



**County Council of
Beaufort County
County Council Meeting**

Chairman

Joseph F. Passiment, JR.

Vice Chairman

D. Paul Sommerville

Council Members

Michael E. Covert

Gerald Dawson

Brian E. Flewelling

York Glover, SR.

Chris Hervochon

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

County Administrator

Ashley M. Jacobs

Clerk to Council

Sarah W. Brock

Administration Building

Robert Smalls Complex

100 Ribaut Road

Contact

Post Office Drawer 1228

Beaufort, South Carolina 29901-1228

(843) 255-2180

www.beaufortcountysc.gov

County Council Agenda

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

THIS MEETING WILL CLOSED TO THE PUBLIC. CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION
3. [Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act]
4. APPROVAL OF AGENDA

CITIZEN COMMENTS

5. CITIZEN COMMENT (Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment)

PROCLAMATIONS AND PRESENTATIONS

6. PROCLAMATION HONORING THE LIFE OF MR. ALLEN MILLER

COMMITTEE REPORTS

7. LIAISON AND COMMITTEE REPORTS

EXECUTIVE SESSION

8. CONSENT AGENDA (PAGE 3)

ACTION ITEMS

9. FIRST READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2019/32, FY 2019-2020 BEAUFORT COUNTY BUDGET, TO APPROPRIATE \$695,000.00 FROM THE GENERAL FUND TO PROVIDE FUNDS TO SETTLE LITIGATION CAPTIONED 2019-CP-07-01642.

10. FIRST READING OF AN ORDINANCE TO ESTABLISH AN ENTERPRISE FUND FOR SOLID WASTE AND RECYCLING FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING AND MAINTAINING SOLID WASTE AND RECYCLING PROGRAMS, PROJECTS, FACILITIES AND OTHER MATTERS RELATED TO SOLID WASTE MANAGEMENT.

- [11.](#) CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A NEW STORMWATER MANAGEMENT AND UTILITY INTERGOVERNMENTAL AGREEMENT; AND OTHER MATTERS RELATING THERETO.
- [12.](#) CONSIDERATION OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PERFECT RIGHT OF WAY ON STROUP ROAD
- [13.](#) CONSIDERATION OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF LAND ASSOCIATED WITH PAVING OF DAVID GREEN ROAD LOCATED ON ST. HELENA ISLAND
- [14.](#) CONSIDERATION OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF LAND TO COMPLETE RIGHT OF WAY OWNERSHIP ASSOCIATED WITH THE DIRT ROAD PAVING OF TWICKENHAM ROAD LOCATED IN SHELDON TOWNSHIP
- [15.](#) CONSIDERATION OF A RESOLUTION REPEALING RESOLUTION 2019/10 AUTHORIZING EXECUTION OF DOCUMENTS FOR 88 HAMPTON PARKSIDE ROAD DONATION
- [16.](#) RECOMMENDATION OF AWARD FOR DESIGN/BUILD CONSTRUCTION FOR DIRT ROAD PAVING CONTRACT to J.H. Hiers' fee proposal for a total project cost of \$2,305,778. The funding for the project is TAG Funds with an available balance of \$5,107,619.62.
- [17.](#) REQUEST CONTRACT CHANGE ORDER APPROVAL WITH HILTON HEAD HUMANE ASSOCIATION FOR VETERINARY SERVICES FOR BEAUFORT COUNTY'S ANIMAL SHELTER
- [18.](#) DESIGNATED DMO FOR NORTHERN BEAUFORT COUNTY'S REQUEST FOR TOURISM RECOVERY FUNDING
- [19.](#) EMERGENCY ORDINANCE No. 2020 / 02 EXTENDING THE STATE OF EMERGENCY IN BEAUFORT COUNTY

BOARDS AND COMMISSIONS

- [20.](#) Reappointment of Louis Poindexter to Bluffton Township Fire District Board
- [21.](#) Appointment of John Maffei (District 7) to the Rural and Critical Lands Board
- [22.](#) Appointment of Kamal Wigfall to Keep Beaufort County Beautiful Board
- [23.](#) Reappointment of Phil Kiser and Appointment James K. Mack to the Beaufort County Parks and Recreation Board

CITIZEN COMMENT

24. CITIZEN COMMENT - (Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, or comment on our Facebook Live stream to participate in Citizen Comment)
25. ADJOURNMENT

CONSENT AGENDA

1. SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO LEASE AGREEMENTS WITH THE CURRENT TENANTS OCCUPYING PROPERTY ACQUIRED DUE TO THE EXPANSION PROJECT AT THE HILTON HEAD ISLAND AIRPORT
 2. SECOND READING OF A STORMWATER ORDINANCE THAT WOULD INCLUDE THE EXEMPTION OF PRIVATE ROADWAYS THAT ARE NOT SHOWN AS A SEPARATE PARCEL OF LAND BUT ARE USED BY MORE THAN ONE PROPERTY OWNER TO ACCESS THEIR PROPERTY AND UPDATE THE ORDINANCE TO PROVIDE CLARIFICATION AND REFLECT ORGANIZATIONAL CHANGES.
-

END OF CONSENT AGENDA

~ Proclamation ~

Whereas, Allan Lewis Miller was born on March 7, 1932 in Boston Massachusetts; and

Whereas, after growing up in Boston, Mr. Miller attended Roxbury Memorial High School, Dartmouth College, (Phi Beta Kappa) and Harvard Law School; and

Whereas, Mr. Miller served with distinction in the Judge Advocate General Corps of the U.S. Navy, in which he generated lifelong friendships; and

Whereas, following the navy, Mr. Miller joined the Jones & Laughlin Steel Group, where he served as a labor attorney; and

Whereas, Mr. Miller went on to a 28 year career with Borden, Inc., culminating as Chief Administrative Officer and General Counsel; and

Whereas, Mr. Miller was a member of the Bar Associations of Massachusetts, Pennsylvania and Ohio, and was admitted to the Bar of the Supreme Court of the United States; and

Whereas, In the 25 years that Mr. Miller lived with his wife, Ginger, on Hilton Head, he served on the boards of Deep Well Project, the Savannah Symphony Orchestra, and the Sea Pines Country Club; and

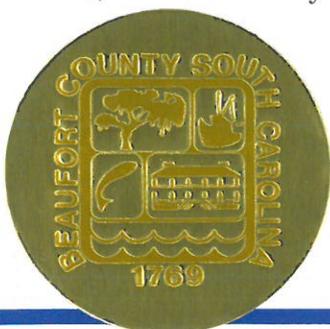
Whereas, Mr. Miller served with great diligence and devotedness on the Beaufort County Board of Assessment Appeals from February 2015 - March 2020; and

Whereas, An avid traveler with Ginger, Allan was always keen to see new places and learn about different cultures, maximizing every opportunity to see parts of the world through the eyes of family living overseas, and joining friends in new adventures in the US and abroad; and

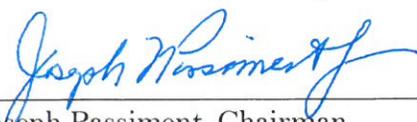
Whereas, Mr. Miller passed away April 26, 2020; and

Whereas, Mr. Miller will be deeply missed by many lifelong friends, and especially his family, including his wife of almost 52 years, Ginger; daughter Laura Thompson, her husband, Charles, and their sons Charles, Alexander, and Malcolm of Charlotte, North Carolina; daughter Katherine Denmead, her husband, Tyler, and their daughter, Virginia, and son, Elliott, of Cambridge, England.

Now, therefore, be it resolved, that Beaufort County Council honors the life of Allen Lewis Miller and his achievements as a naval officer, a businessman and lawyer, a community servant, a devoted family man and outstanding citizen of Beaufort County.



Dated this 11th Day of May 2020



Joseph Passiment, Chairman
Beaufort County Council



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Supplemental appropriation of funds

Council Committee:

COUNTY COUNCIL

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Kurt Taylor

Issues for Consideration:

Council previously authorized the settlement of litigation involving certain retirees from the county regarding health insurance, in a case captioned Arnold et. al v. Beaufort County and Bluffton Township Fire District in the amount of \$695,000.00. The settlement has been accepted and releases have been signed by the plaintiffs. It is now necessary for Council to approve a supplemental appropriation to identify the source of funds for the settlement.

Points to Consider:

The settlement with these plaintiffs will be final once the funds are appropriated and delivered. Finance Committee approved ordinance on April 20, 2020

Funding & Liability Factors:

The source of funds must be identified and a supplemental appropriation approved by ordinance.

Council Options:

Approve, modify, or reject. This finalizes an earlier approval by council.

Recommendation:

Staff recommends Council approve the request.

ORDINANCE 2020/ _____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2019/32, FY 2019-2020 BEAUFORT COUNTY BUDGET, TO APPROPRIATE \$695,000.00 FROM THE GENERAL FUND TO PROVIDE FUNDS TO SETTLE LITIGATION CAPTIONED 2019-CP-07-01642.

WHEREAS, on June 24, 2019, Beaufort County Council adopted Ordinance No. 2019/32 which sets forth and establishes the County's FY 2019-2020 budget and associated expenditures; and

WHEREAS, the County has been a defendant in the above-captioned litigation regarding retirees health insurance benefits; and

WHEREAS, the County and the plaintiffs have reached an agreement to settle all claims in that litigation for the amount of \$695,000.00; and

WHEREAS, there needs to be a supplemental appropriation to provide for funds to pay the settlement;

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Ordinance 2019/32, FY 2019-2020 Beaufort County Budget Ordinance, is hereby amended to provide \$695,000.00 in supplemental appropriations from the General Fund to be directed to the cost of settlement of case number 2019-CP-07-01642.

Adopted this _____ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joe Passiment,
Chairman, Beaufort County Council

ATTEST:

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



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Ordinance Revision - Establishing Solid Waste and Recycling Enterprise Fund

Council Committee:

County Council Meeting May 11, 2020

Meeting Date:

County Council - May 11, 2020

Committee Presenter (Name and Title):

Dave Wilhelm, Assistant County Administrator for Public Works and Sustainability; Chris Inglese, Deputy Administrator; Gary Pope, Pope Flynn LLC

Issues for Consideration:

First reading of proposed Ordinance to establish an Enterprise Fund for Solid Waste and Recycling for the purpose of planning, designing, constructing, funding and maintaining Solid Waste and Recycling programs, projects, facilities and other matters related to solid waste management.

Points to Consider:

Public Facilities Committee approved April 20, 2020 with unanimous vote. The proposed Solid Waste and Recycling budget would be the same whether it is part of the General Fund or as a separate fee. The fee would be assessed to all residential Beaufort County property owners. Tischler Bise has been retained to provide fee study. Fee proposal will be provided prior to the 3rd and final reading.

Funding & Liability Factors:

Establishment of the Enterprise Fund will remove an estimated \$9.3 million dollars out of the FY21 General Fund budget and into a Fund limited to solid waste management activities.

Council Options:

Approve first reading or send proposal back to Committee

Recommendation:

Approve first reading



Memorandum

DATE: May 6, 2020

TO: County Council and Ashley M. Jacobs, County Administrator;

Cc: David Wilhelm, Cindy Carter, Kurt Taylor

FROM: Gary T. Pope Jr., Esquire; Christopher S. Inglese, Deputy Administrator

SUBJECT: Solid Waste and Recycling Enterprise System Ordinance

Background

Currently before Beaufort County Council for first reading is a proposed ordinance entitled: “AN ORDINANCE ESTABLISHING A SOLID WASTE AND RECYCLING ENTERPRISE SYSTEM FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING, AND MAINTAINING SOLID WASTE AND RECYCLING MANAGEMENT PROGRAMS, PROJECTS, AND FACILITIES; AND OTHER MATTERS RELATED THERETO” (the “*Proposed Ordinance*”). The Proposed Ordinance will provide for and authorize the establishment of the Solid Waste and Recycling Enterprise System (as defined in the Proposed Ordinance) of the County and the imposition of service fees to finance the operational and capital requirements related to the County’s solid waste and recycling programs.

Revisions from Public Facilities Committee to First Reading

The first reading draft of the Proposed Ordinance incorporates changes from the version included in the initial meeting package for the Public Facilities Committee, and while certain of these revisions were discussed briefly at the Public Facilities Committee, a brief description of each change from the version initially submitted to the Public Facilities Committee is provided below:

Section	Description of Revision
5 th Whereas Cause	Revision reflects that fees may be in tiered amounts.
6 th Whereas Clause	Revision reflects that the measurement period should be the immediately preceding fiscal year
Section 2(A) (§ 62-1(a))	Revision addresses planned exclusion of commercial and industrial users, and sets forth the rational basis for excluding such classes of users currently and for potentially adding them at a later date.
Section 2(B) (§ 62-1(b))	Revisions responsive to comments received from committee members and municipal representatives—paragraph recast to

reflect how and where disposal service shall be provided. Clarifies that non-disposal service may only be provided within a municipality in accordance with Section 4-9-40 of the South Carolina Code.

Section 2(C) (§ 62-6(b))

Revisions responsive to comments received from committee members and municipal representatives make clear that the County will not be providing any service municipal residents receive and are paying for through their respective municipalities. Clarifies that non-disposal solid waste and recycling services may be offered in the future at the discretion of County Council. Provides illustrative examples of fee payors and illustrative examples of potential exemptions.

DRAFT

ORDINANCE NO. 2020/ ____

AN ORDINANCE ESTABLISHING A SOLID WASTE AND RECYCLING ENTERPRISE SYSTEM FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING, AND MAINTAINING SOLID WASTE AND RECYCLING MANAGEMENT PROGRAMS, PROJECTS, AND FACILITIES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Beaufort County, South Carolina (the “*County*”) has been granted authority by the South Carolina General Assembly, in accordance with the constitution and laws of the State of South Carolina (the “*State*”), “to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them.” S.C. Code Ann. § 4-9-25; and

WHEREAS, in addition to the general powers described above, S.C. Code Ann. § 44-55-1210 provides that the County has express authority to determine “by ordinance or resolution . . . that the county shall engage in the collection and disposal of solid waste” and to levy service charges “against persons for whom collection services are provided whether such services are performed by the county, a municipality or a private agency”; and

WHEREAS, the solid waste services of the County are currently funded as part of the general fund of the County from *ad valorem* property taxes; and

WHEREAS, the County has determined that in order to most effectively meet its responsibilities under State law and to ensure adequate and equitable funding for its solid waste and recycling services, that the County shall form a solid waste and recycling enterprise system, impose solid waste and recycling user fees, and establish a special solid waste and recycling enterprise fund to provide for the operations and capital needs of the solid waste enterprise system; and

WHEREAS, the County finds that the uniform service charges contemplated hereby comply with *Brown v. Horry County*, 308 S.C. 180 (1992), as the fee will (1) allow for the improvement and maintenance of the County’s solid waste and recycling programs which will directly benefit the payor through the availability of such programs and the resulting positive externalities associated with improved sanitation, (2) the proceeds of the fee shall be restricted to the solid waste and recycling programs, (3) the fee will be set annually in an amount or amounts that will not exceed the cost of operation and maintenance, capital improvements, and debt service associated with the solid waste and recycling enterprise system, and (4) the fee will be uniformly imposed on the various classes of payors; and

WHEREAS, pursuant to Section 6-1-330 of the Code of Laws of South Carolina 1976, as amended, in order to impose solid waste user fees, the Beaufort County Council, as the governing body of the County (the “*County Council*”), must hold a public hearing on the imposition of the fee, make a recitation (by the terms of this Ordinance) that the services to be paid by the fee were previously paid with property taxes and must approve this ordinance by positive majority vote of the County Council; and, to the extent that the revenue generated from the solid waste fees are anticipated to comprise more than five percent of the County’s budget for the immediately prior fiscal year ~~ended June 30, 2019~~, all such fee revenues shall be deposited to a separate fund from the County’s general fund; and

WHEREAS, the segregation of revenues into a solid waste and recycling enterprise fund shall facilitate future investments in the system should the County avail itself of the authority granted in the Revenue Bond Act for Utilities, as codified at S.C. Code Ann. §§ 6-21-10 *et seq.*; and

WHEREAS, based on the recommendation of the Solid Waste and Recycling Board, established under Ordinance 2007/37, the County Council is enacting this ordinance to form the solid waste and recycling enterprise system, impose solid waste fees, and establish the solid waste and recycling enterprise fund as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, duly assembled, as follows:

SECTION 1. RECITALS INCORPORATED BY REFERENCE. The recitals stated above are incorporated by reference as if fully restated herein.

SECTION 2. AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES. In order to properly implement the Solid Waste and Recycling Enterprise System (as defined hereinbelow), certain amendments, supplement and additions to Chapter 62 – “Solid Waste”, Article I – “In General” of the Beaufort County Code of Ordinances as provided hereinbelow.

A. Section 62-1 is amended and restated in its entirety as follows:

Sec. 62-1 – Establish and Administration of Solid Waste and Recycling Enterprise System

(a) There is hereby created the “Solid Waste and Recycling Enterprise System” of the County. The Solid Waste and Recycling Enterprise System shall be operated as an administrative division of the County under the responsibility of the Beaufort County Director of Solid Waste and Recycling. The County Administrator and the Director of Solid Waste and Recycling are authorized to (i) establish and organize the County’s solid waste and recycling facilities as

necessary for their useful and efficient operation, (ii) to establish necessary procedures, policies and guidelines for the use of the County's solid waste and recycling facilities, and (iii) to recommend appropriate fee and rate schedules for consideration and approval by County Council, including any appropriate exemptions. Any ~~fees~~fee, charge or rate recommendations shall be based upon considerations that the County's Solid Waste and Recycling Enterprise System will be self-supporting, and adequately funded by all users and classes of users. Fees, charges, and rates shall not be charged to commercial or industrial users as they do not presently and directly benefit from the solid waste and recycling disposal services provided by the County; provided, however, fees, rates, and charges may be charged to all or a portion of such classes of users should such users directly benefit from County solid waste and recycling services in future periods. The County Administrator and the Director of Solid Waste and Recycling are further directed to keep County Council advised as to the progress in accomplishing these requirements-.

(b) These provisions shall be applicable within the County and all County-owned solid waste and recycling facilities.

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

~~These provisions shall be applicable within the County and all County-owned solid waste facilities, including County solid waste facilities located within the boundaries of any municipality. The County may provide solid waste and recycling services within municipalities by contract in accordance with Section 4-9-40 of the Code of Laws of South Carolina 1976, as amended; provided, however, that the County shall not provide a competing service with a municipality without the consent of the governing body thereof.~~ The County finds, after due investigation, that the Solid Waste and Recycling Enterprise System programs, presently consisting of solid waste and recycling disposal, do not conflict, or compete in any way, with the solid waste and recycling services of the municipalities within the County and are entirely complementary thereof and separate therefrom. To the extent that a municipality engages in solid waste

disposal, the County shall not engage in such service within such municipality, and appropriate fee exemptions shall be implemented.

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

B. Section 62-2 shall be supplemented by the addition of new paragraph (c), as follows:

(c) In addition to the foregoing authority, purposes, and general matters, the County finds the Solid Waste and Recycling Enterprise System shall subserve the following additional purposes:

(i) To promote the public health, safety and welfare;

(ii) To ensure that solid waste is transported, stored, treated, processed and disposed of in a manner adequate to protect human health, safety and welfare and the environment;

(iii) To promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials which would otherwise be disposed of as solid waste;

(iv) To provide an efficient method for the collection, transportation, storage, handling, treatment, reduction, recycling, reuse and disposal of solid waste in the county through the establishment, construction and operation of solid waste collection sites and other facilities for the use and benefit of residents of the County and other municipalities, entities or persons who contract for the use of County facilities for the collection of permitted solid waste in accordance with county ordinances and regulations; and

(v) To protect and preserve the quality of the environment and to conserve and recycle natural resources.

C. Section 62-6 shall be added as follows:

Sec. 62-6 – Uniform Service Charges.

(a) The County Council shall initially, by ordinance, establish a schedule of uniform service charges. Thereafter, the schedule shall be updated or amended as a part of the County's annual budget process or as a standalone authorization. The proceeds from the uniform service charges, and rates, fees and charges established by County Council shall be used to pay in whole or in part the costs of acquiring, equipping, operating and maintaining facilities and sites for the collection, transportation, storage, handling, separation, treatment, reduction, recycling, reuse and disposal of household solid waste generated within the County.

(b) There shall be a uniform residential solid waste fee annually imposed upon the owner of record of each residence in the County-, including all single and multi-family homes, mobile homes, and all lease and rental properties, in accordance with the then prevailing fee schedule, subject to the rules and regulations governing the Solid Waste and Recycling Enterprise System, and further subject to any applicable exemptions, which exemptions shall include, but not be limited to, a complete or partial exemption for users in any municipality within the County to the extent the respective municipality provides a service in lieu of the County. ~~Solid~~ In addition to fees, charges, and rates with respect to solid waste and recycling disposal services, fees, charges, and rates in connection with other solid waste and recycling services may be ~~provided~~ imposed within the corporate limits of a municipality in the County by contract with an individual, corporation or municipal governing body ~~;~~ ~~provided, however, that where such service is being provided by the municipality or has been budgeted or funds have been applied for, such service may not be rendered without the permission of the municipal governing body, and uniform residential solid waste fee shall not be imposed within such municipality~~ to the extent the County is providing solid waste and recycling services in a municipality pursuant to Section 62-1(b).

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

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

citizens not be forced to subsidize those taxpayers who do not pay this lawful fee in a timely manner.

D. Section 62-7 shall be added as follows:

Sec. 62-7 – Special Fund

All charges, rates, fees or other revenues collected pursuant to this chapter shall be deposited to a special fund to be known as the Solid Waste and Recycling Enterprise Fund, and all funds deposited in the Solid Waste and Recycling Enterprise Fund shall be expended for the administration, operation, and maintenance of the County solid waste and recycling programs and the acquiring, constructing, renovating, and equipping of apparatus and facilities necessary or convenient therefor. Should the County issue bonds or enter into other obligations the proceeds of which benefit the Solid Waste and Recycling Enterprise System, it may secure such bonds and other obligations with a pledge of all or a portion of the revenues deposited to or derived from the Solid Waste and Recycling Enterprise Fund.

SECTION 3. PUBLIC HEARING. A public hearing shall be held in compliance with Section 6-1-330 of the Code of Laws of South Carolina 1976, as amended prior to third and final reading of this ordinance.

SECTION 4. SEVERABILITY. If any Section, Subsection, or Clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections and Clauses shall not be affected thereby.

SECTION 5. CONFLICTING ORDINANCES REPEALED. If any Section, Subsection, or Clause of this ordinance shall conflict with any Section, Subsection or Clause of a preceding ordinance of the County, then the preceding Section, Subsection or Clause is hereby repealed and no longer in effect.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Stewart H. Rodman, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

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

ORDINANCE NO. 2020/ ____

AN ORDINANCE ESTABLISHING A SOLID WASTE AND RECYCLING ENTERPRISE SYSTEM FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING, AND MAINTAINING SOLID WASTE AND RECYCLING MANAGEMENT PROGRAMS, PROJECTS, AND FACILITIES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Beaufort County, South Carolina (the “*County*”) has been granted authority by the South Carolina General Assembly, in accordance with the constitution and laws of the State of South Carolina (the “*State*”), “to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them.” S.C. Code Ann. § 4-9-25; and

WHEREAS, in addition to the general powers described above, S.C. Code Ann. § 44-55-1210 provides that the County has express authority to determine “by ordinance or resolution . . . that the county shall engage in the collection and disposal of solid waste” and to levy service charges “against persons for whom collection services are provided whether such services are performed by the county, a municipality or a private agency”; and

WHEREAS, the solid waste services of the County are currently funded as part of the general fund of the County from *ad valorem* property taxes; and

WHEREAS, the County has determined that in order to most effectively meet its responsibilities under State law and to ensure adequate and equitable funding for its solid waste and recycling services, that the County shall form a solid waste and recycling enterprise system, impose solid waste and recycling user fees, and establish a special solid waste and recycling enterprise fund to provide for the operations and capital needs of the solid waste enterprise system; and

WHEREAS, the County finds that the uniform service charges contemplated hereby comply with *Brown v. Horry County*, 308 S.C. 180 (1992), as the fee will (1) allow for the improvement and maintenance of the County’s solid waste and recycling programs which will directly benefit the payor through the availability of such programs and the resulting positive externalities associated with improved sanitation, (2) the proceeds of the fee shall be restricted to the solid waste and recycling programs, (3) the fee will be set annually in an amount or amounts that will not exceed the cost of operation and maintenance, capital improvements, and debt service associated with the solid waste and recycling enterprise system, and (4) the fee will be uniformly imposed on the various classes of payors; and

WHEREAS, pursuant to Section 6-1-330 of the Code of Laws of South Carolina 1976, as amended, in order to impose solid waste user fees, the Beaufort County Council, as the governing body of the County (the “*County Council*”), must hold a public hearing on the imposition of the fee, make a recitation (by the terms of this Ordinance) that the services to be paid by the fee were previously paid with property taxes and must approve this ordinance by positive majority vote of the County Council; and, to the extent that the revenue generated from the solid waste fees are anticipated to comprise more than five percent of the County’s budget for the immediately prior fiscal year, all such fee revenues shall be deposited to a separate fund from the County’s general fund; and

WHEREAS, the segregation of revenues into a solid waste and recycling enterprise fund shall facilitate future investments in the system should the County avail itself of the authority granted in the Revenue Bond Act for Utilities, as codified at S.C. Code Ann. §§ 6-21-10 *et seq.*; and

WHEREAS, based on the recommendation of the Solid Waste and Recycling Board, established under Ordinance 2007/37, the County Council is enacting this ordinance to form the solid waste and recycling enterprise system, impose solid waste fees, and establish the solid waste and recycling enterprise fund as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, duly assembled, as follows:

SECTION 1. RECITALS INCORPORATED BY REFERENCE. The recitals stated above are incorporated by reference as if fully restated herein.

SECTION 2. AMENDMENT TO BEAUFORT COUNTY CODE OF ORDINANCES. In order to properly implement the Solid Waste and Recycling Enterprise System (as defined hereinbelow), certain amendments, supplement and additions to Chapter 62 – “Solid Waste”, Article I – “In General” of the Beaufort County Code of Ordinances as provided hereinbelow.

A. Section 62-1 is amended and restated in its entirety as follows:

Sec. 62-1 – Establish and Administration of Solid Waste and Recycling Enterprise System

(a) There is hereby created the “Solid Waste and Recycling Enterprise System” of the County. The Solid Waste and Recycling Enterprise System shall be operated as an administrative division of the County under the responsibility of the Beaufort County Director of Solid Waste and Recycling. The County Administrator and the Director of Solid Waste and Recycling are authorized to (i) establish and organize the County’s solid waste and recycling facilities as

necessary for their useful and efficient operation, (ii) to establish necessary procedures, policies and guidelines for the use of the County's solid waste and recycling facilities, and (iii) to recommend appropriate fee and rate schedules for consideration and approval by County Council, including any appropriate exemptions. Any fee, charge or rate recommendations shall be based upon considerations that the County's Solid Waste and Recycling Enterprise System will be self-supporting, and adequately funded by all users and classes of users. Fees, charges, and rates shall not be charged to commercial or industrial users as they do not presently and directly benefit from the solid waste and recycling disposal services provided by the County; provided, however, fees, rates, and charges may be charged to all or a portion of such classes of users should such users directly benefit from County solid waste and recycling services in future periods. The County Administrator and the Director of Solid Waste and Recycling are further directed to keep County Council advised as to the progress in accomplishing these requirements.

(b) These provisions shall be applicable within the County and all County-owned solid waste and recycling facilities.

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

The County finds, after due investigation, that the Solid Waste and Recycling Enterprise System programs, presently consisting of solid waste and recycling disposal, do not conflict, or compete in any way, with the solid waste and recycling services of the municipalities within the County and are entirely complementary thereof and separate therefrom. To the extent that a municipality engages in solid waste disposal, the County shall not engage in such service within such municipality, and appropriate fee exemptions shall be implemented.

The Director of Solid Waste and Recycling may request assistance from the various departments and other officials of the county or municipalities, as may be necessary for the orderly implementation of this chapter. Agreements, including any intergovernmental agreements with municipalities within the County,

necessary or desirable and regulations promulgated to carry out this chapter are authorized and shall be subject to prior review and approval of County Council.

B. Section 62-2 shall be supplemented by the addition of new paragraph (c), as follows:

(c) In addition to the foregoing authority, purposes, and general matters, the County finds the Solid Waste and Recycling Enterprise System shall subserve the following additional purposes:

(i) To promote the public health, safety and welfare;

(ii) To ensure that solid waste is transported, stored, treated, processed and disposed of in a manner adequate to protect human health, safety and welfare and the environment;

(iii) To promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials which would otherwise be disposed of as solid waste;

(iv) To provide an efficient method for the collection, transportation, storage, handling, treatment, reduction, recycling, reuse and disposal of solid waste in the county through the establishment, construction and operation of solid waste collection sites and other facilities for the use and benefit of residents of the County and other municipalities, entities or persons who contract for the use of County facilities for the collection of permitted solid waste in accordance with county ordinances and regulations; and

(v) To protect and preserve the quality of the environment and to conserve and recycle natural resources.

C. Section 62-6 shall be added as follows:

Sec. 62-6 – Uniform Service Charges.

(a) The County Council shall initially, by ordinance, establish a schedule of uniform service charges. Thereafter, the schedule shall be updated or amended as a part of the County's annual budget process or as a standalone authorization. The proceeds from the uniform service charges, and rates, fees and charges established by County Council shall be used to pay in whole or in part the costs of acquiring, equipping, operating and maintaining facilities and sites for the collection, transportation, storage, handling, separation, treatment, reduction, recycling, reuse and disposal of household solid waste generated within the County.

