



County Council Meeting Beaufort County, SC

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

Monday, August 14, 2023
5:00 PM

AGENDA

COUNCIL MEMBERS:

JOSEPH F. PASSIMENT, CHAIRMAN
DAVID P. BARTHOLOMEW
LOGAN CUNNINGHAM
YORK GLOVER
MARK LAWSON
ANNA MARIA TABERNIK

LAWRENCE MCELYNN, VICE CHAIR
PAULA BROWN
GERALD DAWSON
ALICE HOWARD
THOMAS REITZ

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION- Council Member York Glover
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES - June 12, 2023, June 26, 2023, July 24, 2023, and July 28, 2023.
6. ADMINISTRATOR'S REPORT
- [7.](#) PROCLAMATION RECOGNIZING THE BLUFFTON ALLSTAR SOFTBALL TEAM ON THEIR STATE CHAMPIONSHIP WIN - Council Member Larry McElynn
- [8.](#) PRESENTATION OF FRIENDS OF FORT FREMONT 2022 ANNUAL REPORT
- [9.](#) RURAL AND CRITICAL LAND PRESERVATION BOARD ANNUAL REPORT (2022)

CITIZEN COMMENTS

[10.](#) **CITIZEN COMMENTS PERIOD - 15 MINUTES TOTAL**

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

COMMITTEE REPORTS

11. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

12. APPROVAL OF CONSENT AGENDA

13. TIME-SENSITIVE ITEM ORIGINATING FROM THE AUGUST 14TH COMMUNITY SERVICES AND LAND USE COMMITTEE - A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE (**FISCAL IMPACT: No Impact**)

14. TIME-SENSITIVE ITEM ORIGINATING FROM THE AUGUST 14TH COMMUNITY SERVICES AND LAND USE COMMITTEE - APPROVAL OF A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER (**FISCAL IMPACT: Not to exceed \$2,306,634 - ARPA Funds Infrastructure**)

15. TIME SENSITIVE ITEM ORIGINATING FROM THE AUGUST 14TH COMMUNITY SERVICES AND LAND USE COMMITTEE - APPROVAL OF A RESOLUTION TO ACCEPT SC AERONAUTICS COMMISSION GRANT OFFER 23-025 FOR \$378,044 FOR TAXIWAY F STRENGTHENING AND FOR PARTIAL ACQUISITION OF EXEC AIR PROPERTY AT THE HILTON HEAD ISLAND AIRPORT (**FISCAL IMPACT: This is a 100% grant with no local match**)

16. TIME-SENSITIVE ITEM ORIGINATING FROM THE AUGUST 14TH COMMUNITY SERVICES AND LAND USE COMMITTEE - APPROVAL OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH SECTION 38-200 - GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM CRITERIA AND APPLICATION PROCESS

17. TIME-SENSITIVE ITEM ORIGINATING FROM THE AUGUST 14TH COMMUNITY SERVICES AND LAND USE COMMITTEE - FIRST READING OF AN ORDINANCE AMENDMENT TO PROVIDE FOR A MODIFIED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES.

18. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO AMEND THE BEAUFORT COUNTY ORDINANCE REGARDING A ROAD USE FEE

Vote at First Reading on July 10, 2023- 11:0

19. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 34 ULMER ROAD (FISCAL IMPACT: \$3,150,000 Purchase Price plus closing costs and to include all due diligence costs. Funding source is the General Fund- Fund Balance**)**

20. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS SUBJECT TO VOTER APPROVAL, PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO

Vote at First Reading on June 26, 2023 - 10:0

Vote at Second Reading on July 10, 2023 - 11:0

- [21.](#) APPROVAL OF A RESOLUTION ORDERING BOND REFERENDA TO BE HELD IN THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS OF FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA IN THREE SEPARATE QUESTIONS; PROVIDING FOR THE FORM OF THE BALLOTS TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDA; AND PROVIDING FOR OTHER MATTERS RELATING THERETO
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CITIZEN COMMENTS

22. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

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

EXECUTIVE SESSION

23. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADIVCE ON MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (ERIC GREENWAY'S REQUEST FOR A PUBLIC HEARING PURSUANT TO S.C. CODE SECTION 4-9-620).
24. PURSUANT TO S.C. CODE SECTION 30-04-70(A)(2) TO RECEIVE LEGAL ADVICE ON MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (RETENTION OF OUTSIDE LAW FIRM TO CONDUCT REVIEWS AND AUDITS AS PREVIOUSLY APPROVED BY COUNCIL)
25. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(1) DISCUSSION OF EMPLOYMENT OF A PERSON REGULATED BY COUNTY COUNCIL (JOHN ROBINSON).
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END OF EXECUTIVE SESSION

26. MATTERS ARISING OUT OF EXECUTIVE SESSION
27. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Public Facilities and Safety Committee

1. THIRD READING OF AN ORDINANCE AMENDING ORDINANCE 2022/45 BY REMOVING THE PROPERTY LOCATED AT 68 HELMSMAN WAY WITH TMS NO. R552 010 000 0309 0000 AND OTHER MATTERS RELATED THERETO

Vote at First Reading on June 26, 2023- 10:0

Vote at Public Hearing and Second Reading on July 10, 2023- 11:0

END OF CONSENT AGENDA

TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



County Council Meeting Beaufort County, SC

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

Monday, June 12, 2023
5:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/237136>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at or around 5:00 PM.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member Alice Howard
Council Member York Glover
Council Member Gerald Dawson
Council Member Paula Brown
Council Member Anna Maria Tabernik
Council Member Mark Lawson
Council Member Logan Cunningham
Council Member David P. Bartholomew

ABSENT

Council Member Thomas Reitz

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance, and Vice Chairman McElynn led the Invocation.

3. FOIA

Chairman Passiment noted that 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

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Dawson, to approve the agenda.

The Vote – The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Glover, to approve the minutes of April 24, 2023.

The Vote – The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=184>

County Administrator Greenway highlighted three employees: Operations Foreman John Millage with Solid Waste & Recycling; Assistant Court Administrator Rosemary Wegmann with the Beaufort Magistrate Court; and Revenue Collector Ashley Peeples with Business Services.

Senator Tom Davis gave an overview of the passing of the Affordable Housing Act and the \$30 million in appropriations to Beaufort County in this year's budget.

7. CITIZEN COMMENTS PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=1025>

1. Leanne Coulter
2. Beth McIntyre
3. Kade Yarborough
4. Deborah Smith
5. John Schartner

8. LIASION AND COMMITTEE REPORTS

No reports were provided.

9. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Dawson, to approve the consent agenda.

The Vote – The motion was approved without objection.

10. TIME-SENSITIVE ITEM ORIGINATING FROM THE JUNE 12TH COMMUNITY SERVICES AND LAND USE COMMITTEE - FIRST READING OF AN ORDINANCE APPROPRIATING PROCEEDS AND INTEREST FROM THE 2017 GENERAL OBLIGATION BOND ANTICIPATION NOTE TO DESIGN, ENGINEER, CONSTRUCT, AND EQUIP A JOINT FIRE/EMS STATION IN SUN CITY AND TO DEFRAY COSTS ASSOCIATED WITH THE ESTABLISHMENT OF PERMANENT EMBARKATION LOCATIONS FOR THE DAUFUSKIE ISLAND FERRY AND OTHER MATTERS RELATED THERETO

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

The Vote – The motion was approved without objection.

11. TIME-SENSITIVE ITEM ORIGINATING FROM THE JUNE 12TH COMMUNITY SERVICES AND LAND USE COMMITTEE- FIRST READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS FOR THE SALE OF REAL PROPERTY WITH TMS NO. R600-009-

000-0003-0000, ALSO KNOWN AS CAMP ST. MARY'S, TO THE BEAUFORT COUNTY RURAL AND CRITICAL LANDS PROGRAM

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=2019>

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

Discussion: Council Member Cunningham commented on Camp St. Mary's involvement in a possible land swap with the Rural and Critical Lands Program and how the proposal was tabled at the second reading. Mr. Cunningham added that he would vote against the motion because that proposal has not been decided on yet.

Chairman Passiment commented that the item was thoroughly discussed in the Community Services and Land Use Committee and that it is time to move forward with the property and create a passive park.

The Vote – The motion passed by 8:2.

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

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=2221>

Motion: It was moved by Council Member Lawson, seconded by Council Member Dawson, to approve the first reading of an ordinance for a text amendment to the Community Development Code ("CDC") Appendix B: the Daufuskie Island Community Development Code, to amend Division B.3, Section B.3.20 (Consolidated Land Use Table and Land Use Definitions), and to add a new section B.3.30 (Other Standards) and a new Subsection B.3.30.A (Short-Term Rental) to allow the usage of short-term rentals as a special use in D2 Rural, D2R-CP (Rural-Conventionally Platted), D2R-GH (Rural-Gullah Heritage), and D3 General Neighborhood, and a Permitted Use in D4 Mixed Use, D5 Village Center, and D5 General Commercial.

Discussion: County Administrator Greenway gave an overview of the three types of uses in the Community Development Code, including permitted uses, conditional uses, and special uses. Mr. Greenway highlighted that special use applications must go before the Zoning Board of Appeals and have a public hearing. Mr. Greenway also pointed out the zoning on Daufuskie Island, including where short-term rentals (STRs) are permitted and where STRs would need approval from the Zoning Board of Appeals.

Vice-Chairman McElynn and Mr. Greenway discussed the difference between conditional and special use for short-term rental permits.

Council Member Lawson confirmed that there is no conditional use for STRs in Beaufort County but that conditional use is allowed for other things. Council Member Lawson and Mr. Greenway also discussed the grandfathering of existing STRs as long as they meet certain conditions for a short-term rental permit (STRP).

Council Member Bartholomew and Mr. Greenway discussed the establishment of a rental limit for STRs in certain jurisdictions.

Chairman Passiment commented on concerns about STRs in Daufuskie Island's Historic District and the need to develop a single rule on STRs like other municipalities.

Vice-Chairman McElynn commented on the procedure for revoking conditional and special use permits and how conditional use would involve citations by a code enforcement officer and going to the Magistrate Court. Vice-Chairman McElynn voiced his preference for not involving the courts, resolving matters in-house, and developing a uniform STRP.

Council Member Lawson advocated for the addition of language that would allow people with existing properties that meet the conditions to apply for the same STRP as those grandfathered within 60 days of the ordinance's entry into force and without needing to come before the Zoning Board of Appeals for a public hearing.

Motion to Amend: It was moved by Council Member Lawson, seconded by Council Member Cunningham, to add language to the ordinance to allow homeowners on Daufuskie Island who wish to obtain a short-term rental permit to have 60 days to apply and, if the property meets the requirements, to acquire a permit without having to go through the Zoning Board of Appeals process; applications after 60 days would have to apply for a special use permit.

The Council and County Administrator Greenway further discussed the process to obtain a short-term rental permit and revoke the permits.

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

Council Member Bartholomew voiced his objection to the motion as amended.

The Vote – The main motion passed by 9:1.

13. PUBLIC HEARING AND A SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF, AND GRANT EASEMENTS ON, A PORTION OF REAL PROPERTY LOCATED ON HIGHWAY 170 WITH TMS NO. R600 008 000 0005 0000; TO GRANT AN EASEMENT ON A PORTION OF REAL PROPERTY KNOWN AS THE COOLER TRACT; AND OTHER MATTERS RELATED THERETO

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to approve the public hearing and second reading of an ordinance authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of, and grant easements on, a portion of real property located on Highway 170 with TMS No. R600 008 000 0005 0000; to grant an easement on a portion of real property known as the Cooler Tract; and other matters related thereto.

The Vote – The motion was approved without objection.

14. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): DIVISION 4.2.20 (GENERAL STANDARDS AND LIMITATIONS) TO CLARIFY CONNECTIVITY STANDARDS FOR PRIMARY STRUCTURES REGARDING BUILDING CONNECTIONS; DIVISION 4.2.30 (ACCESSORY/SECONDARY DWELLING UNIT) TO MODIFY ALLOWABLE DENSITY TO PROVIDE OPPORTUNITY FOR AN ADDITIONAL ACCESSORY DWELLING UNIT AND TO PROVIDE FLEXIBILITY FOR AREA OF UNITS; DIVISION 4.1.360 (SHORT-TERM RENTALS) TO MODIFY

GENERAL STANDARDS TO ALLOW ONLY A PRINCIPAL DWELLING UNIT OR AN ACCESSORY DWELLING UNIT AS A SHORT-TERM RENTAL ON A SINGLE PARCEL

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

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

The Vote – The motion was approved without objection.

15. **PUBLIC HEARING AND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS FOR THE PURCHASE OF A PORTION OF THE REAL PROPERTY ABUTTING THE HILTON HEAD ISLAND AIRPORT LOCATED ON SUMMIT DRIVE WITH TMS NO. R510 005 000 271A 0000**

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to approve the public hearing and approval of a resolution authorizing the County Administrator to execute the necessary documents for the purchase of a portion of the real property abutting the Hilton Head Island Airport located on Summit Drive with TMS No. R510 005 000 271A 0000.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

The Vote – The motion was approved without objection.

16. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES**

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Howard, to approve the public hearing and second reading of an ordinance to provide for the levy of tax for school purposes for Beaufort County for the fiscal year beginning July 1, 2023, and ending June 30, 2024, and to make appropriations for said purposes.

The Vote – The motion was approved without objection.

17. **PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO MAKE APPROPRIATIONS FOR COUNTY GOVERNMENT AND SPECIAL PURPOSE DISTRICTS FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024; TO LEVY TAXES FOR THE PAYMENT THEREOF; TO ADOPT LAW ENFORCEMENT UNIFORM SERVICE CHARGES/ USER FEE; TO PROVIDE FOR THE EXPENDITURE OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY; TO PROVIDE FOR**

THE EXPENDITURE OF SAID LAW ENFORCEMENT UNIFORM CHARGES/ USER FEE; AND OTHER MATTERS RELATED THERETO

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=4847>

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Brown, to approve the public hearing and third reading of an ordinance to make appropriations for county government and special purpose districts for Beaufort County for the fiscal year beginning July 1, 2023, and ending June 30, 2024; to levy taxes for the payment thereof; to adopt law enforcement uniform service charges/ user fee; to provide for the expenditure of said taxes and other revenues coming into the county; to provide for the expenditure of said law enforcement uniform charges/ user fee; and other matters related thereto.

Discussion: Council Member Cunningham requested an update on whether any changes were made to the appropriations.

Deputy County Administrator Richland discussed the points of concern with instituting a 3% COLA and merit-based pay increase and the decision to have instead a flat \$3,000 increase for full-time employees and a \$1,500 increase for part-time earners. Ms. Richland highlighted that the goal of the flat increase is to facilitate an equitable wage increase and ensure the least-earning wage is increased to a more competitive and livable wage. Ms. Richland added that the payment increase is within the millage previously presented and that the only caveat is that employees cannot cash out accrued leave time this year.

Council Member Bartholomew and Ms. Richland discussed the application of this payment increase to the Treasurer's Office.

Council Member Glover and Ms. Richland discussed how many employees in the lowest pay bracket fall within the Public Works Department and the impact of the increase.

The Vote – The motion was approved without objection.

- 18. APPROVAL OF A RESOLUTION AND APPROVAL TO ENTER INTO AN IGA WITH THE TOWN OF HILTON HEAD FOR AN EXPENDITURE OF TRANSPORTATION IMPACT FEES ON THE ADAPTIVE TRAFFIC SIGNAL MANAGEMENT (ATSM) SYSTEM (FISCAL IMPACT: \$3,100,000 TO COME FROM ACCOUNT 23020011-51160 WITH A BALANCE OF \$3,298,434)**

Motion: It was moved by Council Member Tabernik, seconded by Council Member Lawson, to approve a resolution and approval to enter into an IGA with the Town of Hilton Head for an expenditure of transportation impact fees on the Adaptive Traffic Signal Management (ATSM) System (fiscal impact: \$3,100,000 to come from account 23020011-51160 with a balance of \$3,298,434).

The Vote – The motion was approved without objection.

- 19. APPROVAL OF A RESOLUTION TO USE IMPACT FEES TO RETAIN HDR ENGINEERING, INC TO STUDY, RECOMMEND, AND DESIGN ENHANCEMENTS TO BLUFFTON PARKWAY PEDESTRIAN ACCOMMODATIONS AND AESTHETICS AKA BLUFFTON PARKWAY ENHANCEMENT PROJECT (FISCAL IMPACT: \$259,954.84)**

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, to approve a resolution to use impact fees to retain HDR Engineering, Inc to study, recommend, and design

enhancements to Bluffton Parkway pedestrian accommodations and aesthetics aka Bluffton Parkway Enhancement Project (fiscal impact: \$259,954.84).

