



County Council Meeting Beaufort County, SC

This meeting will be held both in person at County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom. In adherence with CDC guidelines, limited seating will be available.

**Monday, August 23, 2021
6:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION
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. ADMINISTRATOR'S REPORT

CITIZEN COMMENTS

6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

COMMITTEE REPORTS

7. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

8. APPROVAL OF CONSENT AGENDA
9. MATTERS ARISING OUT OF EXECUTIVE SESSION DURING CAUCUS MEETING
10. THIRD READING AND PUBLIC HEARING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 5.23 ACRES (R100 027 000 042B 0000) AT 335 JOE FRAZIER RD FROM T2 RURAL TO T2 RURAL CENTER
Vote at First Reading: June 14, 2021 8:3

Vote at Second Reading: June 28, 2021 8:3

- [11.](#) FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO SECTION 3.4.90 OF THE COMMUNITY DEVELOPMENT CODE TO ADD A COASTAL RESILIENCE OVERLAY DISTRICT TO REQUIRE REAL ESTATE DISCLOSURE WHEN PROPERTY IS TRANSFERRED IN ZONE X (SHADED).
- [12.](#) A RESOLUTION TO EXPRESS BEAUFORT COUNTY COUNCIL’S REQUEST THAT THE SC GENERAL ASSEMBLY TAKE THE NECESSARY ACTIONS TO CONTINUE TO ALLOW LOCAL GOVERNMENTS TO COLLECT USER FEES THAT FUND CRITICAL NEEDS SUCH AS PUBLIC SAFETY AND INFRASTRUCTURE

CITIZEN COMMENTS

- 13. CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**
14. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Community Services and Public Safety Committee

- [1.](#) FOOD SERVICE CONTRACT FOR DETENTION CENTER RFP#043021
- [2.](#) FY22 CONTRACT RENEWALS FOR VARIOUS COMMUNITY SERVICE/PUBLIC SAFETY DEPARTMENTS OVER \$100,000

Items Originating from the Finance Committee

- [3.](#) FIRST READING OF AN ORDINANCE FOR FY21 CARRYOVER BUDGET ITEMS
- [4.](#) OFFER OF PAYMENT TO RETIREES FOR LOSS OF POST-RETIREMENT HEALTH INSURANCE BENEFITS
- [5.](#) FIRST READING OF AN ORDINANCE TO RE-DIRECT EXPENDITURES OF THE GENERAL OBLIGATION BONDS SERIES 2020.

Items Originating from the Natural Resources Committee

- [6.](#) FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.5.30.B.1 (GENERAL PARKING STANDARDS, OFF-SITE/PREMISES PARKING) TO PROVIDE ADDITIONAL FLEXIBILITY
- [7.](#) FIRST READING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 3.09 ACRES OF PROPERTY IDENTIFIED AS R100 024 000 0423 0000 LOCATED AT 24 ZEHM LANE, FROM S1 INDUSTRIAL TO C3 NEIGHBORHOOD MIXED USE DISTRICT
- [8.](#) FIRST READING OF AN ORDINANCE AUTHORIZING THE ABANDONMENT OF AN EASEMENT ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 016 000 0199 0000.
- [9.](#) FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO ARTICLE 5 ADDING A NEW DIVISION 5.13 TITLED "FILL STANDARDS" TO LIMIT THE AMOUNT OF FILL ON LOW-LYING AREAS.
- [10.](#) FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY KNOWN AS OKATIE RIVER PARK WITH TMS NO. R600 021 000 0673 0000
- [11.](#) FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO A DEED OF PERPETUAL EASEMENT TO ALLOW FOR PUBLIC VEHICULAR ACCESS AND TO PROVIDE ADDITIONAL TERMS ON A PORTION OF THE PROPERTY WITH TMS NO. R600 021 000 0007 0000
- [12.](#) CONTRACT APPROVAL WITH WITMER JONES KEEFER (WJK) IN THE AMOUNT OF \$149,350 FOR PHASE II PLANNING SERVICES FOR OKATIE RIVER PARK
- [13.](#) RESOLUTION AMENDING RESOLUTION 2020/21 FOR PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS – PHASE II
14. APPOINTMENT OF THOMAS MURRAY FOR A PARTIAL 1st TERM TO RURAL AND CRITICAL LANDS PRESERVATION BOARD WITH AN EXPIRATION DATE OF 2023
Approved via Natural Resources Committee on 08.09.21

Items Originating from the Public Facilities Committee

- [15.](#) RESOLUTION AUTHORIZING COUNTY ADMINISTRATOR TO ACCEPT FAA GRANT 47
(Fiscal impact: Incoming Grant Funds - \$1,233,622)

16. SC 170 IMPROVEMENT PROJECT - \$500,000.00

END OF CONSENT AGENDA



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Zoning Map Amendment/Rezoning Request for 5.23 acres (R100 027 000 042B 0000) at 335 Joe Frazier Rd from T2 Rural to T2 Rural Center</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, June 7, 2021</i>
PRESENTER INFORMATION:
<i>Noah Krepps, Long Range Planner, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This rezoning application went before the Beaufort County Planning Commission at their May 3, 2021 meeting. At that time the Commission voted (4 for and 1 against) to recommend approval of the proposed amendment to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant seeks to change the zoning of a 5.23-acre lot at 335 Joe Frazier Rd from T2 Rural (T2R) to T2 Rural Center (T2RC) (see attached map). A moving, storage, and trucking company has operated on the property since 1994. The property was zoned Traditional Overlay under the Zoning and Development Standards Ordinance (ZDSO). The applicant believes the property should have been designated T2RC or S1 Industrial (S1) with the adoption of the Community Development Code, as the Warehousing use predates the 1999 and 2014 zoning ordinances and is a non-conforming use under the current T2R zoning.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>The proposed zoning change from T2R to T2RC constitutes a “spot zoning” and cannot be supported by Planning staff. Staff also has concerns about noise, odor, and aesthetic impacts on the surrounding residential area if more intense uses (such as major vehicle maintenance and repair) are permitted on the property under the T2RC zoning district.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for 335 Joe Frazier Road from T2 Rural to T2 Rural Center.</i>



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Noah Krepps, Beaufort County Planning and Zoning Department

DATE: April 26, 2021

SUBJECT: Zoning Map Amendment/Rezoning Request for 5.23 acres (R100 027 000 042B 0000) at 335 Joe Frazier Rd from T2 Rural to T2 Rural Center

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2021-02

Owner/Applicant: Frank O. Plair and Billy J. Plair

Property Location: Located at 335 Joe Frazier Rd

District/Map/Parcel: R100 027 000 042B 0000

Property Size: 5.23 acres

Current Future Land Use Designation: Neighborhood Mixed-Use

Current Zoning District: T2 Rural

Proposed Zoning District: T2 Rural Center

B. SUMMARY OF REQUEST: The applicant seeks to change the zoning of a 5.23-acre lot at 335 Joe Frazier Rd from T2 Rural (T2R) to T2 Rural Center (T2RC) (see attached map). A moving, storage, and trucking company has operated on the property since 1994. The property was zoned Traditional Overlay under the Zoning and Development Standards Ordinance (ZDSO). The applicant believes the property should have been designated T2RC or S1 Industrial (S1) with the adoption of the Community Development Code, as the Warehousing use predates the 1999 and 2014 zoning ordinances and is a non-conforming use under the current T2R zoning.

The T2RC district allows a diverse mix of land uses including residential, retail, service, and limited light industrial. It is a lower intensity walkable area in the immediate vicinity of a rural crossroads or other important rural intersection.

E. COMPREHENSIVE PLAN FUTURE LAND USE MAP: This 5.23-acre lot is designated Neighborhood Mixed-Use on the Future Land Use Map. Future development in neighborhood mixed-

use areas should be primarily residential with some supporting neighborhood retail establishments. A very small percentage of the designated area should consist of commercial development.

F. ZONING MAP AMENDMENT REVIEW STANDARDS: In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;**

The Land Use chapter of the Comprehensive Plan indicates that Neighborhood Mixed-Use areas should be primarily residential with some supporting neighborhood retail and service establishments. However, the potential for intense uses on the property, such as vehicle repairs, does not maintain the residential character of this land use designation.

2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;**

The proposed rezoning constitutes a “spot zoning,” as it is not adjacent to any other T2 Rural Center parcels.

3. **Addresses a demonstrated community need;**

See 1 above.

4. **Is required by changed conditions;**

N/A.

5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;**

Existing uses on the surrounding land are primarily residential. The proposed zoning change would allow for a broader mix of intense commercial, service, and light industrial uses.

6. **Would not adversely affect nearby lands;**

As stated in 5, there is potential for adverse impacts on the existing residential developments in the adjacent area.

7. **Would result in a logical and orderly development pattern;**

See 5 and 6 above.

8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:**

Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

9. **Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):**

The site is connected to public water.

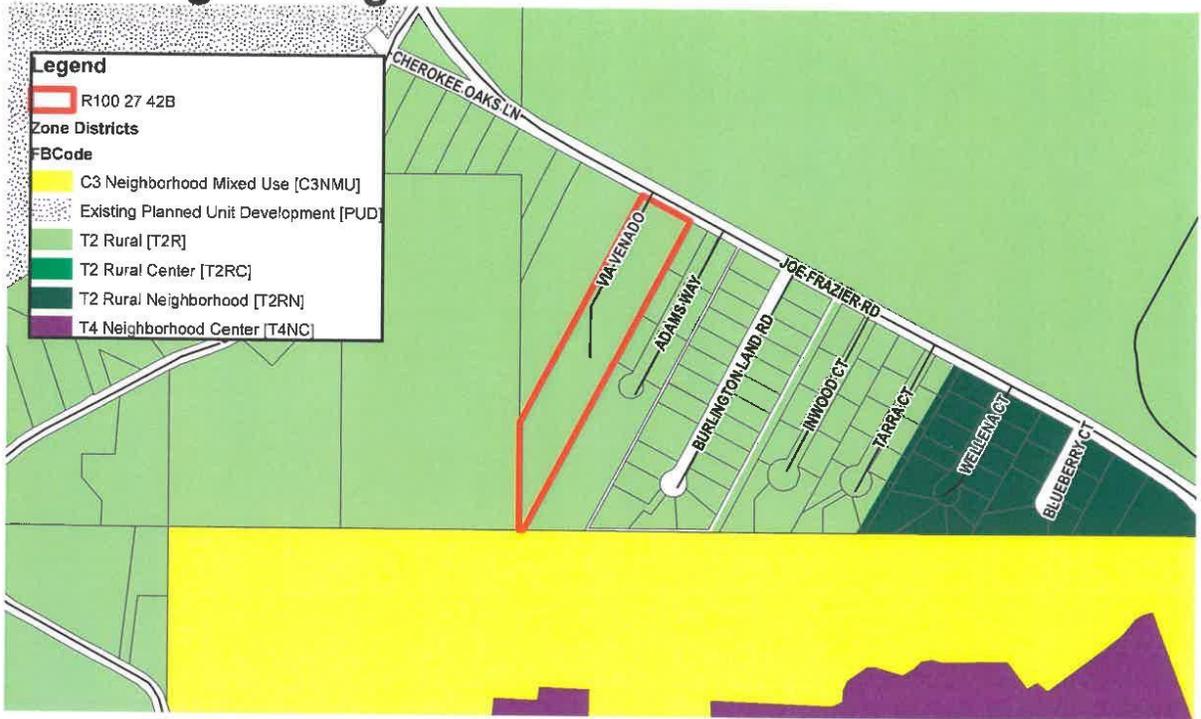
G. STAFF RECOMMENDATION: The proposed zoning change from T2R to T2RC constitutes a “spot zoning” and cannot be supported by Planning staff. Staff also has concerns about noise, odor, and aesthetic impacts on the surrounding residential area if more intense uses (such as major vehicle maintenance and repair) are permitted on the property under the T2RC zoning district.

H. PLANNING COMMISSION RECOMMENDATION: At the May 3, 2021 meeting of the Beaufort County Planning Commission, the Commission voted (4 for and 1 against) to recommend approval of the proposed amendment to County Council.

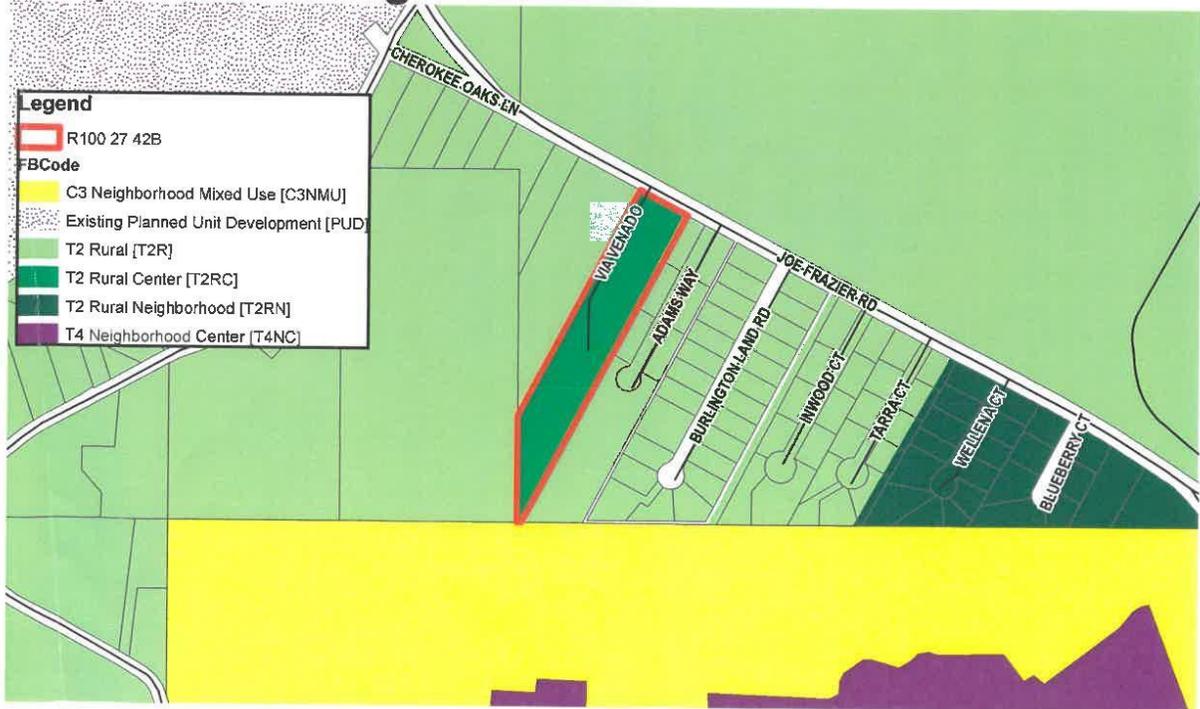
I. ATTACHMENTS

- Zoning Map (existing and proposed)
- Location Map

Existing Zoning



Proposed Zoning



ORDINANCE 2021 / __

ZONING MAP AMENDMENT/REZONING REQUEST FOR 5.23 ACRES (R100 027 000 042B 0000) AT 335 JOE FRAZIER RD FROM T2 RURAL TO T2 RURAL CENTER.

WHEREAS, the proposed amendment is outlined in red on the attached map.

