered at this meeting (pursuant to Code of Ordinances Section 38-195) is the adopted Green Space Advisory Committee (GSAC) Program Criteria and Application Process. |
| <b>PROJECT / ITEM NARRATIVE:</b>  |
| This ordinance establishes the following: <ul style="list-style-type: none"><li>• Application Process and Deadlines</li><li>• Program Transparency and Equitable Distribution of Funds</li><li>• Procurement Types and Minimum Application Requirements</li><li>• Required Application Types, Components, and Measurable Scoring System</li><li>• Minimum Procurement Requirements by Application Type and/or Location</li></ul>  |
| <b>FISCAL IMPACT:</b>   |
| The expenditure of Green Space funds (\$100,000,000)  |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>  |
| Staff recommends approval   |
| <b>OPTIONS FOR COUNCIL MOTION:</b>  |
| To recommend approval/disapproval of an amendment to the Beaufort County Code of Ordinances   |

**ORDINANCE 2023/\_\_\_\_\_****AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES  
CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH  
SECTION 38-200 - GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM  
CRITERIA AND APPLICATION PROCESS**

**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**, the Beaufort County Council on October 3, 2022, adopted an ordinance providing the general guidelines for the Green Space Program and the Green Space Advisory Committee duties and responsibilities; and

**WHEREAS**, the Beaufort County voters approved a referendum on November 8, 2022, establishing the Beaufort County Green Space Program; and

**WHEREAS**, the Beaufort County Council on March 13, 2023, adopted an ordinance to further define the Beaufort County Green Space Program Advisory Committee membership, terms, term limits, minimum requirements, procedures, and geographical representation; and

**WHEREAS**, the Beaufort County Council appointed a Green Space Advisory Committee to develop Green Space Program Criteria and Application Process pursuant to Beaufort County Code of Ordinances, Chapter 38, Article VII, Section 38-195; and

**WHEREAS**, the Beaufort County Green Space Advisory Committee has duly assembled in accordance with South Carolina FOIA laws to develop the Green Space Program Criteria and Application Process, which was adopted by the Green Space Advisory Committee on July 11, 2023.

**NOW, THEREFORE**, be it ordained by the County Council of Beaufort County in a meeting duly assembled that Chapter 38, Article VII, Section 38-200 of the Code of Ordinances is hereby established as set forth in Exhibit A hereto.

## **Exhibit A**

### **Section 38-200 - Green Space Advisory Committee (GSAC) Program Criteria and Application Process.**

Pursuant to Sections 38-192, 38-193, 38-194, 38-195, 38-196, 38-197, and 38-198 the GSAC shall apply the following program criteria and application process to all procurement types.

#### **Section 38-201 - Application Process and Deadlines:**

- A. The Green Space Advisory Committee (GSAC) will process applications on a quarterly cycle. Prior to an applicant applying, a pre-application/procurement intent meeting is required with staff no later than 15 days prior to the quarterly deadline. If an application is received by staff without having a pre-application/procurement intent meeting first, it shall be deemed incomplete.
- B. Once an application cycle has closed, staff will have 10 days to determine if the submitted application is complete. If the application is not complete, the applicant will have 10 days to provide the additional information to be considered for that application cycle. The GSAC will meet to consider complete applications no later than 45 days after each quarterly deadline. The quarterly application deadlines are as follows:
  - January 31
  - April 30
  - July 31
  - October 31
- C. The Green Space Advisory Committee reserves the right to amend the quarterly deadlines at the beginning of each year to best meet the requirements of the program, however, it shall remain a quarterly application cycle.
- D. Upon written support of both the Chair and Vice Chair of the Green Space Advisory Committee, or a majority of the Committee, an application can be submitted and reviewed outside of the quarterly cycle, however, this shall only be considered in instances where “time is of the extreme essence” and documented as such.

### **Section 38-202 - Program Transparency and Equitable Distribution of Funds:**

- A. To ensure that funds are equally distributed within the county as required by the County Green Space Sales Tax Act and by Beaufort County's Green Space Ordinance, an objective set of criteria for the selection of recipients, as set forth herein below, are adopted and will be applied to applications in an open and transparent manner. (See Attorney General Opinion to Hon. Tom Davis, August 8, 2022; Memorandum Letter of Kenneth M. Moffit, Assistant Clerk of the South Carolina Senate and Assistant Director, Senate Research dated July 8, 2022; Memorandum Letter of Jason P. Luther, Chief Legal Offices for the South Carolina Department of Revenue dated July 11, 2022.) In addition to the requirements of each type of procurement set forth further below, consideration shall be given to several factors including, but not limited to, the following when evaluating preservation procurement applications:
- I. Geographical Dispersion of Previous Green Space Funds (Northern, Southern, Eastern, Western)
  - II. Environmental Benefits
  - III. Avoidance of adverse Regional, Economic, Environmental and Service Demand Impacts
  - IV. Proximity, Connectivity, Adjacency to and Impact of Previous Counties and Regional Conservation Investments
  - V. Proportional Leveraging of Funds
- B. Out of county fund expenditures may also be considered. These expenditures are defined as procurements in areas that are not inside the geographical boundaries of Beaufort County. When considering these applications, the program shall take into consideration the equitable impact of the proposed expenditures by identifying the geographical region(s) that the procurement best serves (i.e., the region(s) which experiences the greatest benefit).

### **Section 38-203 - Procurement Types and Minimum Application Requirements:**

The Green Space Program will focus its efforts on the following preservation procurement types; conservation easements, fee simple government purchases for land protections, farmland preservations, natural/scenic/wildlife corridors, and existing planned development/development agreement buydowns. The Green Space Advisory Committee will evaluate the merits of each application and determine if additional fund matching is required and if "in-kind" contributions are appropriate.



- A. Applications for procurements within Beaufort County will be managed by staff for due diligence and acquisition. In these instances, county staff will act as the procuring manager. Beaufort County qualifies as an applicant. The minimum application requirements for procurements within Beaufort County are as follows:
- I. Applications for conservation easement procurements shall require a minimum 25% match.
  - II. Applications for fee simple county owned procurements shall require public access/use and may require a match.
  - III. Applications for fee simple “other government” owned procurements may require public access/use and may require a match.
  - IV. Applications for farmland preservation procurements may require a minimum 10% match.
  - V. Applications for natural/scenic/wildlife corridor procurements may require a match.
  - VI. Applications for existing planned development/development agreement buydown procurements (public access) shall require a minimum 100% match.
  - VII. Applications for existing planned development/development agreement buydown procurements (no public access) shall require a minimum 200% match.
  - VIII. Other application types not specifically listed in this section may be considered. For these application types, minimum matching and other requirements will be determined by the Green Space Advisory Committee based on the merits of the application.
- B. Regardless of application type, all applications for procurements outside of Beaufort County will be managed by the applicant for due diligence and acquisition. In these instances, county staff will process the application as a grant request. A detailed application process for funds to be used outside of the county shall be established along with the following minimum application requirements:

- I. All applications for procurements outside of Beaufort County shall require a minimum 300% match, or
- II. If applications for procurements are from a neighboring county that has adopted a Green Space Program or Greenbelt Program, there shall be a minimum 100% match for fee simple government procurements, if the neighboring county acts as the applicant.

**Section 38-204 - Required Application Types, Components, and Measurable Scoring System:**

- A. Each procurement type shall have its own application as deemed appropriate by staff. The GSAC shall approve each application type. Applications shall consist of a combination of factors to adequately score and rank using a systematic measurable approach. To accomplish this, all application types shall consist of the following components:
  - I. One half (1/2) of the score/rank will be based on a set of numerical values from defined benefits for each application type. The benefits and associated numerical values will be established by the GSAC.
  - II. One quarter (1/4) of the score/rank will be based on set of questions for each application type. The questions will be tailored to the specific application type and will be established by staff and the GSAC.
  - III. One quarter (1/4) of the score/rank will be based on consistency with relevant overarching master plans (e.g., Comprehensive Plans, Green Print Plans, etc.) which governmental jurisdictions have adopted.
- B. These components shall remain intact unless amended by County Council.

**Section 38-205 - Minimum Procurement Requirements by Application Type and/or Location:**

- A. For all applications located in other governmental jurisdictions (within or outside) Beaufort County, a governmental jurisdictional letter of support or opposition shall be required at the time of application. At minimum, other governmental jurisdictions shall consider their relevant overarching master plans that have been adopted.

- B. Applications for conservation easements and fee simple procurements by governmental entities shall consider, at minimum, the following as a part of the application review and consideration:
- I. Public access and/or public benefit.
  - II. Proximity and/or connectivity to existing preserved properties.
  - III. Proximity and/or connectivity to potential future preserved properties.
  - IV. Preservation and/or expansion of intact natural habitats.
  - V. Existing zoning, partner contributions, etc. to ensure best value.
  - VI. Degree of urgency for the project in terms of protection of resources and/or real estate market.
  - VII. Importance of the project in achieving multiple local, state and/or federal environmental goals.
  - VIII. Necessary restrictive covenants and/or easements to be recorded.
- C. Applications for farmland preservation procurements, including silviculture, are encouraged. To ensure these lands are adequately protected consistent with state laws and not used in a manner that violates the purposes of the Green Space Ordinance, the following should be considered as a part of the application review and consideration.
- I. Land use and Stormwater Best Management Practices (BMP's).
  - II. Sustainable farming and silviculture techniques that protect waterways, waterbodies, and watersheds.
  - III. Restrictive covenants and/or easements which are recordable, and which run with the land, shall be required.
- D. Applications for natural/scenic/wildlife corridor procurements shall consider, at minimum, the following as a part of the application review and consideration:
- I. Location along rivers, tidally influenced waterways/wetlands, public road rights-of-way, other roads with public benefits, and/or areas with wildlife habitat.
  - II. Minimum width and other requirements:
    - a. 250 feet wide for natural and/or scenic corridors along public road rights-of way and other roads with public benefits. These

shall be measured from the existing or identified future road right-of way and already required buffers (if applicable).

- b. 300 feet wide for river and/or tidally influenced waterways/wetland corridors. These shall be measured from the established OCRM critical line and already required buffers which are present at the time of application (if applicable).
  - c. 300 feet wide for wildlife corridors and shall require connectivity to other preserved lands.
  - d. GSAC reserves the right to consider procurements in instances when only a small portion of the procurement fails to meet the minimum width requirements through no fault of the applicant, and circumstances are properly documented and justified.
- III. May require the removal of existing structures and/or encumbrances that are deemed contrary to the purpose of the procurement and documented prior to appraisal/closing.
  - IV. Shall require restrictions for allowed uses and/or improvements within the corridor.
  - V. Restrictive covenants and/or easements which are recordable, and which run with the land, shall be required.
- E. Applications for existing planned development/development agreement buydown procurements shall require, at minimum, the following as a part of the application review and consideration.
    - I. Clearly establish that money will be saved from off-site infrastructure improvements (taxpayer responsible improvements). Developer required off-site improvements shall remain the responsibility of the developer in all instances. To satisfy this requirement, a Traffic Impact Analysis by a County approved firm shall be performed showing how the removal of trips generated will result in reducing required taxpayer off-site infrastructure improvements.
    - II. Documentation identifying environmental benefits, including but not limited to, reduction of stormwater runoff quantity, improving water quality, maintained tree canopy coverage, preservation of wildlife habitat, watershed protection, and marsh migration.

- III. Consideration for this type of procurement in government jurisdictions that do not have adopted land use policies to prevent other lands from getting upzoned/developed without regard to the buydown, will be closely scrutinized. To help facilitate meaningful procurements, counties and municipalities will have current Comprehensive Plans with agreed upon/established growth boundaries in place along with adopted zoning and land development regulations. If these fiscally responsible land use policies are not in place, this type of procurement will be subject to a very high level of required matching funds as determined by the Green Space Advisory Committee.
- IV. Provide documentation that the existing planned development/development agreement was approved prior to the adoption of the Green Space Ordinance (October 3, 2022). This will include development rights secured through annexations, rezonings, and/or other entitlements.
- V. As previously stated, applications located in other governmental jurisdictions (within or outside) Beaufort County, a governmental jurisdictional letter of support or opposition shall be required at the time of application.
- VI. Restrictive covenants and/or easements which are recordable, and which run with the land, shall be required and subject to periodic inspections by Beaufort County staff.

**Sections 38-206 --- 38-299 - Reserved**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, JD, Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|  |
|--|
| <b>ITEM TITLE:</b>   |
| FIRST READING OF AN ORDINANCE AMENDMENT TO PROVIDE FOR A MODIFIED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES. |
| <b>MEETING NAME AND DATE:</b>  |
| Community Services & Land Use Committee Meeting 08/14/2023   |
| <b>PRESENTER INFORMATION:</b>  |
| Tonya Crosby – Chief Financial Officer<br>5 minutes.   |
| <b>ITEM BACKGROUND:</b>  |
| The Beaufort County School District will present the information in support of amending the millage rate for their Fiscal Year 2024 Operating Budget.  |
| <b>PROJECT / ITEM NARRATIVE:</b>   |
| The Beaufort County School District will present the information in support of amending the millage rate in support of their Fiscal Year 2024 Operating Budget.  |
| <b>FISCAL IMPACT:</b>  |
| The presentation will outline amounts needed for school operations for Fiscal Year 2024 that will be included in an amendment to the Beaufort County School District Budget Ordinance.   |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>   |
| Staff recommends approval of amended millage rate for the approved School District Budget.   |
| <b>OPTIONS FOR COUNCIL MOTION:</b>   |
| Motion to recommend approval of the Beaufort County School District’s modified millage rate to support their School Operations Budget and to forward to Council for First Reading/Approval at the August 14, 2023 meeting.                                     |

**ORDINANCE 2023/**

**FY 2023-2024 AMENDED BEAUFORT COUNTY SCHOOL DISTRICT BUDGET**

**AN AMENDMENT TO ORDINANCE 2023/24 TO PROVIDE FOR A REVISED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES.**

BE IT ORDAINED BY COUNTY COUNCIL OF BEAUFORT COUNTY:

**SECTION 1. TAX LEVY**

The County Council of Beaufort County hereby appropriates the funds as detailed in Sections 3 and 4 of this Ordinance and establishes the millage rates as detailed in Section 2 of this Ordinance.

**SECTION 2. MILLAGE**

In Fiscal Year 2023-2024 and in accordance with the laws of South Carolina, the County Auditor is hereby authorized and directed to levy a tax on the following mills on the dollar of assessed value of property within the County.

|   |                    |
|---|--------------------|
| School Operations                                 | <b>130.0 121.8</b> |
| School Bond Debt Service (Principal and Interest) | 36.3               |

The values listed above, in accordance with Section 6-1-320(A)(2) of the *Code of Laws of South Carolina*, 1976, as amended.

|      | Prior Year<br>Millage | %<br>Average<br>CPI | %<br>Population<br>Growth | Allowable<br>Annual %<br>Increase<br>of<br>Millage<br>Rate | Allowable<br>Increase<br>Of<br>Millage<br>Rate | Millage<br>Rate<br>Used | Millage<br>Bank<br>Balance |
|------|-----------------------|---------------------|---------------------------|--|--|-------------------------|----------------------------|
| 2021 | 114.0                 | 1.23%               | 1.57%                     | 2.80%  | 3.2  | 7.6                     | 0.0                        |
| 2022 | 121.6                 | 4.70%               | 2.49%                     | 7.19%  | 8.7  | 4.0                     | 4.7                        |
| 2023 | 125.6                 | 8.00%               | 2.61%                     | 10.61%   | 13.3   | 4.4                     | 13.6                       |

These taxes shall be collected by the County Treasurer, as provided by law, and distributed in accordance with the provisions of this Ordinance and subsequent appropriations as may be hereafter passed by the County Council of Beaufort County.

The County Council hereby establishes the millage rate necessary to meet all budget requirements, to support the appropriations herein made, with the exception of those appropriations and portions supported by revenues other than property taxes and shall advise the Auditor and Treasurer of Beaufort County who shall levy and collect said millage, respectively, as hereby directed by the County Council. However, County Council reserves the right to modify these millage rates as may be deemed necessary and appropriate, but no later than August 31<sup>st</sup> of the taxing year; and if it does determine necessary and appropriate, then said millage rate shall be adopted by resolution.

### SECTION 3. SCHOOL OPERATIONS APPROPRIATION

An amount of \$320,412,978 is hereby appropriated to the Beaufort County Board of Education to fund school operations. This appropriation is to be spent in accordance with the school budget approved by the County Council of Beaufort County, and will be funded from the following revenue sources:

- A. \$195,119,038 to be derived from tax collections;
- B. \$119,077,940 to be derived from State revenues;
- C. \$ 650,000 to be derived from Federal revenues;
- D. \$ 2,466,000 to be derived from other local sources; and
- E. \$ 3,100,000 to be derived from inter-fund transfers.

The Beaufort County Board of Education is responsible for ensuring that the school expenditures do not exceed those amounts herein appropriated without first receiving the approval of a supplemental appropriation from County Council.

### SECTION 4. BUDGETARY ACCOUNT BREAKOUT

The line-item budgets submitted by the Beaufort County Board of Education under separate cover for FY 2023-2024 are incorporated herein by reference and shall be part and parcel of this Ordinance.

### SECTION 5. OUTSTANDING BALANCE APPROPRIATION

The balance remaining in each fund at the close of the prior fiscal year, where a reserve is not required by State or Federal law, is hereby transferred to the appropriate category of Fund Balance of that fund.

