



County Council Meeting Beaufort County, SC

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

**Monday, July 11, 2022
6:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION - COUNCIL MEMBER CUNNINGHAM
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES - April 11, 2022; April 18, 2022; and April 21, 2022
6. ADMINISTRATOR'S REPORT
- [7.](#) PROCLAMATION RECOGNIZING GULLAH/GEECHEE NATION APPRECIATION WEEK
- [8.](#) PRESENTATION BY JIM NEAL OF THE AMERICAN PUBLIC WORKS ASSOCIATION (APWA) ACCREDITATION.
- [9.](#) PRESENTATION OF A POCKET PARK PROJECT BY ROLAND GARDNER AND LARRY ROWLAND

CITIZEN COMMENTS

10. **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

11. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

12. APPROVAL OF CONSENT AGENDA

- [13.](#) PUBLIC HEARING AND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000 (WHITE HALL)
- [14.](#) APPROVAL OF A RESOLUTION TO CORRECT A SCRIVENER’S ERROR IN AN EXISTING ORDINANCE.
- [15.](#) SECOND READING OF AN ORDINANCE FOR A 2022 COUNTY GREEN SPACE SALES TAX REFERENDUM
Vote at First Reading by Title Only on June 27, 2022: 11/0
- [16.](#) SECOND READING OF AN ORDINANCE FOR A 2022 STREETS, ROADS, BRIDGES, AND GREENBELTS SALES TAX REFERENDUM
Vote at First Reading on May 23, 2022: 8/1
Vote at Second Reading on June 13, 2022: 10/0 to postpone Second Reading until June 27, 2022
Vote at Second Reading on June 27, 2022: 11/0 to postpone Second Reading until July 11, 2022
- [17.](#) SECOND READING OF AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000 COLLECTIVELY COMMONLY KNOWN AS MELROSE LANDING. *FISCAL IMPACT: Funds from use of General Fund – Fund balance account. Funding not to exceed \$800,000 plus closing costs and legal fees*
Vote at First Reading by Title Only on June 27, 2022: 7/4
Public Hearing will take place on August 15, 2022
- [18.](#) SECOND READING OF AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R552 010 000 0648 0000 AND R552 010 000 0649 0000, LOCATED ON HELMSMAN WAY, HILTON HEAD ISLAND - *FISCAL IMPACT: Funds from use of General Fund – Fund balance account. Funding not to exceed \$3,400,000 plus closing costs and legal fees*
Vote at First Reading on June 27, 2022: 7/4
Public Hearing will take place on August 15, 2022
- [19.](#) APPROVAL OF UPDATED 2022 COUNCIL AND COMMITTEE MEETING SCHEDULE

CITIZEN COMMENTS

- 20. 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)**
- 21. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Executive Committee

1. THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 36 HUNTER ROAD FOR THE HILTON HEAD ISLAND AIRPORT EXPANSION PROJECT (*FISCAL IMPACT: PROPOSED PURCHASE PRICE \$947,500; FAA VIA BIL AIG GRANT REIMBURSEMENT \$814,500; AIRPORT IS RESPONSIBLE FOR \$133,000 WHICH WILL BE PAID WITH ARPA FUNDS*)

Vote at First Reading on June 13, 2022- 10/0

Public Hearing and Second Reading on June 27, 2022- 11/0

END OF CONSENT AGENDA



Caucus Beaufort County, SC

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

Monday, April 11, 2022
5:00 PM

MINUTES

1. CALL TO ORDER

Chairman Passiment Called the meeting to order at 5:00 p.m.

PRESENT

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

ABSENT

Council Member Brian Flewelling

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the pledge of allegiance.

3. FOIA

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

4. APPROVAL OF THE AGENDA

Motion: It was moved by Council Member Rodman, seconded by Council Member Hervocho to approve the agenda.

The Vote - The motion was approved without objection.

5. AGENDA REVIEW

Council Member Rodman discussed the county impact fees.
To watch the full discussion please click the live below.

<https://beaufortcountysc.new.swagit.com/videos/167155>

6. COUNCIL MEMBER DISCUSSION

Council Member Rodman stated the 278 issues should be discussed in an executive session.
Chairman Passiment stated those issues are not on the agenda will have to add to another meeting.

7. EXECUTIVE SESSION

Motion: It was moved by Council Member Hervochon, seconded by Council Member Cunningham to go into Executive Session at 5:20PM

The Vote - The motion was approved without objection.

10. ADJOURNMENT

The meeting adjourned at 6:13 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

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

**Monday, April 11, 2022
6:00 PM**

MINUTES

1. CALL TO ORDER

Chairman Passiment Called the meeting to order at 6:15 p.m.

PRESENT

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

ABSENT

Council Member Brian Flewelling

2. PLEDGE OF ALLEGIANCE AND INVOCATION

CHAIRMAN PASSIMENT led the pledge of allegiance and gave the invocation.

3. FOIA

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

4. APPROVAL OF AGENDA

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

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, seconded by Council Member Rodman to approve February 28, 2022, minutes.

The Vote - The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

To see County Administrator, Eric Greenway's report please click the link below.

<https://youtu.be/PRwUSAe27YI>

7. PRESENTATION OF A PROCLAMATION RECOGNIZING MAY 1ST - MAY 7th AS CORRECTIONAL OFFICER'S WEEK

Council Member Larry McElynn present a proclamation recognizing May 1st - May 7th as Correctional Officer's Week

8. PRESENTATION OF A PROCLAMATION RECOGNIZING APRIL 11th - APRIL 17th AS ANIMAL CONTROL WEEK

Council Member Larry McElynn presented a proclamation recognizing April 11th - April 17th as Animal Control Week.

9. CITIZEN COMMENTS

Ladson Howell, retired attorney in Beaufort County, stated County Attorney Kurt Taylor and Deputy Attorney Brittany Ward are of the opinion that the County doesn't own 5 boat landings because they don't have a deed, but he feels they are wrong. Using the doctrine of prescriptive easement the County does own those boat landings and is responsible for upkeep of them.

Jesse White thanked county staff and a few council members for willingness to amend the 278 resolution to provide sufficient time to do additional due diligence.

10. LIAISON AND COMMITTEE REPORTS

To hear council's liaison and committee reports please watch the video stream available on the County's website by clicking the link below.

<https://youtu.be/PRwUSAe27YI>

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

There were no items arising out of executive session.

12. APPROVAL OF CONSENT AGENDA

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

The Vote - The motion was approved without objection.

13. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO APPROVE THE TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II: ANIMAL CONTROL ORDINANCES

Motion: It was moved by Council Member McElynn, Seconded by Council Member Howard to approve third reading of an ordinance regarding text amendments to chapter 14 article 2 animal control ordinances.

The Chairman opened the floor for public comment.

No one came forward.

The Chairman closed public comment.

The Vote - The motion was approved without objection.

14. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE APPROVAL TO TERMINATE AN EASEMENT AND EXECUTE AN EASEMENT ENCUMBERING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AND KNOWN AS FORDS SHELL RING

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve third reading of an ordinance authorizing the approval to terminate an easement and execute an easement encumbering a portion of property owned by Beaufort County known as ford's shell ring

The Chairman opened the floor for public comment.

No one came forward.

The Chairman closed public comment.

The Vote - The motion was approved without objection.

15. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE REPEALING AN ORDINANCE CREATING THE SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD

Motion: It was moved by Council Member Howard, seconded by Council Member Dawson to approve third reading of an ordinance repealing an ordinance creating the southern Beaufort County Corridor Beautification Board.

The Chairman opened the floor for public comment.

No one came forward.

The Chairman closed public comment.

The Vote - The motion was approved without objection.

16. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A BUDGET AMENDMENT YEAR FISCAL YEAR 2022. FISCAL IMPACT- FUNDING WILL BE FROM THE OPERATING SURPLUS OF FISCAL YEAR 2022

Motion: It was moved by Council Member Lawson, seconded by Council Member Cunningham to approve second reading of an ordinance for a budget amendment year fiscal year 2022.

The Chairman opened the floor for public comment.

No one came forward.

The Chairman closed public comment.

Discussion: Eric Greenway, County Administrator, discussed amending the ordinance to include 1.2 million dollars for the TCL properties and increasing the COLA for Beaufort County Employees from 3% to 5%.

Motion to Amend: It was moved by Council Member Howard, seconded by Council Member Cunningham to amend the ordinance to include 1.2 million dollars for the purchase of the tcl properties and to increase the cola to five percent.

The Vote - The motion was approved without objection.

Main Motion: It was moved by Council Member Lawson, seconded by Council Member Cunningham to approve second reading of an ordinance for a budget amendment year fiscal year 2022 as amended.

The Vote - The motion was approved without objection.

17. SECOND READING OF AN ORDINANCE TO REPEAL CHAPTER 82 OF THE CODE OF ORDINANCES OF BEAUFORT COUNTY, TO TERMINATE THE COLLECTION OF SCHOOL DEVELOPMENT IMPACT FEES, TO REFUND ALL SCHOOL IMPACT FEES PAID, TO TERMINATE THE COLLECTION OF PARKS AND RECREATION FACILITIES IMPACT FEES, ROAD FACILITIES IMPACT FEES—SOUTHERN BEAUFORT COUNTY SERVICE AREA, ROAD FACILITIES IMPACT FEES—NORTHERN BEAUFORT COUNTY SERVICE AREA, LIBRARY FACILITIES IMPACT FEES, FIRE FACILITIES IMPACT FEES AND OTHER MATTERS RELATED THERETO

Motion: It was moved by Council Member Cunningham, seconded by Council Member Rodman to approve second reading of an ordinance to repeal chapter 82 of the code of ordinances of Beaufort County, to terminate the collection of school development impact fees, to refund all school impact fees paid, to terminate the collection of parks and recreation facilities impact fees, road facilities impact fees—southern Beaufort County service area, road facilities impact fees—northern Beaufort County service area, library facilities impact fees, fire facilities impact fees and other matters related thereto

Motion to Amend: It was moved by Council Member Cunningham, Seconded by Council Member McElynn to bifurcate the current ordinance so that going forward we have one ordinance which repeals the school impact fees ordinance and refunds all school impact fees paid and a second ordinance which repeals prospectively all other impact fees which provides that all the funds collected under those ordinances will be expended on the prospective CIP projects for which the fees were collected.

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

Main Motion: It was moved by Council Member Cunningham, seconded by Council Member Lawson to approve second reading of an ordinance to repeal the school impact fees and refund all school impact fees paid.

The Vote - Voting Yea: Chairman Passiment, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Rodman. Voting Nay: Vice Chairman Sommerville. The motion passes 9:1

Main Motion: It was moved by Council Member Cunningham, seconded by Council Member Dawson to approve second reading of an ordinance to repeal prospectively all other impact fees and provides that all the funds collected under those ordinances will now be expended on the prospective CIP projects for which the fees were collected.

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

18. APPROVAL OF A RESOLUTION RECOGNIZING APRIL AS FAIR HOUSING MONTH

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve a resolution recognizing April as fair housing month.

The Vote - The motion was approved without objection.

19. APPROVAL OF A RESOLUTION TO REVISE THE BEAUFORT COUNTY EMERGENCY DISASTER POLICY & PROCEDURES A.9

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Lawson to approve a resolution to revise the Beaufort County emergency disaster policy and procedures 8.9.

The Vote - The motion was approved without objection.

20. **APPROVAL OF A RESOLUTION TO AMEND RESOLUTION 2021/22 WHICH SUPPORTS PUBLIC ACCESS AND PASSIVE RECREATION PROJECTS ON RURAL AND CRITICAL LAND PRESERVATION PROGRAM PASSIVE PARK PROPERTIES; AND CONTRACT AWARD FOR WHITEHALL PARK PHASE I CONSTRUCTION (IFB #030122)**

Motion: It was moved by Council Member Glover, Seconded by Vice-Chairman Sommerville to approve of a resolution to amend a resolution 2021-22

The Vote - The motion was approved without objection.

21. **APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE STORMWATER MANAGEMENT AND UTILITY WITH THE CITY OF BEAUFORT (\$4,491)**

22. **APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE STORMWATER MANAGEMENT AND UTILITY WITH THE TOWN OF PORT ROYAL (\$2,898)**

23. **APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE STORMWATER MANAGEMENT AND UTILITY WITH THE TOWN OF BLUFFTON (\$10,962)**

24. **APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE STORMWATER MANAGEMENT AND UTILITY WITH THE TOWN OF HILTON HEAD ISLAND (\$26,829)**

Motion: It was moved by Council Member Howard, Seconded by Council Member Cunningham to approve agenda items 21 through 24.

The Vote - The motion was approved without objection.

25. **RECOMMEND APPROVAL OF A REVISED RESOLUTION OF BEAUFORT COUNTY RESPONSES TO TOWN OF HILTON HEAD COMMENTS ON THE US 278 CORRIDOR TRAFFIC IMPROVEMENT PROJECT.**

Motion: It was moved by Council Member Glover, Seconded by Council Member McElynn to approve a revised resolution of Beaufort County responses to the Town of Hilton Head comments on the 278 corridor traffic improvement project.

Motion to Amend - It was moved by Council Member Rodman, seconded by Council Member Howard to amend the u.s 278 corridor traffic improvement project resolution which we previously adopted on march 28th of this year from a 30 day time period to 90 day.

The motion to amend was rescinded.

Motion to amend: It was moved by Council Member Cunningham, seconded by Council Member Glover to postpone this item to the April 26th meeting.

The Vote - The motion was approved without objection.

Main Motion: It was moved by Council Member Glover, Seconded by Council Member McElynn to approve postponing a revised resolution of Beaufort County responses to the Town of Hilton Head comments on the 278 corridor traffic improvement project to April 26th.

The Vote - The motion was approved without objection.

26. **CITIZEN COMMENTS**

Jessie White commented on 278 Hwy.

27. ADJOURNMENT

The meeting adjourned at 7:57. p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



Special Called Meeting of County Council Beaufort County, SC

This meeting was held in Council Chambers, Administration Building Beaufort County Government Robert Smalls Complex 100 Ribaut Road, Beaufort and virtually through zoom.

Monday, April 18, 2022
4:00 PM

MINUTES

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 4:00 PM

PRESENT

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

ABSENT

Council Member Logan Cunningham

2. PLEDGE OF ALLEGIANCE AND INVOCATION- CHAIRMAN PASSIMENT

Chairman Passiment led the Pledge of Allegiance and Invocation

3. FOIA

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

4. APPROVAL OF AGENDA

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

The Vote: The motion was approved without objection

5. CITIZEN COMMENTS

There were no Citizen Comments.

6. THIRD READING OF AN ORDINANCE FOR A BUDGET AMENDMENT APPROPRIATING CURRENT FISCAL YEAR 2022 SURPLUSES

Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Rodman to approve the third reading of an Ordinance for a Budget Amendment appropriating current fiscal year 2022 surpluses

Motion to Amend: It was moved by Council Member Flewelling, seconded by Council Member Rodman remove item #7, property acquisition on Ribaut Rd. near TCL in the sum of \$1,215,000, from the list of projects/initiatives for use of fiscal year 2022 surplus.

The Vote - Voting Yaw: Council Member Flewelling and Council Member Hervochon. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Rodman. The motion failed 2:9

Motion to Bifurcate: It was moved by Council Member Flewelling, Seconded by Council Member Glover to Bifurcate (divide the question) and take 1-6 together and item 7 separately.