Adopted this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

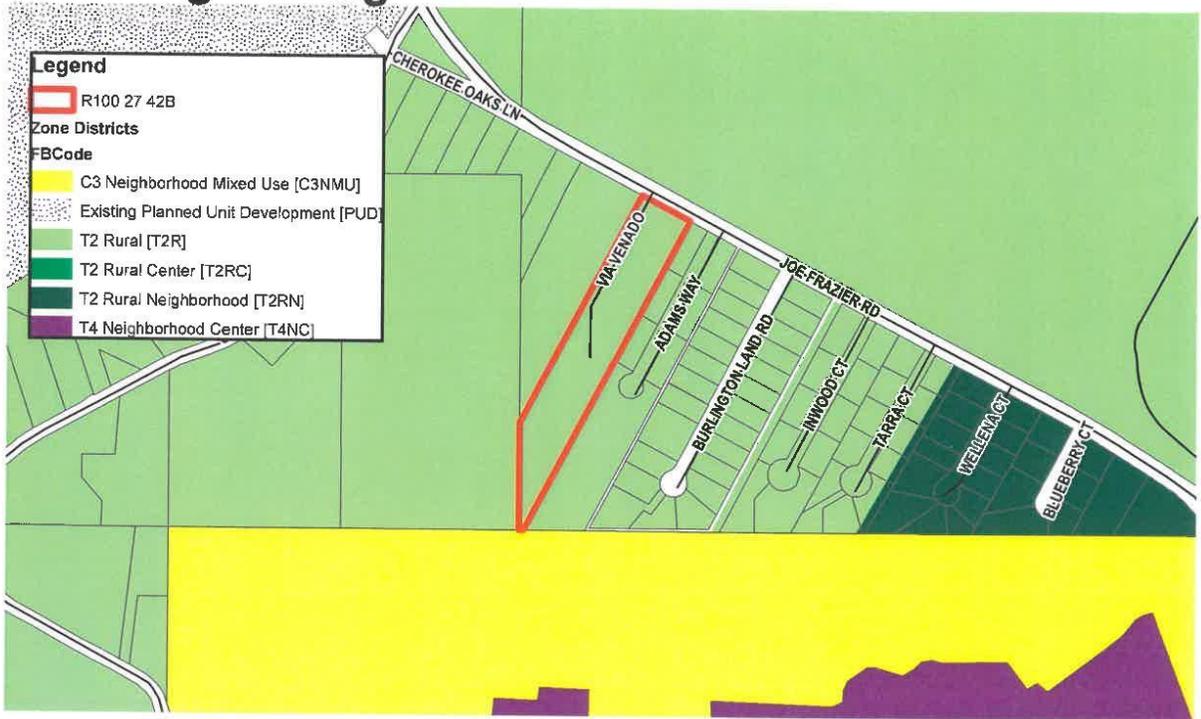
By: _____

Joseph Passiment, Chairman

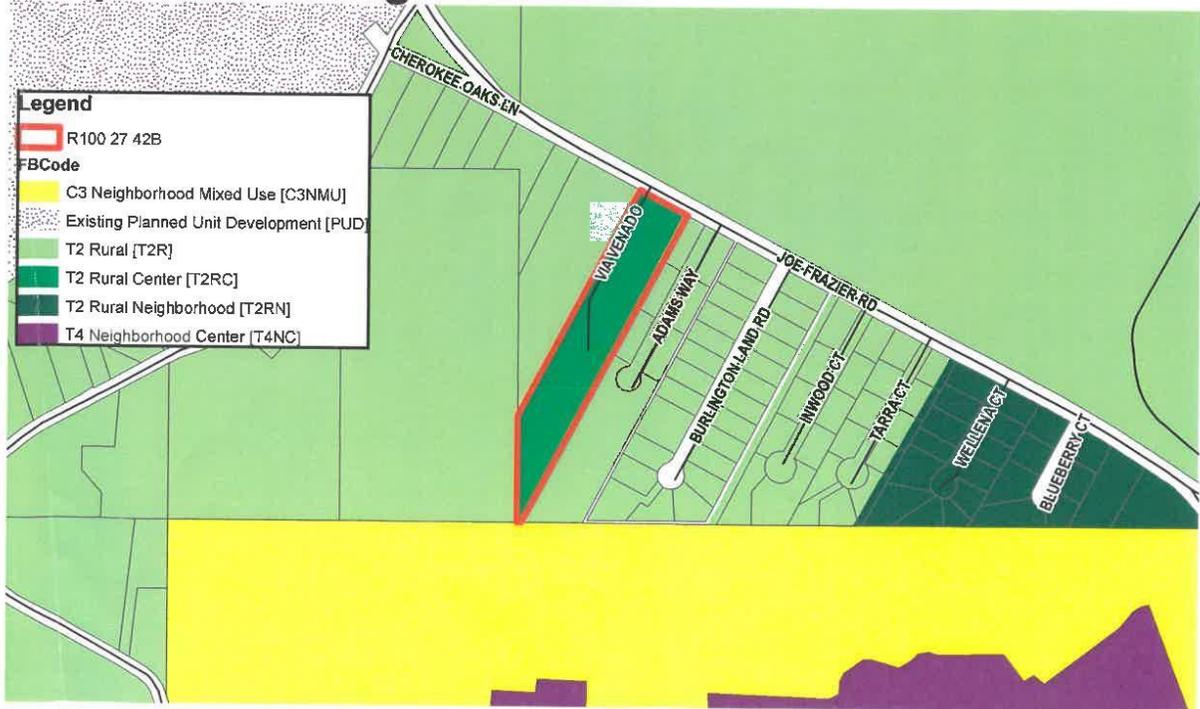
ATTEST:

Sarah W. Brock, JD, Clerk to Council

Existing Zoning



Proposed Zoning





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Amendment to Article 3, Section 3.4.90 (Overlay Zones)</i>
MEETING NAME AND DATE:
County Council, August 23, 2021
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Acting Director, Planning and Zoning</i> <i>5 minutes needed for presentation.</i>
ITEM BACKGROUND:
<i>The Coastal Resilience Overlay District is a recommended action in the Lady's Island Plan, adopted in April 2019. The ordinance was developed by a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. This amendment first went before the County Planning Commission in March 2021, where it was recommended for approval. However, based on concerns presented by several local realty associations during the meeting, staff held subsequent meetings with realty association representatives and made changes. The resulting revised ordinance was considered at the July 2021 Planning Commission meeting and recommended for approval pending two conditions. The Commission asked that the disclosure be presented prior to closing and that the disclosure not be recorded with the deed or plat of record. The final revision of the ordinance was recommended for approval during the Natural Resources Committee meeting held on August 9, 2021. Six members of the committee approved, one opposed.</i>
PROJECT / ITEM NARRATIVE:
<i>The Coastal Resilience Overlay District will provide for the general public health, safety, and welfare by requiring notification during all real estate transactions prior to entering a contract of the vulnerability of property in Zone X (shaded) to sea level rise and coastal flooding. Staff is recommending that the boundary of the Coastal Resilience Overlay District be land within Zone X (shaded) on the FIRM. Zone X (shaded) is the area with a 0.2-percent-annual-chance of flooding. While flood insurance is not required in these areas, they still face flood risks. Staff believes it is important that residents and property owners in the 500-year flood zone [Zone X (shaded)], be informed of the risk of flooding now and in the future, and be encouraged to purchase flood insurance. Staff further recommends the Coastal Resilience Overlay District disclosure be presented with the State mandated South Carolina Residential Property Condition Disclosure statement (SCRPCD).</i>
FISCAL IMPACT:
<i>No Fiscal Impact</i>
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval.
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny proposed amendment to add Section 3.4.90 Coastal Resilience Overlay.</i>



MEMORANDUM

To: Beaufort County Council
From: Robert Merchant, AICP, Acting Director
Subject: Coastal Resilience Overlay District
Date: August 23, 2021

STAFF REPORT:

Case No. ZTA 2021-02
Applicant: Planning and Zoning Department
Proposed Text Change: Text amendment to Section 3.4.90 of the Community Development Code to add a Coastal Resilience Overlay District to require real estate disclosure when property is transferred in Zone X (shaded).

A. SUMMARY: The Coastal Resilience Overlay District is established to provide for the general public health, safety, and welfare by requiring notification during all real estate transactions prior to entering a contract of the vulnerability of property in Zone X (shaded) to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame. This ordinance applies to property in Zone X (shaded) on the Flood Insurance Rate Map for unincorporated Beaufort County.

B. HISTORY: The Coastal Resilience Overlay District is a recommended action in the Lady's Island Plan, adopted in April 2019. The ordinance was developed by a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. The Task Force oversaw the development of this ordinance, as well as the proposed fill amendment, along with looking at larger policy issues related to coastal flooding and sea level rise.

The County Planning Commission considered the original Coastal Resilience ordinance at their March 2021 meeting and recommended approval. At that meeting, the Planning Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Staff subsequently held several meetings with realty association representatives to discuss these concerns and a number of significant changes were made to the ordinance as a result.

The resulting revised ordinance was considered at the July 2021 Planning Commission meeting and recommended for approval pending two conditions. The Commission asked that the

disclosure be presented prior to closing and that the disclosure not be recorded with the deed or plat of record. The final revision of the ordinance, which includes the conditions put forth by the Planning Commission, was recommended for approval during the Natural Resources Committee meeting held on August 9, 2021. Six members of the committee approved, one opposed.

C. REVISED ORDINANCE: Based on the concerns raised at the realtor meetings, staff proposed a different approach to the ordinance. Instead of basing the overlay district on an elevation contour as originally proposed (which may be hard to map or otherwise identify), staff has recommended that the ordinance be based on a commonly used, understood, and available tool, the Flood Insurance Rate Map (FIRM). Flood maps are used by realtors, contractors, and developers on a regular basis. Residents and property owners are also familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.

Staff is recommending that the boundary of the Coastal Resilience Overlay District be land within Zone X (shaded) on the FIRM. Zone X (shaded) is the area with a 0.2-percent-annual-chance of flooding. This area is commonly called the “500-year flood zone.” FEMA considers Zone X (shaded) an area at moderate risk of flooding. Flood insurance is not required in X zones, and while the risk of being flooded under current conditions is reduced, it is not completely removed: one in four insurance claims come from outside high-risk flood areas. Fortunately, flood insurance is available to residents in X zones and is currently provided under lower-cost Preferred Risk Policies. Staff believes it is important that residents and property owners in the 500-year flood zone [Zone X (shaded)], be informed of the risk of flooding now and in the future, and be encouraged to purchase flood insurance.

Staff further recommends the Coastal Resilience Overlay District disclosure be presented with the State mandated South Carolina Residential Property Condition Disclosure statement (SCRPCD). The SCRPCD statement details information about the condition of the property, including minimal information regarding flood hazards. It is completed by the owner and provided to the purchaser prior to the time the owner and the purchaser sign a real estate contract. The owner provides a signed copy to the purchaser and keeps a copy signed by the purchaser. The Coastal Resilience Overlay District disclosure will supplement the information provided on the SCRPCD. Presenting it at the same time as the SCRPCD will ensure the purchaser is provided the information well before closing. It will also ensure they and the owner have a signed copy for their records.

D. FREQUENTLY ASKED QUESTIONS: Below are some frequently asked questions about the proposed ordinance.

1. *Isn't notification of flood risk already required?* Yes, but the notifications can be somewhat vague. For example, on the SCRPCD, the property owner is required to answer yes, no, or no representation to the question, do you have any actual knowledge or notice concerning Flood hazards, wetlands, or flood hazard designation affecting the property.” However, flood hazards are not defined. Does “flood hazard” include areas in Zone X and Zone X (shaded)? And if everything is considered as being in some type of flood zone, is the disclosure meaningful? Similarly, the owner is required to answer yes, no, or

no representation to the question, “Flood insurance covering the property.” Is this asking if the current owner has a flood insurance policy? But what if the owner doesn’t have flood insurance because they don’t have a mortgage on the property? Or they do have insurance, but the property is outside the Special Flood Hazard Area? In these cases, is the disclosure actually helpful?

2. *Won’t this be a duplication of existing disclosures?* Yes, and no. As noted above, disclosures are required, but they can be ambiguous. At the same time, duplication could be considered a good thing when it comes to education. The Community Rating System (CRS) offers reductions in flood insurance rates for communities that attain certain scoring levels. The CRS Coordinator’s Manual states that, “The same message can and should be conveyed via different, multiple methods.” Further, “To be most effective, the same message should be repeated in many projects.” Credit for CRS education projects is based on three factors, one of which is “How often they are delivered.” The CRS Manual notes that, “Research has shown that awareness of the flood hazard is not enough to motivate people to take action to protect themselves and their property. People need to be told repeatedly, through various means, what specific actions to take before they will change their behavior”—for example, to purchase flood insurance.
3. *Don’t the new flood maps adequately convey flood risk?* The FIRM for unincorporated Beaufort County was adopted in March 2021. The map is based on modeling completed in April 2015--before Hurricanes Bonnie, Hermine, Matthew, Irma, Dorian, and Bertha. The modeling for the current maps did not consider climate change, sea level rise, and/or increasing frequency and intensity of storms. Interestingly, the new maps show a fairly dramatic decrease in the amount of land in the Special Flood Hazard Area (SFHA) (where disclosure and insurance are required). In unincorporated Beaufort County, 21,100 parcels were removed from the SFHA in the new maps, while 3,900 were added. County-wide, almost 40,800 parcels were removed from the SFHA and just over 5,000 were added. While the current Flood Insurance Study for the County notes that the storm surge from an August 1940 hurricane, “flooded the entire business area of Beaufort to a depth of 2 to 3 feet,” the new FIRM for the downtown Beaufort area shows both sides of Bay Street as now outside the SFHA--with the exception of the lots on the south side of the Bay/Scott Street intersection. Bay Street properties were moved from the SFHA to Zone X (shaded). It seems appropriate that new property owners in Zone X (shaded) be informed there is a risk of moderate flooding and that flood insurance is available at a reduced rate.
4. *How will the ordinance be enforced?* The proposed ordinance is an amendment to the Community Development Code (CDC) and so will be enforced the same way all zoning requirements are. The CDC contains a similar disclosure for properties in the AICUZ.
5. *Are other Beaufort County jurisdictions being asked to adopt a similar ordinance?* The Task Force has recommended that other local governments in the County consider a similar ordinance, and staff has shared and will continue to share information with other local planning departments. At the same time, each local government has a different approach to flood hazard management and risk tolerance.

E. RECOMMENDATION: Staff recommends approval.

ORDINANCE 2021 / __

TEXT AMENDMENT TO SECTION 3.4.90 OF THE COMMUNITY DEVELOPMENT CODE TO ADD A COASTAL RESILIENCE OVERLAY DISTRICT TO REQUIRE REAL ESTATE DISCLOSURE WHEN PROPERTY IS TRANSFERRED IN ZONE X (SHADED).

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ___ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

3.4.90 Coastal Resilience Overlay (CRO) Zone Standards

A. Purpose - The Coastal Resilience Overlay Zone is established to provide for the general health, safety, and welfare by requiring notification prior to entering all real estate contracts of the vulnerability of low-lying property due to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame.

Currently properties located within the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) require flood insurance through the National Flood Insurance Program. In addition, this information is also required by state law to be disclosed when real property is transferred. However, these requirements do not apply to areas defined as Zone X (shaded) on the FIRM Maps which still face flooding risks. The purpose of the Coastal Resilience Overlay Zone is to inform the public that properties located in Zone X (shaded) may still be vulnerable to coastal flooding and may face increased flooding risks due to increasingly intense storm events, king tides, and rising sea level. Additionally, the disclosure requirement will inform property owners that private flood insurance is available to properties located in Zone X (shaded). The Coastal Resilience Overlay Zone does not include the unshaded portions of Zone X.

The Coastal Resilience Overlay (CRO) shall overlay other zoning classifications that shall be referred to as base zoning. The CRO District includes all lands within an established footprint affected by sea level rise.

B. District Boundaries - The district boundaries of the Coastal Resilience Overlay Zone is defined as all lands located within Zone X (shaded) on the FEMA Flood Insurance Rate Maps for unincorporated Beaufort County.

C. Notification

1. At the time the South Carolina Residential Property Condition Disclosure statement is signed by the purchaser during all real estate transactions involving a property in Zone X (shaded) in the CRO district, the buyer, seller and witnesses shall sign the following form.

a. Coastal Resilience Overlay Disclosure Form

The property at _____ (address/location) is located in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). This is an area of moderate flood hazard, encompassing the land between the Special Flood Hazard Area and the 0.2-percent-annual-chance (or 500-year) flood. Beaufort County has determined that the property in Zone X (shaded) has the potential to be subject to flooding and/or damage as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea

level. The County has placed a requirement of disclosure within these areas. Flood insurance is available for property in Zone X (shaded). It is recommended that property owners and residents consider purchasing flood insurance for Zone X (shaded) properties.

b. Certification

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in Zone X (shaded) in the Coastal Resilience Overlay District.

Dated this _____ day of _____.

Witness _____ Owner _____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in Zone X (shaded) in the Coastal Resilience Overlay District, and I understand the potential for sea level rise related flooding on the subject property.

Dated this _____ day of _____.

Witness _____ Purchaser _____

- 2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within Zone X (shaded) in the Coastal Resilience Overlay District.
- 3. All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain the following disclosure statement:

a. Coastal Resilience Overlay Disclosure Form

The property lies in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). Beaufort County has determined that the property on the premises has the potential to be subject to flooding and/or damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Purchasers are required to sign a Disclosure Form per Division 3.4.90 of the Beaufort County Community Development Code.

- 4. In the case of new construction in Zone X (shaded), a signed Coastal Resilience Overlay Disclosure Statement shall accompany the building permit application.

A RESOLUTION

A RESOLUTION TO EXPRESS BEAUFORT COUNTY COUNCIL’S REQUEST THAT THE SC GENERAL ASSEMBLY TAKE THE NECESSARY ACTIONS TO CONTINUE TO ALLOW LOCAL GOVERNMENTS TO COLLECT USER FEES THAT FUND CRITICAL NEEDS SUCH AS PUBLIC SAFETY AND INFRASTRUCTURE

WHEREAS, Beaufort County, along with the vast majority of citizens, acknowledge that as a result of the recent SC Supreme Court decision in *Burns v. Greenville County Council* (2021), and revenues lost due to the COVID-19 pandemic, counties throughout the state have been and will continue to struggle funding critical needs such as public safety and infrastructure; and

WHEREAS, counties were specifically granted the authority to impose uniform service charges in §4-9-30 and road fees were specifically considered and deemed allowed by the SC Supreme Court in *Brown v. County of Horry* (1992); and

WHEREAS, in 1997, the SC General Assembly enacted §6-1-300(6), which defines “service or user fee” as “a charge required to be paid in return for a particular government service or program made available to the payer that benefits the payer in some manner different from the members of the general public not paying the fee (emphasis added)”; and

WHEREAS, relying on this code section, the SC Supreme Court ruled Greenville County’s road fee ordinance invalid as it determined that the county’s residents who pay the user fee receive the same benefit as the non-payers; and

WHEREAS, the SC Supreme Court made it clear in its decision that the fee payer must receive a different benefit from paying the fee, not merely a greater benefit; and

WHEREAS, the *Burns* decision potentially puts user fees, including those that have been in place for decades, in jeopardy which could result in the loss of millions of dollars in county revenues throughout South Carolina; and

WHEREAS, one solution to this issue would be for the SC General Assembly to amend §6-1-300(6) to allow counties to have the option to utilize user fees that benefit the payer some manner different from or greater than the members of the general public not paying the fee; and

WHEREAS, the above solution does not increase counties’ revenue-raising authority beyond its ability prior to the recent *Burns* decision and therefore does not constitute a “new fee or tax”; and

WHEREAS, another potential solution would be to amend §6-1-300(6) to state that “the general public may derive a benefit from the fee as long as the substantial benefit goes to the payer”; and

NOW THEREFORE, BE IT RESOLVED by the Beaufort County Council that it is in support of legislation that would preserve user fees as they are a vital source of local revenue and requests that all members of the South Carolina General Assembly take action to ensure that Home Rule is protected and that appropriate legislation is enacted to preserve this important county financial resource during the 124th Session of the General Assembly.