The Vote – The motion was approved without objection.

20. APPROVAL OF A RESOLUTION ESTABLISHING A TAX ADVISORY COMMITTEE TO PLAN FOR A FUTURE SALES TAX PROGRAM

Motion: It was moved by Council Member Howard, seconded by Council Member Dawson, to approve a resolution establishing a Tax Advisory Committee to plan for a future Sales Tax Program.

The Vote – The motion was approved without objection.

21. CITIZEN COMMENT PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/237136?ts=5467>

- 1. Jake Rao
- 2. Elvio Tropeano
- 3. Sara Reynolds Green
- 4. Henry Brandt

22. ADJOURNMENT

Adjourned: at or around 7:47 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

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

Monday, June 26, 2023
5:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/250984>

1. CALL TO ORDER

Vice-Chairman McElynn called the meeting to order at 5:00 PM.

PRESENT

Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Chairman Joseph F. Passiment

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Dawson led the Pledge of Allegiance and the Invocation.

3. FOIA

Vice-Chairman McElynn noted that 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

Motion to Amend: It was moved by Council Member Cunningham, seconded by Council Member Brown, to amend the agenda to postpone item #17 until the August 14, 2023, County Council meeting to give staff time to research the proposed amendment thoroughly to determine if the application is actually

proposed as a zoning map amendment or simply an application to remove the property from the area designated as the Cultural Protection Overlay zone.

Discussion: Council Member Cunningham commented that it is not clear if Council is voting on a zoning map amendment or removal of the property from the CPO, and the need for clarity because Council needs to be fully informed to make decisions and Council's action on this item could lead to some form of litigation. Council Member Cunningham added that there are options that could be discussed between Pine Island's owner, the community, the County, and the State.

Council Member Glover voiced his objection to the motion because the community has made its position clear.

Council Member Lawson voiced his objection to the motion because the delay may not change Council Members' voting decision and the hope that the community and Mr. Tropeano could work together to develop an acceptable solution.

Council Member Tabernik echoed the statements made by Council Members Glover and Lawson and added that the ordinance's wording on zoning should be addressed.

Vice-Chairman McElynn commented that the Council does not want to act as a referee between the developer and the community and that the Council does not want to advocate on behalf of the developer. Vice-Chairman McElynn added that the vote would determine whether the property would stay in or exit the CPO.

The Vote – Voting Yea: Council Member Cunningham and Council Member Brown. Voting Nay: Council Member Tabernik, Council Member Reitz, Council Member Lawson, Council Member Howard, Council Member Glover, Council Member Dawson, Council Member Bartholomew, and Vice-Chairman McElynn. The motion to amend failed by 2:8.

Vice-Chairman Passiment commented that item #17's wording is somewhat ambiguous, as there are no zoning changes being requested and the ordinance proposes a change to the zoning map to remove 502 acres that contain Pine Island from the CPO on Saint Helena Island.

Motion to Amend: It was moved by Council Member Tabernik, seconded by Council Member Bartholomew, to amend item #17 to reword the item to read as first reading of an ordinance for a request of a zoning map amendment for 502 acres (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) located at 288 Dulamo Road to be removed from the Cultural Protection Overlay (CPO) Boundary on Saint Helena Island.

Discussion: Council Member Howard asked if the rewording was coordinated with legal staff. Vice-Chairman McElynn confirmed it was.

The Vote – Voting Yea: Council Member Tabernik, Council Member Bartholomew, Council Member Reitz, Council Member Lawson, Council Member Howard, Council Member Glover, Council Member Dawson, Council Member Cunningham, Council Member Brown, and Vice-Chairmen McElynn. The motion to amend was approved without objection.

Motion to Amend: It was moved by Council Member Tabernik, seconded by Council Member Howard, to amend the agenda to remove item #5 from the consent agenda, add it as item #24 on the main agenda, and amend Section 5 of the Ordinance of item #24 to add Fire Facility and read as EMS and Fire Facility throughout the section.

The Vote - The motion was approved without objection.

Main Motion: It was moved by Council Member Howard, seconded by Council Member Brown, to approve the agenda as amended.

The Vote - The main motion passed by 9:1. Council Member Cunningham objected.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, seconded by Council Member Brown, to approve the minutes of May 8, 2023.

The Vote – The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

County Administrator Greenway briefed Council on the Assessor's Office's completion of the quadrennial reassessment and the acceptance of the reassessment by the S.C. Department of Revenue. Mr. Greenway highlighted two employees, David Gregory with the Assessor's Office and Gomez McKnight with the Detention Center. Mr. Greenway also commented on the success of the Employee Appreciation Day celebration on Saturday, June 24, 2023, at the Buckwalter Recreation Center.

7. CITIZEN COMMENTS PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/250984?ts=1732>

Vice-Chairman McElynn explained the plan to allow four people (two for and two against) to speak on short-term rentals and six people (three for and three against) to speak on the cultural protection overlay district. He also stated his intention to move up the discussion of items 15 and 17 on the agenda because of the amount of citizen interest in those items.

1. Cathie Moore
2. Leanne Coulter
3. Kade Yarborough
4. Stewart Yarborough
5. Marqui Firol
6. Pat Harvey-Palmer
7. Gardenia Simmons-White
8. Tyron Thompson
9. Arnold Brown
10. Elvio Tropeano

8. LIASION AND COMMITTEE REPORTS

Council Member Howard gave an overview of the Town of Port Royal's proclamation that the Cherry Hill property and the largest live oak in Beaufort County be protected and recognized Darrell Owens for his work on the proclamation. Council Member Howard also provided an update on the recent meetings of the Beaufort Memorial Hospital Board and Finance Committee, the express care centers in Beaufort and Okatie, and the outreach to confirm the addresses of Medicaid patients. Council Member Howard added that the Green Space Committee would meet on June 27, 2023.

Council Member Tabernik gave an overview of the School Board's June 13 meeting, which recognized teachers and support staff of the year and put forward the 2023 referendum to submit the question about general obligation bonds for approximately \$439 million.

Council Member Dawson briefed the Council on the June 22 meeting of the Lowcountry Council of Governments Board of Directors, including the presentation by the Carolinas Natural Gas Coalition.

Council Member Lawson thanked the County Administrators and Finance Department staff for their work on the budget and the increase in transparency.

9. APPROVAL OF CONSENT AGENDA

Vice-Chairman McElynn noted that item #5 was removed from the consent agenda, and it is now item #24 on the main agenda.

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

The Vote – The motion was approved without objection.

Motion: It was moved by Council Member Glover, seconded by Council Member Howard, to move items #15 and #17 ahead of item #10 on the agenda, so that Council may consider them before other items.

The Vote – The motion was approved without objection.

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

Motion: It was moved by Council Member Lawson, seconded by Council Member Glover, to approve the public hearing and second reading of an ordinance for a text amendment to the Community Development Code ("CDC") Appendix B:- the Daufuskie Island Community Development Code, to amend Division B.3, Section B.3.20 (Consolidated Land Use Table and Land Use Definitions), and to add a new Section B.3.30 (Other Standards) and a new Subsection B.3.30.A (Short-Term Rental) to allow the usage of short-term rentals as a special use in D2 Rural, D2R-CP (Rural-Conventionally Platted), D2R-GH (Rural-Gullah Heritage), and D3 General Neighborhood, and a permitted use in D4 Mixed Use, D5 Village Center, and D5 General Commercial.

Discussion: Council Member Lawson commented on the special use categorization of a short-term rental permit and the effort to create an easier process that allows 60 days for residents to gain a permit for a short-term rental property.

Motion to Amend: It was moved by Council Member Lawson, seconded by Council Member Bartholomew, to remove 4B.7 and 4B.8 from the current ordinance so that Daufuskie Island would be comparable to other parts of the County.

Assistant County Administrator Atkinson confirmed that 4B.7 and 4B.8 are currently not required in the rest of the County.

County Administrator Greenway added that the short-term rental permit application must adhere to the Community Development Code and have a certificate of occupancy.

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

Motion to Amend: It was moved by Council Member Bartholomew, seconded by Council Member Cunningham, to amend #8 under Section B.3.20 and b(1) under B.3.30 in Exhibit A, to remove specific language "in cases where special use approval is required, the Zoning Board of Appeals (ZBOA) may establish an appropriate rental limit as a condition of approval after conducting the public hearing and finding that conditions exist making such a limitation necessary."

Discussion: County Administrator Greenway explained that the language in the amendment is applied everywhere else in the County.

Vice-Chairman McElynn and County Administrator Greenway discussed the ordinance's application to Daufuskie Island only and how the decision would not have a County-wide impact. Mr. Greenway added that he does not support the proposed amendment.

Council Member Howard voiced her objection to the proposed amendment as she has seen areas where entire neighborhoods are turned into short-term rentals.

Council Member Cunningham commented that short-term rentals may be needed to allow Daufuskie to continue developing as a tourist destination and to help create returns for taxpayers as the County is investing \$10-15 million in a docking station.

The Vote – Voting Yea: Council Member Bartholomew, Council Member Cunningham, Council Member Lawson, and Council Member Brown. Voting Nay: Council Member Tabernik, Council Member Reitz, Council Member Howard, Council Member Glover, Council Member Dawson, and Vice-Chairman McElynn. The motion to amend failed by 4:6.

Vice-Chairman McElynn opened the floor for public comment.

1. Stewart Yarborough commented in favor of removing caps on short-term rentals.
2. Leanne Coulter commented on the need for balance in neighborhoods between rentals and full-time residents and the character of the island.

Vice-Chairman McElynn closed the public comment.

The Vote – Voting Yea: Lawson, Glover, Tabernik, Reitz, Howard, Dawson, Brown, and Vice-Chairman McElynn. Voting Nay: Council Member Cunningham and Council Member Bartholomew. The main motion passed by 8:2.

17. FIRST READING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT FOR 502 ACRES (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) LOCATED AT 288 DULAMO ROAD TO BE REMOVED FROM THE CULTURAL PROTECTION OVERLAY (CPO) BOUNDARY ON SAINT HELENA ISLAND

Motion: It was moved by Council Member Tabernik, seconded by Council Member Howard, to approve the first reading of an ordinance for a zoning map amendment for 502 acres (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) located at 288 Dulamo Road to be removed from the Cultural Protection Overlay (CPO) Boundary on Saint Helena Island.

Discussion: Council Member Cunningham commented that this is the first time Pine Island has been brought before County Council as an agenda item and that it is not the landowner's fault that Pine Island was tied to the CPO discussion. Council Member Cunningham added that he hopes citizens understand the potential increase in taxes to pay for roads and a potential legal battle. Council Member Cunningham also noted that the Council needs to pursue responsible growth management.

Council Member Brown echoed Council Member Cunningham's statement and commented on the condition of private roads on Saint Helena Island.

Council Member Glover commented on meetings with the developer, that the community does not want to allow a golf course because it would establish a precedent, and that Council should uphold the Comprehensive Plan.

Motion to Enter Executive Session: It was moved by Council Member Bartholomew, seconded by Council Member Cunningham, to enter into an executive session to receive legal advice on this ordinance.

The Vote – Voting Yea: Council Member Bartholomew, Council Member Cunningham, Council Member Tabernik, Council Member Reitz, Council Member Glover, and Council Member Brown. Voting Nay: Council Member Lawson, Council Member Howard, Council Member Dawson, and Vice-Chairman McElynn. The motion to enter an executive session passed by 6:4.

The Vote – Voting Yea: Council Member Cunningham and Council Member Brown. Voting Nay: Council Member Tabernik, Council Member Howard, Council Member Reitz, Council Member Lawson, Council Member Glover, Council Member Dawson, Council Member Bartholomew, and Vice-Chairman McElynn. The main motion failed by 2:8.

10. TIME-SENSITIVE ITEM ORIGINATING FROM THE JUNE 26TH PUBLIC FACILITIES AND SAFETY COMMITTEE-FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 2022/45 BY REMOVING THE PROPERTY LOCATED AT 68 HELMSMAN WAY WITH TMS NO. R552 010 000 0309 0000 AND OTHER MATTERS RELATED THERETO

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to approve the first reading of an ordinance amending Ordinance 2022/45 by removing the property located at 68 Helmsman Way with TMS No. R552 010 000 0309 0000 and other matters related thereto.

The Vote – The motion was approved without objection.

11. TIME-SENSITIVE ITEM ORIGINATING FROM THE JUNE 26TH PUBLIC FACILITIES AND SAFETY COMMITTEE-APPROVAL OF A RESOLUTION TO APPROVE THE USE OF TRANSPORTATION IMPACT FEES FOR A CONTRACT AWARD TO W.M. ROEBUCK, INC. FOR THE CONSTRUCTION OF A TEMPORARY WOOD POLE TRAFFIC SIGNAL AT THE INTERSECTION OF US 278 AND CROSTREE DRIVE/GATEWAY DRIVE (WINDMILL HARBOUR) USING SCDOT'S STATEWIDE CONTRACT (\$500,000.00)

Motion: It was moved by Council Member Howard, seconded by Council Member Brown, to approve a resolution to approve the use of transportation impact fees for a contract award to W.M. Roebuck, Inc. for the construction of a temporary wood pole traffic signal at the intersection of US 278 and Crosstree Drive/Gateway Drive (Windmill Harbour) using SCDOT's Statewide Contract.

The Vote – The motion was approved without objection.

12. TIME-SENSITIVE ITEM ORIGINATING FROM THE PUBLIC FACILITIES AND SAFETY COMMITTEE-APPROVAL OF A RESOLUTION TO APPROVE THE USE OF TRANSPORTATION IMPACT FEES FOR A CONTRACT AWARD TO W.M. ROEBUCK, INC. FOR IFB #053123 CONSTRUCTION OF MAST ARM INTERSECTION AT BLUFFTON PARKWAY, FLAY CREEK DR, AND RIVER RIDGE DR (FISCAL IMPACT: \$384,984.60)

Motion: It was moved by Council Member Howard, seconded by Council Member Brown, to approve a resolution to approve the use of transportation impact fees for a contract award to W.M. Roebuck, Inc. For IFB #053123 construction of mast arm intersection at Bluffton Parkway, Flay Creek Dr, and River Ridge Dr.

The Vote – The motion was approved without objection.

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

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

Vice-Chairman McElynn closed the public comment.

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

The Vote – The motion was approved without objection.

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

Vice-Chairman McElynn opened the floor for public comment.

No one came forward.

Vice-Chairman McElynn closed the public comment.

Council Member Cunningham voiced his objection to the item because the property could have been used in a transaction that was previously discussed by the Council to bring much-needed baseball and softball fields to Bluffton.

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

Discussion: Council Member Brown voiced her objection to the motion as the County owns the property.

Vice-Chairman McElynn noted the sale of Camp St. Mary's to the Rural and Critical Lands Program comes down to adequate funding needed to develop a park.

The Vote – The motion passed by 8:2. Council Members Cunningham and Brown objected.

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

Motion: It was moved by Council Member Tabernik, seconded by Council Member Cunningham, to approve the first reading of an ordinance for a zoning map amendment/rezoning request for 21 acres (R100 025 000 068A 0000, R100 025 000 068B 0000, AND R100 025 000 0068 0000) located at Laurel Bay Road and Roseida Road Extension from T2 Rural (TR2) to Industrial (SI).

Discussion: Council Member Howard voiced her opposition to the motion.

Council Member Dawson noted that the property is within his district and the zoning change would put a commercial district in the middle of a residential area.

Council Member Bartholomew asked about the location of the property.

Vice-Chairman McElynn commented that the recommendation by the Community Service and Land Use Committee was to deny the request.

The Vote – The motion failed by 0:10.

18. FIRST READING OF AN ORDINANCE AUTHORIZING THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS SUBJECT TO VOTER APPROVAL, PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO

Items 18 and 19 were voted on as a package.

Motion: It was moved by Council Member Glover, seconded by Council Member Howard, to approve the first reading of an ordinance authorizing the Fripp Island Public Service District, South Carolina to issue not exceeding \$5,250,000 of general obligation bonds subject to voter approval, providing for the publication of notice of the said finding and authorization; and providing for other matters related thereto and approve a resolution ordering a public hearing to be held on the issuance of not exceeding \$5,250,000 aggregate principal amount of general obligation bonds of the Fripp Island Public Service District, South Carolina; providing for the publication of the notice of such public hearing; and other matters relating thereto.

The Vote – The motion was approved without objection.

