

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD

POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228

TELEPHONE: (843) 255-2000

FAX: (843) 255-9401

www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
ALICE G. HOWARD
WILLIAM L. MCBRIDE
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

GARY T. KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
DEPUTY COUNTY ADMINISTRATOR
SPECIAL COUNSEL

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA

COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, August 22, 2016

6:00 p.m.

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

Citizens may participate in the public comment periods and public hearings from telecast sites at County Council Chambers, Beaufort as well as Mary Field School, Daufuskie Island.

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Council Member Stu Rodman
5. PROCLAMATION
 - A. Civil Air Patrol Week
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes
 1. August 8, 2016 [caucus](#) and August 8, 2016 [regular session](#)
 - B. Committee Reports (next meeting)
 1. Community Services (September 26 at 3:00 p.m., Bluffton Branch Library)
 2. Executive (September 12 at 4:00 p.m., ECR)
 3. Finance (September 6 at 2:00 p.m., ECR)
 - a. Minutes – [August 8, 2016](#)
 4. Governmental (September 6 at 4:00 p.m., ECR)
 5. Natural Resources (September 19 at 2:00 p.m., ECR)
 - a. Minutes – [August 15, 2016](#)
 6. Public Facilities (September 19 at 4:00 p.m., ECR)
 - a. Minutes – [August 15, 2016](#)
 - C. Appointments to Boards and Commissions ([Backup](#))
7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



8. CONSENT AGENDA

A. AN ORDINANCE APPROVING A FINANCIAL INCENTIVE PACKAGE FOR HARRIS PILLOW SUPPLY, INC. ([Backup](#))

1. Consideration of first reading to occur August 22, 2016
2. Council approved a financial incentive package in the amount of \$225,000 to Harris Pillow Supply upon such terms as the County Administrator may negotiate in order to secure an economic expansion of their current manufacturing operations resulting in a total capital investment of \$2,100,000 and the creation of 25 new full time positions. Council approval occurred August 8, 2016 / Vote 10:0

B. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE SANTA ELENA PROJECT FOUNDATION AND TO TRANSFER FUNDS IN THE AMOUNT OF \$175,000 AS FOLLOWS: \$145,000 2015 (GENERAL FUND), 2016 (GENERAL FUND), 2017 (G.G. DOWLING) / PARKING PAYMENTS TO BE MADE BY BEAUFORT COUNTY ON BEHALF OF SANTA ELENA PROJECT FOUNDATION) AND \$30,000 TO THE SANTA ELENA FOUNDATION FOR HVAC, ELEVATOR, AND OTHER CAPITAL MAINTENANCE OF THE FEDERAL COURTHOUSE BUILDING ([Backup](#))

1. Consideration of first reading to occur August 22, 2016
2. Finance Committee discussion and recommendation to approve ordinance on first reading occurred August 8, 2016 / Vote 6:0

C. APPROPRIATION OF FUNDS NOT TO EXCEED \$100,000 FROM THE BLUFFTON FIRE IMPACT FEES TO THE BLUFFTON TOWNSHIP FIRE COMMISSION TO PAVE THE ACCESS ROAD FROM HAMPTON PARKWAY TO FIRE STATION #38 IN THE HAMPTON LAKES/BLUFFTON PARKWAY AREA ([Backup](#))

1. Finance Committee discussion and recommendation to appropriate funds not to exceed \$100,000 from the Bluffton Fire impact fees to the Bluffton Township Fire Commission to pave the access road from Hampton Parkway to fire station #38 in the Hampton Lakes/Bluffton Parkway area. Approval occurred August 8, 2016 / Vote 6:0
2. Bluffton Township Fire District Commission discussion and recommendation to use \$100,000 of impact fee funds to pay for its share of the road paving and utilities. Approval occurred June 21, 2016 / Vote 7:0

D. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH ([Backup](#))

1. Consideration of first reading to occur August 22, 2016
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:1
3. Stormwater Management Utility Board discussion and recommendation to approve the text amendments occurred June 8, 2016 / Vote 7:0

- E. AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000 (CREG GREEN / ABANDONING THE COUNTY'S RIGHTS TO THE TWO EASEMENTS GRANTED BY MCAS BEAUFORT IN 2013, LEAVING ONLY THE NEW, SHORTER EASEMENT ON RECORD) ([Backup](#))
1. Consideration of first reading to occur August 22, 2016
 2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0
- F. A RESOLUTION OF BEAUFORT COUNTY COUNCIL ENDORSING THE RURAL AND CRITICAL LANDS PRESERVATION PROGRAM, READINESS AND ENVIRONMENTAL INTEGRATION (REPI) FEE LAND NATURAL RESOURCE MANAGEMENT PLAN ([Backup](#))
1. Consideration of first reading to occur August 22, 2016
 2. Natural Resources Committee discussion and recommendation to adopt a resolution occurred August 15, 2016 / Vote 7:0
 3. Rural and Critical Lands Preservation Board discussion and recommendation Council approve the Marine Corps Air Station Beaufort Natural Resources Management Plan and accept the \$2.0 million Readiness and Environmental Protection Integration (REPI) Fee Land Program funds. Approval occurred August 11, 2016 / Vote 7:0.
- G. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY (SCE&G EASEMENT REQUEST AT BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX) AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY (SCE&G REQUEST FOR THREE UTILITY EASEMENTS AT BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX) ([Backup](#))
1. Consideration of first reading to occur August 22, 2016
 2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0
- H. ACCEPTANCE OF AN EASEMENT AGREEMENT FOR SEGMENT 7 (ROSEIDA ROAD TO CLARENDON ROAD) OF THE SPANISH MOSS TRAIL (TO SAFELY CONDUCT TRAIL USERS THROUGH THE HIGHWAY US 21 AND LAUREL BAY ROAD (S-7-116) INTERSECTION) ([Backup](#))
1. Public Facilities Committee discussion and recommendation to accept the easement agreement for Segment 7 of the Spanish Moss Trail occurred August 15, 2016 / Vote 7:0
- I. AN ORDINANCE OF COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV, DISASTER RECOVERY AND RECONSTRUCTION
1. Consideration of first reading to occur August 22, 2016 ([Backup](#))
 2. Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 6:0

J. APPROVAL OF HUMAN SERVICES BUILDING BRICK VENEER REPAIR AND CHANGE ORDER REQUEST WITH WEATHERPROOFING TECHNOLOGIES, INC. (Backup)

1. Current contract: Weatherproofing Technologies, Inc., Beachwood, Ohio
2. Change order amount: \$179,967
3. Funding source: Account 40090011-54420, 2014A General Obligation Bonds, Renovation Existing Buildings
4. Public Facilities Committee discussion and recommendation to award contract occurred August 15, 2016 / Vote 7:0

K. APPROVAL OF SOLE SOURCE CONTRACT FOR TRANSPORTATION SERVICES LOWCOUNTRY REGIONAL TRANSPORTATION AUTHORITY D/B/A PALMETTO BREEZE TRANSIT FOR TWO ROUTES IN NORTHERN BEAUFORT COUNTY IN THE AMOUNT OF \$101,000 (Backup)

1. Contract award: LRTA (d//b/a Palmetto Breeze Transit), Bluffton, South Carolina
2. Contract amount: \$101,000
3. Funding source: GL Account 24420011-51230, Disabilities and Special Needs Adult Services-Transportation. These funds are a combination of SCDOT federal grant funds and DSN Program dollars.
4. Community Services Committee discussion and recommendation to occur Monday, August 22, 2016 beginning at 3:30 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island

10. PUBLIC HEARING – 6:30 P.M.

A. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2016/15, FY 2016-2017 BEAUFORT COUNTY BUDGET SO AS TO REELECT A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$112,075 IN ORDER TO PROVIDE FOR ENHANCED LEVELS OF SERVICE FOR DAUFUSKIE ISLAND FERRY (Backup)

1. Consideration of third and final reading to occur August 22, 2016
2. Second reading occurred August 8, 2016 / Vote 10:0
3. First reading occurred July 25, 2016 / Vote 9:0
4. Council adopted Resolution 2016/12 which resolved to pass an ordinance providing a supplemental appropriation to the FY 2016-2017 budget. Approval occurred June 27, 2016 / Vote 11:0
5. Finance Committee discussion and recommendation to adopt a resolution which resolves to pass an ordinance providing a supplemental appropriation to the FY 2016-2017 budget. Approval occurred June 27, 2016 / Vote 7:0

B. CLARIFYING BOUNDARY LINE BETWEEN JASPER AND BEAUFORT COUNTIES LOCATED AT S.C. HIGHWAY 170 (INCLUDES PRESENTATION BY S.C. GEODETIC SURVEY OFFICE) (Backup)

1. Consideration of a resolution consenting to the proposed annexation of certain property along the Beaufort County – Jasper County boundary consisting of 5.95 acres of land from Jasper County to Beaufort County, and the annexation of certain other properties along the Beaufort County – Jasper County boundary consisting of 22.34 acres from Beaufort County to Jasper County.

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
August 8, 2016

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

A caucus of the County Council of Beaufort County was held Monday, August 8, 2016 beginning at 5:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride, Stewart Rodman and Roberts "Tabor" Vaux. Rick Caporale absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council go immediately into executive session to discuss economic development prospects Project Eagle, Project Abacus, and Project Cozy as well as receipt of legal advice for pending or threatened claims – Jeffrey D. Smith, et al. vs. Beaufort County and Bluffton Township Fire District. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

Official Proceedings
County Council of Beaufort County
August 8, 2016

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

The regular session of the County Council of Beaufort County was held Monday, August 8, 2016 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, William McBride, Stewart Rodman and Roberts "Tabor" Vaux. Rick Caporale absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Alice Howard gave the Invocation.

MOMENT OF SILENCE

Margaret Ann Gatch

The Chairman called for a moment of silence in remembrance of Margaret Ann Gatch, wife of John Gatch, Jr., who died Thursday, August 4, 2016 at the Medical University of South Carolina in Charleston. Margaret Ann served as a member of the Disabilities and Special Needs Board for 12 years.

Rupert Burnett Williams

The Chairman called for a moment of silence in remembrance of Rupert Burnett Williams, 68, husband of Janice Peschier Williams, who died Thursday, July 28, 2016 at the Medical University of South Carolina in Charleston. As a member of the Beaufort community, he refereed intramural sports for 20 years. He served as a member of the Beaufort County Voter Registration and Election Commission for 11 years.

The Chairman passed the gavel to the Vice Chairman in order to receive the administrative consent agenda.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held July 25, 2016

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve the minutes of the caucus held July 25, 2016. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. ABSTAIN – Mr. McBride. The motion passed.

Review of the Proceedings of the Regular Session held July 25, 2016

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve the minutes of the regular session held July 25, 2016. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. ABSTAIN – Mr. McBride. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Jerry Burris, a resident of Lady's Island, who asked Council to table consideration of a contract award to Carolina Tree Care for Runway 7 (approach obstruction tree removal) at the Beaufort County Airport (Lady's Island), until Council can verify the airport is following the necessary laws and guidelines. Who waived the mitigation plans for all trees removed from this project? The FAA allocated more than \$100,000 for mitigation that was never completed. There were 2,000 trees removed with over a 1,000 of those protected. Who allowed the County to remove those protected trees?

NEW BUSINESS

PRESENTATION / USC-BEAUFORT SMALL BUSINESS DEVELOPMENT CENTER

Mr. Martin Goodman, Executive Director, and Ms. Pat Cameron, Business Consultant, USC-Beaufort Small Business Development Center (SBDC), explained that the SBDC is a federal, state and local program that provides one-on-one business consulting at no charge. The program is available in all 50 states and U.S. territories. SBDC assists new business owners as well as existing business owners. SBDC helps entrepreneurs market research data, develop financial projections and analysis, prepare business plan(s), prepare and package loan documents, set-up bookkeeping (QuickBooks® training), set-up payroll and payroll tax training, prepare license and permit data applications, and answer general business questions. Existing business services include assistance with loan packages, business analysis, strategic planning, buying and selling business, financial analysis, human resource assistance, employee manuals, payroll tax assistance, and assistance with government contracting and procurement. In 2015 and 2016

(through July), the Beaufort and Hilton Head Area Small Business Development Centers spent more than 1,257 hours assisting 302 clients/citizens, starting 27 new business, generating \$3.3 million in capital formation, and creating 81 jobs.

CONSENT AGENDA

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2016/15, FY 2016-2017 BEAUFORT COUNTY BUDGET SO AS TO REFLECT A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$112,075 IN ORDER TO PROVIDE FOR ENHANCED LEVELS OF SERVICE FOR DAUFUSKIE ISLAND FERRY

This item comes before Council under the Consent Agenda. Discussion occurred at the June 27, 2016 meeting of the Finance Committee.

It was moved by Mr. Rodman, seconded by Mrs. Bensch, that Council approve on second reading an ordinance to amend Beaufort County Ordinance 2016/15, FY 2016-2017 Beaufort County Budget, to reflect a supplemental budget appropriation in the amount of \$112,075 in order to provide for enhanced levels of service for Daufuskie Island Ferry. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing on Monday, August 22, 2016 beginning at 6:30 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island.

RUNWAY 7 APPROACH OBSTRUCTION TREE REMOVAL BEAUFORT COUNTY AIRPORT (LADY'S ISLAND)

This item comes before Council under the Consent Agenda. Discussion occurred at the August 8, 2016 meeting of the Finance Committee.

It was moved by Mr. Rodman, seconded by Mrs. Bensch, that Council award a contract to Carolina Tree Care, LLC, Summerton, South Carolina in the amount of \$355,066 (\$199,400 Carolina Tree Care, \$115,666 Talbert, Bright and Ellington, \$40,000 project arborist) for Runway 7 approach obstruction tree removal at the Beaufort County Airport (Lady's Island). The sources of funding are 90% FAA grant, 5% SCAC grant, 5% Beaufort County Airport Capital Projects Fund. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

EXTERNAL AUDITING AND CONSULTING SERVICES FOR FISCAL YEARS 2016, 2017 AND 2018

It was moved by Mr. Rodman, seconded by Mrs. Bensch, that Council award a contract to Mauldin & Jenkins, Macon, Georgia in the amount of \$173,500 for external auditing and consulting services for fiscal years 2016, 2017 and 2018. The sources of funding are General Fund Accounts 10001100-51160, County Administrator, Professional Services; 10001111-51160, Finance, Professional Services. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

MATTERS ARISING OUT OF EXECUTIVE SESSION

Harris Pillow Supply, Inc.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council approve a financial incentive package in the amount of \$225,000.00 to be awarded to Harris Pillow Supply, Inc. upon such terms as the County Administrator may negotiate in order to secure an economic expansion of their current manufacturing operations resulting in a total capital investment of \$2,100,000 and the creation of 25 new full time positions. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

PUBLIC HEARING

LADY’S ISLAND MAP AMENDMENT / REZONING REQUEST FOR R200 010 000 0022 0000 (KNOWN AS GREENHEATH PLANNED UNIT DEVELOPMENT (PUD), 98.35 ACRES OFF BRICKYARD POINT ROAD AND FIDDLER DRIVE) FROM PUD TO LADY’S ISLAND COMMUNITY PRESERVATION (LICP) DISTRICT

The Chairman opened a public hearing beginning at 6:31 p.m. for the purpose of receiving public comment on a rezoning request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD), 98.35 acres off Brickyard Point Road and Fiddler Drive) from PUD to Lady’s Island Community Preservation (LICP) District. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:32 p.m.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve on third and final reading a rezoning request for R200 010 000 0022 0000 (known as Greenheath Planned Unit Development (PUD), 98.35 acres off Brickyard Point Road and Fiddler Drive) from PUD to Lady’s Island Community Preservation (LICP) District. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:35 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified

DRAFT

FINANCE COMMITTEE

August 8, 2016

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

The Finance Committee met Monday, August 8, 2016 beginning at 3:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Steven Fobes and members Cynthia Bensch, Brian Flewelling, William McBride, and Stu Rodman. Non-committee members Gerald Dawson, Alice Howard, Paul Sommerville and Roberts "Tabor" Vaux present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Jim Beckert, Auditor; Phil Foot, Assistant County Administrator–Public Safety; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator–Finance; Greg Hunt, Mosquito Control Director; Tom Keaveny, County Attorney; Colin Kinton, Division-Director, Transportation Engineering; Gary Kubic, County Administrator; Jon Rembold, Airports Director, and Maria Walls, Treasurer.

Media: Joe Croley, *Lowcountry Inside Track*.

Public: Andy Beall, Executive Director, Santa Elena Foundation; Paul Boulware, Deputy Chief of Administration, Bluffton Township Fire District; Sharon Burris, resident of Lady's Island; Jerry Burris, Sea Island Parkway property owner; Paul Butare, Transportation Committee Chairman, Lady's Island Business and Professional Association; Chester DePratter, Research Professional, South Carolina Institute of Archeology and Anthropology; Greg Dyson, Community Leader, Santa Elena Foundation; Shannon Erickson, District 124 House Representative; Jack Klimp, Santa Elena Foundation; Dr. Martha Moriarty, Associate Vice Chancellor, University of South Carolina-Beaufort and member of the Santa Elena Foundation; Megan Myers, Santa Elena Foundation; Bill Prokop, City Manager, City of Beaufort; Larry Rowland, historian and author, Santa Elena Foundation; John Thompson, Chief, Bluffton Township Fire District; and Rob Wells, Beaufort Regional Chamber of Commerce.

Councilman Stewart chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **Runway 7 Approach Obstruction Tree Removal Beaufort County Airport (Lady's Island)**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mrs. Alicia Holland, Assistant County Administrator–Finance, reviewed this item with the Committee. Beaufort County issued an Invitation to Bid to contractors capable of providing the requisite services associated with removing obstructions that currently penetrate Runway 7 aircraft approach surfaces. Execution of this project allows the airport to operate more efficiently because operational constraints can be removed when the surfaces are free of obstructions. The bids were reviewed and evaluated by staff and it was determined that Carolina Tree Care, LLC of Summerton, South Carolina, was the lowest responsible/responsive bidder, in the amount of \$199,400. An additional fee of \$115,666 would go to Talbert, Bright, and Ellington, Columbia, South Carolina, for construction administration/resident project representative fee, and \$40,000 for arborist services. Funding would be applied as follows: 90% via FAA Grant, 5% via SCAC Grant, and 5% via Beaufort County Airport Capital Projects Fund.

Motion: It was moved by Mr. Rodman, seconded by Mr. Fobes, that Committee approve and recommend Council award a contract to Carolina Tree Care, LLC. of Summerton, South Carolina in the amount of \$199,400 to perform the required construction services, award a contract to Talbert, Bright, and Ellington, of Columbia, South Carolina in the amount of \$115,666 for construction administration/resident project representative fee, and an additional allowance of \$40,000 for project arborist services. Funding would be applied as follows: 90% via FAA Grant, 5% via SCAC Grant, and 5% via Beaufort County Airport Capital Projects Fund. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council award a contract to Carolina Tree Care, LLC. of Summerton, South Carolina in the amount of \$199,400 to perform the required construction services, award a contract to Talbert, Bright, and Ellington, of Columbia, South Carolina in the amount of \$115,666 for construction administration/resident project representative fee, and an additional allowance of \$40,000 for project arborist services. Funding would be applied as follows: 90% via FAA Grant, 5% via SCAC Grant, and 5% via Beaufort County Airport Capital Projects Fund.

2. Consideration of Contract Award

- **Request Purchase Helicopter Main Rotor Hub for Beaufort County Mosquito Control (> \$100,000)**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mrs. Alicia Holland, Assistant County Administrator–Finance, reviewed this item with the Committee. The Purchasing Department received a request from the Mosquito Control Director to purchase one McDonnell Douglas main rotor hub through Southeast Helicopters, Inc., Saluda, South Carolina. This FAA approved and McDonnell Douglas certified service center, will replace the manufacturer’s time-limited hub on the McDonnell Douglas 500-D helicopter. Overall, Mosquito Control operates this aircraft throughout a high corrosion environment. The total cost is \$98,000 and will come from account 10001400-5112B, Mosquito Control – Helicopter Repairs.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve the purchase of a main rotor hub for \$98,000 through Southeast Helicopters, Inc., Saluda, South Carolina. Funding will come from account 10001400-5112B, Mosquito Control – Helicopter Repairs. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Committee approved the purchase of a main rotor hub for \$98,000 through Southeast Helicopters, Inc., Saluda, South Carolina. Funding will come from account 10001400-5112B, Mosquito Control – Helicopter Repairs.

3. Consideration of Contract Award

- **External Auditing and Consulting Services for Fiscal Years 2016, 2017 and 2018 (> \$100,000)**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mrs. Alicia Holland, Assistant County Administrator–Finance, reviewed this item with the Committee. The Purchasing Department issued a Request for Proposals for External Financial Audit Services, including a required Single Audit of federal expenditures, Agreed Upon Procedures for the Beaufort County Disabilities and Special Needs Department and a Passenger Facility Charge (PFC) Audit for the Hilton Head Island Airport for three fiscal years, 2016, 2017 and 2018. There were six Certified Public Accounting (CPA) firms that responded with a proposal. An evaluation committee evaluated the proposals and Mauldin and Jenkins, LLC, Macon, Georgia was selected as the number one ranked firm and was interviewed for further information. Funding will come from account 10001100-51160, County Administrator, Professional Services and account 10001111-51160, Finance, Professional Services.

Motion: It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Committee approve and recommend Council award a contract Mauldin & Jenkins, Macon, Georgia in the amount of \$173,500 to provide auditing and consulting services, for the three (3) fiscal years of 2016, 2017 and 2018. Funding will come from account 10001100-51160, County Administrator, Professional Services and account 10001111-51160, Finance, Professional Services. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council award a contract Mauldin & Jenkins, Macon, Georgia in the amount of \$173,500 to provide auditing and consulting services, for the three fiscal years of 2016, 2017 and 2018. Funding will come from account 10001100-51160, County Administrator, Professional Services and account 10001111-51160, Finance, Professional Services.

4. Santa Elena Project Foundation / Authorize \$175,000 Accommodations (3% Hospitality) Tax to the Santa Elena Project Foundation: \$145,000 2015 (General Fund), 2016 (General Fund), 2017 (G.G. Dowling) / parking payments to be made by Beaufort County on behalf of Santa Elena Project Foundation / and \$30,000 to the Santa Elena Foundation for HVAC, elevator, and other capital maintenance of the Federal Courthouse Building

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Andy Beall, Executive Director, Santa Elena Foundation, presented the Committee with a PowerPoint presentation that provided an overview of the accomplishments to date. A summary of the impact is as follows:

- 5,500 total visitors since November 2015
- 7,400 EL GALEON visitors
- 1,490 paid admissions since April 30
- 957 paid program participants
- 3,300 recorded volunteer hours
- Six regular community activities at History Center building
- National-level media coverage

Mr. Beall also provided an overview of the needs of the Foundation moving forward as follows:

- \$130,000 – Exhibit Expansion (Phase II) to tell more of the story will include historic objects and require infrastructure upgrades. Private funding campaign and grant requests underway with over \$50,000 committed.
- \$48,000 – Parking lease
- \$30,000 – Capital maintenance on building – air conditioning repairs (\$17,000), elevator repair (\$8,000), and active security system (\$5,000)

Motion: It was moved by Mr. Fobes, seconded by Mr. Flewelling, that Committee approve and recommend Council approve on first reading an ordinance to appropriate funds, not to exceed \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Project Foundation, and to transfer funds in the amount of \$175,000 as follows: \$145,000 2015 (General Fund), 2016 (General Fund), 2017 (G.G. Dowling) for parking payments to be made by Beaufort County on behalf of Santa Elena Project Foundation, and \$30,000 to the Santa Elena Foundation for HVAC, elevator, and other capital maintenance of the Federal Courthouse Building. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council approve on first reading an ordinance to appropriate funds, not to exceed \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Project Foundation, and to transfer funds in the amount of \$175,000 as follows: \$145,000 2015 (General Fund), 2016 (General Fund), 2017 (G.G. Dowling) for parking payments to be made by Beaufort County on behalf of Santa Elena Project Foundation, and \$30,000 to the Santa Elena Foundation for HVAC, elevator, and other capital maintenance of the Federal Courthouse Building.

5. Request from Bluffton Township Fire District to use \$100,000 in Fire Impact Fees to pave the access road from Hampton Parkway to the fire station in the Hampton Lake/Bluffton Parkway area

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Paul Boulware, Deputy Chief of Administration, Bluffton Township Fire District, reviewed this item with the Committee. The Bluffton Township Fire District (Fire District) owns approximately three acres of property adjacent to River Ridge Academy for the purpose of constructing its future Station #38. The property was purchased in October of 2011. When the property was purchased, the Fire District entered into an agreement with the Beaufort County School District to share in the cost of a paved road as well as utility costs from the approved encroachment point on Hampton Parkway to the fire station site. Fire Station #38, when built, will serve all of the Hampton Lake area, portions of Buckwalter Parkway down to May River Road, portions of Sun City, and portions of Bluffton Parkway and S.C. Highway 170. Growth in the area, especially in the Hampton Lake community, is forcing the issue that the new station will soon need to be constructed. In fact, portions of Hampton Lake currently under construction are reaching the 4.5 mile distance from the closest District fire station, which indicates there will soon be an ISO issue with insurance rates. The plans for Hampton Lake indicate it will exceed the ISO mandated five-mile rule within the next 24 to 30 months, which means construction of the new station will be required. The construction of the station is included in the current Strategic Plan for the Fire District and administration will be bringing the project forward in the next six months for Council review.

This project involves paving a section of road from Hampton Lake Drive, approximately 2,250 feet long, to the site for the new fire station. The School District will continue the paving

at its full cost from that point on to the school facility. The project also involves approximately 875 linear feet of water line that will eventually serve the fire station as well as the necessary gravity sewer line for the station. The School District is contracting the project since they are ready for the road and the new school building has already been constructed.

The prices agreed upon is \$100,000, based upon and estimates provided by the School District from its contractor and includes all applicable taxes, fees and permits. This project will be funded from the Fire District's Impact Fee Account 73080005-10400.

Motion: It was moved by Mr. Fobes, seconded by Mrs. Rodman, that Committee approve and recommend to Council the appropriation of funds not to exceed \$100,000 from the Bluffton Township Fire District's Impact Fees to the Bluffton Township Fire Commission to pave the access road from Hampton Parkway to Fire Station #38 in the Hampton Lake/Bluffton Parkway Areas. The source of funding is Bluffton Township Fire District's Impact Fee account 73080005-10400. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council appropriate funds not to exceed \$100,000 from the Bluffton Township Fire District's Impact Fees to the Bluffton Township Fire Commission to pave the access road from Hampton Parkway to Fire Station #38 in the Hampton Lake/Bluffton Parkway Areas. The source of funding is Bluffton Township Fire District's Impact Fee account 73080005-10400

6. Consideration of Reappointments and Appointments / Airports Board

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee approve and recommend Council nominate Richardson Sells, Hilton Head Island Town Council appointee, for reappointment to serve as a member of the Airports Board. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. McBride, Mr. Rodman and Mr. Stewart. NAYS – Mr. Fobes. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council nominate Richardson Sells, Hilton Head Island Town Council appointee, for reappointment to serve as a member of the Airports Board.

7. Consideration of Reappointments and Appointments / Burton Fire District Commission

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mr. Fobes, seconded by Mr. Rodman, that Committee approve and recommend Council nominate Madison Chisum for appointment to serve as a member of the Burton Fire District Commission. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council nominate Madison Chisum for appointment to serve as a member of the Burton Fire District Commission.

INFORMATION ITEMS

8. Request from City of Beaufort to Use Road Impact Fees from the Lady's Island Walmart to conduct a Traffic Study

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Bill Prokop, Beaufort City Manager, reviewed this item with the Committee. This is a request from the City of Beaufort to use some of the impact fees from Walmart to offset the cost of a Traffic Study that will benefit all of Lady's Island development. A committee was put together by State Representative Shannon Erickson and included the SCDOT, Beaufort County, City of Beaufort, and members of the northern Beaufort County Planning group. The purpose was to determine the overall impact that both commercial and residential growth was having on Lady's Island in the short- and long term.

It was decided by the group that the best approach was to conduct an overall traffic study. The City issued an RFP and Ward Edwards was selected as the successful contractor. The City and the County had further discussion and it was agreed to propose the cost of the traffic study to be paid out of the transportation impact fees that will be paid by Walmart. The fees estimated from Walmart will be in excess of \$288,836 and the cost of the Traffic Study is \$87,645.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve an expenditure of \$87,645 of Transportation Impact Fee to conduct a Traffic Study to determine the overall impact that both commercial and residential growth is having on Lady's Island in the short- and long term.

Questions and concerns of the Committee were as follows:

- Regarding the \$288,836 in Transportation Impact Fees fund to pay for infrastructure needs within the County, if the State or the City is of the opinion this is a valuable need, then they should pay for it or have a larger share of the financial responsibility.
 - Mr. Josh Gruber stated the County has two traffic related impact fees – Northern Impact Fees and Southern Impact Fees. The particular monies we are looking at would come from the Northern Impact Fees. The way the ordinance is set up, new development pays, based upon the square footage and type of development, as a direct correlation to offset the increases in traffic and needs. The fees can be expended on any CIP project in northern Beaufort County.
- The County has already expended a large sum of funds (not impact fees) for improvements on Sam's Point Road, Sea Island Parkway, and U.S. Highway 17 in anticipation of growth. The City is the entity that will receive the business license fees, real estate and ad valorem taxes annually, not Beaufort County.
 - Mr. Prokop stated residential developments within the County will be driving on this road, not just to get to Walmart. The County is picking up an unbudgeted \$288,836, which is unfair compared to the City's portion.
- It is understood that the study needs to be done. It is understood that we need to anticipate and work towards this. This area in question has been annexed from Beaufort County into the City of Beaufort. There has been discussion on this issue since April 2016 and, it was said then that the funding would come from impact fees. It has been reported to the media that the Finance Committee has approved such use of funding, which is inaccurate.
 - Mr. Prokop asked if Council always believes what is written in the newspaper.
- If this need was discussed in April, why was it not included in the City of Beaufort's budget? When a parcel of land has been annexed, it becomes the responsibility of the annexing party to take care of the needs.
 - Mr. Prokop responded that this specific need was not discussed, but there is money in the Planning budget.
- Beaufort County put forth approximately \$1.7 million in impact fees for the Boundary Street Project. If there is any overrun on the Boundary Street Project, there are no other monies, other than these impact fees, to pick up such costs. That Project will not be complete for another 1.5 to 2 years. The concern is using this fund to pay for the Study, thereby substantially reducing the funds if, or when, the need arises. It is in the report of the meetings, that the SCDOT opined this is a great project, but that they are cash strapped. The County is cash strapped too. We do not need to support all of it, and the use of impact fees is not appropriate. Also, most likely following the completion of the study, there will be road improvement recommendations that will require funding, but, how? They need to come out of those impact fees.