The Vote - Voting Yaw: Council Member Flewelling, Council Member Glover, Council Member Hervochon, Council Member Lawson, Council Member Dawson, and Chairman Passiment. Voting Nay: Vice-Chairman, Council Member Howard, and Council Member McElynn. The motion was passed 7:3.

Motion to Amend: It was moved by Council Member Howard, seconded by Council Member Rodman to Include 5% adjustment to the Fire districts- won't have to take out of their budget. (> \$500,000) until end of fiscal year.

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

Main Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Rodman to approve the third reading of an Ordinance for a Budget Amendment appropriating current fiscal year 2022 surpluses to include the beginning pay date of April 16 and include 5% adjustment to the Fire districts.

The Vote - The motion was approved without objection.

Motion - it was moved by Vice Chairman Sommerville, Seconded by Council Member Rodman to approve the property acquisition on Ribaut Rd. near TCL in the sum of \$1,215,000.

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

7. ADJOURNMENT

Adjournment: 4:37 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council - Administrator Budget Workshop Beaufort County, SC

This meeting was held in Council Chambers, Administration Building Beaufort County Government Robert Smalls Complex 100 Ribaut Road, Beaufort and also via zoom

Thursday, April 21, 2022
10:00 AM

MINUTES

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 10:00am.

PRESENT

Chairman Joseph F. Passiment
Council Member York Glover
Council Member Chris Hervocho
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Stu Rodman

ABSENT

Vice Chairman D. Paul Sommerville
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member Brian Flewelling

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance.

3. FIOA

Chairman Passiment stated public notice of this meeting had been published, posted and distributed in compliance with SC FOIA.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Hervocho, Seconded by Council Member Lawson to approve the agenda.

The Vote - The motion was approved without objection.

5. CITIZEN COMMENTS

There were no citizen comments.

6. PRESENTATION OF FY2023 GENERAL FUND BUDGET REQUEST

Administrator Greenway started the budget presentation by reviewing highlights of the FY2023 Budget.

Some of the highlights included:

- 24 new positions – three for elected officials (one in the clerk of court's office for family court, and two in the coroner's office).
- There is new data regarding surpluses, so the treasurer will address what needs to be done as a result.
- There are quite a few new positions being funded this year in the parks and rec department as they will be taking over senior programming and services from lcog.
- Lastly the budget includes a deputy hr director wich will be a new position in our human resources department. New position in the hr department.

Pinky Harriett, Budget Director, then reviewed the county's FY2023 Budget.

To see the full discussion please click on the link below.

<https://beaufortcountysc.new.swagit.com/videos/168637>

7. ADJOURNMENT

The meeting adjourned at 11:27AM.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:

~ Proclamation ~

Whereas, Africans began arriving on the Sea Islands in the 1500s; and

Whereas, the population of these Africans increased as chattel enslavement grew in the 1600s; and

Whereas, these Africans began to engage with and in some instances created families with indigenous Americans in the region; and

Whereas, the descendants of this group are called “Gullah/Geechee”; and

Whereas, this group of self-sufficient people came together in 1999 throughout the Sea Islands and Lowcountry of the Carolinas, Georgia, and Florida to stand on their human rights to self-determination; and

Whereas, this group took one year to elect their own leader; and

Whereas, they elected and enstooled St. Helena Island native whose family roots also stem from Polowana and Dataw Islands, Queen Quet, Chieftess of the Gullah/Geechee Nation; and

Whereas, Queen Quet has served as the official “Head pun de Bodee” and spokesperson for Gullah/Geechees since July 2, 2000; and

Whereas, the 22nd Anniversary of Gullah/Geechee Nation is being celebrated under the theme “Disya Who WEBE: Celebrating de Gullah/Geechee Living Legacy”; and

Whereas, we support the continuation of Gullah/Geechee cultural heritage and sustainability of the Gullah/Geechee Nation; and

Now, therefore, be it resolved, that Beaufort County Council does hereby proclaim the week of July 30, 2022 – August 6, 2022, as “Gullah/Geechee Nation Appreciation Week” and call upon all our citizens to celebrate with the citizens of the Gullah/Geechee Nation under the theme “Disya Who WEBEL: Celebrating de Gullah/Geechee Living Legacy”

Gullah / Geechee Nation Appreciation Week



Dated this 11th Day of July

Joseph F. Passiment, Jr.
Beaufort County Council



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive
Public Works Resource

www.apwa.net

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Kansas City, MO 64105-2100
816-472-6100 800-848-APWA
fax 816-472-1610

25 Massachusetts Avenue, NW
Suite 500A
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June 13, 2022

Neil Desai, P.E., Director
Public Works Department
Beaufort County
120 Shanklin Road
Beaufort, SC 29906

Dear Mr. Desai,

I am pleased to notify you that the APWA Accreditation Council has reviewed the evaluation team's results and recommendation and has granted Full Accreditation to the Public Works Department. Your Accreditation is granted for a four-year period, which becomes effective on June 1, 2022 and expires June 1, 2026.

Congratulations to the accreditation manager, each member of the agency, and you for earning your first accreditation. Your team's work to achieve accreditation demonstrates the dedication and pride in the operation of your department and your community overall. We trust you have experienced the many benefits from working through the accreditation process and that your department recognizes the value in continually improving your processes.

Once again, congratulations on a job well done.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Adler', is written over a light blue background.

Peter Adler, Chair
Accreditation Council

CC: Pamela Cobb, Accreditation Manager

PRESIDENT
Stan Brown, P.E., PWLF

CHIEF EXECUTIVE OFFICER
Scott D. Grayson, CAE



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Presentation by Roland Gardner and Larry Rowland
MEETING NAME AND DATE:
County Council July 11, 2022
PRESENTER INFORMATION:
Roland Gardner and Larry Rowland (10 minutes)
ITEM BACKGROUND:
PROJECT / ITEM NARRATIVE:
Educational Pocket Park around the Live Oak Tree that stands on the lot near Bladen and King Street. This specimen tree has survived hurricanes and diseases for at least two centuries standing tall close to what is now Beaufort’s Historic Downtown area. This tree has witnessed important history, photographically documented from the Civil War on. Unique Live oak trees are a large factor in attracting tourists from around the world to Beaufort County. This tree must be protected and preserved and a small pocket park surrounding it would make it possible. This effort is strongly supported by the Parks and Tree Advisory Commission.
FISCAL IMPACT:
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:

*From The
Desk of....*



Roland J. Gardner
10 Cole Drive
Beaufort, SC 29907

Dear Beaufort County Council Members,

I am sorry that I am unable to attend the July 11th County Council meeting because of a previous out of town commitment. If I could have changed my travel plans, I most certainly would have.

In lieu of my speaking, please accept this written affirmation of my support, as a lifetime member of a local family with deep connections to Beaufort, and as the recently retired CEO of the BJHCHS centers, and as a founding member of the Pat Conroy Literary Center and its Vice Chair, I support the idea of creating an educational pocket park around the Live Oak Tree that stands on the lot near Bladen and King Street.

This specimen tree has survived hurricanes and disease for at least two centuries standing tall close to what is now Beaufort's historic downtown area. This tree has witnessed important history, photographically documented from the Civil war era on.

I have never forgotten nor taken for granted how fortunate I have been to live in a town not only rich in stories of American history but one heralded as one of the most naturally beautiful towns in the South. There is no question that these unique Live oak trees are a large factor in attracting tourists from around the world to Beaufort County. This tree must be protected and preserved. A small pocket park surrounding it would make this possible.

Respectfully submitted,

Roland J. Gardner

Barbara Farrior

1 Hermitage Pointe, Beaufort, SC 29902

July 5, 2022

Marly Rusoff

7 Fraser Street

Beaufort, SC 29907

Dear Marly Rusoff.

I am happy to inform you that the Parks and Tree Advisory Commission strongly supports the idea of establishing a pocket park in and around the majestic and very historic oak tree located across from the Pat Conroy Literary Center. It is my strong opinion that steps should be taken as soon as possible to protect this stately live oak so no plans can be made to remove this tree as development plans proceed.

Best regards,

Barbara Farrior, Chair,
Park and Tree Advisory Commission
City of Beaufort

Project:

A Tree That Must Be Protected and a Proposed Pocket Park

Marly Rusoff - 7 Fraser Street - Beaufort, SC 29907 - Cell 914 318 0558

July 6, 2022

Dear Beaufort County Council Members,

The preservation and significance of the uniquely historic Live Oak tree across from the Pat Conroy Literary Center on King and Bladen Streets can be enhanced through the creation of a Beaufort Pocket Park.

Larry Koolkin, board member of The Beaufort County Historical Society, was told of my interest in learning the story of the ancient Live Oak tree. He recalled seeing historic Civil War era photos of that tree. Historian Steve Wise agreed, and produced several now famous photos of a black regiment standing at the site of that very tree. Wise wrote: "The tree matches well. You can see the rear of the Barnwell castle [now the former County/Federal Courthouse] and its outbuildings in the background." The historian Larry Rowlands, president of The Beaufort County Historic Society board, is also convinced this is the same tree that appears in these historic photos. The soldiers are widely believed to be 29th CT Colored Regiment. (See photos, next page)

The Beaufort County Historical Society unanimously approved creating a historic marker, prompted by their concern for what might happen to this tree, now recognized as a key part of this historic Civil War parade/muster ground. In effect, this ancient tree is what many historians call "A Witness Tree." The American Battlefield Trust believes these trees are the last standing living things to have seen things we cannot imagine. These trees bear the marks of our nation's history. This tree and the entire city of Beaufort is located in the very heart of the new Reconstruction National Park which will surely bring an increase in tourism in the years ahead. Our magnificent trees are the crown jewels of Beaufort.

Koolkin of the BCHS said "At the very least, the tree must be protected if the County does have plans to develop that part of the Old Courthouse site." He ordered preliminary inquiries to assess the tree's current health, which has been deemed good. Once the Pat Conroy Literary Center and The Beaufort County Historical Society joined forces, others were quickly galvanized in wanting to act. A shared desire for a pocket park became the goal of our two organizations.

Recognizing that Beaufort's economy is fueled to a great extent by its history and natural beauty, others immediately registered their support for making this pocket park a reality. With these various threads, combined with Beaufort's long recognition as one of US's Tree cities, and the discovery of this new documented and historic Civil War location, a consortium to preserve the tree within a small park quickly took shape. This tree embodies much of what has made Beaufort a desired destination.

The Pat Conroy Literary Center is well set to share this tree's unique story with its visitors. The Center has been a magnet for literary pilgrims since it opened its doors late in 2016. Within months, it was named a South Carolina Literary Landmark by the National American Library Association and invited to become an affiliate of the prestigious American Writers Museums.

Even with the travel limitations of Covid, several thousand tourists from 34 states and 5 countries came to see us last year. A full 40% of our visitors spent at least one night in a local hotel or B&B and a clear indicator of our popularity is that we are consistently rated as a number one destination on Trip Advisor. We are quickly growing in national and international recognition. One visiting publishing executive called it the most moving of all the writer museums he'd ever experienced.

As the County discusses several possibilities for developing this site, including the widely reported move of the Sheriff's Department to the courthouse site, we plead that you find a way to set aside a portion of that lot for a pocket park, taking into account this ancient Live Oak tree's drip line, which is essential to its health. We intend to provide a sketch of the proposed dimensions when we meet on July 11th

Pat Conroy often told a story about a trip he took to Asheville, NC as a high school student to the home of his hero, the writer Thomas Wolfe with his English teacher Gene Norris. After touring the home, Norris took Pat into the back yard. He plucked an apple from an old tree that was part of Wolfe's childhood and asked Pat to eat it. "I want you to understand the connection between Life and Art," Norris told him.

This "Tree of Knowledge" has much to teach school children in Beaufort about the connection between their beautiful Lowcountry home town and their Nations' history. And also, how the Beaufort rivers, with their tides, helped create one of America's finest novelists, Pat Conroy, our Prince of Tides.

As a founder and member of our Pat Conroy Literary Center's board's Executive Committee and a proud resident of the prettiest town in the South, I, our partners at the Beaufort County Historical Society, and an ever-increasing number of local citizens ask the Beaufort County Council to ensure the preservation of this ancient Live Oak tree and support the creation of an educational pocket park.

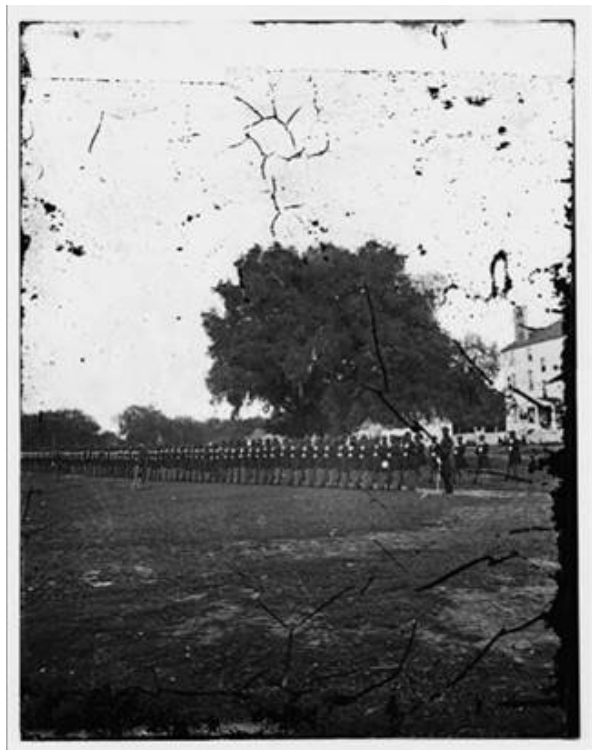
Your support in moving this dream forward will be gratefully appreciated.