(b) There shall be a uniform residential solid waste fee annually imposed upon the owner of record of each residence in the County, including all single and multi-family homes, mobile homes, and all lease and rental properties, in accordance with the then prevailing fee schedule, subject to the rules and regulations governing the Solid Waste and Recycling Enterprise System, and further subject to any applicable exemptions, which exemptions shall include, but not be limited to, a complete or partial exemption for users in any municipality within the County to the extent the respective municipality provides a service in lieu of the County. In addition to fees, charges, and rates with respect to solid waste and recycling disposal services, fees, charges, and rates in connection with other solid waste and recycling services may be imposed within the corporate limits of a municipality in the County by contract with an individual, corporation or municipal governing body to the extent the County is providing solid waste and recycling services in a municipality pursuant to Section 62-1(b).

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

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

D. Section 62-7 shall be added as follows:

Sec. 62-7 – Special Fund

All charges, rates, fees or other revenues collected pursuant to this chapter shall be deposited to a special fund to be known as the Solid Waste and Recycling Enterprise Fund, and all funds deposited in the Solid Waste and Recycling Enterprise Fund shall be expended for the administration, operation, and maintenance of the County solid waste and recycling programs and the acquiring, constructing, renovating, and equipping of apparatus and facilities necessary or

convenient therefor. Should the County issue bonds or enter into other obligations the proceeds of which benefit the Solid Waste and Recycling Enterprise System, it may secure such bonds and other obligations with a pledge of all or a portion of the revenues deposited to or derived from the Solid Waste and Recycling Enterprise Fund.

SECTION 3. PUBLIC HEARING. A public hearing shall be held in compliance with Section 6-1-330 of the Code of Laws of South Carolina 1976, as amended prior to third and final reading of this ordinance.

SECTION 4. SEVERABILITY. If any Section, Subsection, or Clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections and Clauses shall not be affected thereby.

SECTION 5. CONFLICTING ORDINANCES REPEALED. If any Section, Subsection, or Clause of this ordinance shall conflict with any Section, Subsection or Clause of a preceding ordinance of the County, then the preceding Section, Subsection or Clause is hereby repealed and no longer in effect.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joe Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

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



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Resolution authorizing the execution of a stormwater management and utility intergovernmental agreement with City of Beaufort

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Neil Desai, Public Works Director

Issues for Consideration:

N/A

Points to Consider:

This amended IGA was requested by the City, as they are proposing to do a bond issue and part of the process for a bond requires an agreement with funding sources (billing and collections for the life of the bond). The Stormwater Management Utility (SWMU) Board approved the recommendation to extend it out 25 years without any significant changes to the intent the agreement during the 10/10/2018 meeting. The IGA draft was provided to the SWMU Board in the 2/12/2020 packet and during the meeting were informed there were no significant changes from the previous IGA and that the term is for a period of twenty (20) years. No concerns were expressed about the draft of the Amended and Restated IGA with City of Beaufort. The IGA was approved by the Public Facilities Committee on April 20, 2020.

Funding & Liability Factors:

N/A

Council Options:

To continue with the current IGA or to approve the amended IGA.

Recommendation:

To approve the amended Stormwater Management and Utility IGA between Beaufort County and the City of Beaufort.

RESOLUTION 2020/ _____

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A NEW STORMWATER MANAGEMENT AND UTILITY INTERGOVERNMENTAL AGREEMENT WITH CITY OF BEAUFORT; AND OTHER MATTERS RELATING THERETO

The County Council of Beaufort County (the “*Council*”), the governing body of the Beaufort County, South Carolina (the “*County*”), has made the following findings of fact:

WHEREAS, the County a political subdivision of the State of South Carolina (the “*State*”), and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities.

WHEREAS, in pursuance of the powers granted to the County, the County currently operates its stormwater management utility as an administration division of the County.

WHEREAS, the County has previously entered into that certain “Stormwater Management and Utility Intergovernmental Agreement” dated November 16, 2016 (the “*Original IGA*”) with the City of Beaufort, South Carolina (the “*City*”).

WHEREAS, the City and the County have negotiated an “Amended and Restated Stormwater Management and Utility Intergovernmental Agreement” (the “*Agreement*”), the provisions of which amend and restate the Original IGA in its entirety, in the form attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY COUNTY COUNCIL OF BEAUFORT COUNTY, in a meeting duly assembled, as follows:

Section 1 Recitals

Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct.

Section 2 Approval of the Agreement

A. The Council has reviewed the Agreement, the form of which is attached to this Ordinance as Exhibit A.

B. The Council approves of and authorizes the execution and delivery of the Agreement. The Agreement shall be executed and delivered on behalf of the County by the County Administrator, with such changes as the Administrator may deem necessary or helpful. Upon such execution, the Council shall be timely informed of the execution of the Agreement. The consummation of the transactions and undertakings described in the Agreement, and such additional transactions and undertakings as may be determined by the County Administrator in consultation with the Council to be necessary or advisable in connection therewith, are hereby approved.

Section 3 Other Documents; Ratification of Prior Actions

In connection with the execution and delivery of the Agreement, the County Administrator is additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements, certifications, documents, closing proofs, and undertakings as she shall deem necessary or advisable. Any actions previously undertaken by the County Administrator, Council or County staff in connection with the execution and delivery of the Agreement prior to the enactment of this Resolution are ratified and confirmed.

Section 4 Severability

If any one or more of the provisions this Resolution should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Resolution.

Section 5 Repealer

Nothing in this Resolution shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

Section 6 Inconsistency

All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict or inconsistency.

Section 7 Effect

This Resolution be enacted upon approval by the Beaufort County Council.

ADOPTED, this ___ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

EXHIBIT A
FORM OF AGREEMENT



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PERFECT RIGHT OF WAY ON STROUP ROAD

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

David Wilhelm, Assistant County Administrator for Public Works and Sustainability

Issues for Consideration:

Approved at Public Facilities Committee on April 20, 2020:
Stroup Road was paved during contract 34 around 2009-2010 time frame. During this time County considered historically maintained roads as prescriptive. County Council approved the paving contract on January 26, 2009. A recent development request established a need to perfect ROW on Stroup Road. Of the two needed parcels (046C & 051A) parcel 051A still has not voluntarily deeded the needed ROW. Negotiations to avoid condemnation have resulted in an agreed compensation of \$3,000.

Points to Consider:

By settling this matter prior to any filing, the County saves the legal expenses of approximately \$2,500.00 associated with the preparation of the pleadings, approximately \$1,800.00 costs associated with the appraisal of the property and around \$700.00 costs associated with the title search and filing fees. These fees would be in addition to any compensation due the landowner for the value of the 5,211 sf.

Funding & Liability Factors:

Compensation Request \$3,000 funded via TAG funds -2342001T.

Council Options:

Approve or disapprove landowner of parcel 051A compensation of \$3,000.

Recommendation:

Approve landowner of parcel 051A compensation of \$3,000.

RESOLUTION 2020/_____

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PERFECT
RIGHT OF WAY ON STROUP ROAD LOCATED IN SHELDON TOWNSHIP
ASSOCIATED WITH PARCEL R700 038 000 051A 0000**

WHEREAS, Stroup Road located in Sheldon Township is a County Maintained Road that was paved as part the County Transportation Committee (CTC) paving program; and

WHEREAS, Stroup Road was paved under CTC paving contract 34 approved by Beaufort County Council on January 26, 2009. During this time Stroup Road ownership was considered prescriptive and formal instruments of ownership were not addressed; and

WHEREAS, Beaufort County (“County”) has determined that perfecting instruments of ownership on the Stroup Road Right of Way (“ROW”) is necessary for development requests associated with property owners in the Stroup Road community; and

WHEREAS, all but one ROW deed has been voluntarily donated to the County to perfect the ROW as needed for development purposes; and

WHEREAS, County staff has made diligent efforts for voluntary donation of the remaining ROW associated with parcel R700 038 000 051A 0000 located on Stroup Road; and

WHEREAS, despite the diligent efforts of staff, the owner of the aforementioned property has not agreed to donate the necessary property needed to perfect ROW on Stroup Road; and

WHEREAS, it is in the best interest of the Stroup Road community and Beaufort County to perfect the Right of Way associated with Stroup Road and authorize the County Administrator to initiate negotiations or legal actions as necessary to perfect the Right of Way associated with this County maintained road.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council hereby authorizes the County Administrator to initiate negotiations or legal actions as necessary to perfect Right of Way on Stroup Road located in Sheldon Township on the parcel identified as R700 038 000 051A 0000.

ADOPTED this _____ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Stroup Road ROW Status Map



December 9, 2019

VIA EMAIL ONLY

Mr. Robert McFee, PE
Division Direct Construction, Engineering & Facilities
Beaufort County

Re: Beaufort County v. Ethel Cureton
Stroup Road
TMS # R700 038 000 051A 0000
Pre-litigation settlement - Justification Letter

Dear Mr. McFee:

In order to perfect title of Stroup Road, the County needed to acquire 5,211 square feet from landowner's 2.04 acre tract of property in Beaufort County, South Carolina. Stroup Road has been paved and utilized by the public for a number of years and the County possessed ownership of the road on each side of the landowner's property. Therefore, the County needed a 50' right of way from Ms. Cureton to perfect its interest in the public road.

The County initially asked landowner to donate the necessary right of way since the road has been open to the public for so long which landowner refused. The parties then attempted to negotiate the purchase of the necessary property using a cost estimate. The county estimated the property value equaled \$.29 per square foot. When multiplying this by the acquired 5,211 square feet, Beaufort County determined landowner should receive \$1,511.19 for the acquisition of her property.

The landowner disagreed with this initial offer and demanded \$11,000.00 just compensation. After much negotiations, landowner retained Jim Wegman, Esq. to represent her in this matter. Fortunately, the parties were able to resolve this matter prior to any litigation for \$3,000.00 payment for the necessary 5,211 sf.

I consider this settlement in the best interest of the Beaufort County. By settling this matter prior to any filing, the County saves the legal expenses of approximately \$2,500.00 associated with the preparation of the pleadings, approximately \$1,800.00 costs associated with the appraisal of the property and around \$700.00 costs associated with the title search and filing fees. These fees would be in addition to any compensation due the landowner for the value of the 5,211 sf. Therefore this settlement is in the best interest of Beaufort County.

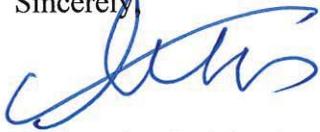
Mr. Robert McFee, PE
Division Direct Construction, Engineering & Facilities
Beaufort County
December 9, 2019
Page: 2

In order to complete the transaction, please prepare a check made out to Wegman and Wegman, LLC trust account for the settlement of the Ethel Cureton matter. I have forwarded a deed to landowner's attorney to execute and return as part of the settlement. Once returned, I will file the deed with the County Register of Deeds and will return a clocked in copy to the County for its files.

Please feel free to contact me with any questions or issues.

With kindest regards, I remain

Sincerely,

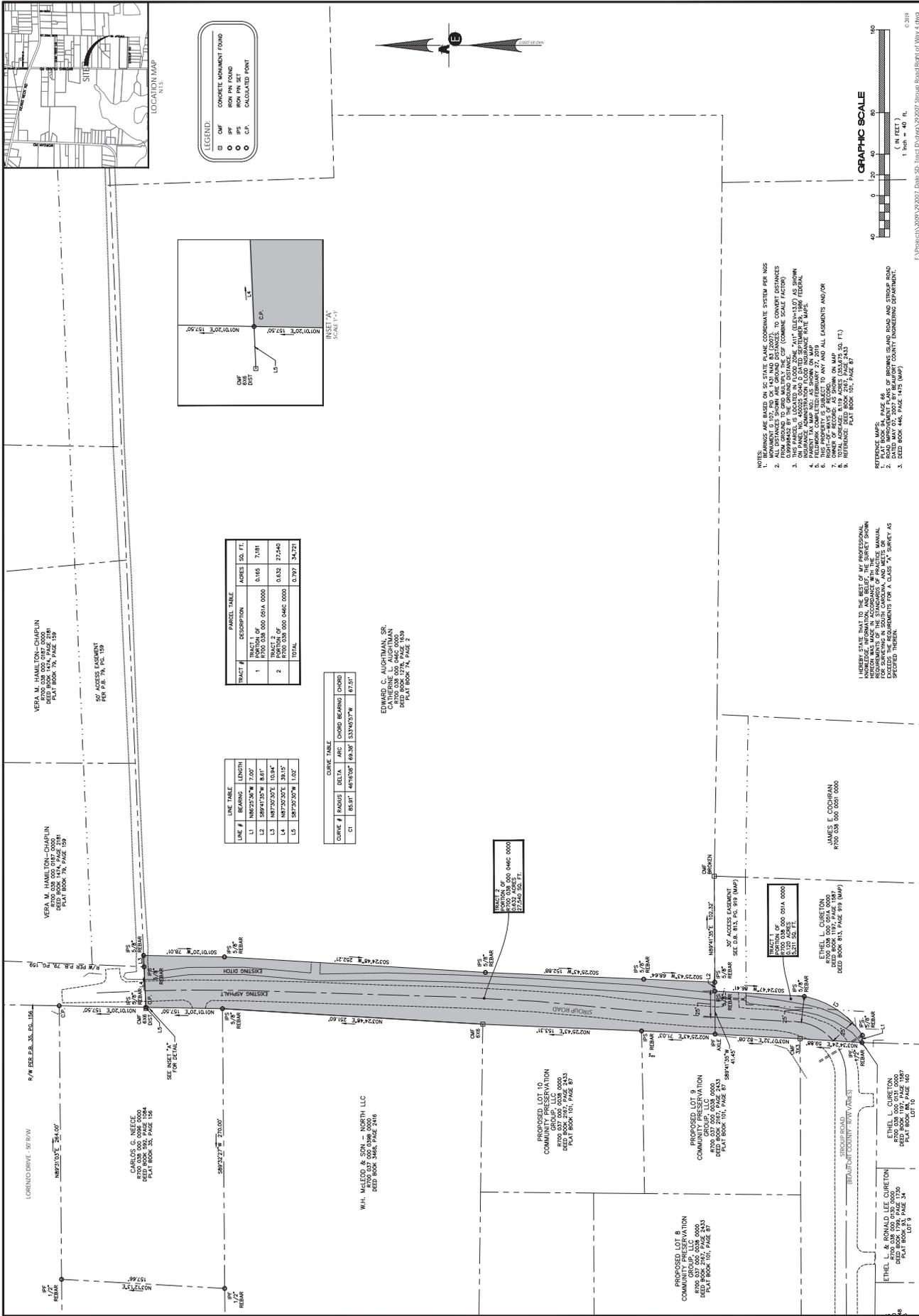


Christopher L. Murphy, Esq.

CLM/jh

cc: Ms. Patricia Wilson
Right of Way Manager
Beaufort County

Exhibit A



PLAN REVISIONS

NO.	DESCRIPTION	DATE	BY
1			
2			
3			
4			
5			
6			
7			
8			

THE DESIGNS AND DEETS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF ANDREWS & SURVEYING. NO PART OF THESE DRAWINGS OR THEIR CONTENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM ANDREWS & SURVEYING.

2712 Bull Street Suite A
 Beaufort, SC 29902
 Phone: 843.379.2222
 Fax: 843.379.2223

Andrews & Surveying

RIGHT-OF-WAY ACQUISITION SURVEY Prepared for: BEAUFORT COUNTY

STROUP ROAD
 BEAUFORT COUNTY
 SOUTH CAROLINA

Date Drawn: 02/28/19
 Last Revised: 07/17/19
 Drawn By: BC
 Surveyor: J. Hayes

SHEET #:
 1

JOB: 292007

NOTES:

- MONUMENTS ARE BASED ON THE 2011 PLUMBING COORDINATE SYSTEM PER NGS MONUMENT 6 1072 RD OR 14.32 MAG 84 (2007).
- ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED. DIMENSIONS FROM CORNER TO CORNER MULTIPLY THE 1/2" CORNER SCALE FACTOR.
- THIS PARCEL IS LOCATED IN FLOOD ZONE "X1" (ELEV=13.07) AS SHOWN ON THE FLOOD HAZARD MAP. THE FLOOD HAZARD MAP IS A FEDERAL INSURANCE RISK MAP (FIRM) WITH A FLOOD HAZARD DATE OF FEBRUARY 27, 2010.
- PERMITS AND APPROVALS ARE REQUIRED TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY. SEE PERMITS AND APPROVALS FOR MORE INFORMATION.
- TOTAL ACRES: 0.797 ACRES (0.03473 SQ. FT.)
- REFERENCE: PLAT BOOK 74, PAGE 2

REFERENCE MAPS:

- PLAT BOOK 84, PAGE 66
- PLAT BOOK 85, PAGE 180
- DEED BOOK 446, PAGE 145 (M.P.)

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN WAS MADE IN ACCORDANCE WITH THE STANDARD PRACTICES AND PROCEDURES OF A PROFESSIONAL SURVEYOR FOR SURVEYS IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

STATE OF SOUTH CAROLINA)
)
CONSIDERATION
COUNTY OF BEAUFORT)

AFFIDAVIT OF TRUE
and Exemption for Existing Encumbrance

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information to be true and complete to the best of my knowledge and belief. In accordance with Sect. 12-24-70, I am the responsible person connected with this transaction.

2. Description/location of property being transferred is: _____
_____ Tax District/Map/Parcel # R ___ - ___ - ___ - ___ - ___.

This property was transferred by _____
to _____,

3. The Deed is:

- a) ___ **subject** to the Deed recording fee as a transfer for consideration paid or to be paid in money or money's worth; or, is subject to the Deed recording fee as a transfer between a corporation, a partnership, or other entity, and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- b) ___ **exempt** from the Deed Recording Fee under 12-24-40 subsection _____, SC Code.

4. Check one of the following if 3(a), above has been checked:

- a) ___ The Recording Fee is computed on the consideration paid or to be paid in money or money's worth in the amt of \$ _____.
- b) ___ Fee is computed on the fair market value of the realty, which is \$ _____.
- c) ___ The Fee is computed on the fair market value of the realty as established for property tax purposes, which is: \$ _____.

5. **EXEMPTION FOR EXISTING ENCUMBRANCE:** A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. The amount of the outstanding balance of this Lien or encumbrance is: \$ _____.

The Deed Recording Fee is computed as follows:

- a) Amount listed in item 4, above: \$ _____
- b) Amount listed in this item 5, above: _____
- c) Subtract Line 5.(a) from line 5.(b): \$ _____

The Deed Recording Fees due, which are calculated against the net amount listed on Line

4. (), above is: \$ _____ **or 5.(c)**, above is: \$ _____

Signature of Responsible Person Connected with Transaction: _____

Printed/Typed Name and Capacity/Title of Responsible Person:

SWORN to before me this ___ day of _____, 20__.

Signed: _____

NOTARY PUBLIC for _____

My Commission Expires: _____



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF LAND ASSOCIATED WITH PAVING OF DAVID GREEN ROAD LOCATED ON ST. HELENA ISLAND

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

David Wilhelm, Assistant County Administrator for Public Works and Sustainability

Issues for Consideration:

Approved at Public Facilities Committee on April 20, 2020:

David Green Road (~0.46 Miles) located in district 3 is a dirt road the County has maintained for over 30 years and is scheduled for year 2 of the 2019/2020 road paving/improvement program approved by Resolution 2019/24. After multiple attempts of correspondence for ROW, the County acquired 17 out of 19 requests. One of the two remaining parcels, parcel R300 021 000 0013 0000 is interest only and does not require ROW acquisition or condemnation. Requested ROW for Parcel R300 021 000 0068 0000 (0.006AC,240 SF) was not acquired and condemnation is needed to complete the acquisition process. Councilman Glover has been involved with the acquisition process and recommends action be brought before County Council.

Points to Consider:

Staff has followed the current process to acquire deeds for right of way. Initial ROW efforts began with the previous ROW Manager in August 2014 and resumed with the current ROW Manager in November 2018. Efforts include field survey, researching ownership, preparing letters and deeds, verbal communication, and providing time for owner consideration, discussion and response. The County must have a deeded 50-foot right of way before the road can be included in a dirt road paving contract and has the aforementioned property remaining.

Funding & Liability Factors:

Condemnation expenses range from \$6,000-\$15,000 and fall under TAG funds -2342001T.

Council Options:

Approve or disapprove Condemnation of parcel R300 021 000 0068 0000 (0.006AC,240 SF)

Recommendation:

Approve Condemnation of parcel R300 021 000 0068 0000 (0.006AC,240 SF)

RESOLUTION NO. 2020/

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF LAND TO COMPLETE RIGHT OF WAY OWNERSHIP ASSOCIATED WITH THE DIRT ROAD PAVING OF DAVID GREEN ROAD LOCATED ON ST. HELENA ISLAND

WHEREAS, Beaufort County Right of Way staff has been working with property owners in the David Green Road community to establish a 50' Right on Way on this historically maintained dirt road; and

WHEREAS, David Green Road property owners have voluntarily donated 17 out of 19 Right of Way Deeds requested to complete a 50' Right of Way necessary for road improvement of David Green Road; and

WHEREAS, the subject road has been maintained by Beaufort County for over 30 years and has been included the 2019/2020 County Transportation Committee Road Paving Plan approved by County Council in Resolution 2019/24; and

WHEREAS, staff has made diligent efforts for voluntary donation of the remaining ROW deeds identified as Parcel R300 021 000 0068 0000 (0.006AC, 240 SF) and parcel R300 021 000 0013 0000 which consist of interest only and does not require further action; and

WHEREAS, despite the diligent efforts of staff, members of the community and district representatives; the owner of parcel R300 021 000 0068 000 has not agreed to grant the necessary ROW deed needed to complete County ownership of the 50' ROW necessary for road improvement; and

WHEREAS, condemnation of the aforementioned property will benefit the County by perfecting Right of Way on a County maintained "legacy" road and allow for the subject road to be included in the dirt road paving program; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to pursue condemnation of the portion of the above referenced property to complete the Right of Way ownership process necessary for the road paving program.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County

Council hereby authorizes the County Administrator to pursue condemnation of the remaining parcel of David Green Road identified as R300 021 000 0068 0000 (0.006AC,240 SF) located on St. Helena Island.

ADOPTED this _____ day of _____, 2020.

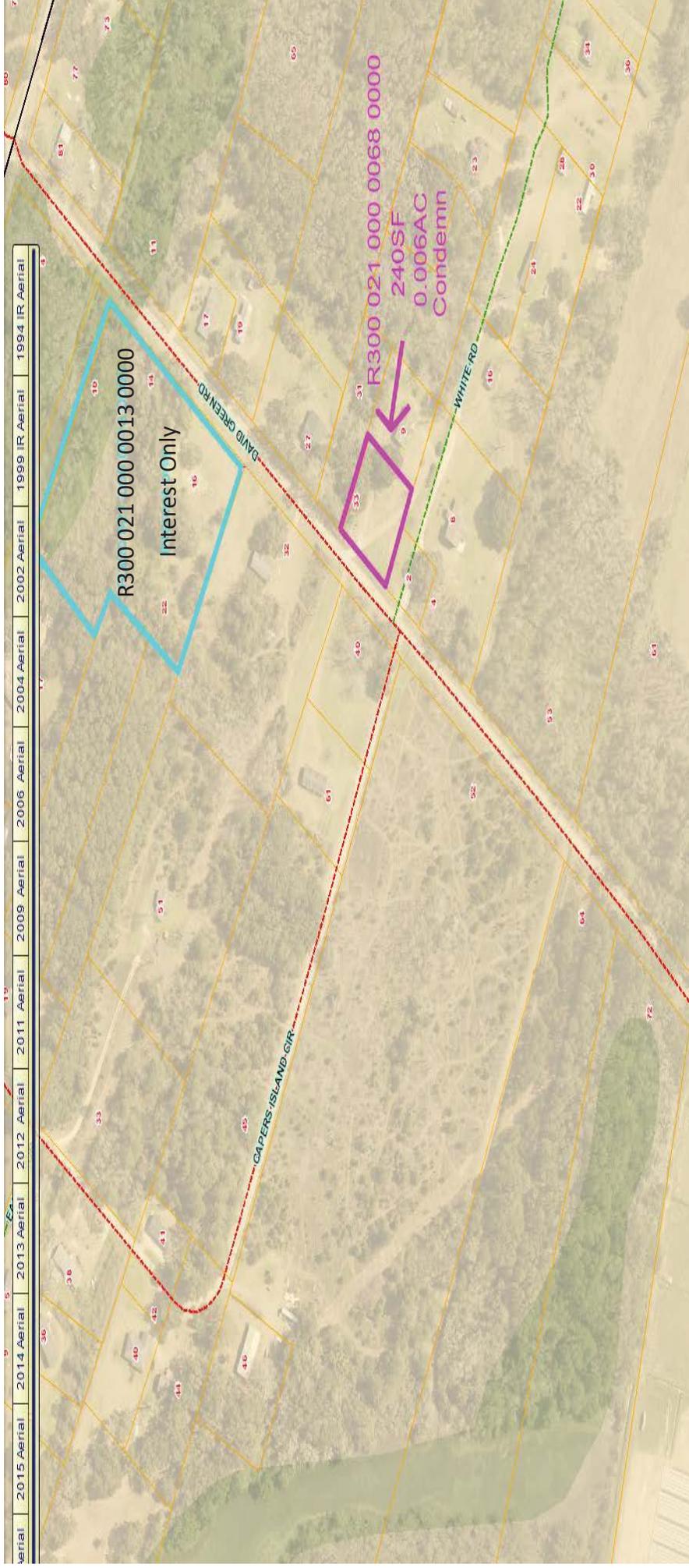
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

David Green Road Condemnation Map



RESOLUTION 2019 / 24

WHEREAS, the improvement of County owned dirt roads enhances the quality of life for County residents; and

WHEREAS, improvements to these dirt roads provide better all-weather performance and reduces annual maintenance costs of those roads; and

WHEREAS, the program priorities are based upon objective criteria to provide the best use of the limited funds established for this purpose; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that County Council establishes a prioritized 5 Year Dirt Road paving program:

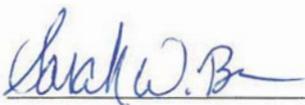
Adopted this 10th day of June, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Stuart Rodman, Chairman

Attest:



Clerk to Council



COUNTY COUNCIL OF BEAUFORT COUNTY
Right of Way
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2694 Fax (843) 255-9436

Do Not Discard; Response Required

January 16, 2019

DONNA EDMISTEN
348 SEMS RD
GASTON, SC29053

Re: David Green Road TMS # R300 021 000 0068 0000

Dear Sir/Madam:

Property owners of the referenced road have petitioned Beaufort County to accept the road for Right of Way Deeds and Drainage Easements necessary for road improvements. Although the County currently maintains the dirt road, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Please review the attached documents and follow the instructions for execution on the next page. Please use the self-addressed return envelope to return the executed documents. If you have questions or need the documents notarized, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net. Thank you for your assistance in this matter.

Sincerely,

Patty Wilson
Right of Way Manager
Beaufort County

Attachments: Right of Way Deed
Drainage Easement (Only included if needed)

EXECUTION INSTRUCTIONS

Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **DONNA EDMISTEN**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.

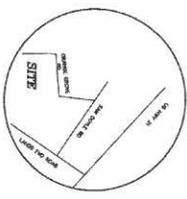


Exhibit "A"



CERTIFICATION:
 I, JAMES A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.



THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN UNDOSSSED SEAL.

CHRISTENSEN ~ KHALIL SURVEYORS, INC.
 1228 BROADWAY, SUITE 200, CHARLOTTE, NC 28202
 704.375.1234
 www.christensenkhalil.com



EX-8491

PLAT SHOWING
 PROPOSED
 RIGHT OF WAY ACQUISITION
 FOR
 DAVID GREEN ROAD
 PREPARED FOR
 SOUTH CAROLINA COUNTY
 ENGINEERING AND INFRASTRUCTURE DIVISION
 BEAUFORT COUNTY, SOUTH CAROLINA
 DATED: NOV. 19, 2013
 SCALE: 1"=50'



COUNTY COUNCIL OF BEAUFORT COUNTY

Right of

P.O. Drawer 1228

Beaufort, South Carolina 29901

Voice (843) 255-2694 Fax (843) 255-2940

Do Not Discard; Response Required

May 14, 2019

DONNA EDMISTEN

348 SEMS RD

GASTON, SC 29053

Re: David Green Road TMS # R300 021 000 0068 0000

Dear Sir/Madam:

We previously corresponded with you concerning acquisition of Right of Way associated with parcel R300 021 000 0068 0000 off of David Green Road. We have received the signed return receipt, but have not received a response as of the date of this letter.

As mentioned in the original letter, it is our desire to acquire Rights of Way and Drainage Easements required to improve David Green road. Although the dirt road is maintained by the County, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Improvements to David Green road will benefit you as the property owner and the owners of surrounding residences as well.

We would like to ask you once again to sign the enclosed Right of Way Deed in the presence of a notary and return it to us in the stamped self-addressed envelope provided.

If we do not receive a reply to this letter within 30 days, we will refer this matter to the Beaufort County Legal Department to evaluate the possibility of legal proceedings in order to obtain the Right of Way associated with David Green Road.

Again, it is Beaufort County's desire to keep this process simple and straightforward for all the landowners abutting the referenced road. If you have any questions or require assistance notarizing documents, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net.

Respectfully,

Patty Wilson

Right of Way Manager

Beaufort County

Attachments: Right of Way Deed & Exhibit A

EXECUTION INSTRUCTIONS

Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of DONNA EDMISTEN
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.

WITNESS the hand and seal of the Grantor this _____ day of _____, 20__.

WITNESSED BY:

GRANTOR

(2) _____
Witness #1

(1) _____
DONNA EDMISTEN

(3) _____
Witness #2 (Notary Public May Sign)

STATE OF _____)

COUNTY OF _____)

I, the undersigned Notary Public, do hereby certify that DONNA EDMISTEN personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my Hand and Seal, this _____ day of _____, 20__.