- Typically, a developer pays for these studies. What is so different about this study?
 - Mrs. Howard stated the City and the Zoning Board of Appeals fought the conditions of this project- - five years and a lawsuit later, Walmart won.
- The County should share some responsibility, but this is not an impact fee requirement. It is a planning requirement. The amount of taxes from this Walmart will be significant.
- We are a player and participant, but to be asked to front the entire bill, makes no sense.

Motion: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee postpone consideration of an \$87,645 expenditure of Transportation Impact Fee to conduct a Traffic Study to determine the overall impact that both commercial and residential growth is having on Lady's Island in the short- and long term until the next meeting of the Finance Committee. The vote: YEAS – Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Caporale. The motion passed.

Status: This item was postponed until the next meeting of the Finance Committee.

9. Update / Available 2016 Accommodations (2% State) Tax Monies

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mrs. Alicia Holland, Assistant County Administrator–Finance, reviewed this item with the Committee. State Accommodations Tax (2%) revenues and expenditures balance is \$273,673 for the fiscal year ended June 30, 2016. The funds available for the Accommodations (2% State) Tax Board allocation will be discussed at the September 6, 2016 meeting of the Finance Committee.

Status: Funds available for Accommodations (2% State) Tax Board allocation will be discussed at the September 6, 2016 Finance Committee Meeting.

10. State Grant Daufuskie Island Ferry Services

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Committee Chairman Jerry Stewart provided a brief overview of this item. Beaufort County has received an \$80,000 grant from the State this year. There have been discussions regarding the costs to administer this grant being onerous. The question is whether we want to continue with the State grant in future years or take on the responsibility of covering the additional amount.

Mr. Gary Kubic, County Administrator, asked staff to provide a ten-year history of funds received from the State:

- \$50,000 – fiscal years 2008 through 2014
- \$75,000 – fiscal year 2015
- \$80,000 – fiscal years 2016 and 2017

Staff is asking that the Finance Committee to take a serious look into eliminating this State grant. Four years ago, he provided Council an estimated cost of \$500,000 to provide a stable, financial model for ferry transportation. Today we are providing \$400,000 and, will be at \$500,000 with the elimination of the grant.

In order to have a complete understanding of the networking between the private sector, the new financial model, the County and the State, there will be a team meeting to delineate and outline the totality of the requirements and what is necessary for the Daufuskie Ferry system. This meeting will occur next week.

Mr. Kubic suggested to members of the Legislative Delegation that if they are considering a gas tax change, they should consider conducting an assessment/evaluation of all ferry systems, throughout South Carolina, funded with public money, and to allow, perhaps, a dividend of one penny to be rerouted solely to the purpose of ferry transportation, thereby eliminating the local burden.

Status: Information only.

NATURAL RESOURCES COMMITTEE

August 15, 2016

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

The Natural Resources Committee met Monday, August 15, 2016 beginning at 2:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Alice Howard and members Gerald Dawson, Steven Fobes, William McBride, Jerry Stewart and Roberts "Tabor" Vaux present. Non Committee members Cynthia Bensch, Rick Caporale and Stu Rodman present.

County Staff: Tony Criscitiello, Planning Director; Amanda Flake, Natural Resources Planner; Joshua Gruber, Deputy County Administrator/Special Counsel; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; Eric Larson, Division Director-Environmental Engineering; Dan Morgan, Mapping and Applications; and Rob Merchant, Long-Range/Development Review Planner.

Public: Reed Armstrong, Coastal Conservation League; Colleen Barrett, Marine Corps Air Station Beaufort; Mike Covert, resident of Bluffton; Lee Graves and Robert Graves, Pepper Hall Plantation property owners; Barry Johnson, Graves Family attorney; Lisa Lord, Director of Land Conservation, Beaufort County Open Land Trust; Ed Pappas, Planning Commissioner; and Rick Sweet, a resident of Bluffton.

Media: Joe Croley, *Lowcountry Inside Track*.

Mrs. Howard chaired the meeting.

ACTION ITEM

1. An Ordinance Authorizing the Relinquishment of Easements Encumbering Property Identified as TMS No. R100 028 000 0381 0000 (Creg Green)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, reviewed this item with the Committee. This is an ordinance that will allow property owner, Creg Green, to deed to Beaufort County a 30' drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 0000 in exchange for the County relinquishing two

30' drainage easements on the southern and eastern property line of property identified as TMS No. R100 028 000 0381 0000.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Natural Resources Committee recommend Council approve on first reading an ordinance authorizing the relinquishment of easements encumbering property identified as TMS No. R100 028 000 0381 0000 (Creg Green). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading an ordinance authorizing the relinquishment of easements encumbering property identified as TMS No. R100 028 000 0381 0000 (Creg Green).

2. An Ordinance to Amend the Stormwater Management Utility Ordinance as Adopted September 28, 2015 to provide for Amendment of the Rate Structure Applicable to Parcels Related to Condominiums, Submerged Properties, and Parcels Contiguous to Salt Water Marsh

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, reviewed this item with the Committee. Since the implementation of the new rate structure approved in 2015, the Stormwater Utility staff has been dealing with three types of problems with collections of Stormwater Utility (SWU) fees which are as follows:

- A. Submerged properties – These accounts do not get a tax bill due to their nature of being lost to erosion. However, the new billing structure created a need to bill for administrative fees and gross area charges. Recognizing this issue, a revision of the Credit manual effectively waived the gross acre charge, leaving only the administrative fee of \$12 per account. Some owners were still upset with the new fee. We have been manually making adjustments to remove the administrative fee as owners contact us. One of the issues is that the owners are unaware they even still own the property, thinking it is lost to the sea and owned by the government. Therefore, the County is creating a Trust that can accept ownership of these lots via Quit Claim. Fees will be credited based on the new Credit Manual or waived by the County once the property is transferred. The revision of the ordinance will remove the administrative fee even if the owner chooses not to transfer the property to the County.
- B. Marshland/Wetland – The revision to the Credit Manual solved the issue of billing gross area to these permanently undevelopable parcels, or portion therefore. However, administrative fees still remain an issue. The revision of the ordinance will remove the administrative fee if the account is 100% undevelopable due to salt water marshland or freshwater wetlands.

- C. Condominiums - Condos are located on “master account” lots. These lots are shared by the owners. Taxes on the master account are zero with all the value on the condo unit. However, the new rate structure began charging the master account an administrative fee and gross area charge. We have found that many master accounts were never properly transferred to a POA or entity that can receive the bill and pay the fees. As a result, the fee is not collectable. The revision of the ordinance will create a nominal GA fee per condo, created by an analysis of the average parcel size and condo unit count ratio. The revenue generated by the proposed method is similar to that calculated under the new rate structure, but will be charged to a viable parcel owner.

As a result of these issues, staff is proposing a minor change to the Stormwater Ordinance to handle billing of condos and master accounts, and to exempt fees on marsh, wetland, and submerged properties.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Natural Resources Committee recommend Council approve on first reading an ordinance to amend the Stormwater Management Utility Ordinance, as adopted September 28, 2015, to provide for amendments of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to salt water marsh. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Stewart. ABSTAIN –Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading an ordinance to amend the Stormwater Management Utility Ordinance, as adopted September 28, 2015, to provide for amendments of the rate structure applicable to parcels related to condominiums, submerged properties, and parcels contiguous to salt water marsh.

3. Rural and Critical Land Preservation Program / Readiness and Environmental Protection Integration (REPI) Fee Land / Marine Corps Air Station Beaufort Natural Resource Management Plan

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Ms. Lisa Lord, Director of Land Conservation, Beaufort County Open Land Trust, reviewed this item with the Committee. The Readiness and Environmental Protection Integration (REPI) Fee Land Program is the program the Rural and Critical Lands uses to match the conservation easements within the ACUIZ. The County puts in 50% and the REPI will match that 50%.

In 2011, funding was requested, and with bargain sale conservation, a surplus of \$2 million accrued. Those funds have a five-year shelf life and are set to expire September 30, 2016. We would like to keep the funds in Beaufort County. In looking for additional uses for these dollars, our multi-year agreement allows the use of the funding for natural resource management on properties that are fee owned by the County and have restrictive easements that were granted to Marine Corps Air Station Beaufort. Five properties (Ihly Farm, McLeod, Lucky, Adams, and

Battery-Wilson tracts) were then identified that would benefit from natural resource management. The funds do not require a match and would be placed within an account in the County and drawn down over an eight-year period to implement the goals for each of the properties. She presented the Plan and goals to the Committee with a total eight-year cost of \$2,065,500.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Vaux, that Natural Resources Committee recommend Council adopt a resolution endorsing the Rural and Critical Land Preservation Program, Readiness and Environmental Integration (REPI) Fee Land, Natural Resource Management Plan. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart, and Mr. Vaux. The motion passed.

Recommendation: Council adopt a Resolution endorsing the Rural and Critical Land Preservation Program, Readiness and Environmental Integration (REPI) Fee Land, Natural Resource Management Plan.

4. Consideration of Reappointments and Appointments

- **Southern Beaufort County Corridor Beautification Board**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mr. Flewelling, seconded by Mr. Vaux, that Natural Resources Committee recommend Council nominate Mr. Randy Boehme, Town of Bluffton appointee, for appointment to serve as a member of the Southern Beaufort County Corridor Beautification Board. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart, and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Randy Boehme, Town of Bluffton appointee, for appointment to serve as a member of the Southern Beaufort County Corridor Beautification Board.

5. Consideration of Reappointments and Appointments

- **Zoning Board of Appeals**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mr. Flewelling, seconded by Mr. Vaux, that Natural Resources Committee recommend Council nominate Mr. Joshua Tiller, representing southern Beaufort County, to serve as a member of the Zoning Board of Appeals, contingent upon his readiness to accept such nomination. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart, and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Joshua Tiller, representing southern Beaufort County, to serve as a member of the Zoning Board of Appeals, contingent upon his readiness to accept such nomination.

INFORMATION ITEMS

- 6. Southern Beaufort County Map Amendments for R600 040 000 0209 0000, R600 040 000 0824 0000, And R600 040 000 0825 0000 (Three (3) Properties Known as Executive Golf Course, Totaling 20.99 Acres Located Along Bluffton Parkway Between Hilton Head National Drive And Kellie Court); Owner/Applicant: Silver Rock BP LLC; Agent: Michael Kronimus; Future Land Use Map Amendment: from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: The applicant is proposing to take two actions on the subject property. The first is to change the future land use designation in the Comprehensive Plan from Rural to Neighborhood Mixed-Use. The second action is to change the zoning of the property from T2-Rural to T4-Neighborhood Center. The subject property was the home to the Executive Golf Club, a par 3 course. This golf course was accessed from Hilton Head National Drive, which has access off of U.S. Highway 278. The land was designated as Rural in the 1997 and 2010 Comprehensive Plans due to its recreational land use. The extension of the Bluffton Parkway, approximately five years ago, greatly improved access to the property and placed it directly across the parkway from the Tanger 2 Outlets and the Lakes at Edgewater, a multi-family housing community. The property is bound by the Old South Golf Course to the south, and the Hilton Head National Golf Course to the west.

Mr. Rob Merchant, Long-Range/Development Review Planner, provided the Committee with an overview of the map amendments and staff recommendations:

- Change the future land use designation of the subject parcels from Rural to Urban Mixed-Use rather than Neighborhood Mixed-Use. This land use designation is more consistent with the intent of the Comprehensive Plan, the character of the neighboring properties, and the mix of uses that are being proposed for the site.
- Amend the zoning of the property from T2-Rural to T4-Neighborhood Center.
- Coordinate access needs and traffic control between Executive Golf, Hilton Head National and Tanger 2 to ensure appropriate, safe access that meets the County's Access Management Ordinance is constructed and provided with appropriate spacing of traffic signals when warranted. This should include sufficient connectivity between adjacent developments to ensure distribution of trips away from problematic intersections and encouragement of multi-modal trips. This will result in complete streets constructed with a connected transportation network that meets the intent of the CDC.

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Natural Resources Committee table discussion and action of Southern Beaufort County Map Amendments for R600 040 000 0209 0000, R600 040 000 0824 0000, and R600 040 000 0825 0000 (three properties known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway Between Hilton Head National Drive and Kellie Court) and Future Land Use Map Amendment from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District, until the Natural Resources Committee meeting of September 19, 2016. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, Mr. Stewart, and Mr. Vaux. The motion passed.

Status: Committee tabled discussion and action of Southern Beaufort County Map Amendments for R600 040 000 0209 0000, R600 040 000 0824 0000, and R600 040 000 0825 0000 (three properties known as Executive Golf Course, totaling 20.99 acres located along Bluffton Parkway Between Hilton Head National Drive and Kellie Court) and Future Land Use Map Amendment from Rural (in the Growth Area) to Neighborhood Mixed Use, and Zoning Map Amendment/Rezoning Request: from T2-Rural District to T4-Neighborhood Center District, until the Natural Resources Committee meeting of September 19, 2016.

7. Potential Horne Property Development

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Gary Kubic, County Administrator, provided an overview of a piece of property located at the intersection of U.S. Highway 278 and S.C. Highway 170, commonly referred to as McGarvey's Corner, which is a multi-jurisdictional property involving Beaufort County, Jasper County and the City of Hardeeville.

This area categorically targets future development. Administration wants to draw attention to the fact that Beaufort County has been designated recently as a MS4 County. This places conditions, restrictions, and notifications on what occurs in stormwater management and how it affects our watersheds and our rivers.

There have been several movements with this piece of property for a period of time. Okatie headwaters have been designated as an impaired waterbody. That is significant to remember, because that was the catalyst that precipitated several of the Rural and Critical Land purchases along the Okatie River, i.e., to provide conservation and protection of the River. In this location, S.C. Highway 170 separates the River and headwaters from the land on the other side, which is common ground for three entities. You have a myriad of regulations not in concert with one another. Beaufort County probably has the most restrictive Best Management Practices (BMP) for stormwater, in comparison to Jasper County or the City of Hardeeville.

The issue that staff wants to bring to County Council's attention is that if development is going to occur, in the jurisdictions of Jasper County or the City of Hardeeville, with Beaufort

County neighboring and the stormwater that runs through Beaufort County to reach the Okatie River, we need to sit down collectively to have a conversation about the best type of development to prevent additional impairment to the Okatie River by having a lack of control of the stormwater movements. On May 2016, County staff met with several representatives of Jasper County and the City of Hardeeville, to express the importance of working together and being kept informed about development and the effect it will have on stormwater management. At that time, we were told by those representatives, that they did not have a concept for the County to review. To date, staff has not received any information regarding potential development of this property.

Mr. Eric Larson, Division Director-Environmental Engineering, presented the Committee with a map of the property and the division of the two watersheds (New River and Okatie River) affected. He presented the boundaries of the property, how the stormwater will flow with development, and various other stormwater components to include stormwater ponds. The Okatie River is impaired for bacteria as a total maximum daily load. You have multiple jurisdictional entities draining in the same watershed, and we all need to be working together to reduce the bacteria by 51%. This became regulatory with the MS4 designation, which states if you have an impaired waterbody, you must develop a plan to monitor and implement a capital project to get to the recommended reduction. We are now under regulatory obligation to show improvements in the watershed over time. The City of Hardeeville and Jasper County are not designated MS4s and are not under the same regulatory framework as Beaufort County. He informed them that we need their help when developing this tract of land.

Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, presented the Committee with a map outlining the parcels -- Rural and Critical Lands, municipal/state parks, preserved lands, and Open Land Trust properties.

Status: Information only.

8. Results from Pepper Hall Plantation Development Agreement Negotiations

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Committee Chairman Brian Flewelling reviewed this item with the Committee. The Development Agreement Subcommittee, over the course of approximately eight meetings and many months of fruitless efforts, has agreed to send this item back to the full body of County Council. He asked staff to provide Council a timeline of the chain of events leading up to where we are today.

Status: Information only.

PUBLIC FACILITIES COMMITTEE

August 15, 2016

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

The Public Facilities Committee met Monday, August 15, 2016 beginning at 4:00 p.m., in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Gerald Dawson, Vice Chairman Roberts "Tabor" Vaux and members Cynthia Bensch, Rick Caporale, Steve Fobes, Alice Howard and William McBride.

County Staff: Pam Cobb, Disaster Recovery Coordinator; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator-Finance; Colin Kinton, Division Director-Transportation Engineering; Gary Kubic, County Administrator; Eric Larson, Division Director-Environmental Engineering; Robert McFee, Division Director-Facilities and Construction Engineering; Mark Roseneau, Facilities Management Director; Dave Thomas, Purchasing Director; and David Wilhelm, Public Facilities Director.

Public: Mike Covert, resident of Bluffton.

Media: Joe Croley, *Lowcountry Inside Track*.

Mr. Dawson chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **Human Services Building Brick Veneer Repair and Change Order Request with Weatherproofing Technologies, Inc. (> \$100,000)**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Dave Thomas, Purchasing Director, presented this item to the Committee. The Human Services Building is experiencing water/moisture intrusion through the brick veneer on the north elevation of the building. The moisture is causing damage and failure of the interior insulation and to the gypsum wallboard. During periods of rain, the north elevation of the building is not exposed to sunlight and is continually damp or wet. This condition, or lack of drying after periods of rain over the years, has caused the premature failure of the brick mortar. The repair involves the replacement of brick mortar in an area of approximately 3,300 square feet. The repainting will be followed by an application of concrete

and brick sealant to prevent moisture intrusion. Weatherproofing Technologies, Inc., of Beachwood, Ohio is nearing completion of the \$1.8 million re-roofing project for Beaufort County. In order to save time and money, staff is requesting a change order to their current contract since they specialize in building weatherproofing/waterproofing projects and have provided a fair and reasonable price of \$179,967 for the repair. The change order request is not over ten percent of the original contract award and is in line with the County Procurement Code.

Motion: It was moved by Mr. McBride, seconded by Mr. Caporale, that Committee approve and recommend to Council a contract award and change order to Weatherproofing Technologies, Inc., of Beachwood, Ohio in the amount of \$179,967 for repair of the brick veneer of the Human Services Building. The source of funding is Account 40090011-54420, 2014A General Obligation Bonds, Renovation Existing Buildings. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council award a contract and change order to Weatherproofing Technologies, Inc., of Beachwood, Ohio in the amount of \$179,967 for repair of the brick veneer of the Human Services Building. The source of funding is Account 40090011-54420, 2014A General Obligation Bonds, Renovation Existing Buildings.

2. An Ordinance Authorizing the Execution and Delivery of Utility Easements Encumbering Property Owned by Beaufort County (SCE&G Request for Three Utility Easements at Beaufort County Government Robert Smalls Complex)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Rob McFee, Division Director-Facilities and Construction Engineering, presented this item to the Committee. SCE&G has requested that Beaufort County provide utility easements as part of the Boundary Street Redevelopment Project at three locations on Beaufort County property at the Robert Smalls County Government Complex, 100 Ribaut Road, Beaufort, SC (TMS# R120 003 000 0097 0000). Bundy Appraisal & Management, Inc. has provided a market value estimate for each of the three proposed SCE&G easements.

The following summary is provided:

- Easement# 1 contains 100 square feet, 5' x 20', and is located near the intersection of Boundary Street and Ribaut Road. This easement was valued at \$950.00 (\$9.50 per square foot) as of June 22, 2016.
- Easement #2 contains 200 square feet, 10' x 20', and is also located near the intersection of Boundary Street and Ribaut Road. This easement was valued at \$1,900.00 (\$9.50 per square foot) as of June 22, 2016.
- Easement #3 contains 25 square feet, 5' x 5', and is located near the Boundary Street - U.S. Highway 21 right-of-way line. This easement was valued at \$240.00 (\$9.60 per square foot) as of June 22, 2016. The unadjusted square foot values for these three

easements are in line with the actual price paid to Beaufort County by SCE&G in 2009 for an easement on the Government Complex site: \$10.10 per square foot for a 10' x 646.2' (6,462 square foot) easement. The consideration for a second easement on the Sheriff's parking lot, also in 2009, was \$8.53 per square foot for a 10' x 373.3' (3,733 square foot) easement.

Therefore, based on the appraisal information provided above, County Engineering staff considers that these appraisals are a reasonable market value for the SCE&G easements and County Council should grant these three easement requests from SCE&G for the appraised value.

Motion: It was moved by Mr. McBride, seconded by Mr. Caporale, that Committee approve and recommend Council approve on first reading an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading an ordinance authorizing the execution and delivery of utility easements encumbering property owned by Beaufort County (SCE&G request for three utility easements at Beaufort County Government Robert Smalls Complex).

3. Acceptance of an Easement Agreement for Segment 7 (Roseida Road to Clarendon Road) of the Spanish Moss Trail (to Safely Conduct Trail Users Through U.S. Highway 21 and Laurel Bay Road (S-7-116) Intersection)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Rob McFee, Division Director-Facilities and Construction Engineering, presented this item to the Committee. In order to promote the safe use of Segment 7 of the Spanish Moss Trail, which extends from Roseida Road to Clarendon Road, an easement must be acquired to safely conduct Trail users through the U.S. Highway 21 and Laurel Bay Road (S-7-116) intersection. CMH of KY, Inc., has executed an easement agreement granting Beaufort County a permanent 25' easement across its property R100 025 000 0332 0000. The \$22,000 consideration for the easement will be paid by the PATH Foundation on behalf of the County. Two temporary easements for Trail construction within the easement area are also being granted. Attached are a location map and the easement agreement document.

Motion: It was moved by Mr. Fobes, seconded by Mrs. Bensch, that Committee approve and recommend Council accept an easement agreement for Segment 7 (Roseida Road to Clarendon Road) of the Spanish Moss Trail (to safely conduct trail users through U.S. Highway

21 and Laurel Bay Road (S-7-116) intersection). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Vaux. The motion passed.

Recommendation: Council accept an easement agreement for Segment 7 (Roseida Road to Clarendon Road) of the Spanish Moss Trail (to safely conduct trail users through U.S. Highway 21 and Laurel Bay Road (S-7-116) intersection).

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

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, presented this item to the Committee. The ordinance amendments are cosmetic/administrative and are intended to bring current title changes and position changes to coincide with the organization chart.

Motion: It was moved by Mr. Fobes, seconded by Mrs. Bensch, that Committee approve and recommend Council approve on first reading an ordinance of County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT - Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading an ordinance of County of Beaufort, South Carolina amending certain sections under Beaufort County Code, Chapter 22, Civil Emergencies, Article IV, Disaster Recovery and Reconstruction.

5. Consideration of Reappointments and Appointments
• **County Transportation Committee**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Natural Resources Committee recommend Council nominate Mr. Christopher England, representing Council District 7, for appointment to serve as a member of the County Transportation Committee. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT - Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Christopher England, representing Council District 7, for appointment to serve as a member of the County Transportation Committee.

INFORMATION ITEMS

6. Storm Debris Removal and Disposal Memorandum of Understanding with SCDOT

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, presented this item to the Committee. Since 2011, and likely before, the County has had an agreement with the SC Department of Transportation related to the removal and disposal of storm-related debris on state roads. This agreement allowed the County to perform an initial push to clear state roads after a disaster and to remove debris from specified state roads with SCDOT approval. FEMA will not reimburse for removal of debris from roads for which you do have maintenance responsibility or an agreement from the owner authorizing debris removal. In April 2015 SCDOT asked each County to consider a revised agreement and, on July 15, 2016 SCDOT again notified the County to consider a new agreement and declared our 2011 agreement null and void.

Staff is concerned that the expected level of service by our citizens will prompt the need for timely removal on subdivision streets throughout the County that are owned and maintained by SCDOT. With the “Push and Removal” agreement, the staff’s opinion is that the unreimbursed cost of the debris removal is too significant for the County to incur. The “First Push” only agreement will mean that state roads considered “local,” which is a significant number of subdivision streets, will remain uncleaned after the initial 70-hour push until SCDOT begins its operations.

Staff does not have a preference for either the “First Push” or the “Push and Removal” agreement, but does caution that the “First Push” agreement will now allow debris removal like the voided agreement and does note that the “Push and Removal” agreement will have a huge financial impact on the County compared to the older, voided agreement. It is fairly unlikely the County will ever need to activate the “local roads” agreement; however, this agreement is a fair-safe plan that allows us to seek help from SCDOT if needed.

Motion: It was moved by Mrs. Bensch, seconded by Mr. Caporale, that Committee approve a Storm Debris Removal Memorandum of Understanding with SCDOT to permit the local government to conduct disaster-related “First Push” activities on designated state-maintained roadway(s.) (“First Push” is defined as the initial operation to clear the roadway, which includes cut and toss operations to push debris out of the traveled way). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. McBride. ABSENT - Mr. Vaux. The motion passed.

Status: Committee approved a Storm Debris Removal Memorandum of Understanding with SCDOT to permit the local government to conduct disaster-related “First Push” activities on

designated state-maintained roadway(s.) (“First Push” is defined as the initial operation to clear the roadway, which includes cut and toss operations to push debris out of the traveled way).

7. Update / Disaster Recovery Plan

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Eric Larson, Division Director-Environmental Engineering, presented this item to the Committee. There are 26 recovery functions and each one of these specialized areas has a liaison that takes the lead for that function and an annual planning meeting. Each recovery function has own specialized needs and areas of improvement that are addressed to better equip for recovery efforts. Forward thinking and open discussion were met at each and every meeting to determine the best methods to reach towards bettering Beaufort County as a common goal.

Some of the areas of concern were: childcare for employees after a disaster, counseling for employees (to ensure burnout does not occur), temporary housing for displaced employees, streamlining the permit process for rebuilding, individual assistance program, and available warehousing within the county. Each of these areas will continue to have follow-up meetings to plan to address each of these individual issues.

Updating contingency plans for each of the county departments has taken place. The Disaster Recovery Ordinance and the Disaster Recovery Plan have both been updated to reflect title changes and position changes. The Hazard Mitigation Plan was adopted by resolution June 27, 2016. On August 8, 2016 the County received notification from S.C. Emergency Management Division that its Hazard Mitigation Plan was approved by FEMA. Approval of the Hazard Mitigation Plan allows the County to pursue grant funding. The County is preparing two grant submittals which are due September 5, 2016. The first grant is an outdoor warning system for public places. The second involves a generator project, in conjunction with the school system, to install and/or upgrade generators at some of the shelters (cafeteria or gymnasium) identified in the County.

Status: Information only.

8. Consideration of Reappointments and Appointments

- **Solid Waste and Recycling Board**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Status: No action taken. A vacancy exists in Solid Waste District #7 – Lady’s Island.

Boards and Commissions
Reappointments and Appointments
August 22, 2016

1 Finance Committee

Burton Fire District Commission

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Madison Chisum	Burton Fire Service Area	Appoint	6/11	Partial term	2/2017

2 Natural Resources Committee

Southern Beaufort County Corridor Beautification Board

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Randy Boehme	Bluffton Town appointee	Appoint	6/11	Partial term	2/2017

Zoning Board of Appeals

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Joshua Tiller	Southern Beaufort County	Appoint	6/11	Partial term	2/2018

3 Public Facilities Committee

County Transportation Committee

<u>Nominate</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
08.22.16	Christopher England	Council District 7	Appoint	6/11	Partial term	2/2017

ORDINANCE 2016 / _____

AN ORDINANCE APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION FROM THE COUNTY'S GENERAL RESERVE FUND TO THE GENERAL FUND TO FULFILL ITS OBLIGATION TO THE HARRIS PILLOW SUPPLY, INC. UNDER THE INCENTIVE PACKAGE

WHEREAS, Beaufort County has committed itself to improving and enhancing business economic development in the County for the benefit of its citizens; and

WHEREAS, economic development has many characteristics, including attracting new businesses with new economic opportunities to the County as well as supporting through a variety of financial options available to the County, existing and established businesses which have, for years, supported our community and provided jobs to our residents; and

WHEREAS, Harris Pillow Supply, Inc. is one such local manufacturing business with deep, long standing connections to Beaufort County going back to 1956; and

WHEREAS, Harris Pillow Supply, Inc. has grown, as Beaufort itself has grown, in terms of revenue and employment opportunities for the community and continues to grow and demonstrate an ongoing commitment to the community; and

WHEREAS, Harris Pillow Supply, Inc. now has an opportunity to expand significantly its current manufacturing operations, which, if fully realized, will result in a total capital investment of \$2,100,000 and the anticipated creation of 25 new full-time jobs; and

WHEREAS, Harris Pillow Supply, Inc. has asked the County to help it take advantage of this opportunity by providing a financial incentive package with a value of \$225,000; and

WHEREAS, Beaufort County Council has concluded this opportunity will benefit a local business, the local business community, and the citizens and residents of Beaufort County.

NOW, THEREFORE, BE IT ORDAINED, that Beaufort County Council does hereby approve a supplemental budget appropriation from the County's General Reserve Fund to the General Fund to fulfill its obligation to Harris Pillow Supply, Inc. under the incentive package.

DONE this ____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. 2016 / _____

AN ORDINANCE TO APPROPRIATE \$175,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUND TO THE SANTA ELENA FOUNDATION

WHEREAS, County Council is authorized to utilize the 3% Local Accommodations Tax Fund for certain limited purposes, including tourism – related buildings and the promotion of cultural, recreational or historic facilities; and

WHEREAS, Beaufort County Code Ordinance Sec. 66-44(b) states “the authorization to utilize any funds from the ‘County of Beaufort, South Carolina, Local Accommodations Tax Account,’ shall be by ordinance duly adopted by the County Council”; and

WHEREAS, the Santa Elena Foundation is a non-profit organization with a mission to expand the story of European colonization of North America through discovery, preservation, and promotion of Santa Elena, the first colonial capital in present – day United States located in Beaufort, South Carolina; and

WHEREAS, the Santa Elena Foundation seeks to achieve its mission through continual archeological research and through programs at a cultural interpretive center; and

WHEREAS, Beaufort County Council believes it is in the best interests of its citizens to appropriate \$175,000 from the 3% Local Accommodations Tax Fund to support the continued development of the cultural interpretive center at 1501 Bay Street, Beaufort, South Carolina. Of these funds, \$145,000 is to be used by the Foundation to Reimburse Beaufort County’s General Fund for payments previously made for the center’s parking needs; \$30,000 is to be used by the Foundation for HVAC, elevator and other capital maintenance needs of the center.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council, duly assembled, hereby appropriates \$175,000 from the 3% Local Accommodations Tax Fund to the Santa Elena Foundation to be used as set forth above.