Respectfully submitted,
 Marly Rusoff
 7 Fraser Street, Beaufort, SC 29907
 Cell 914 318 0558

With more to come, those already committed, include:

Historians Larry Rowland and Steve Wise
 Roland J. Gardner (see letter) Vice Chair, Pat Conroy Literary Center Board
 The Pat Conroy Literary Center Board
 The Beaufort County Historical Society
 The City of Beaufort Trees and Parks Commission (see letter)
 Rev. Kenneth Hodges, former SC State Legislator, Pastor of Tabernacle Church
 Dr. Elijah Washington and The Grand Army Hall of the Republic (see letter)
 The Beaufort Council of Garden Clubs
 Master Gardeners of Beaufort
 Brad Hill of Beaufort Planning Group, (BPG) Landscape Architect
 Bartlett Tree Experts
 Historic Beaufort Foundation

1864 photograph, one of several we will present at meeting– off to right is the old Barnwell Castle



Current photograph of the historic Live Oak Tree



The Tree Project – key points

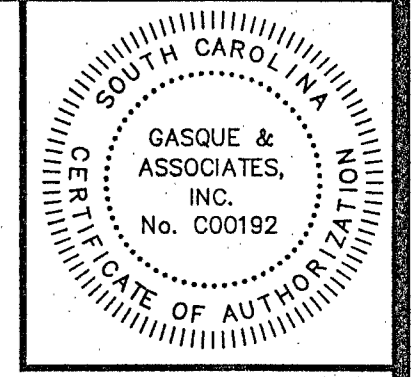
- City ordinances are already in place to protect this ancient Live Oak Tree
- A historic marker for the ancient Live Oak Tree acknowledging its significance has been approved for placement by the Beaufort County Historical Society
- Ideally located to provide a place where locals and visitors can meet, learn a bit of Beaufort history, walk to downtown shops and restaurants
- Pat Conroy Literary Center, near the site, attracts thousands of visitors from around the county and world to Beaufort each year, has docents prepared to share the story of the tree
- Passionate support is already in place from a wide variety of Beaufort County stakeholders (see list)
- Early interest exists from garden clubs to help maintain park
- Benches to be provided through donations by nonprofits, including BCHS and PCLC
- Bartlett Tree Experts to provide support for health of tree

†††

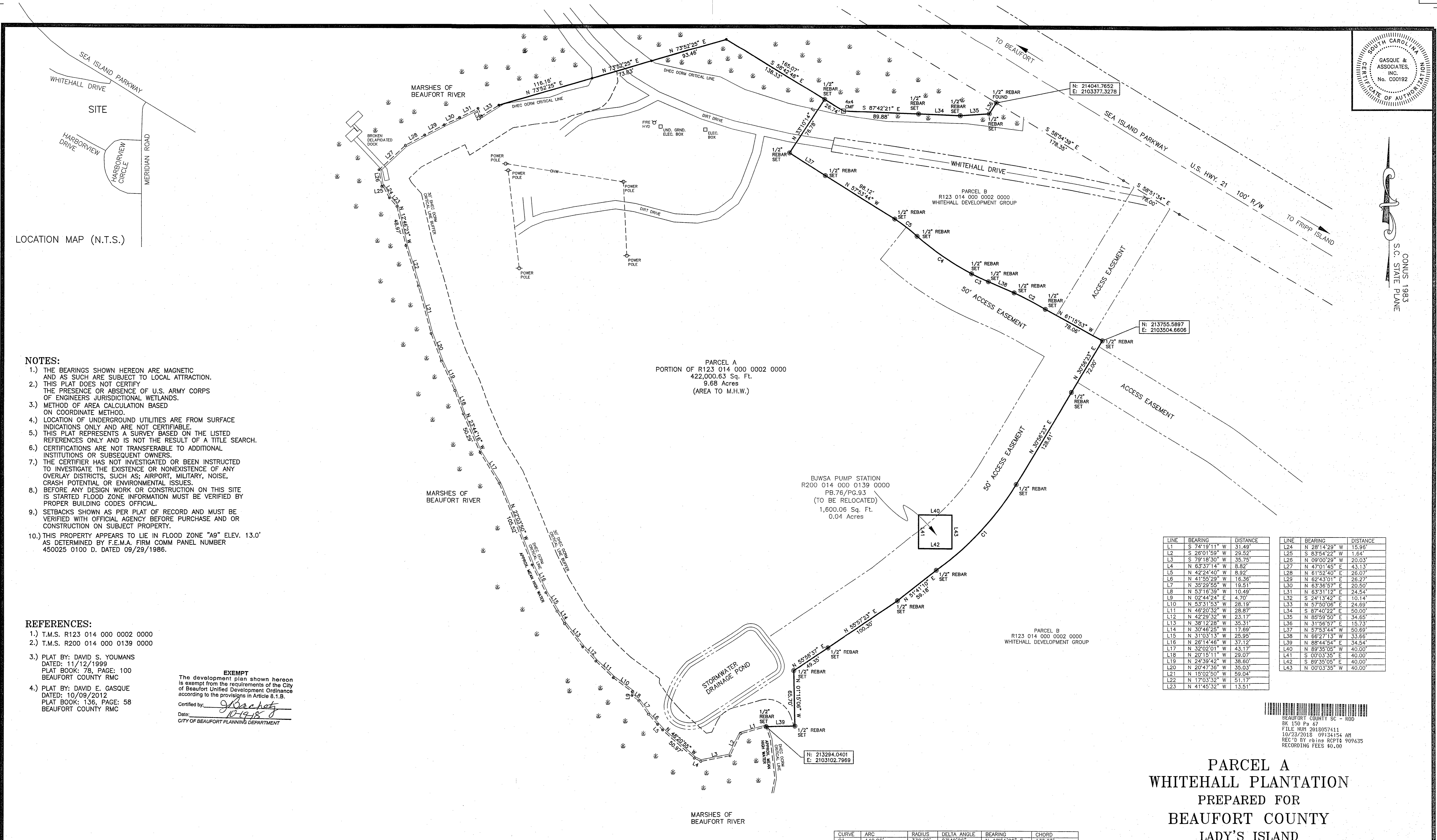


BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000
MEETING NAME AND DATE:
Public Facilities Committee; June 20, 2022
PRESENTER INFORMATION:
Brittany Ward, Deputy Attorney 5 Minutes
ITEM BACKGROUND:
PROJECT / ITEM NARRATIVE:
Beaufort Jasper Water Sewer Authority (“BJWSA”) is the owner of the real property with TMS No. R200 014 000 0139 0000 and consisting of approximately 0.04 acres. The property was obtained by BJWSA for the purpose of establishing a pump station. The County owns the surrounding property which is known as Whitehall Park. BJWSA no longer desires to have a pump station located on this property and desires to convey it to the County.
FISCAL IMPACT:
No funding required.
STAFF RECOMMENDATIONS TO COUNCIL:
Accept the property from BJWSA
OPTIONS FOR COUNCIL MOTION:
Move forward to Council for public hearing and approval.



CONUS 1983
S.C. STATE PLANE



LOCATION MAP (N.T.S.)

- NOTES:**
- 1.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
 - 2.) THIS PLAT DOES NOT CERTIFY THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
 - 3.) METHOD OF AREA CALCULATION BASED ON COORDINATE METHOD.
 - 4.) LOCATION OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS ONLY AND ARE NOT CERTIFIABLE.
 - 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
 - 6.) CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 - 7.) THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
 - 8.) BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.
 - 9.) SETBACKS SHOWN AS PER PLAT OF RECORD AND MUST BE VERIFIED WITH OFFICIAL AGENCY BEFORE PURCHASE AND OR CONSTRUCTION ON SUBJECT PROPERTY.
 - 10.) THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "A9" ELEV. 13.0' AS DETERMINED BY F.E.M.A. FIRM COMM PANEL NUMBER 450025 0100 D. DATED 09/29/1986.

- REFERENCES:**
- 1.) T.M.S. R123 014 000 0002 0000
 - 2.) T.M.S. R200 014 000 0139 0000
 - 3.) PLAT BY: DAVID S. YOUNG
DATED: 11/12/1999
PLAT BOOK: 76, PAGE: 100
BEAUFORT COUNTY RMC
 - 4.) PLAT BY: DAVID E. GASQUE
DATED: 10/09/2012
PLAT BOOK: 136, PAGE: 58
BEAUFORT COUNTY RMC

EXEMPT
The development plan shown hereon is exempt from the requirements of the City of Beaufort Unified Development Ordinance according to the provisions in Article 8.1.B.

Certified by: *[Signature]*
Date: *10-19-18*
CITY OF BEAUFORT PLANNING DEPARTMENT

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 74°18'11" W	31.49'	L24	N 28°14'29" W	15.95'
L2	S 28°01'59" W	29.52'	L25	S 83°54'22" W	1.64'
L3	S 79°18'30" W	35.75'	L26	N 09°00'29" W	20.03'
L4	N 63°37'14" W	8.82'	L27	N 47°01'45" E	43.13'
L5	N 42°24'40" W	8.92'	L28	N 61°52'40" E	26.07'
L6	N 41°55'29" W	16.36'	L29	N 62°43'01" E	26.27'
L7	N 32°29'55" W	19.51'	L30	N 63°36'57" E	20.50'
L8	N 53°16'39" W	10.49'	L31	N 63°31'12" E	24.54'
L9	N 02°44'24" E	4.70'	L32	S 24°13'42" E	10.14'
L10	N 53°31'53" W	28.19'	L33	N 57°50'06" E	24.69'
L11	N 46°20'32" W	28.87'	L34	S 87°40'22" E	50.00'
L12	N 42°29'52" W	23.17'	L35	N 85°59'50" E	34.65'
L13	N 38°12'28" W	35.31'	L36	N 31°58'57" E	15.73'
L14	N 30°46'25" W	17.69'	L37	N 57°53'44" W	50.69'
L15	N 31°03'13" W	25.95'	L38	N 66°27'13" W	33.66'
L16	N 28°14'46" W	37.12'	L39	N 88°44'54" E	34.54'
L17	N 32°02'01" W	43.17'	L40	N 89°35'05" W	40.00'
L18	N 20°15'11" W	29.07'	L41	S 00°03'35" E	40.00'
L19	N 24°39'42" W	38.60'	L42	S 89°35'05" E	40.00'
L20	N 20°47'36" W	35.03'	L43	N 00°03'35" W	40.00'
L21	N 15°02'50" W	59.04'			
L22	N 17°03'32" W	51.17'			
L23	N 41°45'32" W	13.51'			

CURVE	ARC	RADIUS	DELTA ANGLE	BEARING	CHORD
C1	140.96'	339.00'	23°49'26"	N 42°51'06" E	139.95'
C2	42.29'	410.44'	5°54'11"	N 62°12'38" W	42.27'
C3	22.11'	332.12'	3°48'53"	N 64°21'58" W	22.11'
C4	79.57'	336.34'	1°33'17"	N 55°17'52" W	79.38'
C5	34.16'	195.24'	10°01'27"	N 51°37'24" W	34.11'

**PARCEL A
WHITEHALL PLANTATION
PREPARED FOR
BEAUFORT COUNTY
LADY'S ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA**

DATE: OCTOBER 18, 2018 SCALE: 1"=50'
0 50 75 100 150 200 250

GASQUE & ASSOCIATES INC.
LAND SURVEYORS · PLANNERS
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
(843) 522-1798

I, David E. Gasque, a Registered Professional Land Surveyor in the State of South Carolina, certify to client(s) shown hereon that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a CLASS 1 survey as specified therein, and there are no encroachments or projections other than shown. This survey is not valid unless it bears the original signature and has an embossed seal.

[Signature]
David E. Gasque, R.L.S.
S.C. Registration Number: 10506

DHEC-CORM CRITICAL LINE
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

[Signature] DATE: 10/18/18
THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

THIS PLAT IS COPYRIGHTED AND IS ONLY INTENDED FOR THE USE OF THE ENTITY OR PERSON(S) SHOWN HERE ON.

RESOLUTION 2022/ ____

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND ACCEPT CONVEYANCE OF THE REAL PROPERTY IDENTIFIED AS TMS NO. R200 014 000 0139 0000

WHEREAS, Beaufort Jasper Water Sewer Authority (“BJWSA”) is the owner of the real property with TMS No. R200 014 000 0139 0000 and consisting of approximately 0.04 acres, hereinafter collectively referred to as the “Property”; and

WHEREAS, BJWSA originally obtained ownership of the Property for the purpose of installing and maintaining a pump station; and

WHEREAS, BJWSA no longer desires to install a pump station on the Property and desires to convey the Property to Beaufort County (“County”); and

WHEREAS, the County is the owner of the real property surrounding the Property and desires to obtain ownership of the Property; and

WHEREAS, it is in the best interest of the County to accept the Property from BJWSA because of the County’s ownership of the surrounding real property.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council authorizes the County Administrator to execute any and all documents necessary and accept conveyance of the real property identified as TMS No. R200 014 000 0139 0000.

ADOPTED this _____ day of July, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Approval of a resolution to authorize the County Administrator to correct a scrivener's error in an existing Ordinance.
MEETING NAME AND DATE:
County Council Meeting 07/11/2022
PRESENTER INFORMATION:
Hayes Williams Chief Financial Officer
ITEM BACKGROUND:
On April 18, 2022 Council adopted Ordinance 2022/31. The ordinance amends Beaufort County's FY22 Budget Ordinance (Ordinance 2021/30) to provide for additional appropriations.
PROJECT / ITEM NARRATIVE:
The Clerk to Council's office noticed two scrivener's errors in the Ordinance the first was the date on which Council adopted the FY22 Budget Ordinance and the second was the ordinance number of the FY22 Budget Ordinance.
FISCAL IMPACT:
No additional fiscal impact.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of resolution.
OPTIONS FOR COUNCIL MOTION:
Motion to approve a resolution to authorize the County Administrator to correct a scrivener's error in an existing Ordinance.

RESOLUTION 2022/___

**A RESOLUTION CORRECTING SCRIVENER’S ERRORS
IN AN EXISTING ORDINANCE**

WHEREAS, on April 18, 2022 Council adopted Ordinance 2022/31. The ordinance amends Beaufort County’s FY22 Budget Ordinance (Ordinance 2021/30) to provide for additional appropriations. These additional appropriations cover a wide variety of expenses including, for example, the costs of emergency repairs to the Bluffton Pool, partial funding of COVID pay for employees, emergency purchase of EMS equipment, and the costs of purchasing surplus TCL properties; and

WHEREAS, during the process of codifying the existing ordinance (Ordinance 2022/31), the clerk to council’s office noticed two scrivener’s errors in the first Whereas clause of the ordinance. Both errors relate to historical references and do not affect the substantive matters or nature of the ordinance itself. Specifically, the errors relate to (i) the date on which Council adopted the FY22 Budget Ordinance and (ii) the ordinance number of the FY22 Budget Ordinance; and

WHEREAS, Chapter 4, Section E of Council’s Rules and Procedures allows Council to correct errors such as these. It provides, in relevant part, that “[s]crivener’s errors may be made [sic] to an existing ordinance...with a two-thirds (2/3) vote of Council.” Council desires to correct the scrivener’s errors in Ordinance 2022/31 and, therefore, adopts this Resolution.

NOW THEREFORE, BE IT RESOLVED, THAT THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA hereby corrects the scrivener’s errors referenced above which appear in Ordinance 2022/31 which amends Beaufort County FY22 Budget Ordinance 2021/30 and which provides additional appropriations for all the purposes set forth therein.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock
Clerk to Council

ORDINANCE 2022/ ____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/20 FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR EMERGENCY REPAIRS TO THE BLUFFTON POOL, PARTIAL FUNDING OF COVID PAY FOR EMPLOYEES, AND THE EMERGENCY PURCHASE OF EMS EQUIPMENT, THE APPROPRIATION OF FUNDS TO THE FIRE DISTRICTS FOR COST OF LIVING INCREASES FOR THEIR EMPLOYEES BETWEEN _____, 2022 AND JUNE 30, 2022, AND OTHER MATTERS RELATED THERETO

WHEREAS, on June 28, 2021, Beaufort County Council adopted Ordinance No. 2021/20 which set the County's FY 2021-2022 budget and associated expenditures; and

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

WHEREAS, Council wishes to appropriate these additional funds from the current year operating surplus from the general fund; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this additional appropriation of funds;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2021-2022 Beaufort County Budget Ordinance (Ordinance 2021/____) is hereby amended as follows:

1. The sum of \$1,000,000 is hereby appropriated for emergency repairs to the Bluffton Pool.
2. The sum of \$1,750,000 is hereby appropriated to provide partial funding of COVID pay for employees.
3. The sum of \$895,000 is hereby appropriated to provide cost of living adjustment for Beaufort County.
4. The sum of \$900,000 is hereby appropriated to provide additional funding for the Arthur Horne Building Construction.
5. The sum of \$1,900,000 is hereby appropriated to provide funding for ambulances, QRV's and needed equipment.
6. The sum of \$1,000,000 is hereby appropriated to provide funding for the Detention Center deferred maintenance which has outlived its useful life.
7. The sum of \$1,215,000 is hereby appropriated to provide funding for the acquisition of properties adjacent to TCL and Ribaut Road.
8. The sum of \$500,000 representing a 5% COLA increase for the employees of the following Fire Districts located within Beaufort County, South Carolina: the Bluffton Fire District, the Burton Fire District, the Daufuskie Island Fire District, the Lady's

Island/St. Helena Fire District, the Sheldon Fire District, and the Fire Department employees with the Fripp Island Public Service District. Effective dates for the disbursement of Beaufort County funds are between April 16, 2022 and June 30, 2022.