(4) _____
Notary Public For _____
My commission expires: _____



LOCATION MAP (Not To Scale)

Exhibit "A"



CERTIFICATION:
I, THAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN ON THIS PLAT WAS ACCURATELY MADE AND THAT THE MEASUREMENTS AND CALCULATIONS THEREON COMPLY WITH THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SET FORTH IN THE BEAUFORT COUNTY ZONING ORDINANCES.

THAD A. KHALIL, SLS
[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMPLOYED SEAL.]



CHRISTENSEN ~ KHALIL SURVEYORS, INC.
1000 W. BROADWAY STREET, BEAUFORT, N.C. 28516
PHONE: 252-738-4444 FAX: 252-738-4444
WWW.CHRSURV.COM

PLAT SHOWING PROPOSED RIGHT OF WAY ACQUISITION FOR DAVID GREEN ROAD, WHITE ROAD DRIVE, AND CAPERS ISLAND ROAD. PREPARED FOR THE COUNTY COUNCIL OF BEAUFORT COUNTY ENGINEERING AND INFRASTRUCTURE DIVISION. BEAUFORT COUNTY, NORTH CAROLINA. DATED NOV. 19, 2013. SCALE: 1"=50'



94823-J
EX-8491



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CONDEMNATION OF A PORTION OF LAND TO COMPLETE RIGHT OF WAY OWNERSHIP ASSOCIATED WITH THE DIRT ROAD PAVING OF TWICKENHAM ROAD LOCATED IN SHELDON TOWNSHIP

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Dave Wilhelm, Assistant County Administrator for Public Works and Sustainability

Issues for Consideration:

Approved at Public Facilities Committee on April 20, 2020:
Twickenham Road (~1.00 Miles) located in district 1 is a dirt road the County has maintained for over 30 years and is scheduled for year 2 of the 2019/2020 road paving/improvement program approved by Resolution 2019/24. After multiple attempts of correspondence for ROW, the County acquired 20 out of 23 requests. Due to negative responses for ROW necessary for road improvement, condemnation is needed on parcels R700 013 000 0021 0000 (0.031AC, 1,346 SF), R700 013 000 0030 0000 (0.497AC, 21,653 SF), and R700 013 000 0039 0000 (0.045 AC, 1,949SF). Councilman Dawson has been involved with the acquisition process and recommends action be brought before County Council.

Points to Consider:

Staff has followed the current process to acquire deeds for right of way. Efforts over a 24 month time period include a citizen petition process, field survey, researching ownership, preparing letters and deeds, verbal communication, and providing time for owner consideration, discussion and response. The County must have a deeded 50-foot right of way before the road can be included in a dirt road paving contract and has the 3 aforementioned properties remaining.

Funding & Liability Factors:

Condemnation expenses range from \$6,000-\$15,000 and fall under TAG funds -2342001T.

Council Options:

Approve or disapprove Condemnation of parcels R700 013 000 0021 0000 (0.031AC, 1,346 SF), R700 013 000 0030 0000 (0.497AC, 21,653 SF), and R700 013 000 0039 0000 (0.045 AC, 1,949SF)

Recommendation:

Approve Condemnation of parcels R700 013 000 0021 0000 (0.031AC, 1,346 SF), R700 013 000 0030 0000 (0.497AC, 21,653 SF), and R700 013 000 0039 0000 (0.045 AC, 1,949SF)

RESOLUTION NO. 2020/

**A RESOLUTION AUTHORIZING THE COUNTY
ADMINISTRATOR TO PURSUE CONDEMNATION OF A
PORTION OF LAND TO COMPLETE RIGHT OF WAY
OWNERSHIP ASSOCIATED WITH THE DIRT ROAD PAVING OF
TWICKENHAM ROAD LOCATED IN SHELDON TOWNSHIP**

WHEREAS, Beaufort County Right of Way staff has been working with property owners in the Twickenham Road community to establish a 50' Right on Way on this historically maintained dirt road; and

WHEREAS, Twickenham Road property owners have voluntarily donated 20 out of 23 Right of Way Deeds requested to complete a 50' Right of Way necessary for road improvement of Twickenham Road; and

WHEREAS, the subject road has been maintained by Beaufort County for over 30 years and has been included in the 2019/2020 County Transportation Committee Road Paving Plan approved by County Council in Resolution 2019/24; and

WHEREAS, staff has made diligent efforts for voluntary donation of the remaining ROW deeds identified as Parcels R700 013 000 0021 0000 (0.031AC, 1,346 SF), R700 013 000 0030 0000 (0.497AC, 21,653 SF), and R700 013 000 0039 0000 (0.045 AC, 1,949SF); and

WHEREAS, despite the diligent efforts of staff, members of the community and district representatives; the owners of the aforementioned properties have not agreed to grant the necessary ROW deeds needed to complete County ownership of the 50' ROW necessary for road improvement; and

WHEREAS, condemnation of the aforementioned properties will benefit the County by perfecting Right of Way on a County maintained "legacy" road and allow for the subject road to be included in the dirt road paving program; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens to pursue condemnation of the portion of the above referenced properties to complete the Right of Way ownership process necessary for the road paving program.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County

Council hereby authorizes the County Administrator to pursue condemnations of the remaining parcels identified as R700 013 000 0021 0000 (0.031AC, 1,346 SF), R700 013 000 0030 0000 (0.497AC, 21,653 SF), and R700 013 000 0039 0000 (0.045 AC, 1,949SF)

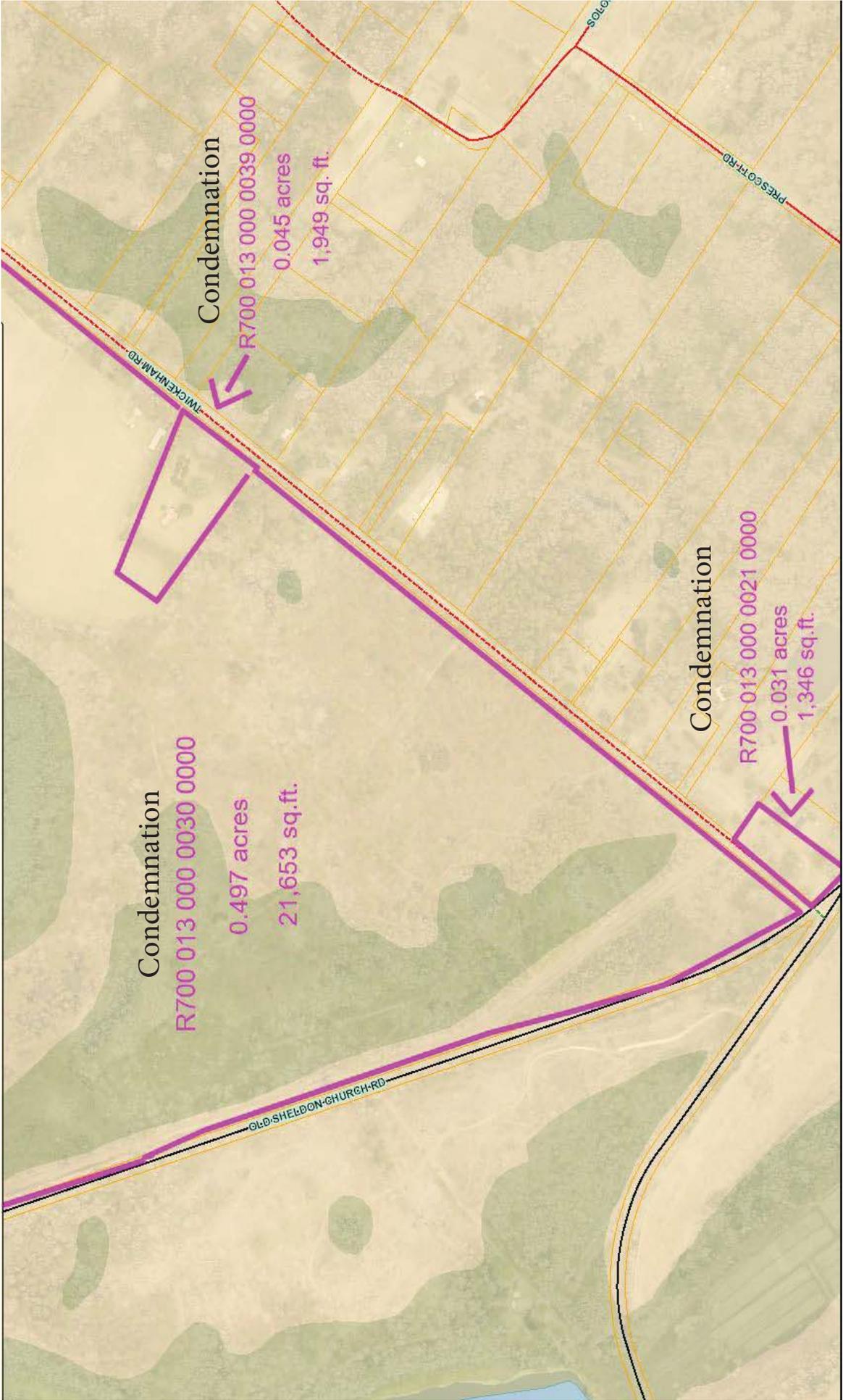
ADOPTED this ____ day of ____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



Condemnation
R700 013 000 0030 0000
0.497 acres
21,653 sq.ft.

Condemnation
R700 013 000 0039 0000
0.045 acres
1,949 sq. ft.

Condemnation
R700 013 000 0021 0000
0.031 acres
1,346 sq.ft.

WICKHAM RD

OLD SHELDON CHURCH RD

PRESCOTT RD

SOLE

RESOLUTION 2019 / 24

WHEREAS, the improvement of County owned dirt roads enhances the quality of life for County residents; and

WHEREAS, improvements to these dirt roads provide better all-weather performance and reduces annual maintenance costs of those roads; and

WHEREAS, the program priorities are based upon objective criteria to provide the best use of the limited funds established for this purpose; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that County Council establishes a prioritized 5 Year Dirt Road paving program:

Adopted this 10th day of June, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Stuart Rodman, Chairman

Attest:



Clerk to Council



COUNTY COUNCIL OF BEAUFORT COUNTY
Right of Way
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2694 Fax (843) 255-9436

Do Not Discard; Response Required

January 14, 2019

M LANE MORRISON & MILLS LANE MORRISON
125 TWICKENHAM RD
YEMASSEE, SC29945

Re: Twickenham Road TMS # R700 013 000 0030 0000, *§ R700 013 000 0039 0000*

Dear Sir/Madam:

Property owners of the referenced road have petitioned Beaufort County to accept the road for Right of Way Deeds and Drainage Easements necessary for road improvements. Although the County currently maintains the dirt road, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Please review the attached documents and follow the instructions for execution on the next page. Please use the self-addressed return envelope to return the executed documents. If you have questions or need the documents notarized, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net. Thank you for your assistance in this matter.

Sincerely,

Patty Wilson
Right of Way Manager
Beaufort County

Attachments: Right of Way Deed
Drainage Easement (Only included if needed)

EXECUTION INSTRUCTIONS

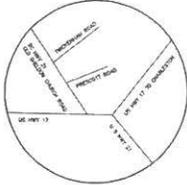
Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **M LANE MORRISON & MILLS LANE MORRISON**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

2 FACILITY DRIVE, COLUMBIA, SC 29907
(843) 524-4248, FAX (843) 524-4140



LOCATION MAP (Not To Scale)

LEGEND

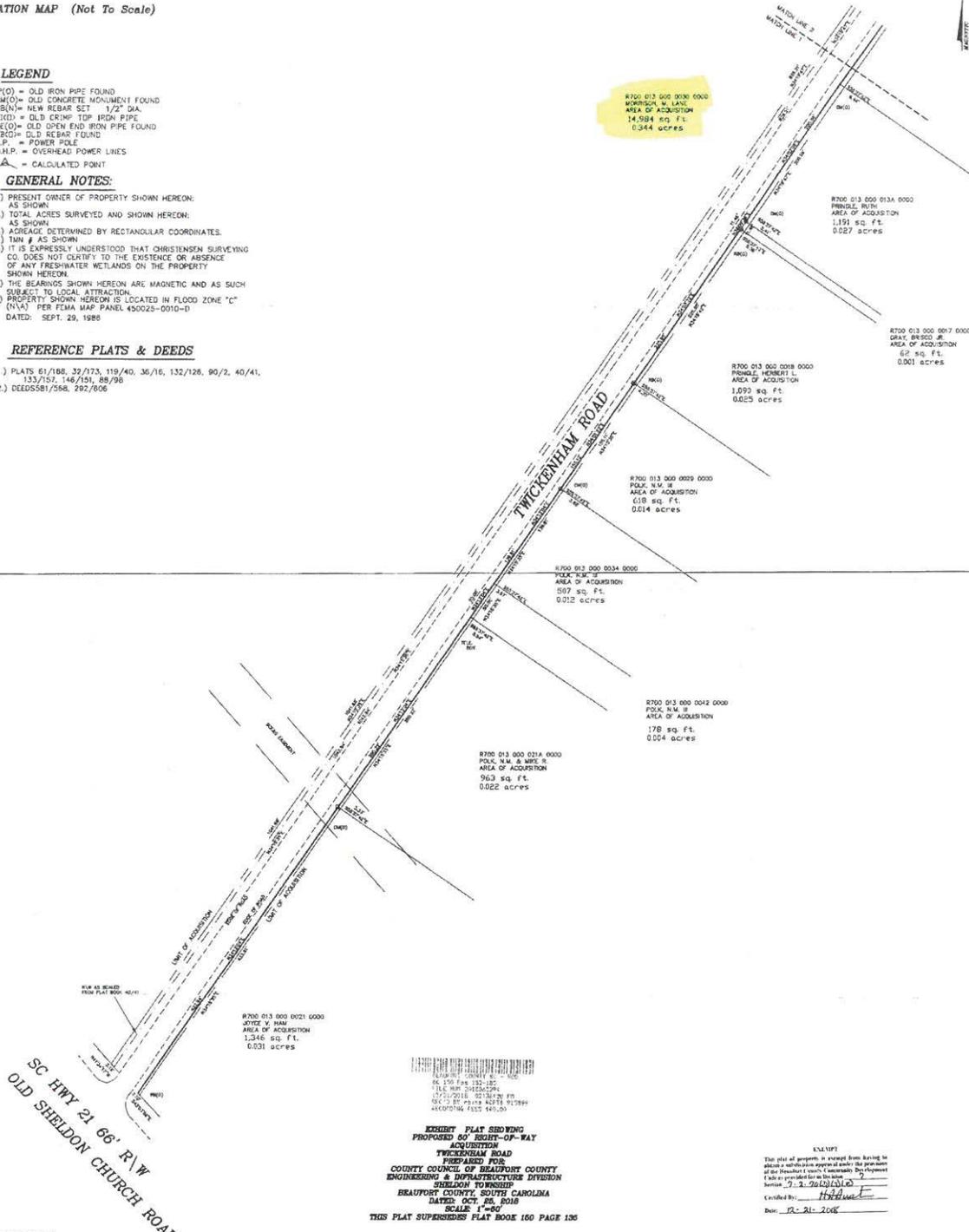
- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RL(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CEMENT TOP IRON PIPE FOUND
- DE(O) = OLD OPEN END IRON PIPE FOUND
- RE(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- ▲ = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: AS SHOWN
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) AGREEMENT DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TURN # AS SHOWN
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT WARRANT TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (NVA) PER FEMA MAP PANEL 450025-0010-D DATED: SEPT. 29, 1988

REFERENCE PLATS & DEEDS

- 1.) PLATS: 61/188, 27/173, 119/40, 36/16, 132/126, 90/2, 40/41, 133/757, 146/751, 89/99
- 2.) DEEDS: 581/568, 282/806



CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANDATORY STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL, RLS
S.P. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

RESIDENT PLAT SHOWING
PROPOSED 60' RIGHT-OF-WAY
ACQUISITION
TWICKENHAM ROAD
PREPARED FOR
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
SHEDDON TOWNSHIP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: OCT. 28, 2018
SCALE: 1"=50'

THIS PLAT SUPERSEDES PLAT BOOK 160 PAGE 136

GRAPHIC SCALE



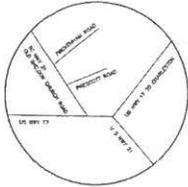
EX-9710.1
This plat of property is exempt from having to adhere to additional requirements under the jurisdiction of the Department of Transportation if the Department of Transportation is not involved in the project.
Surveyed by: Z. A. Khalil
Date: 10-21-2018



EX-9710.1

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACILITY RD. BEAUFORT SC 29507
(843) 564-4148, FAX (843) 524-4148



LOCATION MAP (Not To Scale)

LEGEND

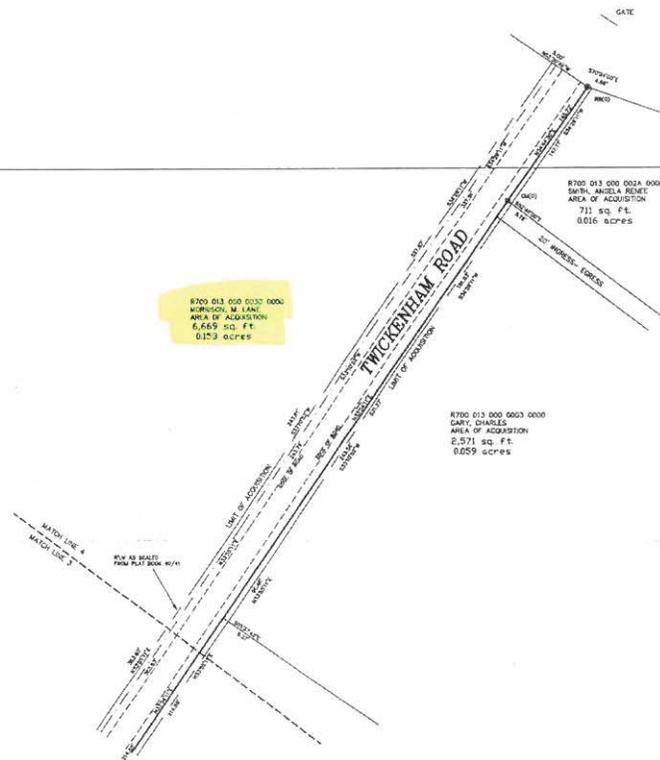
- P(O) = OLD IRON PIPE FOUND
- CO(O) = OLD CONCRETE MONUMENT FOUND
- RBN(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CRIMP TIP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RE(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- Δ = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: AS SHOWN
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TUN # AS SHOWN
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (VLA) PER FEMA MAP PANEL 450025-0310-D DATED: SEPT. 29, 1985

REFERENCE PLATS & DEEDS

- 1.) PLATS 61/188, 32/173, 119/40, 36/16, 132/126, 90/2, 40/41, 133/157, 146/151, 88/98
- 2.) DEEDS 581/568, 292/608



CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 "A" SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL RLS
S.C. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

EXHIBIT PLAT SHOWING
PROPOSED 60' RIGHT-OF-WAY
ACQUISITION
TWICKENHAM ROAD
PREPARED FOR
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
SHELDON TOWNSHIP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED OCT. 28, 2018
SCALE: 1"=50'
THIS PLAT SUPERSEDES PLAT BOOK 150 PAGE 136

EXEMPT

This plat of property is exempt from recording as it is a subdivision approval under the provisions of the Beaufort County Community Development Code as provided for in the Beaufort County Code. The plat is exempt from recording under 25.25.70(d)(1)(c).

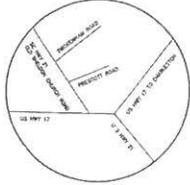
Certified to: *[Signature]*
Date: 12-21-2018



EX-9710.4

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACULTY DRIVE, BEAUFORT SC 29507
(843) 524-4145, FAX (843) 524-4146



LOCATION MAP (Not To Scale)

LEGEND

- PI(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RB(N) = NEW REBAR SET 1/2" DIA.
- CLDD = OLD CRIMP TOP IRON PIPE
- CE(O) = OLD OPEN END IRON PIPE FOUND
- RB(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- △ = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: AS SHOWN
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) ACRES DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TUN # AS SHOWN
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (N.A.) PER FEMA MAP PANEL 450205-0010-D DATED: SEPT. 29, 1988

REFERENCE PLATS & DEEDS

- 1.) PLATS 61/188, 32/173, 119/40, 36/16, 132/126, 90/2, 40/41, 133/157, 146/151, 86/98
- 2.) DEEDS 581/568, 592/606

R700 013 000 0036 0000
MORNING M. LAKE
AREA OF ACQUISITION
1,549 sq. ft.
0.045 acres

R700 013 000 0043 0000
SHEEN FLORENCE
AREA OF ACQUISITION
1,349 sq. ft.
0.031 acres

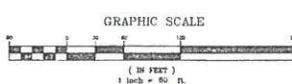
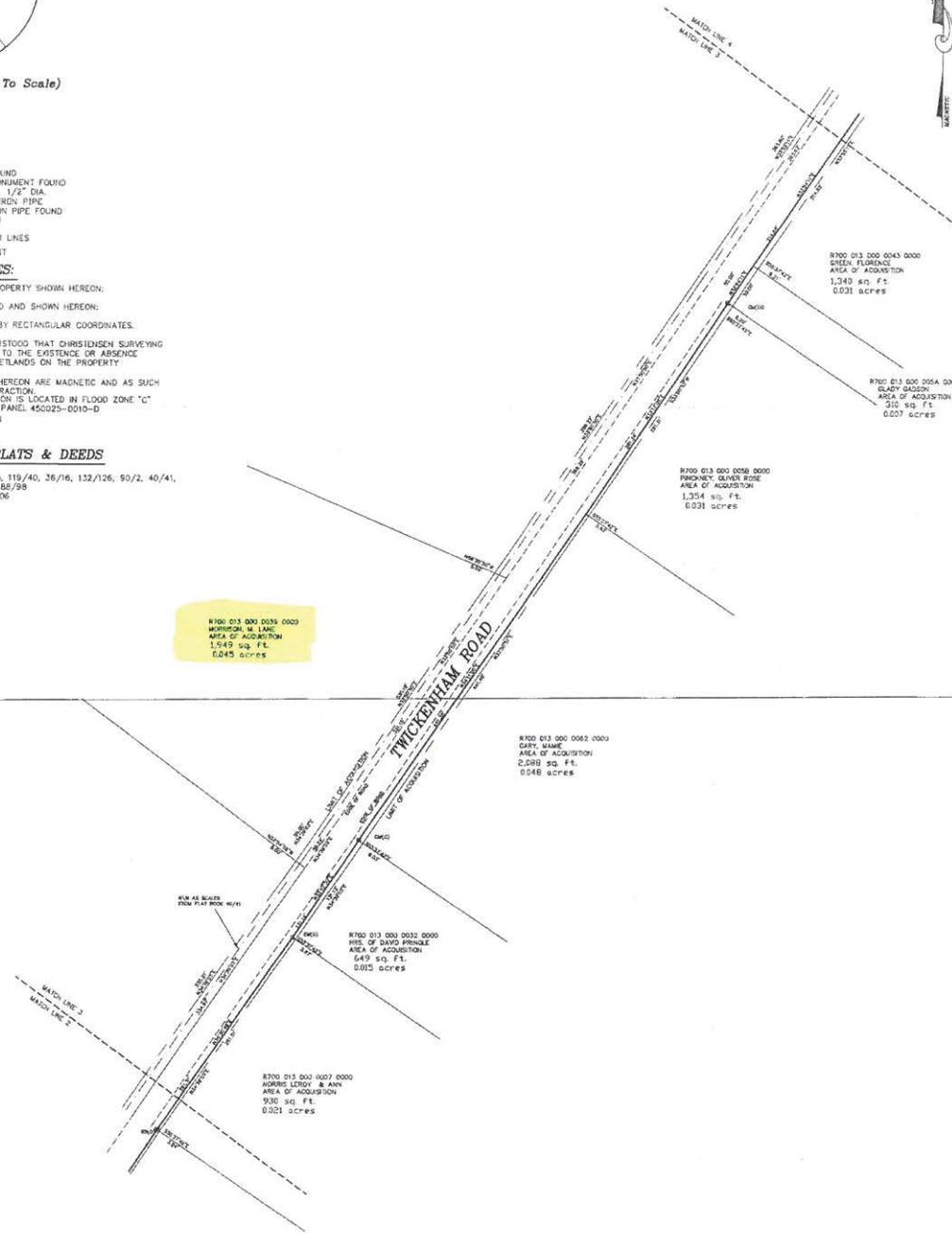
R700 013 000 0056 0000
SLACK SAGES
AREA OF ACQUISITION
310 sq. ft.
0.007 acres

R700 013 000 0058 0000
PROWSEY OLIVER ROSE
AREA OF ACQUISITION
1,354 sq. ft.
0.031 acres

R700 013 000 0062 0000
CARTY, MAINE
AREA OF ACQUISITION
2,088 sq. ft.
0.048 acres

R700 013 000 0033 0000
HIS. OF DAVID PRINGLE
AREA OF ACQUISITION
649 sq. ft.
0.015 acres

R700 013 000 0007 0000
GORSKE LEROY & ANN
AREA OF ACQUISITION
936 sq. ft.
0.021 acres



CERTIFICATION:
I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE VIRGINIA STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'B' SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL, PLS
S.C. REG. NO. 12176
THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

EXHIBIT PLAT SHOWING
PROPOSED 60' RIGHT-OF-WAY
ACQUISITION
TWICKENHAM ROAD
PREPARED FOR
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
SHELTON TOWNSHIP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED OCT. 28, 2018
SCALE: 1"=80'
THIS PLAT SUPERSEDES PLAT BOOK 150 PAGE 135

ENCL 1
This plan of property is correct based on the data as shown hereon prepared under the supervision of the Surveyor (I am a duly Licensed Professional Engineer in the State of South Carolina) and I am a duly Licensed Professional Engineer in the State of South Carolina.
Certified By: [Signature]
Date: 12-21-2018



EX-9710.3



COUNTY COUNCIL OF BEAUFORT COUNTY
Right of Way
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2694 Fax (843) 255-9436

Do Not Discard; Response Required

October 1, 2019

M LANE MORRISON
MILLS LANE MORRISON
125 TWICKENHAM
YEMASSE, SC 29945

Re: Twickenham Road TMS # R700 013 000 0039 0000 & R700 013 000 0030 0000

Dear M LANE MORRISON & MILLS LANE MORRISON:

We previously corresponded with you concerning acquisition of Right of Way associated with parcels R700 013 000 0039 0000 & R700 013 000 0030 0000 off of Twickenham Road. You have not granted the necessary Right of Way and we are asking you to reconsider.

As mentioned in the original letter, it is our desire to acquire Rights of Way and Drainage Easements required to improve Twickenham Road. Although the dirt road is maintained by the County, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Improvements to Twickenham Road will benefit you as the property owner and the owners of surrounding residences as well.

We would like to ask you once again to sign the enclosed Right of Way Deed in the presence of a notary and return it to us in the stamped self-addressed envelope provided.

If we do not receive a reply to this letter within 30 days, we will refer this matter to the Beaufort County Legal Department to evaluate the possibility of legal proceedings in order to obtain the Right of Way associated with Twickenham Road.

Again, it is Beaufort County's desire to keep this process simple and straightforward for all the landowners abutting the referenced road. If you have any questions or require assistance notarizing documents, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net.