DONE this ____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

BLUFFTON TOWNSHIP FIRE DISTRICT

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

MEMORANDUM

TO: Councilman Jerry Stewart, Chairman Finance Committee
FROM: John W. Thompson, Jr., Fire Chief
SUBJ: Road Paving Project to Future Bluffton Fire Station #38
DATE: August 4, 2016

BACKGROUND: The Bluffton Township Fire District owns approximately 3.0 acres of property adjacent to the River Ridge Academy for the purpose of constructing its future station #38. The property was purchased in October of 2011. When the property was purchased the Fire District entered into an agreement with the Beaufort County School District to share in the cost of a paved road as well as utility costs from the approved encroachment point on Hampton Parkway to the fire station site. Fire Station #38, when built, will serve all of the Hampton Lake area, portions of Buckwalter Parkway down to May River Road, portions of Sun City, and portions of Bluffton Parkway and Highway 170. Growth in the area, especially in the Hampton Lake community is forcing the issue that the new station will soon need to be constructed. In fact, portions of Hampton Lake currently under construction are reaching the 4.5 mile distance from the closest District fire station which indicates there will soon be an ISO issue with insurance rates. The plans for Hampton Lake indicate it will exceed the ISO mandated 5.0 mile rule within the next 24 – 30 months which means construction of the new station will be required. The construction of the station is included in the current Strategic Plan for the Fire District and the administration will be bringing the project forward in the next six months for Council review.

SCOPE OF WORK: This project involves paving a section of road from Hampton Lake Drive, approximately 2250 feet long to the site for the new fire station. The School District will continue the paving at its full cost from that point on to the school facility. The project also involves approximately 875 linear feet of water line that will eventually serve the fire station as well as the necessary gravity sewer line for the station. The School District is contracting the project since they are ready for the road and the new school building has already been constructed.

FUNDING: This project will be funded from the Fire District's Impact Fee Account #73080005-10400. The balance in the account as of July 20, 2016 is \$1,746,990. These funds will be held by the County and the District will make warrant requests when invoices are submitted for payment from the School District. The Fire Board approved the expenditure at its June 21, 2016 regular meeting.

PROPOSED COST: **\$100,000** which is the price agreed to based upon an estimate provided by the School District from its contractor and includes all applicable taxes, fees, and permits.

FOR ACTION: Finance Committee Meeting, Monday August 8, 201

REQUESTED ACTION: The Bluffton Township Fire District requests the Finance Committee approve an expenditure of \$100,000 from its Impact Fee account to fund the paving of the access road for future Fire Station #38.

ATTACHMENTS:

1. June 21, 2016 Bluffton Township Fire District Board Meeting Minutes

**BLUFFTON TOWNSHIP FIRE DISTRICT
BOARD OF DIRECTORS MEETING
Tuesday, June 21, 2016
Bluffton Fire Station #35, Headquarters**

MINUTES

Board Members Present: Mike Raymond, Joe Paolo, Thomas Mike, Ed Olsen, Elaine Lust, Louise Haaker, Paul Hamilton

Members Present: John Thompson, Paul Boulware, Rick Cramer, Terry Sheriff, Steve McKinley, Bob Payne, Joe Helms, Sandy Stroud, Derek Church, Emerson Kovalanchik, Grant Turner, Mike Provo, Jeremy Eby, Gio Scianna, Andrew Hatcher, Parker Dennis, Leslie Jones Hart

VIA Video Conferencing: Jim Thomas, Enrique Baez, Tony Crosetto, Joe Dembeck, Phillip Horton, Jason Williams, Jayme Beach, Randy McGarvey, Travis Boulware, Dylan Taylor, Rhett Livingston, Blake Crosby, Vasont Miller, Dwane Wilkinson, Joe Sirigu, Guillermo Holzmann, Justin Olds, Chris Himes, Taylor Kamp, Todd Malphrus, David Mack, David Romine

Community Members: Doug Volk

Meeting called to order at 4:00 PM by Chairman Raymond.

Pledge of Allegiance and Prayer

Board of Directors Roll Call

- **PUBLIC COMMENT:** None.
- **CHAIRMAN’S REMARKS:**
- **MAY BOARD MEETING MINUTES:** Director Lust motioned and Director Paolo seconded that minutes of the May 17, 2016 Board of Directors meeting be approved. The motion passed unanimously.
- **FINANCIAL REPORT:** Chief Boulware stated that we are 91.67% through our budget year, with expenditures reporting at 89.21%. All departments are below budget at this point. All non-essential spending was restricted after May 15 in preparation of closing out the budget for FY16. A portion of the SC State Accident Fund has been prepaid for FY17. When asked, Chief Thompson stated the cost of this fund has decreased over the last three years. The FY17 budget was approved by County Council after the third and final reading. Novatime is running, but we are still working on a few minor issues. We will continue to utilize both paper time sheets and Novatime for the next two pay periods. The fire impact fee account balance is \$1,677,254. No motion of approval or vote was taken.
- **FIRE CHIEF’S REPORT:**

- **Fire Prevention Statistics:** In Chief Wiltse's absence, Lt. Stroud reported the Prevention office performed 337 Fire and Life Safety Inspections in the month of May which concluded the semi-annual gate inspections. Lt. Stroud also reviewed development plans throughout the district, including plan resubmittals. Public Education participated in 39 events, reaching many citizens. There were also 54 smoke alarms installed in 23 different homes throughout the district. There were 24 CPR classes held with 230 students taught.
- **Training Report:** Chief Sheriff reported there were 9 courses held with 21 personnel in attendance, 1 course was cancelled, and 6 personnel were denied courses. Assigned training included physical fitness and water rescue. Training highlights include Probationary FF evaluations, HAM radio refresher, and Active Shooter table top training. Chief Sheriff took part in a Countywide Active Shooter drill that was held at ACE by the Beaufort County Sheriffs' Department. A meeting was also held this week for the lay person. On May 21, 10 CATE students went to South Carolina Fire Academy in Columbia. The students took the written and practical test and passed with rave reviews from state instructors. Two explorers who passed the PACE and written exams in April and interviewed were surprised at Bluffton High School graduation with conditional offers of employment. It was a monumental moment for these young men, their families, and the District. There has been a positive ripple effect throughout the state as well. We congratulate the young men and look forward to making them part of the BTFD team.
- **Operations Report:** Chief Cramer reported the monthly statistics of 420 calls last month, up from last month by almost 30 calls. Call volume has been 2,165 calls since January 1. The average response time was 6:42 minutes, with the yearly average of 6:30. Directors were told that ISO ratings are based on mileage and response times but other categories are also included. Chief Cramer also explained how response times are calculated for our reports.
- **Maintenance Update:** Chief McKinley reported there were 96 work orders generated in May, 72 work orders for the Fire District, 19 for Bluffton Police Department, and 5 for the Town of Bluffton. The majority of the time has been devoted to putting equipment and necessary wiring on the new apparatus. The New Fleet Reception Ceremony will take place on Saturday, June 25, 11:00 at Station 30. Shirts and Commemorative coins will be given to all employees, Board Members, and dignitaries. Food will be served. A parade of the new fleet will begin at 10:00 am, travelling on Calhoun Street and to Bridge Street and then to Station 30. Chairman Raymond requested that all Commissioners wear their shirts that day. He stated the picture depicting all 10 trucks created lots of excitement and publicity for BTFD.
- **Chaplains' Update:** Pastor Hamilton stated that the Chaplains are communicating better and there is more participation at the monthly meeting. They want to assure the station commanders and Chiefs of confidentiality and hope the firefighters feel comfortable enough around them to share.
- **Construction Projects Updates:**
 1. Fire Engine Fleet Replacement – The trucks will be detailed on Thursday and ready for the new fleet ceremony on Saturday. They will be transitioned into the system starting on Monday, June 27. Maintenance hopes to transition 1-2 trucks each day. Old trucks will be stored in the warehouse.
 2. Maintenance Building Update/Training Facility Construction – Chief McKinley reported the overhead doors are in, dry wall is 90% in, large fans and heaters are in, sprinklers are installed, the mezzanine is complete. Curbing is done and some of the drive way has been poured. The scheduled certificate of occupancy is end of July.

3. The Training facility got through the Planning Commission with a 6-1 vote. The Natural Resources Committee will hear the plan in two weeks. The builder is ready to design the building but we will not give them the okay until we have County approval. Chief Thompson is confident that approval will be given soon.

- **OLD BUSINESS:**

- ***FY2017 Budget Discussion:*** The FY2017 budget was approved after the third and final reading by County Council as part of the general budget.
- ***Colleton River Fire Station Agreement:*** Chief Thompson and Chairman Raymond met with Colleton River and have an agreement that replaces the lease we once had. There is a sales contract for the site, but we want a clause included in the event that the soil is not economically suitable for building. We will meet with the attorneys July 1 to hopefully finalize this process. The SC Ports Authority wants to give the road easement to the Beaufort County/Fire District and not Colleton River.

- **NEW BUSINESS:**

- ***Station 38 Access Road:*** Chief Thompson stated that property was purchased some time ago for a future Station 38 at Hampton Lake Parkway. At the same time, we made an agreement with BCSD to share the cost of the access road at River Ridge Academy and necessary utilities. They would like to pave that road this year while the cost of asphalt is low. Director Paolo moved and Director Olsen seconded that we use \$100,000 of impact fee funds to pay for our share of the road paving and utilities. The motion passed unanimously.
- ***Web Site:*** Director Lust requested that the BTFD Web Site be updated.

- **EXECUTIVE SESSION:**

- ***Fire Chief Evaluations:*** Director Haaker made a motion to go into Executive Session to discuss Fire Chief's Annual Performance Review and Director Hamilton seconded. The motion passed unanimously and the Fire Board went into Executive Session at 4:58.
- The Board came out of Executive Session at 5:35. No action was taken.

- **ADJOURNMENT:** Director Mike made a motion to adjourn the meeting and Director Olsen seconded the motion. The meeting was adjourned at 5:35.

ORDINANCE NO. 2016/ _____

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000**

WHEREAS, on or about December 19, 2012, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County a thirty-foot (30') drainage easement located on the southern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3204 / Pages 2401-03; and

WHEREAS, on or about February 7, 2013, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County another thirty-foot (30') drainage easement located on the eastern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3215 / Pages 611-13; and

WHEREAS, Beaufort County failed at the time to build the ditch due to permitting restrictions related to the wetlands on the parcel; and

WHEREAS, Beaufort County has determined that construction of a short ditch on the southwest corner of the property along with maintenance of a preexisting ditch on the parcel will improve its outfall, benefit surrounding residences and eliminate the need to construct either of the ditches on the easements referred to above all to the benefit of the property owner and the County; and

WHEREAS, Beaufort County and the property owner now agree that the property owner will deed to Beaufort County a thirty-foot (30') drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 000 in exchange for the County relinquishing the two (2) previous thirty-foot (30') drainage easements referred to above; and

WHEREAS, Beaufort County Council has determined it is in the County's best interest to relinquish the two thirty-foot (30') easements which are attached hereto as Exhibit "A"; and

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

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

ADOPTED this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

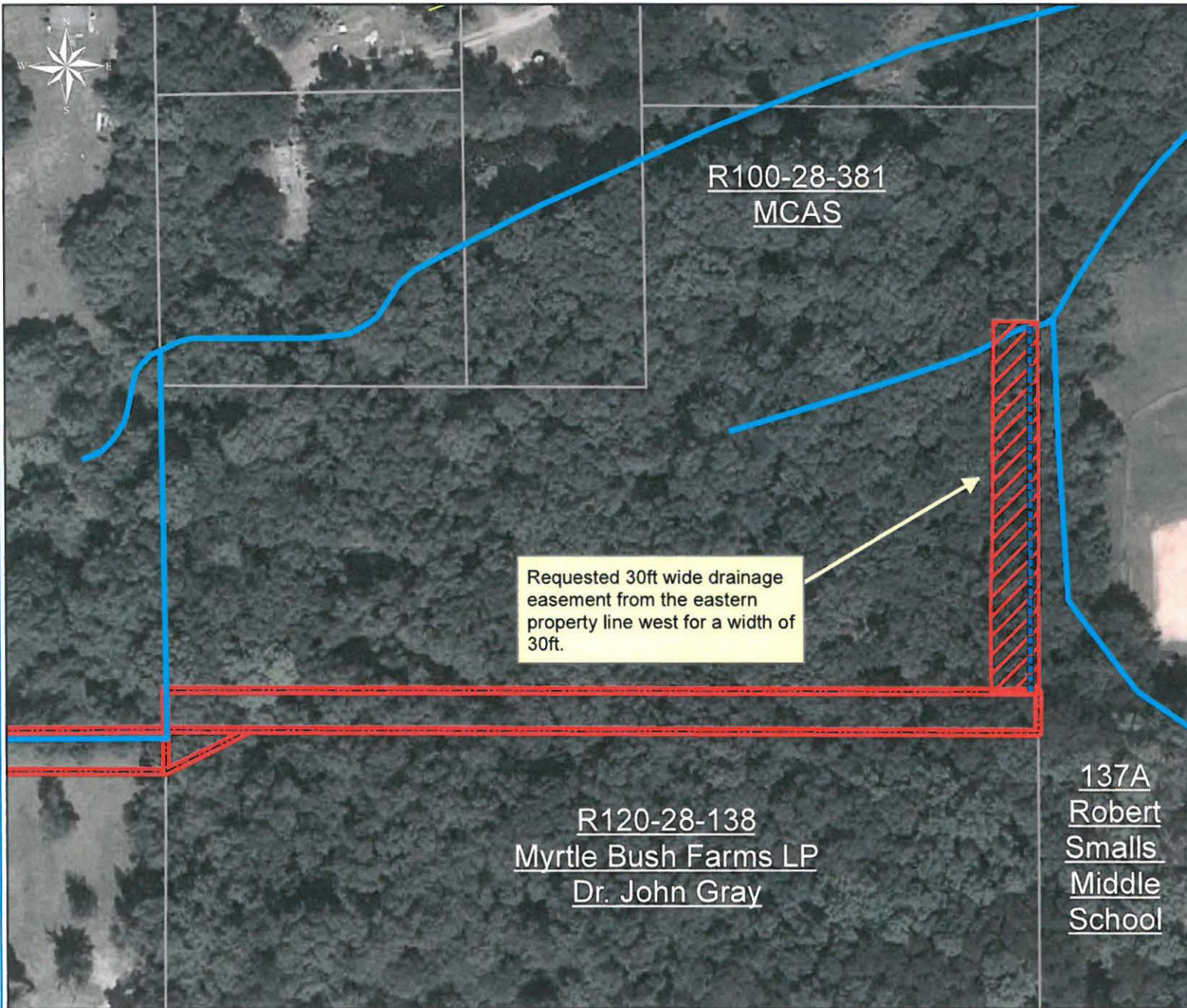
Public Hearing:

Third and Final Reading:

(Exhibit "A")
MCAS
R100-28-381

Activity: Drainage
Easement Request

Township: Port
Royal Island



Legend

- Ditch to be constructed
- Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels

R120-28-138
Myrtle Bush Farms LP
Dr. John Gray

137A
Robert
Smalls
Middle
School

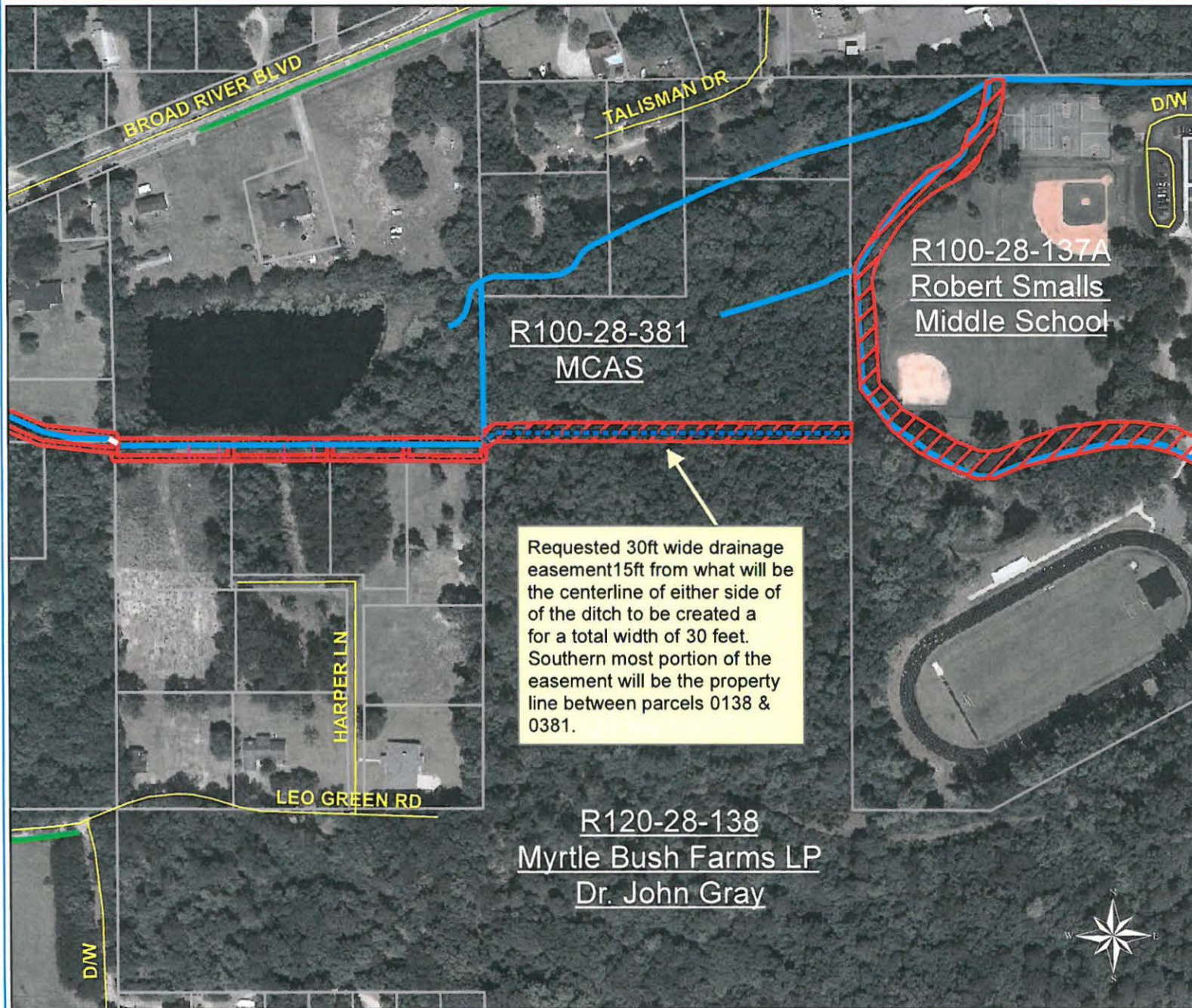


1 inch = 105 feet

(Exhibit "A")
 Myrtle Bush Farms LP
 Dr. John Gray
 R120-28-138

Activity: Drainage
 Easement Request

Township: City
 of Beaufort



Requested 30ft wide drainage
 easement 15ft from what will be
 the centerline of either side of
 of the ditch to be created a
 for a total width of 30 feet.
 Southern most portion of the
 easement will be the property
 line between parcels 0138 &
 0381.

Legend

- ▬▬▬▬ Ditch to be constructed
- ▨▨▨▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
- ▬▬▬▬ Lateral Pipe
- ▬▬▬▬ Roadside
- ▬▬▬▬ Roadside Pipe
- ▬▬▬▬ Road Pipe
- ▬▬▬▬ Crossline
- ▬▬▬▬ DW
- ▬▬▬▬ Access
- ▬▬▬▬ Piped
- ▬▬▬▬ Bleeder
- ▭▭▭▭ Parcels



1 inch = 250 feet

Prepared By: Beaufort Co, Stormwater Management Utility
 Print Date: 11/5/12
 File - C:\sethdata\leasement requests\2012\Myrtle Bush Farms Dr John Gray



ORD. 2016 / ____, __-__- 2016

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE AS ADOPTED AUGUST 22, 2005 SEPTEMBER 28, 2015 TO PROVIDE FOR AMENDMENT OF THE RATE STRUCTURE APPLICABLE TO PARCELS RELATED TO CONDOMINIUMS, SUBMERGED PROPERTIES, AND PARCELS CONTIGUOUS TO SALT WATER MARSH., ADJUST UTILITY RATES, AND TO MODIFY CERTAIN TERMS TO ACCURATELY REFLECT ADMINISTRATION STRUCTURE

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

WHEREAS, Chapter 99, Article II, "Stormwater Management Utility" was adopted on August 27, 2001 and was modified by ordinance on August 22, 2005 and September 28, 2015; and

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

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

WHEREAS, the administrative structure of the Stormwater Management Utility needs to be amended to reflect the organization of the current administration; and

~~WHEREAS, further amendments are needed to make adjustments to the rate structure to address the differences in taxation and billing for condominiums and parcels affected by standing water or tidal impacts; and~~

Formatted: Indent: First line: 0"

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Chapter 99, Article II of the Beaufort County Code and to provide for additional terms to said Article; and

Formatted: Indent: First line: 0.5"

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

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

Chapter 99 - STORMWATER MANAGEMENT UTILITY

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-101. - Findings of fact.

The County Council of Beaufort County, South Carolina, makes the following findings of fact:

- (a) The professional engineering and financial analyses conducted on behalf of and submitted to the county properly assesses and defines the stormwater management problems, needs, goals, program priorities, costs of service, need for interlocal cooperation, and funding opportunities of the county.
- (b) Given the problems, needs, goals, program priorities, costs of service, needs for interlocal cooperation, and funding opportunities identified in the professional engineering and financial analyses submitted to the county, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, construction, maintenance, protection, control, regulation, use, and enhancement of stormwater systems and programs in Beaufort County in concert with other water resource management programs.
- (c) Stormwater management is applicable and needed throughout the unincorporated portions of Beaufort County, but interlocal cooperation between the county and the incorporated cities and towns within the county is also essential to the efficient provision of stormwater programs, services, systems, and facilities. Intense urban development in some portions of the county has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. Other areas of the county remain very rural in character, with natural stormwater systems predominating except along roads where ditches and culverts have been installed. As a result, the specific program, service, system, and facility demands differ from area to area in the county. While the county manages, operates, and improves stormwater programs, services, systems and facilities in the rural as well as urban areas, the need for improved stormwater management is greatest in the urban areas and nearby, including areas within incorporated cities and towns. Therefore, a stormwater utility service area subject to stormwater service fees should encompass, in so far as possible through interlocal agreements, the entirety of Beaufort County and the stormwater management utility service fee rate structure should reflect the amount of impervious area on individual properties and the runoff impact from water quantity and water quality.
- (d) The stormwater needs in Beaufort County include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, services, systems, and facilities therefore renders and/or results in both service and benefit to individual properties, property owners, citizens, and residents of the county and to properties, property owners, citizens, and residents of the county concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (e) The service and benefit rendered or resulting from the provision of stormwater management programs, services, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the county's stormwater management programs, services, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the county's stormwater programs, services, systems, and facilities which render or result in services and benefits.

- (f) Beaufort County presently owns and operates stormwater management systems and facilities that have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by Beaufort County, and of future additions and improvements thereto, rests on the ability of the county to effectively manage, construct, protect, operate, maintain, control, regulate, use, and enhance the stormwater systems and facilities in the county, in concert with the management of other water resources in the county and in cooperation with the incorporated cities and towns. In order to do so, the county must have adequate and stable funding for its stormwater management program operating and capital investment needs.
- (g) The county council finds, concludes, and determines that a stormwater management utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the county, and the most equitable means to fund stormwater services in the county through stormwater service fees and other mechanisms as described in the professional engineering and financial analyses prepared for the county.
- (h) The county council finds, concludes, and determines that a schedule of stormwater utility service fees be levied upon and collected from the owners of all lots, parcels of real estate, and buildings that discharge stormwater or subsurface waters, directly or indirectly, to the county stormwater management system and that the proceeds of such charges so derived be used for the stormwater management system.
- (i) The county council finds that adjustments and credits against stormwater utility service fees are an appropriate means to grant properties providing stormwater management program services that would otherwise be provided by the county and will afford Beaufort County cost savings. These reductions will be developed by the Stormwater Manager and will be reviewed on an annual basis to allow for any modifications to practices required by Beaufort County.

The county council finds that both the total gross area and impervious area on each property are the most important factors influencing the cost of stormwater management in Beaufort County and, the runoff impact from water quantity and water quality.

(Ord. No. 2015/24, 9-28-2015)

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

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

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-103. - Purpose and responsibility of the utility.

The Beaufort County Stormwater Management Utility is established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county. The utility shall, on behalf of the county and the citizens of the county: administer the stormwater management program; perform studies and analyses as required; collect service fees; system development fees, in-lieu of construction fees and other funding as allowed

by law, and obtain and administer grants and loans as authorized by the county council; prepare capital improvement plans and designs; perform routine maintenance and remedial repair of the stormwater systems; acquire, construct, and improve stormwater systems; acquire necessary lands, easements, rights-of-way, rights-of-entry and use, and other means of access to properties to perform its duties; regulate the on-site control, conveyance, and discharge of stormwater from properties; obtain federal and state permits required to carry out its purpose; enter into operating agreements with other agencies; allocate funds pursuant to interlocal governmental agreements; educate and inform the public about stormwater management; and perform, without limitation except by law, any stormwater management functions and activities necessary to ensure the public safety, protect private and public properties and habitat, and enhance the natural environment and waters of the county.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-104. - Limitation of scope of responsibility.

The purpose and responsibility of the stormwater management utility shall be limited by the following legal and practical considerations.

- (a) Beaufort County owns or has legal access for purposes of operation, maintenance, and improvement only to those stormwater systems and facilities which:
 - (1) Are located within public streets, other rights-of-way, and easements;
 - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, monitoring, and/or improvement of systems and facilities; or
 - (3) Are located on public lands to which the county has adequate access for operation, maintenance, and/or improvement of systems and facilities.
- (b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by Beaufort County and for which there has been no public dedication of such systems and facilities for operation, maintenance, monitoring, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.
- (c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the county. Beaufort County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the county, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (d) To the extent any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county, pursuant to this or any other regulatory ordinance, regulation, or rule of the county or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the county, its officers, employees, or agents.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-105. - Boundaries and jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall encompass all those portions of unincorporated Beaufort County, as they may exist from time to time and such additional

areas lying inside the corporate limits of those cities and towns in Beaufort County as shall be subject to interlocal agreements for stormwater management as approved by county council and participating municipal councils.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-106. - Definitions.

Unless the context specifically indicates otherwise, the meaning of words and terms used in this article shall be as set forth in S.C. Code § 48-14-20, and 26 S.C. Code Regulation 72-301, mutatis mutandis.

Abatement. Any action deemed necessary by the county or its officers or agents to remedy, correct, control, or eliminate a condition within, associated with, or impacting a stormwater drainage system or the water quality of receiving waters shall be deemed an abatement action.

Adjustments. Adjustments shall mean a change in the amount of a stormwater service fee predicated upon the determination reached by the Stormwater Manager and referenced to the Adjustments and Credit Manual.

Bill Class. Every property falls into one of several bill classes. The bill class determines the fee calculation of that property.

Condominiums. Properties with individual ownership of a particular dwelling unit in a building and the common right to share, with other co-owners, in the general and limited common elements of the real property.

Countywide Infrastructure Operation and Maintenance and Capital Projects. The County maintains some typically larger infrastructure within each of the four municipalities in addition to within the unincorporated area. The rate structure will allocate the costs for the County to maintain just the countywide drainage infrastructure across the entire rate base in all jurisdictions based on infrastructure linear feet per jurisdiction.

Customers of the stormwater management utility. Customers of the stormwater management utility shall be broadly defined to include all persons, properties, and entities served by and/or benefiting, directly and indirectly, from the utility's acquisition, management, construction, improvement, operation, maintenance, extension, and enhancement of the stormwater management programs, services, systems, and facilities in the county, and by its control and regulation of public and private stormwater systems, facilities, and activities related thereto.

Developed land. Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

Exemption. Exemption shall mean not applying to or removing the application of the stormwater management utility service fee from a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

Fixed costs. Costs associated with the public service provided equally to each property owner. These costs include, but are not limited to the following: billing and collections, data management and updating, programming, and customer support.

Gross Area. Gross area is the acreage of a parcel as identified by the Beaufort County Assessor records.

Hydrologic response. The hydrologic response of a property is the manner whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including but not limited to the size and overall intensity of development of each property, its impervious area, shape, topographic, vegetative, and geologic conditions, antecedent moisture conditions, and

groundwater conditions and the nature of precipitation events. Extremely large undeveloped properties naturally attenuate but do not eliminate entirely the discharge of stormwater during and following rainfall events.

Jurisdictional Infrastructure Operations, Maintenance and Capital Projects. Each of the five jurisdictions maintains its own stormwater drainage infrastructure and funds those costs from utility revenue. Revenue from this fee component will be returned to the service provider, the individual jurisdiction.

Impervious surfaces. Impervious surfaces shall be a consideration in the determination of the development intensity factor. Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff that existed prior to development.

Minimum Charge. A charge that reflects the minimum amount of demand a property will place on the service provider.

MS4 Permit. Each jurisdiction within Beaufort County will be subject to the federally mandated MS4 permit requirements. Compliance requirements include, but are not limited to monitoring, plan review, inspections, outreach and public education,

Nonresidential properties. Properties developed for uses other than permanent residential dwelling units and designated by the assigned land use code in the Beaufort County tax data system.

Other developed lands. Other developed lands shall mean, but not be limited to, mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water and wastewater treatment plants, and lands in other uses which alter the hydrology of the property from that which would exist in a natural state. Properties that are used for other than single family residential use shall be deemed other developed lands for the purpose of calculating stormwater service fees.

Residential dwelling classifications. The following categories will identify the appropriate dwelling unit classifications to be utilized in applying the stormwater utility fee structure to the designations contained in the Beaufort County tax data system:

- Single-family
- Apartments
- Townhouses
- Condominiums
- Mobile Home

Salt Water Marsh. Those parcels, typically contiguous to water, identified as inundated daily due to tidal action and unbuildable. These properties are 100% below mean high tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Stormwater management programs, services, systems and facilities. Stormwater management programs, services, systems and facilities are those administrative, engineering, operational, regulatory, and capital improvement activities and functions performed in the course of managing the stormwater systems of the county, plus all other activities and functions necessary to support the provision of such

programs and services. Stormwater management systems and facilities are those natural and man-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater service fees. Stormwater service fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and capital project fees; and jurisdictional operation, maintenance and capital project fee.

Single-family unit (SFU). The single-family unit shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

Stormwater service fee categories. The appropriate categories for determining SFUs will be as follows:

	SFU Calculation (SFUs equal)
Tier 1 Single-family Unit (≤2,521 square feet)	Dwelling units x 0.5
Tier 2 Single-family Unit (2,522 to 7,265 square feet)	Dwelling units x 1
Tier 3 Single-family Unit (≥7,266 square feet)	Dwelling units x 1.5
Mobile Home	Dwelling units x 0.36
Apartments	Dwelling units x 0.39
Townhouses	Dwelling units x 0.60
Condominiums	Dwelling units x 0.27
Commercial	Impervious area x 4,906 sq. ft.*

*Commercial billed at a rate of 1 SFU per 4,906 square feet or a portion thereof

Submerged property. Those parcels, typically contiguous to water, identified as eroded due to tidal action and unbuildable. These properties are 100% below mean low tide and/or beyond established critical line as defined by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management. (DHEC-OCRM). The County Tax Assessor's Office shall make this determination based on best available data.