The funds are to be appropriated from countywide general fund surplus for fiscal year 2022. As the numbers above are approximations, the County Administrator is authorized to approve additional funding in an amount not to exceed 20% of the original estimates.

DONE this _____ day of May, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading

AS ADOPTED

AS ADOPTED

ORDINANCE 2022/31

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2021/30 FOR THE FISCAL YEAR 2021-22 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS TO PAY FOR EMERGENCY REPAIRS TO THE BLUFFTON POOL, PARTIAL FUNDING OF COVID PAY FOR EMPLOYEES, AND THE EMERGENCY PURCHASE OF EMS EQUIPMENT, THE APPROPRIATION OF FUNDS TO THE FIRE DISTRICTS FOR COST OF LIVING INCREASES FOR THEIR EMPLOYEES BETWEEN APRIL 16, 2022 AND JUNE 30, 2022, AND OTHER MATTERS RELATED THERETO

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

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

WHEREAS, Council wishes to appropriate these additional funds from the current year operating surplus from the general fund; and

WHEREAS, in the interest of good accounting practices and transparency in the budget process it is beneficial and necessary to amend the budget to reflect this additional appropriation of funds;

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Island/St. Helena Fire District, the Sheldon Fire District, and the Fire Department employees with the Fripp Island Public Service District. Effective dates for the disbursement of Beaufort County funds are between April 16, 2022 and June 30, 2022.

The funds are to be appropriated from countywide general fund surplus for fiscal year 2022. As the numbers above are approximations, the County Administrator is authorized to approve additional funding in an amount not to exceed 20% of the original estimates.

DONE this 18th day of July, 2022.

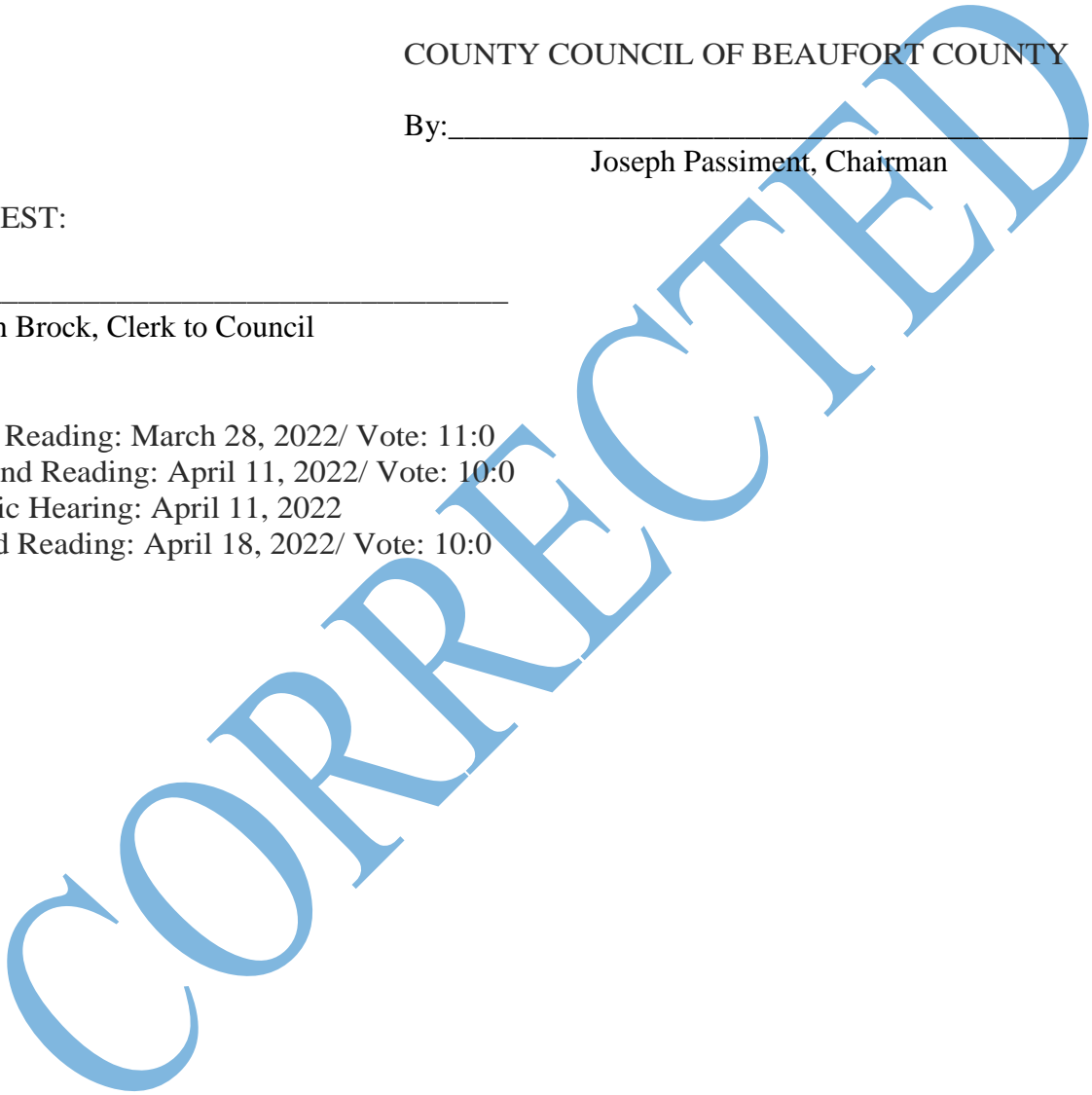
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

First Reading: March 28, 2022/ Vote: 11:0
Second Reading: April 11, 2022/ Vote: 10:0
Public Hearing: April 11, 2022
Third Reading: April 18, 2022/ Vote: 10:0



CORRECTED



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE FOR A 2022 COUNTY GREEN SPACE SALES TAX REFERENDUM
MEETING NAME AND DATE:
County Council July 11, 2022
PRESENTER INFORMATION:
Administration 20 minutes
ITEM BACKGROUND:
On June 27, 2022, Council gave first reading, by title only, to an ordinance calling for a county green space sales tax referendum pursuant to S. C. Code Sec. 4-10-1010 et seq. If adopted by the voters, County Council will impose a sales tax of a specified amount (1% or less) for a specified period to raise a specified amount of money to be used exclusively for preservation procurements.
PROJECT / ITEM NARRATIVE:
The funds raised over the period specified in the ordinance may be used for preservation procurements only as set forth in the referendum.
FISCAL IMPACT:
If adopted, the ordinance/referendum will not result in any out-of-pocket expenses to Beaufort County Government, itself. The funds for the program will be raised through sales taxes over the period specified.
STAFF RECOMMENDATIONS TO COUNCIL:
Administration presents this ordinance/referendum for Council's consideration and debate without recommendation.
OPTIONS FOR COUNCIL MOTION:
Approve or deny an ordinance calling for a referendum on the question of imposing a sales and use tax for preservation procurements.

South Carolina General Assembly
124th Session, 2021-2022

A166, R166, S152

STATUS INFORMATION

General Bill

Sponsors: Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice, Hembree, Scott, Climer and Kimpson

Document Path: I:\s-res\td\003gree.sp.td.docx

Introduced in the Senate on January 12, 2021

Introduced in the House on May 13, 2021

Last Amended on May 11, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 16, 2022, Signed

Summary: County Green Space Sales Tax Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/9/2020	Senate	Prefiled
12/9/2020	Senate	Referred to Committee on Finance
1/12/2021	Senate	Introduced and read first time (Senate Journal-page 193)
1/12/2021	Senate	Referred to Committee on Finance (Senate Journal-page 193)
5/5/2021	Senate	Committee report: Favorable with amendment Finance (Senate Journal-page 7)
5/6/2021		Scrivener's error corrected
5/6/2021	Senate	Committee Amendment Adopted (Senate Journal-page 28)
5/6/2021	Senate	Amended (Senate Journal-page 28)
5/6/2021	Senate	Read second time (Senate Journal-page 28)
5/6/2021	Senate	Roll call Ayes-43 Nays-1 (Senate Journal-page 28)
5/7/2021		Scrivener's error corrected
5/12/2021	Senate	Amended (Senate Journal-page 31)
5/13/2021	Senate	Amended (Senate Journal-page 15)
5/13/2021	Senate	Read third time and sent to House (Senate Journal-page 15)
5/13/2021	Senate	Roll call Ayes-41 Nays-3 (Senate Journal-page 15)
5/13/2021	House	Introduced and read first time (House Journal-page 53)
5/13/2021	House	Referred to Committee on Ways and Means (House Journal-page 53)
4/28/2022	House	Committee report: Favorable with amendment Ways and Means (House Journal-page 9)
5/2/2022		Scrivener's error corrected
5/4/2022	House	Requests for debate-Rep(s). Brawley, Hill, Howard, KO Johnson, Gilliard, Murray, Magnuson, Nutt, Allison, McGarry, Hart, Jefferson, McCabe (House Journal-page 117)
5/5/2022	House	Requests for debate removed-Rep(s). Allison, McGarry, Gilliard, KO Johnson, Howard (House Journal-page 100)
5/10/2022	House	Requests for debate removed-Rep(s). Jefferson, Murray, Hart, Nutt (House Journal-page 596)
5/11/2022	House	Amended
5/11/2022	House	Read second time
5/11/2022	House	Roll call Yeas-67 Nays-28

5/12/2022 House Read third time and returned to Senate with amendments ([House Journal-page 6](#))
5/12/2022 Senate Concurred in House amendment and enrolled ([Senate Journal-page 43](#))
5/12/2022 Ratified R 166 ([Senate Journal-page 200](#))
5/16/2022 Signed By Governor
5/31/2022 Effective date 05/16/22
5/31/2022 Act No. 166

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(A166, R166, S152)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “COUNTY GREEN SPACE SALES TAX ACT”; BY ADDING ARTICLE 10 TO CHAPTER 10, TITLE 4, SO AS TO CREATE THE COUNTY GREEN SPACE SALES TAX, TO IMPOSE THE TAX, TO PROVIDE FOR THE CONTENTS OF THE BALLOT AND THE PURPOSE FOR WHICH TAX PROCEEDS MAY BE USED, TO PROVIDE FOR THE IMPOSITION AND TERMINATION OF THE TAX, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND COLLECT THE TAX, TO PROVIDE FOR DISTRIBUTIONS TO COUNTIES AND CONFIDENTIALITY, AND TO PROVIDE FOR UNIDENTIFIED FUNDS, TRANSFERS, AND SUPPLEMENTAL DISTRIBUTIONS.

Whereas, South Carolina is blessed with a broad array of natural resources, from the Blue Ridge Escarpment in the Upstate, to the sandhills of the Midlands, to the farmland and woodlands of the Pee Dee, and to the iconic shoreline and marshes of the coastal plain; and

Whereas, South Carolina’s coastal geography consists of 187 miles of oceanfront shoreline and 2,876 miles of tidal shorelines, and includes 500,000 acres of salt marshes that represent twenty percent of all the salt marshes on the United States’ Atlantic coast, all of which underpin extensive recreational and commercial fisheries, thriving coastal tourism, important maritime industries, and critical natural defenses for people against storms; and

Whereas, South Carolina’s Upstate consists of the 10,000-acre Mountain Bridge Wilderness Area that encompasses the Blue Ridge Escarpment and its vast array of waterfalls, hardwood forests, headwaters, and mountain streams, as well as a diversity of plant and animal life, including the exceptionally rare and endangered bunched arrowhead; and

Whereas, South Carolina’s Midlands region is home to the sandhills and longleaf pine habitat, which supports over 30 threatened or endangered plant and animal species, including the red-cockaded woodpecker; and

Whereas, South Carolina’s Pee Dee is a region with rich geographic variations, including deep woodlands, a patchwork of timber forests and

agricultural fields, black-water swamps and creeks that intermingle with red rivers and high bluffs, historic sites, and one of the most productive agricultural areas in the State; and

Whereas, the quality of life of all South Carolinians is tied to conservation, with homes, businesses, and recreation being drawn to areas with abundant and accessible green space and natural areas; and

Whereas, according to the Census Bureau, South Carolina is the tenth-fastest-growing State in the nation, and in particular, the State contains a number of the fastest-growing metropolitan areas in the nation, including Myrtle Beach, York County, and Charleston, and is projected in the coming years to continue experiencing steady population growth and the expansion of urban and suburban land uses; and

Whereas, studies conducted by City Explained suggest that the amount of developed land in some regions of South Carolina will increase by 250% by 2040 if current development trends continue; and

Whereas, although this rapid growth will bring prosperity and new opportunities to South Carolina, it will also put additional pressures on our state's lands and waters, in that the development and the accompanying infrastructure will result in the destruction of natural wetlands, marshes, headwaters, and other waterways, thereby hampering the functioning of these systems and eliminating valuable and effective natural storm protection and flood abatement, and fish and wildlife habitat; and

Whereas, this growth increases the amount of impervious surfaces throughout our State, which in turn creates new runoff and carries pollutants into our waterways. For example, a 2019 study found that development in the Town of Bluffton has increased levels of fecal coliform in the May River 3,150% since 1999 and Upstate studies found that sediment from land development is a leading cause of water quality degradation, resulting in flooding, increased costs for drinking water treatment, and harm to aquatic life; and

Whereas, there are significant economic benefits that result from protecting land, including tourism and recreation; and

Whereas, farmland protection helps promote agritourism and boosts the local food economy, as demonstrated by a 2013 SC Department of Agriculture study that found that if every South Carolina resident

purchased \$5 worth of food each week directly from a farmer in the State the potential impact would be about \$1.2 billion; and

Whereas, the Southeast United States coast has experienced some of the highest rates of sea level rise and coastal flooding in the world, with some areas losing as much as three feet of bank each year, and additional sea level rises and coastal flooding will adversely impact existing residential and commercial uses on our state's coast and has been cited by the United States Department of Defense as a threat to the viability of the Marine Corps Recruit Depot Parris Island, which employs 6,100 people and has an annual economic impact of \$739.8 million; and

Whereas, flooding has significantly affected South Carolina's inland communities, with over 80 dam failures from 2015 to 2018 resulting from extreme weather and flooding that our riverine systems and floodplains were unable to attenuate, leading to significant impacts on transportation and drinking water infrastructure and the loss of homes, livelihoods, and lives; and

Whereas, the topography of our State, whether the low-lying topography of our coastal areas or the small incised streams of the Upstate prone to flash flooding and erosion, our state's development patterns makes our communities highly vulnerable to inland and riverine flooding if the flow of rainwater runoff is greater than the carrying capacities of the natural drainage systems, and over the past six years, major flooding and storm events have caused over one billion dollars in total damages to residential and commercial properties and have imposed substantial burdens on South Carolina taxpayers through general fund disbursements; and

Whereas, an effective way to avoid incurring such liabilities is to limit development within the floodplain and in areas that are at significant risk from sea level rise and flooding, and there is a need to empower local governments to undertake land preservation efforts that are supportive of, respectful to, and consistent with the principle of private property rights, as opposed to limiting them to the use of traditional land use regulations, which, in order to attain the necessary level of relief, could give rise to inverse condemnation claims; and

Whereas, counties in South Carolina have implemented local land conservation programs including, but not limited to, Beaufort County's Rural and Critical Lands Program, Charleston County's Greenbelt Program, Greenville County's Historic and Natural Resources Trust Initiative, the Oconee County Conservation Bank, and extensive parks

and greenspace funding efforts in York County, indicating that such programs enjoy overwhelming public support in all corners of the State. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

Citation

SECTION 1. This act must be known and may be cited as the “County Green Space Sales Tax Act”.