Respectfully,

Patty Wilson
Right of Way Manager
Beaufort County

Attachments: Right of Way Deeds

EXECUTION INSTRUCTIONS

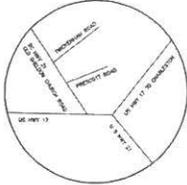
Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **MLANE MORRISON & MILLS LANE MORRISON**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

2 FACILITY DRIVE, COLUMBIA, SC 29907
(843) 524-4248, FAX (843) 524-4140



LOCATION MAP (Not To Scale)

LEGEND

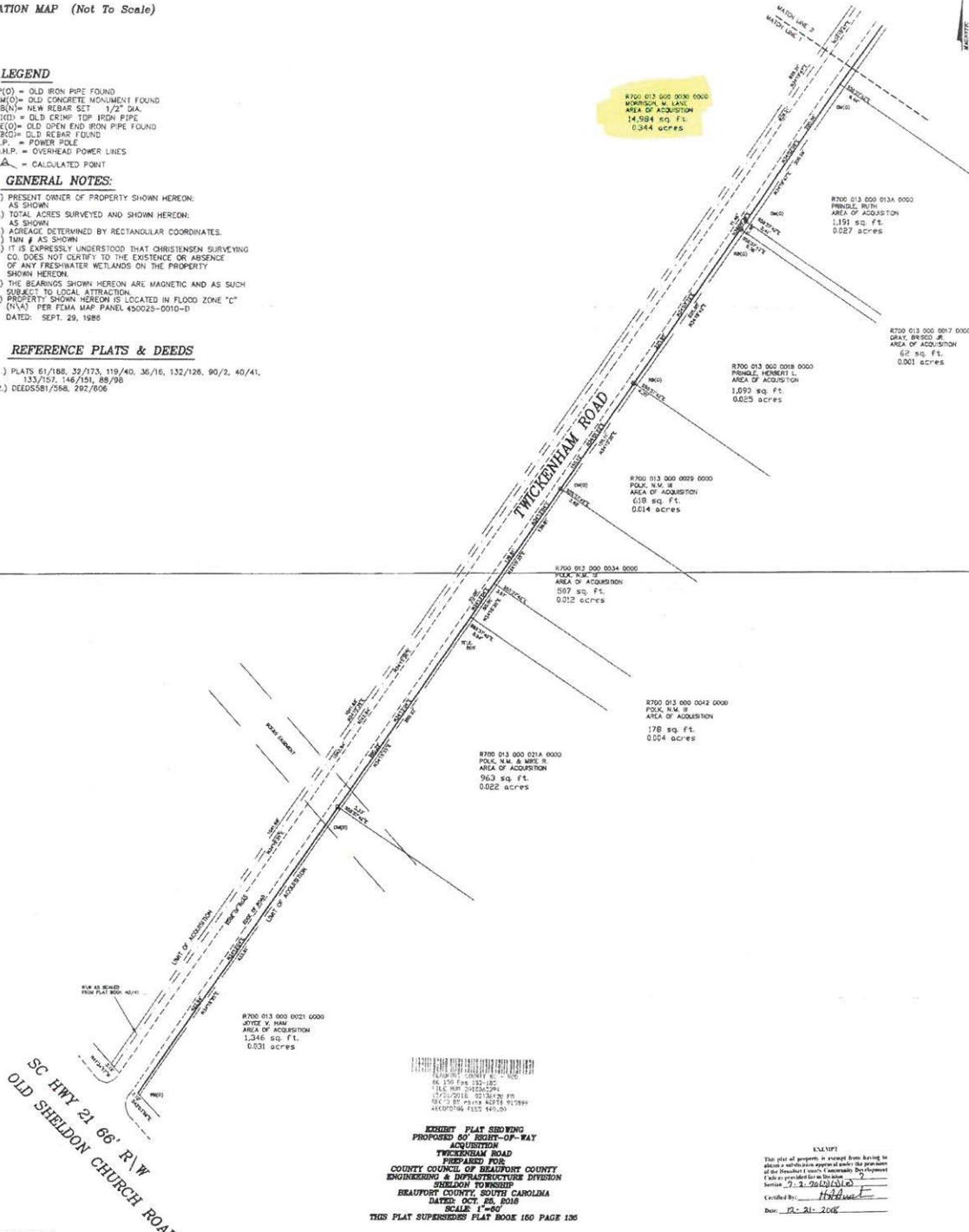
- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RL(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CEMENT TOP IRON PIPE FOUND
- DE(O) = OLD OPEN END IRON PIPE FOUND
- RE(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- ▲ = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: AS SHOWN
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) AGREEMENT DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TURN # AS SHOWN
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT WARRANT TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (NVA) PER FEMA MAP PANEL 450025-0010-D DATED: SEPT. 29, 1988

REFERENCE PLATS & DEEDS

- 1.) PLATS: 61/188, 27/173, 119/40, 36/16, 132/126, 90/2, 40/41, 133/757, 146/751, 89/99
- 2.) DEEDS: 581/568, 282/806



CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANDATORY STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL, RLS
S.P. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

RESIDENT PLAT SHOWING
PROPOSED 60' RIGHT-OF-WAY
ACQUISITION
TWICKENHAM ROAD
PREPARED FOR
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
SHELTON TOWNSHIP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: OCT. 28, 2018
SCALE: 1"=50'

THIS PLAT SUPERSEDES PLAT BOOK 160 PAGE 136

GRAPHIC SCALE



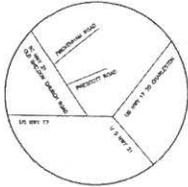
EX-9710.1
This plat is prepared in compliance with the provisions of the South Carolina Code of Laws, Title 46, Chapter 15, Section 46-15-100, and the Department of Transportation, Section 2-3-2003(1)(c).
Certified by: [Signature]
Date: 10-21-2018



EX-9710.1

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACILITY RD. BEAUFORT SC 29507
(843) 564-4148, FAX (843) 524-4148



LOCATION MAP (Not To Scale)

LEGEND

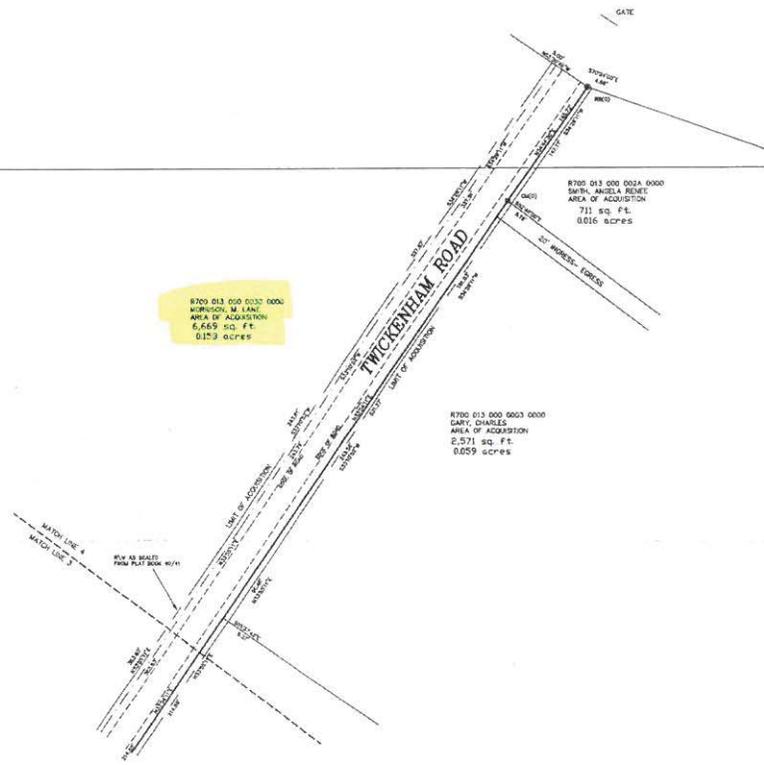
- P(O) = OLD IRON PIPE FOUND
- CO(O) = OLD CONCRETE MONUMENT FOUND
- RBN(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CRIMP TIP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RE(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- Δ = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: AS SHOWN
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TUN # AS SHOWN
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (VLA) PER FEMA MAP PANEL 450023-0310-D DATED: SEPT. 29, 1988

REFERENCE PLATS & DEEDS

- 1.) PLATS 61/188, 32/173, 119/40, 36/16, 132/126, 90/2, 40/41, 133/157, 146/151, 88/98
- 2.) DEEDS 591/568, 292/608



GRAPHIC SCALE



CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 "A" SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL RLS
S.C. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]

EXHIBIT PLAT SHOWING
PROPOSED 60' RIGHT-OF-WAY
ACQUISITION
TWICKENHAM ROAD
PREPARED FOR
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
SHELDON TOWNSHIP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED OCT. 28, 2018
SCALE: 1"=50'
THIS PLAT SUPERSEDES PLAT BOOK 160 PAGE 186

EXEMPT

This plat of property is exempt from recording as it is a subdivision approval under the provisions of the Beaufort County Community Development Code as provided for in the Beaufort County Code. The plat is exempt from recording under 2.2.2.70 (d)(1)(ii).

Certified to: *[Signature]*
Date: 12-21-2018



EX-9710.4



COUNTY COUNCIL OF BEAUFORT COUNTY
Right of Way
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2694 Fax (843) 255-9436

Do Not Discard; Response Required

January 14, 2019

JOYCE V HAM
2989 ALONSO RD
JACKSONVILLE, FL32216

Re: Twickenham Road TMS # R700 013 000 0021 0000

Dear Sir/Madam:

Property owners of the referenced road have petitioned Beaufort County to accept the road for Right of Way Deeds and Drainage Easements necessary for road improvements. Although the County currently maintains the dirt road, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Please review the attached documents and follow the instructions for execution on the next page. Please use the self-addressed return envelope to return the executed documents. If you have questions or need the documents notarized, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net. Thank you for your assistance in this matter.

Sincerely,

Patty Wilson
Right of Way Manager
Beaufort County

Attachments: Right of Way Deed
Drainage Easement (Only included if needed)

EXECUTION INSTRUCTIONS

Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **JOYCE V HAM**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.



COUNTY COUNCIL OF BEAUFORT COUNTY

Right of Way

120 Shanklin Road

Beaufort, South Carolina 29906

Voice (843) 255-2694 Fax (843) 255-9436

Do Not Discard; Response Required

September 19, 2019

JOYCE V HAM

36 Glaze Drive
Burton, SC 29906

Re: Twickenham Road TMS # R700 013 000 0021 0000

Dear Ms. Ham:

We previously corresponded with you concerning acquisition of Right of Way associated with parcel R700 013 000 0021 0000 off of Twickenham Road. You have not granted the necessary Right of Way and we are asking you to reconsider.

As mentioned in the original letter, it is our desire to acquire Rights of Way and Drainage Easements required to improve Twickenham Road. Although the dirt road is maintained by the County, improvements such as paving require all abutting property owners along the road to grant a 50' Right of Way. Improvements to Twickenham Road will benefit you as the property owner and the owners of surrounding residences as well.

We would like to ask you once again to sign the enclosed Right of Way Deed in the presence of a notary and return it to us in the stamped self-addressed envelope provided.

If we do not receive a reply to this letter within 30 days, we will refer this matter to the Beaufort County Legal Department to evaluate the possibility of legal proceedings in order to obtain the Right of Way associated with Twickenham Road.

Again, it is Beaufort County's desire to keep this process simple and straightforward for all the landowners abutting the referenced road. If you have any questions or require assistance notarizing documents, please contact Patty Wilson at 843-255-2694 or email pwilson@bcgov.net.

Respectfully,

Patty Wilson
Right of Way Manager
Beaufort County

Attachments: Right of Way Deed

EXECUTION INSTRUCTIONS

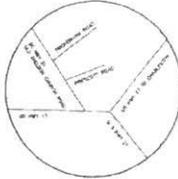
Please use the following numbers as a guide for execution. You will need both an unofficial witness and a Notary Public present at execution. These individuals may not be relatives of the person signing.

- 1) Signature of **JOYCE V HAM**
- 2) Signature of 1st Witness
- 3) Signature of Notary/2nd Witness (do not affix seal on this line)
- 4) Signature of Notary (show expiration date of commission)

NOTE: When a document is signed out of the state of South Carolina, please have the Notary Public indicate the state and county in which the document is executed and witnessed along with their notary's seal and stamp where applicable.

CHRISTENSEN ~ KHALIL SURVEYORS, INC.

7 FACILITY DRIVE, BEAUFORT, NC 28507
 (252) 824-4144 FAX (252) 264-4149



LOCATION MAP (Not To Scale)

LEGEND

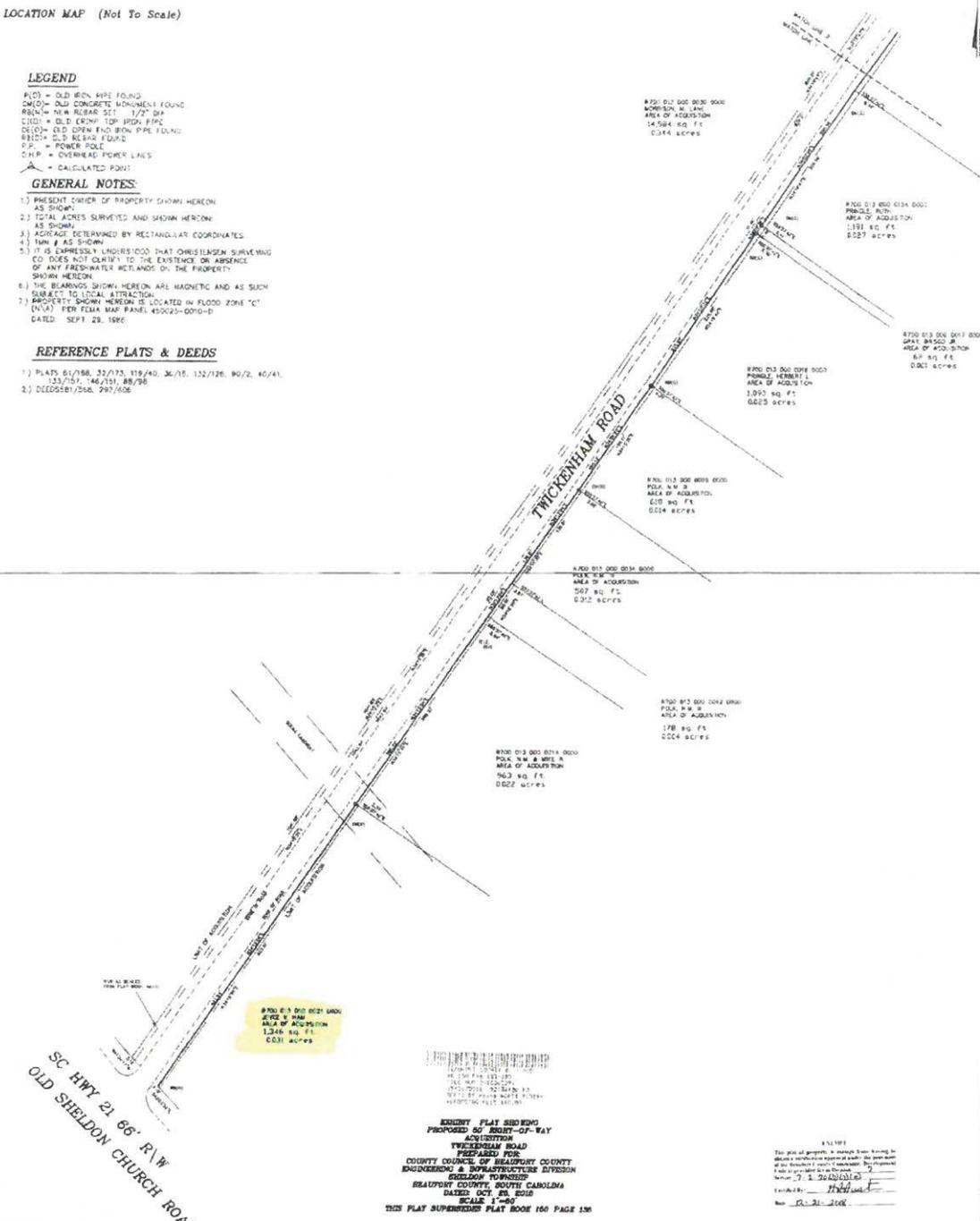
- ROD - OLD IRON PIPE FOUND
- CMO - OLD CONCRETE MONUMENT FOUND
- RELIN - N.W. REBAR SET 1/2" DIA
- COI - OLD CROWN TOP IRON PIPE
- COI - OLD OPEN END IRON PIPE FOUND
- REI - OLD IRON PIPE FOUND
- P.P. - POWER POLE
- O.H.P. - OVERHEAD POWER LINES
- CP - CALCULATED POINT

GENERAL NOTES

1. PRESENT OWNER OF PROPERTY SHOWN HEREON AS SHOWN
2. TOTAL ACRES SURVEYED AND SHOWN HEREON AS SHOWN
3. ACRES DETERMINED BY RECTANGULAR COORDINATES
4. NAD 83 AS SHOWN
5. IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CLARIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESH-WATER WETLANDS ON THE PROPERTY SHOWN HEREON
6. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION
7. PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" (N.S.) PER FEMA MAP PANEL 450025-0010-D DATED: SEPT. 28, 1992

REFERENCE PLATS & DEEDS

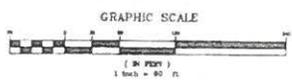
1. PLATS 61/786, 32/773, 119/740, 36/718, 122/726, 90/72, 40/41, 133/757, 146/757, 88/76
2. DEEDS 281/254, 297/608



CERTIFICATION:
 I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANPOWER STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

ZYAD A. KHALIL, P.E.
 S.C. REG. NO. 101774
 [THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.]

EXHIBIT PLAT SHOWING
PROPOSED RIGHT-OF-WAY
ACQUISITION
TRICKETT ROAD
PREPARED FOR:
COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING & INFRASTRUCTURE DIVISION
CHIEF OF PUBLIC WORKS
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: OCT. 28, 2010
SCALE: 1"=60'
THIS PLAT SUPERSEDES PLAT BOOK 160 PAGE 130



EX-9710.1



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Reconsider Hampton Lakes Park donation

Council Committee:

Council

Meeting Date:

May 11, 2019

Committee Presenter (Name and Title):

Kurt Taylor, Brittany Ward

Issues for Consideration:

On March 25, 2019 council adopted resolution 2019/10 which conditionally accepted a donation of approximately 53.43 acres of vacant land in Hampton Lakes in Bluffton. The only encumbrance on the property approved by council was a conservation easement. For over a year staff has been working with representatives of the donors to remove numerous other encumbrances on the land, to no avail.

Points to Consider:

The numerous encumbrances on the land serve as a barrier to clear title, and interfere with the plans for a passive/active park on the property.

Funding & Liability Factors:

n/a

Council Options:

Approve, modify, or reject

Recommendation:

Staff recommends Council approve the request to rescind acceptance of the property.



Memorandum

DATE: April 29, 2020

TO: Ashley Jacobs, County Administrator
Kurt Taylor, County Attorney

FROM: Brittany Ward, Deputy County Attorney

SUBJECT: Hampton Lakes Park Update

SUMMARY

Sandlapper Hill, LLC (“Owner”) as the owner of the real property located at 88 Hampton Parkside Road, consisting of 53.24 acres, agreed to donate the property to Beaufort County for the purpose of education and recreation of the general public as a park and for the preservation of open space (the “Property”). The County Council authorized the County Administrator to execute documents necessary to accept the donation in Resolution 2019/10 (Exhibit A).

Beaufort County obtained attorney Tab Bendle to conduct the closing. Following a review of the chain of title, Tab Bendle determined there are numerous encumbrances on the Property. The encumbrances, as described further in this Memo, must be resolved prior to the County accepting the Property donation. The encumbrances have been discussed with the Owner, and its representatives, on numerous occasions through emails and meetings. As of the date of this Memo, the encumbrances have not been resolved by the Owner.

DISCUSSION

I. Encumbrances on Property

In a review of the title work for the Property, encumbrances were discovered including many covenants, restrictions, development agreements, by-laws, wetland declarations, maintenance agreements, assignments and amendments thereto. Tab Bendle completed a review of the said encumbrances and in a memo dated May 16, 2019, (Exhibit B) he provided a summary of the encumbrances as follows:

1. *No direct access to the Property.* A easement for access to the Property is needed.
2. *Development Agreement between SP Forest and Town of Bluffton.* It is dated April, 2000 and it may be somewhat obsolete at this time; however, it still contains many assignments, obligations and restrictions that the County may not want to have placed upon them.

3. *Assignment and Assumption of Rights to Sandhill Tract Investments.* an assignment of rights under the aforementioned development agreement that assigned rights held by University Investments to Sandhill Tract Investment Co., LLC (a predecessor in title) to 181 acres, a portion which includes the donated parcel.
4. *Assignment and Assumption of Rights to HL Development.* an assignment of rights under the aforementioned development agreement that assigned rights to HL Development, who acquired rights to 70 acres, a portion of which includes the donated parcel.
5. *Declaration of Covenants, Conditions, Restrictions and By-Laws for Buckwalter POA.* This document contains both restrictions and obligations for all land owners and the donated land would be subject to these restrictions.
6. *Wetlands Declaration of Covenants and Restrictions.* The prohibitions in this document are as such that the County will need for the Donor to have the donated property released from this declaration.
7. *Covenants for Joint Use & Maintenance at Hampton Lake.* The covenant, assignment and amendments thereto will need to be released.

The aforementioned encumbrances must be addressed in order for the County to receive the Property with a clear title.

II. Options Available to the County

County Council executed Resolution 2019/10 providing the County Administrator the authorization to execute all necessary documents to receive the donation of the Property. If determined that receiving the donation of the Property is not in the best interest of Beaufort County, it would be appropriate for County Council to execute a Resolution rescinding the previous Resolution.

If instead it is determined that Beaufort County desires to pursue the acquisition, the County Staff and its legal representation will need to continue pursuing the release and/or satisfaction of all encumbrances. It should be taken into consideration that there has been no progress over the last year to resolve the issues surrounding the encumbrances.

CONCLUSION

The County Council provided the County Administrator with the authority to execute documents necessary for the County to receive the donation of Property. The Property has several encumbrances that must be resolved prior to receiving the Property. County staff and Tab Bendle have communicated to the Owner that the encumbrances must be resolved. Over the course of a year, the Owner has failed to resolve any of the issues as of the date of this Memo.

Ultimately, the County needs to determine whether to continue pursuing the release of encumbrances or to rescind the previous Resolution authorizing the acceptance of the Property.

EXHIBIT A

RESOLUTION 2019 / 10

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE ALL NECESSARY DOCUMENTS TO ACCEPT THE DONATION OF 53.43 ACRES AT 88 HAMPTON PARKSIDE ROAD, BLUFFTON, SC FOR USE AS A FUTURE ACTIVE PARK

WHEREAS, Sandlapper Hill, LLC (“Sandlapper”) owns a parcel of land (#R614 029 000 0609 0000) more particularly described in Exhibit A attached hereto and incorporated herein (“Property”); and

WHEREAS, the Sandlapper’s Property as shown in Exhibit A is 53.43 acres of vacant land; and

WHEREAS, Sandlapper has placed a Conservation Easement on the Property in favor of the North American Land Trust as more particularly described in Exhibit B; and

WHEREAS, Sandlapper has agreed to gift the property to Beaufort County for the education and recreation of the general public as a park and for the preservation of open space pursuant to the Conservation Easement as stated in Letter of Intent dated February 4, 2019 as shown in Exhibit C; and

WHEREAS, the Property will provide active recreation potential for the Bluffton area through the development, management, and maintenance by the County’s Parks and Recreation Department; and

WHEREAS, the Natural Resource Committee did recommend acceptance of the Property to be conveyed to the County; and

WHEREAS, because it is the acceptance of land, prior authority of County Council is required to authorized the Interim County Administrator to enter into a binding agreement.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council, duly assembled, does hereby authorize the Interim County Administrator to execute any and all documents necessary for the acceptance of the Property donation as identified in Exhibit A subject to the terms of the Conservation Easement described in Exhibit B.

Adopted this 25th day of March, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Stewart H. Rodman, Chairman

ATTEST:


Connie L. Schroyer, Clerk to Council

**MINUTES
NATURAL RESOURCES COMMITTEE**

February 18, 2019

Executive Conference Room, Administration Building,
Beaufort County Government Robert Smalls Complex,
100 Ribaut Road, Beaufort, South Carolina 29902

The electronic and print media duly notified in
accordance with the State Freedom of Information Act.

ATTENDANCE

- Present: Committee Chairman Alice Howard, Committee Vice Chairman Gerald Dawson, and members Michael Covert, York Glover and Chris Hervochon
- Ex-officio: Brian Flewelling, Joseph Passiment and Paul Sommerville (Non-committee members of Council serve as *ex-officio* members and are entitled to vote.)
- Staff: Jim Becker, County Auditor; Edra Stevens, Business License Director; Dave Thomas, Purchasing Director; Wes Campbell, Engineering; Stefanie Nagid, Passive Parks Manager; Eric Greenway, Community Development Director; John Weaver, Interim County Administrator; Eric Larson, Stormwater Manager; Matthew Watts, Deputy Director Department of Parks and Recreation; Shannon Loper, Director Parks and Recreation; Daniel Morgan, IT Division; and Melissa Peagler, Community Development.

CALL TO ORDER

Alice Howard called the meeting to order at 2:00 p.m.

Mrs. Howard called for a Moment of Silence for former Councilwoman Laura Von Harten.

APPROVAL OF AGENDA

Mr. Weaver requested amending the agenda to remove Item 21, Executive Session / Legal briefing on a contractual matter relating to potential litigation.

It was moved by Mr. Passiment, seconded by Mr. Covert to approve the agenda as amended. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Glover, Mrs. Howard, and Mr. Sommerville did not vote. Mr. Hervochon was not present at this time. The motion passed.

APPROVAL OF MINUTES

It was moved by Mr. Dawson, seconded by Mr. Glover to approve meeting minutes from January 18, 2019; January 22, 2019, and February 4, 2019. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Glover, Mrs. Howard, and Mr. Sommerville did not vote. Mr. Hervochon was not present at this time. The motion passed.

CITIZEN COMMENTS

Michael Matthews, Chairman of The Rural and Critical Lands Board, spoke in reference to item number fifteen, Passive Parks Bond Funding Resolution, and requested this resolution not be approved using the current wording “may be used.”

Ricki Parker, Coastal Conservation League, spoke in reference to item number fifteen, Passive Parks Bond Resolution, and would like further clarification as to the twenty percent and where those calculations came from as well as details regarding funds remaining from past referendums.

UPDATE

Eric Greenway, Director Community Development, gave an update on the Southern Lowcountry Regional Planning Board meeting that took place on January 22, 2019. The board appointed a housing trust fund sub-committee which Greenway was appointed too. The sub-committee met on February 13, 2019 and came up with a schedule to meet every two weeks. The purpose of this committee is to study the process of housing trust funds and how they work in order to potentially set one up in the local region.

Mr. Greenway also addressed the permitting process for Beaufort County and his opinion that it has gotten better and more efficient since he came on board.

Status

Status: For information only.

PRESENTATIONS

Dan Morgan, Director Mapping and Applications, gave a presentation on updates that have been made to the GIS webpage system in reference to zoning areas.

Eric Greenway, Director Community Development, spoke as to the language in the referendum regarding passive parks and stated it says “not to exceed twenty percent.”

Barbra Holms, Beaufort County Land Trust / Rural and Critical Lands Preservation, gave an annual report update.

ACTION ITEMS

Item: Short-Term Rental Task Force Appointments

Discussion: Eric Greenway, Director Community Development, presented a slate of names of individuals he is recommending for the short-term rental task force subcommittee in order to study the short-term rental process and regulations in Beaufort County. The names are as follows:

1. Dru Brown, Vacation Company

2. Stacey Hutchinson, Beach Properties of Hilton Head Island
3. Edward Brown, Short Term Rental Owner
4. Dick Stewart, Developer
5. Vimal Desai, Hotel Owner
6. Mrs. Martha Rowland, a resident of May River and has had an issue with Short Term Rentals in her neighborhood
7. As well as add another northern realty association of some type.

Mr. Greenway also suggested that he and Mr. Becker play an advisory role on the committee.

No action was needed at this time.

Status: For information only.

Item: Consideration of Contract Award / Andrews Engineering

Discussion: Eric Larson, Stormwater Manager, suggested hiring Andrews Engineering, Engineering Consultants, to design the Evergreen Regional stormwater pond for an amount of \$89,285.55. The project will take about two months to design and have ready for construction. The 319 grant funds will not kick in until the construction phase. Utility board voted unanimously to hire Andrews Engineering.

Motion: It was moved by Mr. Glover, seconded by Mr. Hervochon that the Committee recommend Council approve the hiring of Andrews Engineering. The VOTE: YAYS – Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Item: Alljoy Stormwater Management Project

Discussion: Eric Larson, Stormwater Manager, asked the committee to approve allocation of Stormwater Utility fees for funding, application for grant funding, and advertisement of a RFQ for an engineering consultant in order to address residential stormwater issues plaguing the Alljoy area. 75% grant, 25% match

Councilman Covert suggested having a public forum for the impacted area residents in order to take away any fear concerning an acquisition.

Mr. Larson stated they have met with concerned citizens as they have called in with flooding concerns. The request for advertising dollars includes public outreach and public forums of the such. The Engineering consultant is desperately needed so there is data to substantiate what information is disseminated. The RFQ can be broken into multiple contracts and pieces.

No action was needed at this time.

Status: For information only.

Item: Katy Circle Map Amendment

Discussion: Melissa Peagler, Long Range Planner, discussed applicant proposing to change the zoning of the parcel from T3 neighborhood to T4 Hamlet Center Open. The parcels are R200 015 000 0310 0000, R200 015 000 0308 0000, R200 015 000 302A 0000 with the properties being located at 5, 7, and 9 Katy Circle on Ladys Island. The applicant is proposing to change the zoning of the parcel from T3 Neighborhood to T4 Hamlet Center Open. Ms. Peagler stated Beaufort County Planning Commission felt the rezoning would add to traffic congestion and change the personality of the neighborhood. The proposed Lady's Island plan recommends careful consideration of any increase in density and traffic, the change in zoning could result in those increases.

Motion: It was moved by Mr. Glover, seconded by Mr. Dawson that Committee uphold recommendation of staff which is to deny this rezoning. The VOTE: YEAS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Item: Purchase Order Amendment for New Riverside Park Conceptual Plan

Discussion: Stefanie Nagid, Passive Parks Manager, requested the committee increase the current contract/PO amount by \$21,000 for additional services needed for the New Riverside Conceptual Master Plan project.

Motion: It was moved by Mr. Covert, seconded by Mr. Hervochon that the Committee approve the request for an additional \$21,000 pursuant to making sure this is absolutely necessary to the Town of Bluffton. The VOTE: YEAS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Item: Mitchelville Freedom Park Survey Funding Request

Discussion: Stefanie Nagid, Passive Parks Manager, stated that the Mitchelville Preservation Project and the Town of Hilton Head Island are requesting the County to fund \$16,000 for a tree and topographic survey to be completed by Coastal Surveying Company of the Town-owned Mitchelville Freedom Park (23 acres) towards the completion of the Mitchelville Master Plan. County Council approved up to \$250,000 of Rural and Critical Lands Preservation Program funding to be used towards the creation of the Mitchelville Master Plan and currently the project is under contract for \$215,555 leaving some funds available for the tree and topo survey.

Mr. Covert stated it was concerning to him that the Town of Hilton Head wants County Council to pay for one of their trees just because the project as a whole has some funds left over.

Mr. Dawson stated this is a project that Council supports and the committee should approve as to not cause any unnecessary delay.

Mr. Glover stated he wanted Ms. Nagid to let the Town of Hilton Head know we could have appreciated it if they had put some money towards this project.

Main Motion: It was moved by Mr. Dawson, seconded by Mr. Glover that Committee approve the request for an additional \$16,000 to be used towards the tree and topo survey from the Rural and Critical Lands Funds. The VOTE: YEAS - Mr. Dawson, Mr. Glover, and Mrs. Howard. NEAS - Mr. Covert, Mr. Hervochon, and Mr. Passiment. Mr. Sommerville did not vote. The motion fails.