DONE IN REGULAR MEETING THIS 23rd DAY OF AUGUST , 2021.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 1.

ITEM TITLE:
Food Service Contract for Detention Center RFP#043021
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Philip A. Foot, Assistant County Administrator for Public Safety Colonel Quandara Grant, Director Detention Center 5 minutes
ITEM BACKGROUND:
Community Services/Public Safety Committee August 9, 2021 (motion to move forward to full council)
PROJECT / ITEM NARRATIVE:
On April 30, 2021, Beaufort County received three (3) qualifications/proposals for the Detention Center food service program. This service includes the opportunity to submit a proposal that contains a scope of services for providing food services to the Beaufort County Detention Center with the implementation and management of the Food Service Program. The service contract is for one (1) year of services, with the option to renew for four (4) additional one (1) year terms. The evaluation committee consisting of: Colonel Quandara Grant, Director of Detention Center, Major Latasha Robinson, Deputy Director of Detention Center, Lt. Castran Aiken, Detention Center, Lt. Edwin Aiken, Detention Center and Theresa Williams, Detention Center, evaluated the proposals. After reviewing and evaluating the written submittals, the committee elected to interview the top two (2) firms. After the interviews and final scoring, the evaluation committee ranked Trinity Services Group, as the number one ranked firm and recommends them for the contract award.
FISCAL IMPACT:
FY22 Budget Detention Center account # 10001250-51200 (Meals/Contracted Services) annual estimated cost \$320,000.00
STAFF RECOMMENDATIONS TO COUNCIL:
Approve the new contract award
OPTIONS FOR COUNCIL MOTION:
Motion to approve the new Food Service Contract for the Detention Center RFP#043021

Food Service Program for the Beaufort County Detention Center						
RFP 043021						
Summary Score Sheet						
Evaluators	Name of Company	Name of Company	Name of Company			
	<u>Kellwell Foods</u>	<u>Summit Food Service</u>	<u>Trinity Services Group</u>			
Quandara Grant	73	88	76			
Latasha Robinson	67	64	93			
Theresa Williams	98	96	95			
Edwin Aiken	75	85	85			
TOTALS:	313	333	349			
1. Trinity Services Group	349					
2. Summit Food Service	333					
3. Kellwell Foods	313					

Food Service Program for the Beaufort County Detention Center					
RFP 043021					
Summary Score Sheet					
Evaluators	Name of Company	Name of Company			
	<u>Summit Food Service</u>	<u>Trinity Services Group</u>			
Quandara Grant	78	92			
Latasha Robinson	50	90			
Lt. C. Aiken	74	83			
Edwin Aiken	65	90			
TOTALS:	267	355			
1. Trinity Services Group	355				
2. Summit Food Service	267				



Price Proposal

Financial Overview

Trinity is pleased to present our pricing proposal to operate the food service for the Beaufort County Detention Center. A few highlights of our proposal are as follows:

- Highly competitive wages and benefits to attract and retain qualified staff for your account.
- Options for both a Hot, Cold, Hot and a Hot, Hot, Hot Menu meeting all RFP specifications with high quality items such as oven fried chicken and chicken quarters focusing on variety and flexibility.
- Sample staff dining menu- which can be customized to your facility all offered at and extremely reasonable cost to increase employee morale and satisfaction.
- Scale pricing which will account for changes in inmate population allowing for a fluid and transparent pricing structure.





**Beaufort County Detention Center
Food Services: Pricing Page
Proposal No. 043021**

Proposal prices shall be prepared based on the menus submitted with the offeror’s proposal. The nutritional values, variety, quality, and appearance of meals shall be consistent with the Recommended Dietary Allowances, American Correctional Association Standards, and South Carolina Standards for Adult Detention Facilities. Price should include the approximate number of meals to be served, based on the daily population estimated ranges at between 120-150 inmates and 10-15 staff members. Each type of meal should closely follow the guidelines outlined in the scope of services and requirements section shown in sections 3.0 through 3.30.

Hot-Hot-Hot Menu

<u>Item Description</u>	<u>Unit Price</u>
Juvenile Meals: Meets nutrient requirements and/or <u>3,000 calories</u> per day, as per required by the RDA Standards.	Scale price + \$0.40
Regular Inmate Portions: <u>2,800 calories</u> per day	\$1.778*
Double Inmate Portions:	Scale price + \$0.50
Regular Staff Portions:	\$2.50
Double Staff Portions:	\$3.00

Hot-Cold-Hot Menu

<u>Item Description</u>	<u>Unit Price</u>
Juvenile Meals: Meets nutrient requirements and/or <u>3,000 calories</u> per day, as per required by the RDA Standards.	Scale price + \$0.40
Regular Inmate Portions: <u>2,800 calories</u> per day	\$1.822*
Double Inmate Portions:	Scale price + \$0.50
Regular Staff Portions:	\$2.50
Double Staff Portions:	\$3.00

***Refer to scale price for population below 131 and above 140**



Hot-Hot-Hot Menu

Hot-Cold-Hot Menu

TRINITY SERVICES GROUP		
Beaufort Co Detention Center		
3 Hot Meals Daily		
Inmate Population Sliding Scale		
FROM	TO	PRICE
Up To -	50	Negotiable
51 -	60	\$ 3.520
61 -	70	\$ 3.052
71 -	80	\$ 2.716
81 -	90	\$ 2.463
91 -	100	\$ 2.266
101 -	110	\$ 2.108
111 -	120	\$ 1.978
121 -	130	\$ 1.870
131 -	140	\$ 1.778
141 -	150	\$ 1.704
151 -	160	\$ 1.638
161 -	170	\$ 1.582
171 -	180	\$ 1.533
181 -	190	\$ 1.489
191 -	200	\$ 1.450
201	-And Over	\$ 1.415

TRINITY SERVICES GROUP		
Beaufort Co Detention Center		
Hot-Cold-Hot		
Inmate Population Sliding Scale		
FROM	TO	PRICE
Up To -	50	Negotiable
51 -	60	\$ 3.564
61 -	70	\$ 3.096
71 -	80	\$ 2.760
81 -	90	\$ 2.507
91 -	100	\$ 2.310
101 -	110	\$ 2.152
111 -	120	\$ 2.022
121 -	130	\$ 1.914
131 -	140	\$ 1.822
141 -	150	\$ 1.748
151 -	160	\$ 1.683
161 -	170	\$ 1.627
171 -	180	\$ 1.578
181 -	190	\$ 1.534
191 -	200	\$ 1.495
201	-And Over	\$ 1.460

	Vendor	Purpose	Department	Account	FY21 Cost	FY22 Cost	Term (Beg/End)	
1 - A	Hilton Head Humane Association	To provide animal services	Animal Services		\$505,000.00	\$505,000	07/01/2021 thru 06/30/2022	P. Foot/ T. Trice
NOTES	No change in cost. Addendum to the contract is attached.							
2 B	Mediko, Inc.	Healthcare Services for County Detention Center Inmates	Detention Center	Medical/Dental Services 10001250-5119 0	\$1,531,301.46 as of 05/24/2021	\$1,550,000	07/01/2021 - 06/30/2022	Col. Grant
NOTES	*Price increase and Cost Pool Expenses							
3 C	OWL Transportation	transportation of individuals to Day services	DSN - Employment Services	24420011-51230	\$283,140	\$358,140	8/2019-6/2024	Beth Cody
NOTES	This is a purchase of service. The funds are SCDOT, SCDDSN and DSN fund balance for FY2021 and FY 2022.							
4 D	Clarke Mosquito Control Products, Inc. St. Charles, Illinois	Public Health Insecticide for Mosquito Control	Mosquito Control	Public Health Products 10001400-5232 0	\$222,196.66	\$218,427.66	07/01/21 thru 06/30/22	Gregg Hunt
NOTES								

From: [Foot, Philip](#)
To: [Moyer, Victoria](#)
Subject: RE: Contract renewal
Date: Wednesday, July 7, 2021 7:55:19 AM
Attachments: [image001.png](#)
[image002.jpg](#)

It will remain the same cost as FY21.

Thank you,

Philip A. Foot, CJM
Public Safety Division
Assistant County Administrator
Beaufort County, SC

(843)255-5171 office
<https://beaufortcountysc.webex.com/meet/philipf>

From: Moyer, Victoria <victoria.moyer@bcgov.net>
Sent: Tuesday, July 6, 2021 11:22 AM
To: Foot, Philip <philipf@bcgov.net>
Subject: RE: Contract renewal

Hilton Head Humane.

Victoria Moyer
Contracts Specialist
Beaufort County
Purchasing Department
843-255-2295 O
843-812-1020 C



From: Foot, Philip <philipf@bcgov.net>
Sent: Tuesday, July 6, 2021 11:19 AM
To: Moyer, Victoria <victoria.moyer@bcgov.net>
Subject: RE: Contract renewal

Which one?

Thank you,

Philip A. Foot, CJM
Public Safety Division
Assistant County Administrator
Beaufort County, SC

(843)255-5171 office

<https://beaufortcountysc.webex.com/meet/philipf>

From: Moyer, Victoria <victoria.moyer@bcgov.net>

Sent: Tuesday, July 6, 2021 11:07 AM

To: Foot, Philip <philipf@bcgov.net>

Cc: Thomas, Dave <dthomas@bcgov.net>

Subject: RE: Contract renewal

The only thing I need is something stating the contract cost will remain the same as FY21

Victoria Moyer

Contracts Specialist

Beaufort County

Purchasing Department

843-255-2295 O

843-812-1020 C



From: Foot, Philip <philipf@bcgov.net>

Sent: Tuesday, July 6, 2021 9:38 AM

To: Moyer, Victoria <victoria.moyer@bcgov.net>

Cc: Thomas, Dave <dthomas@bcgov.net>

Subject: RE: Contract renewal

Victoria,

Do I owe you anything else?

Thank you,

FIRST AMENDMENT TO CONTRACT

THIS FIRST AMENDMENT TO CONTRACT (the "First Amendment") is made and entered into to be effective as of July 1, 2021, by and between the COUNTY OF BEAUFORT, SOUTH CAROLINA ("County") and HILTON HEAD HUMANE ASSOCIATION, INC. ("Contractor").

WHEREAS, County and Contractor entered into that certain Contract (the "Contract") on or about July 7, 2020 whereby the County contracted with Contractor for the Work (as more particularly described and defined in the Contract);

WHEREAS, County and Contractor have agreed to certain modifications to the Contract and have agreed to enter into this First Amendment to evidence the same.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The following subsection D. is hereby added to Section Twenty-One of the Contract:

"D. Contractor's Rights to Terminate Contract. In the event of default of this Contract by County, Contractor shall have the right to inform County of the default by written notice to County and demand County cure such default within 30 days of County's receipt of such notice. If the County does not cure such default within the 30-day period, then Contractor may terminate this Contract by additional written notice to County. Notwithstanding anything in this Contract to the contrary, Contractor may terminate this Contract for any reason upon 90 days prior written notice to County. The County shall not be entitled to any costs or damages resulting from Contractor's termination of the Contract in accordance with this Section."

2. Both parties hereto agree that this First Amendment may be executed in one or more counterparts, which together shall constitute one and the same instrument. Further, this First Amendment may be executed and delivered via electronic transmission, including a transmission in portable document form (pdf), and such delivery shall be as effective as delivery of a manually executed counterpart of this Agreement. The parties further agree to that such electronic execution hereof shall be binding upon the parties.

3. Other than as provided herein, all other terms, obligations and conditions of the Contract shall remain in full force and effect as if this First Amendment had not been entered into.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the day and year first above written.

COUNTY:

BEAUFORT COUNTY

By: _____
Name: _____
Its: _____

CONTRACTOR:

HILTON HEAD HUMANE
ASSOCIATION, INC.

By: _____
Name: _____
Its: _____

Moyer, Victoria

From: Williams, Theresa
Sent: Monday, June 14, 2021 3:08 PM
To: Moyer, Victoria
Cc: Grant, Quandara
Subject: FY2022 Medical Budget Request

Good afternoon! The reason we are asking for more than the pricing provided by Mediko for FY22 is we have a Cost Pool of \$60K in addition to the monthly cost. Once the amount paid by Mediko exceeds this Cost Pool, Beaufort County is billed for those monies. So far for FY2021, this has totaled \$114,650.36 (and quickly caused us to exhaust the monies budgeted for FY21). We are also billed for any signing bonuses given to employees of Mediko.

I hope this answers any questions you had. Let me know if you need anything more.

Thanks,

Theresa Williams
Senior Administrative Supervisor
Beaufort County Detention Center
PO Drawer 1228
Beaufort, SC 29901-1228
(843)255-5178 (work)
(843)255-5209 (fax)

Moyer, Victoria

From: Williams, Theresa
Sent: Thursday, June 3, 2021 1:54 PM
To: Moyer, Victoria
Subject: FW: MEDIKO 2021-2020 Renewal
Attachments: First Amendment to 2020 Contract - Mediko + Beaufort County - MEDIKO Signed.pdf

Here is what Col. Grant provided.

Theresa Williams
Senior Administrative Supervisor
Beaufort County Detention Center
PO Drawer 1228
Beaufort, SC 29901-1228
(843)255-5178 (work)
(843)255-5209 (fax)

From: Grant, Quandara <qgrant@bcgov.net>
Sent: Thursday, June 3, 2021 1:53 PM
To: Williams, Theresa <theresaw@bcgov.net>
Subject: FW: MEDIKO 2021-2020 Renewal

FYI

From: Candice Hansley <chansley@mediko.com>
Sent: Monday, April 12, 2021 3:42 PM
To: Grant, Quandara <qgrant@bcgov.net>
Cc: Williams, Theresa <theresaw@bcgov.net>
Subject: RE: MEDIKO 2021-2020 Renewal

[EXTERNAL EMAIL] Please report any suspicious attachments, links, or requests for sensitive information to the Beaufort County IT Division at helpdesk@bcgov.net or to 843-255-7000.

No problem. Here you go.

Thank you for continuing to be a valued partner of MEDIKO.

Sincerely,

Candice Hansley, CPA
Controller

MEDIKO, Inc.
3900 Westerre Parkway
Suite 302
Richmond, VA 23233
chansley@mediko.com

Direct Dial: 804-554-1880
Office: 804-433-1040 Ext. 212
Fax: 804-433-1050
Toll Free: 800-951-1597



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From: Grant, Quandara <ggrant@bcgov.net>
Sent: Monday, April 12, 2021 2:52 PM
To: Candice Hansley <chansley@mediko.com>
Cc: Williams, Theresa <theresaw@bcgov.net>
Subject: RE: MEDIKO 2021-2020 Renewal

Ms. Hansley,

I do apologize for not responding sooner. I somehow missed this email. Would you please email a signed version of this renewal request and I will forward to the appropriate department for approval.

Thank you,

Col. Quandara Grant, Director
Beaufort County Detention Center
PO Drawer 1228
Beaufort, SC 29901-1228
843-255-5218 (W)
843-255-5209 (F)

From: Candice Hansley <chansley@mediko.com>
Sent: Monday, April 12, 2021 1:37 PM
To: Grant, Quandara <ggrant@bcgov.net>
Subject: RE: MEDIKO 2021-2020 Renewal

[EXTERNAL EMAIL] Please report any suspicious attachments, links, or requests for sensitive information to the Beaufort County IT Division at helpdesk@bcgov.net or to 843-255-7000.

Good afternoon,

I wanted to follow up on the renewal request below. Did you have any questions? If not, would you like me to send over a signed version to circulate on your end?

Thank you,

Candice Hansley, CPA
Controller

MEDIKO, Inc.
3900 Westerre Parkway
Suite 302
Richmond, VA 23233
chansley@mediko.com

Direct Dial: 804-554-1880
Office: 804-433-1040 Ext. 212
Fax: 804-433-1050
Toll Free: 800-951-1597



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From: Candice Hansley
Sent: Wednesday, March 17, 2021 2:08 PM
To: 'qgrant@bcgov.net' <qgrant@bcgov.net>
Cc: Kaveh Ofogh <kofogh@mediko.com>; Mark Cassidy <mcassidy@mediko.com>
Subject: RE: MEDIKO 2021-2020 Renewal

Good afternoon,

I hope all is well with you. Please see the attached renewal for the 2021-2022 year. If you don't have any questions or concerns, I can forward over a signed copy to circulate on your end if you'd like. Otherwise, please return signed and I will have it fully executed and returned to you for your records.

Thank you for continuing to be a valued partner with MEDIKO. We look forward to another year with Beaufort County!

Sincerely,

Candice Hansley, CPA
Controller

MEDIKO, Inc.
3900 Westerre Parkway
Suite 302
Richmond, VA 23233
chansley@mediko.com

Direct Dial: 804-554-1880

Office: 804-433-1040 Ext. 212
Fax: 804-433-1050
Toll Free: 800-951-1597



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**FIRST AMENDMENT TO
INMATE HEALTH CARE SERVICES CONTRACT**

THIS FIRST AMENDMENT ("Amendment") to Inmate Health Care Services Contract, dated March 17, 2021, is made by MEDIKO, Inc. ("Contractor") and the County of Beaufort, South Carolina ("County") and recites and provides as follows:

RECITALS:

A. Contractor and County are parties to an Inmate Health Care Services Contract dated June 8, 2020, for the provision of certain inmate health care services at the Beaufort County Detention Center ("Contract") commencing July 1, 2020.