- 19. APPROVAL OF A RESOLUTION ORDERING A PUBLIC HEARING TO BE HELD ON THE ISSUANCE OF NOT EXCEEDING \$5,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA; PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO**

Item 19 was approved as part of a package motion.

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

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

The Vote – The motion was approved without objection.

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

Motion: It was moved by Council Member Glover, seconded by Council Member Howard, to approve a resolution authorizing the County Administrator to enter into a temporary custody agreement with the town Of Sullivan’s Island for an ordnance delivery table to be installed and displayed at Fort Fremont Preserve.

The Vote – The motion was approved without objection.

Council Member Glover highlighted the restoration efforts of the Friends of Fort Fremont.

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

Motion: It was moved by Council Member Glover, seconded by Council Member Howard, to approve a resolution authorizing the County Administrator to enter into a memorandum of understanding with the Beaufort County Open Land Trust for maintenance of county-owned property known as the Blocker Field Extension (R300 015 000 076B 0000).

Discussion: Council Member Brown asked about the location of Blocker Field.

The Vote – The motion was approved without objection.

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

Motion: It was moved by Council Member Dawson, seconded by Council Member Glover, to approve a resolution to authorize the County Administrator to initiate the BE-CAT3 Grant program to assist with broadband efforts in Beaufort County.

Discussion: Council Member Tabernik commented on making broadband available for children that need internet connectivity for school.

County Administrator Greenway commented on an upcoming meeting with the Vice-President of Hargray to discuss such issues, but that this program would be used to provide services for people having to pay for broadband connection over long distances, such as ravines.

The Vote – The motion was approved without objection.

24. THIRD READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF, AND GRANT EASEMENTS ON, A PORTION OF REAL PROPERTY LOCATED ON HIGHWAY 170 WITH TMS NO. R600 008 000 0005 0000; TO GRANT AN EASEMENT ON A PORTION OF REAL PROPERTY KNOWN AS THE COOLER TRACT; AND OTHER MATTERS RELATED THERETO

Council Member Tabernik asked Council Members to turn to page 180 in the agenda packet and reiterated the request to amend the ordinance to say EMS and Fire Facility on the Cooler Tract.

Council Member Glover asked about the closest fire station to the area. Council Member Tabernik commented that the area falls under the Bluffton Fire Department district and the closest fire station is the William Pope Fire Station.

Council Member Cunningham asked if the County could meet the 2028 funding timeline.

Assistant County Administrator Fralix commented that there is a memorandum of agreement with Jasper County and that the area if being serviced by a station on Argent Boulevard.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to approve the third reading of an ordinance authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of, and grant easements on, a portion of real property located on Highway 170 with TMS No. R600 008 000 0005 0000; to grant an easement on a portion of real property known as the Cooler Tract; and other matters related thereto.

Discussion: Council Member Glover and County Attorney Ward discussed service to Callawassie Island.

ACA Fralix commented that the Bluffton Fire District listed the new station on their CIP as one of the highest priority projects.

The Vote – The motion was approved without objection.

25. CITIZEN COMMENTS PERIOD

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

<https://beaufortcountysc.new.swagit.com/videos/250984?ts=7481>

1. Robert New
2. Alexandra Lonza

26. ADJOURNMENT

Adjourned at or around 6:41 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



Special Called Meeting of County Council Beaufort County, SC

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

Monday, July 24, 2023
10:30 AM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/267577>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 10:30 AM.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

Chairman Passiment led the Pledge of Allegiance.

2. FOIA

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

3. APPROVAL OF AGENDA

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Tabernik, to approve the agenda.

The Vote - The motion was approved without objection.

4. EXECUTIVE SESSION

PURSUANT TO S. C. CODE SECTIONS 30-4-70(A)(2) AND 30-4-70(A)(1), TO RECEIVE LEGAL ADVICE ON MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS ISSUES RELATED TO THE EMPLOYMENT OF A PERSON REGULATED BY COUNCIL

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to enter into an executive session pursuant to S.C. Code Sections 30-4-70(A)(2) and 30-4-70(A)(1) to receive legal advice on matters covered by the attorney-client privilege and to discuss issues related to the employment of a person regulated by Council.

The Vote - The motion was approved without objection.

Council was in the executive session from 10:32 AM to 12:32 PM.

5. MATTERS ARISING OUT OF EXECUTIVE SESSION

Chairman Passiment provided the following statement: On Monday afternoon, July 10, 2023, a meeting was held in the executive conference room, known as our ECR. At that meeting were Mark Lawson and Anna Maria Tabernik, Chair and Vice-Chair of the Finance, Economic and Administration Committee, myself, and Larry McElynn, Chair and Vice-Chair of County Council, along with Tom Keaveny, County Attorney representing the Council, and Brittany Ward, County Attorney representing the County. The purpose of this meeting was to discuss issues of compliance with the County's procurement codes, budgets, and P-card policies, among other issues. After a lengthy discussion regarding this matter, it was decided that Ms. Ward would gather additional information regarding these matters and present this additional information to the people listed that attended that meeting. Another meeting was held on Thursday, July 20, 2023, to review the additional documentation regarding these issues. Upon review of the additional information, it was determined that a Special Meeting of County Council should be held today (July 24, 2023) to share the information with the entire Council. As a result of the executive session, the following motions are being contemplated.

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Lawson, to place the County Administrator, Eric Greenway, on Administrative Leave with pay until further notice and to appoint Assistant County Administrator for Public Safety, John Robinson, to serve as Acting County Administrator during this time; Mr. Robinson's supplemental compensation will be \$3,000 per month while serving in this capacity.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Brown, seconded by Council Member Howard, to authorize the Finance, Administration, and Economic Development Committee to contract with one or more professionals or professional firms to conduct a thorough review of all purchases that have occurred since January 1, 2023, to confirm that those purchases comply with the County's procurement codes, to identify any purchases that do not comply with County's procurement codes, to bring to Council those that do not comply, and to provide a description of the discrepancies; funding will come from Council's Contingency Fund, and the Acting Administrator will bring forward a budget ordinance amendment to fund these contracts if necessary.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Howard, seconded by Council Member Bartholomew, to authorize the Finance, Administration, and Economic Development Committee to contract with one or more professionals or professional firms to conduct a thorough review of all contracts for professional services which the County has entered into since January 1, 2023, to confirm that those contracts comply with the County's procurement codes, to identify any contracts that do not comply with the County's procurement codes, to bring to Council those that do not comply, and to provide a description of those discrepancies; funding will come from Council's contingency Fund, and the Acting Administrator will bring forward a budget ordinance amendment to fund these contracts if necessary.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Howard, seconded by Council Member Tabernik, to authorize the Finance, Administration, and Economic Development Committee to contract with one or more professionals or professional firms to conduct a thorough review of the Beaufort County's procurement codes to provide the County with recommendations for updates, revisions, new measures, or other changes which it believes are needed in order to strengthen the procurement code if needed; funding will come from Council's Contingency Fund and the Acting Administrator will bring forward a budget ordinance amendment to fund these contracts if necessary.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Tabernik, seconded by Vice-Chairman McElynn, to authorize the Finance, Administration, and Economic Development Committee to contract with one or more professionals or professional firms to conduct an audit of the County's p-card system for the fiscal years 2019-2020, 2020-2021, 2021-2022, 2022-2023 and to report findings to Council along with recommendations for changes, if any; funding will come from Council's contingency fund, and the Acting Administrator will bring forward a budget ordinance amendment to fund these contracts, if necessary.

The Vote - The motion was approved without objection.

Chairman Passiment provided the following statement: We realize that everyone wants to know the reason or reasons that caused us to take the decision to place Mr. Greenway on administrative leave, to hire an Acting Administrator, to conduct the various items that we have passed motions on, and that will happen. We will give the reason or reasons. Consistent with County policy, we cannot say more at this time because this is an ongoing personnel matter. Our legal advice has told us that we could jeopardize our standing at any time discussing a personnel matter until it is completed. There will come a time when we can talk about it openly and freely, and we will do so, but we are not there yet. So please be patient with us as we go through this process together.

6. ADJOURNMENT

Adjourned: 12:44 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



Special Called County Council Meeting Beaufort County, SC

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

Friday, July 28, 2023
10:30 AM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/268036>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 10:31 AM.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Council Member York Glover

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the Pledge of Allegiance.

3. FOIA

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

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to approve the agenda.

The Vote - The motion was approved without objection.

5. EXECUTIVE SESSION

PURSUANT TO S. C. CODE SECTIONS 30-4-70(A)(2) AND 30-4-70(A)(1), TO RECEIVE LEGAL ADVICE ON MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS ISSUES RELATED TO THE EMPLOYMENT OF A PERSON REGULATED BY COUNCIL

Motion: It was moved by Council Member Dawson, seconded by Council Member Bartholomew, to enter into an executive session pursuant to S.C. Code Sections 30-4-70(A)(2) and 30-4-70(A)(1) to receive legal advice on matters covered by the attorney-client privilege and to discuss issues related to the employment of a person regulated by Council.

The Vote - The motion was approved without objection.

Council was in the executive session from 10:35 - 11:45 AM.

6. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to terminate Eric Greenway with cause and to remove him from the Office of Beaufort County Administrator effective immediately.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Howard, to appoint the acting County Administrator, John Robinson, to the position of Interim County Administrator while Council conducts a search for the next County Administrator.

The Vote - The motion was approved without objection.

Motion: It was moved by Council Member Bartholomew, seconded by Council Member Dawson, that Council asks the Law Firm that will be hired to investigate the four specific matters that the Council identified on the Monday, July 24, 2023, Special Called Meeting of County Council, and to investigate the personnel matter Council discussed today, July 28, 2023, in Executive Session.

The Vote - The motion was approved without objection.

Chairman Passiment made the following statement: Today, we have taken additional action with regard to Mr. Greenway's status with the Beaufort County Government. We have voted to terminate him for cause. This still is a personnel matter, and we are advised by our legal counsel that we cannot talk about it yet. We will talk about it when we are told we can. In the meantime, we can assure the public that the investigations that were described in the prior Special Meeting and which we discussed at length during Wednesday's meeting of the Finance, Administration, and Economic Development Committee will continue exactly as discussed and planned. The findings of these investigations will be presented to Council and the public at a future date.

7. ADJOURNMENT

Adjourned: 11:53 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified:

~ Proclamation ~

Whereas, in June of 2023 the *Bluffton Allstar Softball Team* won the State Championship in the Girls eight and under division; and

Whereas, Beaufort County Council celebrates the team’s victory at the State Tournament in Easley, South Carolina, and also their determination, enthusiasm, and team spirit; and

Whereas, the team envisioned their own mission statement from the start of their Allstar season, “Hard work, Team work, Dream work”; and

Whereas, the team is coached by Head Coach, Zack Lynam, and Assistant Coaches, Lindsay Goodman, Patrick Mahoney, and Kathryn Cooler; and

Whereas, the 2023 season is great source of pride for the players, coaches, fans, family, community, and all of Beaufort County; and

Whereas, the team entered the State Championship as the runners-up for the Southern District of South Carolina; and

Whereas, the team dominated the State Tournament, winning each game they played and scoring 64 runs while only allowing 22 runs during the entire tournament; and

Whereas, the members of Beaufort County Council are extremely proud of this entire team and wishes now to acknowledge all 12 players:

Luci Mahoney
Taylor Lynam
Briella Beckmann
Harper Crosetto
Libby Johnson
Kjerstin Wiren

Aubrey Altman
Layla Goodman
Ella Cooler
Khloe Washington
Ella Vaux
Kamryn Kucinski

Now, therefore be it resolved, Beaufort County Council wishes to recognize and congratulate the Bluffton Allstar Softball Team on their fantastic accomplishments on the diamond. We look forward to seeing all that these young ladies will accomplish in the future!

Dated this 14th Day of August 2023



Joseph F. Passiment, Chairman
Beaufort County Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
PRESENTATION OF FRIENDS OF FORT FREMONT 2022 ANNUAL REPORT
MEETING NAME AND DATE:
County Council, August 28, 2023
PRESENTER INFORMATION:
Barney Forsythe, Vice-President, Friends of Fort Fremont (10 minutes)
ITEM BACKGROUND:
N/A
PROJECT / ITEM NARRATIVE:
The Friends of Fort Fremont have been operating the Fort Fremont History Center since November 2021. The 2022 calendar year was the first full year of operation. The Friends of Fort Fremont focused on staffing the History Center two days a week; recruiting and training new volunteers; completing an Engineering Study of Batteries Fornance and Jesup; designing and installing interpretive panels for the history center; developing a Collection Management Policy; and re-designing marketing materials.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Presentation Only
OPTIONS FOR COUNCIL MOTION:
Presentation Only



FRIENDS OF FORT FREMONT ANNUAL REPORT January 1 through December 31, 2022

Summary

2022 was the first full year of operation in the Fort Fremont History Center (HC). The Friends of Fort Fremont (FFF) focused on staffing the HC two days a week; recruiting and training new volunteers; completing a Engineering Study of Batteries Fornance and Jesup; designing and installing interpretive panels for the HC; developing a Collection Management Policy; and re-designing marketing materials.

In the upcoming year, FFF will build on the accomplishments of 2022 and continue working with Beaufort County to fulfill our mission to preserve and promote the historical, educational, cultural, and natural resources of Fort Fremont.

History Center Operations

In accordance with requirements of the Memorandum of Understanding between Beaufort County and the Friends of Fort Fremont, the Operating Plan (OP) was updated by a FFF committee headed by Fred Channels and submitted to Beaufort County. The OP provides procedures for the operations and staffing of the HC. It is "living document" that will be revised as FFF continues to increase HC volunteers. Expansion and modification of the OP will reflect changes necessary to perform our roles and duties in the best interest of our visitors, FFF, and Beaufort County. The OP was reviewed and approved by Stefanie Nagid, Beaufort County Passive Parks Manager.

During 2022, FFF volunteers staffed the HC on Fridays and Saturdays. Throughout the year, we continued to recruit and train volunteers to greet visitors, provide docent-led tours, and conduct educational programs for children and adults. These efforts increased the number of trained volunteers by 55 percent to a total of 31 and enabled us to increase operating hours on Saturdays extending the time two hours to close at 4:00 pm. Year-to-date, we totaled 1,384 volunteer hours, hosting more than 4,000 visitors from 41 states and 12 foreign countries.

In addition, FFF led tours and seminars for nine groups including five school groups, one bus tour from Pennsylvania, two courses for the USCB Osher Lifelong Learning Institute, and one group of Marines from Parris Island for their professional development program.

An app developed for Smart Phones enables visitors to download a self-guided walking tour. This provides historical information about Fort Fremont when the HC is closed or if people elect not to take a docent-led tour. During 2022, the app was downloaded more than 1,000 times.

Facilities and Grounds

A total of 240 volunteer hours by members of the Facilities Committee and others were completed during the year of 2022. Under the direction of Ted Panayotoff, work concentrated

on general clean up, vegetation removal and clean up inside the batteries. This makes the Fort look well cared for and attractive and preserves the conditions of the concrete. The Air Force JROTC unit from Beaufort High School contributed about 57 hours of volunteer work (included in the 240 hours above) in the Fall of 2022.

Grants

FFF applied for and was awarded three preservation grants totaling \$12,800 to fund a structural engineering study of Batteries Jesup and Fornance. The grants were awarded from the Coast Defense Study Group; the National Trust for Historic Preservation; and the US Department of the Interior, National Park Service, administered by the SC Department of Archives and History (SCDAH). Grant applications were coordinated with Stefanie Nagid, Beaufort County Passive Parks Manager. FFF signed an agreement with Bennett Preservation Engineering in January 2022. Bennett conducted an onsite survey in March 2022 and submitted the final report in July 2022. Copies of the report were submitted to the three grantors that funded the survey and to Beaufort County. The County is pursuing contract work to address the visitor safety issues discussed in the report.

History Center Interior Design

In 2019, FFF was awarded a grant from Beaufort County Accommodations Tax Grant (ATAX) to develop storyboard panels for Beaufort County's History Center. These interpretive panels are designed to enhance and extend Fort Fremont's story and place in history creating a congruency among all parts of the Fort's story (i.e., Docent-led tours, Smart Phone Walking Tour app, videos, and historical signage located on the Fort's grounds) thus enhancing visitors' experience. The panel boards extend the educational value of the fort by providing historical information necessary to attract heritage tourists, school field trips, bus tours, and additional visitors to the site and to Beaufort County.

The committee, under the direction of Kathryn Mixon, developed a global theme to the exhibit: "Fort Fremont is a reflection of its times: explosive growth in military technology, rising international tensions, and emergence of the United States as a global power." Three panels were developed for each topic within the theme: 1) A New Era in Warfare, 2) Rising International Tensions, and 3) Homeland Defense.