Motion: It was moved by Mr. Covert, seconded by Mr. Passiment for a motion for reconsideration. The VOTE: YEAS - Mr. Glover, Mrs. Howard, Mr. Covert, Mr. Hervochon, Mr. Sommerville, and Mr. Passiment. Mr. Dawson and did not vote. The motion passes.

Amended Motion: It was moved by Mr. Covert, seconded by Mr. Hervochon to amend the previous motion and approve of the \$16,000 being \$8,000 comes from the Town of Hilton Head and \$8,000 comes from the county. The VOTE: YEAS - Mrs. Howard, Mr. Covert, Mr. Hervochon, Mr. Sommerville, and Mr. Passiment. NEAS - Mr. Glover. Mr. Dawson did not vote. The motion passes.

Item: Passive Parks Bond Resolution

Discussion: Stefanie Nagid, Passive Parks Manager, requested Council to consider a formal dedication of funding towards passive park improvement projects from the Rural and Critical Lands Preservation bond funding. All Tier 1 and Tier 2 priority projects, and some Tier 3 projects, could be completed with this dedicated funding request. 20% of each of the three bonds totals \$14 million, some of which has already been expensed and obligated, therefore \$10.6 million is requested from what is available from previous bonds (\$5.6M) and what will become available with the new bond (\$5M).

Points to consider:

- The 2012, 2014, and 2018 bonds state that an amount "not to exceed 20%" of those respective bond totals may be used to improve existing and newly acquired lands.
- Formal dedication of funding will allow for more efficient planning on both the acquisition and park improvement sides of the Program.
- Formal dedication of funding will reduce/remove competitive conflicts between the acquisition and park improvement sides of the program.
- A firm budget allows both sides of the Program to have a clear vision for project goals.

Mr. Sommerville inquired as to future land acquisitions in the pipeline that haven't been approved.

Mr. Hervochoch stated this is just a resolution that doesn't tie us down in case a property deal comes up 5 years down the road.

Motion: It was moved by Mr. Hervochoch, seconded by Mr. Covert to approve the resolution as written to Support the Passive Parks Program. The VOTE: YEAS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochoch, Mrs. Howard, Mr. Passiment, and Mr. Sommerville. The motion passed.

Item: Lease Agreement of Duncan Farms / Daufuskie Marsh Tacky Society

Discussion: Stefanie Nagid, Passive Parks Manager, recommended that the Committee and County Council approve the Interim County Administrator to enter into a lease agreement with Daufuskie Marsh Tacky Society for the lease of the Duncan Farms property at an annual cost of \$4,800.

Erica Veit, President of the Daufuskie Marsh Tacky Society, spoke further on their current program.

Mr. Dawson asked Ms. Nagid to explain how the amount for the lease came about.

Ms. Nagid replied that the amount came from Ms. Veit and it was based on the average cost of utilize vacant agriculture land.

Motion: It was moved by Mr. Dawson, seconded by Mr. Glover that Committee approve the Duncan Farms lease agreement as presented. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mr. Hervochoch, Mrs. Howard, Mr. Passiment, and Mr. Sommerville. The motion passed.

Item: Confederate Ave. Land Acquisition Proposal

Discussion: Eric Greenway, Director Community Development, brought forward land acquisition proposal for a fee-simple acquisition of 54.32 acres in Bluffton (75 Confederate Ave) for \$1,310,000.

Motion: It was moved by Mr. Covert, seconded by Mr. Glover that Committee recommend Council approve the land acquisition of Confederate Avenue in Bluffton. The vote: YAYS – Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochoch, Mrs. Howard, and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Item: Bluffton Property Donation

Discussion: Thomas Keaveny III, County Attorney, stated that Beaufort County has been asked to accept a tract of land, which is under a Conservation Easement (CE), and has limited use for

active and/or passive parks only. The property will be deeded to the County in fee-simple without conditions except as set forth in the CE.

Motion: It was moved by Mr. Covert, seconded by Mr. Dawson that Committee recommend Council adopt and approve the land donation near Hampton Lakes in Bluffton. The vote: YAYS: Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Item: Camp St. Mary's Property Determination

Discussion: Stefanie Nagid, Passive Parks Manager, the County owns approximately 10 acres of riverfront property, but has no written plan for the future use of the property. Council approved \$250k in 2018 for re-roof, mitigate mold, etc.; however, to get up to code for occupancy will cost \$2.3M. Work has not been awarded for the \$250k due to the high estimate for complete repair. Awaiting determination of future use.

Mr. Weaver suggested selling the 10-acre parcel as it would generate a substantial amount money and limit liability on the county and recommended getting the property appraised

Mr. Thomas stated that the two functional buildings that are out there now are not worth putting a lot of money into.

Motion: It was moved by Mr. Dawson, seconded by Mr. Sommerville that Committee recommend getting an appraisal of the Camp St. Mary's property while considering Passive Parks options for the property. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Sommerville, and Mr. Passiment. The motion passed.

Item: Consideration of Appointment and Reappointments / Historic Preservation Review Board

Motion: It was moved by Mr. Covert, seconded by Mr. Glover that Committee recommend Council Holly Murphy to serve as a member of the Historic Preservation Review Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, Mr. Sommerville, and Mr. Passiment. The motion passed.

Item: Consideration of Appointment and Reappointments / Rural and Critical Lands Board

Motion: It was moved by Mr. Dawson, seconded by Mr. Glover that Committee recommend Council nominate Arthur Baer to serve as a member of The Rural and Critical Lands Board. The vote: YAYS - Mr. Covert, Mr. Dawson, Mr. Glover, Mr. Hervochon, Mrs. Howard, and Mr. Passiment. Mr. Sommerville did not vote. The motion passed.

Adjournment

The meeting adjourned at 4:29 p.m.

Ratified by Committee: May 20, 2019



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Property donation near Hampton Lakes in Bluffton

Council Committee:

Natural Resources

Meeting Date:

February 18, 2019

Committee Presenter (Name and Title):

Thomas J. Keaveny, II/County Attorney, Stefanie M. Nagid /Passive Parks Manager, and Philip Foot / Public Safety Director

Issues for Consideration:

Beaufort County has been asked to accept a tract of land, which is under a Conservation Easement (CE), and has limited use for active and/or passive parks only. The property will be deeded to the County in fee-simple without conditions except as set forth in the CE.

Points to Consider:

Arguments against accepting the property are: (1) doing so removes it from the property tax roles; (2) doing so will require County to assume responsibility for developing and maintaining it.

Arguments in favor of accepting the property: (1) doing so will increase the amount of land available in the Bluffton area for active and passive County parks.

Funding & Liability Factors:

The property is being donated without condition or limitation other than those which are set forth in the CE. County will be responsible for development and maintenance costs. County will be legally responsible and liable for this property as with any other real property owned by the County.

Council Options:

1) Accept the property; 2) Reject the property.

Recommendation:

Staff (Legal, Community Development and Parks & Recreation Departments) recommend acceptance of the property.



INLAND CAPITAL

February 4, 2019

Beaufort County Community Development
Attn: Stephanie M. Nagid, Passive Parks Manager
100 Ribaut Rd
Beaufort, SC 29902

Re: Conveyance of 53.433 ac Property adjacent to Hampton Lake off Bluffton Parkway for Park
(the "Property")

Dear Ms. Nagid,

On December 29, 2017, Sandlapper Hill, LLC ("Sandlapper") placed a qualified conservation easement on the Property in favor of the North American Land Trust ("NALT") ensuring that it would be used in perpetuity for the education and recreation of the general public as a park and for the preservation of open space pursuant to governmental policies promoting the same (the "CE"). Now that the CE has been placed and initial trails, parking and related sitework for the first phase of the park are in place, Sandlapper would like to move forward with gifting the Property to Beaufort County for use as a Park.

For ease of reference I've attached as Exhibit A the filed conservation easement documents, as Exhibit B a copy of the Survey showing the Property (which is shown and described as Parcel 2 on the Survey), as Exhibit C the draft site plan for the initial phase of the park, and as Exhibit D our conceptual plan for what a full-fledged Park could look like after build-out consistent with the CE documents.

Please let us know if you need any additional information from us at this time to hopefully move this project along for the benefit of the people of Beaufort County.

Sandlapper Hill, LLC

By: Jack Fisher, President



~Hampton Lake Park

Conservation Area~

Beaufort County,
South Carolina

~Recorded Conservation Easement and
Declaration of Restrictions & Covenants~



F. Existing Conditions Report

HAMPTON LAKE PARK CONSERVATION AREA

EXISTING CONDITIONS REPORT
Beaufort County, South Carolina



Waxy sedge (*Carex glaucescens*)

Prepared For:

North American Land Trust
P.O. Box 467, Chadds Ford, PA 19317

Prepared By:

Williams Gandy, Biogeographer
North American Land Trust
North Carolina Field Office
P.O. Box 83

Boone, North Carolina
828.284.9894

wgandy@nalt.org

December 2017

DATE VISITED: December 1st, 2017

PERSONNEL: Williams Gandy – NALT Biogeographer

COUNTY: Beaufort

STATE: South Carolina

CONSERVATION AREA SIZE: 53.433 ± acres

LOCATION: Approximate Conservation Area center: -80.948882, 32.263348

UNITED STATES ECOREGION: Conservation Area is located in (63h) Carolina Flatwoods

WATERSHED: Calibogue Sound (HUC 10 – 0306011003)

USGS QUAD: Jasper (32080-C8)

GENERAL DESCRIPTION

The Hampton Lake Park Conservation Area is a 53.433 acre parcel located in Bluffton, South Carolina. The property is located off the Bluffton Parkway eastbound lane, approximately 8/10ths of a mile east of the intersection with SC-170E, adjacent to Hampton Lake Community. The approximate center of the property is located at -80.948882, 32.263348.

The Town of Bluffton is preparing to assume ownership of the Conservation Area subsequent to the conservation easement donation, and is committed to managing the property for active and passive public recreational opportunities pursuant to the terms and conditions of the Hampton Lake Park conservation easement. The current landowner wishes to ensure that the Hampton Lake Park property remains permanently available for outdoor recreation and thus is donating the conservation easement to NALT before transferring the property to the Town to prevent its conversion to a different future use.

The Hampton Lakes Park master plan is actively in progress and envisions a roughly 60/40 ratio of passive to active recreation. Passive recreation will include walking, hiking, biking, bird watching and nature observation. Active recreation may include disc golf, bicycling trails, and multi-purpose playing fields for soccer, lacrosse, basketball, baseball, and pickle ball, and possibly tennis. Related Active Park amenities such as covered pavilions, restrooms, concession stands, and parking are also planned.

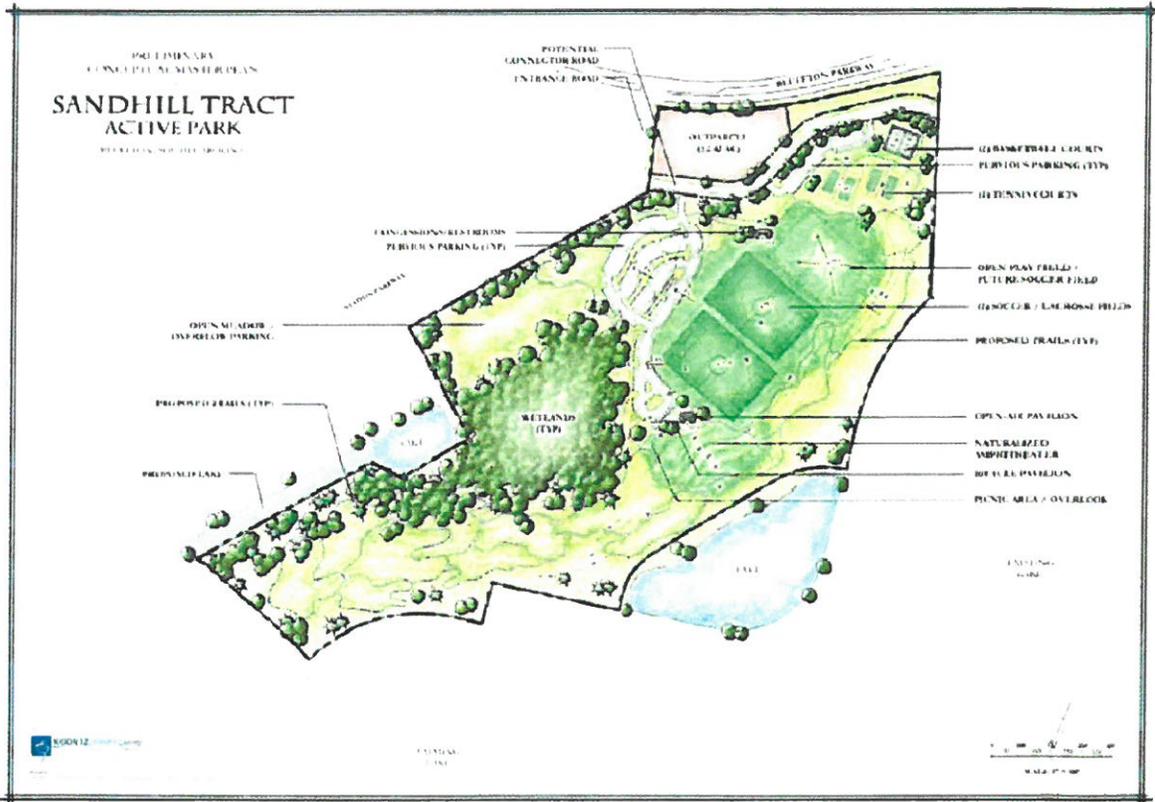
At the time of this baseline documentation, the property was undergoing an extensive regrading effort to prepare it for passive recreation before the Town of Bluffton completes a Park Management Plan with improvements for active recreation. The majority of the property was recently utilized as a soils staging area during construction of the adjacent residential communities. The Town of Bluffton has requested the property to be improved to rough grade, acknowledging the possibility of further regrading as active recreational use is developed. The Conservation Area will be seeded with an erosion control mix and a walking trail will be installed after grading is completed in December of 2017.

The property surrounding the Conservation Area is comprised of high-density single-family homes either already built or in the process of being developed. It is highly likely that this open space for the public will quickly become an asset for the immediate community of Hampton Lake, as well as the greater public in Bluffton and Beaufort County. Indeed, public open space, or the need for more, was certainly on the minds of the authors and participants behind not only the Town of Bluffton's Comprehensive Plan, but also the Southern Beaufort County Regional Plan and the Beaufort County Comprehensive Plan. All three documents describe the burgeoning population growth rate in their planning regions, and the need to provide those new people with public open space, and the limitations of available lands and funds for these essential public facilities. Private charitable donations like the Hampton Lake Park Conservation Area provide an important public benefit and lend a helping hand to financially strapped municipalities that are committed to providing for the public they serve.

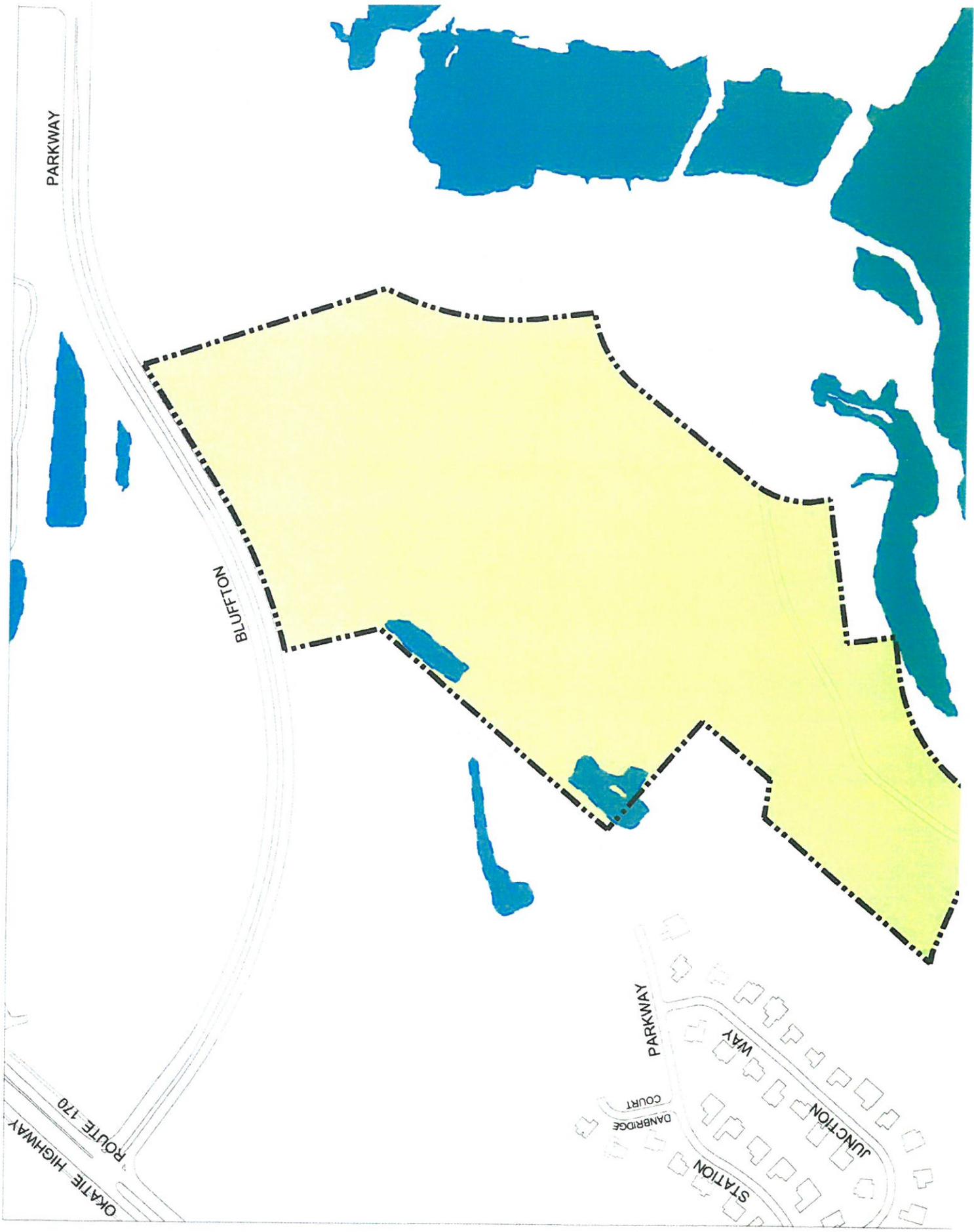
The nearest municipal park is the Buckwalter Regional Park, 3 miles to the east of Hampton Lake Park. Bluffton officials are very intent on securing additional parkland before the community is built out. The population growth and attendant sprawl is significant, as evidenced by [this article](#) in the Island Packet (June 2, 2017): *"The town has emerged as one of the state's fastest growing municipalities, according to recently released data from the U.S. Census Bureau. The town added nearly 2,000 residents last year, bringing the total population to 18,897, the data said."*



A "Passive Park" plan representing the approximate and expected landscape of the Conservation Area before transfer to Beaufort County.



A proposed “Active Park” plan representing potential improvements and park amenities situated in the eastern half of the property. Terms and conditions specific to the creation of the Active Park improvements and park amenities are listed in *Section 4.1 Active Recreation* in the Hampton Lake Park Conservation Easement.







**MINUTES
COUNTY COUNCIL OF BEAUFORT COUNTY
REGULAR SESSION**

March 25, 2019

Large Meeting Room, Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island

The electronic and print media duly notified in
accordance with the State Freedom of Information Act.

Attendance

Present: Chairman Stu Rodman, Vice Chairman Paul Sommerville, and Council Members Michael Covert, Brian Flewelling, York Glover, Chris Hervochon, Alice Howard, Mark Lawson, Lawrence McElynn and Joe Passiment. Gerald Dawson not present.

Call to Order

Chairman Rodman called the meeting to order at 6:11 p.m.

Pledge of Allegiance and Invocation – Councilman Brian Flewelling

Mr. Flewelling led the Pledge of Allegiance and gave the invocation.

Approval of Agenda

Mr. McElynn made a motion to amend the agenda to include the recognition of Friends of Hilton Head Library.

It was moved by Mr. Passiment, seconded by Mr. Flewelling that Council approve the motion to add Friends of Hilton Head Library to the agenda. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was not present. The motion passed.

It was moved by Mr. Passiment, seconded by Mr. Flewelling that Council approve the agenda as amended. The vote: The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was not present. The motion passed.

Recognitions

Mr. Flewelling recognized the following organizations and individuals on behalf of Keep South Carolina Beautiful.

1. Keep Beaufort County Beautiful Board received the award for *Affiliate Recognition*

2. Beaufort County ‘We Care’ Clean-Up received the award for *Outstanding Performance - Event*
3. Samantha Campbell received the award for *Outstanding Performance- Educator*
4. Beaufort County ‘We Care’ Clean-Up received the award for *Outstanding Performance – Advertisement*
5. Beaufort County received the award for *Outstanding Performance – County*
6. Randy Boehme received the award for *Outstanding Performance – Volunteer of the Year*

Mr. Flewelling recognized the following individuals on behalf of The South Carolina Association of Counties

1. Paul Sommerville was recognized as a Leader Against Litter
2. Dave Wilhelm was awarded the Leader Against Litter 2019 Team Leader Award.

Mr. McElynn recognized the Friends of Hilton Head Library for the fundraising and purchasing of a Book Mobile.

Presentations

A. Report from the Auditor’s Office /

County Auditor, Jim Beckert, updated Council on Last year’s tax statistics;

- Who determines values and property taxes in Beaufort County
- Annual Billing information
- Paid and Unpaid tax bill percentages

County Auditor, Jim Beckert also discussed changes to Tax Notices for Owners of Department of Natural Resources Registered Watercraft and Motors

Public Comments

Michael Matthews, Chairman of the Rural and Critical Land Preservation Board, asked County Council not approve Passive Parks Resolution as is.

Sam Levin made comments in reference to the Whitehall nullification agenda item and stated he stands ready to work together and to meet with Council if they so choose.

Consent Agenda

A. Approval of Minutes

1. February 25, 2019 Special Session
2. February 25, 2019 Caucus
3. February 25, 2019 Regular Session

It was moved by Mr. Passiment, seconded by Mr. Flewelling that Council approve minutes of the February 25, 2019 Special Session, February 25, 2019 Caucus and February 25, 2019 Regular Session as well as consent agenda items A-D. The vote: YEAS: Mr. Hervochon, Mr.

Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

B. Recommendations Community Services Committee

Alcohol and Drug Abuse Board - Dominique Driessen-Espana, Thomas Hale, Carol Hartman, Javier Zimbron

Disabilities and Special Needs Board – Nancy Pinkerton, Lynn Russo, Scott Scobey

Library Board – Terry Thomas

Recommendations from the Natural Resources Committee

Historic Preservation Review Board – Holly Murphy

Stormwater Management Utility Board – Steven Andrews

C. Third reading of an ordinance regarding an amendment to the zoning map in Southern Beaufort County (Sawmill Forest)

Ordinance Title: *Southern Beaufort County Zoning Map Amendment for R600 032 000 0005 0000 (2.42 Acres on the West Side of Trimblestone Road Directly North of Sawmill Forest) from Sawmill Forest PUD (Planned Unit Development) to T2-Rural*

D. Third reading of an ordinance regarding an amendment to the zoning map in Southern Beaufort County (Stroup Lane)

Ordinance Title: *Southern Beaufort County Zoning Map Amendment for R600 040 000 0448 0000 (5.09 Acres on the South Side of Stroup Lane Road Approximately 475 feet East of Burnt Church Road) from T3 Hamlet Neighborhood to T2 Rural Center*

Non-Consent Agenda

A. Public hearing and second reading of an ordinance regarding text amendments to the Beaufort County Code of Ordinances, Chapter 22, Article IV, Disaster Recovery and Reconstruction

Ordinance Title: *An Ordinance of County of Beaufort, South Carolina Amending Certain Sections Under Beaufort County Code: Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction*

Chairman Rodman opened the floor for public hearing regarding an amendment to the Beaufort County Code of Ordinances, Chapter 22, Article IV.

Pamela Cobb, Disaster Recovery Coordinator, gave a brief explanation of the ordinance as pertaining to the Building Codes Department and how they move through their process.

Chairman Rodman closed the public hearing.

It was moved by Mr. Passiment, seconded by Mr. Flewelling to approve second reading of an ordinance regarding text amendments to the Beaufort County Code of Ordinances, Chapter 22, Article IV, Disaster Recovery and Reconstruction. The vote: YEAS: Mr. Hervochon, Mr.

Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

B. Public hearing and second reading of an ordinance regarding the conveyance of multiple parcels of real property from Beaufort County to SC Department of Transportation for the highway widening of SC Highway 170

Ordinance Title: An Ordinance Authorizing the Conveyance of Multiple Parcels of Real Property from Beaufort County to South Carolina Department of Transportation for the Highway Widening of SC Highway 170

Chairman Rodman opened the floor for public hearing regarding the conveyance of multiple parcels of real property from Beaufort County to SC Department of Transportation for the highway widening of SC Highway 170. No one came forward.

Chairman Rodman closed the public hearing.

It was moved by Mr. Flewelling, seconded by Mr. Passiment to approve second reading of an ordinance regarding the conveyance of multiple parcels of real property from Beaufort County to SC Department of Transportation for the highway widening of SC Highway 170. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

C. Public hearing and second reading of an ordinance approving the issuance of a general obligation bond for Sheldon Fire District in an amount not to exceed \$1,000,000

Ordinance Title: An Ordinance Authorizing the Issuance and Sale of a Not To Exceed \$1,000,0000 Limited General Obligation Bond, Series 2019b, or Such Other Appropriate Series Designation (Sheldon Fire District), of Beaufort County, South Carolina; Fixing the Form and Details of the Bond; Authorizing the County Administrator or His Lawfully-Authorized Designee to Determine Certain Matters Relating to the Bond; Providing for the Payment of the Bond and the Disposition of the Proceeds Thereof; and Other Matters Relating Thereto.

Chairman Rodman opened the floor for public hearing regarding the second reading of an ordinance approving the issuance of a general obligation bond for Sheldon Fire District in an amount not to exceed \$1,000,000. No one came forward.

Chairman Rodman closed the public hearing.

It was moved by Mr. Passiment, seconded by Mrs. Howard to approve second reading of an ordinance approving the issuance of a general obligation bond for Sheldon Fire District in an amount not to exceed \$1,000,000. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

D. First reading of an ordinance regarding text amendments to the Beaufort County Code of Ordinances, Chapter 14: Animals

Ordinance Title: *Text Amendments to the Beaufort County Code of Ordinances, Chapter 14: Animals*

It was moved by Mr. Passiment, seconded by Mr. McElynn to approve the first reading of an ordinance regarding text amendments to the Beaufort County Code of Ordinances, Chapter 14: Animals. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

E. First reading of an ordinance approving the lease of Duncan Farms

Ordinance Title: *An Ordinance Authorizing the Interim County Administrator to Execute a Five (5) Year Lease Agreement with the Daufuskie Marsh Tacky Society for the Duncan Farms Property*

Chairman Rodman opened the floor for public hearing regarding the first reading of an ordinance approving the lease of Duncan Farms.

Erica Veit, Founder and Executive Director of the Daufuskie Marsh Tacky Society, stated that she would answer any questions Council may have.

Chairman Rodman closed the public hearing.

It was not moved or seconded but council voted to approve first reading of an ordinance approving the lease of Duncan Farms. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

F. First reading of an ordinance approving a lease of Marshside Mamas

Ordinance Title: *An Ordinance Authorizing the Interim County Administrator to Execute Necessary Documents to Lease a Portion of a Building on Daufuskie Island Known as Marshside Mamas*

It was moved by Mr. Passiment, seconded by Mr. McElynn to approve first reading of an ordinance approving a lease of Marshside Mamas. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert and Mr. Lawson. Mr. Dawson was absent. The motion passed.

G. A resolution supporting the Passive Parks Program

Resolution Title: *A Resolution Supporting the Passive Parks Program*

Eric Greenway, Community Development Director and Stefanie Nagid, Passive Parks Manager, spoke to Council as to why they were requesting this resolution and problems they are currently facing.

It was moved by Mrs. Howard, seconded by Mr. Passiment to adopt a resolution supporting the Passive Parks Program. Mr. Flewelling called a question. The vote: YEAS: Mr. Hervochon, Mrs. Howard, Mr. McElynn, Mr. Passiment, and Mr. Sommerville. NEAS: Mr. Flewelling, Mr. Covert, Mr. Lawson, Mr. Rodman, and Mr. Glover. Mr. Dawson was absent. The motion failed.

H. A resolution to accept a property donation at 88 Hampton Parkside Road, Bluffton

Resolution Title: *A Resolution Authorizing the Interim County Administrator to Execute All Necessary Documents to Accept the Donation of 53.43 Acres at 88 Hampton Parkside Road, Bluffton, SC for Use as a Future Active Park*

It was moved by Mr. Covert, seconded by Mr. Lawrence to adopt a resolution to accept a property donation at 88 Hampton Parkside Road, Bluffton. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The resolution passed.

I. A resolution to enter into a Memorandum of Understanding with the Friends of Fort Fremont

Resolution Title: *A Resolution to Enter into a Memorandum of Understanding with the Friends of Fort Fremont*

It was moved by Mr. Glover, seconded by Mrs. Howard to approve a resolution to enter into a Memorandum of Understanding with the Friends of Fort Fremont. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The motion passed.

J. A resolution to gift kitchen wares to the Technical College of the Lowcountry

Resolution Title: *A Resolution to Gift to the Technical College of the Lowcountry Certain Kitchen Wares from the Beaufort County's Buckingham Landing Property*

It was moved by Mrs. Howard, seconded by Mr. Flewelling to approve a resolution to gift kitchen wares to the Technical College of the Lowcountry. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The motion passed.