County Green Space Sales Tax

SECTION 2. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 10

County Green Space Sales Tax

Section 4-10-1010. (A) For the purposes of this article, ‘preservation procurements’ means procuring open lands or green space for preservation, by and through the acquisition of interests in real property, including:

- (1) the acquisition of fee simple titles;
- (2) conservation easements;
- (3) development rights;
- (4) rights of first refusal;
- (5) options;
- (6) leases with options to purchase; and
- (7) any other interests in real property.

(B)(1) Subject to the requirements of this article, a county’s governing body may impose a sales and use tax by ordinance, subject to a referendum, within the county area for preservation procurements.

(2) Revenues collected pursuant to this article may be used to defray debt service on bonds issued to pay for preservation procurements authorized in this article. This authorization is in addition to any other locally imposed sales and use taxes.

Section 4-10-1020. (A) A county governing body may impose a sales and use tax up to one percent authorized by this article, by ordinance, subject to a referendum. An enacting ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include preservation procurements located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area;

(2) if the county proposes to issue bonds to provide for the payment of any costs of the preservation procurements, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the preservation procurements, a list of the other sources;

(3) the maximum cost of the preservation procurements, to be funded from the proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) the fact that preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction.

(B) Upon receipt of an ordinance, a county's election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. A referendum for imposition or reimposition of the tax must be held at the time of the next general election in an even-numbered year. Two weeks before a referendum, a county's election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with a description of the methods by which the county's governing body intends to procure open lands and green space for preservation. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any preservation procurements, then the notice must include a statement indicating the principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(C) The referendum question to be on the ballot must read substantially as follows:

'Must a special [percent] sales and use tax be imposed in [county] for not more than [time] to raise the amounts specified for preservation procurements for the purpose of procuring open lands and green space by and through the acquisition of interests in real property, such interests to include:

- (a) the acquisition of fee simple titles;
- (b) conservation easements;
- (c) development rights;

- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?

Yes

No

If the referendum includes the issuance of bonds, then the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds.

(D) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote ‘yes’, and all qualified electors opposed to levying the tax shall vote ‘no’. If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this article and the enacting ordinance. Any subsequent referendum on this question must be held on the date prescribed in subsection (B). The election commission shall conduct the referendum under the election laws of this State, *mutatis mutandis*, and shall certify the result no later than November thirtieth to the county governing body and to the Department of Revenue. Expenses of the referendum must be paid by the governmental entities that would receive the proceeds of the tax in the same proportion as those entities would receive the net proceeds of the tax.

(E) Upon receipt of the returns of a referendum, a county’s governing body must, by resolution, declare the results thereof. In such event, the results of the referendum, as declared by resolution of the county’s governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date such resolution is adopted.

(F) The provisions of this section are not available to a county with more than two existing sales and use taxes currently in effect.

Section 4-10-1030. (A) If the sales and use tax is approved in a referendum, then the tax shall be imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in a referendum, then the new tax is imposed immediately following the termination of the earlier imposed tax, and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition.

If the certification is not timely made to the Department of Revenue, then the imposition is postponed for twelve months.

(B) The tax terminates the final day of the maximum time period specified for the imposition.

(C) Amounts collected in excess of the required net proceeds must first be applied, if applicable, to complete the preservation procurements for which the tax was imposed.

(D) If the sales and use tax is approved in a referendum, then the Department of Revenue must make available to the public, upon request, all information regarding the amount of the tax that is collected, expenditures, and any remaining funds at the time of the information request to ensure transparency and accountability.

Section 4-10-1040. (A)(1) The tax levied pursuant to this article must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The Department of Revenue may prescribe amounts that may be added to sales prices because of the tax.

(2) The county in which a referendum is passed shall assemble an advisory committee to assist the Department of Revenue with directing the distribution of the taxes collected to ensure a transparent and equal distribution within the county. The advisory committee shall include seven members:

- (a) one member who is a member of the county council;
- (b) one member who is a member of the legislative delegation;
- (c) one member who is knowledgeable about the geography and condition of the county's land; and
- (d) four citizen members, each representing the northern, southern, eastern, and western portions of the county.

(B) The tax authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 are exempt from the tax imposed by this article. Unprepared food items eligible for purchase with United States Department of Agriculture food coupons are exempt from the tax imposed pursuant to this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(C) A taxpayer required to remit taxes under Article 13, Chapter 36, Title 12 must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(D) A utility is required to report sales in the county in which the consumption of the tangible personal property occurs.

(E) A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county, must separately report in his sales tax return the total gross proceeds from business done in each county.

(F) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this article in a county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this article if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the sales and use tax provided for in this article.

(G) Notwithstanding the imposition date of the sales and use tax authorized pursuant to this chapter, with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this article is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 4-10-1050. The Department of Revenue shall furnish data to the State Treasurer and to the county treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-1060. Annually, and only in the month of June, funds collected by the Department of Revenue from the county green space sales tax, which are not identified as to the governmental unit due the tax, must be transferred, after reasonable effort by the Department of Revenue to determine the appropriate governmental unit, to the State Treasurer's Office. The State Treasurer shall distribute these funds to the county treasurer in the county area in which the tax is imposed, and the revenues must be only used for the purposes stated in the enacting ordinance. The State Treasurer shall calculate this supplemental distribution on a proportional basis, based on the current fiscal year's county area revenue collections."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

ORDINANCE NO. 2022 / ____

AN ORDINANCE TO LEVY AND IMPOSE A _____(ONE-HALF OF ONE (1) PERCENT) SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

WHEREAS, South Carolina is the tenth-fastest-growing State in the nation, and Beaufort County is the eighth-fastest growing county in the State and has continued to experience a high rate of growth during the last decade; and

WHEREAS, the Town of Bluffton in southern Beaufort County in 2001 consisted of one square mile; today, the town’s footprint exceeds 54 square miles with 92 percent of the area under PUD zoning, and in the past decade its population increased by 156 percent; and

WHEREAS, the population of the City of Hardeeville in southern Beaufort and Jasper counties has increased by 212 percent in the past decade, and the city is processing applications for the development of a 231-acre tract adjacent to the Broad River known as Chelsea South and a 2,200-acre tract at the headwaters of the New River known as Karrh Tract; and

WHEREAS, A 2018 joint study of Lady’s Island by the city of Beaufort and Beaufort County concluded new measures were needed to manage growth on the island, with the anticipated amount of growth exceeding the capacity of the island’s infrastructure; and

WHEREAS, Beaufort and Jasper counties and their municipalities contain many legacy planned-unit developments (PUDs) dating back to the early 2000s in which significant development densities were vested, and many of these PUDs remain unbuilt, and new PUDs and/or large-tract rezonings are approved on a regular basis; and

WHEREAS, this rapid growth puts environmentally unsustainable pressures on our lands and waters, in that the development and the accompanying infrastructure result in the destruction of natural wetlands, marshes, headwaters, and other waterways, thereby hampering the functioning of these systems and eliminating valuable and effective natural storm protection and flood abatement, and fish and wildlife habitat; and

WHEREAS, this growth increases the amount of impervious surfaces throughout the low-lying portions of Beaufort and Jasper counties, which in turn carries pollutants into our waterways; e.g., a study completed in 2019 found that development in the Town of Bluffton had increased levels of fecal coliform in the May River by 3,150 percent in the previous decade; and

WHEREAS, the Southeast United States coast has experienced some of the highest rates of sea level rise and coastal flooding in the world, with some areas losing as much as three feet of bank each year, and additional sea level rises and coastal flooding will adversely impact existing residential and commercial uses on our state’s coast and has been cited by the United States Department of Defense as a threat to the viability of the Marine Corps Recruit Depot Parris Island, which employs 6,100 people and has an annual economic impact of \$739.8 million; and

WHEREAS, development patterns within the low-lying topography of Beaufort and Jasper counties makes our communities highly vulnerable to flooding, and over the past six years, major flooding and storm events have caused over one billion dollars in total damages to residential and commercial properties and have imposed substantial burdens on taxpayers; and

WHEREAS, in recognition of the negative consequences associated with environmentally unsustainable levels of development, the South Carolina General Assembly passed on May 12, 2022, and South Carolina Governor Henry McMaster signed on May 16, 2022, a bill (S. 152, Section 4-10-1010, et seq/ of the Code of Laws of South Carolina 1976, as amended; herein, the “County Green Space Sales Tax Act,” or the “Act”) to empower counties to undertake land preservation efforts supportive of, respectful to, and consistent with the principle of private property rights, as opposed to limiting them to the use of traditional land use regulations, which, to attain meaningful relief, could give rise to inverse condemnation claims; and

WHEREAS, the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County’s quality of life and is desirous of exercising the new preservation alternative provided to it by the Green Space Sales Tax.

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

Section 1. Recitals and Legislative Findings. incident to the enactment of this Ordinance, the County Council of Beaufort County, South Carolina has made the following findings:

- (a) The South Carolina General Assembly has enacted the County Green Space Sales Tax Act pursuant to which the county governing body may impose a sales and use tax by ordinance, subject to a referendum, in an amount not to exceed one percent, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.
- (b) Pursuant to the terms of Section 4-10-1010(B)(2) of the County Green Space Sales Tax Act (“Act”), revenues collected under this authorization may be used to defray debt service on bonds issued for the specific purposes described herein.
- (c) The County Council finds that a _____ (one-half of one percent) sales and use tax should be levied and imposed within Beaufort County, for the following projects and purposes:

(1) For ‘preservation procurements,’ as defined herein this ordinance to mean procuring open lands or green space for preservation, by and through the acquisition of interests in real property, including:

- (i) the acquisition of fee simple titles;
- (ii) conservation easements;
- (iii) development rights;
- (iv) rights of first refusal;
- (v) options;
- (vi) leases with options to purchase; and
- (vii) any other interests in real property.

(2) Preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction.

(All of the above are referred to herein collectively as the “projects.”)

For a period not to exceed _____ (ten (10))years from the date of imposition of such tax, to fund the projects at a maximum cost not to exceed _____ (\$350,000,000) to be funded from the net proceeds of a sales and use tax imposed in Beaufort County pursuant to provisions of the Act, subject to approval of the qualified electors of Beaufort County in referendum to be held on November 8, 2022. The imposition of the sales and use tax and the use of sales and use tax revenue if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the projects. All spending shall be subject to an annual independent audit to be made available to the public.

(d) County Council finds the imposition of a sales and use tax in Beaufort County for the projects and purposes defined in this Ordinance for a limited time not to exceed _____ (ten (10)) years to collect a limited amount of money will serve a public purpose, to provide for and protect natural areas and open space in the watersheds of Beaufort and Jasper counties, to protect water quality, to preserve land for recreational activities, to preserve farm and forest land, to preserve contiguous landscapes and habitat corridors, and to protect other environmentally sensitive areas such as wetlands, marsh lands and headwater areas, all of which enhance quality of life in Beaufort County, promote public health and safety, and prepare Beaufort County to meet its citizens’ present and future needs.

Section 2. Approval of Sales and Use Tax Subject to Referendum.

(a) A sales and use tax (the “Sales and Use Tax”), as authorized by the Act, is hereby imposed in Beaufort County, South Carolina, subject to a favorable vote of a majority of the qualified electors

voting in a referendum on the imposition of the tax to be held in Beaufort County, South Carolina on November 8, 2022.

(b) The Sales and Use Tax shall be imposed for a period not to exceed 10 years from the date of imposition.

(c) The maximum cost of the projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of _____ (\$350,000,000) and the maximum amount of net proceeds to be raised by the tax shall not exceed _____ (\$350,000,000) which includes administrative costs and debt service on bonds issued to pay for the projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the projects and to be paid by a portion of the Sales and Use Tax is _____ (\$350,000,000).

(d) The Sales and Use Tax shall be expended for the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

(1) For preservation procurements, to mean procuring for preservation open lands or green space located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area, by and through the acquisition of interests in real property, including:

- (i) the acquisition of fee simple titles;
- (ii) conservation easements;
- (iii) development rights;
- (iv) rights of first refusal;
- (v) options;
- (vi) leases with options to purchase; and
- (vii) any other interests in real property.

(2) Preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction.

The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than _____ (\$350,000,000).

(e) If the Sales and Use Tax is approved in a referendum, then the tax shall be imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in a referendum, then the new tax is imposed immediately following the termination of the earlier imposed tax, and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition. If the certification is not timely made to the Department of Revenue, then the imposition is postponed for twelve months.

(f) The Sales and Use Tax, if approved in a referendum, terminates the final day of the maximum time period specified for the imposition.

(g) Amounts collected in excess of the required net proceeds must first be applied, if applicable, to complete the preservation procurements for which the Sales and Use Tax was imposed.

(h) If the sales and use tax is approved in a referendum, then the Department of Revenue must make available to the public, upon request, all information regarding the amount of the tax that is collected, expenditures, and any remaining funds at the time of the information request to ensure transparency and accountability.

Section 3. Administration of the Funds.

(a) The tax levied pursuant to this article must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The Department of Revenue may prescribe amounts that may be added to sales prices because of the tax.

(b) The county in which a referendum is passed shall assemble an advisory committee to assist the Department of Revenue with directing the distribution of the taxes collected to ensure a transparent and equal distribution within the county. The advisory committee shall include seven members:

- (1) one member who is a member of the county council;
- (2) one member who is a member of the legislative delegation;
- (3) one member who is knowledgeable about the geography and condition of the county's land; and
- (4) four citizen members, each representing the northern, southern, eastern, and western portions of the county.

(c) The Sales and Use Tax authorized herein, subject to a referendum, is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 are exempt from the tax imposed by this article. Unprepared food items eligible for purchase with United States Department of Agriculture food coupons are exempt from the tax imposed pursuant to this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(d) A taxpayer required to remit taxes under Article 13, Chapter 36, Title 12 must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(e) A utility is required to report sales in the county in which the consumption of the tangible personal property occurs.

(f) A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county, must separately report in his sales tax return the total gross proceeds from business done in each county.

(g) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this article in a county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this article if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the sales and use tax provided for in this article.

(h) Notwithstanding the imposition date of the sales and use tax authorized pursuant to this chapter, with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this article is imposed beginning on the first day of the billing period beginning on or after the imposition date.

(i) The Department of Revenue shall furnish data to the State Treasurer and to the county treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

(j) Annually, and only in the month of June, funds collected by the Department of Revenue from the county green space sales tax, which are not identified as to the governmental unit due the tax, must be transferred, after reasonable effort by the Department of Revenue to determine the appropriate governmental unit, to the State Treasurer's Office. The State Treasurer shall distribute these funds to the county treasurer in the county area in which the tax is imposed, and the revenues must be only used for the purposes stated in the enacting ordinance. The State Treasurer shall calculate this supplemental distribution on a proportional basis based on the current fiscal year's county area revenue collections.

Section 4. Sales and Use Tax Referendum; Ballot Question.