The completed panels were installed in the HC in December 2022.

Collections Management

FFF Board of Directors established a Collection Management Committee under the direction of Barney Forsythe to determine if artifacts related to Fort Fremont (FF) fit with the FFF mission and, if so, to develop a policy that allows FFF to manage such artifacts within legal and ethical guidelines. The goal was to produce clear policy for the accession, display, preservation, and deaccession related to FF artifacts. Key tasks that shaped the committee's work included: benchmarking, reviewing national standards, determining what makes sense for FFF, coordinating with like organizations, and ensuring our policy is consistent with County guidance.

The committee prepared a draft collection management policy which was approved by the Board in June 2022. The committee recommended that the FFF Board address several critical policy issues associated with collection management, including: the potential size of the

collection, space and storage considerations, and procedures for cataloging. The Collection Management Committee implemented the policy, establishing two property books: one for artifacts in the collection and one for FFF property. Items have been inventoried, numbered, and recorded in the appropriate property book.

Presently, we have two artifacts in the collection: a baseball shoe, found in the Fort Fremont hospital and donated by Cecile Dorr in memory of her husband Carl, and the 10” projectile, transferred from the Beaufort History Museum.

Education Outreach

FFF partnered with Riverview Charter School to develop a pilot program for the Beaufort area schools. Riverview will assist FFF in developing materials for use by teachers in the classroom and for use by students when they tour the Fort. This will include a “traveling trunk”, hands-on activities, and handouts. The Spanish-American war era is embedded in grades 5 and 8 Social Studies curriculum standards. Our goals are to get children excited about history and Fort Fremont, to assist teachers in the classroom, and increase the number of school field trips to Fort Fremont. FFF hosted five school groups in 2022.

Community Outreach

In November 2022, FFF hosted a Community Open House for Land’s End residents. The event was attended by more than 60 people. The Beaufort High School Air Force JROTC and Marine volunteers assisted in the event.

Social Media

FFF continued to update and maintain our website, Facebook page, and TripAdvisor. On our Facebook page, we are rated at 5 out of 5 stars for non-profit organizations. As of December 31, 2022, we had 1,590 followers, which is a 35 percent increase from December 2021. TripAdvisor rates Fort Fremont as 6 out of 18 things to do on St. Helena Island. We continue to receive positive reviews on TripAdvisor.

Marketing

In 2022, FFF began marketing efforts to increase the number of visitors to the History Center. We placed an advertisement in the 2023 Beaufort Visitor’s Guide and developed new rack cards. Rack cards have been placed in the Visitors’ Centers at the Arsenal and Frampton Plantation at Point South, at the nine (9) South Carolina Welcome Centers, and Hunting Island. Plans are underway to increase distribution to area hotels and BNBS, and other local tourist spots.

FFF is working with the Greater Beaufort Convention and Business Bureau (CVB) to increase public awareness and visitors to Fort Fremont. Several FFF members attended a CVB marketing workshop in May 2022. CVB featured an interview with Ray and Marian Rollings on their Inter Coastal Podcast and have included Fort Fremont referrals to national tour companies. In 2022, we hosted one (1) bus tour.

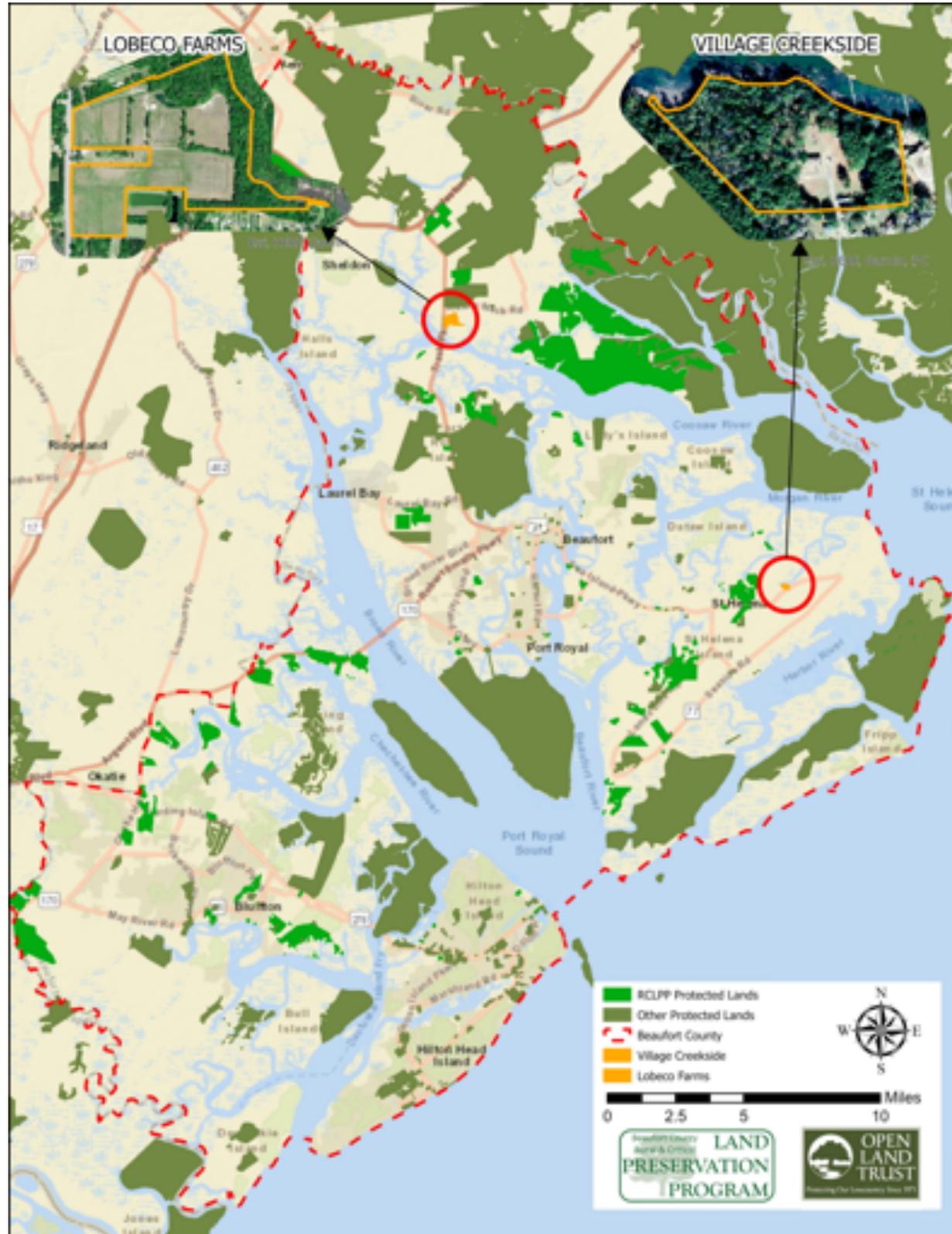
FFF continues to explore ways to enhance the visitor experience. In 2022, we began to publish a newsletter to provide articles on various aspects of the Fort's history and volunteer activities and opportunities.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Rural and Critical Land Preservation Board Annual Report (2022)
MEETING NAME AND DATE:
Land Use and Community Services Committee, August 14 2023
PRESENTER INFORMATION:
Ms. Kate Schaefer, Director of Land Protection, Beaufort County Open Land Trust - RCLP Program (5 minutes)
ITEM BACKGROUND:
Rural and Critical Land Preservation Board reviews an annual report each year to review projects, progress.
PROJECT / ITEM NARRATIVE:
Presentation to provide program information
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
N/A for information only
OPTIONS FOR COUNCIL MOTION:

RURAL AND CRITICAL LANDS PRESERVATION PROGRAM



2022 FACTS AND FIGURES

2022 LAND PROTECTION: 130.14 acres

LAND PROTECTION TO DATE: 28,706.95 acres

2022 DOLLARS SPENT: \$877,750

DOLLARS SPENT TO DATE \$142,604,206

PARTNER DOLLARS INVESTED TO DATE: \$45,577,211.00

A full financial report is available by contacting Beaufort County Finance Department. Itemized costs include land acquisition or purchase of development rights, due diligence (appraisal, survey and phase one environmental analysis) and closing costs. Depending on the partner, costs of acquisition and/or due diligence may be shared among multiple parties. Funds for professional services paid to the Beaufort Open Land Trust for contract services are also extracted from this fund.

2022 PROJECTS

Lobeco Farms:

Located North of the Whale Branch River, Lobeco Farms has been an active farm for much of the 20th century and early 2000s. When an agricultural investor sold the property, it was purchased by private landowners and protected forever in 2022 with a conservation easement that supports and encourages agriculture uses. This helps reverse a trend of farmland loss and provides a public benefit through protection of prime soils, agricultural economy, and rural scenic frontage.

100 acres of the property's 115 acres are farmland of statewide importance. Investing in working farms and farmers through land conservation, local, state and federal partnerships, improved county zoning incentives, tax relief and other strategies will help retain an economic and social force that defines our community.

Village Creekside:

Along Village Creek on St Helena Island, a conservation easement now protects family property forever future generations, such that the family will always have a place to return home to on rural St Helena. The easement permanently restricts docks and development downstream from a Commercial Fishing Village, which provides public benefit for all those who fish and enjoy the waterway.

Lobeco Farms (PDR)

DISTRICT: 1, Dale

SIZE: 115.14 acres

PDR/CE Cost: \$529,000

KEY ATTRIBUTES: prime soils, rural land preservation

Village Creekside (PDR)

DISTRICT: 3, St Helena

SIZE: 15 acres

PDR/CE Cost: \$348,750

KEY ATTRIBUTES: water quality, rural land preservation



Lobeco Farms



Village Creekside

INVESTING IN THE OKATIE RIVER

Okatie Regional Preserve

PROTECTED IN 2012: Okatie Regional Preserve, owned by Beaufort County, is 187 acres of mixed pine and hardwood upland forest, bottomland hardwood forest, and salt marsh at the headwaters of the Okatie River. The Preserve is currently not open to the public, however the County intends to plan for public access in the future.

The RCLP board visited the property to explore the old-growth forest and grove of White Oak (*Quercus alba*) along the headwaters of the Okatie River.



Three Sisters Farm / U-Pick Daffodils

PROTECTED IN 2004: Three Sisters Farm is part of 145-acre waterfront property protected forever with a conservation easement. The RCLP program helped protect the property in 2004 and worked with matriarch Mary O. Merrick and the Open Land Trust on a conservation easement that protects the conservation values.



Properties protected with Rural and Critical Program funds are outlined and labeled, including Three Sisters Farm

Land protection like this helps protect water quality in the Okatie River. This 145 acre farm is part of over 1,400 acres Beaufort County has helped protect in the Okatie Watershed with funding from the Rural and Critical Land Preservation Program.

Three Sisters Farm, run by Mary's three daughters, is a certified organic farm, growing a wide variety of vegetables, berries, herbs, flowers, sugarcane, indigo and mushrooms. They sell produce to local restaurants, run a Community Supported Agriculture program and operate booths at local farmer's markets. Additionally, Mary's son Chuck Merrick and his wife Diane opened U Pick Daffodils in 2017, where residents and visitors flock each spring to explore and take home some of the property's approximately 100,000 daffodils.

Interested in protecting your property? Apply online.
Applications are reviewed quarterly.



A new kiosk at Widgeon Point Preserve showcases the property's relationship to the rest of the Port Royal Sound Watershed. Kiosk funded by Dominion Energy SC.

VISIT YOUR PASSIVE PARKS

Opened to the Public: Altamaha Town Heritage Preserve (Okatie), Brewer Memorial Park (Lady's Island), Crystal Lake Park (Lady's Island), Fort Frederick Heritage Preserve (Port Royal), Fort Fremont Preserve (St. Helena), The Green (Beaufort), Green's Shell Park (Hilton Head), North Williman and Buzzard Island (ACE Basin), Oyster Factory Park (Bluffton), Pinckney Colony Preserve (Bluffton), Port Royal Battlefield (Burton), Widgeon Point Preserve (Okatie), Wright Family Park (Bluffton)

Openings: Whitehall Park (Lady's Island) early 2023

Conceptual Plans Approved: Pineview Preserve (Lady's Island), Bailey Memorial Park (Bluffton), Okatie River Park (Okatie/ Bluffton Area), Ford Shell Ring (Hilton Head Island), New Riverside Regional Park (Bluffton).

Properties purchased by Beaufort County may become passive parks and open according to Passive Park Master Plan. More information on all passive parks can be found [online](#).

SPOTLIGHT ON THE PORT ROYAL SOUND

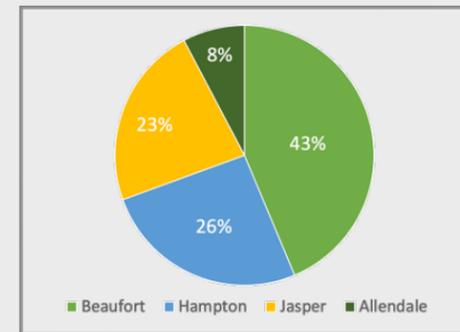
55% OF THE SALT MARSH IN SOUTH CAROLINA IS IN THE PORT ROYAL SOUND: Salt marsh habitat provides essential habitat to support healthy fisheries, stabilizes our coastal uplands by absorbing energy from storms and sea level rise, and is essential part of our economy, culture and community. The marsh provides food, refuge, or nurses habitat for more than 75 percent of fisheries species including shrimp and oysters.

THE PORT ROYAL SOUND IS A SHARED RESOURCE: The Port Royal Sound Region includes over 1 million acres of land and 2,162 miles of shoreline. Nearly 75% of the watershed is dominated by forest, wetlands, or open water. Population growth and development pressure within the watershed affects the whole system and conservation can benefit the whole system as well.



Image by Eric Horan

BEAUFORT'S INVESTMENT IS A REGIONAL OPPORTUNITY: Widgeon Point Preserve is connected by land and water to other property protected by RCLP funding including Lemon Island, Mobley and the Chechesse Tract. Together, they create a corridor of permanently protected property between the Broad and Chechesse Rivers. But protecting the Port Royal Sound doesn't stop at the Beaufort County line: conservation partners (Open Space Institute, the Nature Conservancy and Department of Natural Resources) have protected over 12,000 acres at the rivers' headwaters too. Continuing regional land protection will ensure high water quality and fishable, swimmable waters for generations to come.



Port Royal Sound spans four counties



May 2022: Rural and Critical Land Preservation Board Members visit the Gavin-Garvey House in Bluffton. The home, built during the Reconstruction Era for the Garvin family, is thought to be one of the earliest known freedmen owned houses still extant on the May River. The surrounding land was purchased and protected in partnership with the Rural and Critical Land Preservation Program, Town of Bluffton and Open Land Trust and the home was restored in early 2000s. Tours are available.



September 2022: Cattle farming on RCLP protected property north of Marine Corps Air Station Beaufort. In partnership with the Department of Defense, over 15,000 acres are protected to support military operations and protect natural resources.



November 2022: The grove of White Oaks on the Okatie Regional Property provide impressive canopy for the forest below. RCLP Board (left) tours the property to view habitat types from flooded uplands to hardwood forest.

March 2022: Three Sisters Farm tour. Beaufort County is home to 161 farms, Jasper County is home to 135 - both according to the USDA-National Agricultural Census. These farms produce over \$33 million in market value of all products sold including produce, animal products, and sod. All this economic output depends on a healthy landscape that is retained over time. While access to farmland is often cited as a challenge for new and beginning farmers, South Carolina is in a position of strength: the USDA indicates that nearly a quarter of all land statewide remains in agriculture (4.8 million acres) and according to American Farmland Trust, a significant portion of that land ranked as High Quality farmland.



April 2022: Organic blueberries, grown by Coosaw Farms, on RCLP protected property.