Townhomes. See Condominiums.

Formatted: Indent: Left: 0", First line: 0.31"

Variable Costs. An impervious and gross area rate structure that allocates some cost to each of the two variables based on the amount of impervious surface and gross area.

(Ord. No. 2015/24, 9-28-2015; ~~Ord. No. 2016/ , - -2016~~)

Sec. 99-107. - Requirements for on-site stormwater systems: enforcement, methods and inspections.

- (a) All property owners and developers of real property to be developed within the unincorporated portions of Beaufort County shall provide, manage, maintain, and operate on-site stormwater systems and facilities sufficient to collect, convey, detain, control, and discharge stormwater in a safe manner consistent with all county development regulations and the laws of the State of South Carolina and the United States of America, except in cases when the property is located within an incorporated city or town subject to an interlocal governmental agreement with the county for stormwater management and the city or town has regulations that are more stringent than the county, in which case the city's or town's development regulations shall apply. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by the county in a court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the county may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof charged to the owner in the same manner as a stormwater service fee as provided for in this article.
- (b) In the event that the county shall file an action pursuant to subsection 99-107(a), from the date of filing such action the county shall have all rights of judgment and collection through a court of competent jurisdiction as may be perfected by action.
- (c) The county shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private property and public property owned by other than the county, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with any order or judgment entered pursuant to this section.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-108. - General funding policy.

- (a) It shall be the policy of Beaufort County that funding for the stormwater management utility program, services, systems, and facilities shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater program, services, systems, and facilities by individual properties or persons and/or the level of service rendered by or resulting from the provision of stormwater programs, systems and facilities. Stormwater service fee rates shall be structured so as to be fair and reasonable, and the resultant service fees shall bear a substantial relationship to the cost of providing services and facilities throughout the county. Similarly situated properties shall be charged similar rentals, rates, fees, or licenses. Service fee rates shall be structured to be consistent in their application and shall be coordinated with the use of any other funding methods employed for stormwater management within the county, whether wholly or partially within the unincorporated portions of the county or within the cities and towns. Plan review and inspection fees, special fees for services, fees in-lieu of regulatory requirements, impact fees, system development fees, special assessments, general obligation and revenue bonding, and other funding methods and mechanisms available to the county may be used in concert with stormwater service fees and shall be coordinated with such fees in their application to ensure a fair and reasonable service fee rate structure and overall allocation of the cost of services and facilities.
- (b) The cost of stormwater management programs, systems, and facilities subject to stormwater service fees may include operating, capital investment, and non-operating expenses, prudent operational

and emergency reserve expenses, and stormwater quality as well as stormwater quantity management programs, needs, and requirements.

- (c) To the extent practicable, adjustments to the stormwater service fees will be calculated by the Beaufort County Stormwater Manager in accordance with the standards and procedures adopted by the Stormwater Manager's office.
- (d) The stormwater service fee rate may be determined and modified from time to time by the Beaufort County Council so that the total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management by the county council to the stormwater management utility shall be sufficient to meet the cost of stormwater management services, systems, and facilities, including, but not limited to, the payment of principle and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves, and other costs as deemed appropriate by the county council.

Beaufort County service fee rate will be based on impervious and gross area at an 80/20 allocation; storm water service fee categories; any State agricultural exemptions or caps; an account administrative fee, countywide jurisdiction operation maintenance and jurisdictional operation, maintenance and capital project fee. The rates are set by the Beaufort County Stormwater Rate Study dated August 18 and adopted August 24, 2015.

The gross area charge for all parcels, EXCEPT master account properties for condominiums, is calculated in equivalent units as follows:

First 2 acres	\$X per acre
For every acres above 2 acres and up to 10 acres	0.5 x \$X
For every acre above 10 acres, and up to 100 acres	0.4 x \$X
For very acre above 100 acres	0.3 x \$X

Condominium accounts will receive a minimum gross area charge of 0.2 x \$X. The master account associated with the condominium subdivision will not receive a gross area charge.

Each municipal jurisdiction may have a different fee predicated upon the municipal jurisdiction's revenue needs. The stormwater service fee rates shall be adopted by the municipal jurisdictions and may be amended from time to time by the individual governing body.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/ , - -2016)

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

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

(a) Credits. The following types of credits against stormwater service fees shall be available:

(1) Freshwater wetlands. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on granting and dedicating a perpetual conservation easement on those portions of the property that are classified as freshwater wetlands and as detailed in the stormwater management utility service fee credit manual. The conservation easement shall remove that portion of the subject property from any future development.

(2) Salt Water Marsh. All properties except those classified as detached single-family dwelling units may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as salt water marsh and as detailed in the stormwater management utility service fee credit manual.

(3) Submerged properties. All properties may receive a credit against the stormwater service fee applicable to the property based on those portions of the property that are classified as submerged and as detailed in the stormwater management utility service fee credit manual.

~~(4)~~ Those properties that apply for consideration of an adjustment shall satisfy the requirements established by the Beaufort County Stormwater Manager and approved reduced stormwater service fee.

Formatted: Indent: Hanging: 0.4"

Formatted: Strikethrough

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

(1) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the state department of transportation and are available for use in common for vehicular transportation by the general public.

(2) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by Beaufort County and are available for use in common for vehicular transportation by the general public.

(3) Improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property.

(4) Railroad tracks shall be exempt from stormwater service fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service fees.

(5) Condominium boat slips shall be exempt from stormwater service fees.

(6) Properties determined by the Assessor having 100% of the gross area of the property submerged, salt water marsh, or freshwater wetland will not receive an administrative charge, if applicable in the utility rate structure, AFTER the applicable credit defined in paragraph (a) above has been applied to the account.

(Ord. No. 2015/24, 9-28-2015; Ord. No. 2016/ , - -2016)

Sec. 99-110. - Stormwater service fee billing, delinquencies and collections.

(a) Method of billing. A stormwater service fee bill may be attached as a separate line item to the county's property tax billing or may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the fee is due (January 15), and the date when past due (March 17 - see Title 12, Section 45-180 of the South Carolina State Code). The stormwater service fee bill may be billed and collected along with other fees, including but not limited to the Beaufort County property tax billing, other Beaufort County utility bills, or assessments as deemed most effective and efficient by the Beaufort County Council. Failure to receive a bill is not

justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such fees and any associated fines or penalties, including, but not limited to, interest on delinquent service fees. If a customer is under-billed or if no bill is sent for a particular property, Beaufort County may retroactively bill for a period of up to one-year, but shall not assess penalties for any delinquency during that previous unbilled period.

- (b) Declaration of delinquency. A stormwater service fee shall be declared delinquent if not paid within 60 days of the date of billing or upon the date (March 17) of delinquency of the annual property tax billing if the stormwater service fee is placed upon the annual property tax billing or enclosed with or attached to the annual property tax billing.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-111. - Appeals.

Any customer who believes the provisions of this article have been applied in error may appeal in the following manner and sequence.

- (a) An appeal of a stormwater service fee must be filed in writing with the Beaufort County Stormwater Manager or his/her designee within 30 days of the fee being mailed or delivered to the property owner and stating the reasons for the appeal. In the case of stormwater service fee appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the impervious surface area and any other feature or conditions that influence the development of the property and its hydrologic response to rainfall events.
- (b) Using information provided by the appellant, the county Stormwater Manager (or his or her designee) shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days. In response to an appeal, the Stormwater Manager may adjust the stormwater service fee applicable to the property in conformance with the general purposes and intent of this article.
- (c) A decision of the county Stormwater Manager that is adverse to an appellant may be further appealed to the county administrator or his designee within 30 days of the adverse decision. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to the county administrator or his designee. The county administrator or his designee shall issue a written decision on the appeal within 30 days. All decisions by the county administrator or his designee shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer. All decisions of the county administrator or his designee shall be final.
- (d) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decisions of the county administrator or his designee may be reviewed upon application for writ of certiorari before a court of competent jurisdiction, filed within 30 days of the date of the service of the decision.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-112. - No suspension of due date.

No provision of this article allowing for an administrative appeal shall be deemed to suspend the due date of the service fee with payment in full. Any adjustment in the service fee for the person pursuing an appeal shall be made by refund of the amount due.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-113. - Enforcement and penalties.

Any person who violates any provision of this article may be subject to a civil penalty of not more than \$1,000.00, or such additional maximum amount as may become authorized by state law, provided the owner or other person deemed to be in violation has been notified of a violation. Notice shall be deemed achieved when sent by regular United States mail to the last known address reflected on the county tax records, or such other address as has been provided by the person to the county. Each day of a continuing violation may be deemed a separate violation. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, a civil action may be filed on behalf of the county in the circuit court to recover the full amount of the penalty. This provision on penalties shall be in addition to and not in lieu of other provisions on penalties, civil or criminal, remedies and enforcement that may otherwise apply.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-114. - Investment and reinvestment of funds and borrowing.

Funds generated for the stormwater management utility from service fees, fees, rentals, rates, bond issues, other borrowing, grants, loans, and other sources shall be utilized only for those purposes for which the utility has been established as specified in this article, including but not limited to: regulation; planning; acquisition of interests in land, including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection; public information and education, and other activities which are reasonably required. such funds shall be invested and reinvested pursuant to the same procedures and practices established by Title 12, Section 45-70 of the South Carolina State Code for investment and reinvestment of funds. County council may use any form of borrowing authorized by the laws of the State of South Carolina to fund capital acquisitions or expenditures for the stormwater management utility. County council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-115. - Responsibilities of the stormwater management utility.

The county stormwater management utility shall perform adequate studies throughout the area served by the utility to determine the following:

- (1) Baseline study of water quality in the receiving waters;
- (2) Identification of pollutants carried by stormwater runoff into the receiving waters;
- (3) Recommended mitigation efforts to address pollutants carried by stormwater runoff into the receiving waters;
- (4) Inventory of the existing drainage system;
- (5) Recommended maintenance practices and standards of the existing drainage system;
- (6) Identification of capital improvements to the system to include construction or installation of appropriate BMPs.
- (7) A five-year spending plan.
- (8) Ensure compliance with the federally mandated MS4 permit requirements
- (9) Efficient utility administration including but not limited to billing, collection, defining rate structures, data management and customer support.

(Ord. No. 2015/24, 9-28-2015)

Sec. 99-116. - Stormwater utility management board.

- (1) Purpose. In compliance with and under authority of Beaufort County Ordinance 2001/23, the Beaufort County Council hereby establishes the stormwater management utility board (hereinafter referred to as the "SWU board") to advise the council as follows:
- (a) To determine appropriate levels of public stormwater management services for residential, commercial, industrial and governmental entities within Beaufort County;
 - (b) To recommend appropriate funding levels for provision of services in the aforementioned sectors;
 - (c) To advise the staff of the stormwater management utility on master planning efforts and cost of service/rate studies; and
 - (d) To support and promote sound stormwater management practices that mitigates non-point source pollution and enhances area drainage within Beaufort County.

Municipal councils are encouraged to organize similar boards to advise them on stormwater management programs and priorities within their boundaries.

In keeping with discussions held during the formation of the stormwater utility, it is anticipated that the municipalities will appoint staff professionals as their representative on the advisory board.

- (2) Stormwater districts. Stormwater districts are hereby established as follows:

- District 1 - City of Beaufort
- District 2 - Town of Port Royal
- District 3 - Town of Hilton Head Island
- District 4 - Town of Bluffton
- District 5 - Unincorporated Sheldon Township
- District 6 - Unincorporated Port Royal Island
- District 7 - Unincorporated Lady's Island
- District 8 - Unincorporated St. Helena Island Islands East
- District 9 - Unincorporated Bluffton Township and Daufuskie Island

- (3) Membership.

- (a) The SWU board is formed in accordance with Beaufort County Ordinance 92-28 and shall consist of a total of seven voting representatives from each of the following districts as noted below:

No. of Reps.	Stormwater District	Area
1	5	Unincorporated Sheldon Township
1	6	Unincorporated Port Royal Island
1	7	Unincorporated Lady's Island

1	8	Unincorporated St. Helena Island Islands East
2	9	Unincorporated Bluffton Township and Daufuskie Island
1	—	"At large"

All members of the SWU board will be appointed by county council and shall be residents of those districts or "at large" members from unincorporated Beaufort County.

- (b) The SWU board shall also consist of one nonvoting (ex officio) representative from the following districts:

Stormwater District	Municipality
1	City of Beaufort
2	Town of Port Royal
3	Town of Hilton Head Island
4	Town of Bluffton

All ex officio members from municipalities shall be appointed by their respective municipal councils for four-year terms.

- (c) All citizen members shall be appointed for a term of four years. The terms shall be staggered with one or two members appointed each year.
- (d) While no other eligibility criteria is established, it is recommended that members possess experience in one or more of the following areas: Stormwater management (drainage and water quality) issues, strategic planning, budget and finance issues or established professional qualifications in engineering, construction, civil engineering, architectural experience, commercial contractor or similar professions.
- (4) Officers.
- (a) Officers. Selection of officers and their duties as follows:
1. Chairperson and vice-chair. At an annual organizational meeting, the members of the SWU board shall elect a chairperson and vice-chairperson from among its members. The chair's and vice-chair's terms shall be for one year with eligibility for reelection. The chair shall be in charge of all procedures before the SWU board, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the SWU board. In the absence of the chair, the vice-chair shall act as chairperson.

2. **Secretary.** The county professional staff member shall appoint a secretary for the SWU board. The secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the SWU board, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and shall be attested to by the secretary. The minutes shall be approved by a majority of the SWU board members voting. In addition, the secretary shall maintain a public record of SWU board meetings, hearings, proceedings, and correspondence.
 3. **Staff.** The Stormwater Manager shall be the SWU board's professional staff.
- (b) **Quorum and voting.** Four SWU board members shall constitute a quorum of the SWU board necessary to take action and transact business. All actions shall require a simple majority of the number of SWU board members present.
 - (c) **Removal from office.** The county council, by a simple majority vote, shall terminate the appointment of any member of the SWU board and appoint a new member for the following reasons:
 1. Absent from more than one-third of the SWU board meetings per annum, whether excused or unexcused;
 2. Is no longer a resident of the county;
 3. Is convicted of a felony; or
 4. Violated conflict of interest rules according to the county-adopted template ordinance.

Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.
 - (d) **Vacancy.** Whenever a vacancy occurs on the SWU board, the county council shall appoint a new member within 60 days of the vacancy, subject to the provisions of this section. A new member shall serve out the former member's term.
 - (e) **Compensation.** The SWU board members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the SWU board-approved budget.
- (5) **Responsibilities and duties.**
- (a) Review and recommend to the county council for approval, a comprehensive Beaufort County Stormwater Management Master Plan and appropriate utility rate study which is in accordance with the South Carolina Stormwater Management and Sediment Reduction Act; and
 - (b) Review and comment to the county administrator on the annual stormwater management utility enterprise fund budget; and
 - (c) Cooperate with the South Carolina Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), the Oversight Committee of the Special Area Management Plan (SAMP), the Beaufort County Clean Water Task Force as well as other public and private agencies having programs directed toward stormwater management programs; and
 - (d) Review and make recommendations concerning development of a multiyear stormwater management capital improvement project (CIP) plan; and
 - (e) Review and advise on proposed stormwater management plans and procurement procedures; and
 - (f) Provide review and recommendations on studies conducted and/or funded by the utility; and
 - (g) Review and advise on actions and programs to comply with regulatory requirements, including permits issued under the State of South Carolina National Pollutant Discharge Elimination

System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4).

- (6) Meetings. Meetings of the SWU board shall be held as established by the SWU board on a monthly basis and a calendar will be prepared giving the date, time and location of such meetings. Additionally, meetings may be called by the chairperson or at the request of four SWU board members. The location of all SWU board meetings shall be held in a public building in a place accessible to the public. The following shall apply to the conduct of all meetings:
- (a) Meeting records. The SWU board shall keep a record of meetings, resolutions, findings, and determinations. The SWU board may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
 - (b) Open to public. All meetings and public hearings of the SWU board shall be open to the public.
 - (c) Recommendations or decisions. All recommendations shall be by show of hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.
 - (d) Notice and agenda. The SWU board must give written public notice of regular meetings at the beginning of each calendar year. The SWU board must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The SWU board must notify any persons, organizations and news media that request such notification of meetings.

(Ord. No. 2015/24, 9-28-2015)

(Ord. No. 2005/33, § 17, 8-22-2005; Ord. No. 2009/21, §§ I—VI, 5-26-2009; Ord. No. 2015/24, 9-28-2015; ~~Ord. No. 2016/ , - -2016~~)

E D

This Ordinance will become effective upon approval by Council Council.

Adopted this day of , 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:

Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas Keavney, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

DRAFT 6

ORDINANCE NO. 2016/ _____

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF EASEMENTS
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R100 028 000 0381 0000**

WHEREAS, on or about December 19, 2012, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County a thirty-foot (30') drainage easement located on the southern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3204 / Pages 2401-03; and

WHEREAS, on or about February 7, 2013, MCAS Beaufort, a Division of CPM Federal Credit Union, agreed to deed Beaufort County another thirty-foot (30') drainage easement located on the eastern property line of real property identified as TMS No. R100 028 000 0381 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds at Book 3215 / Pages 611-13; and

WHEREAS, Beaufort County failed at the time to build the ditch due to permitting restrictions related to the wetlands on the parcel; and

WHEREAS, Beaufort County has determined that construction of a short ditch on the southwest corner of the property along with maintenance of a preexisting ditch on the parcel will improve its outfall, benefit surrounding residences and eliminate the need to construct either of the ditches on the easements referred to above all to the benefit of the property owner and the County; and

WHEREAS, Beaufort County and the property owner now agree that the property owner will deed to Beaufort County a thirty-foot (30') drainage easement on the southwest corner of real property identified as TMS No. R100 028 000 0381 000 in exchange for the County relinquishing the two (2) previous thirty-foot (30') drainage easements referred to above; and

WHEREAS, Beaufort County Council has determined it is in the County's best interest to relinquish the two thirty-foot (30') easements which are attached hereto as Exhibit "A"; and

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

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

ADOPTED this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

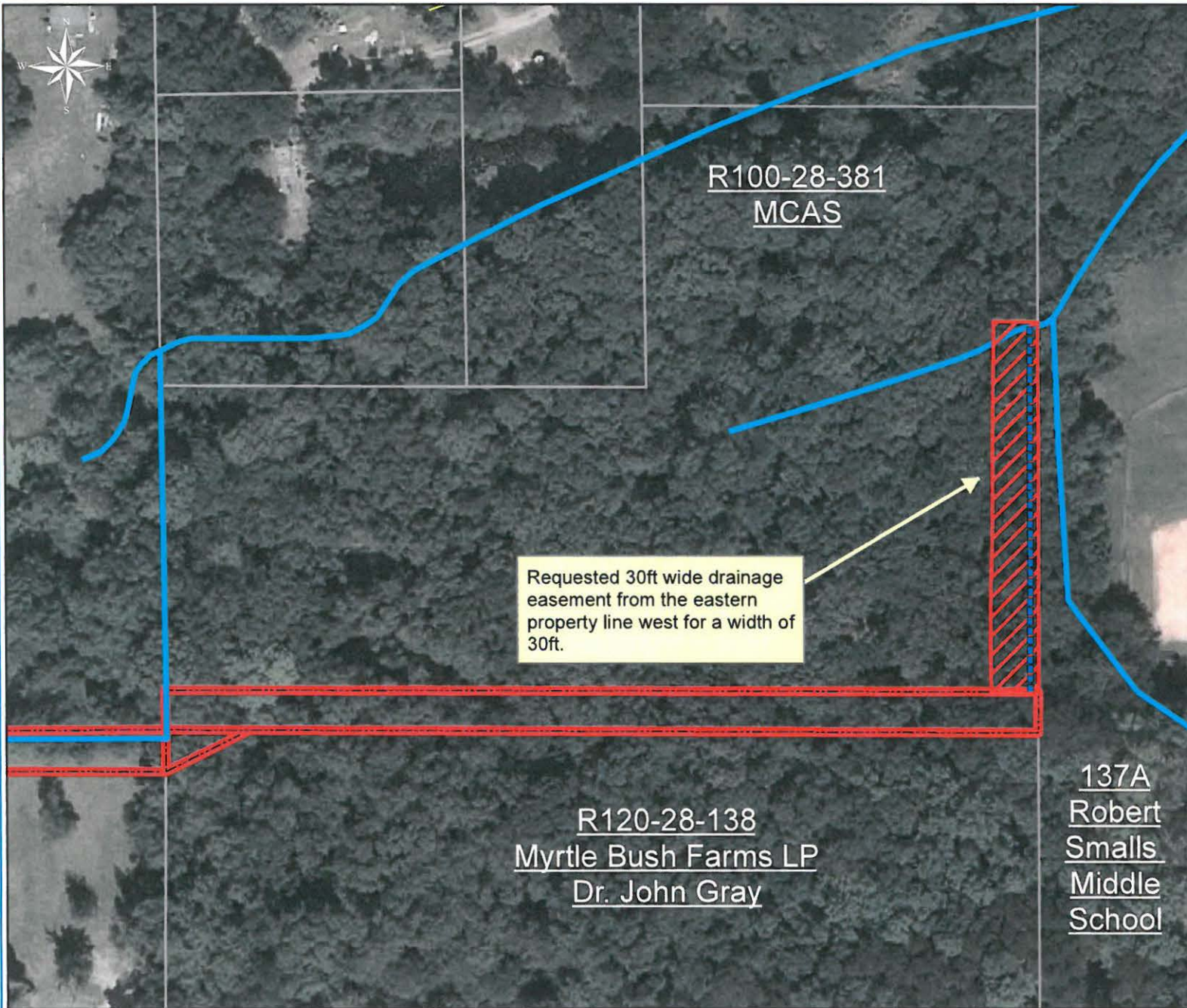
Public Hearing:

Third and Final Reading:

(Exhibit "A")
MCAS
R100-28-381

Activity: Drainage
Easement Request

Township: Port
Royal Island



Legend

- Ditch to be constructed
- Requested Esmt
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels

R120-28-138
Myrtle Bush Farms LP
Dr. John Gray

137A
Robert
Smalls
Middle
School

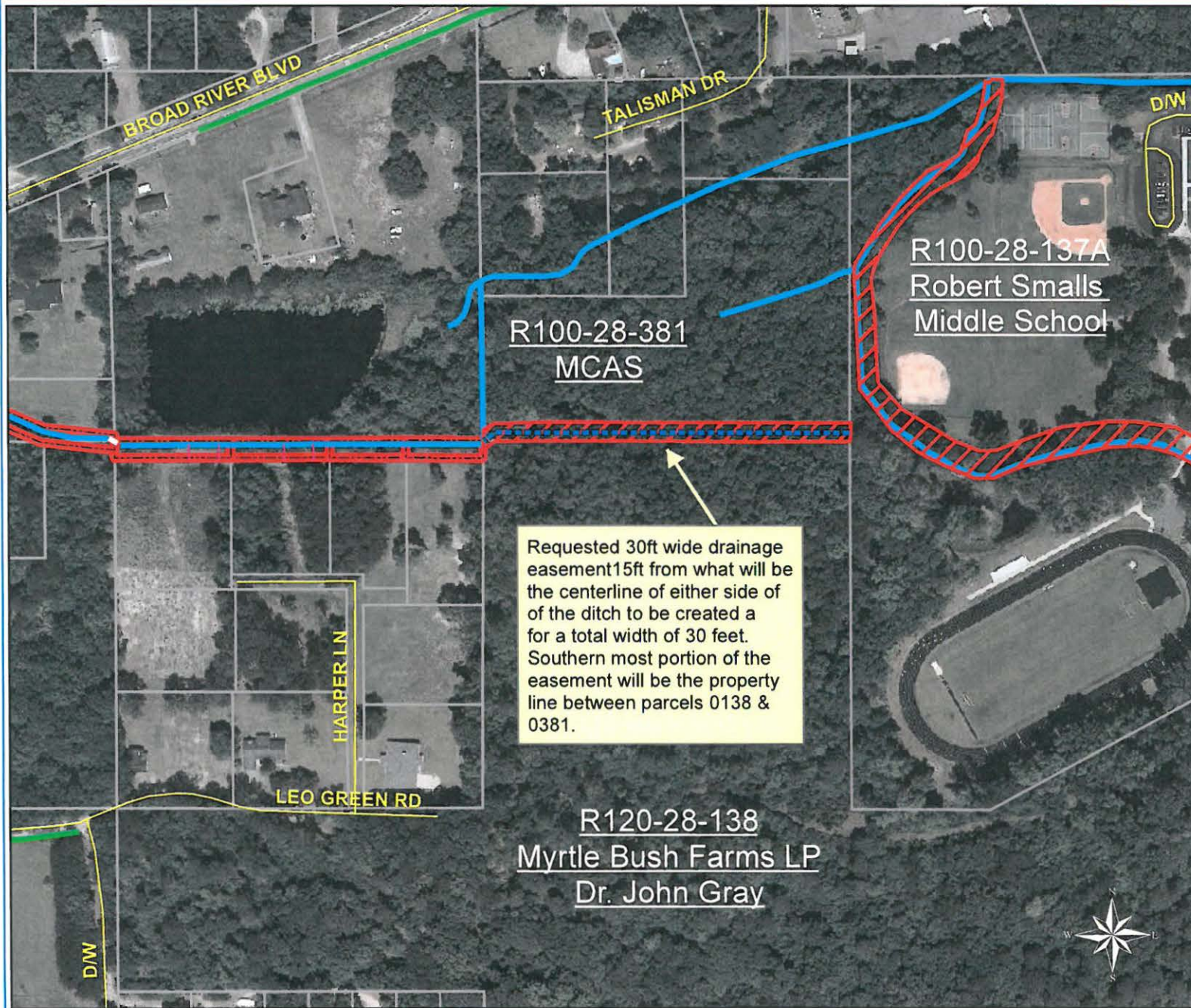


1 inch = 105 feet

(Exhibit "A")
 Myrtle Bush Farms LP
 Dr. John Gray
 R120-28-138

Activity: Drainage
 Easement Request

Township: City
 of Beaufort



R100-28-381
 MCAS

R100-28-137A
 Robert Smalls
 Middle School

R120-28-138
 Myrtle Bush Farms LP
 Dr. John Gray

Requested 30ft wide drainage
 easement 15ft from what will be
 the centerline of either side of
 of the ditch to be created a
 for a total width of 30 feet.
 Southern most portion of the
 easement will be the property
 line between parcels 0138 &
 0381.

Legend

- ▬▬▬▬ Ditch to be constructed
- ▨▨▨▨ Requested Esmt
- River
- Stream
- Outfall
- Lateral
- ▬▬▬▬ Lateral Pipe
- ▬▬▬▬ Roadside
- ▬▬▬▬ Roadside Pipe
- ▬▬▬▬ Road Pipe
- ▬▬▬▬ Crossline
- ▬▬▬▬ DW
- ▬▬▬▬ Access
- ▬▬▬▬ Piped
- ▬▬▬▬ Bleeder
- ▭▭▭▭ Parcels



1 inch = 250 feet

Prepared By: Beaufort Co, Stormwater Management Utility
 Print Date: 11/5/12
 File - C:\sethdata\leasement requests\2012\Myrtle Bush Farms Dr John Gray



**RESOLUTION OF BEAUFORT COUNTY COUNCIL ENDORSING THE
RURAL AND CRITICAL LANDS PRESERVATION PROGRAM,
READINESS AND ENVIRONMENTAL INTEGRATION (REPI) FEE LAND
NATURAL RESOURCE MANAGEMENT PLAN**

WHEREAS, the purpose of the Rural and Critical Lands Program under the Rural and Critical Lands Preservation Ordinance is to protect critical and natural resources and the findings of Beaufort County Council are that rural and critical lands constitute unique and irreplaceable land resources of countywide importance and policy of the county that rural and critical lands are valued natural and ecological resources which provide certain needed open space for wildlife habitat, clean air, clean water, groundwater recharge, and protection of historic and cultural resources (Ordinance Number 2006/2, 1-9-2006); and

WHEREAS, the Marine Corps Air Station Beaufort (Department of the Navy), under the federal authority of 10 USC 2684a, and Beaufort County Council, through the Rural and Critical Lands Preservation Program, permanently protected the five properties known as Ihly, Lucky, Battey-Wilson, McLeod, and Emma Adams; and

WHEREAS, the MCAS Beaufort (Department of the Navy) acquired a restrictive easement and Beaufort County acquired fee simple ownership of these five properties within the 2005 Air Installations Compatible Use Zone (AICUZ) areas where high residential development among other concerns is considered incompatible with the mission of Air Station; and

WHEREAS, the Council of Beaufort County, South Carolina recognizes that the Rural and Critical Lands Preservation Program, REPI Fee Land Natural Resource Management Plan is a management plan designed to implement natural resource management on these properties to continue to preserve and enhance the existing natural resource values, remove threats to the ecological health of the properties, and provide opportunities for the public to learn about and to enjoy natural resources and the Rural and Critical Lands Preservation Program; and

WHEREAS, the REPI Natural Resource Management Plan is compatible with the Marine Corps Air Station Beaufort's 2013 Integrated Natural Resource Management Plan, which allows for the conservation and rehabilitation of natural resources on military installations through the Sikes Act Improvement Act (SAIA), 16 United States Code (U.S.C.) § 670a *et seq.*; and

WHEREAS, projects and actions that are identified in the plan will be funded by Readiness and Environmental Protection Integration Program (REPI).

NOW, THEREFORE, BE IT RESOLVED, Beaufort County Council hereby endorses the Rural and Critical Lands Preservation Program, REPI Fee Land Natural Resource Management Plan and authorizes the County Administrator to enter into a Memorandum of Understanding which will further define the roles and responsibilities of the parties (the Marine Corps Air Station Beaufort and Beaufort County).

The Resolution shall become effective this _____ day of _____ 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

ORDINANCE 2016 /

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY

WHEREAS, Beaufort County owns real property located on Ribaut Road, which is more particularly known as R120-003-000-0097-0000, located at the Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina; and

WHEREAS, South Carolina Electric and Gas (“SCE&G”) requests three (3) utility easements for Tract 64 from Beaufort County; and

WHEREAS, SCE&G seeks to place certain equipment underground at three (3) locations on the property identified as R120-003-000-0097-0000, which is part of the Boundary Street Redevelopment Project; and

WHEREAS, SCE&G has offered to pay \$950.00 for 100 square feet, 5’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$1,900.00 for 200 square feet, 10’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$240.00 for 25 square feet, 5’ x 5’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, Beaufort County Council has determined that it is in its best interest to authorize the execution and delivery of the requested three (3) utility easements attached hereto and incorporated by reference as “Exhibit A” respectively; and

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

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that the County Administrator is hereby authorized to execute any and all documents necessary to execute the delivery of three (3) utility easements which is attached hereto as “Exhibit A”.