(a)(1) Upon receipt of an ordinance, a county's election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. A referendum for imposition or reimposition of the tax must be held at the time of the next general election in an even-numbered year. Two weeks before a referendum, a county's election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with a description of the methods by which the county's governing body intends to procure open lands and green space for preservation. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any preservation procurements, then the notice must include a statement indicating the principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(2) The Board of Voter Registration and Elections of Beaufort County shall conduct a referendum on the question of imposing a Sales and Use Tax in the area of Beaufort County on Tuesday, November 8, 2022, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, *mutatis mutandis*. The Board of Voter Registration and Elections of Beaufort County shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and purposes as set forth herein, and the cost of projects, and shall publish such election and other notices as required by law.

(b) The referendum question to be on the ballot of the referendum to be held in Beaufort County on November 8, 2022, must read substantially as follows:

OFFICIAL BALLOT, REFERENDUM
SPECIAL SALES AND USE TAX TO PROTECT OPEN LAND AND GREEN SPACES
NOVEMBER 8, 2022

‘Shall a special _____ (one-half of one cent) sales and use tax be imposed in Beaufort County for not more than _____ ten (10) years to raise up to _____ (\$350,000,000) for preservation procurements for the purpose of procuring open lands and green space by and through the acquisition of interests in real property, located within or outside the boundaries of Beaufort County, such interests to include:

- (a) the acquisition of fee simple titles;
- (b) conservation easements;
- (c) development rights;
- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?’

YES In favor of the question []
NO Opposed to the question []

If the referendum includes the issuance of bonds, then the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds.

(c) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote ‘yes’, and all qualified electors opposed to levying the tax shall vote ‘no’. If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this article and the enacting ordinance. Any subsequent referendum on this question must be held on the date prescribed in subsection (a). The election commission shall conduct the referendum under the election laws of this State, *mutatis mutandis*, and shall certify the result no later than November thirtieth to the county governing body and to the Department of Revenue. Expenses of the referendum must be paid by the governmental entities that would receive the proceeds of the tax in the same proportion as those entities would receive the net proceeds of the tax.

(d) Upon receipt of the returns of a referendum, a county’s governing body must, by resolution, declare the results thereof. In such event, the results of the referendum, as declared by resolution of the county’s governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date such resolution is adopted.

IT IS SO ORDAINED.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock,
Clerk to Council

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



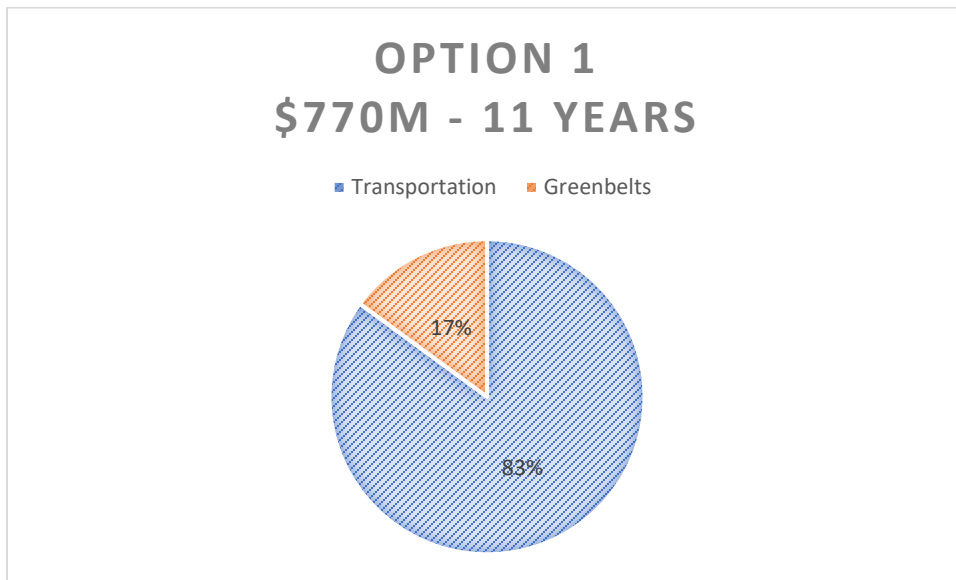
BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Approval of an ordinance for a 2022 Transportation Sales Tax Referendum and an accompanying Resolution to adopt all additional recommendations regarding the implementation of the future program as recommended by the Transportation Advisory Committee (TAC).
MEETING NAME AND DATE:
County Council May 23, 2022
PRESENTER INFORMATION:
Dean Moss, Transportation Advisory Committee Chairman Jared Fralix, Assistant County Administrator of Engineering 30 minutes
ITEM BACKGROUND:
County Council passed a resolution on February 7, 2022, to establish a TAC to evaluate a potential Sales Tax Referendum. The Committee's objective was to define the proposed project list for the referendum questions, the amount of the sales tax to be collected, and the duration of the sales tax collection period.
PROJECT / ITEM NARRATIVE:
The TAC met for eleven meetings to discuss the objectives as set by Council. Much consideration was given to develop the proposed list of projects and a unanimous vote was made by the committee to forward to County Council. The project list is described fully in the attached memorandum and ordinance. Additional committee recommendations are included in the described memorandum for implementation of the future program.
FISCAL IMPACT:
N\A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of an ordinance and resolution for the 2022 Transportation Sales Tax Referendum as presented by the TAC
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny the first reading of an ordinance for 2022 Transportation Sales Tax Referendum and accompanying resolution for the implementation of the program. <i>(Next steps - Move forward to Council for Second Reading on June 13, 2022)</i>

PROPOSED 2022 TRANSPORTATION SALES TAX SCENARIOS

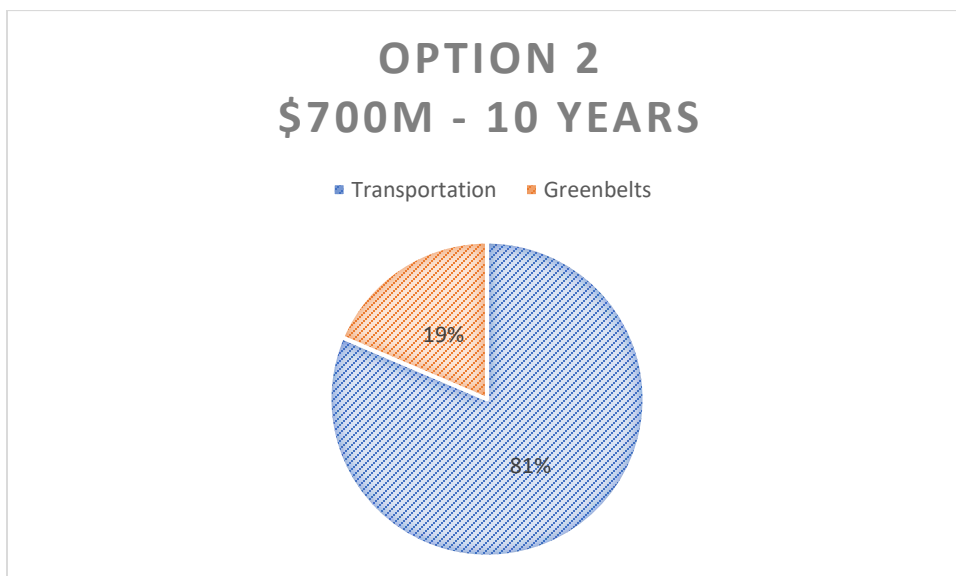
OPTION 1: TAC proposal remains as recommended. The total tax sunset is extended to 11 years with the additional \$70M from that final collection year added to the Greenbelts portion. (83/17 split)

Total Tax \$770M: \$640M Transportation/\$130M Greenbelts (\$60M + \$70M)



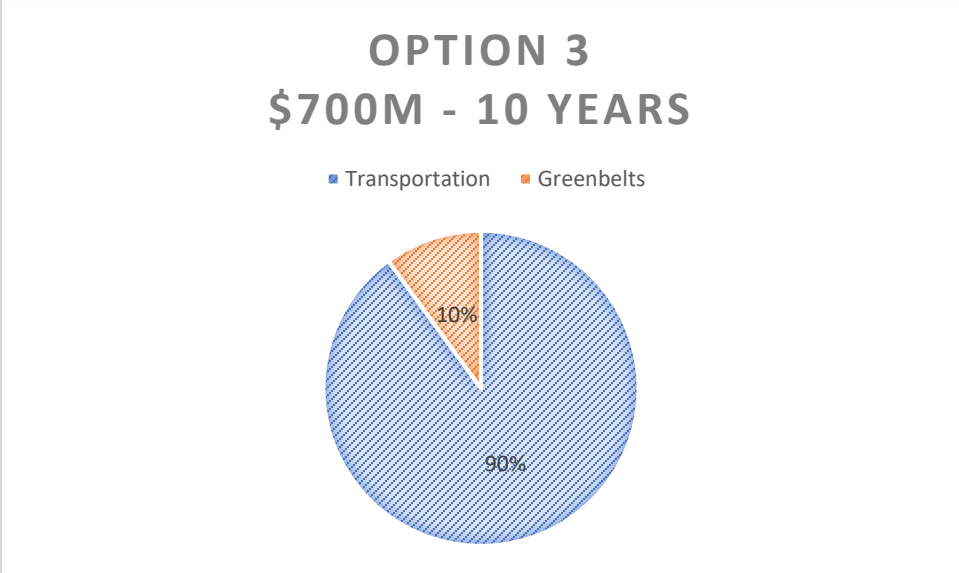
OPTION 2: Reduce \$70M total from recommended TAC proposal for the transportation projects & program except Greenbelts. The total tax remains at 10 years with the \$70M from the reduction in other projects & programs added to the Greenbelts portion. (81/19 split)

Total Tax \$700M: \$570M Transportation/\$130M Greenbelts (\$60M + \$70M)



OPTION 3: Reduce \$10M total from recommended TAC proposal for the transportation projects & program except Greenbelts. The total tax remains at 10 years with the \$10M from the reduction in other projects & programs added to the Greenbelts portion. (90/10 split)

Total Tax \$700M: \$630M Transportation/\$70M Greenbelts (\$60M + \$10M)



AN ORDINANCE

TO LEVY AND IMPOSE A ONE (1) PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDA; TO PROVIDE FOR THE CONDUCT OF THE REFERENDA BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ENACTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Recitals and Legislative Findings. As an incident to the enactment of this Ordinance, the County Council of Beaufort County, South Carolina (the “County Council”) makes the following findings:

1.1 The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the “Act”), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

1.2 Pursuant to the terms of Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended, the South Carolina General Assembly has authorized county government to finance the costs of highways, roads, streets, bridges and other transportation-related projects facilities (*sic* in statute) including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects; either alone or in conjunction with other governmental entities. As a means to furthering the powers granted to the County under the provisions of Section 4-9-30 and Sections 6-21-10, *et.seq.* of the Code of Laws of South Carolina 1976 as amended, the County Council is authorized to form a transportation authority or to enter into a partnership, consortium, or other contractual arrangement with one of more other governmental entities pursuant to Title 4, Chapter 37 of the Code of Laws of the South Carolina 1976, as amended. The County Council has decided to provide funding for

highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects, *inter alia*, without the complexity of a transportation authority or entering into a partnership, consortium, or other contractual arrangements with one or more other governmental entities at this time; provided that nothing herein shall preclude County Council from entering into partnerships, consortiums, or other contractual arrangements in the future. County Council may utilize such provisions in the future as necessary or convenient to promote the public purposes served by funding highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities (*sic* in statute) as provided in this Ordinance.

1.3 The County Council finds that a one percent sales and use tax should be levied and imposed with Beaufort County, for the following projects and purpose:

- i. For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities (*sic* in statute) related thereto, including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects; and mass transit systems operated by Beaufort County or jointly operated by the County and other entities.
- ii. For financing the costs of greenbelts.

(the above herein referred to as the “projects”)

For a period not to exceed ten (10) years from the date of imposition of such tax, to fund the projects at a maximum cost not to exceed \$700,000,000 to be funded from the net proceeds of a sales and use tax imposed in Beaufort County pursuant to provisions of the Act, subject to approval of the qualified electors of Beaufort County in referendum to be held on November 8, 2022. The imposition of the sales and use tax and the use of sales and use tax revenue if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the projects. All spending shall be subject to an annual independent audit to be made available to the public.

1.4 County Council finds that the imposition of a sales and use tax in Beaufort County for the projects and purposes defined in this Ordinance for a limited time not to exceed ten years to collect a limited amount of money will serve a public purpose, provide funding for highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities (*sic* in statute) including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-

related projects; as provided in this Ordinance to facilitate economic development, promote public safety, provide needed infrastructure, promote desirable living conditions, enhance the quality of life in Beaufort County, and promote public health and safety in the event of fire, emergency, panic, and other dangers, and prepare Beaufort County to meet present and future needs of Beaufort County and its citizens.

Section 2. Approval of Sales and Use Tax Subject to Referendum.

2.1 A sales and use tax (the “Sales and Use Tax”), as authorized by the Act, is hereby imposed in Beaufort County, South Carolina, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the tax to be held in Beaufort County, South Carolina on November 8, 2022.

2.2 The Sales and Use Tax shall be imposed for a period not to exceed ten (10) years from the date of imposition.

2.3 The maximum cost of the projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of \$700,000,000 and the maximum amount of net proceeds to be raised by the tax shall not exceed \$700,000,000, which includes administrative costs and debt service on bonds issued to pay for the projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the projects and to be paid by a portion of the Sales and Use Tax is 335,000,000.

2.4 The Sales and Use Tax shall be expended for the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

i. For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities (*sic* in statute) and mass transit systems operated by Beaufort County or jointly operated by the County and other governmental entities, which may include, but not limited to:

i. **Mass Transit:** Funding multimodal transportation, including but not limited to ferries and marine transport, for a more robust and equitable public transportation system.

Safety: Safety improvements along roadways and intersections to include pedestrian accommodations.

Dirt Road Paving: Paving of county-owned dirt roads throughout the County.

Resurfacing: Road resurfacing and preservation of all roadways (State, County, and municipality-owned) throughout the County. The goal is to improve the overall pavement condition of roads within the County as a whole.

Pathways: Design, right of way acquisition, and construction of pedestrian accommodations throughout the County in accordance with the Beaufort County Connects Bicycle and Pedestrian Plan 2021.

Transportation Technologies/Access Roads: Planning, design, right of way acquisition, and construction of access roads for better interconnectivity. Implementation of transportation technologies to support the enhancement to capacity and safety of the transportation system.

Resiliency: Improvements to transportation infrastructure to address flooding, sea level rise, stormwater and drainage.

SC 170: Capacity and safety improvements on a 4.5-mile segment of SC 170 from US 278 to SC 462.

US 21, US 21 Business, and SC 281 Corridor Improvements: Multimodal and access improvements along the US 21 corridor (Ribaut Road) from Bell Bridge to Boundary Street and US 21 Business corridor (Boundary Street) to Woods Memorial bridge to improve safety, interconnectivity and capacity.

SC 46 Improvements: Capacity and safety improvements along SC 46 from SC 170 to Jasper County. Additional safety improvements (i.e.- turn lanes at intersections) along SC 46 from SC 170 to Buckwalter Parkway. All planned improvements would be coordinated so as to not disrupt the Scenic Byway designation.

Hilton Head Island Projects: Road resurfacing, intersection improvements and pathways as requested by the Town of Hilton Head Island.

US 278 Corridor Improvements/Enhancements: Additional funding to support the US 278 Corridor Improvement Project in the 2018 Transportation Sales Tax Referendum.

Lady's Island Corridor Traffic Improvements: Completion of the Lady's Island Corridor Traffic Improvements in the 2018 Transportation Sales Tax Referendum.