### SECTION 6. TRANSFERS VALIDATED

All duly authorized transfers of funds heretofore made from one account to another, or from one fund to another during Fiscal Year 2024 are hereby approved.



SECTION 7. EFFECTIVE DATE

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

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

First Reading,  
Second Reading:  
Public Hearings:  
Third and Final Reading:



# School Operations Rollback Millage

Beaufort County Council  
August 14, 2023

**BEAUFORT COUNTY SCHOOL DISTRICT**  
Tonya Crosby, CPA, Chief Financial Officer

**Where Learning Leads the Way!**



# School Operations Rollback Millage

|                 | Operations Millage 2022-2023 | Approved Increase | Total Approved 2023-2024 Millage |
|-----------------|------------------------------|-------------------|----------------------------------|
| Pre-Rollback    | 125.6                        | +4.4              | 130.0                            |
| Amended Millage | 117.4                        | +4.4              | 121.8                            |

**Rollback of School District millage = 8.2 mills**  
**Net reduction of millage from prior yr = 3.8 mills**

# Goal: Revenue Neutrality



|                             | Pre-Rollback  | Revenue Neutral |
|-----------------------------|---------------|-----------------|
| <b>General Fund Revenue</b> | \$208,255,190 | \$195,119,038   |
| <b>Mill Value</b>           | \$1,601,963   | \$1,601,963     |
| <b>Mills</b>                | 130.0         | 121.8           |

Due to increased values as a result of reassessment, 130.0 mills are expected to generate \$13 million more revenue than the Board & Council approved in the budget. As a result, state law requires us to adjust the millage to generate the same level of revenue.

Note: This millage rate continues to meet the limitations of the state millage cap.



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|  |
|--|
| <b>ITEM TITLE:</b>   |
| An Ordinance Adopting Amendments to Ch 62. Solid Waste of the Beaufort County Code of Ordinance (\$0.00)   |
| <b>MEETING NAME AND DATE:</b>  |
| Community Services and Land Use – August 10th, 2023  |
| <b>PRESENTER INFORMATION</b>   |
| Jared Fralix, P.E. – Assistant County Administrator, Infrastructure<br>Neil Desai, P.E. – Public Works Director (Alternate)<br>(10 min)  |
| <b>ITEM BACKGROUND:</b>  |
| May 2005 – County Council adopted Article II of the Code of Ordinances for litter.<br>October 2007 – County Council adopted Chapter 62 of the Code of Ordinances for Solid Waste.  |
| <b>PROJECT / ITEM NARRATIVE:</b>   |
| As Beaufort County has enforced the ordinances pertaining to Litter between both Code Enforcement and Public Works Staff, conflicting language between the two ordinances was recognized. The adoption of the amendments to Chapter 62, as noted in Exhibit A, of the Beaufort County Code of Ordinances provides continuity to the language, as well as the enforcement effort of both departments. |
| <b>FISCAL IMPACT:</b>  |
| There are no fiscal impacts associated with the adoption of the proposed amendments to Ch 62.  |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>   |
| Staff recommends approval of the amendments to Chapter 62. Solid Waste of the Beaufort County Code of Ordinances.  |
| <b>OPTIONS FOR COUNCIL MOTION:</b>   |
| Motion to approve/deny the adoption of the amendments to Chapter 62. Solid Waste of the Beaufort County Code of Ordinances.  |
| <b>(Next Step – Upon approval, send to County Council for First Reading)</b>   |

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## Chapter 62 SOLID WASTE<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 62-1. Establishment and administration of solid waste and recycling enterprise system.

- (a) There is hereby created the "solid waste and recycling enterprise system" of the county. The solid waste and recycling enterprise system shall be operated as an administrative division of the county under the responsibility of the county administrator. The county administrator is authorized to (i) establish and organize the county's solid waste and recycling facilities and services as necessary for their useful and efficient operation, (ii) to establish necessary procedures, policies and guidelines for the use of the county's solid waste and recycling facilities and services, and (iii) to recommend appropriate millage or fee and rate schedules for consideration and approval by county council, including any appropriate exemptions. Any millage, fee, or rate recommendations shall be based upon considerations that the county's solid waste and recycling enterprise system will be self-supporting, and adequately funded by all users and classes of users that benefit from county solid waste and recycling facilities and services in future periods. The county administrator is further directed to keep county council advised as to the progress in accomplishing these requirements.
- (b) These provisions shall be applicable within the county and for all solid waste and recycling facilities and services provided by the County.

In addition to collection and disposal of solid waste and collection and processing of recovered materials, other solid waste and recycling facilities and services may be provided within the county. Such other solid waste and recycling facilities and services may be provided within the corporate limits of a municipality in the county by contract with an individual, corporation or municipal governing body in the event (1) the municipality is not providing such services, or (2) permission of the municipal governing body has been obtained in connection with the provision of such facilities and services; otherwise, the county shall not render such facilities and services within such municipality.

The county finds, after due investigation, that the solid waste and recycling enterprise system programs do not conflict, or compete in any way, with the solid waste and recycling services of the municipalities within the county and are entirely complementary thereof and separate therefrom. To the extent that a municipality engages in collection and disposal of solid waste and collection and processing of recovered materials, the county shall not engage in such service within such municipality, and appropriate fee exemptions, if necessary, shall be implemented.

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<sup>1</sup>Editor's note(s)—Ord. No. 2007/37, adopted Oct. 22, 2007, amended Ch. 62 in its entirety to read as herein set out. Former Ch. 62 consisted of §§ 62-1—62-68, pertained to similar subject matter and derived from the 1982 Code; Ord. No. 064-94, adopted Sept. 6, 1994; an ordinance adopted Nov. 9, 1998; and Ord. No. 006-02HR, adopted Mar. 19, 2002.

Cross reference(s)—Environment, ch. 38; trash and litter control, § 38-26 et seq.; littering or dumping of refuse in rivers, creeks, canals and ditches, § 38-35; health and sanitation, ch. 46; buildings and building regulations, ch. 74; manufactured homes and trailers, ch. 86; littering at Bluffton dock, § 102-66; waste disposal facilities, § 106-1367.

The county administrator may request assistance from the various departments and other officials of the county or municipalities, as may be necessary for the orderly implementation of this chapter. Agreements, including any intergovernmental agreements with municipalities within the county and any necessary or desirable regulations promulgated to carry out this chapter are authorized and shall be subject to prior review and approval of county council.

(Ord. No. 2007/37, 10-22-2007; Ord. No. 2020/19, § 2.A, 6-8-2020; Ord. No. 2021/24, § 2.A, 5-24-2021)

## Sec. 62-2. Authority.

- (a) *Authority and purpose.* Beaufort County ("the county") shall provide for the management, collection, and disposal of residential solid waste collected by the county or its agent. The landfills are established pursuant to the authority conferred by S.C. Code 1976, §§ 44-55-1010 through 44-55-1060, as amended, S.C. Code 1976, §44-1-140(11), as amended, and Section 9, Part II, Act No. 410 of 1971 also South Carolina Regulation PC-SW-2, and for the public health, welfare and safety of the citizens of the county. The rules and regulations herein are adopted along with all other South Carolina Department of Health and Environmental Control rules and regulations. All recycling and solid waste activities not in the county system shall coordinate with the county for the purpose of assisting the county with achievement of established state diversion and recycling goals.
- (b) *General.* Section 9 of the General Appropriations Act (Act No. 410) South Carolina Solid Waste Management and Policy Act of 1991, assigns the South Carolina State Board of Health as "the agency over these matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and municipal solid waste . . ." Improper storage, collection and transportation systems create health hazards, odors, impair the aesthetic appearance of the State, encourage wild and domestic animal feeding and exposes residents to undue risks. Section 44-96-20 of the South Carolina Solid Waste Management and Policy Act of 1991, establishes goals for solid waste diversion from municipal solid waste (MSW) landfills and for recycling on a statewide basis, and confer upon counties the responsibility for establishing solid waste management plans, including ordinances, policies and regulations, which support the achievement of the established waste reduction goal to reduce the amount of municipal solid waste disposed of to 3.25 pounds per/person/day or less and to recycle at least 40 percent of municipal solid waste.
- (c) In addition to the foregoing authority, purposes, and general matters, the county finds the solid waste and recycling enterprise system shall serve the following additional purposes:
- (1) To promote the public health, safety and welfare;
  - (2) To ensure that solid waste is transported, stored, treated, processed and disposed of in a manner adequate to protect human health, safety and welfare and the environment;
  - (3) To promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials which would otherwise be disposed of as solid waste;
  - (4) To provide an efficient method for the collection, transportation, storage, handling, treatment, reduction, recycling, reuse and disposal of solid waste in the county through the establishment, construction and operation of solid waste collection sites and other facilities for the use and benefit of residents of the county and other municipalities, entities or persons who contract for the use of county facilities for the collection of permitted solid waste in accordance with county ordinances and regulations; and
  - (5) To protect and preserve the quality of the environment and to conserve and recycle natural resources.

(Ord. No. 2007/37, 10-22-2007; Ord. No. 2020/19, § 2.B, 6-8-2020; Ord. No. 2021/24, § 2.B, 5-24-2021)

### **Sec. 62-3. Definitions.**

For the purpose of this chapter, any definitions contained herein shall apply unless specifically stated. In addition to the definitions contained in this chapter, the articles of this chapter adopt by reference the definition of terms (to the extent they are not inconsistent with definitions specifically contained herein) defined in the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10, et seq. and in any regulations promulgated pursuant thereto. Any term not specifically defined shall be construed pursuant to its plain and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" is always mandatory and not merely discretionary.

*Agricultural operation:* Raising, harvesting, or storing crops or feed, breeding or managing livestock, including the preparation of the products raised thereon for human use and disposed of by marketing or other means. It includes, but is not limited to, agriculture, grazing, horticulture, forestry, and dairy farming.

*Apartment:* Any building containing more than four contiguous dwelling units or any group of buildings or mobile homes located on a single lot that contains a total of six or more dwelling units owned by the same person.

*Backyard composting:* The on-site composting of yard waste by the owner or tenant for nonrevenue generating use when all materials are generated and composted on-site.

*Bulk container:* A manufactured container suitable for emptying by mechanical equipment that has been approved by the county administrator.

*Bulky waste:* Household furniture, electronic appliances (such as televisions, stereos, microwave ovens), lawn mowers, door and window screens, swing sets, over-sized children's toys, lawn furniture, wading pools, barbecue grills, whole or parts of boats and automobiles, and items banned from landfill such as white goods (stoves, refrigerators, washers, dryers, etc.), tires or other items generated by a household as part of its solid waste which are too large for placement in a garbage container.

*Code:* The Code of Ordinances of Beaufort County, South Carolina.

*Collection:* The act of picking up solid waste or recovered materials from residents, businesses, institutions, or industrial generators.

*Collector/hauler:* Any individual, business, or municipal organization which collects solid waste or recovered materials commercially or as a public service and transports it to a permitted solid waste facility, landfill or recovered materials processing facility.

*Combined waste stream:* The aggregate waste stream of all tenants or occupants of a business property or complex.

*Commercial establishment:* Any hotel, motel, apartment, rooming house, business, industrial, public or semipublic establishment of any nature.

*Commercial solid waste:* Municipal solid waste (including unrecovered recyclable materials) generated by industrial, commercial or business activities. This includes solid waste generated within multifamily residences and all solid waste placed in public receptacles on public streets, parks and playgrounds, beaches and other public places (excluding industrial waste as defined herein).

*Compost:* Humus-like end product of the process of composting waste.

*Composting:* The process of making compost.



**Composting facility:** Any facility used in the composting of yard waste, land-clearing debris, chipped untreated wood waste, and/or other organic material thereby providing aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

**Construction:** Any physical modification to the site at which a potential or proposed solid waste management facility is to be located including, but not limited to, site preparation, clearing, grading, excavation, construction of buildings, installation of liners, etc.

**Construction and demolition debris:** Any discarded solid wastes resulting from construction, remodeling, repair, and demolition of structures, and road construction. The wastes include, but are not limited to, bricks, concrete, other masonry materials, lumber, road spoils, and paving materials, but do not include solid waste from agricultural operations.

**Container** means a watertight receptacle made of metal, heavy-duty plastic, or material of similar strength with a tightfitting cover for storage and disposal of solid waste or recovered materials.

**Contractor:** The person that has entered into a contract with the county to perform solid waste collection.

**County:** Beaufort County, South Carolina.

**County administrator:** The Beaufort County Administrator or his/her designated agent.

**County council:** The governing body of Beaufort County, South Carolina.

**Collection center:** Any county authorized site designated for collection of residential solid waste, yard waste, bulky items, waste oil and other designated solid waste or recovered materials. Collection centers are intended for residential solid waste and recovered materials.

**Debris:** Includes, but not limited to, equipment, yard toys, furniture, packaging items, shipping containers, construction and demolition waste, bricks, blocks, concrete, asphalt, metals, lumber, trees, tree limbs, tree stumps, brush or parts thereof, or brush stumps, and/or building materials that are determined to be potentially deleterious to good health, public sanitation and/or public safety.

**DHEC:** The South Carolina Department of Health and Environmental Control.

**Director:** Beaufort County Director of Public Works or his/her designated agent.

**Disposal:** The discharge, deposition, injection, dumping, spilling, or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**Dwelling unit:** One or more habitable rooms that are intended to be occupied by one family with facilities for living, sleeping, cooking and eating municipal solid waste(excludes commercial establishments).

**Expand or expansion:** Any change to a solid waste management facility including a composting facility or change in the status of that facility that:

- (1) Allows or results in an increase in the solid waste disposal capacity for the facility (including either lateral or vertical expansion capacity); or
- (2) Allows or results in an increase (or potential increase) in the annual disposal rate, tonnage limit and/or capacity limit for the facility; or
- (3) Includes or otherwise involves the purchase of additional property that may be utilized for solid waste management of any kind at the facility.

**Fiscal year:** A twelve-month period from July 1 of the current year to June 30 of the following year.

**Franchise collector:** The person that has entered into a franchise agreement with the county to perform solid waste and/or recovered materials collection.

*Garbage:* All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; items which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects.

*Groundwater:* Water beneath the land surface in the saturated zone.

*Hazardous wastes:* Wastes that are defined as hazardous in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

*Household:* A person or group of people who occupy a dwelling unit as their usual place of residence.

*Household hazardous waste:* Any commonly used household hazardous material that is not regulated as hazardous waste when disposed of. This includes, but is not limited to, insecticides, pesticides, paints, lubricants, fertilizers, cleaning agents and polishing compounds. For purposes of this definition, household hazardous waste does not include gasoline or motor oil.

*Household quantities:* Quantities of solid waste reasonably generated in the course of typical domestic activities from single-family residential dwelling units including minor renovations to a dwelling unit. Solid wastes from construction projects that require a building permit or evictions of tenants are not considered household quantities. The fact that waste is generated from a single-family primary residence does not necessarily establish household quantities.

*Industrial solid waste:* Any and all solid waste generated by manufacturing or industrial processes that is not a hazardous waste reduction under subtitle C of the Resource Conservation and Recovery Act.

*Land-clearing debris:* Organic waste such as trees, limbs, brush, and stumps mingled with small amounts of dirt that is produced as a result of clearing and grubbing operations but does not include solid waste from agricultural operations.

*Landfill:* A disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

*Litter:* means any unsecured or inadequately secured and improperly stored or disposed solid waste placed, thrown, dropped, deposited, blown, leaked or in any other manner distributed as prohibited by the provisions of this article.

*Modify or modification:* Any change to a solid waste management facility or change in the status of that facility that:

- (1) Is considered a modification (major or minor) by DHEC; or
- (2) Requires a modification of any kind to the facility's operating permit issued by DHEC; or
- (3) Involves construction, renovation and/or other changes to existing buildings, structures or units, other than normal daily operating changes; or
- (4) Results in a different classification, designation and/or use for a solid waste management facility or composting facility; or
- (5) Results in a change of ownership and/or operation of a solid waste management facility or composting facility; or
- (6) Results in any addition and/or deletion of a waste stream for a significant user of a solid waste management facility or composting facility.

**Municipal solid waste.** Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas), generated by commercial establishments (stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding industrial facilities) and nonhazardous sludge.

**Owner/operator:** The person who owns the land on which a solid waste management facility or composting facility is located or the person who is responsible for the overall operation of the facility, or both.

**Person:** An individual, partnership, copartnership, cooperative, association, firm, company, public or private corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company or any other legal entity or its legal representative, agent or assigns.

**Pickup truck:** A motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed less than nine feet in length. Pickup truck does not include a motor vehicle, otherwise meeting the above definition that is equipped with a bed-mounted storage compartment commonly called a utility body.

**Primary residence:** Residential dwelling unit that is occupied by the owner or renter of such unit. For purposes of this chapter, owners and renters shall designate only one primary residence.

**Recovered materials:** Materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

**Recovered Materials Processing Facility:** A facility engaged solely in the recycling, storage, processing, and resale or reuse of recovered materials.

**Recyclable material:** Those materials which would otherwise become municipal solid waste, and which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

**Recycling:** Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products (including composting).

**Residential property:** Property that contains one or more residential dwelling units other than those defined as apartments.

**Residential solid waste:** Any and all accumulations of municipal solid waste (including unrecovered recyclable materials) generated by single-family residential units or multifamily residential facilities where aggregate municipal solid waste collection is not provided to the tenant as part of a rental agreement.