ADOPTED THIS ____ DAY OF _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Easement # 893869

INDENTURE, made this _____ day of _____, 2016 by and between **Beaufort County** of the County of **Beaufort** and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the **SOUTH CAROLINA ELECTRIC & GAS COMPANY**, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Beaufort**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a portion of a tract of land containing **4.45 acres**, more or less, and being the same lands conveyed to Grantor by deed of **School District #1 of the County of Beaufort**, dated or recorded **4/11/1985**, and filed in the Register of Deeds office for **Beaufort County in Deed Book 417 at Page 361**.

This property is located at the southwest corner of the intersection of Boundary Street and Ribaut Road, being bounded on the north by Boundary Street; on the east by Ribaut Road; on the south by Duke Street; and on the west by lands N/F of Sixteen Gate Cemetery, LLC, and Wetlands.

The easement is for the SCE&G facilities more fully shown on Exhibit "A" and "B", attached hereto and made a part of as reference only.

TMS: R120 003 000 0097 0000

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim underbrush, cut underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing underbrush but not trees) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

Beaufort County

By: _____ (SEAL)

1st Witness

Print: _____

2nd Witness

Title: _____

Easement # 893869

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF **Beaufort**)

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named _____, As _____ of **Beaufort County**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 2016

Signature of Notary Public State of SC

My commission expires: _____

Print Notary Name _____

**EASEMENT GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **Boundary Street Project**

County: **Beaufort**

R/W File Number: **19420**

Grantor(s): **Beaufort County**

Return to: SCE&G, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910

EXHIBIT "A"

U.S. 21 BUSINESS - BOUNDARY STREET

405

64
BEAUFORT COUNTY
R120 003 000 0097
PRESENT TRANS R/W
FILE 7-484 (1984) SCDOT

460

SOUTH CAROLINA ELECTRIC & GAS
COMPANY ELECTRIC
DISTRIBUTION SYMBOLS

UNDERGROUND SYMBOLS	
	SINGLE PHASE PAD MOUNTED TRANSFORMER
	THREE PHASE PAD MOUNTED TRANSFORMER
	SWITCH GEAR
	LOOP CABINET
	UG SERVICE
	SECONDARY PEDESTAL/HANDHOLE
	"P" FOR PERMANENT.
	"T" FOR TEMPORARY.
	"M" FOR METERED.

NOTE: SEE EASEMENT DOCUMENT FOR DETAILS
ON DOOR CLEARANCE RESTRICTIONS

SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'

EXHIBIT "B"

370

U.S. 21 BUSINESS - BOUNDARY STREET

PRESENT 47' R/W
FILE 7.484 (1984) SCDOT

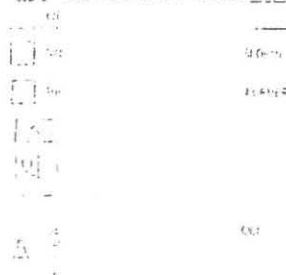
5' SCE&G EASEMENT
5' x 20'

10' SCE&G EASEMENT
10' x 20'

PRESENT 37.5' R/W
FILE 7.484 (1984) SCDOT

64
BEAUFORT COUNTY
R120 003 000 0097

SOUTH CAROLINA ELECTRIC & GAS
COMPANY ELECTRIC
DISTRIBUTION SYMBOLS



NOTE: SEE EASEMENT DOCUMENT FOR DETAILS
ON DOOR CLEARANCE RESTRICTIONS

SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT
104 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Tom Keaveny, County Attorney *TK*

FROM: Robert McFee, PE, Division Director for Construction, Engineering & Facilities *JR McFee*

SUBJ: **Segment 7 of the Spanish Moss Trail - Easement Agreement**

DATE: July 26, 2016

BACKGROUND. In order to promote the safe use of Segment 7 of the Spanish Moss Trail which extends from Roseida Road to Clarendon Road, an easement must be acquired to safely conduct Trail users through the Highway US 21 and Laurel Bay Road (S-7-116) intersection. To this end, CMH OF KY, Inc., has executed an easement agreement granting Beaufort County a permanent 25' easement across its property – R100 025 000 0332 0000. The \$22,000 consideration for the easement will be paid by the PATH Foundation on behalf of the County. Two temporary easements for Trail construction within the easement area are also being granted. Attached are a location map and the easement agreement document.

FOR ACTION. Public Facilities Committee on August 15, 2016.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council the acceptance of the easement at, or near, the Highway 21 – Laurel Bay Road intersection.

JRM/EK/mjh

Attachments: 1) Location Map
2) Easement Agreement

cc: David Wilhelm

Z:/easement/SMT/Seg7US21-SC116



STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) **EASEMENT AGREEMENT**

This Easement Agreement is made this 19 day of July, 2016, by and between **CMH OF KY INC.**, a Corporation Sole (the "Grantor"), and **Beaufort County**, a political subdivision of the State of South Carolina (the "Grantee").

WITNESSETH

WHEREAS, Beaufort County, South Carolina is establishing, developing and constructing multi – use recreational trails to include the Spanish Moss Trail; and

WHEREAS, these multi - use trails are for the intended use of non-motorized activities such as walking, jogging, inline skating, roller blading, skate boarding and bicycling; and

WHEREAS, to provide for the safe use of Segment 7 of the Spanish Moss Trail, extending from Roseida Road to Clarendon Rd., certain easements must be acquired to direct trail users safely through the Highway 21- Highway 116 intersection;

NOW, THEREFORE

KNOW ALL MEN BY THESE PRESENTS, THAT GRANTOR, in the State aforesaid, for and in consideration of the sum of twenty-two thousand and no hundreds dollars (\$22,000), to it in hand paid at and before the sealing of these presents by **the PATH Foundation** on behalf of the Grantee, **Beaufort County, a political subdivision of the State of South Carolina**, having an address of P.O. Drawer 1228, Beaufort, South Carolina 29901-1228, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto the said Beaufort County, its successors and assigns, a perpetual, non-exclusive easement for **location, operation and maintenance of the Spanish Moss Trail, and a temporary additional non-exclusive easement for the construction of the Trail**, as shown on the attached plat incorporated herein as Exhibit A,

on, over and across certain lands of the Grantor described as follows:

All that certain tract of real property, situate, lying and being on Port Royal Island, Beaufort County, South Carolina, consisting of 3.787 acres, more or less, constituting a portion of the real property designated as Lot 63, Section 27, 1N2W on the plat of Beaufort County prepared by the United States Direct Tax Commission; and shown as Lot 2 on a plat prepared by Zyad A. Khalil, R.L.S. dated June 11, 2002, a copy of which is recorded with the Registrar of Deeds Office for Beaufort County, South Carolina in Plat Book 89 at Page 122.

The easement is granted and accepted subject to the following terms:

1. This easement is conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Grantor, its successors and assigns, to utilize the Grantor's property at any time, in any manner, and for any purpose, provided, however, that such use by the Grantor shall not be inconsistent with or prevent the full utilization by Beaufort County (hereinafter, the "County") and the general public of the rights and privileges granted herein.
2. The County agrees to plan, lay out and build a trail for pedestrian and bicycle travel for the general public upon the Easement Property, and further agrees that the use of, access to, and travel upon said pathway shall be under the exclusive control of the County and that the County shall at all times comply with all applicable laws, rules, codes, and regulations.
3. Neither the Grantor, its successors and assigns, nor its tenants, shall be liable for any damages, suits or liabilities whatsoever arising from the County's exercise of its easement rights hereunder, including construction and maintenance of the trail, or arising out of the use of the Easement Property, the trail, or any other improvements constructed pursuant hereto by any person or persons. By granting the rights herein, the Grantor accepts no liability for damages, claims, or liabilities whatsoever arising out of any party's use of the Easement Property or the trail contained in the easement.

TO HAVE AND TO HOLD, all and singular, the rights, privileges, and easements aforesaid unto **Beaufort County**, its successors and assigns, forever.



COPY

(The rest of this page is intentionally left blank.)

 COPY


IN WITNESS WHEREOF, the parties hereto have caused the within Easement Agreement to be executed by their duly authorized officer(s) on this 24th day of May, 2016.

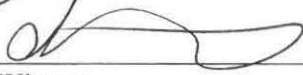
Witnesses:

GRANTOR
CMH of KY., Inc.



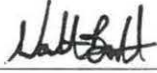
1st Witness

By: 



2nd Witness

Its: CFO

Attest: 

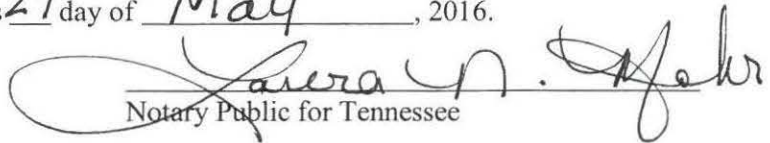
Its: ASST SEC

STATE OF TENNESSEE)
)
COUNTY OF Blount)

ACKNOWLEDGEMENT

I, the undersigned Notary Public, do hereby certify that the proper officials for CMH of KY, Inc. personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the forgoing instrument.

Witness my hand and seal this 24 day of May, 2016.



Notary Public for Tennessee

My Commission expires: 7-27-16



NOTES

1. THIS LOT LIES IN FLOOD ZONE C, FIRM PANEL 0065-D COMMUNITY 450025.

LEGEND

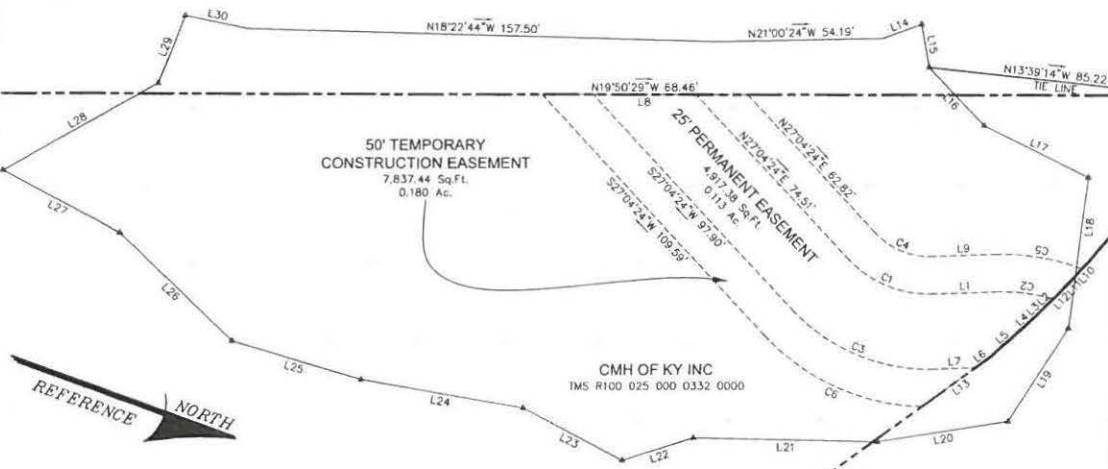
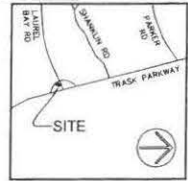
a WETLAND FLAG

SPANISH MOSS TRAIL 100' R/W

REFERENCE

- SPANISH MOSS TRAIL EASEMENT PLAN EXHIBIT. DATE: 02-04-16 BY: WARD EDWARDS ENGINEERING
- A BOUNDARY SURVEY OF PORT ROYAL RAILROAD, BEAUFORT COUNTY, SOUTH CAROLINA DATE: 07-15-08 BY: WILLIAM H. GRAY, JR. S.C.R.L.S. No. 22744

CURVE TABLE					
LABEL	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	37.50'	31.97'	31.01'	N02°38'47"E	48°51'14"
C2	62.50'	19.34'	19.26'	S72°55'03"E	17°43'34"
C3	62.50'	53.29'	51.69'	N02°38'47"E	48°51'14"
C4	75.00'	21.32'	20.68'	N02°38'47"E	48°51'14"
C5	75.00'	29.50'	29.31'	S10°30'49"E	22°32'01"
C6	75.00'	59.43'	57.89'	N04°22'24"E	45°24'00"

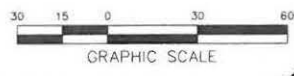


PREPARED FOR:
WARD EDWARDS ENGINEERING
 AN EASEMENT PLAT OF
SPANISH MOSS TRAIL
 PROPOSED EASEMENT
 A PORTION OF TAX PARCEL No.
 R100 025 000 0332 0000
 BEAUFORT
 BEAUFORT COUNTY, SOUTH CAROLINA
 FIELD CHECK: WHG
 DATE: 04-11-16
 SCALE: 1"=30'
 PROJECT No.: 15113
 FILE: 15113 (A)10WG



ATLAS SURVEYING INC.
 49 BROWN'S COVE ROAD, SUITE #5
 RIDGELAND, SC 29936
 PHONE: (843) 645-9277
 FAX: (843) 645-9267
 E-MAIL: BGRAY@ATLASSURVEYING.COM

LINE TABLE					
LABEL	BEARING	DISTANCE	LABEL	BEARING	DISTANCE
L1	N21°46'50"W	21.09'	L16	N26°16'25"E	26.84'
L2	S64°35'34"E	4.61'	L17	N06°32'33"E	38.82'
L3	S64°14'09"E	5.00'	L18	N76°51'10"E	50.67'
L4	S62°56'50"E	4.91'	L19	S77°25'09"E	36.65'
L5	S62°01'11"E	13.02'	L20	S28°46'18"E	44.12'
L6	S55°52'01"E	6.91'	L21	S18°41'12"E	61.28'
L7	S21°46'50"E	13.69'	L22	S37°29'47"E	24.69'
L8	N19°50'29"W	34.23'	L23	S07°49'20"W	37.49'
L9	N21°46'50"W	21.09'	L24	S09°56'39"E	54.75'
L10	S68°05'59"E	3.70'	L25	S03°27'57"E	45.43'
L11	S66°52'23"E	4.89'	L26	S24°02'44"W	51.59'
L12	S66°02'15"E	4.52'	L27	S08°20'09"W	44.00'
L13	S55°57'01"E	28.93'	L28	N49°36'43"W	58.64'
L14	N39°47'55"W	13.80'	L29	N89°07'22"W	24.00'
L15	N59°50'46"E	14.52'	L30	N08°07'53"W	21.12'



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

WILLIAM H. GRAY, JR.
 S.C.P.L.S. No. 22744
 NOT VALID UNLESS COUNTERED WITH SEAL



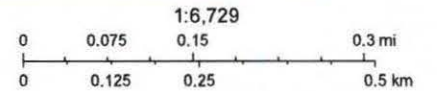
SPANISH MOSS TRAIL, SEGMENT 7, PROPOSED EASEMENT



August 2, 2016

Road Classifications

- | | | |
|----------------------|-------------------------|----------------------|
| — <all other values> | — PRIVATE, PAVED | — MILITARY / UNPAVED |
| — STATE, PAVED | — PRIVATE, UNPAVED | □ Parcels |
| — STATE, UNPAVED | — PRIVATE, UNDETERMINED | |
| — COUNTY, PAVED | — TOWN, PAVED | |
| — COUNTY, UNPAVED | — TOWN, UNPAVED | |
| | — MILITARY / PAVED | |



The information and images contained on this web site are for viewing and informational purposes only. Although much of the data is compiled from official sources, such as deeds and plats, it is not intended to be used as such. Please contact the appropriate Beaufort County Office for official or original documents.

ORDINANCE 2016/ _____

**AN ORDINANCE OF COUNTY OF BEAUFORT, SOUTH CAROLINA AMENDING CERTAIN SECTIONS
UNDER BEAUFORT COUNTY CODE, CHAPTER 22, CIVIL EMERGENCIES, ARTICLE IV,
DISASTER RECOVERY AND RECONSTRUCTION**

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading

ARTICLE IV. - DISASTER RECOVERY AND RECONSTRUCTION

Sec. 22-101. - Authority.

- (1) This article is adopted by the Beaufort County Council acting under authority of the South Carolina General Assembly, the Home Rule Act, South Carolina Code of Regulations 58-1, Local Emergency Preparedness Standards, and all applicable federal laws and regulations.
- (2) The provisions of this article shall become and be made part of the Code of Laws and Ordinances of Beaufort County, South Carolina. Any laws or ordinances in conflict with the Ordinance that Beaufort County is authorized to repeal are hereby repealed.
- (3) Nothing herein shall supersede the powers, duties, and authorities of the Federal Emergency Management Agency (FEMA) and/or South Carolina's Emergency Management Division (SCEMD). If any section, paragraph, sentence, clause and/or phrase or word of this article is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this article.

Sec. 22-102. - Purposes and objectives.

- (1) *Purposes.* It is the intent of the Beaufort County Council under this article to:
 - (a) Authorize creation of an organization to plan and prepare in advance of a major disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;
 - (b) Direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;
 - (c) Authorize in advance of a major disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency; and,
 - (d) Identify means by which Beaufort County will take cooperative action with other governmental entities (local, state and federal) in expediting recovery; and implement means by which Beaufort County will consult with and assist citizens, businesses, and community organizations during the planning and implementation of recovery and reconstruction procedures.
- (2) *Objectives.* The County has established the following general objectives for county recovery policy:
 - (a) Adopt improved and more comprehensive recovery policies and procedures that will facilitate county rebuilding after a disaster;
 - (b) Adopt improved and more comprehensive recovery policies and procedures that will facilitate meeting FEMA (Federal Emergency Management Agency)

(and other state and federal programs) requirements for rebuilding and redevelopment funding;

(c) Improve county policies and procedures for future hurricane seasons and all other disasters.

(3) *Statement of concurrent obligations.* This article is enacted to set out and clarify the authority of Beaufort County and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority. It is further intended that the powers granted and procedures established in this article shall apply concurrently to emergency, post-emergency, recovery and reconstruction operations.

Sec. 22-103. - Definitions.

As used in this article, the following definitions shall apply:

Curfew. A curfew is a regulation requiring the withdrawal from any person not otherwise exempt from this article from appearing in certain public areas during specified hours.

Damage assessment team. The primary role of the damage assessment team is to assess losses to property. Assessment will be used to determine type of permit required for repair or reconstruction, dollar amount of destruction or damage, and to determine qualifications for federal or state disaster relief assistance.

Detailed damage assessment. Follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc.

Development moratorium. A temporary hold, for a defined period of time, on the issuance of building permits, approval of land-use applications or other permits and entitlements related to the use, development, redevelopment, repair, and occupancy of private property in the interests of protection of life and property.

Director. The director of the recovery task force or an authorized representative.

Disaster recovery centers (DRCs). A multi-agency center organized by FEMA for coordinating assistance to disaster victims.

Emergency. A local emergency which has been declared by the governor or recognized as same by the Beaufort County Council through the enactment of an emergency ordinance for a specific disaster and has not been terminated.

Event. Any natural weather-related or other condition causing damage or destruction of property. Types of events shall include, but not limited to hurricanes, northeasters, tornadoes, earthquakes, and/or other natural disasters.

Exempt individuals. Unless otherwise specified herein, exempt individuals include those persons engaged in the provision of designated, essential services, such as fire, law enforcement, emergency medical services, and hospital services, military services, utility emergency repairs. The resolution of a curfew may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors who are properly registered with the county and who are actively engaged in performing activities related to construction, repair, renovation, or improvement of buildings and other structures damaged during the disaster or emergency.

Flood Insurance Rate Map (FIRM). An official map of the community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Hazard mitigation grant program. A federal program that assists states and local communities in implementing long-term hazard mitigation measures following a major disaster declaration.

Historic building or structure. Any building or structure listed or eligible for listing on the National Register of Historic Places, as specified by federal regulation, the state register of historic places or points of interest, or a local register of historic places, and any buildings and structures having historic significance within a recognized historic district.

Individual assistance program. A federal disaster program that brings funding to disaster victims for housing and other needs in order to expedite the victims' recovery from disaster.

Initial impact assessment. The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.

In-kind. The same as the prior building or structure in size, height and shape, type of construction, number of units, general location, and appearance.

Interagency hazard mitigation team. A team of representatives from FEMA, other federal agencies, state emergency management agencies, and related state and federal agencies, formed to identify, evaluate, and report on post-disaster mitigation needs.

Joint field office (JFO). A center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of federal, state, and local agencies as

identified in the National Response Framework (NRF) and determined by disaster circumstances.

Major disaster. Any natural catastrophe (including any hurricane, tornado, high water, wind-driven water, earthquake, winter storm, drought, etc.), or, regardless of cause, any fire, flood, or explosion, which in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, jurisdictions, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

National response framework (NRF). A plan to coordinate efforts of the government in providing response to natural disasters, technological emergencies, and other incidents requiring federal assistance under the Stafford Act in an expeditious manner.

Project worksheet (PW). A claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a major disaster, as authorized under the Stafford Act and related federal regulations, plans, and policies.

Public assistance program. FEMA's Public Assistance (PA) Grant Program is designed to provide assistance to states, local governments, and certain nonprofit organizations to alleviate suffering and hardship resulting from major disasters or emergencies declared by the President. Through the PA Program, FEMA provides supplemental federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private nonprofit (PNP) organizations. The federal share of assistance is not less than 75 percent of the eligible cost for emergency measures and permanent restoration. The grantee (usually the state) determines how the non-federal share (up to 25 percent) is split with the subgrantees (eligible applicants).

Reconstruction. The rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major disaster, addition of major community improvements, and full restoration of a healthy economy.

Recovery functions. The categories of activities and programs that the County and its citizens are likely to need following a disaster.

Recovery task force. An interdepartmental organization that coordinates Beaufort County staff actions in planning and implementing disaster recovery and reconstruction functions.

Recovery plan. A pre-event plan for post-disaster recovery and reconstruction, composed of policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, with an emphasis on mitigation.

Recovery strategy. A post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business

resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

Sec. 22-104. - Recovery management structure.

The primary recovery task that shall be completed in times of a disaster is assuring that all continuity of government procedures are in place and being carried out according to previously established plans. This includes having lines of succession in place for county council members and all essential Beaufort County staff (especially department heads).

The second task should be implementing a management structure that defines how recovery procedures will be managed by the county. The following structure is hereby created for the purpose of coordinating Beaufort County actions in planning and implementing disaster recovery and reconstruction activities.

- (1) *Recovery task force.* A recovery task force is hereby established that is comprised of the following officers and members, should any of the directors be unable to perform the tasks the subsequent individual shall fall within that position and the line of succession shall adjust accordingly.
 - (a) The county administrator who shall be chair; and as chair of the recovery task force shall appoint the recovery director and three deputy directors to oversee all recovery functions and to form a line of succession. Each deputy director shall provide management of recovery functions as assigned by the director;
 - (b) ~~The division director of engineering and infrastructure who shall be director and vice chair;~~ The director of environmental engineering and land management shall be the recovery director and first vice-chair of the disaster recovery taskforce.
 - (c) ~~The division director of community services who shall be deputy director, and who shall act as vice chair in the absence of the vice chair.~~ The director of public works shall be the second vice-chair.
 - (d) ~~The Beaufort County Staff Attorney who shall be legal adviser;~~ The Building Codes Director shall be the third vice chair.
 - (e) The Beaufort County Assistant County Administrator of Civil Engagement & Outreach shall be the fourth vice-chair
 - (f) The Beaufort County Attorney and staff shall be legal advisor and staff of the recovery task force.

(g) ~~Other members, including the building official, county engineer, planning director, fire chief, emergency management director, county sheriff, and the director of public works, together with representatives from such other departments and offices as the alliance for human services, assessor, county council, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., may be deemed necessary by the chair or director for effective operation.~~ Shall include the county council, facilities and construction, engineering, transportation engineering, planning, fire chief, emergency management, sheriff, together with representatives from such other departments and offices as the alliance for human services assessor, economic development, EMS, GIS, parks and leisure services, zoning, department of social services/emergency welfare services, municipal representatives, private sector and nonprofit organizations etc., and others that may be deemed necessary by the chair or recovery director for effective recovery operations.

- (2) *Powers and duties.* The recovery task force shall have such powers as enable it to carry out the purposes, provisions, and procedures of this chapter, as identified in this chapter.
- (3) *Operations and meetings.* The director shall have responsibility for recovery task force operations. When an emergency declaration is in force (whether declared by the governor or through the enactment of an emergency ordinance adopted by Beaufort County Council), the county administrator shall authorize activation of the recovery task force and disaster recovery plan. After a declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the recovery task force shall meet daily or as frequently as determined by the director. When an emergency declaration or determination is not in force, the recovery task force shall meet monthly or more frequently, upon call of the chair or director.
- (4) *Succession.* In the absence of the director, the deputy director shall serve as acting director and shall be empowered to carry out the duties and responsibilities of the director. The director shall name a succession of department managers to carry on the duties of the director and deputy director, and to serve as acting director in the event of the unavailability of the director and deputy director.
- (5) *Organization.* The recovery task force may create such standing or ad hoc committees as determined necessary by the director.
- (6) *Relation to ~~Beaufort County Emergency Management.~~ Beaufort County Sheriff's Office Emergency Management Division.* The recovery task force shall work in concert with ~~Beaufort County Emergency Management~~ the Emergency Management Division that has interrelated functions and similar membership.
- (7) *Short-term recovery objectives.* The emergency management director is in charge of overseeing all short-term recovery activities. Beaufort County's objectives to be accomplished during short-term recovery can be found in the Beaufort County Recovery

Plan, Appendix C. This checklist is to be used to determine that short-term recovery activities have been completed properly.

- (8) *Long-term recovery objectives.* The director of ~~the public services department~~ Environmental Engineering and Land Management is responsible for overseeing all long-term recovery activities. Beaufort County's objectives to be accomplished during long-term recovery can be found in the Beaufort County Recovery Plan, Appendix C. This checklist is to be used to determine that long-term recovery activities have been completed properly.
- (9) *Ending recovery operations.* Recovery operations shall continue until the county administrator has notified staff to return to normal operations. Normal operations will not resume until either the emergency management director (for short-term emergency activities) or the director of ~~the public services department~~ Environmental Engineering and Land Management (for long-term recovery activities) has notified the county administrator that recovery activities have been completed.

Sec. 22-105. - Recovery plan.

Beaufort County has developed a pre-event plan for post-disaster recovery and reconstruction, referred to as the Beaufort County Recovery Plan, which is comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, and incorporates hazard mitigation in all elements of the plan.

- (1) *Recovery plan content.* The recovery plan addresses policies, implementation actions and designated responsibilities for such subjects as impact assessment (disaster assessment), continuation of government, public information/community relations, human services (short-term), individual assistance, volunteers and donations, debris management, re-entry security, health and human safety, repair and restoration of public infrastructure and buildings, building inspections and permits, rebuilding, construction, repairs, restoration, temporary housing, redevelopment (planning and zoning ordinance enforcement), economic preservation and restoration, mitigation, recovery administration and finance, county employees, mortuary operations, mutual aid protocols, pre-disaster equipment and facilities deployment and such other subjects as may be appropriate to expeditious and wise recovery.
- (2) *Coordination of recovery plan with county and regional plans, FEMA, and other agencies.* The recovery plan identifies relationships of planned recovery actions with those of adjacent communities and state, federal, or mutual aid agencies involved in disaster recovery and reconstruction, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administration (EPA), the Department of Transportation (DOT), the South Carolina Emergency Management Division (SCEMD), the South Carolina Department of Health and Environmental Control (DHEC) and other entities

that provide assistance in the event of a major disaster. A draft copy of the plan shall be sent to the South Carolina Emergency Management Division on an annual basis for review in sufficient time for comment prior to action on the recovery plan by the Beaufort County Council.

- (3) *Recovery plan implementation.* The director and recovery task force shall be responsible for implementation of the plan both before and after a major disaster, as applicable. Before a declaration of emergency, the director, or his/her authorized representative, shall prepare and submit reports annually, or more frequently as necessary, to fully advise the Beaufort County Council on the progress of preparation or implementation of the recovery policy. After a declaration of emergency in a major disaster, the director shall report to the Beaufort County Council as often as necessary on implementation actions taken in the post-disaster setting, identify policy and procedural issues, and receive direction and authorization to proceed with plan modifications necessitated by specific circumstances.
- (4) *Recovery plan training and exercises.* The recovery task force shall organize and conduct periodic training and exercises annually, or more often as necessary, in order to develop, convey, and update the contents of the recovery plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the emergency operations plan.
- (5) *Recovery plan consultation with citizens.* The recovery planning committee is comprised of representatives of business, volunteer and community organizations that represent Beaufort County citizens. Other efforts to inform the public about the recovery plan will be coordinated by the public information officer.
- (6) *Recovery plan amendments.* During implementation of the recovery plan, the director and the recovery task force shall address key issues, strategies and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the recovery task force shall consult with county departments, business, and community organizations and other government entities to obtain information pertinent to possible recovery plan amendments.
- (7) *Recovery plan coordination with related plans.* The recovery plan has been prepared and shall be updated to be in coordination with related elements of the comprehensive general plan and emergency operations plan, or such other plans as may be pertinent. Such related plan elements shall be periodically amended to be consistent with key provisions of the recovery plan, and vice versa.
- (8) *Recovery plan validation.* The recovery plan shall be validated annually and/or following a disaster event. In order to facilitate an organized and comprehensive review of the plan, review checklists have been created for each of the recovery functions. The checklists include action items that should be reviewed and completed each year by the agency/department responsible for implementing the recovery function, in conjunction with the support agencies assigned to that recovery function. Once the review checklists have been completed, they should be turned in to the ~~division director of engineering and infrastructure~~ director of environmental engineering and land management who

will then make a report to county council regarding the status of recovery operations for the year. (Appendix A)

Any changes to be made to the recovery plan, identified either by the annual review, or in an after action report, will be made at the discretion of the recovery task force and shall not require county council review and/or action.

Sec. 22-106. - General provisions.

The following general provisions shall be applicable to implementation of this article:

- (1) *Powers and procedures.* Following the disaster declaration and/or determination that a local emergency exists, and while such declaration or determination is in force, the director of the recovery task force (~~the division director of engineering and infrastructure~~) (the director of environmental engineering and land management) and the deputy director of the recovery task force (~~the division director of community services, in the absence of the director~~) (the director of public works) shall have authority to exercise powers and procedures authorized by this article, subject to extension to the other appointed deputy directors, and/or, modification, or replacement of all or portions of these provisions by separate ordinances adopted by the Beaufort County Council. The emergency management director shall have oversight and control of issuing any curfews (section 22-107), coordinating re-entry procedures (section 22-108), and all other short-term emergency matters.

In the absence of any declaration of emergency by the governor of the State of South Carolina, nothing shall prohibit Beaufort County Council, in its discretion, from exercising any powers necessary to protect the health, safety and welfare of its citizens. If such an emergency exists within Beaufort County, and immediate action is needed, council shall convene to declare an emergency and shall implement the provisions of this article in part or in full force. If the situation is such that council cannot convene, the declaration of local emergency shall be made by the Beaufort County Administrator or his designee. Such a declaration shall be subject to ratification, alteration, modification or repeal, by council, as soon as council can convene. Subsequent actions of council shall not affect the validity of prior actions taken by the county administrator, or his designee.