Bluffton Regional Roadway Network: Implementation of any or all Bluffton projects listed as priorities in the approved LATS Transportation Plan. Bluffton Town Council would designate projects to be undertaken by Beaufort County.

The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than \$700,000,000;

ii. For financing the costs of greenbelts. The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than \$60,000,000.

2.5 If the Sales and Use Tax is approved by a majority of the qualified electors voting in a referendum to be held in Beaufort County on November 8, 2022, the tax is to be imposed on the first day of May 2023, provided the Board of Voter Registration and Elections of Beaufort County shall certify the results not later than November 11, 2022, to

Beaufort County Council and the South Carolina Department of Revenue. Included in the certification must be the maximum cost of the projects to be funded in whole or in part from the proceeds of the tax, the maximum time specified for the imposition of the tax, and the principal amount of initial authorization of bonds, if any, to be supported by a portion of the tax.

2.6 The Sales and Use Tax, if approved in the referendum conducted on November 8, 2022 shall terminate on the earlier of:

(1) April 30, 2033; or

(2) the end of the calendar month during which the Department of Revenue determines that the tax has raised revenues sufficient to provide the greater of either the costs of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

2.7 Amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each project for which the tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of Beaufort County on transportation infrastructure debts only.

2.8 The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the tax.

2.9 The Sales and Use Tax is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended, and the enforcement provisions of Chapter 54 of Title 12 of the Code of Laws of South Carolina 1976, as amended. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended are exempt from the tax imposed by this Ordinance. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture Food Stamps are exempt from the tax imposed by this Ordinance. The tax imposed by this Ordinance also applies to tangible property subject to the use tax in Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended.

2.10 Taxpayers required to remit taxes under Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina 1976, as amended, must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

2.11 Utilities are required to report sales in the county in which the consumption of the tangible personal property occurs.

2.12 A taxpayer subject to the tax imposed by Section 12-36-920 of the Code of Laws of South Carolina 1976, as amended, who owns or manages rental units in more than

one county must report separately in his sales tax return the total gross proceeds from business done in each county.

2.13 The gross proceeds of sales of tangible personal property delivered after the imposition date of the Sales and Use Tax, either under the terms of a construction contract executed before the imposition date, or written bid submitted before the imposition date, are exempt from the sales and use tax provided in this Ordinance if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the sales and use tax provided for in this Ordinance.

2.14 Notwithstanding the imposition date of the Sales and Use Tax with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this ordinance is imposed on the first day of the billing period beginning on or after the imposition date.

Section 3. Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to County: Confidentially.

3.1 The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the Beaufort County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or county code errors must be corrected prospectively.

3.2 (a) Any outside agencies, political subdivisions, or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) County Council shall adopt annually and prior to the beginning of each fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county

agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

3.3 The Department of Revenue shall furnish data to the State Treasurer and to the Beaufort County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of SC Code Ann. Section 12-54-240. Any person violating the provisions of this section shall be subject to the penalties provided in SC Code Ann. Section 12-54-240.

Section 4. Sales and Use Tax Referendum; Ballot Question.

4.1 The Board of Voter Registration and Elections of Beaufort County shall conduct a referendum on the question of imposing a Sales and Use Tax in the area of Beaufort County on Tuesday, November 8, 2022, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, mutatis mutandis. The Board of Voter Registration and Elections of Beaufort County shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and purposes as set forth herein, and the cost of projects, and shall publish such election and other notices as required by law.

4.2 The referendum question to be on the ballot of the referendum to be held in Beaufort County on November 8, 2022, must read substantially as follows:

BEAUFORT COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one (1) percent to be imposed in Beaufort County for not more than ten (10) years, or until a total of \$700,000,000 in resulting revenue has been collected, whichever occurs first. The sales tax proceeds will be used to fund the following projects:

Project (1) For financing the costs of highways, roads, streets, bridges, and other transportation-related projects facilities (*sic* in statute) related thereto including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects; and mass transit systems operated by Beaufort County or jointly operated by the County and other governmental entities. \$640,000,000.

Project (2) For financing the costs of greenbelts. \$60,000,000.

YES _____

NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote “YES;” and
All qualified electors opposed to levying the special sales and use tax shall vote “NO.”

QUESTION 2

I approve the issuance of not exceeding \$335,000,000 of general obligation bonds of Beaufort County. Payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed ten (10) years, to fund completion of projects from among the categories described in Question 1 above.

YES _____

NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance bonds for the stated purpose shall vote “YES;” and
All qualified electors opposed to the issuance of bonds for the stated purposes shall vote “NO.”

4.3 In the referendum on the imposition of a special sales and use tax in Beaufort County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote “yes” and all qualified electors opposed to levying the tax shall vote “no”. If a majority of the electors voting in the referendum shall vote in favor of imposing the tax, then the tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by Beaufort County government.

4.4 In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote “yes” and all qualified electors opposed to the issuance of bonds shall vote “no”. If a majority of the electors voting in the referendum shall vote in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with SC Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by Beaufort County government.

Section 5. Imposition of Tax Subject to Referendum.

The imposition of the Sales and Use Tax in Beaufort County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing a sales and use tax in the area of Beaufort County in a referendum to be conducted by the Board of Voter Registration and Elections of Beaufort County on November 8, 2022, and the favorable vote of a majority of the qualified electors voting in such a referendum shall be a condition precedent to the imposition of a sales and use tax pursuant to the provisions of this Ordinance.

Section 6. Miscellaneous.

6.1 If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however that the Sales and Use Tax may not be imposed without the favorable results of the referendum to be held on November 8, 2022.

6.2 This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in this State.

6.3 The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretations, or effect of this ordinance.

6.4 This Ordinance shall take effect immediately upon approval following third reading.

6.5 All previous ordinances regarding the same subject matter as this Ordinance are hereby repealed.

IT IS SO ORDAINED.

Joseph Passiment
County Council Chairman

Sarah Brock, Clerk to Council

Proposed 2022 Sales Tax Program

One Penny for 10 years with Mid-High Growth = \$700m

- Greenbelts **(\$60m)**
- Mass Transit; including Marine Transport **(\$25m)**
- Project Programs
 - Safety **(\$50m)**
 - Dirt Road Paving **(\$50m)**
 - Resurfacing **(\$60m)**
 - Pathways **(\$50m)**
 - Transportation Technologies/Access Roads **(\$50m)**
 - Resiliency **(\$20m)**
- Big Projects
 - SC 170 **(\$80m)**
 - Ribaut Road/Interconnectivity Projects **(\$75m)**
 - SC 46 **(\$20m)**
 - Hilton Head Project – Intersection Improvements, Pathways, and Resurfacing **(\$40m)**
 - US 278 Corridor Improvement/Enhancements **(\$40m)**
 - Lady’s Island Corridor **(\$40m)**
 - Bluffton Regional Road Network **(\$40m)**

EXHIBIT A

Greenbelts: Acquisition of property to establish a balance between environmental protection and rapid development growth.

Mass Transit: Funding multimodal transportation, to include marine transport, for a more robust and equitable public transportation system.

Project Programs:

- **Safety:** Safety improvements along roadways and intersections to include pedestrian accommodations.
- **Dirt Road Paving:** Paving of county-owned dirt roads throughout the County.
- **Resurfacing:** Road resurfacing and preservation of ALL roadways (State, County, and municipality-owned) throughout the County. The goal is to increase the overall pavement condition of roads within the County as a whole.
- **Pathways:** Design, right of way acquisition, and construction of pedestrian accommodations throughout the County in accordance with the Beaufort County Connects Bicycle and Pedestrian Plan 2021.
- **Transportation Technologies/Access Roads:** Planning, design, right of way acquisition, and construction of access roads for better inner connectivity. Implementation of transportation technologies to support the enhancement to capacity and safety of the transportation system.
- **Resiliency:** Improvements to transportation infrastructure to address flooding, sea level rise, stormwater and drainage.

Big Projects:

- **SC 170:** Capacity and safety improvements on a 4.5-mile segment of SC 170 from US 278 to SC 462.
- **US 21 and US 21 (Bus.) /SC 281 Corridor Improvements:** Multimodal and access improvements along the entire US 21 corridor from Bell Bridge to Boundary Street and along US 21 (Bus. Corridor) to Woods Memorial Bridge to improve safety, interconnectivity and capacity.
- **SC 46 Improvements:** Capacity and safety improvements along SC 46 from SC 170 to Jasper County. Additional safety improvements (i.e.- turn lanes at intersections) along SC 46 from SC 170 to Buckwalter Parkway. All planned improvements would be coordinated so as to not disrupt the Scenic Byway designation.
- **Hilton Head Island Municipal Projects:** Road resurfacing, intersection improvements, and pathways as requested by the Town of Hilton Head.
- **US 278 Corridor Improvements/Enhancements:** Additional funding to support the US 278 Corridor Improvement Project in the 2018 Transportation Sales Tax Referendum.
- **Lady's Island Corridor Improvements:** Lady's Island Corridor Traffic Improvements
- **Bluffton Regional Roadway Network:** Implementation of any or all Bluffton projects listed as priorities in the approved LATS Transportation Plan. Bluffton Town Council would designate projects to be undertaken by Beaufort County.

EXHIBIT B**MEMORANDUM**

To: Chairman and Members, Beaufort County Council

From: Dean Moss, Chairman, Transportation Advisory Committee

Copy to: County Administrator and Members, Transportation Advisory Committee

Subject: Transportation Advisory Committee Report and Recommendations

Date: May 10, 2022

1. Introduction

The purpose of this memo is to transmit to the Beaufort County Council the recommendations and observations of the Council appointed Transportation Advisory Committee (TAC). These recommendations represent the unanimous position of those 17 members of the Committee who actively participated in the deliberations.

2. Summary General Recommendations

The Committee recommends that Council prepare a referendum question to be placed upon the ballot at the earliest feasible date, which will ask the electorate to approve a one percent (1%) additional sales tax in Beaufort County, beginning in the following year and extending for ten years. The proceeds from this tax would be expended by the County for a series of critical transportation and mobility projects and programs vital to the health and safety of the residents and visitors. Further, the Committee recommends that a standing Transportation Advisory Committee be appointed to assist the County Council and Staff in the prioritization and implementation of the projects and activities to be funded by the referendum.

3. Council's Charge to the Committee

County Council created the TAC through a resolution adopted on February 7, 2022. The charge to the Committee is contained in paragraph #6 and reads as follows:

"The citizen's committee is charged with completing and preparing the following recommendations:

- a. A proposed project list and/or categories for the referendum question(s)*
- b. The amount of the sales tax to be collected; and/or*
- c. The duration of the sales tax collection period."*

4. Committee Process

The Committee consisted of seventeen (17) members, one each from the eleven County Council Districts, one each from the five municipalities and one from the city of Hardeeville. The Hardeeville representative did not attend any meetings and the Yemassee representative attended one. The other appointees were, in general, in attendance at all the meetings. The Committee met ten times, mostly on a Tuesday afternoon from 5:30 to between 7:00 and 7:30. The first four meetings of the TAC were spent learning and digesting the very complex jargon and procedures involved in the planning, engineering, and financing of transportation projects. Staff then prepared a "strawman" of major

EXHIBIT B

highway projects and other categories of more minor projects, that the Committee could work from. The remaining meetings were spent defining, debating, and modifying these suggested projects and the monies allocated to each one. At the meeting on May 2, the Committee reached a general consensus and at the meeting on May 10, formally voted unanimously to approve the projects, amounts and recommendations that are contained in this memo.

5. Role of the Staff

Staff involved in this project consisted of Assistant County Administrator Jared Fralix, Capital Projects Coordinator, Brittane Fields, and Administrative Assistant Carol Puryear. In the final two meetings, recently hired Engineering Director, Eric Claussen, also attended. Given the complex nature of this process there was a lot for the Committee members to learn and staff provided many documents and plans that had been completed by the State of SC, the Low Country COG, County Planning, and the municipalities. Staff provided the Committee a suggested list of projects, transportation program categories and amounts. There were many questions at every meeting, and they were clearly and patiently answered. In sum, the staff support to the TAC was outstanding.

6. Concepts behind the Recommendations

The Committee is recommending that the referendum contain two types of project expenditures.

a. Specific Projects

These represent the traditional approach to referendum questions. As in the 2018 referendum, specific projects are enumerated with an allocation of money specified. An example might be “Highway 170 Improvements – \$80 million”, A short description of the project could be included. As described below, the Committee recommends that eight of these projects be included in the referendum. They are countywide and address problems both on Federally designated highways (278, 46, 170, 21) and on State, County, and local roads, and streets. \$220 million is recommended for projects south of the Broad River and \$115 million is recommended for projects north of the Broad River. It is important to note that none of these projects have been designed or bid, and the amounts assigned to them do not represent project budgets.

b. Transportation Improvement Programs

This category encompasses a large variety of projects which, because they are small (pave a dirt road), or because they may emerge in the future, cannot be specifically defined. These are projects that are, and will be, undeniably required, but which cannot yet be defined and may cost only a fraction of a “Specific Project”. They would address needs that will emerge all over the County; in response, for example, to coastal flooding, new developments in rural areas, or the need to resurface exiting streets. Spent correctly, these funds will benefit residents and business all over the County. The Committee recommends putting approximately one half (\$365 million) of the total expected revenue into these categories of projects, as described below.

7. Recommendations**a. Amount and Length of Tax**

We recommend that the sales tax be applied at 1% (one penny on the dollar) for a period of ten years. We assumed a moderate to high growth rate. Based upon this projection the tax should raise approximately \$700,000,000 over ten years. We believe that this amount will enable us to plan, develop and implement appropriate solutions to meet the current needs caused by an overwhelmed and aging infrastructure system and to accomplish the improvements required today to address future demands. In addition, this money can be multiplied several times over by aggressive pursuit of matching federal and state funds and the development of coordinated projects with Jasper County.

b. Specific Projects and Amounts**i. Hwy 170 Improvements - \$80,000,000**

Capacity and safety improvements on a 4.5-mile segment of SC 170 from US 278 to SC 462.

ii. Hwy 46 Improvements - \$20,000,000

Capacity and safety improvements along SC 46 from SC 170 to Jasper County. Additional safety improvements (i.e.- turn lanes at intersections) along SC 46 from SC 170 to Buckwalter Parkway. All planned improvements would be designed so as to preserve the Scenic Byway designation.

iii. Bluffton Regional Roadway Network - \$40,000,000

Implementation of any or all Bluffton projects listed as priorities in the approved LATS Transportation Plan. Bluffton Town Council would designate projects to be undertaken by Beaufort County.

iv. Hilton Head Island Municipal Projects - \$40,000,000

Road resurfacing, intersection improvements and pathways as requested by the Town of Hilton Head.

v. Hwy 278 Project Enhancements -\$40,000,000

Additional funding to support the US 278 Corridor Improvement Project

vi. US 21 and US 21(Bus.)/SC 281 Corridor Improvements -\$75,000,000

Multimodal and access improvements along the US 21 corridor from Bell Bridge to Boundary Street and along the US 21(Business) corridor to Woods Memorial Bridge to improve safety, interconnectivity, and capacity.

vii. Lady's Island Corridor Improvements -\$40,000,000

Lady's Island Corridor Traffic Improvements

c. Transportation Improvement Programs**i. Mass Transit – \$25,000,000**

EXHIBIT B

Funding multimodal transportation planning and implementation, to include marine transport, for a more robust and equitable public transportation system.