**Reuse:** The return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

**Roll cart:** Containers, mounted on wheels, which are used to store residential solid waste or recovered materials between collections by collectors.

**Single-family residential unit:** Residential properties classified by the county assessor as having only one dwelling unit per property or parcel.

**Solid waste management plan:** The local solid waste management plan that must be developed and implemented by each county pursuant to S.C. Code § 44-96-80.

**Solid waste:** Garbage, municipal solid waste, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities.

This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or municipal solid waste as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

*Solid waste management facility:* Any solid waste disposal area (including public and private landfills), volume reduction plant; transfer station, collection center, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. For purposes of this chapter, this term does not include composting facilities, or noncommercial industrial facilities managing solid waste generated in the course of normal operations on property under the same ownership or control as the waste management facility.

*Source reduction:* The reduction of solid waste before it enters the solid waste stream by methods such as product redesign or reduced packaging.

*Transfer station:* Any permitted temporary holding site for the collection and transfer of solid waste from private citizens and by collector/haulers and commercial collector/haulers to a disposal facility.

*Vector:* A carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds and vermin.

*Vehicle:* Any device capable of being moved upon a public highway or roadway and in, upon or by which any person or property is or shall be transported or drawn upon a public highway or roadway.

*Yard waste:* Any and all accumulations of grass, leaves, pine straw, small trees and branches, shrubs, vines and other similar items of less than six inches in diameter, four feet in length generated by the typical maintenance of lawns, shrubs, gardens and trees from residential properties. Yard waste shall not be commingled with garbage or solid waste.

*Weeds and rank vegetation:* Dense, uncultivated, herbaceous overgrowth over two feet in height, or briars and trailing vines exceeding ten feet in length.

*White goods:* Includes refrigerators, ranges, water heaters, freezers, dishwashers, residential trash compactors, dryers, air conditioners, and other large appliances.

(Ord. No. 2007/37, 10-22-2007)

#### **Sec. 62-4. Enforcement.**

- (1) The Department of Public Works Office of Solid Waste and Recycling, County Code Enforcement Officers, and other law enforcement agencies shall be charged with the enforcement of this section and shall be authorized to obtain for their personnel such law enforcement commissions as may be necessary. Litter control officers, any commissioned law enforcement officer and appointed code enforcement officers shall have the authority to enforce the provisions of this ~~section~~ chapter and may issue a summons to any violator to appear in the magistrate's court of the county to answer the charge of violation of this ~~section~~ chapter.
- (2) If any solid waste improperly or unlawfully disposed of in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person prior to its being disposed of as prohibited herein, such identification shall be presumed to be prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this chapter.

- (3) Proof of means used for proper disposal of solid wastes at businesses and commercial enterprises shall be presented to the law enforcement officers or code enforcement officers when requested by the officer.
- (4) Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.

(Ord. No. 2007/37, 10-22-2007)

### Sec. 62-5. Penalties.

- (a) ~~A person, from a vehicle or otherwise, shall not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by S.C. § 44-96-40(46), upon public or private property or waters in the state including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:~~
- (1) ~~On property designated by the state for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or~~
- (2) ~~Into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.~~
- (b) ~~Responsibility for the removal of litter from property or receptacles is upon the person convicted pursuant to this section of littering the property or receptacles. If there is no conviction for littering, the responsibility is upon the owner of the property.~~
- (c) (1) A person who willfully violates the provisions of this ~~section~~ chapter is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00~~\$200.00~~ or imprisoned for not more than 30 days, or both. ~~for a first or second conviction, or shall be fined \$500.00 or imprisoned for not more than 30 days, or both for a third second or subsequent conviction. In addition to the fine or term of imprisonment, the court also must impose eight hours of litter-gathering labor for a first conviction, 16 hours of litter-gathering labor for a second conviction, and 24 hours of litter-gathering labor for a third or subsequent conviction, or other form of public service, under the supervision of the court, as the court may order because of physical or other incapacities.~~
- (2) ~~The fine for a deposit of a collection of litter or solid waste in an area or facility not intended for public deposit of litter or solid waste is \$1,000.00. The provisions of this item apply to a deposit of litter or solid waste, as defined in S.C. § 44-67-30 (4), in an area or facility not intended for public deposit of litter or solid waste. This item does not prohibit a private property owner from depositing litter or solid waste as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this item, the court also shall impose a minimum of five hours of litter-gathering labor or other form of public service, under the supervision of the court, as the court may order because of physical or other incapacities.~~
- (3) ~~(2) — The court, instead of payment of the monetary fine imposed for a violation of this sectionchapter, may direct the substitution of additional litter-gathering labor or other form of public service, under the supervision of the court, as it may order because of physical or other incapacities not to exceed one hour for each \$5.00 \$25.00 of fine imposed.~~
- (4) ~~(3) — In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner of the property upon~~

which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

- (d)(b) — In cases in which a person who violates the provisions of this section in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds or 100 cubic feet, is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$200.00 nor more than \$500.00 or imprisoned for not more than 90 days. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed, up to 100 hours.
- (e) (1) A person who violates the provisions of this section in an amount exceeding 50 pounds in weight or 100 cubic feet in volume is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 or more than \$1,000.00, or imprisoned not more than one year, or both. In addition, the court may order the violator to:
- a. — Remove or render harmless the litter that he dumped in violation of this subsection;
  - b. — Repair or restore property damaged by, or pay damages for damage arising out of, his dumping of litter in violation of this subsection; or
  - c. — Perform community public service relating to the removal of litter dumped in violation of this subsection or relating to the restoration of an area polluted by litter dumped in violation of this subsection.
- (2) — A court may enjoin a violation of this subsection.
- (3) — A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the disposal of more than 500 pounds in weight or more than 100 cubic feet in volume of litter in violation of this subsection is declared contraband and is subject to seizure and summary forfeiture to the state.
- (4) — If a person sustains damages in connection with a violation of this subsection that gives rise to a felony against the person or his property, a court, in a civil action for those damages, shall order the wrongdoer to pay the injured party threefold the actual damages or \$200.00, whichever amount is greater. In addition, the court shall order the wrongdoer to pay the injured party's court costs and attorney's fees.
- (5) — A fine imposed pursuant to this subsection shall not be suspended, in whole or in part.
- (f) (1) — When the penalty for a violation of this section includes litter gathering labor in addition to a fine or imprisonment, the litter gathering portion of the penalty is mandatory and shall not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter gathering portion of the penalty that must be equal to the amount of \$5.00 an hour of litter gathering labor. Probation shall not be granted instead of the litter gathering requirement, except for a person's physical or other incapacities.
- (2) — Funds collected pursuant to this subsection instead of the mandatory litter gathering labor shall be remitted to the county or municipality where the littering violation took place. The money collected may be used for the litter gathering supervision.
- (g) — For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.
- (h) — A prior violation within the meaning of this section means only a violation of this section which occurred within a period of five years including and immediately preceding the date of the last violation.
- (i) — Magistrates and municipal courts have jurisdiction to try violations of subsections (a), (b), (c), and (d) of this section.

(Ord. No. 2007/37, 10-22-2007)

## Sec. 62-6. Uniform service charges.

- (a) The county council shall impose millage as part of its annual budget process to fund the solid waste and recycling enterprise system. At any point in the future, county council may, by ordinance, impose uniform service charges, and rates fees, and charges. The proceeds from the millage, uniform service charges, and rates, fees and charges established by county council shall be used to pay in whole or in part the costs of acquiring, equipping, operating, and maintaining facilities and services for the collection, transportation, storage, handling, separation, treatment, reduction, recycling, reuse, and disposal of residential solid waste generated within the county.
- (b) If imposed, there shall be a uniform residential solid waste fee annually imposed upon the owner of record of each residence in the county, including all single and multi-family homes, mobile homes, and all lease and rental properties, in accordance with the then prevailing fee schedule, subject to the rules and regulations governing the solid waste and recycling enterprise system, and further subject to any applicable exemptions, which exemptions shall include, but not be limited to, a complete or partial exemption for users in any municipality within the county to the extent the respective municipality provides a service in lieu of the county. In addition to fees, charges, and rates with respect to solid waste and recycling facilities and services, fees, charges, and rates in connection with other solid waste and recycling facilities and services may be imposed within the corporate limits of a municipality in the county by contract with an individual, corporation, or municipal governing body to the extent the county is providing solid waste and recycling services in a municipality pursuant to subsection 62-1(b).

Residential solid waste fees, if imposed, shall be levied as a uniform assessment by the county auditor and placed upon the annual real estate tax notice and collected by the county treasurer, pursuant to state law. The fiscal officers of the county shall have the authority to nulla bona or abate these fees to the same extent and under the same conditions as they do for a comparable tax.

- (c) Further, if residential solid waste charges are imposed, there shall be imposed a late fee and supplemental processing charge, for all solid waste fees not timely remitted to the county treasurer by March 16 of the year when due. For all past due accounts in excess of one year, the county shall impose an additional annual penalty. The county shall pursue all legal remedies available to it to recover past due amounts, and shall hold the property owner or record responsible for all costs of collection, including reasonable attorney fees, as a part of such collection efforts and as a part of the fees imposed by county council pursuant to state law, in order that lawful tax-paying citizens not be forced to subsidize those taxpayers who do not pay this lawful fee in a timely manner.

(Ord. No. 2020/19, § 2.C, 6-8-2020; Ord. No. 2021/24, § 2.C, 5-24-2021)

## Sec. 62-7. Special fund.

All taxes, charges, rates, fees, or other revenues collected pursuant to this chapter shall be deposited to a special fund to be known as the solid waste and recycling enterprise fund, and all funds deposited in the solid waste and recycling enterprise fund shall be expended for the administration, operation, and maintenance of the county solid waste and recycling programs and the acquiring, constructing, renovating, and equipping of apparatus and facilities necessary or convenient therefor. Should the county issue bonds or enter into other obligations the proceeds of which benefit the solid waste and recycling enterprise system, it may secure such bonds and other obligations with a pledge of all or a portion of the revenues deposited to or derived from the solid waste and recycling enterprise fund. Nothing shall prohibit the creation of sub-funds or accounts as may be necessary or appropriate.

(Ord. No. 2020/19, § 2.D, 6-8-2020; Ord. No. 2021/24, § 2.D, 5-24-2021)

**Sec. 62-8. Severability.**

If any section, subsection, or clause of this chapter shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

**Secs. 62-9 to 62-19 ~~8-62-9~~. Reserved.**

Move this Article II to Chapter 38 as a more appropriate location to address this.

**~~ARTICLE II. LITTERING, SCAVENGING, AND PROPERTY MAINTENANCE~~****~~Sec. 62-10. Littering on or along public rights of way prohibited.~~**

- (1) ~~It shall be unlawful for any person to throw, drop, leave, or in any way to intentionally or unintentionally deposit or dispose of litter on any property or on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the authorized and franchise municipal solid waste collector for that district; nor shall any person throw or deposit any litter in any stream or other body of water within the boundaries of the county.~~
- (2) ~~Furthermore, when litter is thrown, blown or allowed to escape from a vehicle, if the identity of the driver cannot be determined, the operator and/or the owner of the vehicle shall be held responsible even when the operator or owner did not throw the litter out or allow the litter to escape.~~
- (3) ~~Responsibility for the immediate removal and proper disposal of litter from property is upon the person convicted under this chapter of littering. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the litter was deposited.~~

~~(Ord. No. 2007/37, 10-22-2007)~~

**~~Sec. 62-11. Scavenging at county solid waste management facilities.~~**

~~It shall be unlawful for any person to rummage through, remove, salvage items or otherwise scavenge from county-operated or private solid waste management facilities to include solid waste collection and storage containers. A summons may be issued to any violator to appear in the magistrate's court of the county to answer the charge of violation of this section.~~

~~(Ord. No. 2007/37, 10-22-2007)~~

**~~Sec. 62-12. Solid waste on lots.~~**

- (1) ~~[Unlawful disposal or accumulation.] It shall be unlawful for any person to dispose of or cause to be disposed of or allow to accumulate, or for any property owner to allow any person to dispose of or cause to be disposed of or cause to accumulate any type of solid waste anywhere in the county except at a solid waste~~



management facility that has been approved by county council and/or the South Carolina DHEC or as otherwise provided for under article III of this chapter.

- (2) ~~*Declaration of nuisance.*~~ Solid waste allowed to accumulate and remain on any lot or parcel of land in the county may be deemed and declared a nuisance in the judgment of the county administrator.
- (3) ~~*Duties of owner, etc.*~~ It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in the county to remove and properly dispose of such solid waste as often as may be necessary to prevent the accumulation of such waste. Furthermore, it shall be the responsibility of the owner, lessee, occupant, agent, or representative of the owner to limit access to said property such that indiscriminate disposal of solid waste is minimized.
- (4) ~~*Notice to owner, etc., to remove.*~~ Whenever the county administrator shall find that solid waste has been allowed to accumulate and remain upon any lot or parcel of land in the county in such a manner as to constitute a nuisance, the county administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this chapter. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (5) ~~*Failure to comply with notice.*~~ If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such solid waste to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (6) ~~*Removal by county.*~~ In the event any property is determined to be a nuisance, and 20 days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator may enter upon any such property and abate such nuisance by removing and disposing of the solid waste, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.
- (7) ~~*Work may be done by county upon request.*~~ Upon the written request to the county administrator by the owner or the person in control of any lot or parcel of land subject to the provisions of this section and payment to the county for the services consistent with the overgrowth cleanup fee structure, the county administrator or his/her designated contractor may enter onto such land and perform such cleanup activities as necessary to remove and properly dispose of the solid waste thereon.
- (8) ~~*Solid waste on lots cleanup fee structure.*~~ A fee schedule and any amendments thereto for disposal of solid waste resulting from cleanup of such waste on lots shall be developed and approved by the county administrator.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-13. Unlawful acts.**

- (1) It shall be unlawful to dispose of broken or whole bricks, broken or whole blocks, or cured/uncured concrete, land clearing debris or another other type of solid waste anywhere in the unincorporated area of the county except at landfills permitted by the state under regulations R.61-107.11, Part IV, R.61-107.16 or R.61-107.258 and permitted consistent with the provisions of Sec. 62-46 of this chapter. Responsibility for the immediate removal and proper disposal of such waste from property is upon the person convicted under this chapter. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the waste was deposited.

(2) Organized collection, e.g., green boxes, etc., of solid waste shall be at a frequency which ensures the prevention of hazards and nuisances to human health and the environment. It shall be unlawful for the owner(s) of such container(s) to fail to pick up and properly dispose of the waste therein at a frequency that exceeds seven calendar days.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-14. Weeds and rank vegetation.**

(1) *Declaration of nuisance.* Any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county that becomes substantially overgrown with weeds and rank vegetation such that it poses potential safety risks to humans and/or becomes a harborage for vectors may be deemed and declared a nuisance in the judgment of the county administrator.

(2) *Duties of owner, etc.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county to cut, trim and remove for proper disposal such weeds and rank vegetation as often as may be necessary to prevent the growth of such weeds and rank vegetation that shall constitute a nuisance. However, lots of three acres or more shall only be required to cut 100 feet from contiguous road(s) and each side property line.

(3) *Notice to owner, etc., to remove.* Whenever the county administrator shall find that overgrowth of weeds and rank vegetation on a residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county constitutes a nuisance, the county administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.

(4) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such overgrowth of weeds and rank vegetation to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.

(5) *Removal by county.* In the event any overgrowth of weeds and rank vegetation is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator or his/her designated contractor may enter upon any such property and abate such nuisance by cutting, trimming, removing and disposing of the vegetative waste, and the cost of doing so, pursuant to the cleanup fee structure noted below, may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(6) *Work may be done by county upon request.* Upon the written request to the county administrator by the owner or the person in control of any lot or parcel of land subject to the provisions of this section and payment to the county for the services consistent with the overgrowth cleanup fee structure, the county administrator or his/her designated contractor may enter onto such land and perform such cleanup activities as necessary to remove and properly dispose of the weeds and rank vegetation thereon.

(h) *Overgrowth cleanup fee structure.* A fee schedule and any amendments thereto for necessary or requested cleanup and disposal of waste resulting from cleanup of nuisance overgrowth of weeds and rank vegetation on lots shall be developed and approved by the county administrator.

(Ord. No. 2007/37, 10-22-2007)

**~~Secs. 62-15~~**

**~~Secs. 62-16 — 62-19. Reserved.~~**

**ARTICLE ~~III~~ II. COLLECTION, TRANSPORTATION, AND DISPOSAL OF MUNICIPAL SOLID WASTE**

**Sec. 62-20. Applicability.**

This article shall apply to the preparation, storage, collection, transportation and disposal of all municipal solid waste in the area under jurisdiction of the county council as presently or hereafter established. It shall prescribe rules and regulations relating to collection and disposal of municipal solid waste; prescribing rules and regulations for hauling municipal solid waste within and through the county; providing for the proper disposal of municipal solid waste; and prohibiting the spilling of loads within the county.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-21. Establishment of solid waste districts.**

- (1) Beaufort County shall be divided into nine solid waste districts. They shall be designated numerically as follows:
  - (a) District 1, City of Beaufort. All of the area within the boundaries of that incorporated city. Includes Tax District 120.
  - (b) District 2, Town of Port Royal. All of the area within the boundaries of that incorporated town. Includes Tax District 110.
  - (c) District 3, Town of Hilton Head Island. All of the area within the boundaries of that incorporated town and Jenkins Island and Pinckney Island. Includes Tax Districts 500, 501, 510, 520, 530, 540, 541 and 550.
  - (d) District 4, Town of Bluffton. All of the area within the boundaries of that incorporated town. Includes Tax District 610.
  - (e) District 5, Sheldon Township. All of the area within Beaufort County which is on the north side of the Whale Branch River. This includes the Beaufort County portion of the Town of Yemassee. Includes Tax Districts 700 and 710.
  - (f) District 6, Unincorporated Port Royal Island (Burton). All of the area between the Whale Branch River, the Beaufort River, and the Broad River exclusive of previously listed incorporated areas. Includes Tax District 100.
  - (g) District 7, Lady's Island. All of the area between the Beaufort River and Chowan Creek including Coosaw Island exclusive of the City of Beaufort. Includes Tax District 200.
  - (h) District 8, Saint Helena Island and Islands East. All of the area and islands east of Chowan Creek within Beaufort County. Includes Tax Districts 300 and 400.
  - (i) District 9, Bluffton Township. All of the area south of the Broad River and west of Pinckney Island exclusive of the Town of Bluffton and Daufuskie Island. Includes Tax District 600.