B. The parties desire to amend the terms of the Contract as set forth in this Amendment.

AMENDMENT:

NOW, THEREFORE, in consideration of the above recitals, the agreements made herein and other good and valuable consideration, the Contract is hereby amended as set forth below:

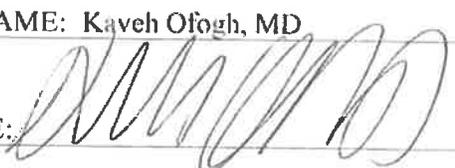
1. Unless otherwise defined in this Amendment, capitalized terms used in this Amendment shall have the meanings set forth in the Contract, as amended.

2. The Base Compensation for the period beginning July 1, 2021 and ending June 30, 2022 (the "Renewal Term") shall equal \$1,445,137.38 per year or \$120,428.12 per month.

3. In all other respects, the Contract is hereby ratified and confirmed.

4. This Amendment may be signed in any number of counterparts but all counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed intending to be bound thereby.

MEDIKO, INC.	COUNTY OF BEAUFORT
PRINTED NAME: Kaveh Ofogh, MD	PRINTED NAME:
SIGNATURE: 	SIGNATURE:
TITLE: Founder & CEO	TITLE:
DATE: 4-12-2021	DATE:

From: [Cody, Beth](#)
To: [Moyer, Victoria](#)
Subject: Owl Transportation
Date: Tuesday, July 13, 2021 10:58:48 AM
Attachments: [06162021BEAUFORT COUNTY REQUEST FOR RATE INCREASE.pdf](#)

We would like to increase the Owl Transportation PO to \$358140.



Beth Cody
Fiscal Operations Manager
Beaufort County Disabilities and Special Needs
100 Clear Water Way
Beaufort SC 29906
843-255-6298
843-255-9417 fax
bcody@bcgov.net

BCDSN Mission:

"Provide quality services and support to our consumers and facilitate opportunities for them to live productively and inclusively in the community."

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DR. LASTER B. WALKER
PRESIDENT
Direct Dial
(904) 755-4720
E-mail:
dr.walker@owlincgroup.com

June 16, 2021

Via email to _____
Bill Love
Executive Director
Beaufort County DSN Department

**RE: Contract Renewal for Transportation Services- Beaufort County Disabilities and Special Needs Department (RFP 040419)
Request for Rate Increase**

Dear Mr. Bill Love:

Owl has confirmed the annual renewal rate of \$283,140 for 2 vehicles. COVID-19, had an unprecedented impact on Owl's transportation operations throughout the nation. As a direct result of COVID-19, Owl has been forced to close, at least temporarily, four locations and to reduce the work force by 40%. Therefore, it is impossible to add additional vehicles under the current rates due to increased insurance, fuel, and labor costs due to the disruption caused by COVID-19, if additional vehicles are need there will be an additional cost of \$75,000.00 per year per vehicle.

Based upon the totality of the circumstances surrounding this contract and to insure that both Owl Inc. and County Council of Beaufort County paramount concern is the health, safety, and welfare of the clients who rely on the transportation, it is clear that the above-referenced rate increase is required to ensure quality service.

Sincerely,

Dr. Laster Bernard Walker



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Disabilities and Special Needs Department
100 Clear Water Way | Beaufort, SC 29906
Telephone: 843-255-6300 | Fax: 843-255-9417

Item 2.



June 1, 2020

Owl, Inc.
c/o Dr. Laster Walker, CEO/President
87 Coles Court
Jacksonville, FL 32259
dr.walker@owlincgroup.com (VIA EMAIL)

Re: Contract Renewal for Transportation Services - Beaufort County Disabilities and Special Needs Department (RFP 040419)

Dear Mr. Walker:

It is a great pleasure to inform you that Beaufort County DSN wishes to renew the above-mentioned contract for a one-year term. Per our previous correspondence, we understand that Owl, Inc. has confirmed an annual renewal rate of \$283,140. The contract renewal period will begin on July 1, 2020 and end on June 30, 2021. This will serve as year two of a possible total of five years of this contract.

We appreciate our partnership and look forward to our continued successful collaboration during the contract period ahead. Please contact Beth Cody at 843-255-6298 or bcody@bcgov.net if you have any questions. Please sign below and return to us along with an updated Certificate of Insurance at your earliest convenience.

Sincerely,

Bill Love
Bill Love, Executive Director
Beaufort County DSN Department

The signature below authorizes the renewal of the contract for an additional one (1) year term pursuant to amendments, original contract, and Terms and Conditions found in the original solicitation.

Laster B. Walker
Dr. Laster B. Walker, President

6/1/2020

Authorized Name and Title to bind company

Date

cc: Wanda Mayse, Deputy Director, DSN
Beth Cody, Fiscal Operations Manager, DSN

Our Mission: Provide quality services and support to our consumers and facilitate opportunities for them to live productively and inclusively in the community.



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Disabilities and Special Needs Department
100 Clear Water Way | Beaufort, SC 29906
Telephone: 843-255-6300 | Fax: 843-255-9417



Item 2.

May 5, 2021

Owl, Inc.
c/o Dr. Laster Walker, CEO/President
87 Coles Court
Jacksonville, FL 32259
dr.walker@owlincgroup.com (VIA EMAIL)

Re: Contract Renewal for Transportation Services - Beaufort County Disabilities and Special Needs Department (RFP 040419)

Dear Dr. Walker:

It is a great pleasure to inform you that Beaufort County DSN wishes to renew the above-mentioned contract for a one-year term. Per our previous correspondence, we understand that Owl, Inc. has confirmed an annual renewal rate of \$283,140. The contract renewal period will begin on July 1, 2021 and end on June 30, 2022. This will serve as year three of a possible total of five years of this contract.

We appreciate our partnership and look forward to our continued successful collaboration during the contract period ahead. Please contact Beth Cody at 843-255-6298 or bcody@bcgov.net if you have any questions. Please sign below and return to us along with an updated Certificate of Insurance at your earliest convenience.

Sincerely,

Bill Love, Executive Director

Beaufort County DSN Department

The signature below authorizes the renewal of the contract for an additional one (1) year term pursuant to amendments, original contract, and Terms and Conditions found in the original solicitation.

Dr. Laster B. Walker, President

Authorized Name and Title to bind company

6/8/2021

Date

cc: Wanda Mayse, Deputy Director, DSN
Beth Cody, Fiscal Operations Manager, DSN

Our Mission: Provide quality services and support to our consumers and facilitate opportunities for them to live productively and inclusively in the community.



Item 2.

U.S.A.

www.clarke.com

TOLL-FREE: 800-323-5727

PH: 630-894-2000

FAX: 630-443-3070

EMAIL: customercare@clarke.com

QUOTATION

B Beaufort County M.C.D. (B11310)
 I Greg Hunt
 L 84 Shanklin Rd
 L
 Beaufort, SC 29906-8427
 T 843-719-4646
 O 843-846-1633

S Beaufort County M.C.D.
 H Elizabeth Hager
 I 39 Airport Circle
 P
 Beaufort, SC 29907-1523
 T 843-255-5800
 O

Address ID: 000000

Quotation #	Quote Date	Salesperson	Written by	Valid to
0002026117	05/05/21	Sydney Brogden	Gabriela - Sales Associate	06/30/21

Delivery Method	Terms
Best Way	Net 30 Days

Item #	Item Description	Qty Ordered	Unit Price	Extended Price
11734	DUET HD MINI TOTE	4 tot	51,034.5000/ tot	204,138.00
Tax:				14,289.66
Order total				218,427.66
Total				218,427.66

* For your convenience we also accept Visa and MasterCard

Clarke will charge applicable sales taxes unless a valid exemption certificate is Emailed to: accountsreceivable@clarke.com or faxed to: 630-672-7439

* A 15% restocking fee plus freight costs may be assessed to any returned items.
 Items must be returned within 120 days of shipment and in an acceptable condition.

Helping make communities around the world more livable, safe and comfortable.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
FY22 Contract Renewals for various Community Service/Public Safety Departments over \$100,000
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Philip A. Foot, Assistant County Administrator for Public safety Audra Antonacci, Assistant County Administrator for Community Services
ITEM BACKGROUND:
To improve our process for renewing annual contracts a summary sheet (see the attached excel sheet) is provided for Council's review and approval. The summary sheet provides the vendor name, purpose, requesting department, account name and number, prior and current contract cost, term, and notes. The Department Head responsible for the contract or their representative will be available for questions during the Council meeting.
PROJECT / ITEM NARRATIVE:
See the notes section on the attached summary sheet for each contract. Department backup support is also included.
FISCAL IMPACT:
See the attached Excel Summary Sheet covering contracts A-D. Accounts used, FY21 and the new FY22 cost are included on the attached Excel Summary Sheet.
STAFF RECOMMENDATIONS TO COUNCIL:
Recommend County Council approval of the contract renewals (items A-D) as stated in the attached summary.
OPTIONS FOR COUNCIL MOTION:
Motion to approve FY22 contract renewals in the attached Excel Summary Sheet (items A-D)



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 3.

ITEM TITLE:
FY21 Carryover Items
MEETING NAME AND DATE:
Finance Committee- August 16 th , 2021
PRESENTER INFORMATION:
(Pinky Harriott, Budget Director) (10 minutes)
ITEM BACKGROUND:
FY21 Carryover Items into FY22 as discussed during FY22 Budget Workshops. List Attached
PROJECT / ITEM NARRATIVE:
FISCAL IMPACT:
Carrying over capital items as requested during budget process for FY22. Total Carryover Amount: \$5,310,537.13
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
(Motion to approve/deny "item title") (Move forward to Council for First Reading/Approval/Adoption on date?)

ORDINANCE 2021/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2020/ 30 FOR FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR THE CARRYOVER OF CERTAIN EXPENDITURES FROM FY 2020-21.

WHEREAS, on June 30th, 2021, Beaufort County Council adopted Ordinance No. 2021/ 30 which sets the County's FY 2021-2022 budget and associated expenditures; 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 certain funds and expenses which are to be carried over from the 2020-21 budget to the 2021-22 budget;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/ 30) is hereby amended as shown on the attached "**Exhibit A**" and incorporated herein by reference.

DONE this _____ day of September 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third Reading

FY21 Carryover Items

Purchase Order #	Dept Name	Vendor	Ordered Item	PO Date	Amount	GL Account	Comment
20211023	Stormwater Capital Improvement Project	CBG INC	EVERGREEN REGIONAL BMP POND CONSTRUCTION	2/28/2021	592,542.50	50260024-51170	
20210415	Stormwater Capital Improvement Project	WARD EDWARDS, INC.	BREWER MEMORIAL PROJECT	7/31/2020	36,769.52	50260017-51160	
							Construction portion (\$371,212.71) of the funds should be rolled over from 50260017-51160 to 50260017-51170. Construction contract has been fully vetted and awarded to Truluck Construction Inc.
20210414	Stormwater Capital Improvement Project	TRULUCK CONSTRUCTION INC	BREWER MEMORIAL CONSTRUCTION		371,212.71	50260017-51160	
20210947	Stormwater Capital Improvement Project	ANDREWS ENGINEERING COMPANY, INC.		7/31/2020	3,863.22	50260024-51160	
20210421	Stormwater Capital Improvement Project	ANDREWS ENGINEERING COMPANY, INC.	SALT CREEK PROJECT	7/31/2020	67,875.94	50260020-51160	
20211180	TRAFFICE OPS MANAGEMENT	VULCAN INC	SIGNS	5/13/2021	5,867.35	10001241-52340	
20210795	PUBLIC WORKS	GRAYBAR FENCE	PW GATE INSTALL	12/16/2020	18,993.00	10001302-51170	
20210947	PUBLIC WORKS	SHARPER EDGE CUSTOM CONCRETE	CONCRETE SIDEWALK	2/23/2021	3,960.00	10001320-51160	
20211266	Public Works	Vic Bailey	2022 Ford F250 w/service bed	6/9/2021	\$48,470.00	10001320-54000	Should be 10001301-54000 if this gets appro
20210838	Animal Shelter & Control	VIC BAILEY FORD	2020 Ford Transit Van	12/31/2020	\$ 37,430.00	10001270-54000	220091
20211251	Animal Shelter & Control	TRUCKVAULT, INC.	VIC Vaults	5/31/2021	\$ 6,149.00	10001270-51990	220142
20211257	Animal Shelter & Control	MOTOROLA SOLUTIONS	Radio Equipment	5/31/2021	\$ 40,353.72	10001270-51990	220143
20211355	Emergency Medical Service	NORTHWESTERN EMERGENCY VEHICLES, INC.	Ambulance (1)	6/30/2021	\$ 264,072.00	10401230-54000	220172
20211354	Emergency Medical Service	NORTHWESTERN EMERGENCY VEHICLES, INC.	Ambulance Remount- (2)	6/30/2021	\$ 310,878.00	10401230-54000	220173
20211268	Emergency Medical Service	MOTOROLA SOLUTIONS, INC.	Radio Equipment	5/31/2021	\$ 13,484.23	10401230-54200	220174
20211265	Emergency Medical Service	STRYKER SALES CORP.	Cardiac Monitor	5/31/2021	\$ 34,612.58	10401230-54200	220177
20210149	Mosquito Control	CAROLINA AIR INC.	Heating System for Mos Ctrl Hanger	7/8/2020	\$ 21,214.00	10001400-52320	220120
20211284	Facility Management	Forms & Supply, Inc.	Communication Furniture	6/14/2021	\$11,656.87	10001100-56100	
20210737	Facility Management	RMF Engineering	Courthouse RTU Replacement MEP	11/18/2020	\$6,110.16	10001310-51130	
20211327	Facility Management	Beau Allen America, LLC	Library Window Replacement	6/22/2021	\$15,600.00	10001310-51130	
20211297	Facility Management	Beaufort Design Build	Council Chamber Renovation	6/17/2021	\$21,500.00	10001310-51160	
20211179	Facility Management	RMF Engineering	Burton Wells HVAC Replacement A&E	5/10/2021	\$23,770.07	10001310-51160	
20211298	Facility Management	RMF Engineering	Admin Building RTU No. 2 Replacement	6/17/2021	\$17,115.00	10001310-51160	
20211146	Facility Management	Coastal Air Technologies	Detention Center Hood replacement	4/29/2021	\$48,130.00	10001310-51130	
20211295	Facility Management	Vic Bailey Ford	Van	5/31/2021	\$27,409.00	10001310-54200	
20211270	Facility Management	Codelynx	Warehouse cameras	6/9/2021	\$13,465.78	10001310-51130	
20211276	Facility Management	Codelynx	Public Works South Access	6/11/2021	\$7,216.73	10001310-51130	
20210712	Facility Management	Codelynx	Public Works South gate/pole camera	11/13/2020	\$9,906.64	10001310-51130	
20211338	Solid Waste and Recycling	Vic Bailey Ford	2021 FORD F 150 - replaces #38278	6/23/2021	\$33,256.00	10001340-54200	
20211343	Solid Waste and Recycling	Southern Trailer Depot LLC	Dump Trailer	6/23/2021	\$8,155.00	23520012-54200	6,000.00
	Solid Waste and Recycling	Southern Trailer Depot LLC	Dump Trailer			10001340-52990	2,155.00
	Parks & Recreation	Talbot Tennis	Bluffton Rec Basketball		\$9,550	10001604-54420	2022 PO
	Parks & Recreation	Talbot Tennis	Tennis/Pickleball Ulmer		\$27,047	10001600-54420	2022 PO
	Parks & Recreation	Talbot Tennis	Lind Brown Basketball		\$15,000	10001600-54420	2022 PO
	Parks & Recreation	Talbot Tennis	MC Riley Basketball		\$10,400	10001604-54420	2022 PO
	Parks & Recreation	Talbot Tennis	Scott Park Tennis		\$16,000	10001600-54420	2022 PO
	Parks & Recreation	Talbot Tennis	Agnes Major Basketball		\$16,750	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Booker T Basketball		\$9,000	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Broomfield Basketball		\$9,000	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Burton Wells Basketball		\$13,894	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Wesley Felix Basketball		\$8,900	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Wesley Felix Tennis		\$9,300	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Scott Park Basketball		\$11,000	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Gloria Potts Basketball		\$10,800	10001600-54420	PO Pending
	Parks & Recreation	Talbot Tennis	Dale		\$9,000	10001600-54420	PO Pending
	Parks & Recreation	Wilson and Associates	MC Riley Field renovation		\$29,100	10001604-54420	2022 PO
	Parks & Recreation	Wilson and Associates	Oscar Frazier Field renovation		\$27,900	10001604-54420	2022 PO

Parks & Recreation	Wilson and Associates	Burton Wells Field renovation	\$27,900	10001600-54420	PO Pending
Parks & Recreation	Perry Weather	Lighning Detectors	\$75,000	10001600 & 10001604-54420	No PO Done- Split 45K & 30K
Parks & Recreation	T-Star	Pool Cover	\$14,500	10001600-54420	No PO Done
Parks & Recreation	Site One	Field Sprayer	\$15,530	10001600-54200	No PO Done
Parks & Recreation	Graybar	Temp Fencing	\$7,200	10001600-51160	No PO Done
Parks & Recreation	Open Yard	Soccer Goals	\$13,710	10001600-54200	No PO Done
Parks & Recreation	Home Depot	Floor Scrubber	\$10,122	10001604-52612	No PO Done
Parks & Recreation	Carribbean Landscaping	Tree Removal Port Royal	\$2,850	10001600-54200	Was submitted as a roll over, not yet approved

ELECTED OFFICIALS

PO #	Dept:	VENDOR NAME	ORDERED ITEM	PO DATE	AMOUNT	GL ACCOUNT
	County Council	Various Claimants	Retiree Insurance Settlement		\$125,000.00	10001000-56000
20211241	Clerk of Court	Forms & Supply Inc.	New Courthouse Furniture		\$87,409.02	10001030-54510