K. A resolution to adopt the Airport Facility Rental Policy

Resolution Title: *A Resolution to Adopt the Airport Facility Rental Policy*

It was moved by Mr. Flewelling, seconded by Mr. Passiment to approve a resolution to adopt the Airport Facility Rental Policy. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The motion passed

L. A resolution disapproving the easement agreement and agreement for development services for Whitehall Park prepared by the seller

Resolution Title: *A Resolution to Reject, Disapprove and Deny an Easement Agreement and an Agreement for Development Services for Whitehall Park Presented to Beaufort County Council by Whitehall Point Holdings, L.L.C. in Conjunction with Beaufort County's Purchase of a 9.68 Acre Parcel of Real Estate from Whitehall Point Holdings, L.L.C. on October 23, 2018*

It was moved by Mr. Passiment, seconded by Mr. McElynn to approve a resolution disapproving the easement agreement and agreement for development services for Whitehall Park prepared by the seller The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The motion passed.

Discussion and Action Items

A. Discussion / Consideration and Approval of the Administrator's Employment Contract

It was moved by Mr. Flewelling, seconded by Mr. Passiment to approve the Administrator's Employment Contract. The vote: YEAS: Mr. Hervochon, Mr. Glover, Mrs. Howard, Mr. Passiment, Mr. Sommerville, Mr. Rodman, Mr. McElynn, Mr. Flewelling, Mr. Covert, and Mr. Lawson. Mr. Dawson was absent. The motion passed.

B. Committee Reports

Finance Committee, Chairman Joe Passiment

- Presentation from Treasurer.
- Will be receiving monthly reports from the Treasurer from now on.
- Beaufort Soil and Water funding request will now be a budgetary item.
- Working on making changes to the ordinance for A-Tax.
- Working on ordinance for internal audit to move it to audit committee.
- Sheriffs Dept. will be presenting budget request to this committee in April.

Public Facilities, Chairman Brian Flewelling

- Discussed regional clean-up day.
- First reading on Fort Frederick boat ramp agreement.
- No action regarding curb-side pickup.
- Upcoming discussions to include facilities and tour of Federal Courthouse.

Executive Committee, Chairman Stu Rodman

- Working on policy priorities.

Citizen Comments

Leanne Coulter, Co-Chair for Daufuskie Island Council, spoke in reference to some comments the current Interim County Administrator made in reference to the Daufuskie’s Public Ferry Line and invited Council to use the ferry system public funds pay for.

Adjournment

The meeting adjourned at 7:42 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Stewart H. Rodman, Chairman

ATTEST:

Sarah W. Brock, Interim Clerk to Council

Ratified: April 8, 2019



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Recommendation of Award for Design/Build Construction for Dirt Road Paving Contract #51A RFP #112219E

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

David L. Thomas, Purchasing Director

Issues for Consideration:

Resolution 2019/24 adopted in June 2019 established a prioritized 5 Year Dirt Road paving program. In October 2019, Beaufort County advertised for design build services for Dirt Road Paving Contract #51A, year one of the program:

Rice Road (District #5 Burton) - 0.25 miles - Broad River Blvd to Inwood Plantation
Salicornia Drive (District #2 Ladys Island) - 0.29 miles - Marsh Hawk to Terminus
Wards Landing Road (District #3 St. Helena) - 0.44 miles - Sea Island Pkwy to Worthington Rd
George Williams Lane (District #1 Sheldon) - 0.62 miles - William Campbell Ln to Kelly Rd

Points to Consider:

The two highest rated companies were invited to interview; Preferred Materials Inc. earning 379 points and J.H. Hiers Construction, LLC earning 376 points. Staff requested Preferred Materials Inc. as the highest evaluated bidder to review their original fee of \$2,495,400 as it exceeded the engineer's estimate of \$2,196,928. Preferred Materials Inc. proposed a revised fee of \$2,284,100 which still exceeded the estimate. Due to this, staff reviewed the fee proposal from J.H. Hiers Construction, LLC. Their fee is within budget at \$2,096,162.

Funding & Liability Factors:

J.H. Hiers' fee proposal is \$2,096,162. With a 10% contingency of \$209,616, the total project cost is \$2,305,778. The funding for the project is TAG Funds with an available balance of \$5,107,619.62.

Council Options:

Recommend award to J.H. Hiers Construction, LLC or disapprove this recommendation

Recommendation:

Recommend award to J.H. Hiers Construction, LLC



**COUNTY COUNCIL OF BEAUFORT COUNTY
ENGINEERING DEPARTMENT**

2266 Boundary Street, Beaufort, South Carolina 29902
Post Office Drawer 1228, Beaufort, South Carolina 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420
Website: www.beaufortcountysc.gov

TO: Chairman Joe Passiment, County Council
FROM: David L. Thomas, Purchasing Director
SUBJ: **Recommendation of Award to J.H. Hiers Construction, LLC**
Design/Build Construction for Dirt Road Paving Contract #51A RFP #112219E
DATE: May 11, 2020

BACKGROUND Resolution 2019/24 adopted in June 2019 established a prioritized 5 Year Dirt Road paving program. In October 2019, Beaufort County advertised for design build services for Dirt Road Paving Contract #51A, year one of the program:

Road Name	District	Approximate Length (Miles)	Termini Description
Rice Road	District #5 Burton	0.25	Broad River Blvd to Inwood Plantation
Salicornia Drive	District #2 Ladys Island	0.29	Marsh Hawk to Terminus
Wards Landing Road	District #3 St. Helena	0.44	Sea Island Pkwy to Worthington Rd
George Williams Lane	District #1 Sheldon	0.62	William Campbell Ln to Kelly Rd

BIDDER INFORMATION On November 22, 2019, Beaufort County received five (5) proposals. A team to include Andrea Atherton, Neil Desai, Tanner Powell, and Kurt Taylor evaluated the proposals based on criteria included in the RFP. Out of 400 possible points, 100 per evaluator, the points earned per firm are as follows:

The two highest rated companies were invited to interview; Preferred Materials Inc. earning 379 points and J.H. Hiers Construction, LLC earning 376 points. Staff requested Preferred Materials Inc. as the highest evaluated bidder to review their original fee of \$2,495,400.00 as it exceeded the engineer’s estimate of \$2,196,928.00. Preferred Materials Inc. submitted a revised fee of \$2,284,100.00 which still exceeded the estimate. Due to this, staff reviewed the fee proposal from J.H. Hiers Construction, LLC. Their fee is within budget at \$2,096,162.00.

	Proposal Scoring	Interview Scoring
1. J.H. Hiers Construction, LLC.....	374 points	376 points
2. Preferred Materials Inc.....	369 points	379 points
3. Eurovia Atlantic Coast, LLC DBA Blythe.....	343 points	
4. Quality Enterprises USA, Inc.....	319 points	
5. Cleland Site Prep, Inc.....	114 points	

Based on the review of proposals, J.H. Hiers Construction, LLC is deemed the lowest responsible proposer.

FUNDING J.H. Hiers’ fee proposal is \$2,096,162. With a 10% contingency of \$209,616, the total project cost is \$2,305,778. The funding for the project is TAG Funds with an available balance of \$5,107,619.62.

FOR ACTION Beaufort County Council May 11, 2020.

RECOMMENDATION

cc: Ashley Jacobs, County Administrator
Alicia Holland, Asst. County Administrator, Finance

- Attachments:
1. RFP Bid Evaluations
 2. Post Interview Bid Evaluations
 3. J.H. Hiers Construction, LLC Fee Proposal
 4. Contract for Services for Beaufort County



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Request Contract Change Order approval with Hilton Head Humane Association for Veterinary Services for Beaufort County's Animal Shelter

Council Committee:

County Council Meeting

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Dave Thomas, Purchasing Director, Tallulah Trice, Director Animal Services

Issues for Consideration:

The Partnership was awarded by the RFP process for Veterinary Services back in 2013. Hilton Head Humane Association (Non-Profit) was the only organization willing to contract with the County. Since moving into the new campus their services has expanded to include supplies for Beaufort County's Animal Services, discounted pharmaceutical supplies, support staff, spay and neuter free vouchers, free feral cat program, crematory services and general medical care of shelter animals. The additional funds will be redirected from other accounts with no increased budget request. This partnership will improve customer services and public support for Beaufort County. This was approved by the Community Services Committee on May 4, 2020.

Points to Consider:

The Hilton Head Humane Association is the only (Non-Profit) organization willing to provide all of our required services for the new shelter. We have bid the services out several times for various services and they are the only organization to respond. Over the years they have provided funding, staff, and services at a fair and reasonable cost and are willing to take over additional services in the future.

CONTRACTOR:	Annual Cost
1. Hilton Head Humane Association, HHI, SC	\$100,000*
2. Additional services through June 30, 2020	\$220,000
Total cost of contract with change order:	\$320,000

*Previous contract was \$100,000

Funding & Liability Factors:

FUNDING: Available Funds: \$320,000

1. Account 10001270-51160 Animal Shelter Professional Services Hilton Head Humane \$100,000
2. Account 10001270-51165 Animal Shelter Spay/Neuter Services \$100,000* (Previous Contract)
3. Account 10001270-52040 FOOD SUPPLIES \$20,000
4. Account 10001270-52300 MEDICAL/PHARMACY \$100,000

Redirecting funds from Account 10001270-50020 Salaries and Wages and Account 10001270-51100 Heating Fuels

Council Options:

Approve or disapprove the change order request

Recommendation:

The Community Services committee recommends the contract change order of \$220,000 to County Council for a new contract total price of \$320,000 to the Hilton Head Human Association to provide additional services for Beaufort County's Animal Services.



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
 106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
 Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
 dthomas@bcgov.net 843.255.2353

TO: Councilman Lawrence McElynn, Chairman, Community Services Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: Contract Amendment
 Request Contract Change Order Approval for Hilton Head Humane Association for Veterinary Services for Beaufort County's Animal Shelter

DATE: 04/24/2020

BACKGROUND:

The partnership with Hilton Head Humane Association was awarded by the RFP process for veterinary services in 2013. Hilton Head Humane Association (non-profit) was the only organization willing to contract with the County. Since moving into the new campus, their services have expanded to include supplies for Beaufort County's Animal Services, discounted pharmaceutical supplies, support staff, spay and neuter free vouchers, free feral cat program, crematory services and general medical care of shelter animals. The additional funds required will be redirected from other accounts with no increased budget request. This partnership will improve customer services and public support for Beaufort County.

VENDOR INFORMATION:

COST:

Hilton Head Humane Association, Hilton Head Island, SC	\$100,000*
*Previous contract was \$100,000	
Additional Services through June 30, 2020	\$220,000
Total cost of contract with change order:	\$320,000

FUNDING:

Available Funds: \$320,000

1. Account 10001270-51160, Animal Shelter Professional Services Hilton Head Humane \$100,000
2. Account 10001270-51165, Animal Shelter Spay/Neuter Services \$100,000* (Previous Contract)
3. Account 10001270-52040, Food/Supplies \$20,000
4. Account 10001270 52300, Medical/Pharmacy \$100,000

Redirecting funds from Account 10001270-50020, Salaries and Wages and Account 10001270-51100, Heating Fuels

Total requested in the change order for Hilton Head Humane Association's contract: \$220,000 + \$100,000* = \$320,000

Funding approved: By: Date:

FOR ACTION:

RECOMMENDATION:

The Community Services Committee approves and recommends to County Council the approval of the contract change order with Hilton Head Humane Association in the amount of \$220,000 for a new total contract price of \$320,000 to provide services for the Beaufort County's Animal Services Department.

Attachment:

cc: Ashley Jacobs, County Administrator

Check to override approval: Overridden by: Override Date:

Raymond Williams, Finance Director

Check to override approval: Overridden by: Override Date: ready for admin:

Check to override approval: Overridden by: Override Date: ready for admin:

After Initial Submission, Use the Save and Close Buttons



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT

106 Industrial Village Road, Bldg 3 Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

TO: Councilman Larry McElynn, Chairman, Community Services Committee
FROM: Dave Thomas, CPPO, Purchasing Director
SUBJ: **Request Contract Change Order approval with Hilton Head Humane Association for Veterinary Services for Beaufort County's Animal Shelter**
DATE: May 4, 2020

BACKGROUND: The Partnership was awarded by the RFP process for Veterinary Services back in 2013. Hilton Head Humane Association (Non-Profit) was the only organization willing to contract with the County. Since moving into the new campus their services has expanded to include supplies for Beaufort County's Animal Services, discounted pharmaceutical supplies, support staff, spay and neuter free vouchers, free feral cat program, crematory services and general medical care of shelter animals. The additional funds will be redirected from other accounts with no increased budget request. This partnership will improve customer services and public support for Beaufort County.

<u>CONTRACTOR:</u>	<u>Annual Cost</u>
1. Hilton Head Humane Association, HHI, SC	\$100,000*
2. Additional services through June 30, 2020	\$220,000
Total cost of contract with change order: \$320,000	

*Previous contract was \$100,000

FUNDING: Available Funds: \$320,000

1. Account 10001270 -51160 Animal Shelter Professional Services Hilton Head Humane \$100,000
2. Account 10001270-51165 Animal Shelter Spay/Neuter Services \$100,000* (Previous Contract)
3. Account 10001270- 52040 FOOD SUPPLIES \$20,000
4. Account 10001270- 52300 MEDICAL/PHARMACY \$100,000

Redirecting funds from Account 10001270-50020 Salaries and Wages and Account 10001270-51100 Heating Fuels

Total requested in the change order within Hilton Head Humane Association's contract: \$220,000 + \$100,000* = \$320,000

FOR ACTION: Community Services Committee meeting occurring on May 4, 2020.

RECOMMENDATION: The Community Services Committee approves and recommends the contract change order of \$220,000 to County Council for a new contract total price of \$320,000 to the Hilton Head Human Association to provide the additional services for Beaufort County's Animal Services.

CC: Ashley Jacobs, County Administrator
Alicia Holland, Assistant County Administrator Finance
Philip Foot, Assistant County Administrator, Public Safety
Tallulah Trice, Director Animal Shelter

Att: Summary of Invoices



County Council of Beaufort
Beaufort County Animal Services
PO Drawer 1228
Beaufort, South Carolina 29901-1228

HILTON HEAD HUMANE COST BREAKDOWN

PAID/OWE/PROJECTED	FOOD/LITTER	PROFESSIONAL SERVICES	SPAY/NEUTER	MEDICAL SUPPLIES
PAID	\$15,446	\$51,431.	\$25,111	\$62,310
OWE	\$3,486	\$12,494	\$62,866	\$6,501
PROJECTED	\$6,309	\$21,000	\$12,000	\$22,800
TOTAL	\$25,241	\$84,925	\$99,997	\$91,611

TOTAL COST \$301,774



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Greater Beaufort-Port Royal CVB request for A/H-Tax funds.

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Christopher Inglese, Deputy Administrator

Issues for Consideration:

Northern Beaufort County DMO has requested \$760,000 in Atax funds to quickly re-ignite the tourism industry. Beaufort County Code of Ordinances section 66-44(b): "Authorization to utilize any funds from the "County of Beaufort, South Carolina, Local (3%) Accommodations Tax Account," shall be by ordinance duly adopted by the county council for the County of Beaufort, South Carolina."

The code also provides that a portion of Atax funds be placed in a reserve fund for use in unforeseen events (66-47(c)(1)). The reserve fund has a current available balance of \$722,094. There are no available 2% Atax funds.

Points to Consider:

Resolution 2019/31 provides for the policies and procedures for A/H Tax applications. The opportunity for applications is during the 4th quarter of the each calendar year.

Council may vote to open a second application period and make the balance of funds available for applicants seeking use of A/H Tax funds following the procedures of Resolution 2019/31.

Funding & Liability Factors:

Available 3% Local A tax and H Tax funds:
ATAX Operations: \$322,051
ATAX Tourism Infrastructure: \$708,810
ATAX Reserve: \$722,094
HTAX fund is \$1,106,312

Council Options:

1. Move to approve opening a timeframe for A/H Tax applications during a specified time period with procedures of Resolution 2019/31 to be followed
2. No action
3. Defer to a time certain or defer for an indefinite time

Recommendation:

Staff is able to review additional requests for A/H Tax funding utilizing the existing review process in Resolution 2019/31 if council votes to open an additional window for applications. Staff can then bring forward an ordinance with recommendations for funding.



Jonathan Sullivan
Chairman
The Beaufort Inn &
The Quality Inn

Vimal Desai
Vice-Chairman
Holiday Inn & Suites

Megan Morris
Treasurer
Santa Elena History Center

Ashlee Houck
Executive Director

Beaufort Area
Hospitality Association
Post Office Box 566
Beaufort, SC 29901

BFTHospitality.com

The Beaufort Area Hospitality Association continues to monitor the effects of the COVID-19 and the near shut down of our Hospitality Industry in Northern Beaufort County. These unprecedented times have left our hotels, restaurants, attractions, and merchants at a complete loss.

Our Beaufort, Port Royal and Sea Islands Convention Visitors Bureau has been working tirelessly to formulate a marketing plan post COVID-19. Our priority is to get our Businesses and Community back to work and accelerate our local economy moving towards progress when the time is right. Over 2500 of our friends and neighbors have felt personally the effects of the collapse of their livelihood and they are eager to get back to serving visitors and driving our local economy forward.

South Carolina Parks, Recreation & Tourism is currently working on a recovery campaign for the state and our destination needs to be ready to move forward along with that effort. The immediate situation favors small coastal destinations and we need to be sure to capture our share of the market to get Beaufort, Port Royal and the Sea Islands back to the thriving tourism destination it is.

A solid CVB strategy based on the strengths of a community aligned with local government has made the Beaufort area a valuable example of tourism marketing done right to the benefit of our entire community. BAHA fully supports the Greater Beaufort-Port Royal Convention & Visitors Bureau's post COVID-19 Marketing Recovery Plan to get the Beaufort area back to the healthy economy it once was.

Sincerely,

Ashlee Houck
Executive Director
Beaufort Area Hospitality Association

DocuSigned by:

Ashlee Houck

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4/30/2020

(Signature)

Date

DocuSigned by:

Jonathan Sullivan

F292A1436274417...

(Signature)

Name: Jonathan Sullivan

Organization: Chairman of the Beaufort Area Hospitality Association

DocuSigned by:

Vimal Desai

0AAE6BCC4084498...

(Signature)

Name: Vimal Desai

Organization: Vice President of the Beaufort Area Hospitality Association

DocuSigned by:

Megan Morris

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(Signature)

Name: Megan Morris

Organization: Treasurer of the Beaufort Area Hospitality Association

Santa Elena History Center Executive Director

DocuSigned by:

Peach Morrison

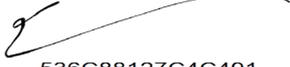
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Name: Peach Morrison

South Carolina Low Country Tourism

DocuSigned by:



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Name: Nick Borreggine

Fat Patties

Number of employees prior to COVID-19

76

DocuSigned by:

John Marshall

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Name: John Marshall

Old Bull Tavern

Number of employees prior to COVID-19

22

DocuSigned by:

Donald Lambert

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Name: Don Lambert

Beaufort Photography Tours

Number of employees prior to COVID-19

2

DocuSigned by:
Shannon Erickson

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(Signature)

Name: Representative Shannon Erickson
South Carolina House District 124 – Beaufort

DocuSigned by:

Lisa Kassuba

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(Signature)

Name: Lisa Kassuba
Best Western Sea Island Inn
Number of employees prior to COVID-19 22

DocuSigned by:

Joanna Vilim

6ABD07B710CB4F7...

Name: Joanna Vilim

Visit Harbor Island SC website Number of employees prior to COVID-19 0

DocuSigned by:

Jennifer Kovacs

6F7840A1913540F...

(Signature)

Name: Jennifer Kovacs
Hilton Garden Inn
Number of employees prior to COVID-19 51

DocuSigned by:

Linda Miller

93AEFA567BB044C...

(Signature)

Name: Linda Miller
Friends of Hunting Island
Number of employees prior to COVID-19 0

DocuSigned by:

Kate Hudson

55A21CB58FD04E0...

(Signature)

Name: Kate Hudson

Friends of Hunting Island

DocuSigned by:

Jody Hayward

A0A311468FD249B...

(Signature)

Name: Jody Hayward

Port Royal Sound Foundation

Number of employees prior to COVID-19 8

DocuSigned by:

Pierre-Edouard Binot

D16EAE8E2FD74F7...

(Signature)

Name: Pierre-Edouard Binot

The Cuthbert House Inn

Number of employees prior to COVID-19 7

DocuSigned by:

Stephen R. Harrison

287667FCAFAE408...

(Signature)

Name: Stephen Harrison

Rhett House Inn

Number of employees prior to COVID-19 17

DocuSigned by:

Lou Gaudio

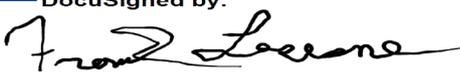
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Name: Lou Gaudio

Blackstones & Beaufort Bread Company

Number of employees prior to COVID-19 19

DocuSigned by:

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(Signature)

Name: Frank Lesesne

Anchorage 1770

Number of employees prior to COVID-19 17

DocuSigned by:

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(Signature)

Name: Dale Douthat

United Way of the Lowcountry

DocuSigned by:
Mark D. Lofton
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(Signature)

Name: Mark Lofton

Kelly Tours

Number of employees prior to COVID-19 11

DocuSigned by:
Shelley Barratt
1C1912D00FF04F8...

(Signature)

Name: Shelley Barratt

Beaufort Digital Corridor

DocuSigned by:
George Babalis
74CB63143018494...

(Signature)

Name: George Babalis

Mezes

Number of employees prior to COVID-19 16

DocuSigned by:
Susan Sauer
B512CA4C80214FC...

(Signature)

Name: Susan Sauer

Discover Tours

Number of employees prior to COVID-19 4

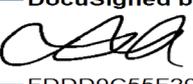
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Ronald Salley
3EEAAD25475D492...

(Signature)

Name: Ronald Salley

SHMarinas

Number of employees prior to COVID-19 8

DocuSigned by:

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(Signature)

Name: Robin Price

Saltus, Plums, and Hearth

Number of employees prior to COVID-19 145

DocuSigned by:

62E720AB9EF847E...

(Signature)

Name: Nancy Reilly

KC Mike's Smokin

Number of employees prior to COVID-19 14

DocuSigned by:

D5DA832ABAED42F...

(Signature)

Name: Dianna Baker

Southern Sweets Beaufort

Number of employees prior to COVID-19 8

DocuSigned by:

010124BAFA6G475...

(Signature)

Name: Johana Bayter

ABR Digital Office Solutions

Number of employees prior to COVID-19 30

DocuSigned by:

E55D3BE30CC342F...

(Signature)

Name: Brigid Fackrell

Rotten Little Bastard Distillery

Number of employees prior to COVID-19 0

DocuSigned by:

9B03E565893E4B8...

(Signature)

Name: Rose White

Southern Rose Carriage Tours

Number of employees prior to COVID-19 11

DocuSigned by:

8EB49A8EC04E4A4...

(Signature)

Name: Ramona Fantini

Common Ground & Beaufort Merchants Association

DocuSigned by:

E3EE42A85D5E41E...

(Signature)

Name: Jenny Sanborn

303 Associates

DocuSigned by:

D54D13907FC7435...

(Signature)

Name: Shawn Hill

SK Signs & Designs

DocuSigned by:
Mary L Carns
9493E40B72CE458...

(Signature)

Name: Mary L Carns

Technical College of the Lowcountry

Number of employees prior to COVID-19

286

DocuSigned by:
Niraj Patel
A1A551035221482...

(Signature)

Name: Niraj Patel

Home 2 Suites by Hilton

Number of employees prior to COVID-19

36

DocuSigned by:
Chris Johnson
83B321A62993421...

(Signature)

Name: Chris Johnson

Q on Bay

Number of employees prior to COVID-19

40

DocuSigned by:
Craig Reaves
B5F9FB842D4549A...

(Signature)

Name: Craig Reaves

Sea Eagle Market

Number of employees prior to COVID-19

20

DocuSigned by:
Kate Parkerson
232671933A134B3...

(Signature)

Name: Kate Parkerson

The Beaufort Inn

Number of employees prior to COVID-19

19

DocuSigned by:

Marcel Boucher

5F33651A1AD648F...

(Signature)

Name: Marcel Boucher

Hampton Inn

Number of employees prior to COVID-19 24

DocuSigned by:

Chetan Patel

96827CF441D548F...

(Signature)

Name: Chetan Patel

Country Inn and Suites

Number of employees prior to COVID-19 14

DocuSigned by:

Donna Lang

13523414728D40D...

(Signature)

Name: Donna Lang

Breakwater

Number of employees prior to COVID-19 35

DocuSigned by:

Allyson Dykeman

9E3F7B140174426...

(Signature)

Name: Allyson Dykeman

Quality Inn

Number of employees prior to COVID-19

27

DocuSigned by:
Brent Hallinan

7C50A8F03DAD436...

(Signature)

Name: Brent Hallinan

Madison's

21

Number of employees prior to COVID-19 _____

VISIT
BEAUFORT
PORT ROYAL  SEA ISLANDS

May 4, 2020

Beaufort County Council
Ashley Jacobs, Beaufort County Administrator

Re: Economic Recovery and Tourism Marketing Request

COVID-19 is devastating Beaufort County's economy, impacting every facet of our enviable quality of life. The county's tourism industry has suffered the brunt of the damage, but it can also lead the county back to prosperity. As your Designated Marketing Organization ("DMO") for northern Beaufort County, we are ready to help you put our friends and neighbors back to work, reducing budget shortfalls and increasing revenues. We request an investment of \$760,000 in this program, knowing that previous investment in tourism advertising has yielded a \$7-to-1, same-year return in tax revenues. Tourism advertising also contributes significantly to broader economic and community development.

The Greater Beaufort - Port Royal Convention & Visitors Bureau's mission is marketing our destination to visitors. As your DMO, the CVB operates a visitor center, markets to groups, hosts travel writers and tours and conducts marketing and advertising outreach programs. We separated from the Beaufort Regional Chamber in 2018 so that the CVB could focus exclusively on these responsibilities.

The CVB is happy to provide Beaufort County with full transparency and will work with county administration to fulfill the necessary requirements. The CVB has established a completely separate account in which to hold these funds and will provide monthly financial reports including receipts for expenditures. This also allows us to provide quarterly progress updates to staff about the progress that is being made through the marketing plan.

The plan will target drive markets including Charlotte and Atlanta. National studies indicate that travelers will seek small towns, beachside escapes, and drivable locations this summer and fall. That's great for us. But we know one thing: competition for their travel dollar will be keen, as every destination along the coast will fight to attract the same visitors we desire. We are happy to provide specifics of our plans to any interested member but please note that our plan does not include operational expenses such as payroll or administrative costs. Our goal is to put more money into the marketplace to attract visitors to our destination.

As our nation emerges from the shutdown, we want to work with county staff to re-start this economic engine. And we need fuel to do that. Our working group has labored tirelessly to develop a comprehensive plan to jump-start our local economy and repair the damage done by COVID-19. We need to re-start this all-important engine as soon as the time is right. This is the plan to do just that. Please support our collective efforts, so that we may all prosper in the near future.

Signed:


Frank Lesesne, Board Chair

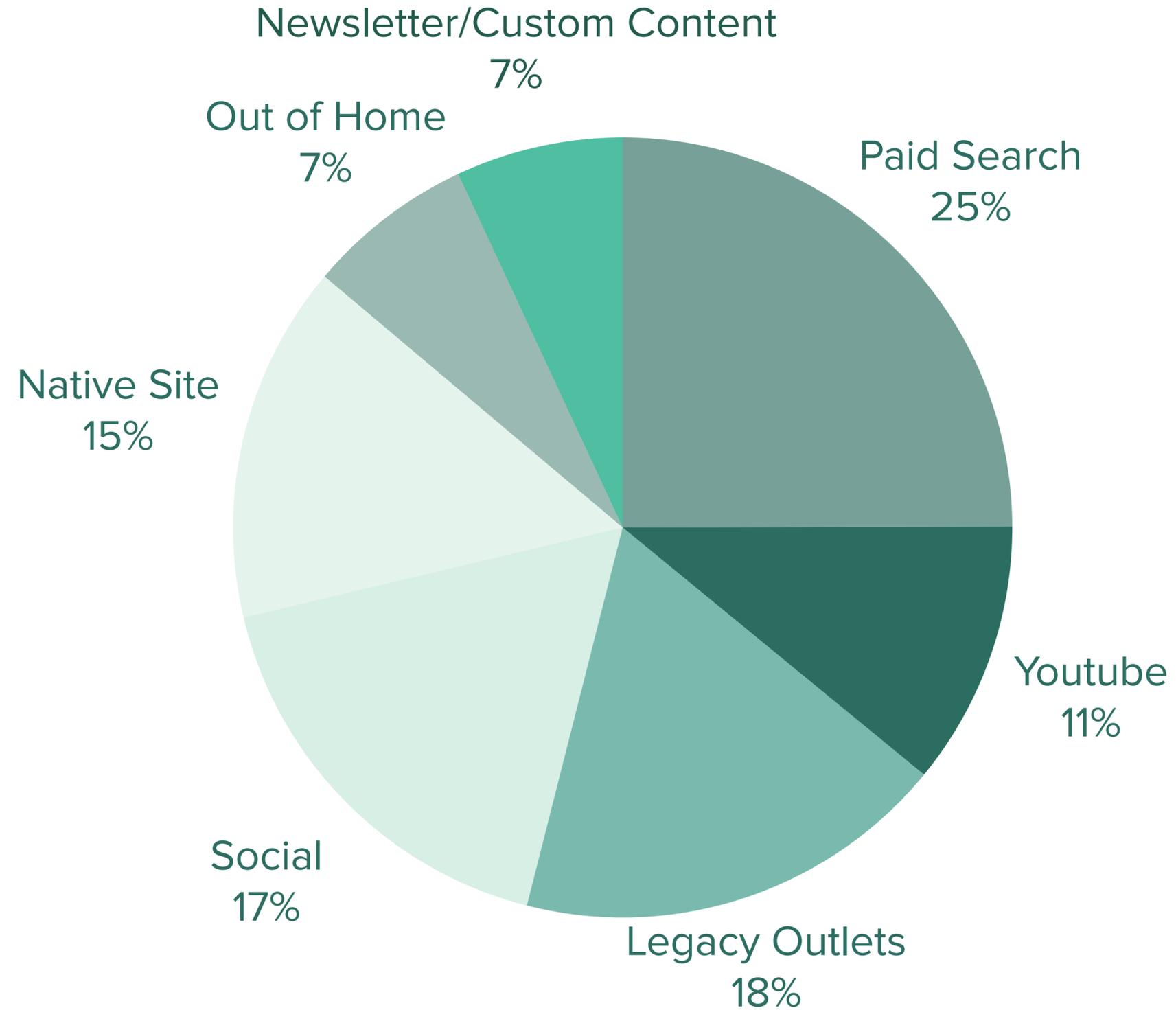
Attachments: Letters of support.