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(Supp. No. 47, Update 4)

- (j) Because of the remote nature of Daufuskie Island, the minimum level of solid waste services differs from that in other solid waste districts in the county. Recovered materials are not collected by the county on Daufuskie Island.

Note(s)—Solid waste collection, transportation and disposal from Daufuskie Island generated outside of the planned unit developments (PUDs) shall be paid for from the county general fund.

- (2) Solid waste districts are established in order to track expenditures for all publicly provided solid waste and recycling services within that district. Solid waste and recycling services include the collection, transportation, processing or disposal of solid waste or recovered material. Collection methods may vary between districts depending upon demographics, population or other factors.
- (3) Solid waste districts 1, 2, 3 and 4 shall be administered through intergovernmental agreements between the Beaufort County Council and the City Council of Beaufort, the Town Council of Port Royal, the Town Council of Hilton Head Island and the Town Council of Bluffton respectively. Solid waste districts 5, 6, 7, 8 and 9 shall be collectively administered by the county administrator.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-22. Residential solid waste and recovered materials collection**

- (1) Municipal solid waste and recovered materials shall be collected from single-family county residences by roll-cart service and/or bin service only by:
- Collectors who are licensed by the county.
  - Licensed collectors who are franchised by the county for collection in specific areas of the county.
  - Licensed collectors under contract with a municipality to provide curbside service.
  - Municipal collectors in an incorporated solid waste district.
  - County collectors in an unincorporated solid waste district.
- (2) Collectors providing curbside collection of residential solid waste shall provide curbside collection of recovered materials to same residential properties. Failure to provide collection of recovered materials shall be cause for suspension of the collector's license.
- (3) Collectors shall deliver collected recovered materials to a recovered materials processing facility. Disposal of collected recovered material in any other manner, without written permission from the county administrator, is deemed as illegal dumping and shall be prosecuted subject to the penalties in section 62-5.
- (4) Collection and disposal of municipal solid waste and/or discarded materials resulting from evictions shall be the responsibility of the property owner or his/her designated agent. Municipal solid waste and/or discarded materials resulting from evictions shall not be placed within 25 feet of any curbside.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-23. Preparation and storage of residential solid waste and recovered materials for collection.**

- (1) It shall be the duty of the occupant or owner of any residential property to store all solid waste and recovered materials properly prior to collection by the county or its contractor or licensed hauler..
- (2) All solid waste and recovered material containers shall be kept clean and free of accumulated waste.

- (3) Each property owner shall prevent the continued, excessive, and unsightly accumulations of solid waste upon the property he and/or she owns.
- (4) No person shall place or cause to be placed in any municipal solid waste or recovered material container for collection any acid, explosive material, flammable liquid, or dangerous or corrosive material of any kind, or any other hazardous waste beyond household quantities of household hazardous wastes.
- (5) No person other than the owner thereof, his or her agents or employees, or employees of licensed haulers or contractors of the county for the collection of municipal solid waste or recovered materials shall tamper or meddle with any municipal solid waste or recovered materials container or the contents thereof or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.
- (6) Property owners shall be prohibited from receiving for deposit in their municipal solid waste containers any type municipal solid waste that originates outside of their designated collection area.
- (7) Property owners shall be responsible for policing any litter resulting from municipal solid waste or recovered materials not properly prepared for collection or from any other cause other than mishandling by the contractor or licensed hauler.

(Ord. No. 2007/37, 10-22-2007)

#### **Sec. 62-24. Transporting loads of solid waste or recovered materials.**

- (1) No person shall operate on any public highway or roadway in the county any vehicle with any load of solid waste or recovered materials unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway or roadway.
- (2) No vehicle may be driven or moved on any public highway or roadway in the county unless the vehicle is so constructed or loaded with solid waste or recovered material as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a highway in the cleaning or maintaining of the highway by the public authority having jurisdiction.
- (3) Trucks, trailers, or other vehicles when loaded with rock, gravel, stone, metals, or other similar substances which could blow, leak, sift, or drop shall not be driven or moved on any public highway or roadway in the county unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; or, if the load is not level, unless the height of the sides of the load against all four walls does not extend above a horizontal line six inches below their tops, and the highest point of the load does not extend above their tops, when loaded at the loading point; or, if not so loaded, unless the load is securely covered by tarpaulin or some other suitable covering; or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle.
- (4) Proof of litter, as defined herein, escaping from a vehicle shall not be necessary to be in violation of the requirements of this section.
- ~~(5) Violations of this section shall be prosecuted subject to penalties prescribed by South Carolina law.~~

(Ord. No. 2007/37, 10-22-2007)

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**Sec. 62-25. Items not covered in residential solid waste collection service.**

- (1) *Dead animals.* Disposal of dead animals or household pets shall be the responsibility of the animal owner.
- (2) *Construction and demolition (C&D) debris.* The county shall not be responsible for collection or disposal of construction and demolition debris when quantities exceed household quantities.
- (3) *Industrial and hazardous waste.* The county shall not be responsible for collection or disposal of discarded industrial and/or hazardous waste except when such wastes are household quantities of household hazardous waste.
- (4) *Waste generated by commercial tree or yard contractor activities.* Waste from commercial tree cutters and surgeons shall be properly disposed of by the person performing the work or by the owner who engaged that person at their expense.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-26. Collected municipal solid waste is county property.**

- (a) All municipal solid waste collected by county forces or franchised collectors shall be disposed of and/or delivered to such places and used for such purposes as may be ordered by the county administrator.
- (b) The County may request that franchised collectors provide evidence/proof that all municipal solid waste collected as residential solid waste originated from Beaufort County residents.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-27. Revenue for solid waste and recycling services.**

- (a) All required Beaufort County solid waste and recycling revenue shall be generated through a combination of property tax millage, other fees as may be approved by the county council, reimbursement by federal government organizations and the sale of recovered materials.
- (b) Municipal governments which choose to provide collection or recycling services may fund their programs through appropriate municipal fees or taxes or a combination thereof.
- (c) A fee schedule, and any amendments thereto, for disposal of waste or handling of waste at any county-operated solid waste management facility, to include but not be limited to county collection centers or transfer stations shall be developed and approved by the county administrator.
- (d) Residents may deliver to collection centers household quantities of construction, demolition and land-clearing debris and other solid wastes as allowed in the receiving facility's operating permit, which are generated from his/her primary residence.
- (e) Rental and investment properties are considered commercial. Therefore, owners of such property will pay the disposal fee for solid waste originating from such properties.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-28. County facility acceptance of solid waste generated outside county.**

- (1) All solid waste generated from outside the boundaries of the county are banned from being disposed of in any county-operated facility.

- (2) The term "generated," as used in this section, shall relate to the point of origin of the solid waste.
- (3) The county administrator is hereby authorized to implement such programs and procedures as deemed necessary to further implement this ban; to inspect all loads designated for any county facility for any violations thereof; and to issue warrants according to law for any violations of this section.
- (4) Any person bringing waste to any county facility shall, on request, sign a statement authenticating that said solid waste was generated within the county.
- ~~(5) Any residential solid waste collector found in violation of this section by the county shall forfeit their license to collect/haul solid waste within Beaufort County.~~
- (65) Any dispute as to the point of origin of the solid waste shall be resolved by the county administrator.
- (76) Any and each false statement signed by a person disposing of solid waste referred to in subsection (4) of this section shall constitute a violation of this chapter.
- (87) The county administrator may seek an injunction to enforce the provisions of this section.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-29. Use of county-operated collection centers.**

- (1) It shall be a violation of this chapter for any person to:
  - (a) Fail to comply with directions for proper disposal that are given by county personnel charged with the operation of county solid waste management facilities.
  - (b) Exhibit disruptive or abusive conduct towards county personnel or other patrons at county-operated solid waste management facilities.
  - (c) Dispose of unauthorized solid waste at county-operated solid waste management facilities. Out-of-county generated solid waste shall be included as an unauthorized solid waste.
- (2) In addition to the penalty provisions of this chapter, the county administrator may ban any person who violates any requirement of this section from the use of county-operated solid waste management facilities for indefinite periods of time.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62 - 30 Scavenging at county solid waste management facilities prohibited. (moved from 62-11)**

It shall be unlawful for any person to rummage through, remove, salvage items or otherwise scavenge from county-operated or private solid waste management facilities to include solid waste collection and storage containers. A summons may be issued to any violator to appear in the magistrate's court of the county to answer the charge of violation of this section.

### **Sec. 62-30 31. Collection centers.**

- (a) The county administrator is empowered and directed to establish procedures and guidelines for the efficient and safe operation of county collection centers.
- (b) No commercial waste shall be accepted at the collection centers. Any commercial waste dumped at collection centers shall be treated as illegal dumping and subject to enforcement actions as specified by South Carolina Law.

(Supp. No. 47, Update 4)

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- (c) Allowable truck/trailer loads for disposal at collection centers are defined as follows:
- (1) No trucks larger than a pickup or utility trailer (eight feet long, five feet wide, 28 inches or less inside height) are allowed at the collection centers.
  - (2) No loaded pickups with loaded trailers are allowed at the collection centers.
  - (3) A truck load is a load at or below the 28 inches side height of the pickup/trailer; no over-the-bed loads are allowed at the collection centers.
  - (4) No commercial trucks may use the collection centers for solid waste disposal except as described in subsection (g) of this section.
- (d) A ten-gallon per visit limit for oil disposal is established for the collection centers.
- (e) A four-tire per visit disposal limit for residents is established for the collection centers and the landfill.
- (f) No tires on rims shall be accepted at collection centers.
- (g) Residents driving commercial vehicles may bring one fifty-gallon trash bag or two thirty-gallon tall kitchen bags or less at a time into a collection center. Larger loads must be taken to the landfill and shall be treated as commercial waste.
- (h) Hours and days of operation at collection centers shall be posted at the sites and all changes to such hours or days (except in emergency situations) shall be posted/advertised prior to the effective date of the change.
- (Ord. No. 2007/37, 10-22-2007)

### Sec. 62- 32. Collector/hauler licenses.

- (a) Collectors/haulers of solid waste shall dispose of all such waste at a DHEC approved landfill, with the exception of items specifically prohibited from such facilities which should be disposed at facilities permitted to take such items.
- (b) All privately operated solid waste collectors operating within Beaufort County shall be required to possess a collector/hauler license and a vehicle permits for each of the vehicles in their fleet traveling within the county. The collector/hauler license and vehicle permits shall be issued by the county administrator. Collector/hauler licenses and vehicle permits shall remain in effect from issuance to a period ending on June 30 annually for up to 12 months. **Operating in Beaufort County without a collector/hauler license and a permit on each vehicle operating in the county is a misdemeanor, and violators shall be fined not less than \$500.00 and not more than \$1,000.00.**
- (c) All licensed collectors/haulers are required to report on a monthly basis to the county administrator, by solid waste district, the number of residential customers served and the tons of residential solid waste and recovered material collected. Reports of previous month activity are due by the close of business on the tenth business day of each month.
- (d) Under no circumstance shall licensed collectors/haulers mix loads of residential and commercial solid waste. Any licensed collector found in violation of this section by the county shall forfeit their license to collect/haul solid waste within Beaufort County.
- (e) Licensed solid waste haulers shall advertise and offer, at a minimum, a residential curbside recycling program to all of their residential customers, where not otherwise offered by the county or a municipal government.
- (f) Upon approval of an application for a license to collect municipal solid waste in the county, collectors/haulers shall be furnished a copy of the following information pertaining to solid waste in Beaufort County and the State of South Carolina:



- (1) This ordinance [Ord. No. 2007/37]; 2023/\_\_\_\_\_
- (2) Section 16-11-700 of the Code of Laws of South Carolina, 1976, as amended, regarding dumping trash or refuse on property of another or on highways, oceans or riverfronts, etc.
- (g) Collectors shall sign a written statement that they have received and read this ordinance [Ord. No. 2007/37], 2023/\_\_\_\_\_ rules and regulations and information in paragraph (c) and agree to abide by them.
- (h) The following fees shall accompany all applications for a collector/hauler license:
- (1) Annual license fee for collectors of residential, business, commercial or industrial MSW and recovered material:
- Initial vehicle charge: \$100.00
- Additional vehicle charge: \$50.00
- (i) All collectors/haulers shall be required as a condition of their license to offer recycling services for their business, commercial and industrial customers.
- (j) Any residential solid waste collector found to have committed repeated violations of this chapter by the County Administrator, in addition to being subject to prosecution for the violation, may have their license to collect/haul solid waste within Beaufort County revoked. A residential solid waste collector who has had their license to collect/haul solid waste revoked by the County Administrator may appeal the decision to County Council in writing within 15 days of such decision by the County Administrator.

(Ord. No. 2007/37, 10-22-2007)

### **Sec. 62-~~32~~ 33. Collectors'/haulers' vehicles.**

- (a) All vehicles used to collect and haul solid waste or recovered materials in the county must meet the standard for solid waste hauling established by SCDOT.
- (b) All vehicles used to transport solid waste or recovered materials for a fee shall be owned and operated under the supervision of the collector/hauler holding a valid collectors/haulers license issued by the county. Every permitted vehicle shall display a current permit in the vehicle windshield.
- (c) Solid waste and recovered materials collection vehicles shall be kept in a clean and sanitary condition. No wastes shall be permitted to remain overnight anywhere in the vehicle body. The county administrator may inspect any collector/hauler vehicle at any time. If the vehicle is found to be unsanitary, the operator shall be required to steam-clean and deodorize the equipment at their expense.
- (d) All vehicles used for the collection and transportation of solid waste or recovered materials are to be so constructed, maintained, and operated to prevent liquid leakage and loss of materials in transit. The body of all vehicles that transport solid waste or recovered materials shall be wholly enclosed or shall be covered with a canvas cover or net with eyelets and rope tie-downs or any other approved method which will prevent blowing or spillage of the vehicle's contents.
- (e) All collectors/haulers shall furnish the county administrator a list identifying, by unique number or designator, all equipment to be used in the collection and transportation of solid waste or recovered materials.

(Ord. No. 2007/37, 10-22-2007)

**Secs. 62-33 —Penalties****Secs. 62-34—62-41. Reserved.**

**ARTICLE ~~IV~~-III. CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR  
OPERATION OF SOLID WASTE MANAGEMENT FACILITIES AND COMPOSTING  
FACILITIES**

**Sec. 62-42. Applicability.**

- (1) This article applies to solid waste management facilities and composting facilities.
- (2) The following uses are exempt from the requirements of this article:
  - (a) Landfills used solely for disposal of industrial solid waste generated in the course of normal operations on property under the same ownership or control as the landfill.
  - (b) Land-clearing debris generated and disposed of on the same property.
  - (c) Backyard composting where the compost is produced from materials generated on-site.
  - (d) Agricultural operations where the compost is produced from materials generated on the owner's land.
  - (e) Mobile chipping/shredding equipment which chips/shreds wood waste, e.g., the type used by utilities to clear rights-of-way or manage storm debris, and which may spread the wood waste on rights-of-way after it has been chipped or shredded. Chipped and unchipped material related to this exemption shall not be stockpiled more than 90 days.
  - f. Temporary chipping/shredding and storage of wood waste for distribution to the public, e.g., grinding of the greens and other similar programs, as approved by the county council.
  - g. Shredding or chipping of untreated wooden pallets or other wooden packaging utilized by industry in its own operations that have not been in direct contact with hazardous constituents, e.g., petroleum products, pesticides, lead-based paint, etc.
  - h. Composting at industrial sites where the compost is produced from materials generated on properties under the same ownership or control within one-fourth mile of each other, unless otherwise approved by the county council and where the compost product is used for noncommercial purposes.
  - i. Land application sites permitted by DHEC under Regulation R.61-107.15 (Solid Waste Management: Land Application of Solid Waste).
  - j. Construction sites where an engineered foundation requires the use of clean sand, clean soil, and/or clean rocks. Such sites shall possess a valid county building permit.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-43. Federal, state and local law.**

All solid waste management facilities and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning, land use and other applicable local ordinances.

(Ord. No. 2007/37, 10-22-2007)

**Secs. 62-44—62-46. Reserved.****Sec. 62-47. Remedies.**

In case any solid waste management facility or composting facility is operated, constructed, modified, or expanded in violation of this article, the county council, county attorney, or any person aggrieved, may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful construction, modification, or expansion.