PO #	VENDOR NAME	ORDERED ITEM	PO DATE	AMOUNT	GL ACCOUNT	ACTION REQUIRED- AS OF 8/3/21	
20211233	SHERIFF'S OFFICE	Mock Plumbing & Mechanical	Emergency replacement Prichardville tower HVAC	5/26/2021	\$8,430.00	10001220-52400	ROLL \$8,430.00
20210386	SHERIFF'S OFFICE	Cloud CM, LLC	Forensics Lab extension	8/5/2020	\$428,662.00	10001203-54420	ROLL \$226,400.79
20210438	SHERIFF'S OFFICE	Beaufort Design Build LLC	Forensics Lab extension	8/19/2020	\$11,802.30	10001203-54420	ROLL \$1,028.26
20210706	SHERIFF'S OFFICE	F&ME CONSULTANTS	Forensics Lab extension	11/13/2020	\$5,000.00	10001203-54420	ROLL \$497.50
20211117	SHERIFF'S OFFICE	SELECTRIC	Forensics Lab extension	4/20/2021	\$3,000.00	10001203-54420	ROLL \$3,000.00
20211310	SHERIFF'S OFFICE	Business Systems of South Carolina	Evidence Lockers	6/18/2021	\$89,576.29	10001201-54420	89,576.29
	SHERIFF'S OFFICE	Federal Courthouse Renovations			\$1,000,000.00	10001201-54420	<u>1,000,000.00</u>
Sheriff's GF FY21 PO ROLLOVER							\$1,328,932.84

PO #	ELECTED OFFICIAL OFFICE OR DEPARTMENT	VENDOR NAME	ORDERED ITEM	PO DATE	AMOUNT	GL ACCOUNT	ACTION REQUIRED- AS OF 8/3/21
20210289	SHERIFF'S OFFICE	Abbott Informatics	Data Migration (Grant purchase)	7/27/2020	\$31,120.00	27160013-51160	ROLL \$31,120.00
20210684	SHERIFF'S OFFICE	Indigital	ESINET 9-1-1	7/31/2020	\$138,094.00	22010011-54142	ROLL \$124,284.60
20210474	SHERIFF'S OFFICE	Vesta Solutions	Rollover BAL 20200394/Replace 911 call handlg syst	8/25/2020	\$675,501.07	22010011-54112	ROLL \$675,501.07
20210917	SHERIFF'S OFFICE	GEO-Comm	GIS Data Conversion	2/12/2021	\$45,101.00	22010011-54112	ROLL \$45,101.23
Sheriff's SRF & BOND Funds FY21 PO ROLLOVER							\$876,006.90

Sheriff's Grand Total \$2,204,939.74

TOTAL FY21 CARYOVER TO FY22: \$ 4,937,840.57



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Offer of payment to retirees for loss of post-retirement health insurance benefits

Council Committee:

Finance Committee

Meeting Date:

August 16, 2021

Committee Presenter (Name and Title):

Kurt Taylor, County Attorney
10 mins

Issues for Consideration:

This item is in response to council's stated desire to offer a payment to non-litigating retirees for the loss of the retiree health insurance subsidy.

Points to Consider:

Council is not obligated to make such a payment offer, but has expressed a desire to do so. For retirees to receive a payment, a signed release will be required.

Funding & Liability Factors:

Staff recommends a total aggregate offer of \$125,000 to be divided among eligible retirees pursuant to a formula which takes into account the time worked for the county, the retiree's age and life expectancy. Funding will be from general fund balance.

Council Options:

Approve or disapprove the offer of payment

Recommendation:

Approve the offer of payment

- DO NOT EXCEED ONE PAGE -



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Ordinance to redirect expenditures of the General Obligation Bonds Series 2020.
MEETING NAME AND DATE:
Finance Committee 08/16/2021
PRESENTER INFORMATION:
Hayes Williams Interim CFO 10 Minutes
ITEM BACKGROUND:
County Council issued \$36,775,000 of GO Bond Series 2020 of which \$11,775,000 was dedicated to capital improvements on August 26, 2020.
PROJECT / ITEM NARRATIVE:
The portion of the 2020 Series GO Bond of \$11,775,000 had an amount of \$5,500,000 that was appropriated for on repairs to the administration building. Since the issuance of the bonds Public Works and Engineering have done a needs assessment of all other County properties and identified a list of necessary capital repairs (the list is attached) that Administration would like to complete with this funding in an amount not to exceed the original \$5,500,000 originally appropriated.
FISCAL IMPACT:
None, the funding is already in place, it is a re-direction of funds.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends that the Finance Committee approve this re-direction of bond funds.
OPTIONS FOR COUNCIL MOTION:
Approve the Ordinance and move forward to Council for First Reading and Approval on date?)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RE-DIRECTION AND EXPENDITURE OF A PORTION OF THE PROCEEDS OF THE BEAUFORT COUNTY, GENERAL OBLIGATION BONDS, SERIES 2020; AND OTHER MATTERS RELATING THERETO.

WHEREAS, pursuant to Amended and Restated Ordinance No. 2019/40 duly enacted on September 9, 2019 (the “Ordinance”), by the County Council (the “County Council”) of Beaufort County, South Carolina (the “County”), the County authorized the issuance of not to exceed \$11,775,000 General Obligation Bonds, Series 2019B, or such other authorized designation; and

WHEREAS, on August 26, 2020, the County issued its \$36,775,000 General Obligation Bonds, Series 2020, which consisted of \$25,000,000 for the rural and critical lands program authorized by a separate ordinance and \$11,775,000 (the “8% Bonds”) for capital improvements which were issued pursuant to the Ordinance; and

WHEREAS, pursuant to the Ordinance, the 8% Bonds were being issued for, among other purposes, to fund capital improvements; and

WHEREAS, at the time of the issuance of the 8% Bonds, one of the capital improvements to be funded with the proceeds of the 8% Bonds (the “8% Bond Proceeds”) was renovations to the County Administration Building; and

WHEREAS, the County’s Administration has informed the County Council that funding County-wide facility maintenance is a more urgent need at this time than renovations to the County Administration Building.

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

1. The County Council hereby approves the re-direction of the expenditure of \$5,500,000 of 8% Bond Proceeds from the purpose of funding renovations to the County Administration Building to the purpose of funding County-wide facility maintenance.
2. The County Council hereby authorizes the County Administrator to take all actions to accomplish the re-direction of the 8% Bond Proceeds.
3. The County Administrator is authorized to make any additional reallocations of funds which may become necessary or helpful for the completion of appropriate projects in the future. The County Administrator shall notify county council of any such reallocations.

(Remainder of page intentionally left blank)

Enacted this ____ day of _____, 2021.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk to County Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Resolution No. _____

Title of Project	Location	
<u>Facility Management</u>		
Administration Building HVAC replacement	100 Ribaut Road	
Administration Building roof replacement	100 Ribaut Road	
Barker Field restroom renovations	70 Baygall Road	
BIV#3 generator connection	106 Industrial Village Road	
Burton Wells Center-HVAC/Energy Mgmt System	1 Middleton Rec. Drive	
Courthouse HVAC Chiller replacement	102 Ribaut Road	
Courthouse-Replace acoustical tile/panels/hard surfaces	102 Ribaut Road	
Daufuskie Island restroom renovations	105 Francis Jones Road	
Detention Center acoustical tile, painting	106 Ribaut Road	
Detention Center stucco repair	106 Ribaut Road	All repairs and improvements NTE \$5,500,000
Detention Center walk-in coolers/freezer	106 Ribaut Road	
Detention Center-Replace VCT/flooring	106 Ribaut Road	
Elevator upgrades / updates 11 elevators	Various locations	
EMS generator	86 Shanklin Road	
EMS roof replacement	2727 Depot Road	
Government Center South roof replacement	539 William Hilton Parkway	
Human Services-painting/flooring	1925 Duke Street	
Mosquito Control roof replacement	84 Shanklin Road	
Myrtle Park Building generator	4819 Bluffton Parkway	
Myrtle Park Building HVAC/Energy Management System	4819 Bluffton Parkway	
Myrtle Park Elevator replacement	4819 Bluffton Parkway	
Sheriff's Office Evidence locker HVAC	2727 Depot Road	
Additional reallocations of funds which may become necessary	Various locations	



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to The Community Development Code (CDC): Section 5.5.30.B.1 (General Parking Standards, Off-Site/Premises Parking) to Provide Additional Flexibility</i>
MEETING NAME AND DATE:
<i>Beaufort County Council, August 23, 2021</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning (5 minutes need for item discussion)</i>
ITEM BACKGROUND:
<i>The Community Development Code (CDC) allows required vehicle parking to be provided off-site under certain conditions as outlined in Section 5.5.30.B. Currently, off-site parking can be located no more than 600' from the subject property and must be permanently linked to the site by a recorded covenant. The distance restriction limits, or effectively prevents, remote shuttle parking. The requirement for a restrictive covenant presents time, cost, and legal concerns that discourage property owner participation. The Beaufort County Planning Commission reviewed this proposed amendment at their July 8, 2021 meeting. They unanimously recommended approval.</i>
PROJECT / ITEM NARRATIVE:
<i>Staff believes the code should allow more flexibility in approving off-set parking arrangements. Allowing staff to approve off-site parking more than 600' from the premises may make good sense in some situations. (Note that the previous Zoning and Development Standards Ordinance did give staff that flexibility.) A simple shared parking agreement should generally suffice to ensure adequate parking. Shared parking should be encouraged to allow landowners to make the most effective use of their property and to minimize the amount of land (particularly impervious surface) devoted to parking.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Approve the amendment or Deny the amendment. to the Community Development Code (CDC): Section 5.5.30.B.1 (General Parking Standards, Off-Site/Premises Parking) to provide additional flexibility</i>

ORDINANCE 2021 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTION 5.5.30.B.1 (GENERAL PARKING STANDARDS, OFF-SITE/PREMISES
PARKING) TO PROVIDE ADDITIONAL FLEXIBILITY**

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ___ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

5.5.30 General Parking Standards

- A. **Storage and/or Parking of Heavy Trucks and Trailers.** Parking or storage of heavy trucks (vehicles over 20,000 GVW) and trailers in any zone for residential or storage purposes shall be prohibited except as follows:
1. Semi-trailer trucks, their cabs or trailers, and other heavy trucks may be parked or stored on any residential lot within the T2 Rural district;
 2. In all other districts, one commercial truck or one semi-trailer cab may be parked on any residential lot of one acre or larger provided it is not prohibited by private covenants and restrictions;
 3. Where storage and/or parking of heavy trucks and trailers is permitted, the following shall apply:
 - a. The vehicle shall be stored in the rear or interior side setback behind the front of the building, garage, or carport;
 - b. There is a principal use of the property, to which such storage would be an accessory use;
 - c. No living quarters shall be maintained or any business conducted from within while such trailer or vehicle is so parked or stored; and
 - d. The required number of parking spaces on the parcel is maintained in addition to the area used for the stored vehicle(s).
- B. **Off-Site/Premises Parking.** If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirement off-site provided the following standards are met.
1. **General to All Zones.**
 - a. Required parking may be provided in off-street parking facilities on another property within 600 feet of the site proposed for development, as measured:
 - (1) Along the street right-of-way; or
 - (2) Between the closest edge of such parking facilities to the closest edge of the site being served.

The Director may approve parking further than 600 feet if it is in conjunction with a plan to provide access to the lot (e.g., valet or shuttle service).
 - b. Pedestrian access between the use or the site and the off-premises parking area shall be via paved sidewalk or walkway.
 - c. The owner shall provide a written parking agreement reflecting the arrangement with the other site ~~recorded parking agreement reflecting the arrangement with the other site. The shared parking arrangement shall require a recorded covenant running with the land, recorded by the owner of the parking lot,~~ guaranteeing that the required parking will be maintained exclusively for the uses served and remain for the duration of the use.
 - d. If the off-premises parking facility is shared, the Director may allow a reduction in the number of required parking spaces. The reduction shall be based on the Shared Parking practices procedures outlined in Section 5.5.40 (Number of Motor Vehicle Parking Spaces Required).

- e. All off-street parking facilities shall be located on property zoned for the use which the parking is intended to serve, or specifically permitted for parking facility uses in Table 3.1.60 (Consolidated Use Table).
- 2. **Specific to Conventional Zones.** Off-site parking facilities for a non-residential use shall not be located in a C3 zone.
- C. **Pervious parking.** The use of pervious parking spaces is strongly encouraged to promote on-site stormwater infiltration, aquifer recharging, and improved water quality.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Zoning Map Amendment/Rezoning Request for 3.09 acres of property identified as R100 024 000 0423 0000 located at 24 Zehm Lane, from S1 Industrial to C3 Neighborhood Mixed-Use District</i>
MEETING NAME AND DATE:
<i>County Council Meeting, August 23, 2021</i>
PRESENTER INFORMATION:
<i>Robert Merchant, Acting Director, Beaufort County Planning and Zoning (5 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This application went before the Beaufort County Planning Commission at their July 8, 2021 meeting where they unanimously supported the rezoning. The Metropolitan Planning Commission also unanimously supported the rezoning at their July 19, 2021 meeting. The Natural Resources unanimously approved the proposed map amendment at their August 9, 2021 meeting.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant seeks to change the zoning of property they own just east of the intersection of Laurel Bay Road and Bay Pines Road. The lot is currently zoned S1 Industrial. The applicant seeks C3 Neighborhood Mixed Use zoning to facilitate residential development of the lot.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for 24 Zehm Lane from S1 Industrial to C3 Neighborhood Mixed-Use District.</i>



MEMORANDUM

TO: Beaufort County Council

FROM: Robert Merchant, AICP, Acting Director, Beaufort County Planning and Zoning Department

DATE: August 23, 2021

SUBJECT: Zoning Map Amendment/Rezoning Request for 3.09 acres of property identified as R100 024 000 0423 0000 located at 24 Zehm Lane, from S1 Industrial to C3 Neighborhood Mixed Use District; Applicant: John Walker.

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2021-03

Owner/Applicant: John Walker, Property Owner

Property Location: The property is located at 24 Zehm Lane, just east of the intersection of Laurel Bay Road and Bay Pines Road. Zehm Lane is a frontage road paralleling Laurel Bay Road.

District/Map/Parcel: R100 024 000 0423 0000

Property Size: 3.09 acres

Property Use: Vacant undeveloped land

Future Land Use Designation: Neighborhood/Mixed-Used

Current Zoning District: S1 Industrial

Proposed Zoning District: C3 Neighborhood Mixed Use

B. SUMMARY OF REQUEST:

The applicant seeks to change the zoning of property they own just east of the intersection of Laurel Bay Road and Bay Pines Road. The lot is currently zoned S1 Industrial. The applicant seeks C3 Neighborhood Mixed Use zoning to facilitate residential development of the lot.

C. EXISTING ZONING:

The property is currently zoned S1 Industrial. S1 Industrial permits office, manufacturing, industrial, warehousing and limited retail uses; residential development is not permitted.

D. PROPOSED ZONING:

According to the Community Development Code, the C3 Neighborhood Mixed Use Zone is designed to provide for high quality, moderate-density residential development (averaging under three dwelling units per acre), with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements in the Neighborhood Mixed Use Zone are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces are provided in sufficient quantity to ensure an open quality with a predominance of green space. Non-residential uses are limited to parcels having access to arterial or collector streets or within a Traditional Community Plan. This Zone provides for the lower densities of areas designated Neighborhood/Mixed-Use in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses.

E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:

The lot is designated as Neighborhood/Mixed-Use in the Future Land Use Map in the current comprehensive plan. In neighborhood mixed-use areas, residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. The maximum gross residential density is approximately two dwelling units per acre. No more than 5% to 10% of the land area should consist of commercial development. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments.

F. AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ):

The project is located outside of the AICUZ and therefore is not subject to the restrictions in the MCAS Airport Overlay Zone. The AICUZ is the area designated by MCAS where there are higher decibel levels and potential for accidents due to military aircraft operations.

G. NORTHERN BEAUFORT COUNTY REGIONAL PLAN:

The proposed parcel is located within the growth boundary as put forth in the Northern Beaufort County Regional Plan. The regional plan and the intergovernmental agreement that implements the plan require that all increases in zoning in unincorporated Beaufort County located within the growth boundary explore options to annex into the appropriate municipality – in this case the City of Beaufort. The intergovernmental agreement states the following:

The county shall encourage any landowner who seeks an increase in densities/intensities under current zoning on lands that are not contiguous to a municipality but within the growth boundary, to explore ways to annex the land. If annexation is not feasible, following the procedures outlined in Section G (below) the County will consult with the Planning Staffs of the City of Beaufort and the Town of Port Royal to determine the following: a. Whether the proposed zoning amendment or planned unit development is consistent with the Comprehensive Plan of the municipality in whose future growth area the proposed development is located; and b. Whether the proposed zoning amendment or planned unit development is consistent with the Northern Beaufort County Regional Plan.

This report has been sent to the City of Beaufort staff. Beaufort County staff will consult with City staff to determine whether annexation is feasible and whether this rezoning is consistent with the Northern Regional Plan. The property is not contiguous to property currently in the city limits of the City of Beaufort.