- (2) *Post-disaster recovery operations.* The director of the recovery task force (director of ~~the public services department~~ environmental engineering and land management) shall have duties in directing and controlling post-disaster recovery and reconstruction operations, including but not limited to the following:
- (a) Activate, mobilize and deploy local law enforcement to respond to any situations necessary to promote recovery and redevelopment within Beaufort County;
 - (b) Activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;

- (c) Activate and deploy hazards evaluation teams to locate and determine the severity of natural or technological hazards that may influence the location, timing, and procedures for repair and rebuilding processes;
- (d) Maintain liaison with the Beaufort County Emergency Operations Center and other public and private entities, such as FEMA, the American Red Cross, and the South Carolina Emergency Management Division in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;
- (e) Establish "one-stop" field offices located in or near impacted areas where appropriate, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;
- (f) Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;
- (g) Make recommendations regarding moratoriums on buildings, land use regulations and permits, subject to Beaufort County Council ratification, as provided under subsection 22-109(22);
- (h) Recommend to the Beaufort County Council and other appropriate entities necessary actions for reconstruction of damaged infrastructure;
- (i) Prepare plans and proposals for action by the Beaufort County Council for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of heavily damaged areas;
- (j) Formulate proposals for action by the Beaufort County Council to amend the comprehensive general plan, emergency operations plan, and other relevant plans, programs, and regulations in response to new needs generated by the disaster;
- (k) Such other recovery and reconstruction activities identified in the Recovery plan or by this article, or as deemed by the director as necessary to promote recovery, public health, safety, and well-being of the citizens of Beaufort County.

All County employees should be aware that in times of disasters, normal county operations are suspended and personnel may be reassigned during portions of task force operations.

- (3) *Coordination with FEMA and other agencies.* The director and the recovery task force shall coordinate recovery and reconstruction actions with those of state, federal, or mutual aid agencies involved in disaster response and recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the South Carolina Emergency Management Division and other

entities that provide assistance in the event of a major disaster. Intergovernmental coordination tasks including but not limited to the following:

- (a) Assign trained personnel to provide information and logistical support to the FEMA Joint Field Office, if needed;
- (b) Supply personnel to provide information support for FEMA Disaster Recovery Centers (DRCs), if needed;
- (c) Participate in damage assessment surveys conducted in cooperation with FEMA and other entities;
- (d) Participate in the development of hazard mitigation strategies with the Interagency Hazard Mitigation Team (when activated) with FEMA and other entities;
- (e) Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction options and permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;
- (f) Coordinate within county government the preparation and submission of supporting documentation for Project Worksheets (PWs) to FEMA;
- (g) Determine whether damaged structures and units are within floodplains identified on Flood Insurance Rate Maps (FIRMs) and whether substantial damage has occurred;
- (h) Implement such other coordination tasks as may be required under the specific circumstances of the disaster.

(4) *Additional staffing needs.* In times of disaster, it may be necessary to hire additional staff members to perform various recovery-related duties (for example, additional administrative support for various departments). All additional hiring will be coordinated through the human resources department at the direction of the county administrator. Whenever possible, funding for filling such positions will be provided by sources other than Beaufort County funding from state and federal programs (grant funds, federal programs). If no additional funding sources are available, emergency funds may need to be spent to fill additional staffing needs. Authorization of the expenditure of emergency funds may only be approved by the county administrator.

(5) *Consultation with citizens.* Activities undertaken by the recovery task force that require notification of, or are of interest to the Beaufort County citizenry will be presented to the public through the public information officer.

Sec. 22-107. - Imposition of curfews during times of emergency and recovery.

- (1) *Purpose.* Beaufort County Council may impose a curfew during periods of emergency or disaster to protect the health, safety, and welfare of the citizens and property of

Beaufort County during an emergency, disaster, or imminent threat thereof. The curfew will be used to protect citizens and property from the potential presence of looters, vandals, thieves and others who would take advantage of the confusion and devastation associated with such an event.

- (2) *Institution of curfew.* Upon the declaration of a state of emergency by the Governor, or upon the determination by Beaufort County Council, or its emergency manager or successor, of the existence of an emergency or disaster, county council, may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of Beaufort County. All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution. The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.
- (3) *Enforcement.* The provisions under this section shall be enforced by the Beaufort County Sheriff's ~~Department~~ Office.
- (4) *Prohibition.* It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including, but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated Beaufort County during the stated hours of the curfew. Violators, if convicted, will be subject to any and all penalties allowed for in this article.

Sec. 22-108. - Re-entry into areas affected by disasters.

- (1) *Purpose.* It may be necessary, following an evacuation, natural or manmade disaster, or otherwise, to restrict entry into portions or all of Beaufort County by the Beaufort County Sheriff's ~~Department~~ Office. Restricted access shall occur only when absolutely necessary to protect the lives and property of its citizens. In the absence of state and/or federal oversight, Beaufort County recognizes the need to locally restrict access to areas by the general public during times of disaster and post recovery and reconstruction.
- (2) *Re-entry procedures.* It is anticipated that re-entry will occur in a tiered manner based on key roles in restoring normal operations after a disaster. It is understood that events may occur within specific areas of the county that will dictate, based on local needs and factors, what personnel will need access into the affected areas. Safety, with regard to public health, travel accessibility and rescue operations will be paramount and of crucial importance in determining access.

Immediate and unrestricted access will be granted to search and rescue agents, including agents from county and municipal fire-rescue departments, state, local,

and federal law enforcement, fire/EMS, National Guard (Military) and emergency response agencies in support of the affected area.

- (3) *Re-entry passes.* Beaufort County ~~Emergency Management~~ Sheriff's Office Emergency Management Division is responsible for the assignment of re-entry passes. Federal, state and local government agencies and law enforcement officials agree to recognize specific identification from critical infrastructure owners and operators, their contractor(s), subcontractors and others as they seek access into a restricted disaster area. Relying parties (e.g. law enforcement) will require constant communications with local emergency operations centers so that proper admittance is granted. Once identity and attributes are authenticated, access is granted at the discretion of the relying parties. Falsification or the forgery of any re-entry or access passes issued in due course by the emergency management ~~department~~ division or like state or federal agency shall be considered a violation of this article and shall be punishable in accordance with the applicable provisions of this article.
- (4) *Re-entry for citizens and public.* Upon the determination that an affected area is deemed to be safe, the emergency management ~~department~~ division, at its discretion, may allow for re-entry for citizens of Beaufort County, or the general public at large.

Sec. 22-109. - ~~Disaster and recovery emergency permitting and zoning policy and procedures.~~
Emergency permitting, zoning policy and zoning procedures

- (1) *Goals and purposes.* The goal of the ~~division of building and the division of code enforcement~~ building codes and codes enforcement in a disaster is to allow rebuilding, repair and reconstruction of damaged structures in an orderly, safe and timely manner. Although speed of reconstruction is critical, the overall quality of the reconstruction process as it relates to federal, state and local building codes is a paramount issue. The purpose of these administrative procedures is to establish an emergency permitting system to be used following a declared disaster to expedite repair, restoration, or rebuilding of safe habitable structures.
- (2) *Scope.* The scope of this section includes:
 - (a) An overview of the emergency permitting process comprised of damage assessment, determination, notification, permitting and inspection.
 - (b) Description of damage categories and corresponding types of emergency permits, based upon the degree of damage.
 - (c) Procedures to determine compliance with the county's development standard ordinance.
 - (d) Procedures describing emergency permitting and inspection requirements.
 - (e) The purpose and authority of the construction board of adjustments and appeals.
 - (f) Fee structure and requirements.

- (3) *Post-disaster procedures.* ~~The division of building and the division of code enforcement~~ building codes and codes enforcement will implement the following series of procedures to expedite the building permit review and permit issuance process immediately following declaration of an emergency. ~~The division of building and the division of codes-~~ building codes and codes enforcement are managed by the Beaufort County Building Official. In a recovery operation the county building official is hereby authorized to make minor adjustments to these policies and procedures to meet the objectives of county recovery actions as unforeseen situations arise.

The provisions of section 22-109 shall be in effect for a period of six months from the date of a local emergency declaration following a major disaster or until termination of a state of local emergency, whichever occurs later, or until these provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Beaufort County Council through separate ordinances.

(4) *Operational procedures.*

- (a) ~~The division of building and the division of codes~~ building codes and codes enforcement will reopen immediately upon proper notice at the current office location, or at an alternate location if the current location is damaged.
- (b) Upon re-entry all inspectors and code enforcement staff must contact the county building official, or the deputy county administrator, to receive work assignments and return to work schedules.
- (c) Inspectors will be assigned to areas of the county to monitor construction activity.
- (d) Inspectors will issue temporary permits for repair to prevent further damage in accordance with these policies: the international codes, FEMA Substantial Damage Estimation software.
- (e) Inspectors will notify owners of need to comply with construction permit requirements and to advise all concerned parties on reconstruction issues in a post-disaster situation.
- (f) Damage assessment teams shall be activated. Team will be comprised of one building inspector, one tax appraiser and other professionals, as deemed necessary to assist with structural analysis of severely damaged buildings.
- (g) If emergency staffing requirements are beyond current staff capability, staffing will be added through mutual aid agreements with surrounding and/or units of government and volunteer groups with proper qualifications.

(5) *Damage assessment procedures.*

- (a) The initial impact assessment (windshield assessment, disaster assessment) is used to determine the extent of the disaster and to determine whether or not outside assistance will be needed. This assessment is coordinated by the emergency management ~~department~~ division of the Sheriff's Office and is generally performed within 24 or 48 hours after passage of an event, depending on severity and scope.
- (b) The detailed damage assessment follows the initial impact assessment and includes conducting on-site visits by the damage assessment teams for each

affected property. This process may take weeks to complete and will culminate in a summary damage estimate in dollars of the total loss to all property in Beaufort County, including: real, personal, agricultural, utility, infrastructure, business, etc. The county building official and the assessor will determine when damage assessment teams will be assembled for conducting detailed damage assessments and make assignments to areas of the county.

- (c) Assessment teams are to establish dollar amount assessments of damage to all structures within their area of responsibility.
 - (d) Each team will have values of structures from the most recent tax records.
 - (e) Assessment team decisions will be symbolized by the use color-coded assessment cards at each structure.
 - (f) Cards will address information as to what percent of the structure has sustained damage, and what process the owner will be required to follow to correct the damage to property. Colored card system detail is found below.
- (6) *Detailed damage assessment procedures.* The county building official or an authorized representative shall direct damage assessment teams having authority to conduct field surveys of damaged structures and post color-coded placards designating the condition of such structures as follows:
- (a) Green card—No restrictions. A green card denotes minor damage to property. Card information will include permission to make these minor repairs without having to obtain a zoning or building permit. Structures with minor damage can be made habitable in a short period of time with minimal repairs. Damage may include doors, windows, floors, furnaces, air conditioners, water heaters and other repairable damages.
 - (b) Yellow card—Limited entry. A yellow card denotes major damage to the property. Card information will include instructions on how to apply for a zoning and building permit. Owner will not be allowed to occupy the structure, occupancy will be allowed only when structure is classified with a green card with no restrictions. Structures with moderate damage can be made habitable with extensive repairs. This category may include damage to the following portions of a structure: foundation, roof structure, wall sections and any other major components of the property.
 - (c) Red card—Unsafe. A red card denotes that the property has been destroyed. Card information will include that the structure is unsafe and may not be occupied. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note in general terms the type of damage encountered. This placard is not to be considered a demolition order. Structures with major damage are considered destroyed and a total loss, meaning that damage is determined to be of such an extent that repair is not feasible.

Beaufort County Field inspectors will complete the appropriate card and post in a conspicuous location. Inspector must keep a log of all structures posted in this

category. Log will include date, time, location and a damage description/justification of designation.

- (d) This article and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard.
- (e) Once a placard has been attached to a building, it shall not be removed, altered or covered until done so by an authorized representative of Beaufort County or upon written notification from Beaufort County. Failure to comply with this prohibition will be considered a misdemeanor punishable by a \$300.00 fine.

(7) ~~Development~~ **Staff review team procedures.**

- (a) After an initial damage assessment is completed, the county ~~development staff~~ review team (~~DSRT~~) for development shall convene to determine what areas of the county are impacted and discuss permitting procedures under current emergency conditions.
- (b) The ~~DSRT~~ will discuss conditions, including the following matters in determining how to proceed: plan review requirements, temporary housing needs, ordinance enforcement, abatement of unsafe or unrepairable structures, emergency repairs and flood damage control regulation enforcement.
- (c) The ~~DSRT~~ shall make determinations as to what areas within the county are in need of redevelopment, or in the alternative, which areas are eligible for reconstruction. When a determination has been made that an area has been damaged to such an extent that redevelopment is appropriate, the director of planning shall coordinate the process of organizing meetings with the municipalities to determine how the affected areas are to be redeveloped. Redevelopment plans should be based on the most recent comprehensive plan.

(8) *Permitting procedures.*

- (a) The permitting process will be determined by the extent of damage that a property has sustained. Each property will be treated individually consistent with county ordinances and the international building codes requirements. Property sustaining minor damage may not require a permit based on the type of damage.

Major damage will, in most cases, require a permit. The amount of information needed to satisfy the permitting process will be determined by the type and amount of damage that the structure has received. In most situations where a property has sustained major damage, the owner or contractor conducting the repair will be required to submit a full plan of reconstruction.

- (b) During damage assessment, the inspector will leave a colored-coded placard at the site in a conspicuous location. The placard will provide instructions to the owner if a zoning or building permit is required. The color codes are discussed above in subsection 22-107(6).

(9) *Emergency nonconforming permitting procedures.* In an emergency it may be necessary to allow existing nonconforming uses to rebuild. Building owners will only be allowed to rebuild nonconforming uses under these conditions:

- (a) Owner has official copy of building plans that include overall size and dimensions of structure.

- (b) Owner has recent photographs of the structure that supply construction and appearance detail of the structure.
 - (c) In addition to meeting the conditions as stated above, building owners are also required to comply with the requirements set forth within subsection 22-109(27) with regard to the rebuilding of nonconforming structures.
- (10) *Joint county-municipal permitting.* In a large scale disaster, joint permitting by all governmental permitting bodies would greatly improve effectiveness and speed of post-disaster reconstruction. County staff will pursue implementation of a joint system with all permitting bodies.
- (11) *Administrative and clerical staff duties and roles in a disaster.*
- (a) Normal daily business routine procedures will be employed unless adjusted by the county building official.
 - (b) Telephone duty assigned to two staff members for all incoming calls.
 - (c) Screening of walk-ins by one staff person. The assigned and designated FEMA Coordinator will notify the county building code and code enforcement divisions of substantially damaged buildings requiring building services approval prior to permit release.
 - (d) All records will be retained.
 - (e) Combined staffs from these county divisions and departments: buildings, planning and zoning departments (and others if required) will perform needed clerical and related processing as needed.
- (12) *Ready information/materials/equipment (for damage assessment teams).*
- (a) Digital cameras and additional memory.
 - (b) Temporary permit forms.
 - (c) Building damage assessment forms/building tags/noncompliance forms.
 - (d) Handheld GPS equipment.
 - (e) Safety vests
 - (f) Steele toe boots
 - (g) Flash lights
 - (h) Dust face masks
 - (i) Tablets with collector app loaded
 - (j) Jet pack for tablets
 - (k) Alternative power source to charge devices
- (13) *Issuing emergency zoning and building permits.* When an emergency is officially declared, the following procedures will be implemented when issuing permits:

No restriction on use or occupancy. No plans are required, no permit is required, and no inspection activity other than damage assessment is required.

Use and occupancy restriction. A plan may be required for repairs or a detailed list of work to be done may be required. Development plan review is not required if there is no change in footprint of the building. Emergency building permit(s) is required. An affidavit stating that the owner or his/her authorized agent shall comply with all county

codes will be required. Building inspections are required prior to work beginning and during construction.

Use and occupancy restriction. Flood regulation standards shall be implemented. This standard is based upon Beaufort County Flood Map standards adopted by the County to qualify for FEMA disaster planning and reconstruction funding. Flood mapping in place at the time of the disaster will be the standard for decisions. County building official, or other designated representative, may review decisions, where information is incomplete, and/or in conflict with reality, or in error. General requirements: Plans may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation, there is no change in the use or occupancy and there will be no expansion, plans will not be required. The building must be brought into full compliance with all applicable codes: zoning, building and flood regulations. Development plan review is not required. Building plan review is not required. An emergency building permit is required. An affidavit stating the owner or his/her agent will comply with all county codes is required. Building inspections are required prior to and during construction.

Unsafe. If structure is not demolished, plans are required. A structural engineer report is required. Zoning and development permits are required. A building permit is required.

General requirements: Plans and structural analysis may be required for repairs. If pre-existing structure is in compliance with zoning, and structure is not located in a flood zone or it is elevated to the proper base flood elevation and there is no change in the use or occupancy and there will be no expansion, the building may be repaired after obtaining the building permit; or the building must be brought into full compliance with all applicable codes: zoning, building and flood regulations. Development plan review may not be required. Building inspections are required prior to and during construction.

(14) *County permit fees.* The county will continue to collect permit fees. If conditions warrant revision of this policy, recommendations will be presented to county council.

(15) *Contractor licensing.*

- (a) The county will heighten monitoring and oversight of licensing requirements during emergencies.
- (b) Contractors and subcontractors are likely to respond to construction needs from all parts of the United States.
- (c) State contractor licensing requirements will be the same as during normal operations (e.g., only contractors with appropriate credentials will be issued licenses to work in Beaufort County).
- (d) No preliminary licensing will be allowed.
- (e) High likelihood that Beaufort County, and state contractor licensing authorities, will establish offices in Beaufort County to administer contractor exams, and to manage the paperwork related to the procedure.

(16) *Zoning operations.*

- (a) Zoning permits will be required as described above.

- (b) A site plan or plat will not be required unless the house was moved from its foundation or it is being expanded.
- (c) Field inspectors will judge extent of damage both residential/commercial structures.

(17) *Flood regulations.*

- (a) Beaufort County's flood regulations requires that all pre-FIRM buildings (FEMA definition - a building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial Flood Insurance Rate Map (FIRM)) located in the 100-year floodplain be elevated to the required base flood elevation if the building sustains > 50 percent damage of its market value.
- (b) Replacement value is determined before improvements are made to the structure.
- (c) In cases where there are questions regarding extent of damage or flood zone designation, the inspector shall complete FEMA substantial damage form to make the determination.

(18) *Electrical and gas connections.*

- (a) Electrical and gas safety inspection procedures. All buildings with a damaged electric and/or gas meter, damaged electrical service weather head, and/or with water submersion inside of the structure up to the elevation of electrical receptacles, will require an electrical safety inspection prior to electrical service being restored.
- (b) Gas lines in buildings that have experienced a fire must be inspected prior to gas service being restored.
- (c) Stop work orders (red tags) are to be conspicuously placed near utility meters that are not to be reconnected without prior inspection and release.
- (d) Records of structures deemed unsafe for utility reconnection are to be maintained and released to the applicable electrical or gas utility as quickly as possible after the determination is made.

(19) *Mutual aid building inspectors.* Mutual aid building inspectors will assist with performing substantial damage determination inspections, complete applicable forms, input data into FEMA substantial damage determination software, and perform other related duties as assigned.

(20) *Beaufort County Board of Adjustment and Appeals.*

- (a) The Beaufort County Board of Appeals will handle disputes directly associated with disaster-related reconstruction and construction.
- (b) The board will act on all matters resulting from matters in dispute. Likely areas of deliberation are: decisions related to degree of damage, new codes, floodplain issues, and other matters that may develop.
- (c) Additional responsibilities may be assigned to the board to meet needs as they develop.
- (d) Decisions will be made by majority vote, minutes and all other meetings requirements will be met as the board functions during disaster, including: open

meetings requirements, accessibility requirements and Freedom of Information requirements.

(21) *Applications and forms (to be used by county staff)*. Habitable Repair Approval, Unsafe Do Not Enter, Limited Entry - Permit Required for Repairs, Damage Checklist.

(22) *Development moratorium*. The director shall have the authority to make recommendations to county council regarding moratoriums on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development, and occupancy of private property authorized under other chapters and sections of the Code of Ordinances. The recommendations will be based on the opinion of the director, that such action is reasonably justifiable for protection of life and property. County council shall be authorized to issue moratoriums in accordance with the provisions of this article. County council shall be authorized to issue a moratorium with regards to the requirements under this section.

(a) *Posting*. Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements that are temporarily held in abeyance.

(b) *Duration*. The moratorium shall be in effect from the earliest possible time following a disaster, and shall remain in effect until such time that the Beaufort County Council can take action to extend, modify, or terminate such moratorium by separate ordinance.

(23) *One-stop center for permit expediting*. The county building official shall oversee establishment of a one-stop center, staffed by representatives of pertinent departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The director shall establish such center and procedures in coordination with other governmental entities that may provide services and support, such as FEMA, SBA, HUD, or the South Carolina Emergency Management Division.

(24) *Temporary use permits*. The director shall have the authority to issue permits in any residential, commercial, industrial, or other zone for the temporary use of property that will aid in the immediate restoration of an area adversely impacted by a major disaster, subject to the following provisions:

(a) *Critical response facilities*. Any police, fire, emergency medical, or emergency communications facility that will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency;

(b) *Other temporary uses*. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:

1. Will not have a long-term detrimental impact on the immediate neighborhood;
2. Will not adversely affect the comprehensive plan; and

3. Will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.

Temporary use permits may be issued for a period of one year following the declaration of local emergency and may be extended on an annual basis for a maximum of five years from the declaration of emergency, provided such findings are determined to be still applicable by the end of the first year. If, during the first or any subsequent four years, substantial evidence contradicting one or more of the required findings comes to the attention of the director, the temporary use permit shall be revoked.

- (c) *Single-family residence repair or replacement.* A temporary use permit shall also be granted subject to the provisions of subsection 22-111(4) to allow the property owner of a single-family residence that has been deemed as having "no restrictions on use or occupancy" pursuant to subsection 22-109(13) to live on his or her property until such time as the damaged house can be repaired or rebuilt. This temporary housing permit shall be good for one year and may be renewed each year for a maximum of five years.
 - (d) *No grandfathered or nonconforming status acquired.* No use initiated pursuant to the provisions of this section may claim grandfathered or nonconforming use status. Any use initiated under this section must terminate after five years, if not before.
- (25) *Temporary repair permits.* Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other chapters of the Code of Ordinances. The building official must be notified of such repairs within ten working days, and regular permits with fees may then be required.
- (26) *Deferral of fees for reconstruction permits.* Except for temporary repairs issued under provisions of this chapter, all other repairs, restoration, and reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other chapters of this Code. Fees for such repair and reconstruction permits may be deferred until issuance of certificates of occupancy.
- (27) *Nonconforming buildings and uses.* Buildings damaged or destroyed in the disaster that are legally nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, parking, or other provisions of the zoning and development standards may be repaired and reconstructed in-kind, provided that:
- (a) The building is damaged in such a manner that the structural strength or stability of the building is appreciably lessened by the disaster and is less than the minimum requirements of the International Building Code for a new building;
 - (b) The cost of repair is less than 50 percent of the replacement cost of the building;
 - (c) All structural, plumbing, electrical and related requirements of the International Building Code are met at current standards;
 - (d) Any local, state or federal natural hazard mitigation requirements are met;

- (e) Reestablishment of the use or building is in conformance with the National Flood Insurance Program requirements and procedures;
- (f) The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure, except where this conflicts with National Flood Insurance Program (NFIP) provisions;
- (g) No portion of the building or structure encroaches into an area planned for widening or extension of existing or future streets as determined by the comprehensive general plan or applicable specific plan; and
- (h) Repair or reconstruction shall commence within two years of the date of the declaration of local emergency in a major disaster and shall be completed within two years of the date on which permits are issued.
- (i) In addition to the provisions contained herein, building owners are also required to comply with the provisions of subsection 22-109(9) with regard to the rebuilding of nonconforming structures.

Nothing herein shall be interpreted as authorizing the continuation of a nonconforming use beyond the time limits set forth under other sections of the zoning and development standards that were applicable to the site prior to the disaster.

Sec. 22-110. - Demolition of damaged buildings.

The director shall have authority to order the condemnation and demolition of buildings and structures damaged in the disaster under the standard provisions of the Code of Ordinances, except as otherwise indicated below:

- (1) *Condemnation and demolition.* In dealing with historic buildings, the building official shall notify the state historic preservation officer within 60 days after the disaster, that one of the following actions will be taken with respect to any historic building or structure determined by the building official to represent an imminent hazard to public health and safety or to pose an imminent threat to the public right-of-way:
 - (a) Where possible, within reasonable limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right-of-way;
 - (b) Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by the building code. Prior to commencing demolition, the building official shall photographically record the entire building or structure.
- (2) *Notice of condemnation.* If, after the specified time frame noted in subsection 22-108(1) of this chapter and less than 30 days after the disaster, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right-of-way, the building official shall duly notify

the building owner of the intent to proceed with a condemnation hearing within 30 business days of the notice in accordance with the building code; the building official shall also notify FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, of the intent to hold a condemnation hearing.

- (3) *Request to FEMA for approval to demolish.* Within 30 days after the disaster, for any historic building or structure which the building official and the owner have agreed to demolish, the building official shall submit to FEMA, in accordance with the National Historic Preservation Act of 1966, as amended, a request for approval to demolish. Such request shall include all substantiating data.
- (4) *Historic building demolition review.* If, after 30 days from the event, the building official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

Sec. 22-111. - Temporary housing.

- (1) Purpose. It is understood that FEMA will be responsible for all temporary housing activities following a disaster; however, it is in Beaufort County's best interest to have a plan in place for guiding where temporary housing is located, the types of temporary housing brought in and how long the housing is allowed to stay on-site.
- (2) Pre-disaster site planning. Each year, as part of the recovery plan update process, the ~~division director of community services~~ Building Codes Director will be responsible for overseeing a planning process to determine the best sites for the placement of potential temporary housing units. The county will focus on using county-owned property and perhaps existing mobile home parks for locating temporary housing developments. This site identification will take place on an annual basis. This process will be coordinated with the affordable housing, community development, building codes, GIS and other departments as deemed necessary. The results of this annual planning process will be compiled in a selection report and presented to county council by the county administrator.
- (3) Post-disaster policies and procedures. Upon declaration of an emergency, the county administrator shall assign staff to work with FEMA, HUD, the South Carolina Emergency Management Division, and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing that will help avoid undue displacement of people and businesses. Such programs may include deployment of manufactured housing and manufactured housing developments under the temporary use permit procedures provided in subsection 22-107 of this article and available section 22-108 and community development block grant funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a major disaster.
- (4) The county will issue temporary use permits to residents which will allow for the placement of one temporary housing unit on property owned by them in the event that the property owner's house has been damaged but has been deemed as "having no restriction on use or occupancy" as set forth in subsection 22-109(13) above. This will

allow the property owner and his or her family to live on-site until such time that the damaged house can be repaired or rebuilt. This temporary housing unit shall only be occupied by the property owner and his or her family.

Sec. 22-112. - Hazard mitigation program.

The county has established a comprehensive hazard mitigation program that includes both long-term and short-term components.

(1) *Hazard mitigation plan.* Beaufort County has adopted by resolution a hazard mitigation plan for the purpose of enhancing long-term safety against future disasters. The hazard mitigation plan identifies and maps the presence, location, extent, and severity of natural hazards, such as:

- (a) Flooding;
- (b) Dam failure;
- (c) Drought;
- (d) Wind: thunderstorms and tornadoes;
- (e) Earthquakes;
- (f) Fire;
- (g) Tsunamis;
- (h) Hazardous materials.

The hazard mitigation plan determines and assesses Beaufort County's vulnerability to such known hazards and proposes measures to be taken both before and after a major disaster to mitigate such hazards. It contains linkages between its own provisions and those of other comprehensive plan elements including, but not limited to, land use, transportation, housing, economic development, and historic preservation, and any other pertinent element so that development and infrastructure decisions will incorporate considerations of natural hazards.

(2) *Short-term action program.* A short-term hazard mitigation program is included in the recovery plan. It is comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, land use, and development restrictions or structural measures in areas affected by flooding, urban/wildland fire, wind, seismic, or other natural hazards, or remediation of known technological hazards, such as toxic contamination.

(3) *Post-disaster actions.* Following a major disaster, the director shall participate in developing a mitigation strategy as part of the interagency hazard mitigation team with FEMA and other entities, as called for in Section 409 of the Stafford Act and related federal regulations. As appropriate, the director may recommend to the Beaufort County Council that Beaufort County participate in the state's hazard

mitigation grant program, authorized in Section 404 of the Stafford Act, in order to partially offset costs of recommended hazard mitigation measures.

- (4) *New information.* As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practicably possible within the comprehensive plan and the recovery plan through amendment.

Sec. 22-113. - Protection of critical county public records policies and procedures.

- (1) *Purpose.* Effective and productive management of county business requires that critical public records be protected and stored for reuse as normalcy is reestablished within the county.
- (2) *Identification of critical records.*
 - (a) County staff will conduct meetings with appropriate county departments to access the volume and types of material.
 - (b) Recommendation report will be made and presented to the county administrator.
- (3) *Adoption of safe storage policy.*
 - (a) County staff will make recommendations as to appropriate protection and storage procedures.
 - (b) Recommendation report will be made and presented to the county administrator.

Sec. 22-114. - Disaster emergency refuse collection and disposal policies and procedures.

- (1) *Objectives.*
 - (a) Timely and effective refuse removal and disposal are critical factors in enabling quicker cleanup and rebuilding.
 - (b) Refuse removal and disposal are also health and safety issues.
- (2) *Procedures.* The director of public works shall be responsible for managing the removal from public rights-of-way debris and rubble, trees, damaged or destroyed cars, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the director of public works such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of firefighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. The director of public works shall also have the authority to secure emergency waivers of environmental regulations from state and federal authorities and to call upon outside support from such agencies for debris clearance, hazardous materials spills, and restoration of ground access. Debris clearance shall be conducted by pre-selected contractors. Other debris clearance regulations and procedures can be found in the Beaufort County Debris Management Plan.
- (3) *Identification of areas suitable for refuse, reduction and disposal.*

- (a) The county shall designate suitable refuse reduction and disposal sites throughout the county prior to an event to facilitate emergency response. Sites will be recommended and evaluated by county staff for recommendation to the county administrator.

Sec. 22-115. - Recovery and reconstruction strategy.

At the earliest practicable time following the declaration of local emergency in a major disaster, the director and the recovery task force shall prepare a strategic program for recovery and reconstruction based on the pre-disaster plan and its policies.