(Ord. No. 2007/37, 10-22-2007)

**ARTICLE IV ~~¶~~. RESIDENTIAL SOLID WASTE COLLECTION CONTRACTS****Sec. 62-48. General conditions for granting contracts or franchises for residential solid waste collection**

The unincorporated areas of the county are divided into solid waste districts which shall be designated as service areas. Contracts or franchises may be awarded for the unincorporated areas of the county incrementally, when approved by county council. These areas shall be plainly outlined on a map of the county as approved by county council. Such maps shall be made a part of the contract with the collectors and shall be available for public inspection.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-49. Collection contract.**

Upon award by the county council, a franchise or contract shall not become effective until the collector has executed a written agreement or contract consistent with the terms of the bid specifications.

(Ord. No. 2007/37, 10-22-2007)

**Secs. 62-50, 62-51. Reserved.****ARTICLE ~~IV~~ V . SOLID WASTE AND RECYCLING BOARD<sup>2</sup>****Sec. 62-52. Purpose.**

In compliance with and under authority of section 62-21 et seq., the county council establishes the solid waste and recycling board (referred to in this article as the board) to advise the council and county staff in determining appropriate levels of public recycling and solid waste management services for residential, commercial and industrial taxpayers and governmental entities within the county; to recommend appropriate funding levels for provision of services in the aforementioned sectors; and to support and promote source

<sup>2</sup>Cross reference(s)—Boards and commissions, § 2-191 et seq.

reduction, reuse, recycling and composting and means of diverting and managing the solid waste stream within the county.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-53. Membership.**

- (a) The solid waste and recycling board shall consist of one nonvoting representative from the following districts as defined in section 62-29:

| Solid Waste District | Municipality               |
|----------------------|----------------------------|
| 1                    | City of Beaufort           |
| 2                    | Town of Port Royal         |
| 3                    | Town of Hilton Head Island |
| 4                    | Town of Bluffton           |

- (b) The board shall consist of one voting representative from each of the following districts as defined in section 62-29:

| Solid Waste District | Area                                 |
|----------------------|--------------------------------------|
| 5                    | Sheldon Township                     |
| 6                    | Unincorporated Port Royal Island     |
| 7                    | Lady's Island                        |
| 8                    | Saint Helena Island and Islands East |
| 9                    | Bluffton Township                    |

- (c) Terms of office shall be staggered. Of the first five members appointed, three shall be appointed for four-year terms, and two shall be appointed for two-year terms. A chairman and vice-chairman shall be elected by the voting members of the board. The chairman and vice-chairman must be voting members of the board.
- (d) The board may consult, from time to time, with representatives of public and private solid waste management organizations.
- (e) While no other eligibility criteria are established, it is requested that members possess experience in one or more of the following areas:
  - (1) Solid waste management.
  - (2) Solid waste facilities planning.
  - (3) Environmental education.
  - (4) Budget and finance issues.
- (f) The board may invite military installations in Beaufort County to appoint a liaison person to serve as a nonvoting member of the board. The board may appoint representatives from other government organizations to serve as nonvoting members of the board.

(Ord. No. 2007/37, 10-22-2007)

**Sec. 62-54. Powers and duties.**

The powers and duties of the solid waste and recycling board shall be as follows:

- (1) Review and recommend to the county council for approval, a comprehensive county solid waste management plan which is in accordance with the state Solid Waste Management and Policy Act of 1991;
- (2) Develop and submit to the county council for approval service level plans for each of the five unincorporated area solid waste districts;
- (3) Review and approve the annual solid waste and recycling budgets prepared for each of the nine solid waste districts before submission to the county administrator; and present to the county council comments on the budget recommended by the county administrator;
- (4) Seek development of public/private partnership and facilitate intergovernmental contracting for provision of services where appropriate;
- (5) Cooperate with the state DHEC, office of waste reduction and recycling, as well as other public and private agencies having programs directed toward solid waste management programs; and
- (6) Review and make recommendations concerning development of any new public or private solid waste management facilities and services, or changes in existing solid waste management facilities or services to ensure consistency with the comprehensive solid waste management plan of the county.

(Ord. No. 2007/37, 10-22-2007)

**~~Sec. 62-55. Severability.~~ Moved to Section 62-8**

~~If any section, subsection, or clause of this chapter shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.~~

~~(Ord. No. 2007/37, 10-22-2007)~~

**~~Sec. 62-56~~ 55. Conflicting ordinances.**

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

(Ord. No. 2007/37, 10-22-2007)

**~~Sec. 62-57~~ 56. Effective dates.**

This ordinance [Ord. No. ~~2007/37~~23/\_\_\_\_\_] shall be effective from and after July 1, ~~2008~~2023.

**(Ord. No. 2007/37, 10-22-2007 2023/\_\_\_\_Section 62-57 Reserved.**

***ARTICLE ~~IV~~VI . LITTER CONTROL AND BEAUTIFICATION BOARD***

**Sec. 62-58. Title.**

The name of the organization shall be known as the Keep Beaufort County Beautiful Board (KBCBB).

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-59 Composition.**

The board shall be comprised of the following membership:

- (a) One member from county council district 1.
- (b) One member from county council district 2.  
One member from county council district 3.
- (d) One member from county council district 4.
- (e) One member from county council district 5.
- (f) One member from county council district 6.
- (g) One member from county council district 7.
- (h) One member from county council district 8.
- (i) One member from county council district 9.
- (j) One member from county council district 10.
- (l) One member from county council district 11.

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-60. Filling of vacancies; removal of board members; terms.**

- (1) A vacancy on the board is filled in the same manner as provided for under sections 2-191 through 2-198 of the Beaufort County Code of Ordinances, upon nomination of the respective member of county council.
- (2) Board members are subject to removal procedures provided in section 2-193 of the Beaufort County Code of Ordinances.
- (3) Board members shall serve at the pleasure of county council. Board members shall be appointed to one term. A term of appointment shall be for four years. No board member shall serve for more than four consecutive terms except that county council may approve a fifth term by unanimous vote.
  - a. Upon passage of this article, all 11 board members shall be appointed by county council.
  - b. For districts 1, 2, 3, 4, 5, and 6 the board members shall be re-appointed after the initial two years for a full four-year term, thereby staggering appointments of board members. The initial two-year term shall not count toward the four-term limit.
  - c. For districts 7, 8, 9, 10, and 11, the board members' term shall expire after the full four-year term and vacancies be filled by re-appointment or filled by new appointment.

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-. Officers, officers' duties, and elections of officers.**

The members shall elect three officers from its membership, a chairperson, a co-chairperson and a secretary. A majority of board members present and voting, when a quorum is established, shall elect the officers.

- (1) *Chairperson.* The chairperson shall be responsible for leading the board in program development and policy consistent with the Keep American Beautiful objectives. The chairperson shall be spokesperson for the board

at functions, prepare and work with the county staff in preparation of reports including but not limited to the annual Keep America Beautiful report and perform such other duties as the board shall elect.

- (2) *Co-chairperson*. The co-chairperson shall serve as the chairperson in his or her absence and shall discharge such other duties as the board shall direct.
- (3) *Secretary*. The secretary shall keep minutes of all board meetings and shall forward the approved minutes to the appropriate county staff person for record keeping and storage. The secretary shall also perform such other duties as the board shall direct.

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-62. Meetings.**

The board shall meet at the call of the chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the minutes shall be stored in the Department of Public Works Office of Solid Waste and Recycling or the Records Management Department of the county. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-63. Purpose.**

The purpose of the board will be to educate and empower the Beaufort County Community (including governments, businesses, schools, and citizens) to participate directly in improving the environment through an all-out effort in beautification, litter control, and waste reduction.

(Ord. No. 2018/4, 1-22-2018)

### **Sec. 62-. Objectives.**

The objectives of the board include, but are not limited to:

- (a) Conduct and promote continuing education programs; and
- (b) Develop new programs which will result in the sustained reduction of litter, graffiti and increase recycling in Beaufort County; and
- (c) Encourage stricter code enforcement regarding litter and dumping; and
- (d) Review and recommend appropriate legislative changes regarding environmental ordinances in Beaufort County; and
- (e) Encourage placing, planting and preservation of trees, flowers, shrubs and objects of ornamentation in Beaufort County; and
- (f) Maintain affiliate certification with Keep America Beautiful; and
- (g) File the required annual report to Keep America Beautiful; and
- (h) Pursue and secure funding from available sources.

(Ord. No. 2018/4, 1-22-2018)

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**Sec. 62-65. Keep America Beautiful affiliation.**

The board shall maintain the Keep America Beautiful affiliation status and utilize the KAB resources whenever possible. The board's activities are limited to the boundaries of Beaufort County but should not be construed to exclude activities within the municipal boundaries located in Beaufort County.

(Ord. No. 2018/4, 1-22-2018)

**Sec. 62-66. Annual budget.**

The board shall submit a recommended annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years. Additionally, the board shall advise and make recommendations to county council on the expenditure of any and all county funds that may be appropriate to it as well as the design and implementation of any improvement projects that will occur on land owned, maintained, or subject to the control of Beaufort County Council.

(Ord. No. 2018/4, 1-22-2018)

**Sec. 62-. Appointment of other committees.**

The board may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include board members, as well as individuals representing specialized interests in areas that would be beneficial to the board carrying out its purpose.

(Ord. No. 2018/4, 1-22-2018)

**Sec. 62-. Conflict of interest.**

The board shall adhere to all conflict of interest prohibitions and disclosure requirements provided in S.C. § 8-13-700 et seq., as well as any applicable provisions of the Beaufort County Code of Ordinances.

(Ord. No. 2018/4, 1-22-2018)



**ORDINANCE 2023/ XX**

**An Ordinance amending Ordinance 2007/27, Chapter 62 Solid Waste**

**WHEREAS**, on October 22, 2007, Beaufort County adopted Chapter 62 of the Beaufort County Code of Ordinance for Solid Waste; and

**WHEREAS**, in May of 2005, Beaufort County adopted Article II – Trash and Litter control ; and

**WHEREAS**, staff of both Code Enforcement and Public Works Departments found conflicting language for litter control enforcement between Article II and Chapter 62; and

**WHEREAS**, staff wish to amend Chapter 62 to reflect language found within Article II, contained here within as exhibit A.

**NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL THAT Ordinance 2007/37 which appears in Beaufort County Code of Ordinances at Chapter 262, Solid Waste are hereby amended.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_

Sarah w. Brock, JD, Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 10.

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| <b>ITEM TITLE:</b>   |
| RECOMMEND APPROVAL OF A RESOLUTION TO NAME THE BOUNDARY STREET OPEN SPACE/POCKET PARK LOCATED IN THE CITY OF BEAUFORT: " 1ST SOUTH CAROLINA VOLUNTEERS PARK"   |
| <b>MEETING NAME AND DATE:</b>  |
| Community Services and Land Use Committee; 8/14/23 @ 3PM   |
| <b>PRESENTER INFORMATION:</b>  |
| Chuck Atkinson, ACA Development and Recreation<br>10 Minutes   |
| <b>ITEM BACKGROUND:</b>  |
| None   |
| <b>PROJECT / ITEM NARRATIVE:</b>   |
| Beaufort County, City of Beaufort, and the Open Land Trust have worked together over several years to acquire parcels of land along Boundary Street and Battery Creek, located within the municipal boundaries of the City of Beaufort. The three entities have completed the purchase of the parcels and demolition of the commercial structures that were located on the park site. The Boundary Street Open Space/ Pocket Park is strongly tied to the legacy and importance of the 1st South Carolina Volunteers for their contributions toward the protection of the Sea Islands and bravery in other Civil War activities. The historical significance, sacrifice, and commitment of the 1st South Carolina Volunteers is worthy of public recognition. As such, the proposed Resolution names the park in honor of the 1 <sup>st</sup> South Carolina Volunteers. |
| <b>FISCAL IMPACT:</b>  |
| None   |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>   |
| Staff recommends approval of the Resolution.   |
| <b>OPTIONS FOR COUNCIL MOTION:</b>   |
| Motion to approve/deny the Resolution to name the Boundary Street open space/ pocket park in the City of Beaufort: "1 <sup>st</sup> South Carolina Volunteers Park"  |

**RESOLUTION 2023/XX**

**A RESOLUTION TO NAME THE BOUNDARY STREET OPEN SPACE/POCKET PARK LOCATED IN THE CITY OF BEAUFORT: “1<sup>ST</sup> SOUTH CAROLINA VOLUNTEERS PARK”**

**WHEREAS**, Beaufort County, City of Beaufort, and the Open Land Trust have worked together over several years to acquire parcels of land along Boundary Street and Battery Creek, located within the municipal boundaries of the City of Beaufort; and

**WHEREAS**, the three entities have completed the purchase of the parcels and demolition of the commercial structures that were located on the park site; and

**WHEREAS**, the park is currently called “Boundary Street” and listed as Open Space/Pocket Park in the Beaufort County Passive Parks Work Plan; and

**WHEREAS**, a small portion of the park site is also the location of Battery Saxton, a second line of earthworks built by Federal troops occupying Beaufort during the Civil War. It was occupied 1862-65 as one of two batteries anchoring a line from Battery Creek to the Beaufort River; and

**WHEREAS**, Battery Saxton was named for Brigadier General Rufus Saxton (1824-1908), who served for most of the war in and around Beaufort in the Union Department of the South. General Saxton led the way in educating freedmen and training black units for service in the U.S. Army; and

**WHEREAS**, more than 160 years of continuous black service in today's United States Army began with Major General David Hunter's formation of the 1st South Carolina Volunteers of African descent in Beaufort County on 9 May 1862, making it the first organization of black soldiers in the Union Army; and

**WHEREAS**, President Abraham Lincoln's first authorization to form, arm, pay, and employ up to 5,000 men of color under the flag of the United States was to Brigadier General Rufus Saxton on 25 August 1862; and

**WHEREAS**, the majority of the men who voluntarily enlisted in the regiment came from what is today designated as the Gullah Geechee Cultural Heritage Corridor; and

**WHEREAS**, during and after the Civil War, dozens of black soldiers from the 1st South Carolina Volunteers purchased property in downtown Beaufort, and several opened businesses in downtown. In addition, many veterans purchased property on the surrounding Sea Islands throughout Beaufort County; and

**WHEREAS**, many of the soldiers who served in the regiment are buried at Beaufort National Cemetery; and

**WHEREAS**, the historical significance, sacrifice, and commitment of the 1<sup>st</sup> South Carolina Volunteers is worthy of public recognition; and

**WHEREAS**, the Boundary Street Open Space/ Pocket Park is strongly tied to the legacy and importance of the 1<sup>st</sup> South Carolina Volunteers for their contributions toward the protection of the Sea Islands and bravery in other Civil War activities.

**NOW, THEREFORE, IT BE RESOLVED** by Beaufort County Council the Boundary Street Open Space/Pocket Park located in the City of Beaufort shall be named:

**“1<sup>st</sup> South Carolina Volunteers Park”**

Done this XX day of XX 2023

BEAUFORT COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah Brock, Clerk of Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|  |
|--|
| <b>ITEM TITLE:</b>   |
| Resolution to accept SC Aeronautics Commission Grant Offer 23-025 for \$378,044 for Taxiway F Strengthening and for partial acquisition of Exec Air property at the Hilton Head Island Airport.  |
| <b>MEETING NAME AND DATE:</b>  |
| Community Service and Land Use Committee; August 14, 2023  |
| <b>PRESENTER INFORMATION:</b>  |
| Jon Rembold; Airports Director<br>3 minutes  |
| <b>ITEM BACKGROUND:</b>  |
| Council Resolution 2022/25 accepted FAA AIP Grant 47 which funded the design of the Taxiway project. This SCAC grant funds the airport portion of the construction phase of the project.<br><br>The Airports Board approved the Exec Air property acquisition at its regular meeting in February 2023.<br><br>Public Facilities and Safety Committee approved the Exec Air acquisition project on May 22, 2023.<br><br>County Council approved the Exec Air acquisition project on June 12, 2023.  |
| <b>PROJECT / ITEM NARRATIVE:</b>   |
| Beginning in FY 2022, the South Carolina Aeronautics Commission (SCAC) changed its funding policy related to the six commercial service airports in the state. Each fiscal year, each of the six commercial service airports receives a \$250,000 allocation for any airport expense that meets the FAA guidelines for airport revenue use. Airports apply for these funds via the normal SCAC grant application process. The attached grant offer funds the airport's portion of the Taxiway F Strengthening Project and ALL of the expenses associated with acquiring 0.6 acres of Exec Air's property at the airport.<br><b>This grant does <i>not</i> require a local match.</b> |
| <b>FISCAL IMPACT:</b>  |
| This is a 100% grant with no local match. The funds for the initial purchase (prior to grant reimbursement) are budgeted in line item 54020011-57130   |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>   |
| Staff recommends approval of the resolution to accept SCAC grant 23-025  |
| <b>OPTIONS FOR COUNCIL MOTION:</b>   |
| Motion to approve/deny Resolution to accept SC Aeronautics Commission Grant Offer 23-025 for \$378,044 for HXD Taxiway F Strengthening and Exec Air Property Acquisition<br><br>Move forward to Council for Approval on August 14, 2023  |

GRANT AGREEMENT  
Part 1 - OFFER

Date of Offer: July 26, 2023

Project No.: 23-025

TO: Beaufort County  
*(referred to as the "Sponsor")*

FROM: The State of South Carolina (acting through the South Carolina Aeronautics Commission, herein referred to as "SCAC").