H. ZONE MAP AMENDMENT REVIEW STANDARDS:

In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;** The property is designated Neighborhood/Mixed-Use in the Future Land Use map in the comprehensive plan. The proposed C3 Neighborhood Mixed Use zoning is consistent with that designation.
2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;** The proposed rezoning does not conflict with the Community Development Code or the Code of Ordinances.
3. **Addresses a demonstrated community need;** The applicant desires to convert the lot to residential use, consistent with the adjoining uses to the east. While there is no guarantee the unit(s) will be affordable, increasing the supply of housing near the Air Station outside of the AICUZ could be considered a local need.
4. **Is required by changed conditions;** The lot immediately adjacent to the property to the west and the three lots to the north were rezoned from S 1 Industrial and T2 Rural to C4 Community Mixed Use Center in October 2020. As shown on the Existing Zoning Map, the subject property, zoned S1 Industrial, is now surrounded by Mixed Use Zoning (C3 and C4).
5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;** The immediate area is a mixture of residential, institutional, and light industrial uses. The site is located approximately one mile east of the entrance to Laurel Bay. The three lots to the east of the property proposed for rezoning are developed for single-family uses. Across Laurel Bay Road is a 32-unit townhouse development. Approximately ½ mile east is an affordable multi-family housing development called Magnolia Park, in addition to a Food Lion and a Dollar General.

6. **Would not adversely impact nearby lands;** The site adjoins single-family dwellings east along Zehm Lane. The property to the west is vacant. The property to the north is a laydown and storage yard. The lots to the north and west were recently rezoned to C4 Community Center Mixed Use, and an affordable multifamily housing is proposed for the site.
7. **Would result in a logical and orderly development pattern;** The subject property adjoins land to the east that is zoned and developed for residential uses and adjoins property to the west and north that is zoned and proposed for residential development.
8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;** Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Southern Lowcountry Stormwater Design Manual.
9. **Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):** The site is located within the growth area of northern Beaufort County. It is in close proximity to public sewer and water, schools, fire and EMS. It is served by a network of streets and multi-use paths that connect it to MCAS Beaufort and Laurel Bay.

I. STAFF RECOMMENDATION:

Staff recommends approval of the proposed zoning map amendment.

J. BEAUFORT COUNTY PLANNING COMMISSION:

The Beaufort County Planning Commission considered this rezoning request at their July 8, 2021 meeting and unanimously recommended approval.

K. METROPOLITAN PLANNING COMMISSION

The Metropolitan Planning Commission considered this rezoning request at their July 19, 2021 meeting and unanimously recommended approval.

ORDINANCE 2021 / __

ZONING MAP AMENDMENT/REZONING REQUEST FOR 3.09 ACRES OF PROPERTY IDENTIFIED AS R100 024 000 0423 0000 LOCATED AT 24 ZEHRM LANE, FROM S1 INDUSTRIAL TO C3 NEIGHBORHOOD MIXED USE DISTRICT

WHEREAS, the proposed amendment is outlined in red on the attached map.

Adopted this ___ day of _____ 2021.

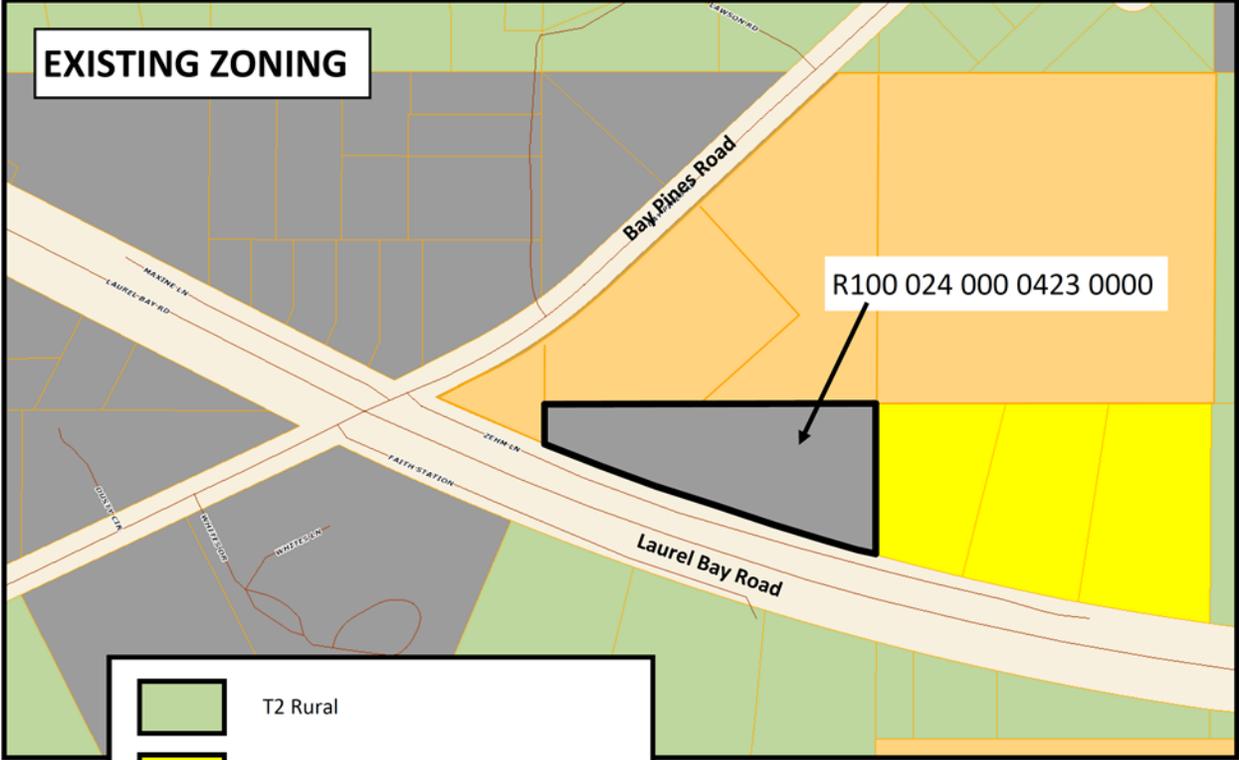
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

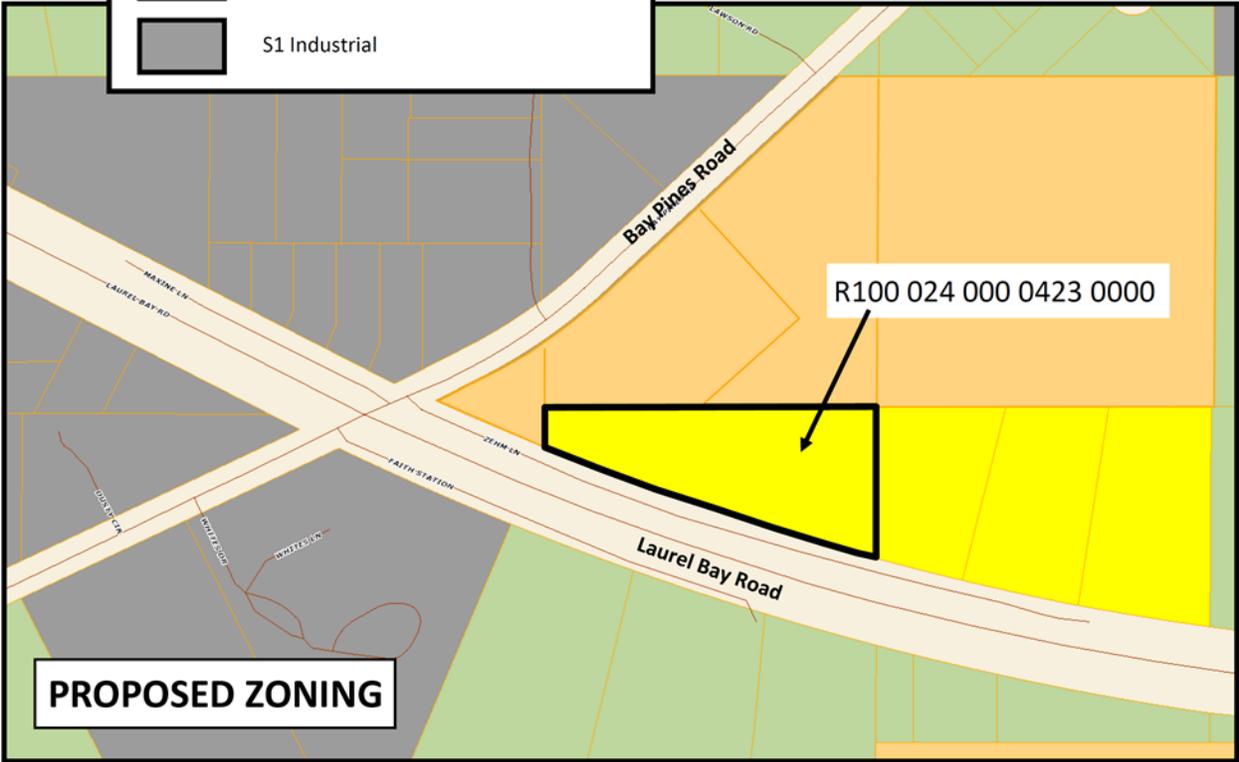
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council



	T2 Rural
	C3 Neighborhood Mixed-Use
	C4 Community Center Mixed-Use
	S1 Industrial





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 8.

ITEM TITLE:
An ordinance authorizing the abandonment of an easement encumbering property identified as TMS NO. R100 016 000 0199 0000.
MEETING NAME AND DATE:
County Council Meeting August 23, 2021
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Engineering Neil J. Desai, P.E., Public Works Director (5 Minutes)
ITEM BACKGROUND:
NRC Unanimously (9:0) approved Ordinance on 8-9-2021 Prior to 2017, the County had already acquired several drainage easements around Bessies Lane and Young Circle, however, there were gaps in easement coverage preventing adequate maintenance of this regionally significant drainage system. At that time, staff renewed efforts to obtain the remaining easements associated with this drainage system. In 2018, due to lack of interest in easement requests from landowners, the Natural Resources Committee (NRC) debated whether the County should abandon the easements it had previously acquired and cease maintenance of the system or complete the system through condemnations. On May 21, 2018 the NRC recommended completing the system rather than abandoning existing easements. On May 29, 2018, Beaufort County Council authorized the Interim County Administrator to pursue condemnation to complete this regionally significant drainage system.
PROJECT / ITEM NARRATIVE:
All easements required for this regionally significant drainage system have been obtained with the exception of parcel R100 016 000 0006 0000 which is heirs' property and has been involved in condemnation actions. To settle this condemnation action the heirs have requested the County re-route the ditch and abandon an existing easement at parcel R100 016 000 0199 0000.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends abandoning the easement associated with parcel R100 016 000 0199 0000 once condemnation actions are finalized for parcel R100 016 000 0006 0000.
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve/deny abandonment of drainage easement on parcel R100 016 000 0199 0000 once condemnation actions are finalized for parcel R100 016 000 0006 0000.</i> (Next Step) Three readings by County Council

ORDINANCE NO. 2021 / __**AN ORDINANCE AUTHORIZING THE ABANDONMENT OF AN EASEMENT ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 016 000 0199 0000**

WHEREAS, on or about September 17, 2009, Betsy Heyward agreed to deed Beaufort County a thirty-foot (30') drainage easement located across the middle of real property identified as TMS No. R100 016 000 0199 0000 in connection with a drainage system; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds on September 18, 2009 at Book 2890 / Pages 0973-0975; and

WHEREAS, the easement referred to above is part of a bigger drainage system that services drainage in the local neighborhood and runs very close to a dwelling structure located on aforementioned parcel; and

WHEREAS, Beaufort County Natural Resources Committee recommended on May 21, 2018 to complete the regionally significant drainage system rather than abandon previously acquired easements and cease maintenance responsibility of the drainage system; and

WHEREAS, on May 29, 2018, Beaufort County Council authorized the Interim County Administrator to pursue condemnation on remaining tracts needed to complete the drainage system; and

WHEREAS, all easements required for this regionally significant drainage system have been obtained with the exception of parcel R100 016 000 0006 0000 which is heirs' property and has been involved in condemnation actions; and

WHEREAS, upon a Preliminary Agreement associated with the condemnation of parcel R100 016 000 0006 0000, and all parties agree that once the Condemnation Notice (C/A NO: 2019-CP-07-0201) is Amended and County Council has approved the abandonment of the easement across parcel R100 016 000 0199 0000 as shown on attached Exhibit "A"; and

WHEREAS, Beaufort County agrees to re-route the drainage ditch as set forth in attached Exhibit "A" based upon the request of the heirs of parcel R100 016 000 0006 0000 as part of the Final Agreement of Condemnation Notice (C/A NO: 2019-CP-07-0201 to be amended) ; and

WHEREAS, Beaufort County has determined that it is in the best interest of the County to abandon the easement on parcel R100 016 000 0199 0000 and re-route the drainage ditch as shown in attached Exhibit "A" upon Final Agreement of Condemnation Notice (C/A NO: 2019-CP-07-0201 to be amended); and

WHEREAS, S.C. Code Ann. §4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED, BY BEAUFORT COUNTY COUNCIL,
that the County Administrator is hereby authorized to take all actions as may be necessary to
abandon the easement herein described and, with particularity, identified on Exhibit "A".

DONE this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

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

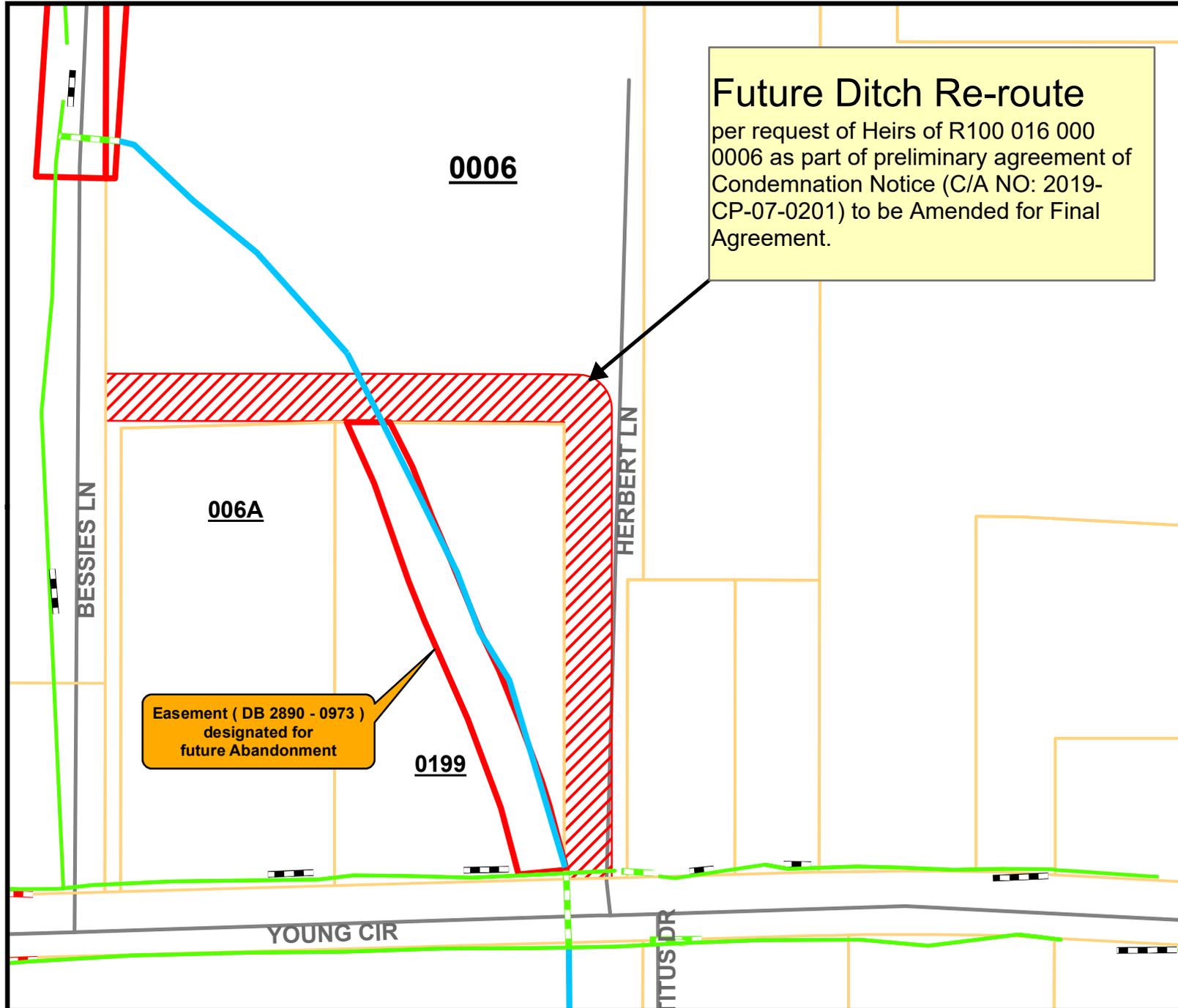
(Exhibit 'A')

R100-016-000-0199

Bessies Lane

Activity: Drainage Easement Abandonment

Township: Port Royal Island



Legend

- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe
- Channel (fka Outfall)
- Water Line
- Easements
- Parcels
- Requested Esmt



1 inch = 88 feet



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Amendment to Article 5 adding Division 5.13 (Fill Standards)</i>
MEETING NAME AND DATE:
County Council, August 23, 2021
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Acting Director, Planning and Zoning</i> <i>5 minutes needed for presentation.</i>
ITEM BACKGROUND:
<i>This is a text amendment to Article 5 adding a new division 5.13 titled "Fill Standards" to limit the amount of fill used in low-lying areas. The proposed amendment is designed to promote public health, safety, and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain and on neighboring properties. It is a recommended action in the Lady's Island Plan, adopted in April 2019. The ordinance was developed by a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. This amendment first went before the County Planning Commission in March 2021, where it was recommended for approval. Even though the Planning Commission unanimously supported the draft ordinance, staff subsequently held several meetings with the local boards of realtors and the Hilton Head Area Home Builders Association to discuss their concerns. The resulting revised ordinance was considered at the July 2021 Planning Commission meeting and was unanimously supported. The Natural Resources Committee considered the ordinance at the August 9, 2021 meeting, where it was recommended for approval. Six members of the committee approved, one opposed.</i>
PROJECT / ITEM NARRATIVE:
<i>The ordinance applies to property situated in the special flood hazard areas delineated in the FEMA Flood Insurance Rate Maps and limits fill to 3 feet. Staff believes that this provides much greater ease of use than the originally proposed 10 feet above sea level approach, as flood maps are used by local governments, in addition to realtors, contractors, and developers on a regular basis. Additionally, single-family residential development on existing lots of record are exempt from the fill requirements. Staff believes that this will reduce the amount of unintended hardships dealing with existing undeveloped lots that are already platted.</i>
FISCAL IMPACT:
<i>No Fiscal Impact</i>
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval.
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny proposed amendment to Article 5, Division 5.13 of the Community Development Code to add Fill Standards.</i>



MEMORANDUM

To: Beaufort County Council
From: Robert Merchant, AICP, Acting Director, Planning and Zoning Department
Subject: Fill Standards
Date: August 23, 2021

STAFF REPORT:

Case No. ZTA 2021-01
Applicant: Planning and Zoning Department
Proposed Text Change: Text amendment to Article 5 adding a new division 5.13 titled “Fill Standards” to limit the amount of fill on low-lying areas.