March 2022 (below) American Bald Eagles (*Haliaeetus leucophalus*) flies near Williman Island, ACE Basin



CITIZEN COMMENTS 1st Portion

County Council August 14, 2023

CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

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

FULL NAME (print only)

Agenda Topic

Michael G. M'Shac

Green Space

~~Lisa Lynch~~

Eri Greenway

~~Skip Hoagland~~

~~Lynn Gambelby~~

~~Debra Scott~~

CITIZEN COMMENTS 2nd Portion

County Council
August 14, 2023

CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

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

FULL NAME (print only)

Topic

~~Lynn Greeley~~ Lisa Lynch

Eric Greenway

Skip HOAGLAND

THHS

Lynn Greeley

more things

Doyle Scott

Shoebury



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

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

RESOLUTION 2023/

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

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

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

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

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

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

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

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

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

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

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

DONE this day of August, 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

ORDINANCE 2022/ 16

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

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

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

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

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

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

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

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

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

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

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

DONE this 28th day of March 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Joseph Passiment
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock
Sarah Brock, Clerk to Council

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

Exhibit "A"

Beaufort County ARPA Expenditures:

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

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



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

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

RESOLUTION 2023/

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

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

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

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

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

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

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

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

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

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

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

DONE this day of August, 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

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

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

NEW PARKING SHOWN
Pervious 73
Impervious 11
TOTAL 84

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

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

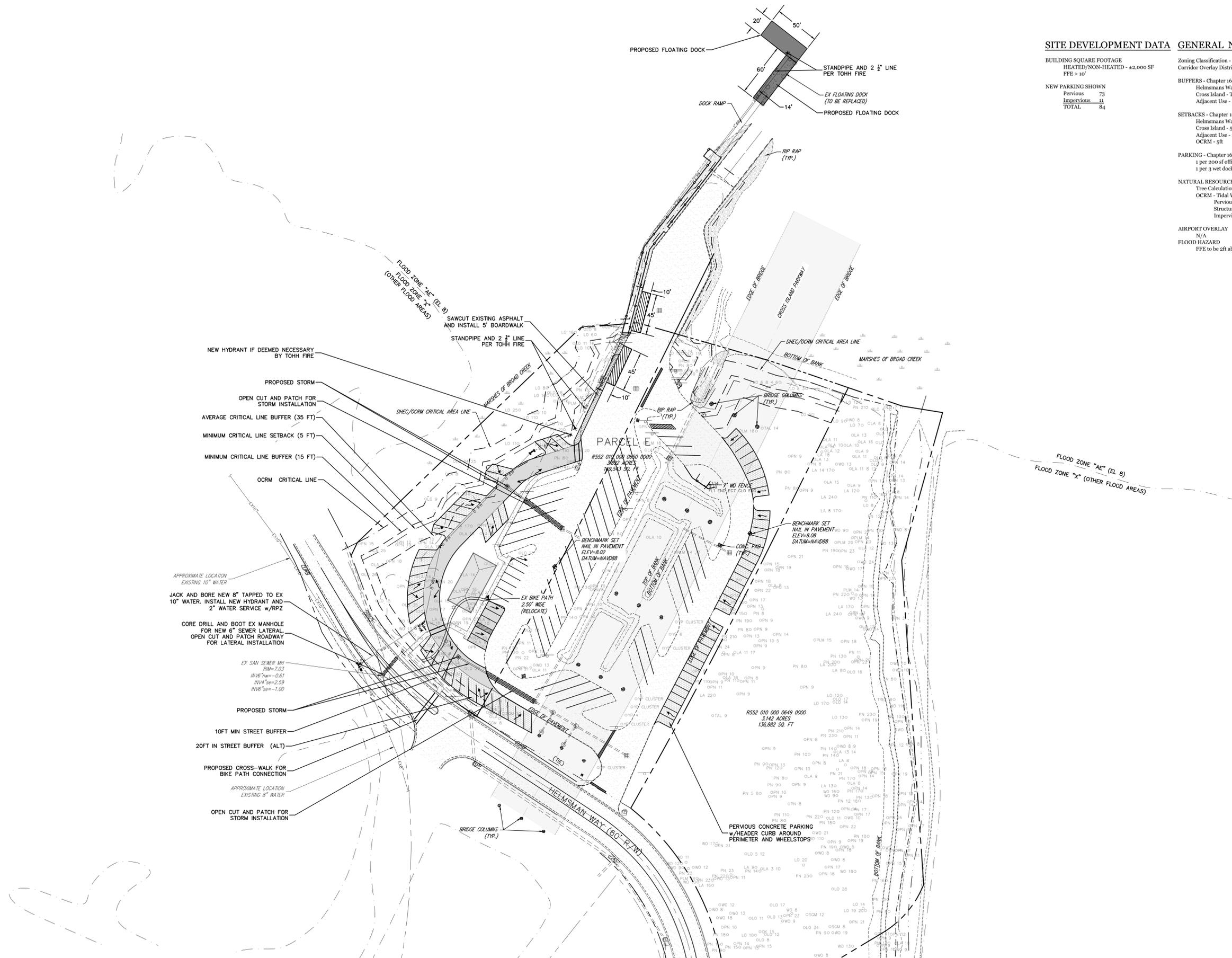
SETBACKS - Chapter 16-5-102
Helmsmans Way - 20ft/60degree
Cross Island - 50ft/75degree
Adjacent Use - 20ft/75degree
OCRM - 5ft

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

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

AIRPORT OVERLAY
N/A

FLOOD HAZARD
FFE to be 2ft above BFE



DAUFUSKIE EMBARKATION CONCEPTUAL LAYOUT

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

NOTE: THIS EXHIBIT IS FOR CONCEPTUAL PURPOSES ONLY. THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF DAVIS & FLOYD, INC. AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER / ARCHITECT AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION
F:\Projects\2023\2023 Projects\J23707 Dausfuskie Ferry at Cross Island Landing Ph 1\dwg\revision history\J22746_23-0804_mst.dwg, 8/11/2023 1:22:52 PM, Chris Bates





August 9, 2023

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

Re: Daufuskie Ferry at Cross Island Boat Landing Phase II

Dear Mr. Robinson,

Thank you for the opportunity to coordinate this important project

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

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

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

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

Kindest regards,

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

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

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

Daufuskie Ferry at Cross Island Boat Landing
Phase 2

CONSTRUCTION

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

Daufuskie Ferry at Cross Island Boat Landing
Phase 2

PROFESSIONAL SERVICES

- Davis & Floyd – Civil Engineering
Final Site plan: Stormwater, grading utilities and paving
Permitting: OCRM, Stormwater, SCDOT and Town of Hilton Head
Layout, as-built survey \$211,500.00

- McSweeney Engineering – Structural Engineering
Floating docks and piles, building foundation, concrete
mixes, inspection report \$ 18,000.00

- Montgomery & Associates – Architects
Building design \$ 50,000.00

- The Greenery – Landscape plan \$ 3,500.00

Total: **\$283,000.00**

McCARTHA, COBB & ASSOCIATES



August 10, 2023

Beaufort County
Post Office Drawer 1228
Beaufort, South Carolina 29901

Attention: John Robinson

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

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

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

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

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

Sincerely,


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



131 MINISTRY DRIVE · IRMO, SC 29063
P: 803.799.3474 · F: 803.799.3711

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



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

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

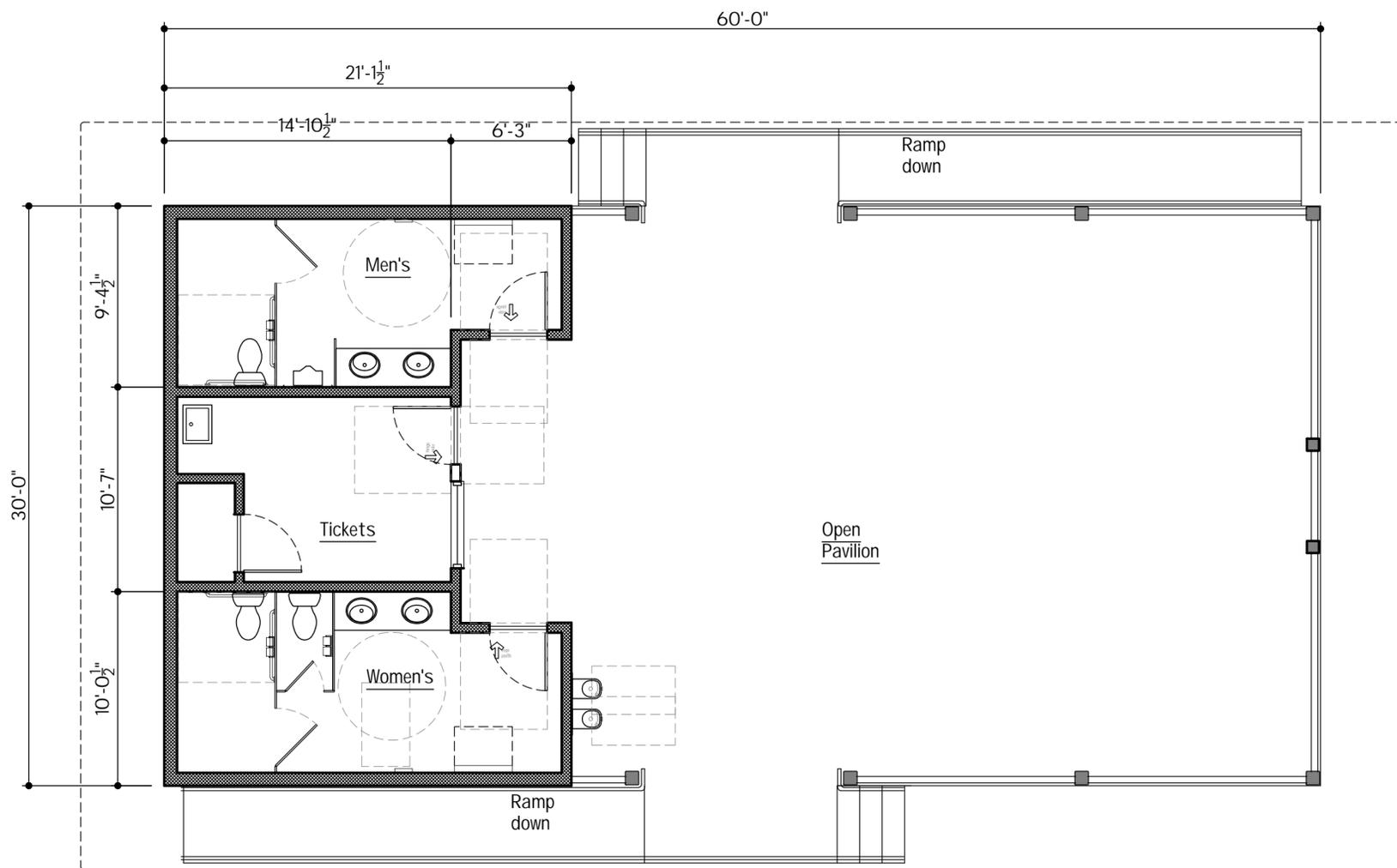
Additional notifications will be sent as your submission is processed by DHEC staff. If your submission is incomplete, you will receive a notification along with instructions about how to review corrections requests, revise and resubmit your submission.

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

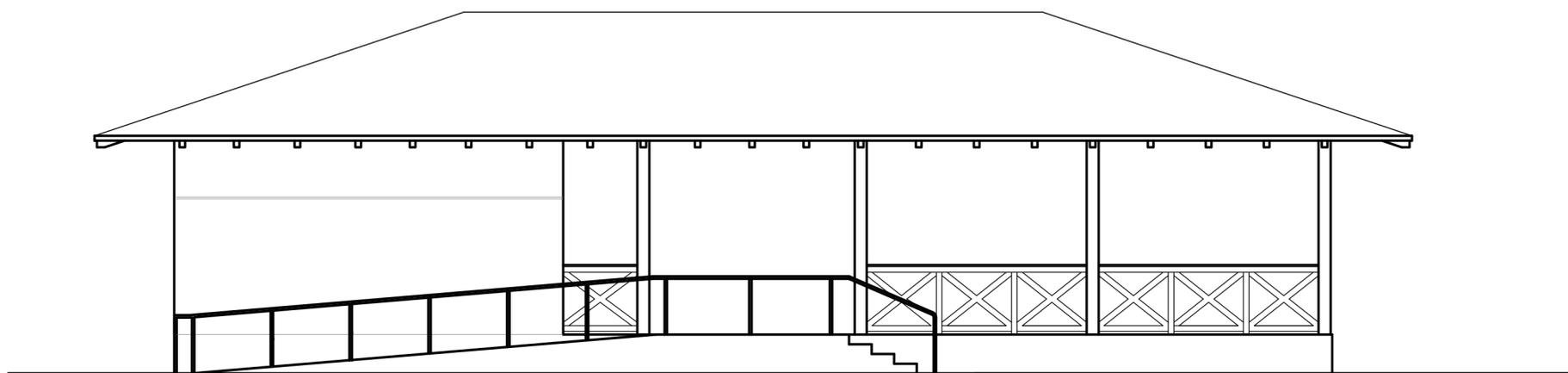
This is an automated notification generated and sent by ePermitting.



<https://epermweb.dhec.sc.gov/>
www.scdhec.gov [Facebook](#) [Twitter](#)



Plan



Elevation



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 15.

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

GRANT AGREEMENT
Part 1 - OFFER

Date of Offer: July 26, 2023

Project No.: 23-025

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

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

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

and

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

Taxiway F Strengthening (Construction)
Exec Air Land Acquisition

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

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

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

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

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

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

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

STATE OF SOUTH CAROLINA
SOUTH CAROLINA AERONAUTICS COMMISSION

Signature By: Ray Sneyd
Executive Director

July 26, 2023
Date

Sponsor's Signature

Date

PART II - SPONSOR ASSURANCES

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

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

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

Failure on the part of the Sponsor to take appropriate action to remove any and all obstructions in the approaches, in a manner that ensures safety and protects public investment in the airport, may result in withholding of any payment of the funds established by this agreement for the herein described project until such time as the necessary actions are taken.

10. Sponsor shall enact a zoning ordinance on all land surrounding the airport under its jurisdiction so as to conform, at a minimum, to the pertinent regulations and/or criteria of:
 - FAR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended;
 - Advisory Circular 150/5300-13A, Airport Design, or successor guidance;
 - Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports, or successor guidance; and

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

The criteria in the ordinances shall limit the following items:

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

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

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

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

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

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

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

PART III - ACCEPTANCE

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

Executed this _____ day of _____, 2021

(Name of Sponsor)

(Signature By)

(Title)

(Seal)

Attest _____

Title _____

CERTIFICATE OF SPONSOR'S ATTORNEY

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

Dated this _____ day of _____, 2021

Signature By _____

Title _____

EXHIBIT A

AFFIDAVIT OF NON-COLLUSION

STATE OF SOUTH CAROLINA

COUNTY OF _____

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

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

Legal Signature

SWORN to me before this _____ day of _____, 2021

Signature By _____

Notary Public for _____

RESOLUTION 2023/_____

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

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

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

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

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

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

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

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

ORDINANCE 2023/_____

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

WHEREAS, the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County's quality of life; and

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

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

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

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

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

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

Exhibit A

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

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

Section 38-201 - Application Process and Deadlines:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this _____ day of _____ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

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

ORDINANCE 2023/

FY 2023-2024 AMENDED BEAUFORT COUNTY SCHOOL DISTRICT BUDGET

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

BE IT ORDAINED BY COUNTY COUNCIL OF BEAUFORT COUNTY:

SECTION 1. TAX LEVY

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

SECTION 2. MILLAGE

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

School Operations	130.0 121.8
School Bond Debt Service (Principal and Interest)	36.3

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

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

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

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

SECTION 3. SCHOOL OPERATIONS APPROPRIATION

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

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

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

SECTION 4. BUDGETARY ACCOUNT BREAKOUT

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

SECTION 5. OUTSTANDING BALANCE APPROPRIATION

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

SECTION 6. TRANSFERS VALIDATED

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

SECTION 7. EFFECTIVE DATE

Adopted this _____ day of _____, 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

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

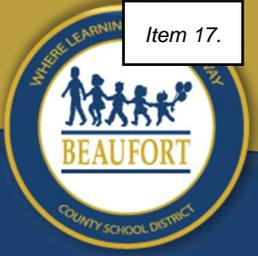


School Operations Rollback Millage

Beaufort County Council
August 14, 2023

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

Where Learning Leads the Way!