- ii. **Safety - \$50,000,000**
Safety improvements along roadways and intersections to include pedestrian accommodations.
- iii. **Resilience - \$20,000,000**
Improvements to transportation infrastructure to address flooding, sea level rise, stormwater, and drainage.
- iv. **Dirt Road Paving - \$50,000,000**
Paving of county-owned dirt roads throughout the County.
- v. **Resurfacing – \$60,000,000**
Road resurfacing and preservation of ALL roadways (State, County, and municipal owned) throughout the County. The goal is to improve the overall pavement condition of roads across the County.
- vi. **Pathways - \$50,000,000**
Design, right of way acquisition, and construction of pedestrian accommodations throughout the County in accordance with the Beaufort County Connects Bicycle and Pedestrian Plan 2021. We recommend that priority be given to pathways already approved by the voters in the 2018 referendum
- vii. **Transportation Technology/Access Roads - \$50,000,000**
Planning, design, right of way acquisition, and construction of access roads for better interconnectivity. Implementation of transportation technologies to support enhancements to capacity and safety of the transportation system.
- viii. **Greenbelts (Long term Demand Reduction) - \$60,000,000**
Acquisition of property to reduce new lots and thereby establish a balance between environmental protection and rapid development growth. *Note: the term “Greenbelt” is used in the enabling legislation as an eligible category of expenditure.*

8. Implementation Recommendations

a. Advisory Committee

- i. County Council, with other stakeholders, should create an “Advisory” committee to provide recommendations to Council to prioritize projects for the entire length of the program. It should meet bi-monthly or quarterly. Its membership should mirror the TAC.
- ii. The Committee should make a call each year for projects from all stakeholders (County, municipalities, LATS/COG) for general projects.

EXHIBIT B

iii. County staff in coordination with the Advisory Committee should create a priority index for all central programs such as:

1. **Safety:** intersection Improvements, turn lanes, rural road improvements. Specifics to be developed.
2. **Dirt Road Paving:** update existing 5-year plan to include municipal dirt roads.
3. **Resilience:** priorities should be based on susceptibility to flooding and population or critical functions served by the road.
4. **Resurfacing:** program to look at improving any and all roads (DOT, County, Municipal) specifics to be developed.
5. **Pathways:** use approved county wide pedestrian and bike master plan as a guide. Priorities to projects already approved by voters.
6. **Transportation Technologies/Access Roads:** focus on access and connecting roads, smart signals, electric vehicles services.

b. **Issue Revenue Bonds**

Big projects should be bonded for immediate work

c. **Greenbelt (Long Term Demand Reduction)**

Utilize Rural and Critical Lands Board for priority setting of expenditures related to land or development rights acquisition

d. **Mass Transit**

Because no central plan currently exists for a comprehensive mass transit program, this should be the first priority. Utilize the exiting transit authority as the lead agency for this effort supported by an advisory committee.

9. Conclusions

As we weaved through the process and reviewed the gravity of the assignment and the critical needs for improvement and new components for our local mobility, it became quite evident that there is much to do. It appears that we are not just behind the “8 ball”, we are under it; and it will take a coordinated public relations effort to move even this limited referendum forward for a better “mobility future for all of us.

On behalf of the Transportation Advisory Committee members, may I say that it has been an honor to be entrusted by Council with preparing these important recommendations. I am available to meet with Council at your discretion to explain and discuss these projects and recommendations.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000 COLLECTIVELY COMMONLY KNOWN AS MELROSE LANDING
MEETING NAME AND DATE:
County Council; July 11, 2022
PRESENTER INFORMATION:
Brittany Ward, Deputy County Attorney 10 Minutes
ITEM BACKGROUND:
Vote at First Reading by Title Only on June 27, 2022: 7/4
PROJECT / ITEM NARRATIVE:
Beaufort County provides residents of the County with a ferry transportation service from the mainland to Daufuskie Island. A permanent embarkation location and public parking on Daufuskie Island is required to continue providing the ferry service. County staff has reviewed all available options and has identified the properties consisting of approximately 4.01 acres located on Melrose Landing Road on Daufuskie Island as the best option.
FISCAL IMPACT:
Funds from use of General Fund – Fund balance account. Funding not to exceed \$800,000 plus closing costs and legal fees
STAFF RECOMMENDATIONS TO COUNCIL:
Approve
OPTIONS FOR COUNCIL MOTION:
Approve/Deny Move forward for Third Reading

ORDINANCE 2022/_____

AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000 COLLECTIVELY COMMONLY KNOWN AS MELROSE LANDING

WHEREAS, Beaufort County (“County”) provides the residents of the County with a ferry transportation service from the mainland to Daufuskie Island (“Ferry Service”) which requires an embarkation location on both the mainland as well as on Daufuskie Island; and

WHEREAS, in order for the County to continue providing the Ferry Service, the County must establish a permanent Daufuskie Island embarkation location with public parking to serve the residents of Beaufort County now and in the future; and

WHEREAS, the best site for the Ferry Service Daufuskie Island embarkation location has been identified as the real property consisting of approximately 4.01 acres on Melrose Landing Road on Daufuskie Island, and further identified with TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000, collectively hereinafter referred to as the “Property”; and

WHEREAS, the purchase price for the Property must be at the current fair market value which will be determined by a licensed appraiser and by way of negotiating with the current Property owner; and

WHEREAS, funding for the purchase of the Property will be appropriated from use of General Fund – Fund balance in an amount not to exceed \$800,000 plus closing costs and legal fees; and

WHEREAS, County Council finds that it is in the best interest of the citizens and residents of Beaufort County to appropriate funds as described herein for the purchase of the Property.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, authorization to appropriate funds from General Fund – Fund balance in an amount not to exceed \$800,000 plus closing costs and legal fees in order to establish public ownership of the real property with TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000, located on Melrose Landing Road on Daufuskie Island.

Adopted this ____ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R552 010 000 0648 0000 AND R552 010 000 0649 0000, LOCATED ON HELMSMAN WAY, HILTON HEAD ISLAND
MEETING NAME AND DATE:
County Council; July 11, 2022
PRESENTER INFORMATION:
Brittany Ward, Deputy County Attorney 10 Minutes
ITEM BACKGROUND:
Vote at First Reading by Title Only on June 27, 2022: 7/4
PROJECT / ITEM NARRATIVE:
Beaufort County provides residents of the County with a ferry transportation service from the mainland to Daufuskie Island. A permanent embarkation location and public parking on the mainland is required to continue providing the ferry service. County staff has reviewed all available options and has identified the properties consisting of approximately 4.98 acres located on Helmsman Way on Hilton Head Island as the best option.
FISCAL IMPACT:
Funds from use of General Fund – Fund balance account. Funding not to exceed \$3,400,000 plus closing costs and legal fees
STAFF RECOMMENDATIONS TO COUNCIL:
Approve
OPTIONS FOR COUNCIL MOTION:
Approve/Deny Move forward for Third Reading

ORDINANCE 2022/_____

AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R552 010 000 0648 0000 AND R552 010 000 0649 0000, LOCATED ON HELMSMAN WAY, HILTON HEAD ISLAND

WHEREAS, Beaufort County (“County”) provides the residents of the County with a ferry transportation service from the mainland to Daufuskie Island (“Ferry Service”) which requires an embarkation location on both the mainland as well as on Daufuskie Island; and

WHEREAS, in order for the County to continue providing the Ferry Service, the County must establish a permanent mainland embarkation location with public parking to serve the residents of Beaufort County now and in the future; and

WHEREAS, the best site for the Ferry Service mainland embarkation location has been identified as the real property consisting of approximately 4.98 acres on Helmsman Way on Hilton Head Island, and further identified with TMS NO. R552 010 000 0648 0000 and R552 010 000 0649 0000, collectively hereinafter referred to as the “Property”; and

WHEREAS, the purchase price for the Property must be at the current fair market value which will be determined by a licensed appraiser and by way of negotiating with the current Property owner; and

WHEREAS, funding for the purchase of the Property will be appropriated from use of General Fund – Fund balance in an amount not to exceed \$3,400,000 plus closing costs and legal fees; and

WHEREAS, County Council finds that it is in the best interest of the citizens and residents of Beaufort County to appropriate funds as described herein for the purchase of the Property.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, authorization to appropriate funds from General Fund – Fund balance in an amount not to exceed \$3,400,000 plus closing costs and legal fees in order to establish public ownership of the real property with TMS NO. R552 010 000 0648 0000 and R552 010 000 0649 0000, located on Helmsman Way on Hilton Head Island.

Adopted this ____ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

JULY				
07/04/22 (Mon)		INDEPENDENCE DAY		HOLIDAY Item 19.
07/11/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Council Chambers	COUNCIL
AUGUST				
* 08/08/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Council Chambers	COUNCIL
* 08/15/22 (Mon)	1:00 PM	EXECUTIVE COMMITTEE MEETING	Council Chambers	EXECUTIVE
* 08/15/22 (Mon)	2:00 PM	COMMUNITY SERVICES COMMITTEE MEETING	Council Chambers	CS
* 08/15/22 (Mon)	3:00 PM	NATURAL RESOURCES COMMITTEE MEETING	Council Chambers	NR
08/22/22 (Mon)	2:00 PM	FINANCE COMMITTEE MEETING	Council Chambers	F
08/22/22 (Mon)	3:00 PM	PUBLIC FACILITIES COMMITTEE MEETING	Council Chambers	PF
SEPTEMBER				
09/05/22 (Mon)		LABOR DAY		HOLIDAY
09/06/22 (Tue)	1:00 PM	EXECUTIVE COMMITTEE MEETING	Council Chambers	EXECUTIVE
09/06/22 (Tue)	2:00 PM	COMMUNITY SERVICES COMMITTEE MEETING	Council Chambers	CS
09/06/22 (Tue)	3:00 PM	NATURAL RESOURCES COMMITTEE MEETING	Council Chambers	NR
* 09/12/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Hilton Head Island Library	COUNCIL
09/19/22 (Mon)	2:00 PM	FINANCE COMMITTEE MEETING	Council Chambers	F
09/19/22 (Mon)	3:00 PM	PUBLIC FACILITIES COMMITTEE MEETING	Council Chambers	PF
09/26/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	St. Helena Library	COUNCIL
OCTOBER				
* 10/03/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Council Chambers	COUNCIL
* 10/10/22 (Mon)	1:00 PM	EXECUTIVE COMMITTEE MEETING	Council Chambers	EXECUTIVE
* 10/10/22 (Mon)	2:00 PM	COMMUNITY SERVICES COMMITTEE MEETING	Council Chambers	CS
* 10/10/22 (Mon)	3:00 PM	NATURAL RESOURCES COMMITTEE MEETING	Council Chambers	NR
10/17/22 (Mon)	2:00 PM	FINANCE COMMITTEE MEETING	Council Chambers	F
10/17/22 (Mon)	3:00 PM	PUBLIC FACILITIES COMMITTEE MEETING	Council Chambers	PF
10/24/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Council Chambers	COUNCIL
NOVEMBER				
11/07/22 (Mon)	1:00 PM	EXECUTIVE COMMITTEE MEETING	Council Chambers	EXECUTIVE
11/07/22 (Mon)	2:00 PM	COMMUNITY SERVICES COMMITTEE MEETING	Council Chambers	CS
11/07/22 (Mon)	3:00 PM	NATURAL RESOURCES COMMITTEE MEETING	Council Chambers	NR
11/11/22 (Fri)		VETERAN'S DAY		HOLIDAY
11/14/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Buckwalter Rec Center	COUNCIL
11/21/22 (Mon)	2:00 PM	FINANCE COMMITTEE MEETING	Council Chambers	F
11/21/22 (Mon)	3:00 PM	PUBLIC FACILITIES COMMITTEE MEETING	Council Chambers	PF
11/24/22 (Thu)		THANKSGIVING		HOLIDAY
11/25/22 (Fri)		HERITAGE DAY		HOLIDAY
DECEMBER				
12/12/22 (Mon)	5:00 PM	CAUCUS AND COUNTY COUNCIL MEETING	Council Chambers	COUNCIL
12/23/22 (Fri)		CHRISTMAS EVE OBSERVED		HOLIDAY
12/24/22 (Sat)		CHRISTMAS EVE		HOLIDAY
12/25/22 (Sun)		CHRISTMAS DAY		HOLIDAY
12/26/22 (Mon)		CHRISTMAS DAY OBSERVED		HOLIDAY

LEGEND

	Caucus and County Council Meeting
	Executive Committee Meeting
	Community Services Committee Meeting
	Natural Resources Committee Meeting
	Finance Committee Meeting
	Public Facilities Committee Meeting
	Holiday

* The asterisk represents a proposed meeting change.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 1.

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 36 HUNTER ROAD FOR THE HILTON HEAD ISLAND AIRPORT EXPANSION PROJECT
MEETING NAME AND DATE:
Executive Committee June 6, 2022
PRESENTER INFORMATION:
Jon Rembold, Airports Director 5 minutes
ITEM BACKGROUND:
36 Hunter Road is the fifth of five properties to be purchased in support of the terminal campus improvements project. This acquisition is contemplated in the master plan that was approved in 2010 to support the development of the commercial service passenger terminal and the ancillary services such as vehicle parking.
PROJECT / ITEM NARRATIVE:
Detailed negotiations with the property owner over a 2-year period resulted in the proposed purchase price. Appraisals and review appraisals support the proposed purchase price. The FAA is in agreement with the base price and supports the project. The property owner is a willing seller. Following the purchase, the County will lease the property to Avis Car Rentals for temporary use as a rental car cleaning facility. The lease will generate revenue to assist in paying the sponsor share of the project cost.
FISCAL IMPACT:
Proposed purchase price: \$947,500 FAA via BIL AIG grant will reimburse \$814,500 The Airport is responsible for \$133,000 which will be paid with ARPA funds.
STAFF RECOMMENDATIONS TO COUNCIL:
Approve the funding and purchase of real property as proposed and forward to County Council with a recommendation to approve.
OPTIONS FOR COUNCIL MOTION:
Move forward to Council on June 13, 2022

ORDINANCE 2022/_____

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 36 HUNTER ROAD FOR THE HILTON HEAD ISLAND AIRPORT EXPANSION PROJECT

WHEREAS, the Hilton Head Island Airport (“Airport”) located in Beaufort County (“County”) is in the process of expanding the terminal in order to provide better service to both residents and tourists (“Expansion Project”); and

WHEREAS, on April 8, 2019, the Beaufort County Council approved hiring Talbert, Bright & Ellington, Inc. as consultants (“Consultants”) for the Expansion Project; and

WHEREAS, the Consultants determined the Expansion Project requires the County to acquire the real property located at 36 Hunter Drive, Hilton Head Island, 29926 (“Property”); and

WHEREAS, the County has negotiated a purchase price of the Property for \$947,500 plus closing costs; and

WHEREAS, the funding for the purchase of the Property will be provided from American Rescue Plan Act funds in the amount of \$133,000 and the remaining amount of \$814,500 plus closing costs from the General Fund; and

WHEREAS, the Expansion Project is eligible for Federal Aviation Administration (“FAA”) funding, which requires the County to purchase the Property and the FAA will then reimburse ninety (90%) percent of the approved expenditures; and

WHEREAS, the \$814,500 plus closing costs from the General Fund will be submitted for reimbursement from the FAA; and

WHEREAS, County Council finds that it is in the best interest of the citizens and residents of Beaufort County for the County Administrator to fund and purchase the Property.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of real property identified as 36 Hunter Road for the Hilton Head Island airport expansion project.

Adopted this ____ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council