A. SUMMARY: The proposed amendment is designed to promote public health, safety, and general welfare by preserving Beaufort County’s natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties. The ordinance applies to property situated in the special flood hazard areas delineated in the FEMA Flood Insurance Rate Maps and limits fill to 3 feet.

B. HISTORY: The proposed amendment was originally recommended in the Lady’s Island Plan adopted in April 2019. The amendment is largely the result of the concerns raised over the Walmart built on Sea Island Parkway, where significant amounts of fill were used to bring the site above the base flood elevation. As evidenced by the Lady’s Island Walmart, elevating a large development site with fill dramatically alters the natural landscape. While the County has stormwater standards in place, there is a lingering concern about the impacts of runoff when a newly-filled development site stands 3, 4, or 5 feet over the adjoining property. Bringing in fill reduces the chances of meaningful tree preservation, as any existing trees would need to be protected in tree wells which are expensive to install and difficult to maintain. The impacts of mining the fill create water quality, nuisance, and social justice concerns in areas that provide the fill. Building using large amounts of fill is not a sustainable development practice. Fortunately, for commercial development in particular, there are other ways to comply with the flood mitigation requirements aside from fill.

Since issues associated with fill have an impact well beyond Lady’s Island, the Planning Department set up a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts, and members of the development community. The Task Force oversaw the development of this amendment along with looking at larger policy issues related to coastal flooding and sea level rise.

C. REVISED ORDINANCE: Shortly before the March 2021 Planning Commission meeting, the Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Even though the Planning Commission unanimously supported the draft ordinance, staff subsequently held several meetings with the local boards of realtors and the Hilton Head Area Home Builders Association to discuss their concerns.

The resulting revised ordinance was considered at the July 2021 Planning Commission meeting and was unanimously supported. The Natural Resources Committee considered the ordinance at the August 9, 2021 meeting, where it was recommended for approval. Six members of the committee approved, one opposed.

Based on the concerns raised at the realtor meetings, staff has made the following revisions to the ordinance:

- Rather than apply to all parcels located at or below 10 feet above mean sea level as originally proposed, the ordinance now applies only to parcels located in the special flood hazard areas as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County. Staff believes that this is more defensible and provides much greater ease of use, as flood maps are used by local governments, in addition to realtors, contractors, and developers on a regular basis. Residents and property owners are also familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.
- Single-family residential development on existing lots of record are exempt from the fill requirements. Staff believes that this will reduce the amount of unintended hardships dealing with existing undeveloped lots that are already platted.

D. RECOMMENDATION: Staff recommends approval.

ORDINANCE 2021 / __

TEXT AMENDMENT TO ARTICLE 5 ADDING A NEW DIVISION 5.13 TITLED “FILL STANDARDS” TO LIMIT THE AMOUNT OF FILL ON LOW-LYING AREAS.

WHEREAS, added text is highlighted in yellow and underlined.

Adopted this ____ day of _____ 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

Division 5.13: Fill Standards

Sections:

5.13.10	Purpose
5.13.20	Applicability
5.13.30	Fill Restrictions
5.13.40	Administration

5.13.10 Purpose

To promote public health, safety, and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties.

5.13.20 Applicability

The requirements established in this Division shall apply to all proposed development within the unincorporated County located in the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County, except for the following exemptions:

- A. Single-family residential development on lots existing prior to the adoption of this Division (September xx, 2021).
- B. Fill utilized for agriculture and/or property maintenance. For purposes of this Division, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water. Said limited amounts of fill for property maintenance purposes need not be compensated by an equivalent amount of excavation area as specified in 5.13.20.C. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the Public Works Director providing reasoning why fill is necessary to solve an erosion issue.
- C. Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs. Filling on public property shall be approved by the Director coordinating with the appropriate department head or governmental agency.

5.13.30 Fill Restrictions

- A. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet.

- B. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway and walkway access to the structure; Fill shall taper at a maximum slope of 1:3 from a five foot perimeter around the outer foundation to the existing site elevation. The minimum amount of fill necessary for grading is permitted for parking, stormwater, and roads.
- C. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
- D. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation as referenced in section 5.13.20.B must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
- E. Non-conforming structures may utilize fill to expand up to 15% of the gross floor area in accordance with Division 8.3 of the Community Development Code.
- F. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.
- G. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and be in compliance with the NPDES standards and with the Beaufort County Manual for Stormwater Best Management and Design Practices.
- H. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1ft above the seasonal high water table will be required to meet the following clean fill requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 418.1. Determine BTEX concentrations by using EPA SW-846. 3- 3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Stormwater Department.
- I. Modulation from Fill Requirements: The Director may grant flexibility from the fill requirements in the following cases:

1. Lots 3 acres or less and all single-family residential lots with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.
2. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non-tidal wetlands may be filled to provide for a level foundation.
3. Single-family residential structures utilizing raised slabs with a masonry or concrete curtain wall may contain more than 3 feet of fill if it is limited to the footprint of the building.

5.13.40 Administration

Fill activities in accordance with this section may be permitted upon approval by the Director. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Community Development Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows. Except as provided in sections 5.13.20.A, 5.13.20.B and 5.13.20.C, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the Director.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY KNOWN AS OKATIE RIVER PARK WITH TMS NO. R600 021 000 0673 0000
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager; Brittany Ward, Deputy Attorney; Eric Greenway, County Administrator 10 minutes
ITEM BACKGROUND:
County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1 On August 2, 2021, the Natural Resource Committee recommended approval to execute the documents to convey a portion of Okatie River Park (vote 7:2).
PROJECT / ITEM NARRATIVE:
In 1995, Robert Graves granted Sadie Graves and Verna Crosby an area of property known as the “fringelands”, which includes property currently owned by Beaufort County known as “Parcel A” and “Parcel B”. A fence was constructed along the boundary of these “fringelands” and remains in place today. The negotiations between the County and the Crosby Family includes the conveyance of the fenced “fringelands” from the County to the Crosby’s in exchange for the amendment to the Deed of Perpetual Easement to allow public vehicular access across the Crosby’s property. The County requires the Crosby’s to place the conveyed property into the Conservation Easement BCOLT currently holds on the remainder of the Crosby’s property.
FISCAL IMPACT:
No funding needed for the execution of the easement. ~\$2,000 anticipated need for the survey of the fenced “fringelands”, to be paid by the County Okatie River Park CIP funds.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommend recommendation for approval to County Council.
OPTIONS FOR COUNCIL MOTION:
Motion to authorize the County Administrator to execute the documents necessary to convey a portion of property owned by Beaufort County known as Okatie River Park with TMS No. R600 021 000 0673 0000.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO A DEED OF PERPETUAL EASEMENT TO ALLOW FOR PUBLIC VEHICULAR ACCESS AND TO PROVIDE ADDITIONAL TERMS ON A PORTION OF THE PROPERTY WITH TMS NO. R600 021 000 0007 0000
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager; Brittany Ward, Deputy Attorney; Eric Greenway, County Administrator 10 minutes
ITEM BACKGROUND:
County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1 On August 9, 2021, the Natural Resource Committee recommended approval to execute an amendment to the Deed of Perpetual Easement to County Council (vote of 7:2).
PROJECT / ITEM NARRATIVE:
In 1996, Robert Graves and Verna Crosby entered into a Deed of Perpetual Easement on a portion of Verna Crosby's property, known as "Parcel C". This area allows for ingress/egress from Robert Graves property through Verna Crosby's property onto the now County owned property known as Okatie River Park. The original Easement allows for livestock, farm equipment and foot traffic only. Due to the future construction of the County property as a public passive park, the County and the Crosby's wish to amend the Easement to allow for public vehicular access and a gate for the Crosby's ingress/egress. A survey will be completed prior to the execution of the amended easement document. The attached map indicates the approximate location of "Parcel C". The original easement and easement amendment are also attached.
FISCAL IMPACT:
No funding needed for the execution of the easement. ~\$2,000 anticipated need for the survey of "Parcel C", to be paid by the County Okatie River Park CIP funds.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommend recommendation for approval to County Council.
OPTIONS FOR COUNCIL MOTION:
Motion to authorize the County Administrator to execute an amendment to the Deed of Perpetual Easement to allow for public vehicular access and to provide additional terms on a portion of the property with TMS No. R600 021 000 0007 0000, also known as Okatie River Park.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Contract approval with Witmer Jones Keefer (WJK) in the amount of \$149,350 for Phase II planning services for Okatie River Park
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager 5 minutes
ITEM BACKGROUND:
County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1 County Council approved funding for planning and construction of Okatie River Park on October 12, 2020 (R2020/21). County received a \$50,000 donation from Robert Graves to be used towards planning for Okatie River Park. Natural Resource Committee unanimously approved recommendation for approval by County Council.
PROJECT / ITEM NARRATIVE:
As per the Joint Development Agreement, County staff are required to hire the Developers engineering team to complete the architect and engineered drawings for construction of Okatie River Park. The County Capital Projects Manager will review the drawings for accuracy and oversee the construction of the park to ensure compliance with the plans. Phase II planning services include completion of the final site plans and construction documents, architect drawings, permitting and construction oversight. If approved by County Council, the attached proposal will be provided to the County Purchasing Department to enter into a contract with WJK in the amount of \$149,350. Phase II planning is anticipated to be completed and permitted by December 2021, with an anticipated construction start date in January 2022, assuming the roads and infrastructure for access to the County park property have been completed by that time.
FISCAL IMPACT:
Funding in the amount of \$149,350 will be used out of the Okatie River Park CIP account (45020011-54439). A \$50,000 donation from Robert Graves to the County has been placed in this fund and will be fully used towards this contract.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommend approval of the contract to WJK for Phase II planning services for Okatie River Park in the amount of \$149,350
OPTIONS FOR COUNCIL MOTION:

Motion to approve a contract with Witmer Jones Keefer in the amount of \$149,350 for Phase II planning services for Okatie River Park



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Contract approval with Witmer Jones Keefer (WJK) in the amount of \$149,350 for Phase II planning services for Okatie River Park
MEETING NAME AND DATE:
Natural Resource Committee August 2, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager 10 minutes
ITEM BACKGROUND:
County Council approved the Joint Development Agreement of Beaufort County and Robert L. Graves for Pepper Hall and Okatie River Park, as recorded in the Beaufort County Register of Deeds on February 4, 2019 at Book 3735 Page 1 County Council approved funding for planning and construction of Okatie River Park on October 12, 2020 (R2020/21). County received a \$50,000 donation from Robert Graves to be used towards planning for Okatie River Park.
PROJECT / ITEM NARRATIVE:
As per the Joint Development Agreement, County staff are required to hire the Developers engineering team to complete the architect and engineered drawings for construction of Okatie River Park. The County Capital Projects Manager will review the drawings for accuracy and oversee the construction of the park to ensure compliance with the plans. Phase II planning services include completion of the final site plans and construction documents, architect drawings, permitting and construction oversight. If approved by County Council, the attached proposal will be provided to the County Purchasing Department to enter into a contract with WJK in the amount of \$149,350. Phase II planning is anticipated to be completed and permitted by December 2021, with an anticipated construction start date in January 2022, assuming the roads and infrastructure for access to the County park property have been completed by that time.
FISCAL IMPACT:
Funding in the amount of \$149,350 will be used out of the Okatie River Park CIP account (45020011-54439). A \$50,000 donation from Robert Graves to the County has been placed in this fund and will be fully used towards this contract.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommend approval of the contract to WJK for Phase II planning services for Okatie River Park in the amount of \$149,350
OPTIONS FOR COUNCIL MOTION:
Motion to recommend contract approval to Witmer Jones Keefer for Phase II planning services in the amount of \$149,350 for Okatie River Park to County Council on August 23, 2021.

Motion to deny contract approval.



DRAFT July 19, 2021

Stefanie M. Nagid

Passive Parks Manager
 Planning and Zoning Department
 Beaufort County

RE: Proposal for Phase II Planning services for Okatie River Park, Beaufort County, South Carolina
 Via: digital file to: snagid@bcgov.net

Dear Ms. Nagid,

Thank you for the opportunity to assist with the Landscape Architecture and Planning for Okatie River Park. This proposal outlines professional services and fees as well as the Client's responsibilities. The terms and conditions of the attached Standard Agreement Provisions and Hourly Rates apply to this agreement. It is our understanding the Client is **Beaufort County** and Witmer♦Jones♦Keefer, Ltd. (WJK) is the Consultant to provide services as outlined below:

General Scope of Work to include the Following.

1. **Final SRT Permitting and Construction documents**
2. **Construction Phase Services**
3. **Consultant management and billing administration**

1. **Final SRT Permitting and Construction Documents**

WJK will coordinate with Consultant team to provide Final SRT Permitting and Construction Documents. Consultant team members and scope of work as follows:

A. Civil Engineering Scope of Work:

Prepare Final SRT permitting plans and construction documents to include all applicable agency permits (land disturbance related to access road, parking and trail).

Includes following:

- South Access road and entry gate (assume location per conceptual plan). Gate to match existing county standard.
- Parking lot final layout and stormwater engineering (assume all permeable surfaces); kayak parking spots, accessible parking spots per conceptual plan; emergency access / turn around
- Stormwater drainage design for main trail (pervious); pavilion and restroom.
- Stormwater drainage to assume all permeable surfaces for road, parking and trail. Permitting to be coordinated with Pepper Hall master plan utilized south pond and north pond. Note: south pond is existing, north pond is permitted.
- Dock permit and Boardwalk crossing OCRM line permit by others (Environmental Consultant)

23 Promenade, Suite 201
 Bluffton, SC 29910
 Tel: 843-757-7411

Proposal for Okatie Park – Final SRT Submittal and Construction documents

Page 2 of 5

- Dock and Bridge design / structural engineering by others.
- ~~Coordinate parking lot lighting with Palmetto Electric~~ by owner
- Utility (sewer, water, power) for park restrooms.
- Park Pavilion architecture by others.
- Coordinate location and specification for CXT bathroom.
- Signage and furnishings not included: provided by Beaufort County
- Provide supplemental exhibits as necessary to support the Beaufort County Final SRT submittal
- Provide survey for access road parcel (\$3500 allowance)
- Provide survey to support dock and boardwalk construction (\$8,000 allowance)
- Provide Soil testing to support engineering design (\$3000 allowance)

Estimated Fee: \$30,500

B. Landscape architect scope of work:

- Provide final autocad site plan for coordination with project team
- Landscape design for parking area; nature trail enhancement; disturbed areas at Pavilion, bridge, dock and bio-retention areas.
- Coordinate hardscape material options for parking and trails— final hardscape elements to be included on Civil Engineering plans.
- Fence location and type.
- Signage location per county approved specification (to match other existing Beaufort County Passive Park signs)
- Coordinate design aesthetic of site features with consultant team; including kayak dock, bridge, and pavilion.
- Refine Gate design to match existing county park design
- Provide supplemental exhibits as necessary to support the Beaufort County Final SRT submittal
- Attend 3 plan review/ on site meetings and Final SRT meeting

Estimated Fee: \$10,500

C. Architect scope of work:

- Provide construction documents for Open air pavilion (exact size tbd); assume +/-40' x 60' range.
- Assume 2-3 review meetings/ deliverables as follows: Conceptual plan for county review , 75% construction plan review / pricing set; and final construction plans and structural drawings.

Estimated Fee: \$14,000

D. Environmental Consultant scope of work:

- Provide OCRM permit plans for Bridge and kayak access dock

Estimated Fee: \$10,000

E. Structural engineer scope of work

- Provide structural engineering design for dock and bridge. Structural engineer scope shall include attending kick-off meeting with consultant team. Include conceptual design, 75% construction document and final permit drawings for client review.
- Final plans shall be suitable for permitting and construction.