- (1) *Functions.* To be known as the recovery strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.
- (2) *Review.* The recovery strategy shall be forwarded to the Beaufort County Council for review and approval following consultation with other governmental agencies and business and citizen representatives. The recovery strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes, or ordinances that might otherwise contradict or block strategic action. The director shall periodically report to the Beaufort County Council regarding progress toward implementation of the recovery strategy, together with any adjustments that may be called for by changing circumstances and conditions.

Sec. 22-116. - Penalties for offenses.

Any person, firm, company or corporation who fails to comply with this article, or the emergency measures made effective pursuant to this article, is guilty of a misdemeanor of the second degree, and upon conviction for such offense, may be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the Beaufort County Jail, or both, in the discretion of the court hearing the case. Each day of continued noncompliance or violation will constitute a separate offense.

In addition, any construction licensee of Beaufort County or the State of South Carolina who violates any provision of this article or the emergency measures which are effective as a result of this article may be charged with a violation and the matter will be heard before the appropriate board, in a state administrative proceeding or a court of law.

Nothing contained in this section prevents Beaufort County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any failure to comply with, or violation of, this article or the emergency measures which may be made effective according to this article. Other lawful action will include, but is not limited to, an equitable action for injunctive relief or an action at law for damages.

Sec. 22-117. - Severability.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions that can be implemented without the invalid provision and, to this end the provisions of this article are declared to be severable.



BEAUFORT COUNTY FACILITY MANAGEMENT

120 Shanklin Road

Beaufort, South Carolina 29906

Voice (843) 255-2748 Facsimile (843) 255-9448

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

FROM: Mark Roseneau, Director of Facility Management *MR*

SUBJ: **HUMAN SERVICES BUILDING BRICK VENEER REPAIR AND CHANGE ORDER REQUEST WITH WTI**

DATE: August 9, 2016

BACKGROUND: The Human Services Building is experiencing water/moisture intrusion through the brick veneer on the north elevation of the building. The moisture is causing damage and failure of the interior insulation and to the gypsum wallboard. During periods of rain the north elevation of the building is not exposed to sunlight and is continually damp or wet. This condition or lack of drying after periods of rain over the years has caused the premature failure of the brick mortar. The repair involves the replacement of brick mortar in an area of approximately 3,300 s.f. The repointing will be followed by an application of concrete and brick sealant to prevent moisture intrusion.

Weatherproofing Technologies, Inc., (WTI) of Beachwood, Ohio is nearing completion of the \$1.8 million re-roofing project for Beaufort County. In order to save time and money staff is requesting a change order to their current contract since they specialize in building weatherproofing/waterproofing projects and have provided a fair and reasonable price of \$179,967 for the repair. The change order request is not over ten percent of the contract original award and is in line with our County Procurement Code.

AA **FUNDING:** 40090011-54420, 2014A General Obligation Bonds, Renovation Existing Buildings

ACTION: Public Facilities Committee Meeting on August 15, 2016.

RECOMMENDATION: That the Public Facilities Committee approve and recommend to County Council the change order to the current contract with WTI, in the amount of \$179,967 for the repair of the Human Services building brick veneer.

CC: Gary Kubic, County Administrator *GKubic*
Josh Gruber, Deputy County Administrator *JG*
Alicia Holland, Chief Financial Officer *AA*
Robert McFee, Division Director for Construction Engineering and Facilities *RM*
Dave Thomas, Purchasing Director *DT*

RM



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

TO: Councilman William McBride, Chairman, Community Services Committee

FROM: Dave Thomas, CPPO, Purchasing Director *DT*

SUBJ: **Sole Source Purchase – Request to Approve Lowcountry Regional Transportation Authority (LRTA), North of the Broad, for Beaufort County’s Department of Disabilities and Special Needs (DSN)**

DATE: August 19, 2016

BACKGROUND: The Purchasing Department received a request from DSN to approve a sole source contract for transportation services provided by LRTA (d/b/a Palmetto Breeze). Lowcountry Council of Governments has supported and encouraged transportation collaboration efforts between DSN and LRTA and they have been working together on two routes North of the Broad. These two routes were selected for the collaboration because the Beaufort route has the largest number of consumers and the St. Helena route takes the longest amount of time. This was seen as the most effective and efficient use of resources. For the past three years, the routes were paid as part of a grant from South Carolina Department of Transportation (SCDOT) with 80% of cost paid by SCDOT and 20% with DSN Program Funds. For FY2017, SCDOT is required to split the Section 5310 (Elderly Individuals and Individuals with Disabilities) federal funds as 60% Urban, 20% Small Urban and 20% Rural projects. Because so many projects in South Carolina are classified as rural, SCDOT has placed Beaufort Count DSN on the “alternate” list for the Rural North of Broad funds and it may not receive SCDOT money; however, DSN receives federal Medicaid money specifically for transportation and requests to use those funds to continue the successful project routes.

The total amount requested of \$101,000 reflects the contract rate of \$2685.00 for the first 3500 miles and \$0.43 cents for each mile thereafter on the Beaufort route (approximately total 5800 miles per month) and \$3750.00 for the first 6000 miles and \$0.43 for each mile thereafter on the St. Helena route (approximately 12,600 total miles per month). Variation occurs as passengers change or do not attend DSN program activities.

VENDOR INFORMATION:

COST:

LRTA (dba Palmetto Breeze)

\$101,000

SAH **FUNDING:** GL Account #24420011-51230, Disabilities and Special Needs Adult Services– Transportation
These funds are federal Medicaid dollars.

FOR ACTION: Community Services Committee meeting occurring August 22, 2016.

RECOMMENDATION: The Purchasing Department recommends that the Community Services Committee approve and recommend to County Council the contract award for transportation services from the aforementioned vendor for a total cost of \$101,000.

cc: Gary Kubic, County Administrator *GKubic*
Josh Gruber, Deputy County Administrator *MSJORG*
Alicia Holland, Chief Financial Officer *AH*
Monica Spells, Assistant County Administrator, Civic Engagement & Outreach *Spells*
William Love, Director, Disabilities and Special Needs *W Love*

Att: Contract Agreement

CONTRACT AGREEMENT

This agreement is entered into this 30th day of June, 2016 by and between the Lowcountry Regional Transportation Authority (hereinafter referred to as the "LRTA") d.b.a. Palmetto Breeze and Beaufort County Board of Disabilities and Special Needs (hereinafter referred to as "Beaufort County BDSN").

TERM

By mutual agreement of both parties, the Purchase of Service Contract for Transit Services is entered into on June 30, 2016. This extension term shall be deemed effective July 1, 2016 and shall continue until midnight on June 30, 2017. Additional years may be added as mutually agreed by both parties.

TERMINATION OF CONTRACT

Beaufort County BDSN and/or LRTA may terminate this contract for any reason provided a sixty (60) day written notice is provided via certified mail.

COMPENSATION

We understand that Beaufort County Board of Disabilities and Special Needs is seeking transportation services for disabled persons on fixed routes from passenger's homes to the Beaufort County BDSN center with a return trip home. Individuals will require transportation services to and from the center Monday through Friday.

St. Helena – Route 1 - Logistics

Clients will be picked up beginning at 6:30 a.m. and will arrive at the center at approximately 8:00 a.m. Passengers will depart the center at approximately 2:30 p.m. for the return trip home. Passengers will be returned home approximately by 4:00 p.m. It is anticipated that this route will take approximately four (4) hours a day. Service will be provided approximately 250 business days a year excluding holidays and staff training days as designated by Beaufort County Board of Disabilities and Special Needs. Approximately eleven (11) individuals requiring this transportation services reside throughout the St. Helena area.

Beaufort – Route 2 - Logistics

Clients will be picked up beginning at 7:00 a.m. and will arrive at the center at approximately 8:00 a.m. Passengers will depart the center at approximately 2:30 p.m. for the return trip home. Passengers will be returned home approximately by 3:15 p.m. It is anticipated that this route will take approximately three (3) hours a day. Service will be provided approximately 250 business days a year excluding holidays and staff training days as designated by Beaufort County Board of Disabilities and Special Needs. Approximately eleven (11) individuals requiring this transportation services reside throughout the Burton area.

We understand that presently there are no clients requiring a wheel chair accessible vehicle. Accommodations can be made if an accessible vehicle is needed. Please provide at least a two day notice to allow LRTA to make accommodations. The service provided will be door-to-door.

Beaufort County Board of Disabilities and Special Needs will provide passenger information including passenger name, address, and home phone number. All passenger information

received is confidential. All eligible passengers must be authorized by Beaufort County BDSN. Additions and/or deletions to the approved passenger list will also be provided to the LRTA. Clients outside of the Burton area shall not be added to this route. **Special trips that require the use of a motorcoach will be required to be back to the LRTA Bluffton office by 5:00 PM.**

St. Helena – Route 1 – Fee Schedule

The fee per month is: \$3,750.00 up to 6,000 passenger miles per month. Passenger miles over 6,000 a month will be charged \$0.43 per passenger mile.

Beaufort – Route 2 – Fee Schedule

The fee per month is: \$2,685 up to 3,500 passenger miles per month. Passenger miles over 3,500 a month will be charged \$0.43 per passenger mile.

Cancellations should be provided a minimum of two-hours in advance of pick-up. Changes to the schedule should be provided no later than 4:00 p.m. the day before the day of service. The LRTA will bill Beaufort County BDSN monthly based on the above rate. Payment terms are net 30 days.

LRTA understands that this is a purchase of service contract and financial assistance may or may not be available through the South Carolina Department of Transportation. We further understand that the contract is contingent upon availability of appropriated funds. The contract may be subject to cancellation if funds are not appropriated or otherwise made available to support continuation of services in subsequent years.

ASSUMPTIONS

The LRTA bid price is based on a fixed fee for assumed passenger miles per month not to exceed the amount noted above monthly. Passenger miles over those noted above will be billed at the rate referenced above. The LRTA will bill Beaufort County BDSN on or about the tenth day of the month. The rate is based on an assumed maximum hours per day of transportation service. Changes to the hours per day of transportation service will be to be negotiated in advance of permanent schedule change.

INSURANCE

LRTA is obligated to provide the General and Professional Liability Insurance, Fidelity Insurance, and Workers Compensation Insurance to cover its employees. LRTA is obligated to provide the Automobile Liability Insurance, Building and Contents Insurance, and other types of insurance required, the LRTA Board, and the State of South Carolina.

TRAINING

Vehicle Operators employed by Palmetto Breeze provided under this contract agreement shall undergo the same or similar training requirements as the Beaufort Count BDSN vehicle operators.

In witness whereof, the parties have executed this agreement as indicated below:

Beaufort County Board of Disabilities and Special Needs

By: William J. Love
William Love, Executive Director

Witness: Janice Beach

By: Gary Kubic
Gary Kubic, County Administrator

Witness: Cheryl Harris

Lowcountry Regional Transportation Authority

By: _____
David Blauch, Chairman of the Board

Witness: _____

2016 /

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2016/15, FY 2016-2017 BEAUFORT COUNTY BUDGET, TO REFLECT A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$112,075 IN ORDER TO PROVIDE FOR ENHANCED LEVELS OF SERVICE FOR THE DAUFUSKIE ISLAND FERRY

WHEREAS, on June 13, 2016 Beaufort County Council passed Ordinance No. 2016/15, County Budget for FY 2016 - 2017, which provides \$258,725 for ferry services to and from Daufuskie Island; and

WHEREAS, this Council received a proposal from Haig Point Ferry Company, Inc. That provides for additional services above historic levels, but at a higher cost to the County than the amount provided for in Ordinance No. 2016/15; and

WHEREAS, this Council adopted Resolution 2016/12 in which it resolved to pass an ordinance providing a supplemental appropriation to increase the budget in the amount of \$112,075 for ferry service to Daufuskie Island.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2016-2017 County Budget Ordinance is hereby amended so as to provide additional appropriations in the amount of \$112,075 with such funds to be allocated to provide enhanced levels of service for the Daufuskie Island Ferry.

DONE this ____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: July 25, 2016
Second Reading: August 8, 2016
Public Hearing:
Third and Final Reading:

RESOLUTION 2016/_____

A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF CERTAIN PROPERTY ALONG THE BEAUFORT COUNTY – JASPER COUNTY BOUNDARY CONSISTING OF 5.95 ACRES OF LAND FROM JASPER COUNTY TO BEAUFORT COUNTY, AND THE ANNEXATION OF CERTAIN OTHER PROPERTIES ALONG THE BEAUFORT COUNTY – JASPER COUNTY BOUNDARY CONSISTING OF 22.34 ACRES FROM BEAUFORT COUNTY TO JASPER COUNTY

WHEREAS, the official boundaries of the Counties of the State of South Carolina are provided for by Article VII, Section 12, and Article VII, Section 2 of the Constitution of the State of South Carolina, which provides that the boundaries of the several counties shall remain as established until changed by the General Assembly; and

WHEREAS, the General Assembly has adopted statutes setting the boundaries of the several Counties in Title 4, Chapter 3 of the *Code of Laws of South Carolina*, 1976, as amended, and specifically codified the boundaries of Beaufort County in Section 4-3-70, and Jasper County in Section 4-3-320; and

WHEREAS, the official boundary lines of Beaufort and Jasper County oftentimes mention the centerlines or rights of way of certain roads as being the boundary; and

WHEREAS, since the adoption by the General Assembly of the official boundaries of Beaufort and Jasper County, many of the centerlines of such roads have been obscured by changes in the courses of the roads, either by road widenings or other improvements which altered the centerlines and rights of way to accommodate geographical or topographical features encountered; and

WHEREAS, advances in the accuracy of surveying, including the wide-spread use of Global Navigation Satellite Systems (GNSS) and state-of-the-art surveying equipment have increased the precision of the measurements used to re-establish the historic surveys; and

WHEREAS, the General Assembly has authorized the re-surveying of the boundaries of the several Counties so as to take into consideration the increased accuracy of GPS surveying, and the South Carolina Geodetic Survey (SCGS), a division of the South Carolina Revenue and Fiscal Affairs office, has been tasked with the re-establishment of these boundaries, including that between Beaufort and Jasper Counties; and

WHEREAS, having completed the survey, the SCGS has reported that the boundary lines, which reference the centerlines and rights of way of the roads, no longer coincide with the centerlines and rights of way of existing roads, and has suggested the amendment of the official boundary lines to reflect the current configurations of those road references, to be marked with

new monumentation referenced to the South Carolina State Plane Coordinate System and preserved in a digitized data base maintained by SCGS; and

WHEREAS, the proposed amendment to the boundary lines between the Counties of Beaufort and Jasper would not involve the movement of any privately owned property from one County to the other, as the movements of the lines occur within government-owned property and government-owned roads and highway rights of way, which also avoids there being any financial impact on the debt servicing ability of either County, as all of the property proposed to be moved from one county to the other are exempt from taxation; and

WHEREAS, the movement of the boundary lines between the Counties will re-establish certain indeterminate political boundaries, ensuring jurisdictional integrity that can avoid costly litigation, and clarify jurisdictional matters between the public safety and public services provided by each County; and

WHEREAS, in accordance with South Carolina Attorney General Opinion Number 90-67 (November 21, 1990), when there are no inhabitants and, therefore, no qualified electors in the territory being moved from one County to the other, no election is required by either the State Constitution or statutes of the State, and may be accomplished by legislative act; and

WHEREAS, the matters involved herein have been the subject of a public hearing before County Council, including a presentation by officials of the SCGS.

NOW, THEREFORE, BE IT RESOLVED, by Beaufort County Council, the Council being duly assembled, that the Council approves the proposed relocation of the boundary lines and the attendant annexation of certain property along the Beaufort County – Jasper County boundary consisting of approximately 5.95 acres of land from Jasper County to Beaufort County, and the annexation of certain other properties along the Beaufort County – Jasper County boundary consisting of approximately 22.34 acres from Beaufort County to Jasper County, such properties more specifically identified and described on those certain plats of survey prepared by Cornerstone Surveying & Engineering, Inc. for the South Carolina Geodetic Survey, R. David Branton, Professional Land Surveyor, entitled “A Plat of a Portion of the Beaufort-Jasper County Line” and dated June 15, 2016, subject to the Jasper County Council adopting a complementary Resolution agreeing to the revised boundary lines and annexations;

FURTHER RESOLVED, that in furtherance of the adjustment of the boundary lines and annexations as proposed, that the County Administrator, with the assistance of the County Attorney, is authorized to create and execute such ancillary documents on behalf of Beaufort County as may be necessary or desirable to effect such adjustments and annexations, and are directed to work with Jasper County to effect the annexations; and

FURTHER RESOLVED, the Chairman of County Council and the County Administrator are authorized to convey this Resolution and its request for the expeditious adjustments to the boundaries between the Counties and the proposed annexation of territory contained herein to the County Legislative Delegation, and to coordinate and assist as necessary

with appropriate legislation and its attendant processes, including, but not limited to, any appearances or testimony at legislative committee meetings or hearings.

Adopted this _____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

BEAUFORT – JASPER COUNTY LINE
SOUTH CAROLINA GEODETIC SURVEY
(SCGS)

SC Code of Law and Act 262 Of 2014

- **Role of South Carolina Geodetic Survey**

- (1994) Dispute between two or more counties- SCGS will act as mediator to resolve the dispute
- (1994/2014) SCGS to assist counties in defining and monumenting the locations of county boundaries and positioning the monuments using geodetic surveys where counties are ill-defined, unmarked, or poorly marked
- (2014) SCGS will clarify county boundaries as defined in Chapter 3, Title 4
- (2014) SCGS will analyze archival and other evidence and perform field surveys to position geographically all county boundaries in accordance with statutory descriptions

Steps for Clarifying Boundaries

- Notify County Administrators in advance of planned work
- Conduct historical research for documentary evidence of boundaries
- Perform field work to locate monuments and corroborating evidence and position on State Plane Coordinates
- Share preliminary findings with county officials for impact analysis and to plan public meetings
- Receive feedback and input from local officials and public
- Review and update findings, as appropriate
- Work to build cooperation with affected parties

Public Meeting Notification



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

CHAD WALLDORF, Chairman
HOWELL CLYBORNE, JR.
EMERSON F. GOWER, JR.

FRANK A. RAINWATER
Executive Director

July 13, 2016

Re: *Street_Address*, *County* County; TMS/PID *TMS_Number*

Dear Sir or Madam,

The SC Geodetic Survey (SCGS) has begun a systematic program to re-establish South Carolina's county boundaries. Throughout the State of South Carolina there is uncertainty regarding the location of county boundaries, causing confusion about jurisdiction. In an attempt to end the uncertainty, Beaufort and Jasper counties have committed to accurately re-establishing the location of the boundary as defined by the SC Code of Law, by conducting historical research to ascertain the statute location, locating historic monuments and landmarks, marking the boundary with additional monuments, and referencing those landmarks and monuments to state plane coordinates. In 2015, SCGS contracted with Cornerstone Surveying and Engineering, Inc. to re-establish a portion of the Beaufort County and Jasper County common boundary. The portion of the boundary being re-established was originally defined in 1912, with the creation of Jasper County, and has seen several revisions since that time.

The reason for this letter is two-fold:

The first reason is to inform you of how the proposed re-established Beaufort-Jasper boundary will/might affect you as a property owner. Included, with this letter, is an aerial photograph showing your property, the proposed re-established Beaufort-Jasper county line and the parcel (property) lines used by each county.

Along this section of boundary, we perceive no significant impacts. A significant impact is defined as a residence or place of business being found in a different county based on the proposed re-established boundary.

The second reason is to inform you that the SCGS will present its findings and work performed in re-establishing the Beaufort-Jasper boundary at County Council meetings. The **Jasper County Council meeting** will be held at the Jasper County Government Building, County Council Chamber; 3rd Floor, 358 Third Avenue; Ridgeland, South Carolina 29936 on August 15th at 6:30 pm. The **Beaufort County Council meeting** will be held at the Hilton Head Branch Library; 11 Beach City Road; Hilton Head Island, South Carolina 29926 on August 22nd at 6:00 pm.

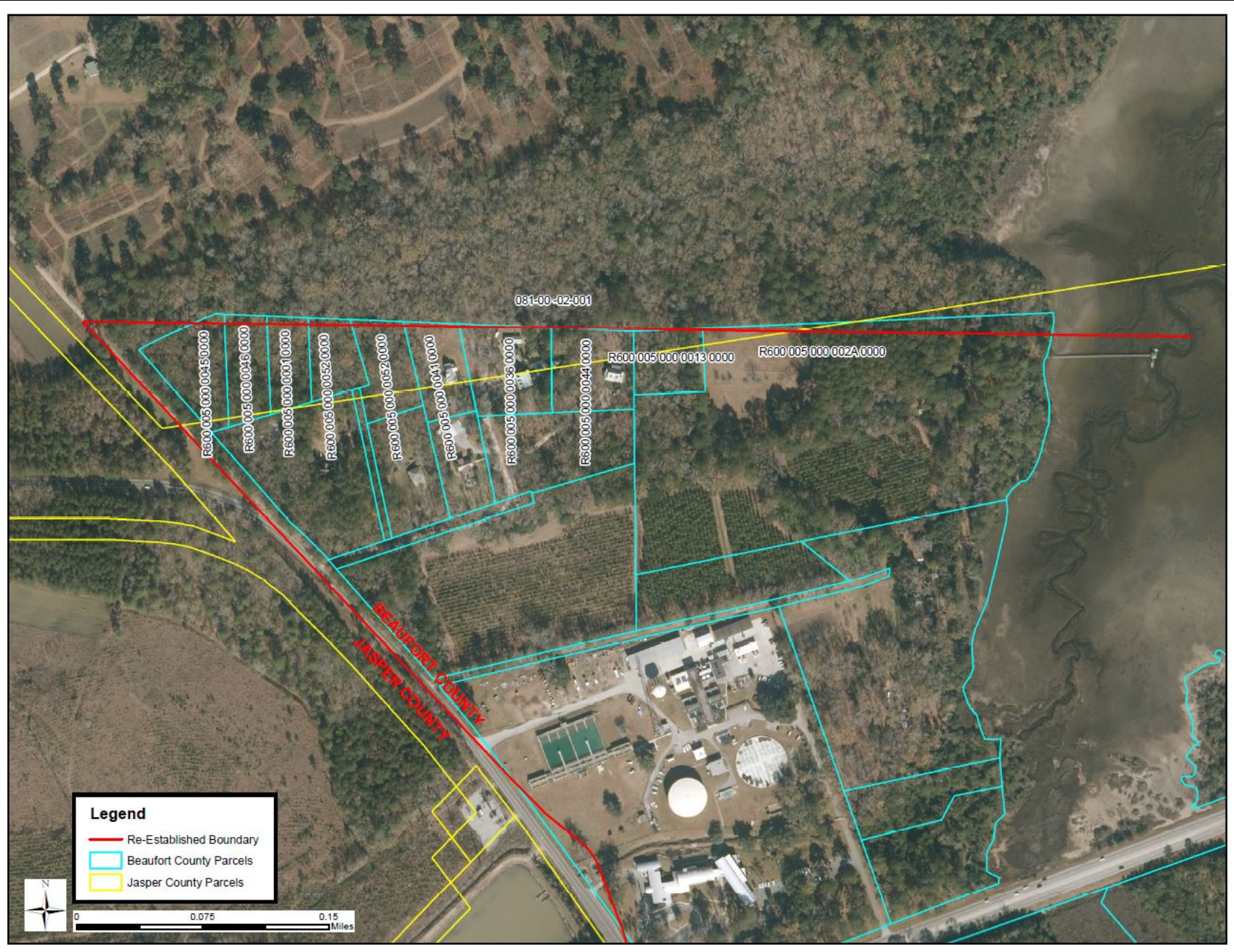
If you have any historical or legal information regarding the location of the Beaufort-Jasper boundary, please bring it to the attention of the SCGS staff so that it can be evaluated with respect to finalizing the re-established boundary. Contact information is provided below and staff will be on hand at the public meeting for review.

If you own several parcels along the re-established boundary, you may receive several letters from this agency. Please let us know if you are not the current owner of this property. If any of this property is leased, using the contact information below, please provide us with the name and address of the current tenants of this property.

Cordially,

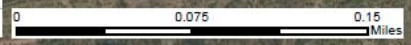
A handwritten signature in blue ink, appearing to read "David K. Ballard".

David K. Ballard, PLS
Manager, County Boundary Program
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
(803) 896-7710; Email: david.ballard@rfa.sc.gov



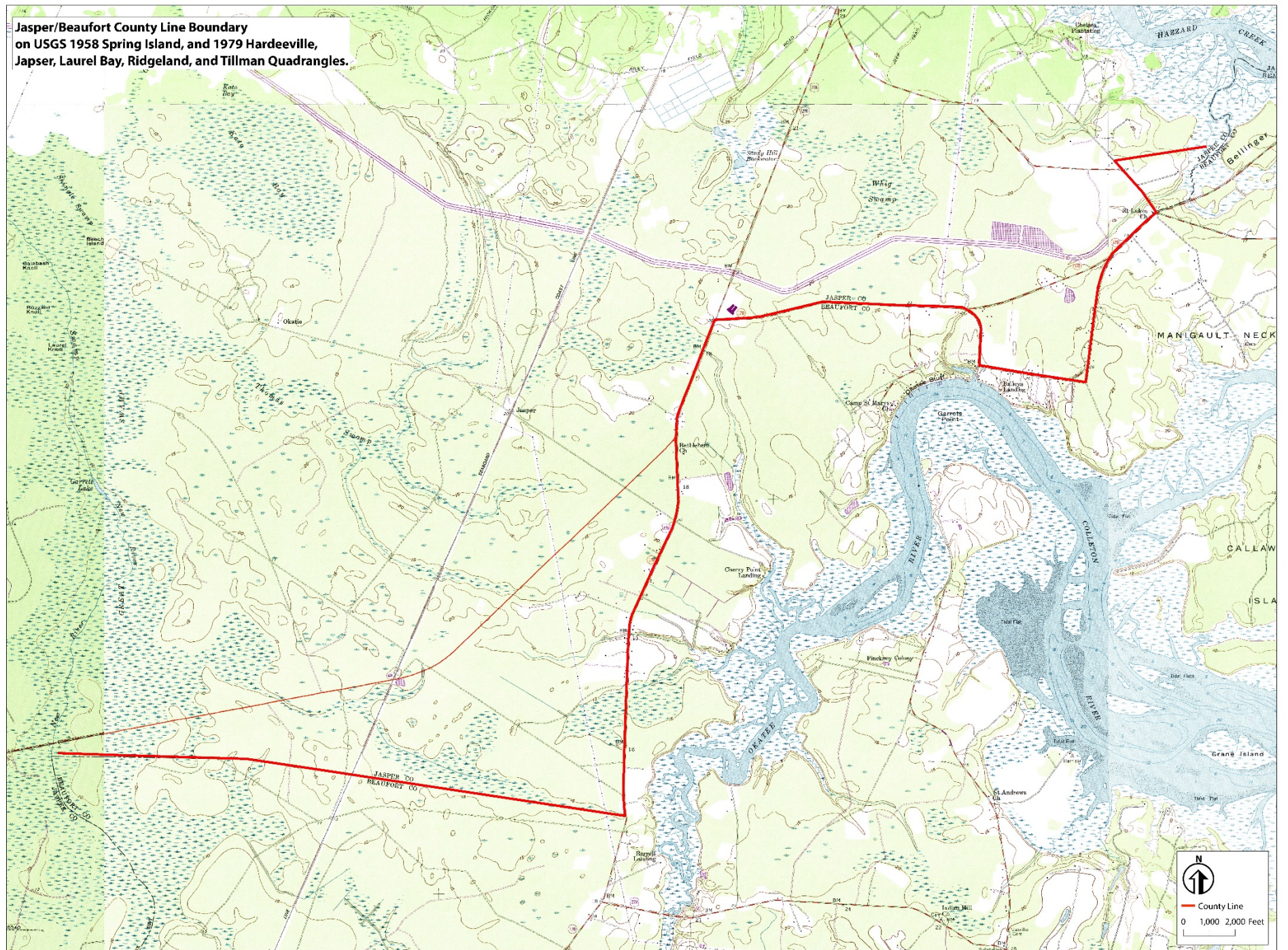
Legend

- Re-Established Boundary
- Beaufort County Parcels
- Jasper County Parcels



Beaufort - Jasper
County Line
Manigaults Neck to New River

**Jasper/Beaufort County Line Boundary
on USGS 1958 Spring Island, and 1979 Hardeeville,
Japser, Laurel Bay, Ridgeland, and Tillman Quadrangles.**



Lines are Established by Legislative Acts

Acts and Joint Resolutions Regular Session 1912: Created Jasper County and placed the County Line on the Beaufort side of the roads.

Acts and Joint Resolutions Regular Session 1939: Corrected that the roads are in Beaufort County. Where no right of way existed in 1939 it is assumed to be the Jasper County edge of the unimproved road.

Acts and Joint Resolutions Regular Session 1992: Clarified the water courses and that the county lines follow the centerlines of the waters.

Acts & Joint Resolution of 1912 Number 459 Established Jasper County

...thence down said creek and through the nearest water ways to a point on Manigault's Neck, where the land line dividing the land of Chelsea Club from the Fripp land intersects said creek or water ways; thence the said land line to its intersection with the Fripp public road; thence down the **Beaufort county side** of the said Fripp public road to its intersection with the Hazel road; thence westerly along the **Beaufort County side** of said Hazel road to its intersection with a public road at or near Hazel Episcopal Church; thence westerly along the **Beaufort county side** of said public road to its intersection with the Charleston and Savannah Turnpike; thence the **Beaufort County side** of the said Turnpike to a point opposite its intersection with the southern boundary line of the land of Okeetee Club; thence across said road to the said boundary line the line in a westerly direction to a corner where said land line turns in a northeasterly direction;....