School Operations Rollback Millage

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

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

Goal: Revenue Neutrality



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

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

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



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation of an Ordinance to Amend the Beaufort County Ordinance Establishing a Road Use Fee
MEETING NAME AND DATE:
Public Facilities and Safety Committee – June 26, 2023
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator – Infrastructure Eric Claussen, Director of Engineering (Alternative)
ITEM BACKGROUND:
In 1993, Beaufort County Council adopted Ordinance 93/20 establishing the road use fee on all vehicles which are domiciled and garaged in Beaufort County and thereby use the roadways and bridges owned and maintained by the County and State. This Ordinance has been amended with Ordinances 2012/13, 2015/8, and 2020/28. Amendment 2020/28 made clarification that the road use fee will be evaluated on annually and established in the annual County Operation Budget Ordinance.
PROJECT / ITEM NARRATIVE:
After an evaluation of Beaufort County’s road network, the current road use fee of \$10.00 that generates approximately \$1.6 million annually is determined to be insufficient to fund the maintenance and improvements needed. It is recommended to increase to \$20.00 generating approximately \$3 million annually. Neither the current road use fee, nor the proposed increase will generate revenue that would meet or exceed the cost of maintaining and improving the County’s road system as it is detreating faster than the County can fund.
FISCAL IMPACT:
An increase in the road use fee to \$20.00 will generate approximately \$3 million annually and will be collected and deposited into the special road maintenance account (2342) and specifically used to maintain and improve the county’s road system, along with the state’s as needed, and to pay for debt service on any outstanding General Obligation Bond issued exclusively for County road improvements.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends the approval of the Ordinance to Amend the Beaufort County Ordinance Establishing a Road Use Fee.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny the Recommendation of an Ordinance to Amend the Beaufort County Ordinance Establishing a Road Use Fee. Move forward to County Council to approve/deny the Recommendation of an Ordinance to Amend the Beaufort County Ordinance Establishing a Road Use Fee.

ORDINANCE 2023/ _____

**AN ORDINANCE TO AMEND THE BEAUFORT COUNTY ORDINANCE
ESTABLISHING A ROAD USE FEE**

WHEREAS, in 1993 Beaufort County Council (the “Council”) adopted Beaufort County Ordinance 93/20 establishing the road use fee on all vehicles which are domiciled and garaged in Beaufort County (the “County”) and thereby use the roadways and bridges owned and maintained by the County and the State; and

WHEREAS, the Council has amended Ordinance 93/20 with Ordinances 2012/13, 2015/8, and 2020/28; and

WHEREAS, the Council has the authority under South Carolina law to charge and collect the road use fee and to impose new service or user fees; and

WHEREAS, the Council has determined that it is in the best interests of its citizens to amend its existing road use fee.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council to amend the road use fee and does hereby amend the Beaufort County Road Use Fee Ordinance (Ordinances 93/20, 2012/13, 2015/8, and 2020/28) as follows:

Section 1. **Findings and Authority.** County Council makes the following findings of fact and authority in connection with the enactment of this ordinance (this “***Ordinance***”):

(a) The County is a political subdivision of the State of South Carolina and possesses certain powers granted by the Constitution and general laws of the State.

(b) Pursuant to the provisions of Title 4, Chapter 9, Article 13 (the “***Home Rule Act***”) of the South Carolina Code of Laws, as amended (the “***S.C. Code***”), and specifically, Section 4-9-30(5)(a) of the Home Rule Act, County Council is authorized to assess and levy property taxes and uniform service charges and to make appropriations for certain functions of the County specifically including general public works, roads and drainage.

(c) Pursuant to Section 57-17-10 of the S.C. Code, the governing body of the County shall have control and supervision of all county designated roads.

(d) Pursuant to Title 6, Chapter 1, Article 3 of the S.C. Code, specifically Sections 6-1-300 and 330 of the S.C. Code, County Council is authorized to charge and collect service or user fees, including uniform service charges. Section 6-1-300(6) of the S.C. Code, defines a “service or user fee” as a “charge required to be paid in return for a particular government service or program” and further requires that the revenue generated from the service or user fee must: (i) be used to benefit the payers, even if the general public also benefits; (ii) only be used for the specific improvement contemplated; (iii) not exceed the cost of the improvement; and (iv) be uniformly imposed on all payers.”

(e) Pursuant to Section 6-1-330 of the S.C. Code, County Council is authorized to charge and collect service or user fees, including uniform service charges, subject to the following requirements: (i) the service or user fee must be imposed by adoption of an ordinance approved by a positive majority of County Council; (ii) County Council must provide public notice of the service or user fee being considered and hold a public hearing on the proposed service or user fee prior to final adoption; (iii) revenue derived from the service or user fee to finance the provision of public services must be used to pay costs related to the provision of the service or program for which the service or user fee is paid; and (iv) a local governing body that imposes a user or service fee pursuant to S.C. Code § 6-1-300(6) must publish the amount of dollars annually collected on each fee on the county's website.

(f) Pursuant to Section 6-1-330(A) of the S.C. Code, a fee adopted or imposed by a local governing body prior to December 31, 1996, remains in force and effect until repealed by the enacting local governing body, notwithstanding the provisions of Title 6, Chapter 1, Article 3 of the S.C. Code.

(g) In 1993, County Council imposed a road use fee of Ten and NO/100 (\$10.00) Dollars annually on every motor vehicle required to be registered and licensed in the County pursuant to Ordinance 93/20, enacted June 28, 1993, and thereafter amended the ordinance by adopting Ordinances 2012/13, 2015/8, and 2020/28 (the "**Initial Fee Ordinance**").

(h) Council never repealed the Initial Fee Ordinance and has collected the fee continuously from January 1, 1994, to the present date.

(i) Pursuant to the Initial Fee Ordinance, the road maintenance fee is uniformly imposed on all owners of vehicles required to be registered in the County by the South Carolina Department of Motor Vehicles.

(j) Pursuant to the Initial Fee Ordinance, the proceeds from the collection of the road use fee are deposited into a special road maintenance account and specifically used to maintain and improve the County's road system and to pay for debt service on any outstanding General Obligation Bond issued by the County for road improvements.

(k) Pursuant to the Initial Fee Ordinance, any interest earned on road use fee funds shall accrue to the road maintenance account. Funds which are not used in any fiscal year shall be carried forward and used for the construction, maintenance, and improvement of County roads and related drainage, as well as to pay debt service on any General Obligation Bond issued exclusively for County road improvements.

(l) For the past 30 years, the County has used the road use fee as a dedicated revenue source to maintain and improve the County road system. The revenue generated from the road use fee is used only for the maintenance and improvement of the County road system.

(m) The County road system consists of approximately seven hundred (700) lane miles of paved and unsurfaced roads designated as major arterial roads, collector roads, residential collector roads and local roads. The County's road system provides vital access for local residents to employment, commerce, housing, social services, health services, education services, and reliable emergency evacuation routes. The County's road system is maintained by the Beaufort County Public Works Department.

(n) The condition of every *paved* County road is evaluated every three (3) years by an independent firm and assigned a pavement condition rating. Higher scores reflect roads that require either preventative maintenance or no maintenance at all. Low-range scores reflect roads that require the costliest repairs or full reconstruction.

(o) According to the latest report, which was prepared in February 2022 by F&ME Consultants, none on Beaufort County's roads are in excellent condition. According to the report, twelve point five percent (12.5%) of the roads are in very good condition, sixty-three point five percent (63.5%) are in good condition, twenty-three point four percent (23.4%) are in fair condition and three point six percent (3.6%) are in poor condition. The remaining one point two percent (1.2%) are in poor or very poor condition. Of particular importance is the fact that fully twenty-eight percent (28%) of the County's paved roads are deemed to be in fair to poor condition. If these roads are left unrepaired, they will decline rapidly and become candidates for costly reconstruction. (This report, and all subsequent reports regarding the condition of County Pavement, are incorporated into this ordinance by reference.)

(p) The condition of every *unsurfaced* County road is also evaluated approximately every three (3) years by an independent firm. Each road is assigned an overall rating. Higher scores reflect roads with a higher priority for improvement. Lower scores reflect with lower priority.

(q) According to the November 2022 Beaufort County 2026 – 2030 Dirt Road Paving Plan Report, which was prepared by Consor Engineers, the County's *unsurfaced* road system consists of two hundred nine (209) roads totaling approximately seventy-seven (77) miles. Due to the limited funding that is currently available, the County can afford to improve only about one to two (1 – 2) miles of *unsurfaced* roads each year. (This report, and all subsequent reports regarding Dirt Road Paving, are incorporated into this ordinance by reference.)

(r) Beaufort County's plan is to improve all County unsurfaced roads while maintaining the paved roadway system with at least ninety-five percent (95%) of paved roads in good or very good condition. Currently, seventy-six percent (76%) of paved roads are good to very good. Approximately seventy-seven (77) miles of unsurfaced dirt roads are left to be improved.

(s) The current road use fee of Ten and No/100 (\$10.00) Dollars per vehicle generates approximately \$1.6 million annually. Increasing the road use fee to Twenty and No/100 (\$20.00) Dollars per vehicle would generate approximately \$3 million annually. Neither the current road use fee, nor the proposed increase, will generate revenue that would meet or exceed the cost of maintaining and improving the County's road system.

(t) Despite the County's efforts to maintain and improve the County's road network, significant unfunded road maintenance remains, and it is growing every year. The pavement condition of County's roads is deteriorating faster than the County can repave them based on available resources.

(u) The life cycle of the County's road system is greatly affected by the County's ability to perform timely maintenance and upgrades to ensure that road surfaces last as long as possible.

(v) Cost-effective preventive maintenance reduces costly future repairs. The cost of fixing roads after they have deteriorated is many times greater than the cost of preventive maintenance.

(w) All individuals who pay the fee (those who own vehicles registered in the County) have enjoyed and will continue to enjoy the benefits provided by the purchase, condemnation, construction, ownership, maintenance, and repairs of County and State-owned roads and bridges. The County specifically finds that those paying the fee receive the following benefits from the expenditures of the fee:

- a. *Enhanced Emergency Response Time.* Those paying the fee receive the benefit of enhanced emergency response time. Quality road systems have a direct impact on emergency response times. The revenue from the fee is used to build, design, and maintain a road network that enhances public safety and emergency response times. *See* FY 2012 Performance and Accountability Report, Montgomery County Fire Rescue Services.
- b. *Evacuation Routes.* Those paying the fee receive the benefit of a network of roadways that allow them to safely and timely evacuate the County to avoid impending hurricanes, storms, floods, or other Acts of God. The County borders the Atlantic Ocean. The County is prone to hurricanes, storms, and flooding, all of which threaten the health and safety of those paying the fee. When hurricanes, storms, and floods threaten the County, it is vital that the County residents have a safe, functioning network of roads to allow for the mass exodus of County residents. The revenue from the fee is used to build, design, and maintain a road network to allow for safe and expeditious evacuation of County residents. The findings in this subparagraph are axiomatic and obvious to all. coastal communities in South Carolina and other States bordering the ocean have endured and suffered through violent storms and flooding throughout human history. These storms and flooding have caused numerous injuries and loss of life to those residents of coastal communities. *See* National Weather Service Website, www.weather.gov/chs/TChistory (From 1851 through 2018, forty-one (41) Tropical Cyclones have made landfall in the NWS Charleston, SC County Warning Area (CWA), which runs from Charleston County, SC to McIntosh, GA).
- c. *Increased Property Values.* Those paying the fee receive the benefit of increased property values. The revenue from the fee is used to build, design, and maintain a road network. This road network increases the property values of those who pay the fee. There are numerous scholarly public and private reports evidencing a manifest nexus between the good quality of roads and increased property values, as well as the poor condition of roads and lower property values. The County craves reference to those selected reports cited below:
 - i. An eighteen year (1982-1999) parcel-level real estate assessment study using a land value model, an improvement or structure value model, and a total property value model, yielding empirical results that suggest

that improvement type, freeway proximity, parcel location at key network points (e.g., corner parcels), and timing of construction and completion play key roles in property valuation. *See Property Values and Highway Expansions: An Investigation of Timing, Size, Location, and Use Effects* by Brian ten Siethoff, Cambridge Systematics, Inc., and Kara M. Kockelman, C.B. Luce Assistant Professor of Civil Engineering Department of Civil Engineering, The University of Texas at Austin, *Transportation Research Record No. 1812: 191-200*, Presented at the 81st Annual Meeting of the Transportation Research Board, January 2002.

- ii. Highway capitalization studies analyzing the effects of highway construction on residential sale prices. *See* Transportation Research Board (TRB), *Special Report Number 245 1995. Expanding Metropolitan Highways*. Washington, DC: National Academy Press.
- iii. Extensive literature by Huang (1994) finding that virtually every major land use study concluded that transportation improvements positively affect the value of nearby land. *See* Huang, W. 1994. "The Effects of Transportation Infrastructure on Nearby Property Values: A Review of the Literature." Institute of Urban and Regional Development: Berkeley, CA.
- iv. A 1997 study of median housing prices and monthly rents in the San Francisco Bay Area showing a strong positive association between accessibility and land prices, after controlling for a wide variety of other variables, including parcel size and square footage of development. *See* Kockelman, K.M. 1997. "Effects of Location Elements on Home Purchase Prices and Rents in San Francisco Bay Area." *Transportation Research Record No. 1606*, 40-50.
- v. A 2001 report concluding that homeowners and renters value improvements to the transportation network whether their perception of the travel benefits is direct or indirect. *See* Mikelbank, Brian. 2001. "Spatial Analysis of the Relationship between Housing Values and Investments in Transportation Infrastructure." Paper presented at the 40th Annual Meeting of the Western Regional Science Association, Palm Springs, CA (February).
- vi. Classical economic theory study showing that when a highway is built, large parcels of land that previously had poor accessibility—or none at all—are suddenly underpriced. Often, the market immediately responds: the area is quickly developed, and the real estate market establishes a new equilibrium based on the new transportation technology. The land-value impacts that are experienced can be significant. *See* Giuliano, G. 1989. "New Directions for Understanding Transportation and Land Use."

- vii. Major improvements to infrastructure should also have a strong, positive effect on nearby real estate values. *See* Landis, J., Guhathakurta, S., Huang, W., and Zhang, M. 1995. “Rail Transit Investments, Real Estate Values, and Land Use Change: A Comparative Analysis of Five California Rail Transit Systems.” The University of California Transportation Center, University of California at Berkeley: Berkeley, CA; *see also* Tomasik, J. 1987. “Socioeconomic and Land Values of Urban Freeways in Arizona.” Phoenix, AZ: Arizona Department of Transportation.
 - viii. A 1961 study concluding that lack of access may decrease land values. *See* Mohring, Herbert. 1961. “Land Values and the Measurement of Highway Benefits.” *Journal of Political Economy* 49 (June), 236-249.
 - ix. Construction associated impacts and property values. *See* Nelson, J.P. 1982. “Highway noise and property values: A survey of recent evidence,” *Journal of Transport Economics and Policy*, 16(2), 117-38.
 - x. Property-value models predict that depressed freeway designs contribute more to residential property values than at-grade freeways. *See* Lewis, C.A., Buffington, J.L., and Vadali, S.R. 1997. “Land Value and Land Use Effects of Elevated, Depressed, and At-Grade Level Freeways in Texas.” Texas Transportation Institute Research Report Number 1327-2. Texas A&M University: College Station, TX.
 - xi. “Improvements to transportation networks, especially those in growing areas, tend to have impacts on local land markets. In principle, an improvement to a link in the network will confer economic benefits to adjacent and nearby properties by increasing the utility that the network provides [U]rban economic theory suggests that many of these benefits are capitalized into local property values, yielding a localized spillover effect. *See* “The Economic Impact of Upgrading Roads, 2009-2016,” Minnesota Department of Transportation.
- d. *Reduced Automobile Operating Costs.* Those paying the fee receive the benefit of reduced automobile operating costs. The revenue from the fee is used to construct and maintain roads and bridges in the County. This construction and maintenance work helps improve the quality of roads in the County. Those paying the fee normally use the roads and bridges in the County; therefore, those paying the fee receive the benefit of reduced automobile operating costs.
 - e. *Reduced Automobile Insurance Premiums.* Those paying the fee receive the benefit of reduced automobile insurance premiums. The revenue from the fee is used to construct and maintain roads and bridges in the County. Because of the quality of the roads and bridges in the County, those paying the fee receive the benefit of reduced automobile insurance premiums. *See* Cotto, Tony, *Cost Drivers: How Riskier Roads, Rising Repairs, and Reckless Driving Are Increasing Insurance Costs (NAMIC 2021)* (“[T]he rate you pay for your auto insurances depends in part on where you live.”).

f. *Safety and Convenience Benefits.* Those paying the fee receive the safety and convenience benefits associated with having a well-built, well designed, and well-maintained network of roads. The roads in the County are used by those who pay the fee. The roads built, designed, and maintained with the revenue from the fee provide those paying the fee with access to the entire State and federal road network. Further, the roads built, designed, and maintained with the revenue from the fee provide safe, reliable, and efficient access to the entire road network in the County, State, and parts beyond.

(x) County Council finds that increasing the road use fee to Twenty and No/100 (\$20.00) Dollars is desirable and necessary for the County to maintain and to improve the County road system, additional revenues are needed to adequately maintain the County road system, the County road system has experienced degradation due to insufficient maintenance funding, additional degradation is expected without additional maintenance funding, and road maintenance fees are a stable form of revenue that is generated by users of the County road system.