WHEREAS, The Sponsor has submitted to SCAC a Project Application dated May 5, 2023 a grant of State Funds for a project for development of the Hilton Head Island Airport together with plans and specifications for such a project, as approved by SCAC, is hereby incorporated herein and made a part hereof:

and

WHEREAS, SCAC has approved a project for development of the Airport ("herein called the "Project") consisting of the following described improvements and/or tasks:

Taxiway F Strengthening (Construction)  
Exec Air Land Acquisition

All as more particularly described in the Airport Layout Plan and/or plans, and specifications incorporated in the said Project Application:

NOW THEREFORE, pursuant to and for the purposes of carrying out the provisions of this grant and in consideration of (a) the Sponsor's adoption and ratification of the acceptance of this Offer and Agreement, as hereinafter provided, and (b) the benefits to accrue to the State of South Carolina and the public from the accomplishment of the project and the operation and maintenance of the Airport, as herein provided.

THE STATE OF SOUTH CAROLINA ACTING THROUGH SCAC, HEREBY OFFERS AND AGREES to pay, as South Carolina's matching share of the allowable cost incurred in accomplishing the project as per the following schedule:

| <u>Funding Source</u> | <u>Amount</u>          |
|-----------------------|------------------------|
| State                 | \$ <u>378,044.00</u>   |
| Sponsor               | \$ <u>0.00</u>         |
| Federal               | \$ <u>2,993,835.00</u> |
| Other                 | \$ <u>0.00</u>         |

for a total cost of \$3,371,879.00 subject to the following:

1. The maximum obligation of the State of South Carolina payable under this Offer and Agreement shall not exceed \$378,044.00 which all parties to this Agreement understand may be subject to the prior and continuing approval of the State Fiscal Accountability Authority and the General Assembly and its component review committees.
2. SCAC reserves the right to amend or withdraw this Offer at any time prior to its binding acceptance by the Sponsor.
3. This Offer shall expire and the State of South Carolina shall not be obligated to pay any of the allowable costs of the Project unless this Offer has been accepted by the Sponsor within 60 days from the above Date of Offer or such longer time as may be prescribed by SCAC in writing.
4. The funds allocated by this Agreement shall be held in escrow for a period of one (1) year after the Date of Offer. If progress on the described project has not begun at that time, the funds will revert to SCAC for reallocation to other worthwhile projects.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application shall be evidenced by execution of Part II of this Agreement by the Sponsor. The respective obligations under this Grant Agreement shall become effective upon the Sponsor's acceptance of the Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty (20) years from the date of said acceptance.

STATE OF SOUTH CAROLINA  
SOUTH CAROLINA AERONAUTICS COMMISSION

Signature By:   
Executive Director

July 26, 2023  
Date

\_\_\_\_\_  
Sponsor's Signature

\_\_\_\_\_  
Date

## PART II - SPONSOR ASSURANCES

In order to furnish SCAC with the Sponsor's assurances required by the applicable statutes, regulations, policies, and proposed grant agreement, the Sponsor hereby covenants, and agrees with SCAC as follows:

1. Covenants shall become effective upon acceptance by the Sponsor of State Aid for the Project or any portion thereof, through SCAC, and shall constitute a part of the Grant Agreement thus formed. These covenants shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty (20) years from the date of acceptance of State Aid for the Project. In the event that the Airport and the facilities covered by the Project are not maintained as such for public use for the full twenty (20) years, the Sponsor agrees upon demand to promptly reimburse SCAC the amount of the grant.
2. In the event that the grant is conditioned upon a repayment schedule of any or all of the awarded funds, notwithstanding the other obligations herein that may require repayment in the event of default or non-compliance with these grant assurances, the Sponsor agrees to be bound by such additional grant assurances as may be required by SCAC as incorporated hereto and set forth in a separate schedule to these assurances.
3. Sponsor shall:
  - a. begin accomplishment of the Project within a reasonable time after acceptance of this Offer, but no later than one (1) year from award of this Offer;
  - b. carryout and complete the project in accordance with the terms of this agreement, applicable policies and procedures required by SCAC, and applicable statutes, regulations and fiscal policies of the State of South Carolina, and any applicable local ordinances;
  - c. carryout and complete the project in accordance with the plans and specifications incorporated herein, including any revisions or modifications approved in writing by SCAC. Sponsor further agrees to copy SCAC as to all construction progress reports, payment applications, and completion documents and related correspondence;
  - d. submit all planning and construction documents to SCAC for review and approval; and
  - e. notify SCAC, in writing, in a timely manner, and with appropriate support documentation and/or electronic files, of any significant changes to the airport so that same may be incorporated into SCAC's records and/or databases, including the South Carolina Airport System Plan. Significant changes include, but are not limited to:
    - new, upgraded, deactivated, or repurposed airfield pavement and lighting;
    - land acquisition or releases, including easements;
    - major obstruction clearing;
    - new, upgraded, or downgraded instrument procedures; and
    - new, revised, or expanded airport-related zoning ordinances.
4. Sponsor agrees that it will safely and efficiently operate the Airport for the use and benefit of the public on fair and reasonable terms without discrimination.



5. Sponsor will suitably operate and maintain the Airport and all facilities thereon or connected therewith which are necessary for airport purposes, and will not permit any activity which could interfere with its use for aeronautical purposes other than temporary periods of snow, flood, or other climatic conditions which could interfere detrimentally with such operation and maintenance. Essential facilities, including airfield lighting systems, when installed, will be operated in such manner as to assure their availability to all users of the Airport.
6. Sponsor will not enter into any transactions which could operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the applicable statutes, ordinances, regulations and policies to assume such obligations. If an arrangement is made for management or operation of the Airport by any agency or person other than the Sponsor, the Sponsor will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with the applicable statutes, ordinances, regulations, policies and covenants of this agreement.
7. Any misrepresentations or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this Offer shall terminate the obligation of the State of South Carolina and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, SCAC on behalf of the State of South Carolina, may demand and recover from Sponsor all grant payments made, plus interest at the legal rate prevailing at date of demand.
8. Sponsor shall maintain insurance in force at all times covering property damage on the project to cover any and all losses. The amount of the coverage, per claim, shall, at a minimum, be equal to the total cost of the project.
9. Sponsor shall maintain clear, safe, and economically viable approaches to the airport in compliance with appropriate criteria set forth in one or more of the following airspace standards:
  - FAR Part 77 Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended;
  - Advisory Circular 150/5300-13A, Airport Design, or successor guidance; or other guidelines approved in writing or amended by SCAC.

Failure on the part of the Sponsor to take appropriate action to remove any and all obstructions in the approaches, in a manner that ensures safety and protects public investment in the airport, may result in withholding of any payment of the funds established by this agreement for the herein described project until such time as the necessary actions are taken.
10. Sponsor shall enact a zoning ordinance on all land surrounding the airport under its jurisdiction so as to conform, at a minimum, to the pertinent regulations and/or criteria of:
  - FAR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended;
  - Advisory Circular 150/5300-13A, Airport Design, or successor guidance;
  - Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports, or successor guidance; and

- FAR Part 150, Airport Noise Compatibility Planning, as amended.

The criteria in the ordinances shall limit the following items:

- the height of objects around airports,
- communication, visibility, and bird strike hazards,
- incompatible land uses in the Runway Protection Zone (RPZ); and
- if applicable, incompatible land uses within the 65 DNL noise contour.

Airport-related zoning ordinances shall have at least one attached scaled map that clearly illustrates the relevant airspace and land use zones. Sponsors shall submit to SCAC the current zoning ordinance(s) and attached map(s) related to the airport, that have been approved by the local government(s) having jurisdiction on lands surrounding the airport, including pertinent signatures, seals, and dates of ordinances readings.

The Sponsor further agrees to develop procedures necessary to comply with Section 55-13-5 of the South Carolina Code of Laws, as amended regarding land use in the vicinity of the Sponsor's airports.

11. Sponsor will maintain a current Airport Layout Plan, having the current approval of SCAC, showing existing and future landing areas and associated taxiways, pertinent approach surface dimensions and slopes, Runway Protection Zones, and building areas. The Sponsor will conform to the current Airport Layout Plan in any future improvements or changes at the Airport. The Sponsor shall furnish SCAC a current Airport Layout Plan and property plats in all of the following formats:
  - paper of at least 24 inch by 36-inch size sheet(s);
  - Portable Document Format (PDF) electronic file(s).
  - GIS shapefile(s) or geodatabase in South Carolina State Plane coordinates; or CAD DWG file(s) in South Carolina State Plane coordinates (International feet).

Sponsor shall be responsible for furnishing to SCAC such documents, data, and/or electronic files as is necessary to keep the Airport Layout Plan, State Airport System Plan, and related SCAC records and databases up to date.

12. Sponsor will furnish a set of "As Built Plans" or "Record Drawings" for the current project to SCAC within ninety (90) days after completion of this project. The sponsor shall submit these documents, at a minimum, in both paper and PDF electronic file formats
13. Sponsor shall provide a qualified Resident Inspector who will be responsible for the approval of all materials and workmanship and will maintain a daily project diary, submit weekly progress reports to SCAC, and maintain and provide documentation and certification to SCAC that the work and materials comply with the plans and specifications. The requirement for a Resident Inspector does not apply to projects under the direct control and supervision of an independent registered professional engineer, architect, or construction manager hired by the Sponsor, in which event the Sponsor agrees to contractually obligate the independent professional engineer, architect, or construction manager to assume responsibilities, including, but not limited to, quality control as to materials and workmanship, and certification to SCAC that work and materials comply with plans and specifications.

- 14. Affidavit of Non-Collusion - South Carolina Code Section 39-3-10, et seq., 39-5-10, et seq., and Federal Law 15 U. S. Code, Section 1) are designed to ensure that any bids received by Sponsor under this grant shall be competitive and free of collusion. As a condition precedent to the award of any contract for this project there must be filed a sworn statement executed by or on behalf of any person, firm, association, or corporation submitting a bid on any such contract to be awarded; said sworn statement shall certify that such a person, firm, association, or corporation submitting a bid on any such contract to be awarded; has not, either directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free complete bidding in connection with such contract. This sworn statement shall be in the form of an affidavit executed and sworn to be the bidder before a person who is authorized by the laws of the state to administer oaths. The original of such sworn statement shall also include a provision to the effect that all legal formalities required for the proper execution of affidavits, it shall not be a defense to such charge of perjury that said formalities required for the proper execution of affidavits pursuant to state law have been complied with. Thereafter, in any prosecution against any person, firm, association, or corporation for perjury committed in the submission of said affidavits, it shall not be a defense to such charge of perjury that said formalities were not in fact complied with. The Sponsor, as part of this grant, agrees to require an affidavit of non-collusion of the prospective bidder in the form attached thereto as Exhibit A.
- 15. Sponsor covenants and agrees to disburse funds derived from SCAC solely in aid of the Project on the terms and conditions stated in this agreement. The Sponsor will obtain an audit to comply with the Single Audit Act of 1984, Public Law 98-502 and the implementing guidelines set forth in Office of Management and Budget Circular A-128 for any fiscal year in which any of the Project Funds are expended. The Sponsor will forward to SCAC a copy of the resulting audit reports along with a plan for corrective action for any findings or questioned costs related to the Project; within thirty (30) days after the audit report is issued.
- 16. Sponsor agrees that significant activities to accomplish the project shall commence within one (1) year from the date of grant shall be revoked and the funds re-allocated.
- 17. Sponsor agrees Project work and payment request shall be completed within four (4) years of the execution of the Grant Agreement.
- 18. Sponsor shall request final reimbursement within ninety (90) calendar days after final project acceptance.
- 19. Sponsor agrees and covenants that all work performed under this grant will be conducted and completed in compliance with all local, state, and federal laws and regulations that are applicable to any and all phases of the Project.
- 20. Sponsor agrees that these covenants and grant applications shall be binding on itself, successors and assignees, and further covenants that it has the legal authority to enter into this agreement.

**PART III - ACCEPTANCE**

\_\_\_\_\_ (Sponsor) does hereby ratify and adopt all statements, representations, warranties, covenants, sponsor assurances and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby unconditionally accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
(Name of Sponsor)

\_\_\_\_\_  
(Signature By)

\_\_\_\_\_  
(Title)

(Seal)

Attest \_\_\_\_\_

Title \_\_\_\_\_

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as attorney for \_\_\_\_\_ do hereby certify: That I have examined the foregoing Grant Agreement and the proceedings taken by said \_\_\_\_\_ relating thereto, and find the Acceptance by Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of South Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Signature By \_\_\_\_\_

Title \_\_\_\_\_

**EXHIBIT A**

AFFIDAVIT OF NON-COLLUSION

STATE OF SOUTH CAROLINA

COUNTY OF \_\_\_\_\_

Personally, appeared before me \_\_\_\_\_  
being first duly sworn says that he is a member of the firm of \_\_\_\_\_  
and further says that his firm, association, or corporation has not, either directly or indirectly, entered  
into any agreement, participated in any collusion, or otherwise taken any action in restraint of free  
competitive bidding in connection with the submission of a bid on the above-named project.

Further, \_\_\_\_\_ swears and affirms that all  
legal formalities required for the proper execution of affidavits pursuant to the laws of  
his state has been complied with and further agrees, on behalf of himself, his firm,  
association, or corporation, that in any subsequent prosecution for perjury of him, his  
firm, association, or corporation, it shall not be a defense to such charge of perjury that  
said formalities were not in fact complied with.

\_\_\_\_\_  
Legal Signature

SWORN to me before this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Signature By \_\_\_\_\_

Notary Public for \_\_\_\_\_

**RESOLUTION 2023/\_\_\_\_\_**

**A RESOLUTION TO ACCEPT SCAC GRANT 23-025 FOR HILTON HEAD ISLAND AIRPORT (HXD) TAXIWAY F STRENGTHENING PROJECT AND EXEC AIR PROPERTY ACQUISITION**

**WHEREAS**, the South Carolina Aeronautics Commission (SCAC) each fiscal year allocates funds for any airport expense that meets the FAA guidelines for airport revenue use.

**WHEREAS**, the grant will be used to fund the airport's portion of the Taxiway F Strengthening Project and ALL the expenses associated with acquiring 0.6 acres of Exec Air property located at the airport. SCAC Grant total: \$378,044.

**WHEREAS**, the Taxiway F Project Design was approved with the acceptance of AIP Grant 47 as documented in County Council Resolution 2021/23.

**WHEREAS**, the Airports Board approved Exec Air's property acquisition in February 2023. The estimated total cost (less than \$50,000) does not require County Council approval.

**NOW, THEREFORE, BE IT RESOLVED** that Beaufort County Council, duly assembled, does hereby authorize the County Administrator to accept SCAC Grant 23-025 for Hilton Head Island Airport (HXD) Taxiway F Strengthening Project and Exec Air Property Acquisition.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, Clerk to Council



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|   |
|---|
| <b>ITEM TITLE:</b>  |
| <b>A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE</b>  |
| <b>MEETING NAME AND DATE:</b>   |
| Community Services & Land Use Committee; August 14, 2023  |
| <b>PRESENTER INFORMATION:</b>   |
| Hank Amundson; Special Assistant to the Administrator<br><i>5 Minutes</i>   |
| <b>ITEM BACKGROUND:</b>   |
|   |
| <b>PROJECT / ITEM NARRATIVE:</b>  |
| Beaufort County (“County”) received \$37,317,446.00 under the American Rescue Plan Act (“ARPA”) and allocated \$13,150,000.00 of the ARPA Funds for Infrastructure Projects. The Infrastructure Projects included several categories which were each allocated a portion of the funds. Specifically, the subcategory “General” was allocated \$8,000,000 and the “Ferry” was allocated \$500,000. The subcategory of Ferry was included in the allocation of ARPA funds to improve and construct the necessary infrastructure for the Daufuskie Island ferry (“DI Ferry”), a County funded public transportation service, to and from Daufuskie Island. In order to comply with the Court order, funding in the amount of \$2,306,634.00 is required for the planning, permitting and construction of the infrastructure necessary to relocate the operation of the DI Ferry from Buckingham Landing to the Cross Island Boat Landing on Hilton Head Island. The General subcategory has funds that remain unallocated in an amount sufficient to fund the amount necessary for the costs associated with the planning and construction of the infrastructure located at Cross Island Boat Landing. |
| <b>FISCAL IMPACT:</b>   |
| <i>No Impact</i>  |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>  |
| Approve the reallocation of ARPA funds for the construction of necessary infrastructure.  |
| <b>OPTIONS FOR COUNCIL MOTION:</b>  |
| Motion to approve/deny “item title”<br>Move forward to Council for Approval August 14, 2023 due to being time-sensitive   |

**RESOLUTION 2023/**

**A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE**

**WHEREAS**, Beaufort County (“County”) received \$37,317,446.00 under the American Rescue Plan Act (“ARPA”) and allocated \$13,150,000.00 of the ARPA Funds for Infrastructure Projects; and

**WHEREAS**, Beaufort County Council (“Council”) approved Ordinance 2022/16 for the appropriation of funds to specific expenditure categories. Specifically, the Council approved for \$13,150,000.00 of the ARPA Funds for a category identified as “Infrastructure Projects”; and

**WHEREAS**, the Infrastructure Projects included several categories which were each allocated a portion of the funds. Specifically, the subcategory “General” was allocated \$8,000,000 and the “Ferry” was allocated \$500,000; and

**WHEREAS**, the subcategory of Ferry was included in the allocation of ARPA funds to improve and construct the necessary infrastructure for the Daufuskie Island ferry (“DI Ferry”), a County funded public transportation service, to and from Daufuskie Island; and

**WHEREAS**, DI Ferry currently embarks from the mainland from what is commonly known as Buckingham Landing. A Court order has been issued ordering the County to cease operation of the DI Ferry at the Buckingham Landing location by January 1, 2024; and

**WHEREAS**, in order to comply with the Court order, funding in the amount of \$2,306,634.00 is required for the planning, permitting, and construction of the infrastructure necessary to relocate the operation of the DI Ferry from Buckingham Landing to what is commonly known as the Cross Island Boat Landing on Hilton Head Island; and

**WHEREAS**, the General subcategory has funds that remain unallocated in an amount sufficient to fund the amount necessary for the costs associated with the planning and construction of the infrastructure located at Cross Island Boat Landing; and

**WHEREAS**, Beaufort County Council recognizes the requirements of the Court order and understands compliance is of the utmost importance. Additionally, Council desires to support the residents and visitors of Daufuskie Island by providing a reliable, affordable, and sustainable transportation system through the operation of the public DI Ferry; and

**WHEREAS**, in order to comply with the Court order and provide the desired services to the residents and visitors of Daufuskie Island, Beaufort County Council finds it in the best interest of the citizens of Beaufort County to reallocate the ARPA funds within the Infrastructure category as described herein.