“Every destination is now a start-up.”

Advertising

innercoastal

- Paid Search
- Youtube
- Legacy Outlets
- Social
- Native Site
- Out of Home
- Newsletter/Custom Content



EMERGENCY ORDINANCE No. 2020 / 02 EXTENDING THE STATE OF EMERGENCY IN BEAUFORT COUNTY

WHEREAS, on March ____, 2020 County Council adopted emergency Ordinance No. 2020-01, declaring a state of emergency existed due to the effects of the COVID-19 coronavirus; and

WHEREAS, since that time certain steps have been taken to protect public health and safety in accord with the authority vested in the County Council and following the orders of the Governor as well; and

WHEREAS, while those protective and preventative effects have succeeded in limiting the dangers of the COVID-19 virus, the dangers have not passed and ongoing protective and preventative measures are still necessary in the County;

NOW, THEREFORE, Beaufort County Council hereby finds that a state of emergency continues to exist with regard to the effects of the COVID-19 virus, thus necessitating the extension of the effective date of ordinance 2020-01.

IT IS ORDERED that emergency ordinance 2020-01 is hereby continued to be in full force and effect for an additional thirty days after its initial expiration date of May 11, and thus it shall expire on June 11, 2020, unless earlier repealed or further extended.

ORDERED in meeting duly assembled this 11th day of May, 2020

Joe Passiment, Chairman

ATTEST: Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Reappointment to Bluffton Township Fire District Board

Council Committee:

County Council

Meeting Date:

MayFF, 2020

Committee Presenter (Name and Title):

Issues for Consideration:

Reappointment of Louis Poindexter

Points to Consider:

Funding & Liability Factors:

none

Council Options:

Approve, Modify, Reject

Recommendation:



BLUFFTON TOWNSHIP FIRE DISTRICT

357 FORDING ISLAND ROAD
BLUFFTON, SOUTH CAROLINA 29909
843-757-2800 • FAX 843-757-7305

January 30, 2020

Mr. Stu Rodman, Chairman
Beaufort County Council
P.O. Drawer 1228
Beaufort, SC 29901-1228

Re: Reappointment

Dear Mr. Rodman:

I hereby respectfully request that I be considered for reappointment to service as a member of Bluffton Township Fire District Fire Board, effective February, 2020.

Sincerely,

A handwritten signature in black ink, which appears to read "Louis Poindexter". The signature is written in a cursive style with a large, stylized initial "L".

Louis Poindexter



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

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Council Committee:

County Council

Meeting Date:

Ma` ÁF, 2020

Committee Presenter (Name and Title):

Issues for Consideration:

R @ Á æ-ÁÆR Rural and Critical Lands Board (District 7)

Points to Consider:

~~None~~
Funding & Liability Factors:

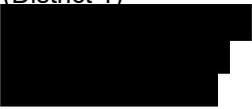
~~Approve, Modify or Reject~~
Council Options:

~~Approve~~
Recommendation:

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

RURAL AND CRITICAL LANDS PRESERVATION BOARD

	<u>Telephone</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Term- Years</u>	<u>Term Expires</u>	<u>CC District</u>	<u>Ethnicity</u>	<u>North/ South</u>	<u>Gender</u>
1. Arthur H. Baer (District 1) 	(H)843-466-9099	2/25/2019 (partial-term)			2/21	1	Caucasian	North	Male
2. Bob Bender (District 4) 	(H)843-524-6600	3/25/2013 (partial-term)	3/9/2015 2/11/2019	4	2/23	4	Caucasian	North	Male
3. Terry Hill (District 6) 	(H)843-368-9413	5/8/2017	2/11/2019	4	2/23	6	Caucasian	South	Male
4. Douglas Koop (District 5) 	(H)989-941-5340	11/5/2018 (partial-term)			2/21	5	Caucasian	South	Male
5. Walter Mack (District 3) 	(H)512-969-7300	2/20/2017		4	2/21	3	African American	North	Male
6. Michael Mathews, Chairman (District 9) 	(H)843-757-2339 (O)908- 399-7587	12/8/2014 (parital-term)	2/11/2019	4	2/23	9	Caucasian	South	Male

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

RURAL AND CRITICAL LANDS PRESERVATION BOARD

	<u>Telephone</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Term- Years</u>	<u>Term Expires</u>	<u>CC District</u>	<u>Ethnicity</u>	<u>North/ South</u>	<u>Gender</u>
7. Gail O'Kane (District 11) [REDACTED]	(H)843-682-2756	5/26/2015	2/11/2019	4	2/23	11	Caucasian	South	Female
8. Dorothy Scanlin (District 10) [REDACTED]	(H)843-715-0429	3/14/2016	2/11/2019	4	2/23	10	Caucasian	South	Female
9.		3/28/2016 (partial-term)	2/20/2017	4	2/21	7			
10. Beekman Webb (District 2) [REDACTED]	(O)843-521-4420 (M)843-592-3800	9/24/2018 (partial-term)	2/11/2019	4	2/23	2	Caucasian	North	Male

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

Seeking Reappointment
 Intent Unknown
 Vacancy / Resignation

RURAL AND CRITICAL LANDS PRESERVATION BOARD

	<u>Telephone</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Term- Years</u>	<u>Term Expires</u>	<u>CC District</u>	<u>Ethnicity</u>	<u>North/ South</u>	<u>Gender</u>
11. Ryan Stefonick (District 8)		8/26/2019 (Partical-term)		4	2/23	8	Caucasion	South	Male



County Liason Alice Howard (Natural Resources)

Authorized Membership: 11
 (11 - one from each Council District)
Vacancy: 1
Terms Expired: 0

Historical Background:
 Resolution 2006/22
 Ordinance 2003/22
 Ordinance 2000/29
 Ordinance 1999/19
 Ordinance 1998/23

* Members' terms will be staggered and will serve the same term as the appointing member of Council.

APPLICATION



COUNTY COUNCIL OF BEAUFORT COUNTY
County Boards, Agencies, Commissions, Authorities and Committees



County Council of Beaufort County selects citizens for service on Council appointed Boards, Agencies, Commissions, Authorities and Committees from a roster of individuals who have either volunteered or have been recommended for appointment. The Clerk to Council uses this form to keep an up-to-date roster of volunteers and to provide Council basic information about each volunteer.

Top Three Priorities: Please indicate by placing a "1", "2", or "3" alongside your choices.

BOARDS AND COMMISSIONS

- Accommodations Tax (2% State)
- Airports
- Alcohol and Drug Abuse
- Assessment Appeals
- Beaufort County Transportation
- Beaufort-Jasper Economic Opportunity
- Beaufort-Jasper Water & Sewer
- Beaufort Memorial Hospital
- Bluffton Township Fire
- Burton Fire
- Coastal Zone Management Appellate (inactive)
- Construction Adjustments and Appeals
- Daufuskie Island Fire
- Design Review
- Disabilities and Special Needs
- Economic Development Corporation
- Forestry (inactive)
- Historic Preservation Review
- Keep Beaufort County Beautiful
- Lady's Island / St. Helena Island Fire
- Library
- Lowcountry Council of Governments
- Lowcountry Regional Transportation Authority
- Parks and Recreation
- Planning *
- Rural and Critical Lands Preservation
- Sheldon Fire
- Social Services (inactive)
- Solid Waste and Recycling
- Southern Beaufort County Corridor Beautification
- Stormwater Management Utility
- Zoning

DATE: 2/26/20 NAME: John T MAFFEI

BEAUFORT COUNTY VOTER REGISTRATION NUMBER: 470632185

OCCUPATION: Retired (Former Inspector General DeCA)

TELEPHONE: (Home) 843 949-7022 (Office) _____ EMAIL: john.t.maffei@gmail.com

HOME ADDRESS: [REDACTED] STATE: SC ZIP CODE: [REDACTED]

MAILING ADDRESS: Same STATE: _____ ZIP CODE: _____

COUNTY COUNCIL DISTRICT: 1 2 3 4 5 6 7 8 9 10 11

ETHNICITY: Caucasian African American Other

Are you presently serving on a Board, Agency, Commission, Authority or Committee? Yes No

If "yes", what is the name of the board and when does term expire? _____

- Please return completed form **and a brief resume'** either Email or U.S. Mail:
 - Email: boardsandcommissions@bcgov.net
 - U.S. Mail: Clerk to Council, County Council of Beaufort County, P.O. Drawer 1228, Beaufort, SC 29901
- Applications without a brief resume' cannot be considered.
- Applications will be held **three (3) years** for consideration.
- All information contained on this application is subject to public disclosure.

YOU MUST BE A BEAUFORT COUNTY REGISTERED VOTER TO APPLY
YOU MUST ATTACH YOUR RESUME' WITH THIS APPLICATION TO BE CONSIDERED
An incomplete application will be returned

* Anyone submitting an application to serve on the Planning Commission must fill out the questionnaire on page 2.

Applicant's Signature: [Signature]

Submit by Email

Biography of John T. Maffei

Work Experience

- Inspector General (IG) Defense Commissary Agency (DeCA) 2004-2012
- DeCA Deputy IG 1993-2004; supervised auditors & inspectors
- DeCA NW Pacific Region Operations Chief (Asian, Hawaiian, NW-US) 1991-1993; DeCA 2012 Sales were \$5B with 16K employees worldwide
- Several Management positions in private and public resale 1966-1991
- Retired from Civil Service July 1, 2012

Volunteer Experience

- Current Member of Bluffton SC Rotary Club
- Low Country Community Church Bluffton SC
- HOA member in various communities resided

Education

- Master of Public Administration, Virginia Commonwealth U. in 1999
- Bachelor of Arts in English & Education, Fairleigh Dickinson U. in 1972
- Federal Executive Institute Graduate, Charlottesville, VA in 2008

Personal

- Moved to Bluffton, SC from VA in June 2016
- Spouse: Margaret A, Maffei, retired Real Estate Broker
- For 12 years lived in a rural community in New Kent, VA

February 26, 2020



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Appointment to Keep Beaufort County Beautiful Board

Council Committee:

County Council

Meeting Date:

May 11, 2020

Committee Presenter (Name and Title):

Issues for Consideration:

Appointment of Kamal Wigfall

Points to Consider:

Funding & Liability Factors:

none

Council Options:

Approve, Modify, or Reject

Recommendation:



COUNTY COUNCIL OF BEAUFORT COUNTY
County Boards, Agencies, Commissions, Authorities and Committees



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Top Three Priorities: Please indicate by placing a "1", "2", or "3" alongside your choices.

BOARDS AND COMMISSIONS

- ___ Accommodations Tax (2% State)
- ___ Airports
- ___ Alcohol and Drug Abuse
- ___ Assessment Appeals
- ___ Beaufort County Transportation
- 3 ___ Beaufort-Jasper Economic Opportunity
- ___ Beaufort-Jasper Water & Sewer
- ___ Beaufort Memorial Hospital
- ___ Bluffton Township Fire
- ___ Burton Fire
- ___ Coastal Zone Management Appellate (inactive)
- ___ Construction Adjustments and Appeals
- ___ Daufuskie Island Fire
- ___ Design Review
- ___ Disabilities and Special Needs
- ___ Economic Development Corporation
- ___ Forestry (inactive)
- ___ Historic Preservation Review
- 1 ___ Keep Beaufort County Beautiful
- ___ Lady's Island / St. Helena Island Fire
- ___ Library
- ___ Lowcountry Council of Governments
- ___ Lowcountry Regional Transportation Authority
- 2 ___ Parks and Recreation
- ___ Planning*
- ___ Rural and Critical Lands Preservation
- ___ Sheldon Fire
- ___ Social Services (inactive)
- ___ Solid Waste and Recycling
- ___ Southern Beaufort County Corridor Beautification
- ___ Stormwater Management Utility
- ___ Zoning

DATE: 02-18-20 NAME: Kamal Wigfall

BEAUFORT COUNTY VOTER REGISTRATION NUMBER: 074524323

OCCUPATION: Executive Director of the Gullah Geechee Initiative Foundation, Inc.

TELEPHONE: (Home) 843-522-6868 (Office) 843-962-0242 EMAIL: Love@GullahGeecheeF.org

HOME ADDRESS: 3 Meagan Dr. STATE: SC ZIP CODE: 29907

MAILING ADDRESS: 3 Meagan Dr. STATE: SC ZIP CODE: 29907

COUNTY COUNCIL DISTRICT: 1 2 3 4 5 6 7 8 9 10 11

ETHNICITY: Caucasian African American Other

Are you presently serving on a Board, Agency, Commission, Authority or Committee? Yes No

If "yes", what is the name of the board and when does term expire? _____

• Please return completed form **and a brief resume'** either Email or U.S. Mail:

- o Email: boardsandcommissions@bcgov.net
- o U.S. Mail: Clerk to Council, County Council of Beaufort County, P.O. Drawer 1228, Beaufort, SC 29901
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YOU MUST BE A BEAUFORT COUNTY REGISTERED VOTER TO APPLY
YOU MUST ATTACH YOUR RESUME' WITH THIS APPLICATION TO BE CONSIDERED
An incomplete application will be returned

* Anyone submitting an application to serve on the Planning Commission must fill out the questionnaire on page 2.

Applicant's Signature: _____

Submit by Email

Beaufort County Planning Commission Supplemental Application Questionnaire

This questionnaire will assist the County Council in assessing your qualifications and experience for the Planning Commission vacancy.

Please explain why you want to serve on the Planning Commission.

What qualifications, experience and expertise make you a good candidate for the Planning Commission?

What role do you feel the Planning Commission plays in making Beaufort County a desirable community in which to live and work?

What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

Kamal Mandela Wigfall
3 Meagan Dr.
843-962-0242
Love@GullahGeecheeIF.org

OBJECTIVE

I am a driven, highly motivated community member seeking to affect positive change in the lives of the youth and the community at large. My programs and curriculum will increase youth participation in Gullah Geechee culture and traditions through engagement with the community, decrease juvenile delinquency, and to empower the community to strive for a safer, thriving environment for our youth. I believe in laying the ground work and providing the conditions that inspire and create viable options for the youth of St. Helena Island by enabling connections to be made between communities, fostering alliances with local advocates, and developing programs that harness the power and skills community members need to effect change in their own lives.

QUALIFICATIONS

I consistently demonstrate superior organizational skills, meticulous attention to detail, and the ability to work with a diverse and high-profile clientele. I thrive in both collaborative and independent work environments, and meet demanding priorities with composure, focus, and patience. I am highly proficient in Word, Excel, PowerPoint, and Outlook.

WORK HISTORY

GULLAH GEECHEE INITIATIVE FOUNDATION, INC., BEAUFORT, SC | 6/19 – CURRENTLY

Serving as Founder.

- Volunteer with Beaufort County School District
- Partnered with The Boys & Girls Club of the Lowcountry.
- Coordinated afterschool program with up to 30 students.
- Recruited Beaufort High School upper class-men as tutors.
- Partnered with Mayor Billy Keyserling on Reconstruction Beaufort Project
- Interviewed all prospective board members.

EDUCATION

Beaufort High school Graduate of 2007/ attended one (1) year at The Art Institute of Atlanta.

VOLUNTEER EXPERIENCE

Beaufort County School District

The Boys & Girls Club of the Lowcountry

Penn Center

The Beaufort County Black Chamber of Commerce

Ladys Island Island Eagles Youth Football

The Second Founding of America: Reconstruction Beaufort

Girl Scout Rainbow Troop 4105

Good Book Club



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Reappointment and Appointment to Beaufort County Parks and Recreation

Council Committee:

County Council

Meeting Date:

May11, 2020

Committee Presenter (Name and Title):

Issues for Consideration:

Reappointment of Phil Kiser
Appointment of James K. Mack

Points to Consider:

Funding & Liability Factors:

none

Council Options:

Approve, Modify, Reject

Recommendation:



COUNTY COUNCIL OF BEAUFORT COUNTY
DIVISION OF PARKS AND RECREATION
905 Buckwalter Parkway
Bluffton, SC 29910
Phone (843) 255-6710 Fax (843) 255-9408

To: Beaufort County Council
PO Drawer 1228
Beaufort, SC 29901

From: Phil Kiser

Yes I intend to continue to serve on the Parks and Recreation Board for the term of
2020 - 2024.

No I do not intend to continue to serve on the Parks and Recreation Board for the term
of 2020-2024.

PHILIP J KISER

Print Name

Philip J Kiser

Signature

2/19/20

Date



COUNTY COUNCIL OF BEAUFORT COUNTY
County Boards, Agencies, Commissions, Authorities and Committees



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Top Three Priorities: Please indicate by placing a “1”, “2”, or “3” alongside your choices.

BOARDS AND COMMISSIONS

- ___ Accommodations Tax (2% State)
- ___ Airports
- ___ Alcohol and Drug Abuse
- ___ Assessment Appeals
- ___ Beaufort County Transportation
- ___ Beaufort-Jasper Economic Opportunity
- ___ Beaufort-Jasper Water & Sewer
- ___ Beaufort Memorial Hospital
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- ___ Burton Fire
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- ___ Construction Adjustments and Appeals
- ___ Daufuskie Island Fire
- ___ Design Review
- ___ Disabilities and Special Needs
- ___ Economic Development Corporation
- ___ Forestry (inactive)
- ___ Historic Preservation Review
- ___ Keep Beaufort County Beautiful
- ___ Lady's Island / St. Helena Island Fire
- ___ Library
- ___ Lowcountry Council of Governments
- ___ Lowcountry Regional Transportation Authority
- 1 ___ Parks and Recreation
- ___ Planning *
- ___ Rural and Critical Lands Preservation
- ___ Sheldon Fire
- ___ Social Services (inactive)
- ___ Solid Waste and Recycling
- ___ Southern Beaufort County Corridor Beautification
- ___ Stormwater Management Utility
- ___ Zoning

DATE: 2/14/2020 NAME: James Kenneth Mack

BEAUFORT COUNTY VOTER REGISTRATION NUMBER: 074503494

OCCUPATION: Quality Assurance / Safety Advisor

TELEPHONE: (Home) 843-441-3381 (Office) 843-228-6354 EMAIL: jm42091@yahoo.com

HOME ADDRESS: 38 Mathis Drive, St. Helena Island STATE: 29920 ZIP CODE: 29920

MAILING ADDRESS: PO BOX 1224, St. Helena Island STATE: 29920 ZIP CODE: 29920

COUNTY COUNCIL DISTRICT: 1 2 3 4 5 6 7 8 9 10 11

ETHNICITY: Caucasian African American Other

Are you presently serving on a Board, Agency, Commission, Authority or Committee? Yes No

If “yes”, what is the name of the board and when does term expire? N/A

- Please return completed form **and a brief resume'** either Email or U.S. Mail:
 - o Email: boardsandcommissions@bcgov.net
 - o U.S. Mail: Clerk to Council, County Council of Beaufort County, P.O. Drawer 1228, Beaufort, SC 29901
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- All information contained on this application is subject to public disclosure.

YOU MUST BE A BEAUFORT COUNTY REGISTERED VOTER TO APPLY
YOU MUST ATTACH YOUR RESUME' WITH THIS APPLICATION TO BE CONSIDERED
An incomplete application will be returned

* Anyone submitting an application to serve on the Planning Commission must fill out the questionnaire on page 2.

Applicant's Signature: _____

[Submit by Email](#)

**Beaufort County Planning Commission
Supplemental Application Questionnaire**

This questionnaire will assist the County Council in assessing your qualifications and experience for the Planning Commission vacancy.

Please explain why you want to serve on the Planning Commission.

What qualifications, experience and expertise make you a good candidate for the Planning Commission?

What role do you feel the Planning Commission plays in making Beaufort County a desirable community in which to live and work?

What do you believe are the most important planning issues facing the County during the next five years?

What previous experience have you had in serving on a Planning Commission? Give some examples of the items typically handled by the Planning Commission.

JAMES KENNETH MACK

Post Office Box 1224
St. Helena Island, South Carolina 29920

843 441-3381
jm42091@yahoo.com

EDUCATION

05/93 Technical College of Low Country; Associates of Science, Electronics Technology

TECHNICAL TRAINING

09/01 – 09/01	System Administrations
09/00 – 11/00	Network Essentials
05/00 - 05/00	Data Communications
01/99 – 03/99	Windows NT Workstations 4.0
05/95 – 10/98	Diebold Processors (386, 486, Pentium I, II)
03/98 – 03/98	Close Circuit Televisions
11/97 – 11/97	Basic Alarms
02/97 – 02/97	Air Transportation Craftsman
07/93 – 10/93	Telephone Data Circuitry
03/93 – 03/93	Basic Electronics
08/91 – 08/91	Basic Electricity

WORK HISTORY

10/14 - Present	Computer Operator V, BRC, MCAS Beaufort SC
05/07 – 10/14	Technical Specialist II, SCE&G, Beaufort SC
05/05 – 10/14	Superintendent of Air Terminal Operations Center CAFB, SC
08/01 – 5/05	Electronic Technician II, BAE Systems, Charleston SC
05/95– 08/01	Customer Service Engineer II, DIEBOLD, INC, West Columbia SC
02/94 – 04/95	System Specialists, Crowley Communications Products, Charleston SC

PROFESSIONAL EXPERIENCE

Computer Operator V

Familiarization of air crews with range capabilities, assets, and operational procedures with detailed debriefings. Supports planning and coordination for agencies participating in or supporting training operations on the range complex. Supports users and support groups in conducting live missions. Coordinates user flight schedules/training requirements with tactical training system range and warning area availability to ensure maximum utilization of tactical training system facilities to ensure coordination of necessary participants. Maintains computer database of range utilization, prepares reports of range availability/scheduling/utilization. Develops and presents briefings on capability, operation, and requirements to military and government agencies, to include VIP presentations. Provides for equipment operator training for RTO and other on-site personnel in operation of display consoles. Conducts equipment demonstrations for authorized personnel.

Proficient on the following equipment:

- Data Recording Devices, Digital Radio Management Systems
- Individual Combat Aircrew Display Systems, Joint Debriefing Subsystems
- Live Monitor, Mission Data Tool
- Mission Line Up, Multi Source Formatter
- Radiant Mercury Firewall, Radar Acquisition and Display System
- Remote Interface Controller, Range Information Management System
- Remote Joint Display System, Remote Range Unit
- Simple Key Loader, Virtual Tactical Bridge
- Link 16/JRE

Technical Specialist II

Assigns, prepares, and completes minor and major project work orders. Performs technical computations, studies and estimates of material a labor required for completion of work. Coordinates jobs and resolves customer/vendor/contractor issues (internal and external vendors/contractors/utilities); obtain material and rental equipment for crew; and processes contractor and vendor invoices. Creates technical drawings using related information systems for additions and modifications to SCE&G electrical system based on standards. Performs routine technical work such as the resolution of right-of-way issues, verification of filed work, develops encroachment permits and the layout of electrical facilities. Performs tests and inspections of material, equipment, and/or processes. Plans, schedules and coordinates technical projects. Performs all duties in accordance with safe work practices complying with Company safety rules and construction standards. Assists with storm and other restoration efforts. Performs Senior level technical specialist schedule. Coordinate and lead projects of a technical and complex nature; has decision making responsibilities on project; and directs, assigns and leads the work of other technical specialist.

Superintendent of Air Terminal Operations Center

Planned and organized the selection of the team chiefs, supervisor and members for Passenger Services. Manage and Supervised movement of passengers, cargo and vehicle. Receives, processes and categorizes passengers and baggage; identifies passengers who are eligible for airlift. Stores all passengers and baggage in designated areas, processing them using automated and manual methods. Briefs passengers in anti-hijacking, electronic device usage, personal item restrictions and flight information. Operates material handling equipment, prepares manifest and source documents; forwards to data records.

Electronic Technician II

Repair, install, and service MDI Alarm System software and hardware devices to include: Dual files servers, workstations, passive infrared and motion detectors, Balanced Magnetic switches, telco boards, voice communications modules, processors and fiber optics. Performs systems administration functions to include issuing passwords, setting up schedules, issuing badges and assigning pin numbers and access levels at Beaufort Marine Corp Air Station, PMO.

Proficient on the following software/equipment:

Computer Software OS/2, Window NT, 98, 2000. Motion detectors, Balanced Magnetic switches, telco boards, voice communications modules, processors and fiber optics.

Customer Service Engineer II

Repair, install, service and troubleshoot Electro-mechanical and electronic equipment. Install and configure software, hardware and upgrades. Duties include: supporting WIN 95, WIN 98, WIN NT, & OS2 operating systems. Effective organizational, communications, time-management, problem solving, and customer service skills. Troubleshoot and repaired PC equipment to achieve 99.9% up-time. Upgrade hardware and software specifications for future procurements to keep systems up-to-date. Performed preventive scheduled and unscheduled maintenance. Inspect, repairs, and installs alarms telephone terminal and media. Provides solutions to both network host and data communications problems. Troubleshoot dual file servers, voice communication modules, and fiber optics

Proficient on the following equipment:

Automated Teller Machines (ATMs), Close Circuit Television, VCR's Switchers, Text Inserters, Transaction Generators, Visual Audio Tellers, Alarms, Computers, Teller Cash & Coin Dispensers, Modems, Data Communications.

System Specialist

Install, troubleshoot, preventive maintenance and repair electronic scales, embossing machines and postal meters' machines. Repair and service analog digital circuits. Performed functional and continuity checks with multi-meter, and oscilloscope. Experienced in reading electrical schematics, wiring diagrams and technical manual. Inspected and repair switches, sensors, solenoids and stepper motors. Inspected and repaired wires, connectors, connections, terminals and contacts.

Customers Relations

Interact effectively with individuals of diverse background and experience. Demonstrates strong analytical and management skills. Adept at both oral and written communication

CERTIFICATIONS/LICENSES

- Microsoft Certified Professional Windows NT
- Certified in Optimal Robotics (U-Scan)

COMPUTER SKILLS

Linux, Red Hat, NVIDA, Windows NT, Windows 10, Microsoft Office, LAN, Ethernet, Token Ring TCPIP

Vaughn, Tithanie

From: Weitz, Kristina
Sent: Thursday, February 20, 2020 9:10 AM
To: Vaughn, Tithanie
Subject: RE: James K Mack

His information is correct, he's active, and he is in CC 3.

From: Vaughn, Tithanie <tithanie.vaughn@bcgov.net>
Sent: Wednesday, February 19, 2020 13:52
To: Weitz, Kristina <kweitz@bcgov.net>
Subject: James K Mack

Good afternoon ,

Can you check

James Kenneth Mack
Vr# 074503494

Home address:
38 Mathis drive
St. Helena Island , SC 29920

Mailing address:
Post Office Box 1224
St. Helena Island, South Carolina 29920

Tithanie Vaughn
Senior Administrative Assistant to Clerk to Council
Beaufort County Government, SC
843-255-2182 (Office)





BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Ordinance for Airport Tenant Leases

Council Committee:

Executive Committee Meeting

Meeting Date:

April 27, 2020

Committee Presenter (Name and Title):

Jon Rembold Airports Director

Issues for Consideration:

An ordinance authorizing the county administrator to enter into lease agreements with the current tenants occupying property acquired due to the expansion project at the Hilton Head Island Airport.

Points to Consider:

Our plan is to offer a very fair lease rate (we anticipate it will be below market rate) until such time as FAA funding becomes available (we are then obligated to charge not less than market rate) or until December 31, 2020.

Funding & Liability Factors:

TBD

Council Options:

Approve, Modify or Reject

Recommendation:

Approve

ORDINANCE 2020/ _____

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO LEASE AGREEMENTS WITH THE CURRENT TENANTS OCCUPYING PROPERTY ACQUIRED DUE TO THE EXPANSION PROJECT AT THE HILTON HEAD ISLAND AIRPORT

WHEREAS, the Hilton Head Island Airport (“Airport”) 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 Talbert, Bright & Ellington, Inc.’s work authorization as consultants (“Consultants”) for the Expansion Project; and

WHEREAS, the Consultants determined the Expansion Project requires Beaufort County to acquire five (5) properties located on Hunter Road, Hilton Head Island, SC 29926 (collectively referred to as the “Properties”) and described in more detail in “Exhibit A”, attached hereto and incorporated herein by reference; and

WHEREAS, in the acquisition of the Properties it has been determined that there are ten (10) tenants currently in the Properties (“Tenants”) and described in more detail in “Exhibit B”, attached hereto and incorporated herein by reference; and

WHEREAS, following the acquisition of the Properties, the County desires to terminate any current leases, and enter into leases with the Tenants that reflect a lease expiration date as required by the Expansion Project and shall include a reasonable lease rate based on square footage of the leased space, and as further described in more detail in “Exhibit C”, attached hereto and incorporated herein by reference; 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 enter into leases with the tenants of the Properties purchased for the Expansion Project of the Hilton Head Island Airport.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby authorize the County Administrator to enter into lease agreements with the current tenants occupying property acquired due to the Expansion Project at the Hilton Head Island Airport.