Section 2. Road Use Fee Amendment. Section 2 of the Initial Fee Ordinance (Ordinance 93/20) is hereby amended to increase the road use fee to Twenty and No/100 (\$20.00) Dollars. Section 4 of the Initial Fee Ordinance which provides that the funds shall be deposited in the General Fund is amended to provide that the funds collected shall be deposited into the road maintenance account, that any interest collected on these funds in this account shall be deposited into this account, and that all funds in the account shall be used solely and exclusively for the purposes set forth herein above.

Section 3. Compliance with Title 6, Chapter 1, Article 3 of the S.C. Code.

(a) *Initial Fee Grandfathered.* County Council finds that the Initial Fee Ordinance imposing an annual road use fee was adopted prior to December 31, 1996, and in accordance with the grandfathering language of Section 6-1-330 of the S.C. Code, remains in force and effect until repealed by County Council.

(b) *Increase to the road maintenance fee satisfies S.C. Code § 6-1-330(6).* Beaufort County Council finds that the Ten and No/100 (\$10.00) Dollar increase to the road use fee bringing the total fee to Twenty and no/100 (\$20.00) Dollars is (i) uniformly imposed on all owners of motor vehicles required to be registered in the County by the South Carolina Department of Motor Vehicles; (ii) revenues generated from the fee are exclusively used for the maintenance and improvement of the County road system; (iii) payers of the fee benefit from maintenance and improvement of the County road system, even if the general public also benefits; and (iv) revenues generated from the fee do not exceed the cost of maintaining and improving the County road system.

(c) *Adopted by positive majority of County Council.* This Ordinance must be adopted by a positive majority of County Council, which is defined in Section 6-1-330(5) of the S.C. Code as “a vote for adoption by the majority of the members of Council, whether present or not.”

(d) *Public Hearing.* County Council must provide public notice of the fee increase being considered and hold a public hearing on the proposed fee increase prior to final adoption of the Ordinance in compliance with S.C. Code § 6-1-330.

(e) *Road use fee revenues published on County website.* The annual revenues collected from the road use fee and any increase must be published on the County’s website in compliance with S.C. Code § 6-1-330.

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall take effect upon the date of its adoption.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF BEAUFORT
COUNTY

ATTEST:

Joseph Passiment , Chairman

Sarah Brock
Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 34 ULMER ROAD
MEETING NAME AND DATE:
County Council; August 14, 2023
PRESENTER INFORMATION:
Brittany Ward, County Attorney <i>5 Minutes</i>
ITEM BACKGROUND:
<i>County Council Vote at First Reading on July 10, 2023 – 11:0</i>
PROJECT / ITEM NARRATIVE:
<p>Beaufort County (“County”) desired to purchase the real property located at 34 Ulmer Road, Bluffton, South Carolina, identified as TMS No. R600 039 00B 0038 0000, consisting of approximately 41 acres (“Property”). In May 2019 the County purchased the real property located at 75 Confederate Avenue through the Rural and Critical Lands Program in order to construct a passive park, which is located adjacent to the Property. The County desired to purchase the Property and create a combined active and passive park facility.</p> <p>County staff was aware of a satellite/cell phone tower (“Tower”) on the property and was under the belief there was a remaining two (2) years on said lease. Staff has obtained a survey showing the location of the Tower on the property with guide wire easements that expand over a significant portion of the property. Staff was informed after the First Reading that the real property where the Tower is located is owned by the previous property owner. The location of this Tower is not desirable and limits the ability to have the desired number of active fields on the property.</p>
FISCAL IMPACT:
\$3,150,000 Purchase Price plus closing costs and to include all due diligence costs. Funding source is the General Fund- Fund Balance
STAFF RECOMMENDATIONS TO COUNCIL:
Disapprove due to additional knowledge received by seller regarding a satellite/cell phone tower located on the property which does not allow for the number of active park fields desired.
OPTIONS FOR COUNCIL MOTION:
Move forward to Third Reading on September 11, 2023. Postpone the Third Reading to September 28, 2023 in order to obtain additional information through due diligence. Disapprove.

ORDINANCE 2023/_____

AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 34 ULMER ROAD

WHEREAS, Beaufort County (“County”) desires to purchase the real property located at 34 Ulmer Road, Bluffton, South Carolina, identified as TMS No. R600 039 00B 0038 0000, consisting of approximately 41 acres and further described in Exhibit “A” attached hereto and incorporated herein by reference, collectively hereinafter referred to as the “Property”; and

WHEREAS, the County recognizes that there is a need to provide the citizens and residents of Beaufort County with additional active parks and open spaces to enjoy outdoor activities. In an effort to protect the environment and provide a space for citizens to enjoy outdoor activities, in May 2019 the County purchased the real property located at 75 Confederate Avenue through the Rural and Critical Lands Program in order to construct a passive park, which is located adjacent to the Property. For the benefit of its citizens, the County desires to purchase the Property and create a combined active and passive park; and

WHEREAS, the County has negotiated with the seller and agreed upon a fair market value purchase price not to exceed Three Million One Hundred and Fifty (\$3,150,000) Dollars plus closing costs, whereby said purchase price includes the cost of any and all due diligence, including but not limited to, environmental reports and surveys that is to be provided by the seller. Funding for the purchase price and closing costs to be allocated from General Fund-Fund Balance; and

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

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, authorizing the County Administrator to execute the necessary documents and provide funding in an amount not to exceed Three Million One Hundred and Fifty (\$3,150,000) Dollars plus closing costs from impact fees for the purchase of real property identified as 34 Ulmer Road.

DONE this ____ day of _____ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RECOMMEND APPROVAL OF AN ORDINANCE AUTHORIZING THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS SUBJECT TO VOTER APPROVAL, PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.
MEETING NAME AND DATE:
Finance, Administration, and Economic Development Committee 6/19/2023
PRESENTER INFORMATION:
Sara Weathers, Pope Flynn, LLC 15 minutes
ITEM BACKGROUND:
The Commission of the Fripp Island Public Service District has determined to seek authorization from the Beaufort County Council to issue general obligation bonds, subject to a favorable referenda of qualified electors. The Commission requests that, following a public hearing on the matter, the County Council enact the ordinance authorizing the issuance of the bonds, subject to a favorable referenda of qualified electors. This ordinance authorizing the bond issuance is required pursuant to Section 6-11-860 of the S.C. Code.
PROJECT / ITEM NARRATIVE:
The Fripp Island Public Service District (FIPSD) has determined to issue bonds to defray the costs related to (1) certain fire station improvements, the purchase of squad trucks and a ladder truck, and various equipment of the fire department, (2) erosion control improvements including bolstering the existing revetment, and (3) repairs and improvements to the Fripp Inlet Bridge.
FISCAL IMPACT:
If there is a successful referendum and bonds are issued, the bond payments will be made from the debt service account of FIPSD. The millage rate increase will depend upon which bonds are approved in the referenda and issued by the Commission. Based upon current projections, FIPSD estimates that a millage increase of 8.2 mills would be sufficient to pay debt service on \$5,250,000 of general obligation bonds.
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny "RECOMMENDATION OF APPROVAL OF AN ORDINANCE AUTHORIZING THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS SUBJECT TO VOTER APPROVAL, PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO."

AN ORDINANCE AUTHORIZING THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA TO ISSUE NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS SUBJECT TO VOTER APPROVAL, PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO

AUTHORIZING ORDINANCE

August 14, 2023

**BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA, AS FOLLOWS:**

ARTICLE I – FINDINGS

Section 1.01 Findings of Fact.

The County Council of Beaufort County (the “*County Council*”), the governing body of Beaufort County, South Carolina (the “*County*”), hereby finds and determines:

(a) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “*Constitution*”), provides that special purpose districts may incur general obligation bonded indebtedness upon such terms and conditions as the General Assembly may prescribe by general law, subject to the following limitations: (i) such debt must be incurred only for a purpose which is a public purpose and a corporate purpose, and (ii) unless excepted therefrom, such debt may be issued in an amount not exceeding 8% of the assessed value of all taxable property of such special purpose district (the “*Bonded Debt Limit*”). Article X, Section 14(6) further provides that “if general obligation debt be authorized by a majority vote of the qualified electors of the political subdivision voting in a referendum authorized by law” then such bonds may be issued without regard to the Bonded Debt Limit.

(b) Pursuant to Title 6, Chapter 11, Article 5 of the Code of Laws of South Carolina 1976, as amended (the “*Enabling Act*”), the governing body of any county in the State of South Carolina (the “*State*”) may authorize the issuance of general obligation bonds by special purpose districts located within its bounds to defray the cost of any authorized purpose of such special purpose district.

(c) Fripp Island Public Service District, South Carolina (the “*District*”) was created and established as a special purpose district, a body politic and corporate, pursuant to the provisions of Act No. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended. The District is located wholly within the County and is authorized, *inter alia*, (i) to provide fire, water, and sewer services, (ii) to acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal, or mixed, or any interest therein, (iii) to construct and maintain roads, and (iv) to do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

(d) Pursuant to Section 6-11-830 of the Enabling Act, the County Council, upon petition of the governing body of any special purpose district, may determine that it is in the interest of such special purpose district to raise moneys for the furtherance of any power or function of the special purpose district and order a public hearing to be held upon the question of the issuance of general obligation bonds of the District.

(e) The Fripp Island Public Service District Commission (the “*Commission*”), the governing body of the District, petitioned the County Council to hold a public hearing and

thereafter authorize the issuance of not exceeding \$5,250,000 of general obligation bonds of the District (the “**Bonds**”) in order to provide:

- (1) \$1,320,000 to defray the costs of acquiring, designing, constructing, renovating, and equipping fire service facilities, apparatus, equipment, and vehicles, to include, without limitation, station improvements, beach rescue equipment, squad trucks, and aerial apparatus; capitalized interest during construction; and the costs of issuance of such general obligation bonds (the “**Fire Service Project**”);
- (2) \$870,000 to defray the costs of repairing, reconstructing, and mitigating certain District revetments and related infrastructure; capitalized interest during construction; and the costs of issuance of such general obligation bonds (the “**Revetment Project**”); and
- (3) \$3,060,000 to defray the costs of repairing, reconstructing, and improving the Fripp Inlet Bridge and related infrastructure, including, without limitation, bent retrofits and abutment protection; capitalized interest during construction; and the costs of issuance of such general obligation bonds (the “**Bridge Project**” and together with the Fire Service Project and the Revetment Project, each a “**Project**” and collectively the “**Projects**”).

(f) By action previously taken, the County Council ordered that a public hearing (the “**Public Hearing**”) on the question of the issuance of not exceeding \$5,250,000 of general obligation bonds of the District (the “**Bonds**”) be held on the 14th day of August, 2023, at 5:00 p.m., and the notice of the Public Hearing was duly published once a week for three successive weeks in *The Beaufort Gazette* and *Island Packet*, newspapers of general circulation in the County.

(g) The Public Hearing has been duly held at the time and date and in the manner set forth above and was conducted publicly. Both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of the Enabling Act to make a finding as to whether or not the Bonds should be issued.

(h) The County Council has determined to condition the issuance of the Bonds upon the result of a special election to be held in the District on the question of the issuance of the Bonds (each ballot question for a project set forth in Section 1.01(e) a “**Bond Referendum**,” and together the “**Bond Referenda**”). Such Bond Referenda shall be conducted pursuant to Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as required by the Enabling Act.

(i) The County Council, by separate resolution, dated August 14, 2023, has ordered the Bond Referenda be held, and specified other details of the Bond Referenda therein. Article X, Section 14 of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the special purpose district voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except as specified in such Article. Bonds for the Fire Service Project, the Revetment Project, or the

Bridge Project, when and if issued following the respective favorable Bond Referendum, would not be restricted by, or count toward, the Bonded Debt Limit, in accordance with the Constitution and laws of the State.

ARTICLE II – AUTHORIZATION

Section 2.01 Referendum Authorization.

(a) The Supreme Court of South Carolina, in *Zeigler v. Dorchester County*, 426 S.C. 615, 622 (2019) held “that a ballot referendum proposing bonded indebtedness must contain a single question for each proposal to which voters can respond affirmatively or negatively.” The Bonds, in the aggregate, would finance three separate proposals and have been divided into three separate questions accordingly.

(b) Should the Bond Referenda result favorably to the issuance of Bonds for the Fire Service Project, the Revetment Project, or the Bridge Project, and upon the filing of the declaration of the result of the applicable Bond Referendum in the office of the Clerk of Court for Beaufort County, South Carolina, the District is hereby authorized to issue Bonds for such Fire Service Project, the Revetment Project, or the Bridge Project to the extent of the authorization provided in the applicable Bond Referendum. Upon such filing, the Commission, on behalf of the District, is authorized to cause the issuance of the Bonds at one time or from time to time, as it may determine, in an aggregate principal amount not to exceed \$5,250,000 (or such lesser amount as may be approved at the applicable Bond Referendum), in order to defray (i) the costs of the Fire Service Project, the Revetment Project, or the Bridge Project, as applicable, and (ii) the costs of issuance of the Bonds or, in the discretion of the District, general obligation bond anticipation notes (the “*BANS*”) in a principal amount of not exceeding \$5,250,000, pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended (the “*BAN Act*”). The Bonds and the BANS shall be issued pursuant to a resolution of the Commission adopted in conformity with the terms and provisions of the Enabling Act and the BAN Act, respectively.

Section 2.02 Ordinance to be Provided to District.

A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby subject to favorable Bond Referenda, the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, the Bonds.

Section 2.03 Further Action.

The Chairman and other County officers are herewith authorized and empowered to take such further action as may be necessary to fully implement the action contemplated by this Ordinance.

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DONE AT BEAUFORT COUNTY, SOUTH CAROLINA, this 14th day of August 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

(SEAL)

Joe Passiment, Chairman

Attest:

Sarah W. Brock, Clerk
County Council of Beaufort County

First Reading: June 26, 2023
Second Reading: July 10, 2023
Public Hearing: August 14, 2023
Third Reading: August 14, 2023



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 21.

ITEM TITLE:
RECOMMEND APPROVAL OF A RESOLUTION ORDERING BOND REFERENDA TO BE HELD IN THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS OF FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA IN THREE SEPARATE QUESTIONS; PROVIDING FOR THE FORM OF THE BALLOTS TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDA; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
MEETING NAME AND DATE:
Finance, Administration, and Economic Development Committee 6/19/2023
PRESENTER INFORMATION:
Sara Weathers, Pope Flynn, LLC 15 minutes
ITEM BACKGROUND:
The Commission of the Fripp Island Public Service District has determined to seek authorization from the Beaufort County Council to issue general obligation bonds, subject to a favorable referenda of qualified electors. The Commission requests the question of issuing the bonds be put to a referenda of qualified voters as the bonds would not be subject to the 8% debt limit of the District.
PROJECT / ITEM NARRATIVE:
The Fripp Island Public Service District (FIPSD) has determined to issue bonds to defray the costs related to (1) certain fire station improvements, the purchase of squad trucks and a ladder truck, and various equipment of the fire department, (2) erosion control improvements including bolstering existing revetment, and (3) repairs and improvements to the Fripp Inlet Bridge.
FISCAL IMPACT:
If there is a successful referendum and bonds are issued, the bond payments will be made from the debt service account of FIPSD. The millage rate increase will depend upon which bonds are approved in the referenda and issued by the Commission. Based upon current projections, FIPSD estimates that a millage increase of 8.2 mills would be sufficient to pay debt service on \$5,250,000 of general obligation bonds.
STAFF RECOMMENDATIONS TO COUNCIL:
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny "RECOMMENDATION OF APPROVAL OF A RESOLUTION ORDERING BOND REFERENDA TO BE HELD IN THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS OF FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA IN THREE SEPARATE QUESTIONS; PROVIDING FOR THE FORM OF THE BALLOTS TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDA; AND PROVIDING FOR OTHER MATTERS RELATING THERETO."

A RESOLUTION

ORDERING BOND REFERENDA TO BE HELD IN THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA, ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$5,250,000 OF GENERAL OBLIGATION BONDS OF FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA IN THREE SEPARATE QUESTIONS; PROVIDING FOR THE FORM OF THE BALLOTS TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDA; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, AS FOLLOWS:

ARTICLE I

FINDINGS

Section 1.01 Findings of Fact.