**NOW, THEREFORE, BE IT RESOLVED**, by Beaufort County Council, duly assembled, does hereby authorize the County Administrator to reallocate ARPA funds in the amount of \$2,306,634.00 from Infrastructure-General to Infrastructure-Ferry account for the planning, permitting, and construction of infrastructure necessary to relocate the operation of the public Daufuskie Island ferry service as further described herein.



DONE this                    day of August, 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_

Sarah W. Brock, Clerk to Council

**ORDINANCE 2022/ 16**

**AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/ 30 FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUES AND APPROPRIATIONS FROM THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, on June 30, 2021, Beaufort County Council adopted Ordinance No. 2021/30 which sets the County's FY 2021-2022 budget and associated expenditures; and

**WHEREAS**, the Federal government has allocated funding to each state (the "Funds") under the American Rescue Plan Act (the "Act"); and

**WHEREAS**, Beaufort County received \$37,317,446 under the Act; and

**WHEREAS**, the Federal government has provided guidance on eligible uses of the Funds and within specified time frames for expenditure of the Funds; and

**WHEREAS**, Beaufort County seeks to expend the Funds according to these provisions; and

**WHEREAS**, Beaufort County identified numerous categories for appropriate expenditure of the Funds; and

**WHEREAS**, Beaufort County acknowledges some of the expenditures may need to be revised based on feasibility studies and the availability of items; 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 the receipt and appropriation of the Funds;

NOW, THEREFORE be it ordained by Beaufort County Council, in meeting duly assembled, that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/30) is hereby amended as follows:

1. Beaufort County adopts a multi-year budget for the Funds in the amount of \$37,317,446 to be expended through fiscal year 2027 according to expenditure categories identified in Exhibit "A".
2. The County Administrator is authorized to make revisions between categories as projects or capital outlays become infeasible, unavailable or it otherwise is beneficial to change.

DONE this 28th day of March 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Joseph Passiment  
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock  
Sarah Brock, Clerk to Council

First Reading: February 28, 2022    Vote: 10/0  
Second Reading: March 14, 2022    Vote: 11/0  
Public Hearing: March 14, 2022  
Third Reading: March 28, 2022    Vote: 11/0

Exhibit "A"

Beaufort County ARPA Expenditures:

|                          |           |                      |
|--------------------------|-----------|----------------------|
| Personnel                | \$        | 3,557,446.00         |
| Professional Services    | \$        | 1,340,000.00         |
| Interagency              | \$        | 4,900,000.00         |
| Infrastructure           | \$        | 13,150,000.00        |
| Equipment                | \$        | 920,000.00           |
| Buildings & Improvements | \$        | 13,450,000.00        |
| <b>Total</b>             | <b>\$</b> | <b>37,317,446.00</b> |

| Workforce                  | Item                            | Budget Retreat | Revisions   | Recommendation    | Budget Category          | Notes             | BC Totals                  |
|----------------------------|---------------------------------|----------------|-------------|-------------------|--------------------------|-------------------|----------------------------|
|                            | 1 Loan Payoff                   | 1,000,000      |             | 1,000,000         | Inter agency             |                   | Inter agency 4,900,000     |
|                            | 2 Recruitment                   | 500,000        |             | 500,000           | Inter agency             |                   | Blids & Improvs 13,450,000 |
|                            | 3 Nursing Pilot                 | 700,000        |             | 700,000           | Inter agency             |                   | Infrastructure 13,150,000  |
|                            | 4 SOLO Housing                  | 1,200,000      |             | 1,200,000         | Inter agency             |                   | Equipment 920,000          |
|                            | 5 Headhunter                    | 200,000        | (200,000)   | -                 |                          | Per EG, GF budget | Prof Svcs 1,340,000        |
|                            | 6 Cybersecurity                 | 500,000        |             | 500,000           | Buildings & Improvements |                   | Personnel 3,557,446        |
|                            |                                 |                |             | <b>3,900,000</b>  |                          |                   |                            |
| EMA                        | 1 Station Alerting              | 2,500,000      |             | 2,500,000         | Buildings & Improvements |                   | <b>37,317,446</b>          |
|                            |                                 |                |             | <b>2,500,000</b>  |                          |                   |                            |
| Good Neighbor              | 1 Muni's                        | 3,000,000      | (1,500,000) | 1,500,000         | Inter agency             |                   |                            |
|                            |                                 |                |             | <b>1,500,000</b>  |                          |                   |                            |
| Recreation                 | 1 Splash Pad                    | 1,250,000      | (1,250,000) | -                 |                          |                   |                            |
|                            | 2 New Riverside                 | 1,000,000      |             | 1,000,000         | Infrastructure           |                   |                            |
|                            | 3 Burton Wells                  | 1,000,000      |             | 1,000,000         | Buildings & Improvements |                   |                            |
|                            | 4 Recon Era Ntnl Park           | 350,000        |             | 350,000           | Infrastructure           |                   |                            |
|                            | 5 St Helena                     |                | 1,000,000   | 1,000,000         | Buildings & Improvements |                   |                            |
|                            |                                 |                |             | <b>3,350,000</b>  |                          |                   |                            |
| Innovation                 | 1 Broadband                     | 500,000        |             | 500,000           | Infrastructure           |                   |                            |
|                            | 2 Starlink                      | 200,000        |             | 200,000           | Professional Services    |                   |                            |
|                            | 3 EV's                          | 1,200,000      | (500,000)   | 700,000           | Equipment                |                   |                            |
|                            |                                 |                |             | <b>1,400,000</b>  |                          |                   |                            |
| Public Health              | 1 Health Clinic-Garden's Corner | 1,000,000      |             | 1,000,000         | Buildings & Improvements |                   |                            |
|                            | 2 Health Clinic - St Helena     | 1,000,000      |             | 1,000,000         | Buildings & Improvements |                   |                            |
|                            | 3 Health Clinic - DI            | 1,000,000      |             | 1,000,000         | Buildings & Improvements |                   |                            |
|                            | 4 Tele-health                   | 1,000,000      |             | 1,000,000         | Professional Services    |                   |                            |
|                            | 5 PPE Supplies                  |                | 25,000      | 25,000            | Equipment                |                   |                            |
|                            |                                 |                |             | <b>4,025,000</b>  |                          |                   |                            |
| Infrastructure             | 1 General                       | 8,000,000      | (200,000)   | 7,800,000         | Infrastructure           |                   |                            |
|                            | 2 Water & Sewer                 | 3,000,000      |             | 3,000,000         | Infrastructure           |                   |                            |
|                            | 3 IT Data Center                | 400,000        |             | 400,000           | Buildings & Improvements |                   |                            |
|                            | 4 Ferry                         | 500,000        |             | 500,000           | Infrastructure           |                   |                            |
|                            |                                 |                |             | <b>11,700,000</b> |                          |                   |                            |
| Enterprise & Capital       | 1 Airport                       | 2,000,000      | (500,000)   | 1,500,000         | Buildings & Improvements |                   |                            |
|                            | 2 Solid Waste & Recycling       | 2,000,000      |             | 2,000,000         | Buildings & Improvements |                   |                            |
|                            | 3 Garage                        | 1,000,000      |             | 1,000,000         | Buildings & Improvements |                   |                            |
|                            | 4 DI Improvements               | 300,000        |             | 300,000           | Buildings & Improvements |                   |                            |
|                            | 5 Farmer's Co-Op                |                | 250,000     | 250,000           | Buildings & Improvements |                   |                            |
|                            |                                 |                |             | <b>5,050,000</b>  |                          |                   |                            |
| TP's & Staff               | 1 Consultant                    | 125,000        |             | 125,000           | Prof Services            |                   |                            |
|                            | 2 Project Mgr                   | 520,000        |             | 520,000           | Personnel                |                   |                            |
|                            | 3 Fiscal Mgr                    | 260,000        |             | 260,000           | Personnel                |                   |                            |
|                            | 4 COVID Pay                     |                | 2,537,446   | 2,537,446         | Personnel                |                   |                            |
|                            | 5 Health Services Coordinator   |                | 240,000     | 240,000           | Personnel                |                   |                            |
|                            |                                 |                |             | <b>3,682,446</b>  |                          |                   |                            |
| Already done but not above | 1 Motorgrader                   |                | 195,000     | 195,000           | Equipment                |                   |                            |
|                            | 2 Consultant - Lobeco Site      |                | 15,000      | 15,000            | Prof Services            |                   |                            |
|                            |                                 |                |             | <b>210,000</b>    |                          |                   |                            |
| Total                      |                                 | 37,205,000     | 112,446     | <b>37,317,446</b> |                          |                   |                            |



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|   |
|---|
| <b>ITEM TITLE:</b>  |
| <b>A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER</b><br><i>(FISCAL IMPACT: Not to exceed \$2,306,634 - ARPA Funds Infrastructure)</i>   |
| <b>MEETING NAME AND DATE:</b>   |
| Community Services and Public Safety Committee – 8/14/23  |
| <b>PRESENTER INFORMATION:</b>   |
| Hank Amundson – Special Assistant to the County Administrator; 15 Minutes   |
| <b>ITEM BACKGROUND:</b>   |
|   |
| <b>PROJECT / ITEM NARRATIVE:</b>  |
| <p>The County is a party to litigation regarding the County’s right to operate a Public Ferry service from what is known as Buckingham Landing. The Circuit Court issued an order on February 21, 2023, requiring the County to relocate the Public Ferry Service to a new location by January 1, 2024. The Court denied the County’s motion to reconsider on March 16, 2023. In response to the Order, County staff immediately proceeded to explore any and all available options and have determined that the best available option is located at what is known as the Cross Island Boat Landing (“Cross Island”).</p> <p>County staff has worked diligently with the Town of Hilton Head Island and SCDOT to clear title issues, secure an encroachment permit, accomplished site acquisition, developed site and construction plans, and have initiated the permitting process.</p> <p>County staff has sought out a team of capable, competent, and local contractors, who are willing to push current work aside in order to assist the County in its efforts to comply with the court order. The team of O’Quinn Marine Construction (General Contractor), McSweeney Engineers, and Davis &amp; Floyd (formerly Andrews Engineering &amp; Surveyors) have formulated a plan, timeline, and full cost of construction of all embarkation site improvements required to be in place in order to operate the Ferry Service at the Cross Island Landing on January 1, 2023. This project, on this timeline, is only possible through the County's Emergency Procurement Policy.</p> |
| <b>FISCAL IMPACT:</b>   |
| <b>\$2,306,634</b> from ARPA Funds - Infrastructure   |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>  |
| Approve the emergency procurement and funding.  |
| <b>OPTIONS FOR COUNCIL MOTION:</b>  |
| Motion to approve/deny “item title”<br><br>Move forward to Council for Approval August 14, 2023 due to being time-sensitive   |

**RESOLUTION 2023/\_\_\_\_**

**A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER**

**WHEREAS**, Beaufort County (“County”) provides the residents and visitors of Daufuskie Island with reliable, affordable, and sustainable transportation through the operation of the public Daufuskie Island Ferry (“DI Ferry”); and

**WHEREAS**, DI Ferry currently embarks from the mainland from what is commonly known as Buckingham Landing. A Court Order has been issued ordering the County to cease operation of the DI Ferry at the Buckingham Landing location by January 1, 2024; and

**WHEREAS**, in order to comply with the Court order, an emergency procurement is necessary for the design and construction of improvements to the infrastructure at the Cross Island Boat Landing located on Hilton head Island; and

**WHEREAS**, County staff has sought out a team of capable, competent, and local contractors who are willing to make this emergency project a priority in order for the County to comply with the Court Order and desires to contract with O’Quinn Marine Construction (“O’Quinn”) for the necessary services; and

**WHEREAS**, O’Quinn has provided a comprehensive not to exceed cost proposal in the amount of \$2,306,634 to be paid from the American Rescue Plan Act (“ARPA”) Infrastructure-Ferry fund for the planning, permitting, and construction of the infrastructure necessary to relocate the operation of the DI Ferry from Buckingham Landing to the Cross Island Boat Landing; and

**WHEREAS**, Beaufort County Council recognizes the requirements of the Court order and understands compliance is of the utmost importance. Additionally, Council desires to support the residents and visitors of Daufuskie Island by providing a reliable, affordable, and sustainable transportation system through the operation of the public DI Ferry; and

**WHEREAS**, in order to comply with the Court order and provide the desired services to the residents and visitors of Daufuskie Island, Beaufort County Council finds it is in the best interest of the citizens of Beaufort County approve the emergency procurement of and funding for the design, permitting and construction services for the improvements to infrastructure at the Cross Island Boat Landing.

**NOW, THEREFORE, BE IT RESOLVED**, by Beaufort County Council, duly assembled, does hereby authorize the County Administrator to approve the emergency procurement of and funding for the design, permitting, and construction services necessary for improvements to the Cross Island Boat Landing to accommodate the Daufuskie Island ferry by January 1, 2024 to comply with a Court Order.

DONE this                      day of August, 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_

Joseph Passiment, Chairman

ATTEST:

---

Sarah W. Brock, Clerk to Council



**SITE DEVELOPMENT DATA** **GENERAL NOTES ON TOWN OF HILTON HEAD LMO**

BUILDING SQUARE FOOTAGE  
HEATED/NON-HEATED = ±2,000 SF  
FFE > 10'

NEW PARKING SHOWN  
Pervious 73  
Impervious 11  
TOTAL 84

Zoning Classification - WMU (Water-Oriented Mixed Use)  
Corridor Overlay District(s) - OCRM High Tide Line AND ROW Arterial

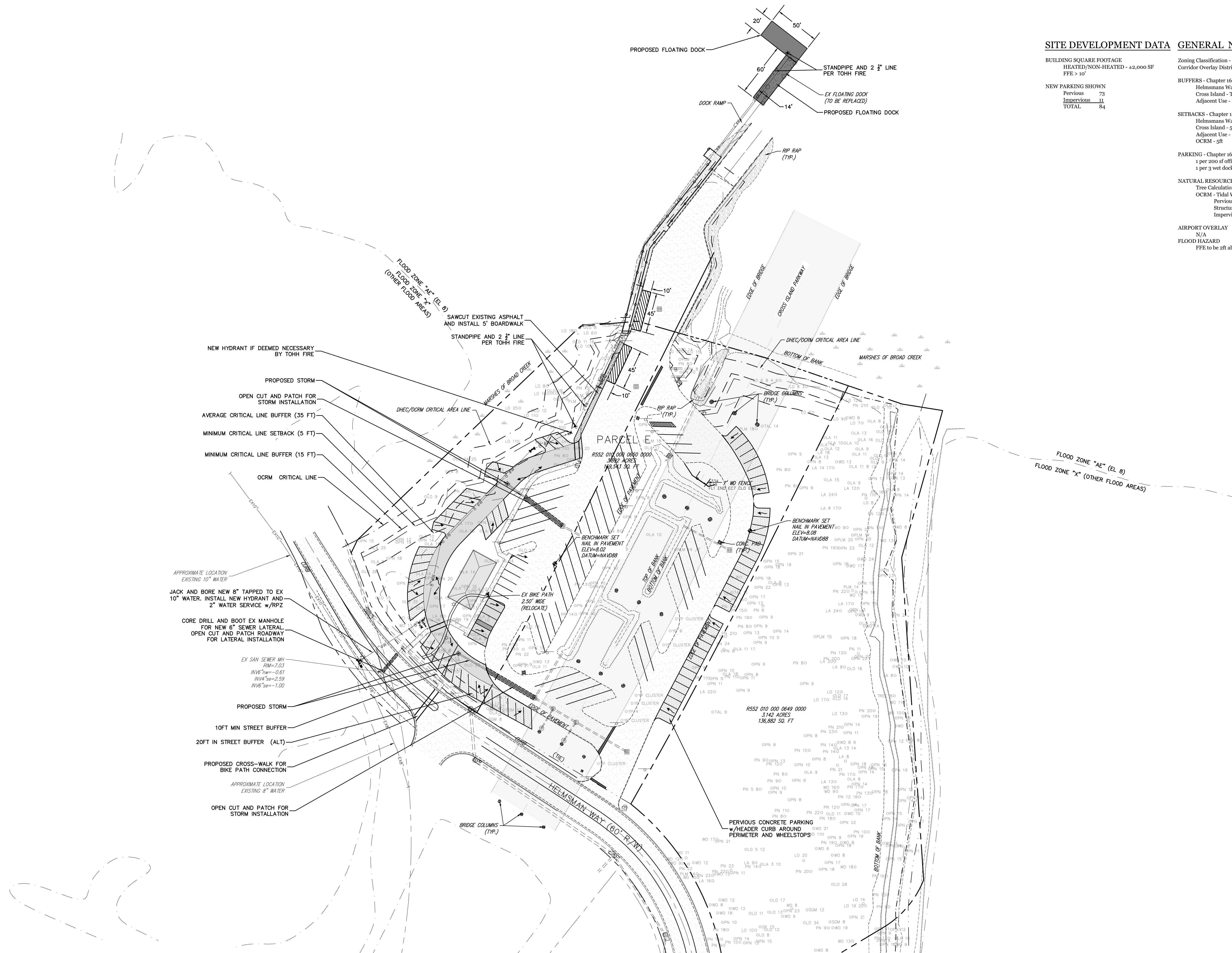
BUFFERS - Chapter 16-5-103  
Helmsmans Way - Type A  
Cross Island - Type E  
Adjacent Use - NONE (because similar uses/zoning)

SETBACKS - Chapter 16-5-102  
Helmsmans Way - 20ft/60degree  
Cross Island - 50ft/75degree  
Adjacent Use - 20ft/75degree  
OCRM - 5ft

PARKING - Chapter 16-5-107  
1 per 200 sf office space  
1 per 3 wet dock spaces

NATURAL RESOURCE  
Tree Calculations not performed for this exhibit  
OCRM - Tidal Wetland Buffer (See below)  
Pervious Surface - 35ft avg / 15ft min  
Structure - 40ft avg / 20ft min  
Impervious Surf - 50ft avg / 25ft min

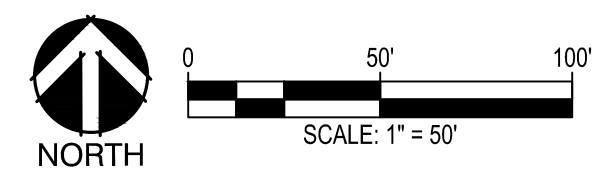
AIRPORT OVERLAY  
N/A  
FLOOD HAZARD  
FFE to be 2ft above BFE



**DAUFUSKIE EMBARKATION CONCEPTUAL LAYOUT**

TOWN OF HILTON HEAD - BEAUFORT COUNTY, SOUTH CAROLINA  
08/14/2023  
JOB NO.