Adopted this ____ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

EXHIBIT A

Properties to be Leased

1. 26 Hunter Road, Hilton Head Island, SC 29926
2. 28 Hunter Road, Hilton Head Island, SC 29926
3. 30 Hunter Road, Hilton Head Island, SC 29926
4. 32 Hunter Road, Hilton Head Island, SC 29926
5. 36 Hunter Road, Hilton Head Island, SC 29926

EXHIBIT B

Hunter Road Tenant List

26 Hunter Road

Hilton Head Flooring
Stoneworks

28 Hunter Road

Stoneworks

30 Hunter Road

Window Fashions of Hilton Head
Carolina Contractors, Inc.
H& H Auto Body

32 Hunter Road

Dyess Air Owner/Occupant
Hilton Head Arts Center
Coastline Construction

36 Hunter Road

Avis Car Rental

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

**COMMERCIAL PROPERTY
LEASE AGREEMENT**

THIS COMMERCIAL PROPERTY LEASE AGREEMENT (“Lease”) is made and entered into this _____ day of _____, 2020, by and between **Beaufort County**, a political subdivision of the State of South Carolina, hereinafter referred to as “Landlord” and _____ hereinafter referred to as “Tenant”, collectively referred to as the “Parties”.

NOW, THEREFORE, Landlord, for and in consideration of the rents paid and to be paid, and the covenants, conditions, and stipulations to be kept and performed by Tenant, has granted, bargained, and conveyed for a month-to-month tenancy and by these presents does grant, bargain and convey unto Tenant, for the premises described herein below.

I. DESCRIPTION OF LEASED PREMISES. The premises to be conveyed is located at _____ Hunter Road, Hilton Head Island, SC 29926, hereinafter referred to as “Premises”.

II. RENTAL PAYMENT

2.1 *Payment of Rent.* Tenant shall pay to Landlord the monthly rental payments as described in this Section (“Rent”) during the Lease Term. If occupancy begins and/or ends on any day other than the first day of a month, rent shall be prorated for the month of commencement and/or month of termination and monthly rent collected in advance thereafter.

The term Rent shall be used in this Lease to describe the monthly rental amount owed during any term of tenancy, and is to include both the Initial Rent and Amended Rent when applicable according to the terms set forth in this Section.

2.1.1 *Initial Rent.* The initial monthly rental payment shall be in the amount of _____ (\$____.00) dollars (“Initial Rent”). The Initial Rent shall be effective as of the Commencement Date and shall remain in effect through the Lease Term or any Renewal Term, or until the Amended Rent is applied.

2.1.2 *Amended Rent.* The amended monthly rental payment shall be in the amount of _____ (\$____.00) dollars (“Amended Rent”). The Amended Rent shall be effective at a time determined appropriate by the Landlord and in accordance with the Federal Aviation Administration requirements. Following the Landlord’s determination to implement the Amended Rent, the Amended Rent shall be the monthly rental payment amount paid by the Tenant through the Lease Term or any Renewal Term.

2.1.2.1 *Notice of Amended Rent.* Landlord shall provide Tenant a thirty (30) day written notice prior to the Amended Rent being made effective.

2.2 *Payment of Rent.* The first rental payment shall be made on or before the Commencement Date. Tenant shall pay all rents due and owing, without deduction or set off, to Landlord at the address set forth in Section 10. All rental payments shall be made in the form of check or wire transfer.

2.3 *Late Payment of Rent.* Any rents not paid within five (5) days of the due date shall be deemed late and shall obligate Tenant to pay a late charge of ten percent (10%) of the sum then due.

2.4 *Security Deposit.* The Tenant has deposited with the Landlord the sum of _____ (\$_____) Dollars as a security for the full performance by the Tenant of all the terms of this Lease required to be performed by the Tenant (“Security Deposit”). Such sum shall be returned to Tenant after the expiration or termination of this Lease, provided the Tenant has fully carried out all of its terms.

In the case of any default as set forth in this Lease, the Security Deposit shall be used to reimburse the Landlord for any expenses. Any overages after the aforementioned expenses have been reimbursed shall be released to the Tenant.

III. TERM, ASSIGNMENT AND SUBLETTING

3.1 *Term.* The lease term shall be for a term of months commencing on _____, 2020 (“Commencement Date”) and terminating on December 31, 2020 (“Termination Date”), hereinafter the Lease Term.

3.2 *Renewal.* This Lease may be renewed on a month-to-month basis if agreed upon in writing by the Parties; any one renewal term will be for a period not to exceed thirty (30) days (“Renewal Term”).

3.3 *Acceptance and Condition of the Premises.* The Parties mutually agree that Tenant shall take possession of the Premises on the Commencement Date. Tenant stipulates that he or she has examined the demised premises, including the grounds and all buildings and improvements, and that they are, at the time of this Lease, in good order, repair, and in a safe, clean and tenantable condition. Tenant certifies that all conditions required of the Landlord shall be fulfilled and that there are no defenses to the enforcement of the Lease by the Landlord.

Tenant is fully familiar with the physical condition of the Premises. Landlord has made no representation in connection with the Premises and shall not be liable for any latent defects therein; provided, however, that if such latent defects render the Premises uninhabitable for the purposes of this Lease, Tenant may at its option, and upon written notice (following Section 9) to Landlord, terminate this Lease.

3.4 *Holding Over.* In no event shall there be any renewal of this Lease by operation of law, unless mutually agreed upon by the Parties, and if Tenant remains in possession of the Premises after the termination of this Lease and without a renewal or a new lease, Tenant shall be deemed to occupy the Premises as a tenant at will at a base rental rate equal to one hundred fifty percent (150%) percent of the existing rental rate together with percentage rent as provided under this Lease, and otherwise subject to all the covenants and provisions of this Lease insofar as the same are applicable to a month-to-month tenancy.

3.5 *Assignment and Subletting.* The Tenant shall not, without the Landlord’s prior written consent: (i) mortgage, pledge, encumber, or otherwise transfer (whether voluntarily, by operation of law, or otherwise) this lease or any interest hereunder; (ii) allow any lien to attach to Tenant’s interest in the Premises or this Lease; (iii) permit the use or occupancy of the Premises or any part thereof by anyone for a purpose other than as set forth herein; (iv) assign or convey this Lease or any interest herein; or (v) sublet the Premises or any part thereof; and any attempt to consummate any of the foregoing without Landlord’s consent shall be void. Any assignment or subletting of this Lease must be approved in writing by Landlord, which approval shall not be unreasonably withheld. Assignment of the Lease will not relieve the Tenant or the Guarantors of their respective obligations under this Lease and Guaranty Agreement unless otherwise agreed by Landlord in writing.

IV. **TERMINATION.** This Lease shall end on the Termination Date stated in Section 3.1 of this Lease. This Lease may be terminated by Landlord prior to the Termination Date upon providing a thirty (30) day notice from Landlord to Tenant and/or upon the occurrence of any default event as set forth in Section 9. **Tenant shall have no penalty for terminating this Lease prior to the Termination Date or prior to the end of any Renewal Term.**

4.1 *Surrender of Property.* At the termination of this Lease, Tenant agrees to quit and deliver the Premises peaceably and quietly to Landlord, or its attorney, or other duly authorized agent, at the expiration or other termination of this Lease. The Tenant shall surrender the Premises in as good state and condition as delivered to Tenant at the commencement of this Lease, reasonable use and wear thereof expected.

V. UTILITIES and MAINTENANCE.

- 5.1 *Utilities.* Tenant shall be responsible for paying one hundred percent (100%) of all utility expenses associated with the Leased Premises during the Initial Term and any Renewal Term. Tenant warrants and agrees to establish accounts in its name with the providing/billing entity or authority and pay for all water, gas, power, electric current, garbage collection and removal, sewer charges, and all other utilities and utility charges and fees charged to the Premises during the term of this Lease and all extensions hereof.
- 5.2 *Maintenance.* Tenant, at its sole cost and expense, shall handle or contract for the maintenance of the parking areas, landscaping, grounds and planting care for the Premises, and shall generally maintain the Premises in a neat and orderly condition.

VI. USE AND REPAIRS OF PREMISES

- 6.1 *Use of Premises.* Tenant shall use the Premises for the sole purpose of _____. Any change in the use of the Premises may only be undertaken with the written consent of the Landlord. Tenant shall not use the Premises for any illegal purpose, nor violate any statute, regulation, rule or order of any governmental body in its use thereof, nor create or allow to exist any nuisances, nor do any act in or about the Premises or bring anything upon the Premises which will increase the premium for insurance on the Premises.
- 6.2 *Repairs of Premises.* Tenant shall at its own expense keep the Premises in good repair. Tenant shall not perform any additional work upon the Premises without prior written consent of the Landlord. The Premises shall be maintained in a clean and orderly manner. In the event of any damage of the Premises which is the direct result of Tenant, Tenant shall, immediately upon receiving demand from Landlord, pay to Landlord an amount sufficient to cover the repairs. The Landlord shall provide an itemized accounting of all amounts so sought for compensation.

- VII. COMPLIANCE WITH LAWS.** Tenant shall comply, at its own expense, with all statutes, regulations, rules, ordinances and orders of any governmental body, department, or agency thereof, which apply to or result from Tenant's use of the Premises.

VIII. INSURANCE LIABILITY AND INDEMNIFICATION

- 8.1 *Insurance Liability.* Tenant hereby covenants and agrees to obtain and carry Commercial General Liability insurance during the tenancy in its entirety, whereby Tenant shall name the Landlord as an additional insured party and shall provide Landlord with a Certificate of Insurance. Tenant agrees to carry and will cause Tenant's subcontractors to carry workman's compensation and general liability insurance, personal and property damage insurance naming the Landlord as an additional insured party thereunder and shall provide Landlord with a Certificate of Insurance evidencing the same prior to commencement of the utilization of the Premises. All contracts and subcontracts shall expressly provide that Tenant or subcontractor shall hold Landlord harmless from and against any and all liability which may arise out of the work to be performed thereunder. If any mechanic's or other lien is filed against the Demised Premises for work claimed to have been for or materials furnished thereto, such lien shall be discharged by Tenant within Ten (10) days thereafter, at Tenant's expense by full payment thereof by filing a bond required by law. Tenant's failure to do so shall constitute a material default hereunder.
- 8.2 *Indemnity.* Tenant shall indemnify and shall hold the Landlord harmless from and defend the Landlord against any and all claims, demands, liability, costs, losses or expenses (including attorney's fees and costs) for any injury or death to any person or damage to any property whatsoever arising out of any act or omission of the Tenant or his agents, employees, contractors, invitees, licensees, tenants or assignees unless said claims, demands, liability, costs, losses in expenses (including attorney's fees and costs) result from Landlord's negligence or failure to perform any of Landlord's obligations hereunder. In case any action or proceeding is brought against the Landlord by reason of any such claims or liability, the Tenant agrees to cause such action or proceeding to be defended at its sole expense; provided, however, if the claim, demand or suit is a result of the active negligence of the Landlord and not a condition of the Premises for which Tenant has assumed responsibility then Tenant shall have no duty to defend the Landlord. The provisions of

this Lease with respect to any claims or liabilities occurring or caused prior to any termination of this Lease shall survive such termination.

IX. DEFAULT

9.1 *Default by Tenant.* The occurrence of any of the following shall constitute an event of default:

- (a) The rent of any other sum of money payable under this Lease, whether to Landlord or otherwise, is not paid within ten (10) days of the due date thereof.
- (b) Tenant's interest in the Lease of the Premises shall be subjected to any attachment, levy, or sale pursuant to any order or decree entered against Tenant in any legal proceeding and such order or decree shall not be vacated within thirty (30) days of entry thereof; unless with respect to any attachment, levy or sale, which cannot be vacated within thirty (30) days, Tenant in good faith shall have commenced and thereafter shall continue to diligently pursue the vacation of such order or decree by lawful means.
- (c) Tenant breaches or fails to comply with any term, provision, condition, or covenant of this Lease, other than the payment of rent, or with any of the rules and regulations now or hereafter established from time to time by the Landlord to govern the operation of the building and such breach or failure to comply is not cured within ten (10) days after written notice of such breach or failure to comply is given to Tenant.

9.2 *Remedies of Landlord.* Upon the occurrence of an event of default by Tenant other than a failure of Tenant to timely pay a sum that is due and payable, Landlord shall notify Tenant in writing of the event of default, and Tenant shall, within twenty (20) days of receipt of such written notice cure such event of default. Where the Tenant fails to cure such event of default within twenty (20) days of receipt of the above-referenced written notice, Landlord shall have the option to do and perform any one or more of the following in addition to, and not in limitation of, any other remedy or right permitted by law or in equity or by this Lease. In electing to do any one or more of the following courses of conduct, the Landlord must reasonably undertake its best efforts to properly mitigate any damages caused or sustained by Landlord due to the occurrence of an event of default by the Tenant. The options and courses of conduct which may be undertaken by the Landlord in an event of default by the Tenant are as follows:

- (a) Landlord, with or without terminating this Lease, may immediately or at any time thereafter re-enter the Premises and correct or repair any condition which shall constitute a failure on Tenant's part to keep, observe, perform, satisfy, or abide by any term, condition, covenant, agreement or obligation of this Lease or of the rules and regulations adopted by the Landlord or of any notice given Tenant by Landlord pursuant to the terms of this Lease, and Tenant shall fully reimburse and compensate Landlord on demand for all reasonable expenses.
- (b) Landlord, with or without terminating this Lease may immediately or at any time thereafter demand in writing that Tenant immediately vacate the Premises whereupon Tenant shall immediately vacate the Premises and, immediately remove therefrom all personal property belonging to Tenant, whereupon Landlord shall have the right to immediately re-enter and take possession of the Premises. Any such demand, re-entry and taking of possession of the Premises by Landlord shall not of itself constitute an acceptance by Landlord of a surrender of this Lease or of the Premises by Tenant and shall not of itself constitute a termination of this Lease by Landlord. In the event the Landlord re-enters and takes possession of the Premises as provided above and the Tenant has failed upon request by Landlord to immediately remove from the Premises all property belonging to or placed upon the Premises by the Tenant, the Landlord shall have the right to have such property of the Tenant removed from the Premises and reasonably be placed within a secure storage facility for a period of time not to exceed thirty (30) days, and all costs of handling, moving and storing such property of the Tenant shall be paid by the Tenant. Notwithstanding any of the foregoing, Landlord shall be required to comply with applicable South Carolina law regarding reentry and possession of the Premises.

(c) Landlord may immediately or at any time thereafter terminate this Lease, and this Lease shall be deemed to have been terminated upon receipt by Tenant of written notice of such termination; upon such termination Landlord shall recover from Tenant all damages Landlord may suffer by reason of such termination including, without limitation, all arrearages in rentals, costs, charges, additional rentals, and reimbursements, the cost (including court costs and attorneys' fees) of recovering possession of the Premises, and, in addition thereto, Landlord at its election shall have and recover from Tenant either (1) an amount equal to the excess, if any, of the total amount of all rents and other charges to be paid by Tenant for the remainder of the term of this Lease over the then reasonable rental value of the Premises for the remainder of the Term of this Lease, or (2) the rents and other charges which Landlord would be entitled to receive from Tenant pursuant to the provisions of subparagraph 7.2(b) if the Lease were not terminated. Such election shall be made by Landlord by serving written notice upon Tenant of its choice of the alternatives within thirty (30) days of the notice of termination. Notwithstanding anything hereunder to the contrary, Landlord must use its reasonable best efforts to re-let the Premises and abate Landlord's damages.

9.3 *No Waiver.* No course of dealing between Landlord and Tenant or any failure or delay on the part of Landlord in exercising any rights of Landlord under any provisions of this Lease shall operate as a waiver of any rights of Landlord, nor shall any waiver of a default on one occasion operate as a waiver of any subsequent default or any other default. No express waiver shall affect any condition, covenant, rule or regulation other than the one specified in such waiver and that one only for the time and in the manner specifically stated.

9.4 *No Election of Remedies.* The exercise by Landlord of any right or remedy shall not prevent the subsequent exercise by Landlord of other rights and remedies. All remedies provided for in this Lease are cumulative and may, at the election of Landlord, be exercised alternatively, successively, or in any other manner, and all remedies provided for in this Lease are in addition to any other rights provided for or allowed by law or in equity.

9.5 *Insolvency or Bankruptcy.* The appointment of a receiver to take possession of all or substantially all of the assets of Tenant, or an assignment by Tenant for the benefit of creditors, or any action taken or suffered by Tenant, or any action against Tenant, under any insolvency, bankruptcy, or reorganization, shall at Landlord's option constitute an event of default under this Lease. Upon the happening of any such event of default or at any time thereafter, this Lease shall terminate five (5) days after written notice of termination from Landlord to Tenant. In no event shall this Lease be assigned or assignable by operation of law or by voluntary or involuntary bankruptcy proceedings or otherwise and in no event shall this Lease or any rights or privileges hereunder be an asset of Tenant under any bankruptcy, insolvency, or reorganization proceedings.

X. MISCELLANEOUS PROVISIONS

10.1 *Addresses and Notices.* All notices or other communications required or desired to be given with respect to this Lease shall be in writing and shall be delivered by hand or by recognized national courier service to the Premises (if to Tenant) or the address hereinafter provided, or sent by certified mail, return receipt requested, bearing adequate postage and properly addressed as hereinafter provided. Each notice given by mail shall be deemed given and received on the date such notice shall have been postmarked by the U.S. Postal Service; each notice delivered by hand or by courier service shall be deemed to have been given and received when actually received by the party intended to receive such notice. In the event of a change of address by either party, such party shall give written notice thereof in accordance with the foregoing, except that such notice of change of address shall be deemed to have been given only when actually received.

If to Landlord, To: Beaufort County Administrator
P.O. Drawer 1228
Beaufort, SC 29901

With Copy to: Beaufort County Airport
Attn: Jon Rembold, Airport Director

120 Beach City Road
Hilton Head Island, SC 29926
Phone: 843-255-2952
jrembold@bcgov.net

If to Tenant, To:

Phone: _____
Email: _____

- 10.2 *Quiet Enjoyment.* Landlord hereby covenants, warrants and agrees that so long as Tenant is performing all of the covenants and agreements herein stipulated to be performed on the Tenant's part, Tenant shall at all times during the lease term have the peaceable quiet and enjoyment and possession of the Premises without any manner of hindrance from Landlord or any person or persons lawfully claiming the Premises, or any part thereof.
- 10.3 *Parking.* Each Tenant and their guests, invitees and employees of Tenant shall have a non-exclusive access to all parking spaces contained within the common area.
- 10.4 *Entire Agreement.* This Lease constitutes as the sole and entire agreement of Landlord and Tenant and no prior or contemporaneous oral or written representations or agreements between the Parties affecting the Premises shall have any legal effect.
- 10.5 *Subordination and Attornment.* This Lease and all rights of Tenant hereunder are and shall be subject and subordinate to the lien of any mortgage, or other instrument in the nature thereof which may now or hereafter affect Landlord's fee title to the Premises and to any other instrument encumbering the fee title of the Premises and to any modifications, renewals, consolidations, extensions, or replacements thereof. In confirmation of such subordination, Tenant shall, upon demand, at any time or times, execute, acknowledge and deliver to Landlord or the holder of any such mortgage, or other instrument, without expense, any and all instruments that may be requested by Landlord to evidence the subordination of this Lease and all rights hereunder to the lien of any such mortgage, or other instrument, and each such renewal, modification, consolidation, replacement, and extension thereof. If the holder of any mortgage, or other instrument encumbering the fee title of the Premises shall hereafter succeed to the rights of Landlord, whether through conveyance or judicial sale, Tenant shall attorn to and recognize such successor as Tenant's landlord under this Lease and shall promptly execute and deliver any instrument that may be necessary to evidence such attornment. Upon such attornment, this Lease shall continue in full force and effect as a direct lease between such successor Landlord and Tenant, subject to all of the terms, covenants, and conditions of this Lease.
- 10.6 *Severability.* If any clause or provision of this Lease is determined by a court of competent jurisdiction to be invalid or unenforceable, the remaining parts of this Lease shall not be affected thereby, unless such invalidity is essential to the rights of both Parties in which event either Landlord or Tenant shall have the right to terminate this Lease upon written notice to the other party.
- 10.7 *Captions.* The captions used in this Lease are for convenience only and do not in any way limit or amplify the terms and provisions hereof.
- 10.8 *Successors and Assigns.* The provisions of this Lease shall inure to the benefit of and be binding upon Landlord and Tenant, and their respective successors, heirs, legal representatives, and assigns.
- 10.9 *Applicable Law.* The laws of the State of South Carolina shall govern the interpretation, validity, performance and enforcement of this Lease; and, of any personal guarantees given in connection with this Lease.

10.10 *Authority.* Each individual and entity executing this Agreement hereby represents and warrants that he, she or it has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he, she or it is executing this Agreement to the terms hereof.

10.11 *Time is of the Essence.* Time is of the essence of this Lease.

IN WITNESS WHEREOF, and in acknowledgement that the Parties hereto have read and understood each and every provision hereof, the Parties have caused this Lease to be executed on the date first written above.

LANDLORD:

Witness

Ashley M. Jacobs
Beaufort County Administrator

Witness

TENANT:

Witness

By: _____

Witness



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
106 Industrial Village Road
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

TO: Councilman Joseph Passiment, Chairman, Beaufort County Executive Committee
FROM: Dave Thomas, CPPO, Purchasing Director
SUBJ: **Approval of Ordinance for Airport Tenant Leases**
DATE: April 27, 2020

BACKGROUND:

As part of the terminal and aircraft parking ramp expansion projects, the airport is acquiring properties along Hunter Road. Since the physical project work will not begin until 2021, the airport, in an effort to be as accommodating as possible, is extending an offer to current tenants to remain in those buildings until the end of 2020. The mechanism for that is the subject ordinance. The intent is to offer leases at a rate that creates no additional burden on the tenants the airport requests County Council's support of our efforts to this end.

FOR ACTION:

Executive Committee meeting occurring April 27, 2020.

RECOMMENDATION:

Beaufort County Purchasing Department recommendation to Executive Committee for approval of subject ordinance.

cc: Ashley Jacobs, County Administrator
Chris Inglese, Deputy County Administrator
Alicia Holland, Asst. County Administrator, Finance
Jon Rembold, C.M., Airports Director

Encl: Recommendation Memo – BCAB Chairman Ackerman
Ordinance for Airport Tenant Leases



TO: Councilman Joseph Passiment, Chairman, Beaufort County Executive Committee

FROM: Howard Ackerman, Chairman, Beaufort County Airports Board

SUBJ: **Approval of Ordinance for Airport Tenant Leases**

DATE: April 27, 2020

BACKGROUND:

On April 16, 2020, the Beaufort County Airports Board reviewed the following item:

- Ordinance for Airport Tenant Leases

The board finds the above request acceptable and in line with the provisions of our Contract for Professional Services. The BCAB forwards the attached documents for Executive Committee to review and approve.

FOR ACTION:

Executive Committee meeting occurring April 27, 2020.

RECOMMENDATION:

Beaufort County Airports Board recommendation to Executive Committee for approval of subject ordinance.

Encl: Ordinance for Airport Tenant Leases



TO: Mr. Howard Ackerman, BCAB Chairman

FROM: Jon Rembold, Airports Director

SUBJ: Approval of Ordinance for Airport Tenant Leases

DATE: April 27, 2020

BACKGROUND:

As part of the terminal and aircraft parking ramp expansion projects, the airport is acquiring properties along Hunter Road. Since the physical project work will not begin until 2021, the airport, in an effort to be as accommodating as possible, is extending an offer to current tenants to remain in those buildings until the end of 2020. The mechanism for that is the subject ordinance. The intent is to offer leases at a rate that creates no additional burden on the tenants the airport requests County Council's support of our efforts to this end.

RECOMMENDATION:

Beaufort County Airports Board recommendation to Executive Committee for approval of subject ordinance.

Encl: Ordinance for Airport Tenant Leases



BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Amendment to the Stormwater Ordinance

Council Committee:

County Council

Meeting Date:

April 27, 2020

Committee Presenter (Name and Title):

Neil Desai, Public Works Director

Issues for Consideration:

Currently the ordinance includes an exemption for improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property. Amendment to the ordinance is needed to include an exemption for improved private roadways that are not shown as a separate parcel of land on the most current Beaufort County tax maps but are used by more than one property owner to access their property. This will allow fair and equitable assessment of stormwater fees. Other proposed revisions are to reflect organizational changes and provide clarification in regards to Beaufort County Stormwater Utility's jurisdiction.

Points to Consider:

Consistent application of stormwater fees for roadways used by more than one property owner to access their property. Presented to Stormwater Management Utility Board on February 12, 2020 and the Board recommends the proposed changes to the ordinance. This amendment was approved by the Executive Committee on April 13, 2020.

Funding & Liability Factors:

Allows stormwater rate structure to be more defensible and consistently applied.

Council Options:

Approve the amendment as proposed or leave the ordinance as written.

Recommendation:

To approve the proposed amendment of the Stormwater Ordinance to include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes.

ORDINANCE 2020 /

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2018/6 AS ADOPTED MARCH 12, 2018 TO PROVIDE FOR ADDITIONAL EXEMPTIONS RELATED TO PRIVATE ROADWAYS, REFLECT ORGANIZATIONAL CHANGES AND PROVIDE CLARIFICATION IN REGARDS TO BEAUFORT COUNTY STORMWATER UTILITY'S JURISDICTION.

WHEREAS, Act 283 of 1975, The Home Rule Act, vested Beaufort County Council with the independent authority to control all acts and powers of local governmental authority that are not expressly prohibited by South Carolina law; and

WHEREAS, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by Ordinance on August 22, 2005, September 28, 2015, September 26, 2016, October 24, 2016, and March 12, 2018; and

WHEREAS, Stormwater Management Utility was established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county; and

WHEREAS, to meet the increasing demands on the Stormwater Management Utility in the areas of mandated municipal Separate Stormsewer Systems (MS4) permitting, capital project needs, and cost of service of operations and maintenance, as well as an evolving understanding of the impacts of the urban environment on water quality, the Stormwater Management Utility finds it necessary to amend the structure in which fees are determined and adjust the fees charged to the citizens of Beaufort County to meet said demands in a fair and equitable manner; and

WHEREAS, currently the ordinance includes an exemption for improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public, and

WHEREAS, currently the ordinance includes an exemption for improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public, and

WHEREAS, currently the ordinance includes an exemption for improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property, and

WHEREAS, further amendments are needed to make adjustments to the rate structure to address the differences in fee determination and billing for private roadways; and

WHEREAS, the Stormwater Management Utility Board has determined that it would be fair and equitable to include an exemption for improved private roadways that are not shown as a

separate parcel of land on the most current Beaufort County tax maps but are used by more than one property owner to access their property, and

WHEREAS, Beaufort County Council believes it is appropriate to amend Chapter 99 of the Beaufort County Code and to provide for additional terms to said Article; and

WHEREAS, text that is underscored shall be added text and text ~~lined through~~ shall be deleted text.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Chapter 99 of the Beaufort County Code is hereby amended and replaced with the following:

Chapter 99 - STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-102. - Establishment of a stormwater management utility and a utility enterprise fund.

There is hereby established within ~~the environmental engineering division~~ of Beaufort County a stormwater management utility for the purpose of conducting the county's stormwater management program. The county administrator shall establish and maintain a stormwater management utility enterprise fund in the county budget and accounting system, which shall be and remain separate from other funds. All revenues of the utility shall be placed into the stormwater management utility enterprise fund and all expenses of the utility shall be paid from the fund, except that other revenues, receipts, and resources not accounted for in the stormwater management utility enterprise fund may be applied to stormwater management programs, services, systems, and facilities as deemed appropriate by the Beaufort County Council. The county administrator may designate within the stormwater management utility enterprise fund such sub-units as necessary for the purpose of accounting for the geographical generation of revenues and allocation of expenditures pursuant to interlocal governmental agreements with the cities and towns of Beaufort County.

Sec. 99-109. - Exemptions and credits applicable to stormwater service fees.

Except as provided in this section, no public or private property shall be exempt from stormwater utility service fees. No exemption, credit, offset, or other reduction in stormwater service fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater management utility's cost of providing stormwater programs, services, systems, and facilities. A stormwater management utility service fee credit manual shall be prepared by the stormwater manager specifying the design and performance standards of on-site stormwater services, systems, facilities, and activities that qualify for application of a service fee credit, and how such credits shall be calculated.

(b) Exemptions. The following exemptions from the stormwater service fees shall be allowed:

- (1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.
- (2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.
- (3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.
- (4) Improved private roadways that are not shown as a separate parcel of land on the most current Beaufort County tax maps but are used by more than one property owner to access their property.
- ~~(4)~~ (5) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.
- ~~(5)~~ (6) Condominium boat slips shall be exempt from stormwater service fees.
- ~~(6)~~ (7) Properties determined by the assessor having 100 percent of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, after the applicable credit defined in paragraph (a) above has been applied to the account.

Sec. 99-203. - Definitions.

The following definitions shall apply in articles III, IV, V, and VI this chapter. Any term not herein defined shall be given the definition, if any, as is found elsewhere in the Code of Articles of Beaufort County, including the community development code (CDC) ordinance.

Administrators. ~~The director of environmental engineering and land management~~ Beaufort County, the stormwater manager and other individuals designated by the county administrator, from time to time, to administer interpret and enforce this article.

Sec. 99-206. - County stormwater management administration.

Stormwater management will be administered by ~~the environmental engineering and land management division~~ Beaufort County and the stormwater department to administer and implement the regulations of this article as set forth in the CDC and BMP manual.

Adopted this _____ day of _____, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

APPROVED AS TO FORM:

Ashley M. Jacobs
Beaufort County Administrator

ATTEST:

Sarah Brock, Clerk to Council

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