The County Council of Beaufort County (the “*County Council*”), which is the governing body of Beaufort County, South Carolina (the “*County*”), hereby finds and determines:

(a) The Fripp Island Public Service District, South Carolina (the “*District*”), was created and established as a body politic and corporate by Act No. 1042 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1962, as amended;

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “*Constitution*”), provides that general obligation debt may be incurred by the governing body of any special purpose district for any of its corporate purposes in an amount not exceeding eight percent of the assessed value of all taxable property of such district. Such Article further provides that if general obligation debt is authorized by a majority vote of the qualified electors of the special purpose district voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except as specified in such Article.

(c) The corporate powers and duties of the District are performed by the Fripp Island Public Service District Commission (the “*Commission*”), and as such, the Commission is the governing body of the District.

(d) In carrying out its functions and duties, the Commission has determined that a need exists at the present time to issue general obligation bonds in order to provide:

- (1) \$1,320,000 to defray the costs of acquiring, designing, constructing, renovating, and equipping fire service facilities, apparatus, equipment, and vehicles, to include, without limitation, station improvements, beach rescue equipment, squad trucks, and aerial apparatus; capitalized interest during construction; and the costs of issuance

of such general obligation bonds (the “*Fire Service Project*”);

- (2) \$870,000 to defray the costs of repairing, reconstructing, and mitigating certain District revetments and related infrastructure; capitalized interest during construction; and the costs of issuance of such general obligation bonds (the “*Revetment Project*”); and
- (3) \$3,060,000 to defray the costs of repairing, reconstructing, and improving the Fripp Inlet Bridge and related infrastructure, including, without limitation, bent retrofits and abutment protection; capitalized interest during construction; and the costs of issuance of such general obligation bonds (the “*Bridge Project*” and together with the Fire Service Project and the Revetment Project, each a “*Project*” and collectively the “*Projects*”).

(e) The Commission, on behalf of the District, submitted a petition (the “*Petition*”) to the County Council requesting authorization to issue general obligation bonds of the District in a principal amount of not exceeding \$5,250,000 (the “*Bonds*”), in order to finance the costs of the Projects, and the costs of issuance thereof.

(f) Pursuant to the terms of the Petition, the County Council held a public hearing on the question of the issuance of the Bonds on August 14, 2023, and, as requested in the Petition, the County Council is authorized to, and has determined to, require an election under Section 6-11-890 of the Code of Laws of South Carolina 1976, as amended, as a condition to the issuance of the Bonds.

ARTICLE II

REFERENDUM

Section 2.01 Order to Hold Referendum.

Pursuant to the applicable provisions of the Constitution and laws of the State of South Carolina, there are hereby ordered three bond referenda to be held in the District (each a “*Bond Referendum*” and together, the “*Bond Referenda*”) on November 7, 2023, or such other date as may be determined by the Chairman of the Commission in consultation with the Election Commission (as defined below). On the date of the Bond Referenda, there shall be submitted to all persons residing in the District and qualified to vote under the Constitution and laws of the State of South Carolina the question of whether the District shall be authorized and empowered to issue the Bonds for the purpose of accomplishing the applicable Project, and paying the costs of issuance thereof.

Section 2.02 Voting and Polling Places.

The Bond Referenda shall be conducted by the Board of Voter Registration and Elections of Beaufort County (the “*Election Commission*”). The voting precincts and polling places for each of such precincts shall be such precincts and polling places as established by law within the District.

Section 2.03 Ballot Questions.

The Election Commission is requested to conduct the Bond Referenda in accordance with South Carolina law. Upon approval by the Election Commission, the form of the ballots to be used in the Bond Referenda and the instructions to voters appearing thereon shall be in substantially the forms set forth at Appendix A below, with such other changes as may be deemed necessary by the Chairman of the Commission upon consultation with the Director of the Election Commission.

Section 2.04 Conduct of Referenda.

(a) The Election Commission shall conduct the Bond Referenda pursuant to Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina 1976, as amended and under the election laws of this State, *mutatis mutandis*.

(b) At the Bond Referendum, with regard to the authorization of the Bonds, all qualified electors desiring to vote in favor of the authorization of such Bonds for the stated purposes shall vote “yes”, and all qualified electors opposed to the issuance of such Bonds shall vote “no.” If a majority of the electors voting in the applicable Bond Referendum vote in favor of the authorization of Bonds, Bonds may be issued in accordance with Article X, Section 14, Paragraph (6) of the Constitution, to the extent of the authorization provided in such Bond Referendum.

Section 2.05 Notice of Bond Referenda.

Notice of the Bond Referenda (the “**Notice**”), substantially in the form set forth in Appendix B, shall be published in compliance with the provisions of Sections 7-13-35 and 4-15-50, of the Code of Laws of South Carolina 1976, as amended. The Chairman of the Commission shall be authorized to make such modifications or changes to the Notice as he shall deem necessary, including providing separate Notice for each Bond Referendum, and the published version thereof shall constitute conclusive evidence of the approval of the Notices by the County Council.

The Election Commission is authorized to change any of the locations of polling places for the Bond Referendum in accordance with State law as deemed necessary or advisable. In the event of such change, appropriate changes are to be made to the Notice.

Section 2.06 Registration and the Election Commission.

A certified copy of this Resolution shall be filed with the Election Commission, and the Election Commission is hereby requested as follows:

- (1) to join in the action of the District in providing for the Notice and the ballots in substantially the form contained herein;
- (2) to prescribe the forms of ballots to be used in the Bond Referenda;

- (3) to arrange for polling places for each precinct, or any part of a precinct within the District;
- (4) to appoint Managers of Election;
- (5) to provide a sufficient number of ballots or voting machines, as the case may be, for each Bond Referendum;
- (6) to conduct the Bond Referenda, receive the returns thereof, canvass such returns, declare the result of each Bond Referendum, and certify such results to the County Council; and
- (7) to take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Bond Referenda.

DONE AT BEAUFORT, SOUTH CAROLINA, this 14th day of August 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

(SEAL)

Joe Passiment, Chairman

Attest:

Sarah W. Brock, Clerk
County Council of Beaufort County

**APPENDIX A
FORM OF BALLOTS**

**OFFICIAL BALLOT FOR REFERENDUM
GENERAL OBLIGATIONS BONDS
FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA**

Precinct____
No. _____

Initials of Issuing Officer

Question

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$1,320,000 to defray the costs of acquiring, designing, constructing, renovating, and equipping fire service facilities, apparatus, equipment, and vehicles, to include, without limitation, station improvements, beach rescue equipment, squad trucks, and aerial apparatus; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
- No, opposed to the question

If you are in favor of the question, fill in the oval before the words “Yes, in favor of the question”; if you are opposed to the question, fill in the oval before the words “No, opposed to the question.”

OFFICIAL BALLOT FOR REFERENDUM
GENERAL OBLIGATIONS BONDS
FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA

Precinct____
No._____

Initials of Issuing Officer

Question

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$870,000 to defray the costs of repairing, reconstructing, and mitigating certain District revetments and related infrastructure; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
- No, opposed to the question

If you are in favor of the question, fill in the oval before the words “Yes, in favor of the question”; if you are opposed to the question, fill in the oval before the words “No, opposed to the question.”

OFFICIAL BALLOTS FOR REFERENDUM
GENERAL OBLIGATIONS BONDS
FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA

Precinct____
No._____

Initials of Issuing Officer

Question

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$3,060,000 to defray the costs of repairing, reconstructing, and improving the Fripp Inlet Bridge and related infrastructure, including, without limitation, bent retrofits and abutment protection; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
- No, opposed to the question

If you are in favor of the question, fill in the oval before the words “Yes, in favor of the question”; if you are opposed to the question, fill in the oval before the words “No, opposed to the question.”

APPENDIX B
FORM OF NOTICE OF REFERENDUM

NOTICE OF REFERENDUM
\$5,250,000 OF GENERAL OBLIGATION BONDS
FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that a Referendum will be held in the Fripp Island Public Service District, South Carolina (the “District”), on November 7, 2023, for the purpose of submitting to all persons qualified to vote in the District pursuant to the Constitution and laws of the State of South Carolina, the following questions:

Question #1

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$1,320,000 to defray the costs of acquiring, designing, constructing, renovating, and equipping fire service facilities, apparatus, equipment, and vehicles, to include, without limitation, station improvements, beach rescue equipment, squad trucks, and aerial apparatus; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
 No, opposed to the question

INSTRUCTIONS TO VOTER

If the voter wishes to vote in favor of the question, select “Yes, In Favor of the Question.” If the voter wishes to vote against the question, select “No, Opposed to the Question.”

Question #2

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$870,000 to defray the costs of repairing, reconstructing, and mitigating certain District revetments and related infrastructure; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
 No, opposed to the question

INSTRUCTIONS TO VOTER

If the voter wishes to vote in favor of the question, select “Yes, In Favor of the Question.” If the voter wishes to vote against the question, select “No, Opposed to the Question.”

Question #3

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “District”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$3,060,000 to defray the costs of repairing, reconstructing, and improving the Fripp Inlet Bridge and related infrastructure, including, without limitation, bent retrofits and abutment protection; capitalized interest during construction; and the costs of issuance of such general obligation bonds?

- Yes, in favor of the question
- No, opposed to the question

INSTRUCTIONS TO VOTER

If the voter wishes to vote in favor of the question, select “Yes, In Favor of the Question.” If the voter wishes to vote against the question, select “No, Opposed to the Question.”

The questions are being submitted pursuant to Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, Title 6, Chapter 11, Article 3 and Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended (the “South Carolina Code”), a resolution of the Commission of the District adopted on May 9, 2023, a resolution of the County Council of Beaufort County, South Carolina (the “County Council”) adopted on August 14, 2023, and an ordinance of the County Council enacted on August 14, 2023. If a majority of the qualified electors of the District voting in the Referendum approve the issuance of general obligations bonds of the District, such bonds as approved may be issued by the District either at one time as a single issue or from time to time as several separate issues. The proceeds of the bonds will be used for the purpose of defraying the costs set forth in the Questions.

Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the County and the District, and must be duly registered on the books of registration for the County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum.

Any person wishing to vote in this election must register:

In-person: No later than 5:00 p.m. Friday, October 6, 2023

Email, Fax, or Online: No later than 11:59 p.m. Sunday, October 8, 2023

By Mail: Must be postmarked by Tuesday, October 10, 2023

Beginning Monday, October 23, 2023, the Board of Voter Registration and Elections of Beaufort County will be open for early voting from 8:30 a.m. to 5:00 p.m. Monday - Friday until November 3, 2023. (Closed Sundays and holidays)

There are four (4) Early Voting Centers in Beaufort County:

<p>Board of Voter Registration and Elections of Beaufort County (Main office) 15 John Galt Rd Beaufort, SC 29906</p>	<p>Hilton Head Government Complex 539 William Hilton Pkwy Hilton Head Island, SC 29928</p>
<p>Bluffton Recreation Center - Gymnasium 61A Ulmer Rd Bluffton, SC 29910</p>	<p>St. Helena Branch Library 6355 Jonathan Francis Senior Rd St. Helena Island, SC 29920</p>

Voters will be asked to provide one of the following Photo IDs when voting in person.

- S.C. Driver’s License
 - Includes standard License and REAL ID
- S.C. Department of Motor Vehicles ID Card
 - Includes standard ID card and REAL ID
 - Includes SC Concealed Weapons Permit
- S.C. Voter Registration Card with Photo
- Federal Military ID
 - Includes all Department of Defense Photo IDs and Veterans Affairs Benefits Card
- U.S. Passport
 - Includes U.S. Passport ID Card

Voters should remember to bring one of these IDs with them to the polling place. Voters without Photo ID can get one free of charge from the Board of Voter Registration and Elections of Beaufort County office or the Department of Motor Vehicles. Voters who encounter an obstacle to getting a Photo ID should bring their paper voter registration card without a photo to their polling place. These voters can then sign an affidavit swearing to their identity and to their obstacle to obtaining a Photo ID and vote a provisional ballot. This ballot will count unless the Board of Voter Registration and Elections of Beaufort County has grounds to believe the affidavit is false. For more information on Photo ID, visit scVOTES.gov or call the Board of Voter Registration and Elections of Beaufort County at (843) 255-6900.

The polls shall be open from 7:00 a.m. until 7:00 p.m. at the polling places designated below and shall be open during those hours without intermission or adjournment. Appropriate vote recorders will be provided at the polling places for the casting of ballots on the aforesaid question. Managers of Election will be appointed by the Board of Voter Registration and Elections of Beaufort County. The precincts (or portions thereof) within the District and locations of the several polling places for such Referendum are as follows:

Precinct
Saint Helena 2C

Location
Fripp Island Community Center
205 Tarpon Blvd.
St. Helena Island SC 29920

The process for examining absentee ballot returns will begin at 1:00 p.m. on Sunday, November 5, 2023, at the Board of Voter Registration and Elections of Beaufort County office, 15 John Galt Rd, Beaufort, SC 29906.

At 10:00 a.m. on Thursday, November 9, 2023, the Board of Voter Registration and Elections of Beaufort County Board of Canvassers will hold a hearing to determine the validity of all provisional ballots cast in the Referendum. This hearing will be held at the main office, located at 15 John Galt Rd., Beaufort, SC 29906.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AMENDING ORDINANCE 2022/45 BY REMOVING THE PROPERTY LOCATED AT 68 HELMSMAN WAY WITH TMS NO. R552 010 000 0309 0000 AND OTHER MATTERS RELATED THERETO
MEETING NAME AND DATE:
Public Facilities and Safety Committee; June 26, 2023
PRESENTER INFORMATION:
Brittany Ward, County Attorney 5 Minutes
ITEM BACKGROUND:
PROJECT / ITEM NARRATIVE:
Beaufort County Council previously adopted Ordinance 2022/45 approving the conveyance of property between the Town of Hilton Head and Beaufort County. Following the completion of the County's due diligence, it was determined the Town does not own title to the property located at 68 Helmsman Way with TMS No. R552 010 000 0309 0000. The aforementioned property must be removed from the previously approved ordinance. Additionally, one of the properties was inadvertently misidentified and requires one of the 152 William Hilton Pkwy properties to be removed and replaced with the correct address of 150 William Hilton Pkwy.
FISCAL IMPACT:
<i>No fiscal impact.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends amending Ordinance 2022/45
OPTIONS FOR COUNCIL MOTION:
Motion to move forward to Council for first reading/approval.

AN ORDINANCE AMENDING ORDINANCE 2022/45 BY REMOVING THE PROPERTY LOCATED AT 68 HELMSMAN WAY WITH TMS NO. R552 010 000 0309 0000 AND OTHER MATTERS RELATED THERETO

WHEREAS, Beaufort County Council adopted Ordinance 2022/45 on October 24, 2022, authorizing the conveyance of several parcels of real property between Beaufort County (“County”) and the Town of Hilton Head (“Town”); and

WHEREAS, following completion of the County’s due diligence it was determined the Town does not hold title to the property located at 68 Helmsman Way, Hilton Head Island with TMS No. R552 010 000 0309 0000; and

WHEREAS, a parcel was inadvertently misidentified in Ordinance 2022/45 and requires the second “152 William Hilton Parkway, Hilton Head Island with TMS No. R511 007 000 0070 0000” to be removed and replaced with “150 William Hilton Parkway with TMS No. R511 007 000 0247 0000”; and

WHEREAS, the real property identified in Ordinance 2022/45 is to be amended as described above and the property to be removed is stricken through and the additional property is underlined as follows:

- 70 Baygall Road, Hilton Head Island with TMS No. R510 005 000 0005 0000
- 70 Baygall Road, Hilton Head Island with TMS No. R510 005 000 019G 0000
- 152 William Hilton Parkway, Hilton Head Island with TMS No. R511 007 000 0070 0000
- ~~152 William Hilton Parkway, Hilton Head Island with TMS No. R511 007 000 0070 0000~~
- 150 William Hilton Parkway with TMS No. R511 007 000 0247 0000
- 68 Helmsman Way, Hilton Head Island with TMS No. R552 010 000 0650 0000
- ~~68 Helmsman Way, Hilton Head Island with TMS No. R552 010 000 0309 0000~~
- 43 Jenkins Road, Hilton Head Island with TMS No. R510 006 000 001C 00000

WHEREAS, Beaufort County Council has determined that it is appropriate to amend Ordinance 2022/45 as stated above.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council hereby amends Ordinance 2022/45 by removing the property located at 68 Helmsman Way with TMS No. R552 010 000 0309 0000, and replace one of the properties described as “152 William Hilton Parkway with TMS No. R511 007 000 0070 0000” with “150 William Hilton Parkway with TMS No. R511 007 000 0247 0000”.

Adopted this ____ day of _____ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council