NOTE: THIS EXHIBIT IS FOR CONCEPTUAL PURPOSES ONLY. THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF DAVIS & FLOYD, INC. AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER / ARCHITECT AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION  
F:\Projects\2023\2023 Projects\J23707 Dausfuskie Ferry at Cross Island Landing Ph 1\dwg\revision history\J22746\_23-0804\_mst.dwg, 8/11/2023 1:22:52 PM, Chris Bates





August 9, 2023

John Robinson, Interim County Administrator  
P.O. Drawer 1228  
Beaufort, SC 29901-1228

Re: Daufuskie Ferry at Cross Island Boat Landing Phase II

Dear Mr. Robinson,

Thank you for the opportunity to coordinate this important project

O'Quinn Marine Construction Inc. will continue facilitating this project and keep the Professional Team moving forward to ensure that all permitting and design work will be expedited in an efficient and timely manner. O'Quinn Marine Construction will perform all construction and work with the following list of Beaufort County subcontractors, who have been selected for their quality of work. It is understood that this project is time sensitive.

J&S Construction, Keiffer Construction, The Greenery, Bellingham Marine and Wynn Electric.

As the project moves forward with permitting and design, we are hopeful that there will be changes or deductions made that will provide cost savings to Beaufort County. We have provided a NOT TO EXCEED cost proposal. We welcome and need input from staff to move the project to a design that is cost effective.

What the team is proposing in this design is a very updated and top of the line embarkation and debarkation facility to Daufuskie Island that will be beneficial for the Town of Hilton Head and the citizens of Beaufort County.

Kindest regards,

A handwritten signature in blue ink, appearing to read 'R. Duncan O'Quinn', is written over a light blue horizontal line.

R. Duncan O'Quinn, President  
O'Quinn Marine Construction Inc.

95 Sheppard Road Beaufort, SC 29907 843-522-3313 (O) 843-522-3138 (F)

Daufuskie Ferry at Cross Island Boat Landing  
Phase 2

CONSTRUCTION

|   |                              |
|---|------------------------------|
| - Mobilization & Bonding  | \$ 54,000.00                 |
| - Remove and dispose of existing float and pipe piles   | \$ 20,000.00                 |
| - Furnish new concrete floats   | \$282,578.00                 |
| - Furnish pipe piles with HDPE sleeves  | \$149,431.00                 |
| - Receive concrete floats, assemble floats  | \$ 86,000.00                 |
| - Install floats and pipe piles   | \$130,000.00                 |
| - Fire protection from hydrant to floating docks, stand pipe  | \$ 64,000.00                 |
| - Silt fence, clearing and rough grading  | \$ 85,200.00                 |
| - Stormwater  | \$ 42,800.00                 |
| - Subgrade, base, header curb front and back for pervious parking   | \$168,075.00                 |
| - 6" pervious concrete parking  | \$240,000.00                 |
| - Sewer tap and stub out for building   | \$ 16,500.00                 |
| - Water tap and stub out for building. Fire hydrant at end of parking lot                                   | \$ 29,350.00                 |
| - 2" asphalt roadway  | \$ 44,000.00                 |
| - 1800 sq ft pavilion, restrooms, ticket booth and air conditioning<br>Handicap access, timber construction | \$448,000.00                 |
| - Sidewalk from building to helmsway with crossing at helmsway  | \$ 18,500.00                 |
| - Sidewalk from building to asphalt roadway crossing  | \$ 13,700.00                 |
| - Boardwalk from asphalt roadway crossing to dock   | \$ 30,000.00                 |
| - 400' split rail fence   | \$ 12,000.00                 |
| - Landscaping   | \$ 75,000.00                 |
| - Trash receptacles (5)   | \$ 500.00                    |
| - Lighting by Palmetto Electric   | ?                            |
| - Vehicle charging station  | \$ 14,000.00                 |
| <b>Total Construction Cost:</b>   | <b>\$2,023,634.00</b>        |
| <b>Professional Services</b>  | <b>\$283,000.00</b>          |
| <b>Total not to exceed:</b>   | <b><u>\$2,306,634.00</u></b> |

Daufuskie Ferry at Cross Island Boat Landing  
Phase 2

PROFESSIONAL SERVICES

- Davis & Floyd – Civil Engineering  
Final Site plan: Stormwater, grading utilities and paving  
Permitting: OCRM, Stormwater, SCDOT and Town of Hilton Head  
Layout, as-built survey \$211,500.00
  
- McSweeney Engineering – Structural Engineering  
Floating docks and piles, building foundation, concrete  
mixes, inspection report \$ 18,000.00
  
- Montgomery & Associates – Architects  
Building design \$ 50,000.00
  
- The Greenery – Landscape plan \$ 3,500.00

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**Total:** **\$283,000.00**

# McCARTHA, COBB & ASSOCIATES



August 10, 2023

Beaufort County  
Post Office Drawer 1228  
Beaufort, South Carolina 29901

Attention: John Robinson

Re: O'Quinn Marine Construction, Inc.  
Design Build Daufuskie Island Ferry Terminal


It is a privilege of McCartha, Cobb & Associates, Inc. and Merchants Bonding Company to provide surety-ship for O'Quinn Marine Construction, Inc.

In the capacity as surety, we are familiar with the company's financial standing, quality management and performance record. At the present time, we have a bond line of \$2.5 million single / \$5 million aggregate, of which \$4 million is available. The above referenced project certainly falls within these limits. However, amounts above this line can certainly be considered. Merchants Bonding Company reserves the right to perform normal underwriting at the time of any bond request, including, without limitation, prior review and approval of relevant contract documents, bond forms, and project financing. We assume no liability to you if for any reason we do not execute such bonds.

We enjoy an excellent working relationship with O'Quinn Marine Construction, Inc. and have found them to be professional in all their undertakings. We recommend them to you without reservation. Merchants Bonding Company has a rating of "A" according to the AM Best Key Rating Guide, 2022 Edition.

Please be advised that this letter is not pre-qualifying the client for Subcontractor Default Insurance. We accept no responsibility whatsoever as to the qualifying requirements of this client for the underwriting of Subcontractor Default Insurance.

Sincerely,

  
Raymond E. Cobb, Jr.  
Attorney-in-Fact



**From:** noreply@dhec.sc.gov  
**Subject:** DHEC Online Services - Submission Receipt Acknowledgement - HPW-RSY8-G4SAJ, Beaufort County Ferry Terminal  
**Date:** August 9, 2023 at 8:39 AM  
**To:** hunter@mcsweeneyengineers.com



This notification is to inform you that DHEC has received your submission with the following details:

**Form Name: OCRM Critical Area Permit Application**  
**Submission Reference Number: HPW-RSY8-G4SAJ**  
**Submission Version Number: 1**  
**System Receipt Date: 8/9/2023 8:34 AM**  
**Site Name: Beaufort County Ferry Terminal**

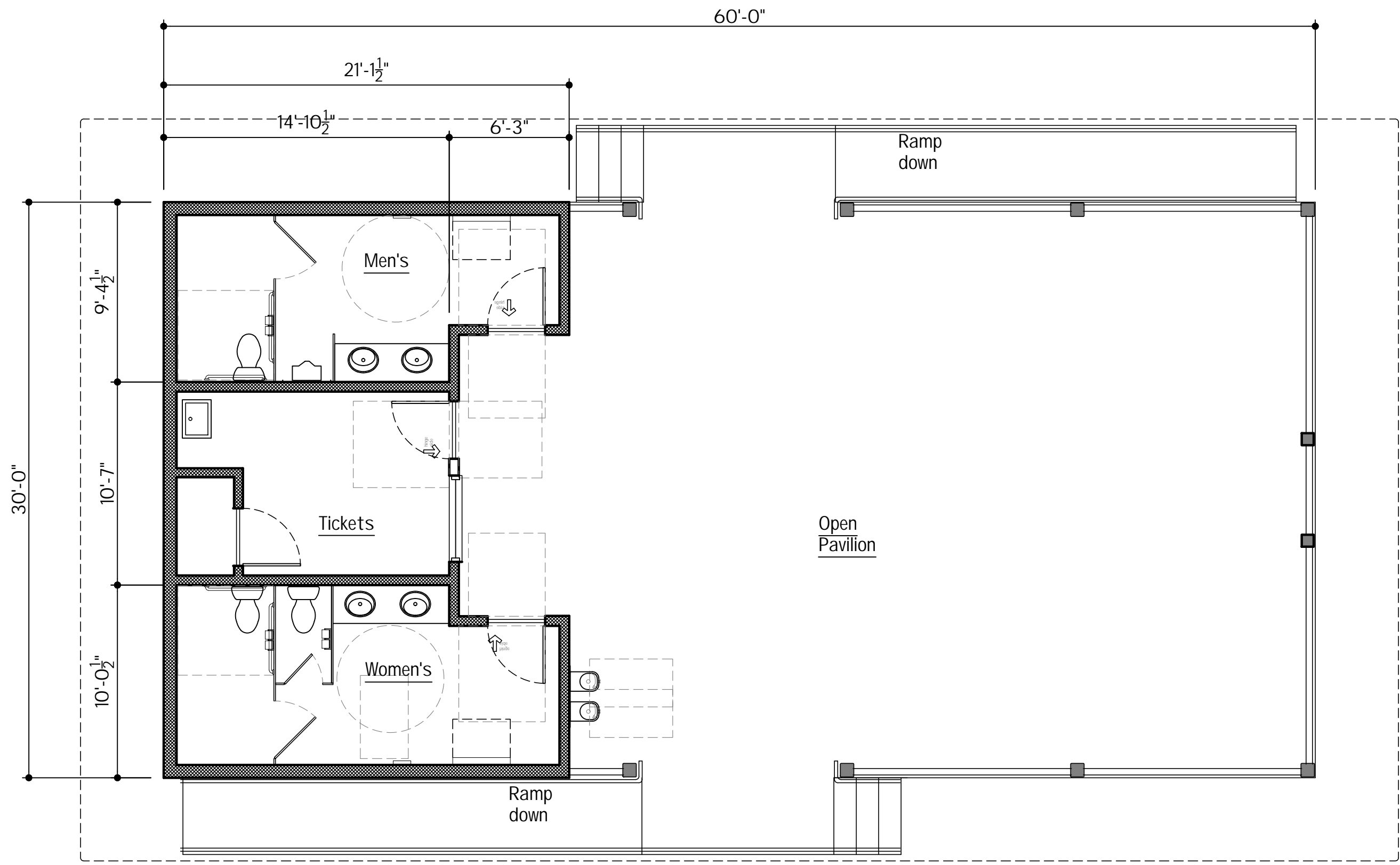
Additional notifications will be sent as your submission is processed by DHEC staff. If your submission is incomplete, you will receive a notification along with instructions about how to review corrections requests, revise and resubmit your submission.

You can check the status of your submission at any time by logging into your ePermitting account.

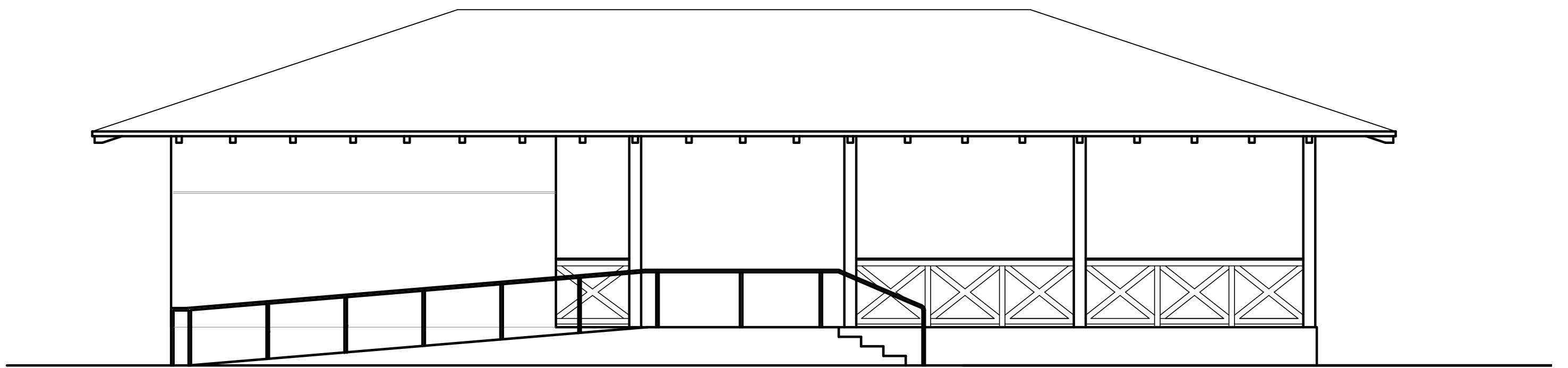
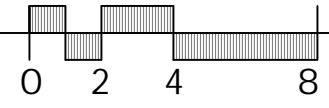
This is an automated notification generated and sent by ePermitting.



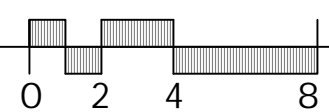
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Plan



Elevation





# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

|   |
|---|
| <b>ITEM TITLE:</b>  |
| Scope of work approval for JH Hiers for the Young Circle Drainage Improvement Project (\$156,848.51)  |
| <b>MEETING NAME AND DATE:</b>   |
| Community Services and Land Use Committee- August 14, 2023  |
| <b>PRESENTER INFORMATION:</b>   |
| Jared Fralix, P.E., Assistant County Administrator, Infrastructure<br>Neil J. Desai, P.E., Public Works Director<br>(5 Minutes)   |
| <b>ITEM BACKGROUND:</b>   |
| November 10 <sup>th</sup> , 2021 – Project presented at Stormwater utility Board<br>December 12 <sup>th</sup> , 2022 – JH Hiers Contract Approved (RFQ#110422)<br>February 16 <sup>th</sup> , 2022 – Stormwater Utility FY23 Budget recommended for approval by Stormwater Utility Board  |
| <b>PROJECT / ITEM NARRATIVE:</b>  |
| Homeowner granted easement to the County to convey drainage through their property located at 21 Young Circle. Homeowner requested drainage system realignment to follow the property line. The current drainage system bisects the property, minimizing full access for the property owners. Stormwater presented the project to the Stormwater Utility Board beginning in November, 2021. In order to assist the current Stormwater Infrastructure Staff, the County hired an on-call consultant to assist with projects. This project will be executed by the Stormwater Departments on-call contractor JH Hiers based on their proposed and negotiated scope. |
| <b>FISCAL IMPACT:</b>   |
| The drainage realignment system total proposed cost is \$156,848.51. Project is budgeted for in account #50250011-51170.  |
| <b>STAFF RECOMMENDATIONS TO COUNCIL:</b>  |
| Staff recommends approving proposed scope of work by J. H. Hiers.   |
| <b>OPTIONS FOR COUNCIL MOTION:</b>  |
| Motion to approve or deny proposed scope of work to J. H. Heirs.<br><b>(Next Step – Bring to next County Council for approval, if needed)</b>   |