Estimated Fee: \$24,000

2. Construction Phase services:

- A. Attend 4 on-site review meetings during construction as follows:
 - Pre-construction meeting
 - Site construction review to confirm path layout / on site refinements
 - Hardscape and fencing review
 - Landscape and Lighting review
- B. Provide written reports summarizing on site reviews (\$1600 for A and B)
- C. Civil Engineers construction phase services per attached (\$10,800 Fee per Stantec Engineering)
- D. Construction phase services related to Dock and Boardwalk construction (\$4000 allowance)
- E. Provide SWPPP inspection during construction (\$8000 allowance)
- F. Provide Post Construction as-built survey (\$6500 allowance)

3. Consultant management and billing administration:

Coordinate consultant schedule, contracts and billing fees. Provide monthly billing summary during design and construction phase. Services will be billed at a rate of 1.25 times the amount Billed to WJK.

If additional services beyond those outlined above are required and approved by the Client, they shall be provided by future scope amendments and on an hourly basis as outlined on the attached Hourly Rate Sheet and Standard Provisions.

Compensation:

Compensation to WJK shall be on an hourly basis based on the attached Standard Hourly Rates and Agreement Provisions and shall include the following:

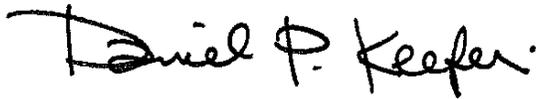
Proposal for Okatie Park – Final SRT Submittal and Construction documents
Page 4 of 5

Summary of Fees:

1A-B, Final SRT permitting and Construction documents (planning, landscape architecture and engineering)	\$41,000
1C, Architectural Design for Restrooms and Pavilions	\$14,000
1D, Environmental services related to boardwalk and dock permitting	\$10,000
1E, Structural design related to boardwalk and dock design	\$24,000
2, Construction phase services	\$30,900
3, Consultant Management and Billing Administration will be billed at 1.25 times the amount billed to WJK	\$26,950 (estimate)
Reimbursable Fees for prints, travel and the like	\$2500
Total Design and Consultant fees:	<u>\$149,350</u>

Please see the attached Standard Hourly Rates and Agreement Provisions.
Please sign our copy and return as a sign of acceptance.
We greatly appreciate the opportunity to work with you on this project.

Sincerely,
Witmer ♦ Jones ♦ Keefer, Ltd.



Accepted by:
Name: _____
Title: _____
Date: _____

Daniel Keefer, ASLA
Principal

cc: Brian Witmer, ASLA, LEED A.P. Attachment

Standard Hourly Rates and Agreement Provisions

Witmer ♦ Jones ♦ Keefer, Ltd. (WJK) shall provide landscape architectural and planning services on a time and material basis under the terms and conditions outlined below:

1. For services provided by WJK personnel, compensation shall be at the following hourly rates (January 1, 2021):

Principal/Landscape Architect	\$145.00
Project Manager 1/Landscape Architect	\$130.00
Project Manager 2/Landscape Architect	\$120.00
Graphic Designer	\$115.00
Landscape Architect/Planner	\$110.00
Project Designer	\$105.00
Designer 1	\$100.00
Designer 2	\$95.00
Administrative/Clerical	\$55.00
2. All project related reimbursable expenses (e.g. reproduction, postage, delivery, fax, telephone, renderings, accommodations, travel, etc.) in connection with this project will be billed to the client at 1.15 times their cost. Auto mileage will be billed at a rate of \$0.60 per mile.
3. Upon execution of this agreement Client shall identify persons whom are responsible for approval and processing of WJK's invoices and identify timing of such approvals and processing.
4. Upon request, updates on time incurred and general account status may be obtained weekly or monthly at Client's expense.
5. WJK may require interim lump sum payments.
6. Invoices are due upon receipt. Payment shall be considered overdue after thirty (30) days from date of invoice and 1.5% per month is automatically added to the principal balance then remaining.
7. If Client for any reason fails to pay WJK's invoices within 30 days of date of invoice, WJK has the right to cease work on the project and Client shall waive any claim against WJK for cessation of services.
8. In the event any invoice or portion thereof is disputed by Client, Client shall notify WJK within 10 days of receipt of invoice in question and Client and WJK shall work together to resolve the matter. If resolution of the matter is not attained within 60 days, WJK shall seek appropriate alternative actions to secure payment due.
9. WJK shall be reimbursed all cost incurred in collecting overdue accounts under this agreement including legal and/or attorneys' fees.
10. Additional consultant costs including but not limited to Architectural, Structural, Civil, Mechanical and Electrical Engineering, Surveying, Soils and Environmental Services will be billed at a rate of 1.25 times the amount billed to WJK.
11. The Client will provide complete and accurate information and participate in reviews, minimizing time and expense for WJK and Client; Client will designate person(s) to whom WJK is responsible and Client will remunerate in a timely manner. When the Client authorizes designated person(s) to act for it, the Client agrees to be bound to the actions taken to requested thereby. If Client is a corporation, the designated individuals shall be jointly and severally obligated to comply with the terms herein.
12. The total limit of liability borne by WJK, its associates, successors, assigns and legal representatives under this agreement shall not exceed \$50,000.00 or the amount of compensation already paid to WJK at the time of any such accusation, whichever is less.
13. The terms of this agreement are not contingent on financing, sales or other performance based criteria.
14. Termination of this agreement or renegotiations may be effected by either party giving five (5) days written notice; Client must also comply with terms of compensation herein stated.
15. These standard hourly rates and agreement provisions are subject to change January 1st every calendar year.
16. Work products (such as sketches, plans, diagrams, documents, reports, etc.) produced under this agreement are instruments of service and shall remain the property of WJK. Nothing may be copied nor reproduced in any manner without written permission from WJK. All layered digital files are proprietary information and will remain the property of WJK.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Resolution amending Resolution 2020/21 for Public Access and Passive Recreation Projects – Phase II
MEETING NAME AND DATE:
County Council August 23, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager
ITEM BACKGROUND:
R2019/49 was approved by County Council on November 18, 2019 R2020/21, which amended R2019/49, was approved by County Council on October 12, 2020 Natural Resource Committee recommended approval of the new amendment on August 2, 2021
PROJECT / ITEM NARRATIVE:
Due to the need to utilize Pinckney Point as a debris management area, the undetermined timeline for the resolution of the current litigation between the County and Road, LLC, donation funding for conceptual planning for Pineview and Bailey Memorial Park and the public’s great interest for access and passive recreation on Pineview and Bailey Memorial Park, County staff wish to reallocate the previously allocated planning and construction funding from Pinckney Point to the Pineview and Bailey properties.
FISCAL IMPACT:
R2019/49 and its amendment R2020/21 allocated \$1,000,000 to the Pinckney Point Preserve property for planning and construction of a passive park. This amendment to R2020/21 would instead allocate those funds to the Pineview tract and Bailey Memorial Park for the continued planning and construction for each property. No additional funding will be needed.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the reallocation of funds from the Pinckney Point property to the Pineview and Bailey Memorial Park properties.
OPTIONS FOR COUNCIL MOTION:
Motion to approve the Resolution to amend R2020/21 to reallocate the \$1,000,000 Pinckney Point Preserve funding to Pineview and Bailey Memorial Park for the planning and construction of a passive park.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Resolution amending Resolution 2020/21 for Public Access and Passive Recreation Projects – Phase II
MEETING NAME AND DATE:
Natural Resource Committee; August 2, 2021
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager 10 minutes
ITEM BACKGROUND:
R2019/49 was approved by County Council on November 18, 2019 R2020/21, which amended R2019/49, was approved by County Council on October 12, 2020
PROJECT / ITEM NARRATIVE:
Due to the need to utilize Pinckney Point as a debris management area, the undetermined timeline for the resolution of the current litigation between the County and Road, LLC, donation funding for conceptual planning for Pineview and Bailey Memorial Park and the public’s great interest for access and passive recreation on Pineview and Bailey Memorial Park, County staff wish to reallocate the previously allocated planning and construction funding from Pinckney Point to the Pineview and Bailey properties.
FISCAL IMPACT:
R2019/49 and its amendment R2020/21 allocated \$1,000,000 to the Pinckney Point Preserve property for planning and construction of a passive park. This amendment to R2020/21 would instead allocate those funds to the Pineview tract and Bailey Memorial Park for the continued planning and construction for each property. No additional funding will be needed.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the reallocation of funds from the Pinckney Point property to the Pineview and Bailey Memorial Park properties.
OPTIONS FOR COUNCIL MOTION:
Motion to recommend approval of the Resolution to amend R2020/21 to reallocate the \$1,000,000 Pinckney Point Preserve funding to the Pineview/Bailey Memorial Park for the planning and construction of a passive park and to move forward to County Council on August 23, 2021 for adoption.

RESOLUTION 2021/___**A RESOLUTION TO AMEND RESOLUTION 2020/21 WHICH SUPPORTS PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK PROPERTIES**

WHEREAS Beaufort County adopted the Passive Parks Public Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

WHEREAS Beaufort County adopted by Resolution (2019/18) the right to reserve Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS on November 18, 2019, Beaufort County adopted by Resolution (2019/49) a reservation request of \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS on October 12, 2020, Beaufort County adopted by Resolution (2020/21) an amendment to Resolution 2019/49 that replaced the Mobley property with the Okatie River Park property; and

WHEREAS the County Disaster Recovery Division staff wish to utilize Pinckney Point Preserve as a permanent debris management site; and

WHEREAS the unpaved access road to Pinckney Point Preserve is under litigation and is unusable for public access for an undetermined length of time; and

WHEREAS the County received donation funding from the acquisition of the Pineview tract, located on Lady's Island, and Bailey Memorial Park, located in Bluffton, for the completion of a conceptual master plan for each property, respectively, and

WHEREAS there is great public interest in the continued planning and construction of public access and passive recreation opportunities on the Pineview tract and Bailey Memorial Park.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA amends Resolution 2020/21 to strike the "Pinckney Point Preserve" from its Exhibit A and replace it with "Pineview" and "Bailey Memorial Park", as listed in Exhibit A attached hereto. All other text and fund allocations remain as originally written.

Adopted this ____ day of _____, 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock
Clerk to Council

Exhibit A

Public Access and Passive Recreation Projects

Okatie River Park Design/Build	\$1,000,000
Okatie Marsh Regional Preserve Planning/Construction	\$1,000,000
Pineknay Point Preserve	\$1,000,000
Pineview Planning/Construction	\$600,000
Bailey Memorial Park Planning/Construction	\$400,000
Whitehall Park Design/Build	\$500,000
Ford Shell Ring Park Planning/Construction	\$250,000
Pocket Parks Design/Build	\$485,000
TOTAL	\$4,235,000

RESOLUTION 2020/21

A RESOLUTION TO AMEND RESOLUTION 2019/49 WHICH SUPPORTS PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK PROPERTIES

WHEREAS, Beaufort County adopted the Passive Park Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

WHEREAS, Beaufort County adopted by Resolution (2019/18) the right to Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS, on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS, on November 18, 2019, Beaufort County adopted by Resolution (2019/49) a reservation request of \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards implementation of public access and passive recreation projection on County owned fee-simple Rural and Critical Preservation Land Program passive parks; and

WHEREAS, on February 1, 2019 the County entered into a Development Agreement with Mr. Robert L. Graves whereby the County is obligated to pay the cost of designing and construction Okatie River Park improvements; and

WHEREAS, Mr. Robert L. Graves has requested the County to accelerate the Okatie River Park improvements to coincide with his pending development.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA amends Resolution 2019/49 to strike the "Mobley Preserve" from its Exhibit A and replace it with "Okatie River Park", as listed in Exhibit A attached hereto. All other text and fund allocations remain as originally written.

Adopted this 12th day of October, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Joseph Passiment
Joseph Passiment, Chairman

ATTEST:

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

RESOLUTION 2019 / 49

**A RESOLUTION TO SUPPORT PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS
ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK
PROPERTIES**

WHEREAS Beaufort County has been a frontrunner among local governments in land preservation since 1999 with the creation of the Rural and Critical Land Preservation Program; and

WHEREAS the 2018 Land Preservation Bond referenda passed with 70% approval by the citizens of Beaufort County; and

WHEREAS the 2018 Land Preservation Bond referenda states that an amount “not to exceed 20%” of the funds may be used to improve existing and newly acquired open space and natural areas protected under the Program; and

WHEREAS Beaufort County has acquired over 13,000 acres of fee-simple properties with Land Preservation funding, and anticipates acquiring additional fee-simple properties with Land Preservation funding; and

WHEREAS Beaufort County understands and recognizes the benefits of open space and passive recreation on community health and vibrancy, tourism, education, and quality of life for its citizens; and

WHEREAS Beaufort County believes and supports that the preserved lands should be publically accessible with passive recreation improvements; and

WHEREAS Beaufort County adopted the Passive Parks Public Use Work Plan (Resolution 2018/22) on October 22, 2018, and the Passive Parks Ordinance (2018/53) on December 10, 2018; and

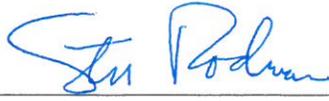
WHEREAS Beaufort County adopted by Resolution (2019/18) the right to reserve Land Preservation Bond funds for the implementation of public access and passive recreation park improvement projects on a first come, first serve basis with \$5 million (20%) from the 2018 Land Preservation Bond funding; and

WHEREAS on May 20, 2019, Beaufort County adopted by Resolution (2019/23) a reservation request of \$765,000 (3.1%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects on County owned fee-simple Rural and Critical Preservation Land Program passive parks.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA reserves an amount not to exceed \$4,235,000 (16.9%) from the 2018 Land Preservation Bond funding towards the implementation of public access and passive recreation projects, as listed in Exhibit A, on County owned fee-simple Rural and Critical Preservation Land Program passive parks.

Adopted this 18th day of November, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Stewart H. Rodman, Chairman

ATTEST:

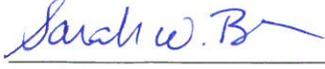

Sarah W. Brock
Clerk to Council

Exhibit A

Public Access and Passive Recreation Projects

Mobley Preserve Design/Build	\$1,000,000
Okatie Marsh Regional Preserve Planning/Construction	\$1,000,000
Pinckney Point Preserve Planning/Construction	\$1,000,000
Whitehall Park Design/Build	\$500,000
Ford Shell Ring Park Planning/Construction	\$250,000
Pocket Parks Design/Build	\$485,000
TOTAL	\$4,235,000



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Resolution Authorizing County Administrator to Accept FAA Grant 47 (Fiscal impact: Incoming Grant Funds - \$1,233,622)</i>
MEETING NAME AND DATE:
<i>County Council – August 23, 2021</i>
PRESENTER INFORMATION:
<i>Jared Fralix, Assistant County Administrator – Engineering Jon Rembold, Airports Director - Alternate (5 minutes)</i>
ITEM BACKGROUND:
<i>The Airport’s Federal FY 2021 Capital Improvements Project (CIP) list included the items covered by this grant. The CIP list was reviewed by the Airports Board in January 2021 and was also presented to Public Facilities Committee in January 2021. Approved by Public Facilities Committee on 8/16/2021</i>
PROJECT / ITEM NARRATIVE:
<i>The projects that will be 100% funded by this grant include the design and bidding of the runway and taxiway strengthening project and the procurement of a new Aircraft Rescue and Firefighting Vehicle (previously approved by Council in June 2021) The grant offer cover letter requires the governing body to provide authority to execute the grant to the individual signing the grant, in this case, the County Administrator.</i>
FISCAL IMPACT:
<i>The airports will receive grant funds in the amount of \$1,233,622 which fully fund both projects.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval of a Resolution Authorizing County Administrator to Accept FAA Grant 47.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve /deny the Resolution Authorizing County Administrator to Accept FAA Grant 47. (Next step: County Administrator’s approval)</i>

RESOLUTION _____

A RESOLUTION PROVIDING AUTHORITY TO THE COUNTY ADMINISTRATOR TO ACCEPT SPECIFIED GRANTS FROM THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

WHEREAS, there has been made available certain grant funds to be administered by the Federal Aviation Administration (FAA) to be awarded to U.S. airports; and

WHEREAS, Beaufort County has submitted to the FAA, and the FAA has granted, the following:

- 1. Grant Number 3-45-0030-047-2021 in the amount of \$1,233,622; and

WHEREAS, the FAA’s grant offer specifically provides that the governing body must provide authority to execute the grant agreement to the individual signing the grant (i.e., the entity’s authorized representative).

NOW THEREFORE, IT IS HEREBY RESOLVED at a duly called meeting of Beaufort County Council, that the County Administrator is hereby provided the authority necessary to execute the aforementioned grants. His previous signature on the grant agreement, and delivery thereof, is hereby ratified.

Adopted this _____ day of _____, 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

Joseph Passiment, Chairman

Clerk to Council

Sarah Brock



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Discussion of SC 170 Improvement Project (Near-term Improvements)</i>
MEETING NAME AND DATE:
Public Facilities Committee - August 16, 2021
PRESENTER INFORMATION:
Jared Fralix, ACA Engineering (Primary) Jon Rembold, C.M. Airports Director (Alternate) (Time needed for presentation: (10 minutes)
ITEM BACKGROUND:
LATS commissioned an Access Management Study for SC 170 in 2019. The study area included a 4.4 mile segment from US 278 to SC 462. Coming from the report, recommendations were developed for near-term, intermediate-term and long-term improvements. In April, County Council commissioned the design on the short-term improvements (approx. \$200k). It is anticipated the near-term improvements have a construction cost of \$3,000,000.
PROJECT / ITEM NARRATIVE:
Preliminary discussions have taken place with Jasper County, City of Hardeeville, & SCDOT. All parties recognize the need to implement the near-term improvements and are willing to contribute funds for construction.
FISCAL IMPACT:
Fiscal Impacts will be discussed in detail during the presentation as will proposed funding mechanisms.
STAFF RECOMMENDATIONS TO COMMITTEE:
N/A
OPTIONS FOR COMMITTEE MOTION:
For discussion only