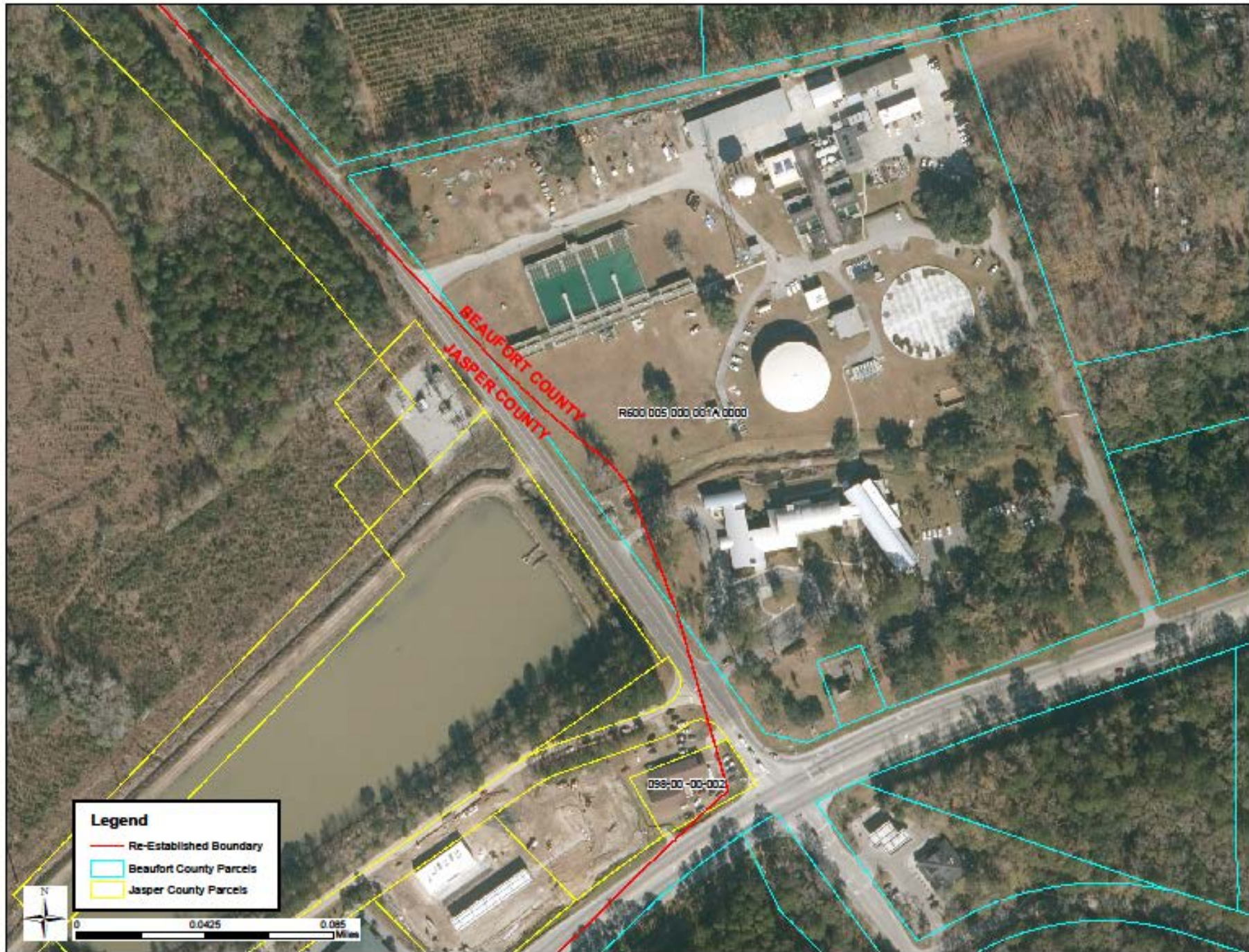
Acts & Joint Resolution of 1939 Number 325

...thence down said creek and through the nearest waterways to a point on Manigaults Neck, where the land line dividing the land of Chelsea Club from the Fripp land intersect said creek or waterway; thence the said land line to its intersection with the Fripp Public Road; thence down **Jasper County side** of the said Fripp Public Road to its intersection with the Hazel Road; thence westerly along the **Jasper County side** of said Hazel Road to its intersection with a public road at or near Hazel Episcopal Church; thence westerly along the **Jasper County side** of said public road to its intersection with the Charleston and Savannah Turnpike; thence the **Jasper County side** of the said Turnpike to a point opposite its intersection with the southern boundary line of the land of Okeetee Club; thence **across said road** to said boundary line the line in a westerly direction to a corner where said land line turns in a northeasterly direction;....

Acts & Joint Resolution 1992 Regular Session

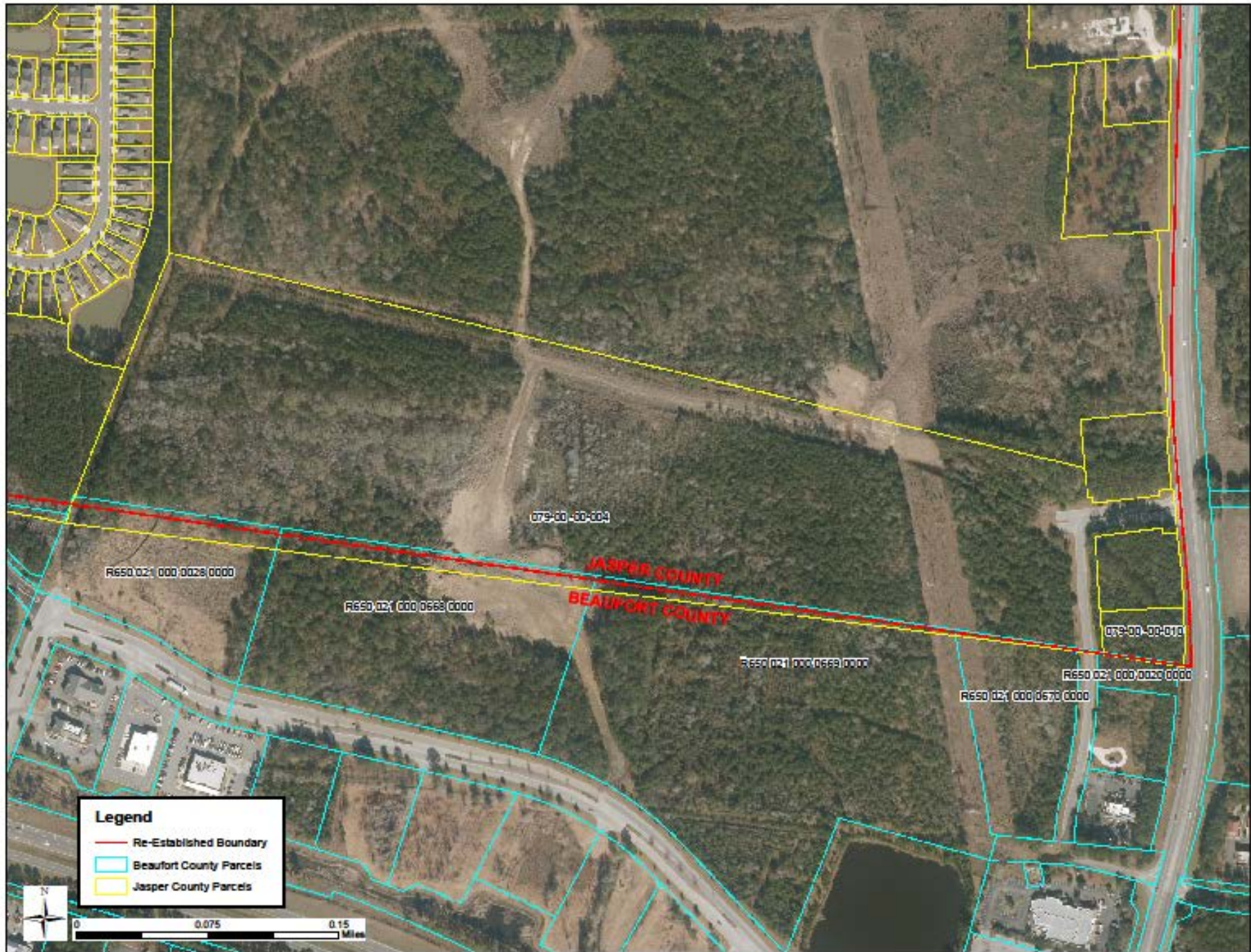
SECTION 4-3-70

...thence following the center line of Hazzard Creek and through the nearest waterways following their center lines to a point on Manigaults Neck where the land line dividing the land now or formerly owned by the Chelsea Club from the land now or formerly owned by Fripp intersect the center line of said creek or waterway; thence following said land line to its intersection with the Fripp public road; thence following the Jasper County side of the Fripp public road to its intersection with the Hazel road; thence westward following the Jasper County side of said Hazel road to its intersection with a public road at or near Hazel Episcopal Church; thence westward following the Jasper County side of said public road to its intersection with the Charleston and Savannah turnpike; thence following the Jasper County side of the said turnpike to a point opposite its intersection with the southern boundary line of the land now or formerly owned by the Okeetee Club; thence **across said road** to said boundary line; thence westward following said line to the center line of the New River;...









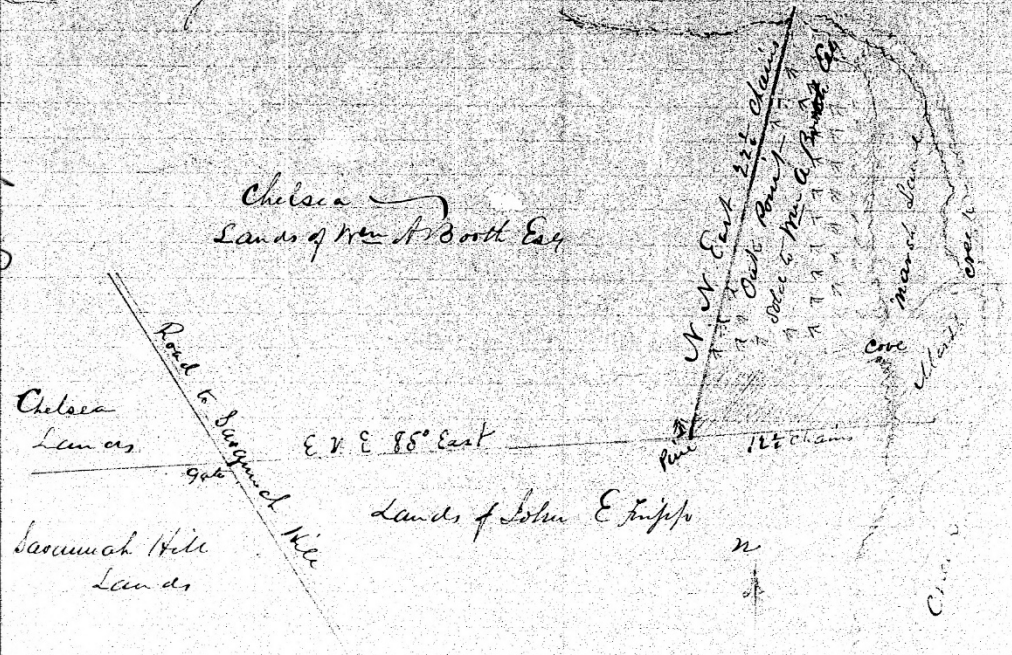
Legend
— Re-Established Boundary
— Beaufort County Parcels
— Jasper County Parcels



0 0.075 0.15 Miles

before me and after being privately and separately examined by me she
 declares that she acts freely voluntarily and without any compulsion or
 dread or fear of any person or persons who have or who may have any claim or
 relinquish unto the within named William A Booth his heirs and assigns
 all her interest and estate and do all her right and claim of now
 of us to all and singular the premises within mentioned and released
 Given under my hand and seal this 29th day of November
 Anno Domini eighteen hundred and seventy three.
 Signed sealed and delivered in presence of J. Rockwell Kipp
 (Seal) W. Mulligan Trial Justice

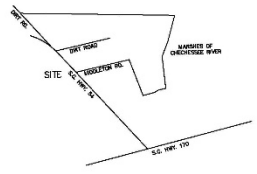
Key Map 1873



Recorded with plat December 14 1873,
 and certified by W. J. and Register
 returned to

Wm. Moore State of South Carolina
 to the Commission
 William A. Booth
 Charleston County

Know all men by these presents that the Wm. Moore of the State
 and county above said for and in consideration of the sum of
 one hundred and seventy five dollars (\$175) have given to the
 within named and by these presents do grant bargain and sell



LOCATION MAP (N.T.S.)

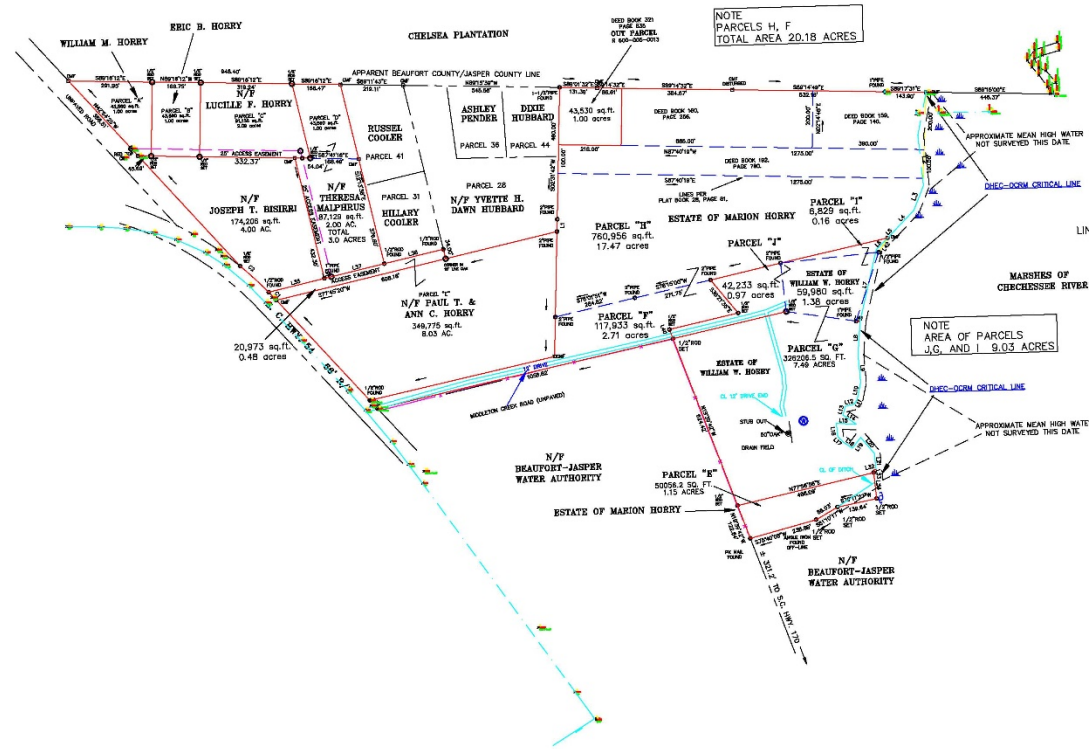
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
CE	1173.00'	136.12'	87.83'	155.04'	N41°51'13" W	68°08'44"

NOTES:

- 1.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
- 2.) THIS PLAT DOES NOT CERTIFY THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
- 3.) METHOD OF AREA CALCULATION BASED ON COORDINATE METHOD.
- 4.) LOCATION OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS ONLY AND ARE NOT CERTIFIABLE.
- 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
- 6.) CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 7.) THE CENTER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
- 8.) BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES.
- 9.) THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE A-B (21.4-00) AS DETERMINED BY FEMA FIRM COMM-PANEL NUMBER 45002S 1060 D, DATED: 09/29/86. (INDEX DATED: 11/04/92.)

REFERENCES:

- 1.) R. 600-005-000-0001, -001D, -001E, -002B, -002S, -0030, -0002.
- 2.) PLAT BY NELS CHRISTENSEN DATED: 04/01/94. PLAT BOOK 46, PAGE 111, BEAUFORT COUNTY R.M.C. OFFICE.
- 3.) PLAT BY R.D. TROGDON, JR. DATED: 11/05/86, LAST REVISED: 11/26/79. PLAT BOOK 28, PAGE 81, BEAUFORT COUNTY R.M.C. OFFICE.
- 4.) TERRY G. HATCHELL DATED: 03/06/96.



THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE DHEC-CORM, THE STATE OF SOUTH CAROLINA IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT. ALL PROPERTY OWNERS ARE PROHIBITED FROM ANY ALTERATION TO THE LINE DELINEATED BY HATCHELL, STAFF OFFICE TO CONSTRUCTION OR CLOSING ON THE SIZE OF THIS PROPERTY.

SIGNATURE _____ DATE _____
 THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR THREE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

**PLAT SHOWING
 A PORTION OF
 THE CHECHESSEE AREA
 PREPARED FOR:
 THE ESTATE OF LUCILLE FRIPP HORRY
 BLUFFTON TOWNSHIP
 BEAUFORT COUNTY, SOUTH CAROLINA.**

DATE: 04/25/02
 DATE: 04/15/03 ADDED CRITICAL LINE
 DATE: 04/25/05
 DATE: 3/24/06 ADDED PARCEL 13
 DATE: 7/10/07, ADDED COUNTY LINE

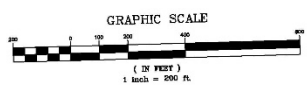
SCALE: 1" = 200'

JOB #22736A F.B. #531 DRAWN BY: DESIGN 3

GASQUE & ASSOCIATES INC.
 LAND SURVEYORS PLANNERS
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 (843) 522-1708

THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.
 I, David E. Gasque, a Registered Professional Land Surveyor in the State of South Carolina, certify to client(s) shown herein that to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a CLASS survey as specified therein, when there are no encroachments or projections other than shown. This survey is not valid unless it bears the original signature and seal on embossed seal.

David E. Gasque, R.L.S.
 S.C. Registration Number 10088



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

MAP
OF THE
OKEETEE
CLUB
LANDS,
HAMPTON & BEAUFORT COUNTIES,
SOUTH CAROLINA.

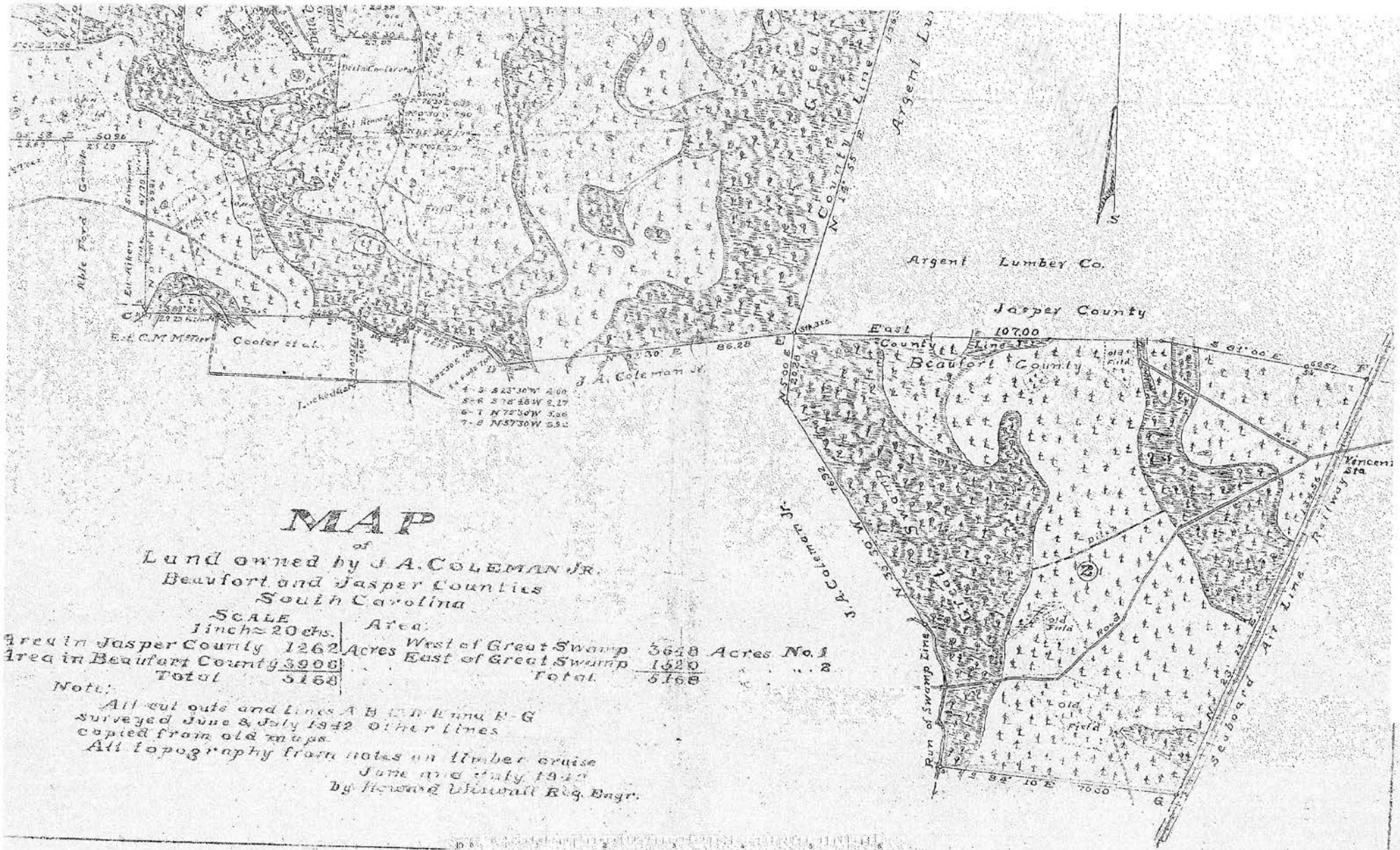
Copyright 1917 by Okeetee Club

DESCRIPTION

NO.	DESCRIPTION	ACRES	AMOUNT
1	SWEEPING	28.25	1.00
2	LONG ISLAND	28.25	1.00
3	BEACON	28.25	1.00
4	CLARIBET	28.25	1.00
5	ROCK	28.25	1.00
6	AROUND	28.25	1.00
7	CLUB HOUSE	28.25	1.00
8	CLUB HOUSE	28.25	1.00
9	CLUB HOUSE	28.25	1.00
10	CLUB HOUSE	28.25	1.00
11	CLUB HOUSE	28.25	1.00
12	CLUB HOUSE	28.25	1.00
13	CLUB HOUSE	28.25	1.00
14	CLUB HOUSE	28.25	1.00
15	CLUB HOUSE	28.25	1.00
16	CLUB HOUSE	28.25	1.00
17	CLUB HOUSE	28.25	1.00
18	CLUB HOUSE	28.25	1.00
19	CLUB HOUSE	28.25	1.00
20	CLUB HOUSE	28.25	1.00
21	CLUB HOUSE	28.25	1.00
22	CLUB HOUSE	28.25	1.00
23	CLUB HOUSE	28.25	1.00
24	CLUB HOUSE	28.25	1.00
25	CLUB HOUSE	28.25	1.00
26	CLUB HOUSE	28.25	1.00
27	CLUB HOUSE	28.25	1.00
28	CLUB HOUSE	28.25	1.00
29	CLUB HOUSE	28.25	1.00
30	CLUB HOUSE	28.25	1.00
31	CLUB HOUSE	28.25	1.00
32	CLUB HOUSE	28.25	1.00
33	CLUB HOUSE	28.25	1.00
34	CLUB HOUSE	28.25	1.00
35	CLUB HOUSE	28.25	1.00
36	CLUB HOUSE	28.25	1.00
37	CLUB HOUSE	28.25	1.00
38	CLUB HOUSE	28.25	1.00
39	CLUB HOUSE	28.25	1.00
40	CLUB HOUSE	28.25	1.00
41	CLUB HOUSE	28.25	1.00
42	CLUB HOUSE	28.25	1.00
43	CLUB HOUSE	28.25	1.00
44	CLUB HOUSE	28.25	1.00
45	CLUB HOUSE	28.25	1.00
46	CLUB HOUSE	28.25	1.00
47	CLUB HOUSE	28.25	1.00
48	CLUB HOUSE	28.25	1.00
49	CLUB HOUSE	28.25	1.00
50	CLUB HOUSE	28.25	1.00
51	CLUB HOUSE	28.25	1.00
52	CLUB HOUSE	28.25	1.00
53	CLUB HOUSE	28.25	1.00
54	CLUB HOUSE	28.25	1.00
55	CLUB HOUSE	28.25	1.00
56	CLUB HOUSE	28.25	1.00
57	CLUB HOUSE	28.25	1.00
58	CLUB HOUSE	28.25	1.00
59	CLUB HOUSE	28.25	1.00
60	CLUB HOUSE	28.25	1.00
61	CLUB HOUSE	28.25	1.00
62	CLUB HOUSE	28.25	1.00
63	CLUB HOUSE	28.25	1.00
64	CLUB HOUSE	28.25	1.00
65	CLUB HOUSE	28.25	1.00
66	CLUB HOUSE	28.25	1.00
67	CLUB HOUSE	28.25	1.00
68	CLUB HOUSE	28.25	1.00
69	CLUB HOUSE	28.25	1.00
70	CLUB HOUSE	28.25	1.00
71	CLUB HOUSE	28.25	1.00
72	CLUB HOUSE	28.25	1.00
73	CLUB HOUSE	28.25	1.00
74	CLUB HOUSE	28.25	1.00
75	CLUB HOUSE	28.25	1.00
76	CLUB HOUSE	28.25	1.00
77	CLUB HOUSE	28.25	1.00
78	CLUB HOUSE	28.25	1.00
79	CLUB HOUSE	28.25	1.00
80	CLUB HOUSE	28.25	1.00
81	CLUB HOUSE	28.25	1.00
82	CLUB HOUSE	28.25	1.00
83	CLUB HOUSE	28.25	1.00
84	CLUB HOUSE	28.25	1.00
85	CLUB HOUSE	28.25	1.00
86	CLUB HOUSE	28.25	1.00
87	CLUB HOUSE	28.25	1.00
88	CLUB HOUSE	28.25	1.00
89	CLUB HOUSE	28.25	1.00
90	CLUB HOUSE	28.25	1.00
91	CLUB HOUSE	28.25	1.00
92	CLUB HOUSE	28.25	1.00
93	CLUB HOUSE	28.25	1.00
94	CLUB HOUSE	28.25	1.00
95	CLUB HOUSE	28.25	1.00
96	CLUB HOUSE	28.25	1.00
97	CLUB HOUSE	28.25	1.00
98	CLUB HOUSE	28.25	1.00
99	CLUB HOUSE	28.25	1.00
100	CLUB HOUSE	28.25	1.00
TOTALS	28.25	1.00	
TOTAL AREA	5300 AC		

Note
 The Club is not responsible for the Club and
 all other improvements from which it derives
 title. The Club is not responsible for the Club and
 all other improvements from which it derives
 title. The Club is not responsible for the Club and
 all other improvements from which it derives
 title.





MAP

of
 Land owned by J. A. COLEMAN JR.
 Beaufort and Jasper Counties
 South Carolina

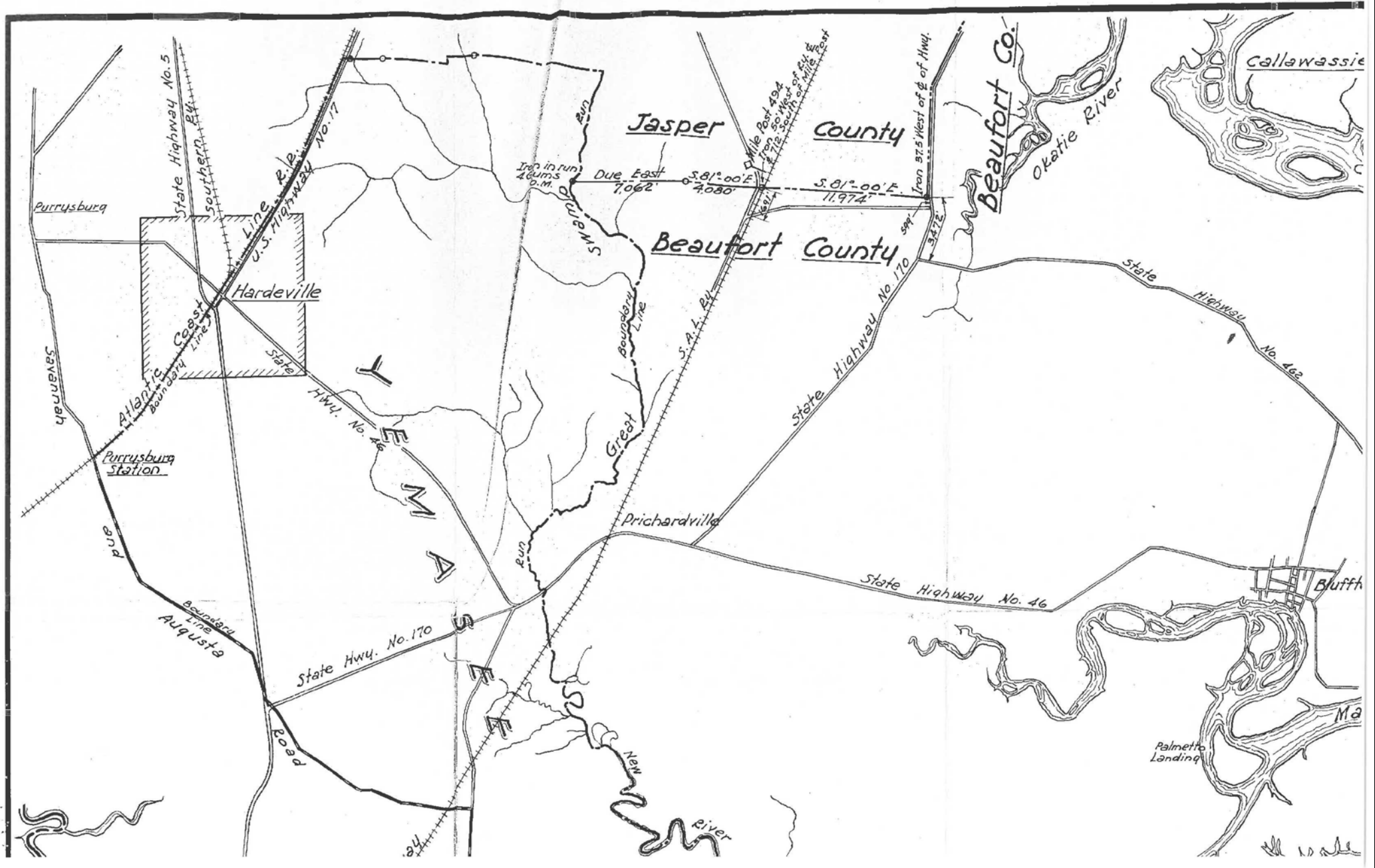
SCALE
 1 inch = 20 chs.

Area	Area
Area in Jasper County 1262 Acres	West of Great Swamp 3628 Acres No. 1
Area in Beaufort County 3906	East of Great Swamp 1520
Total 5168	Total 5148

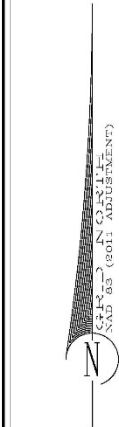
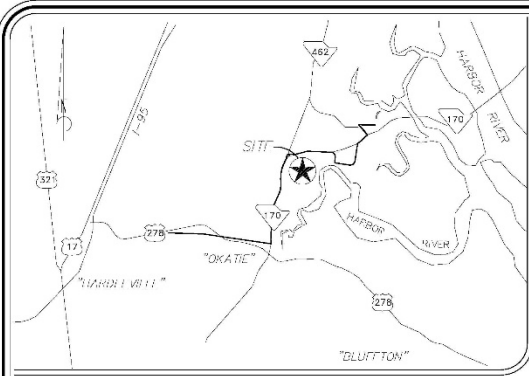
Note:
 All cut outs and lines A B C D E F and G
 surveyed June & July 1942 Other lines
 copied from old maps.
 All topography from notes on timber cruise
 June and July 1942
 by Howard W. Winwell Reg. Engr.

Jasper County Clerk of Court





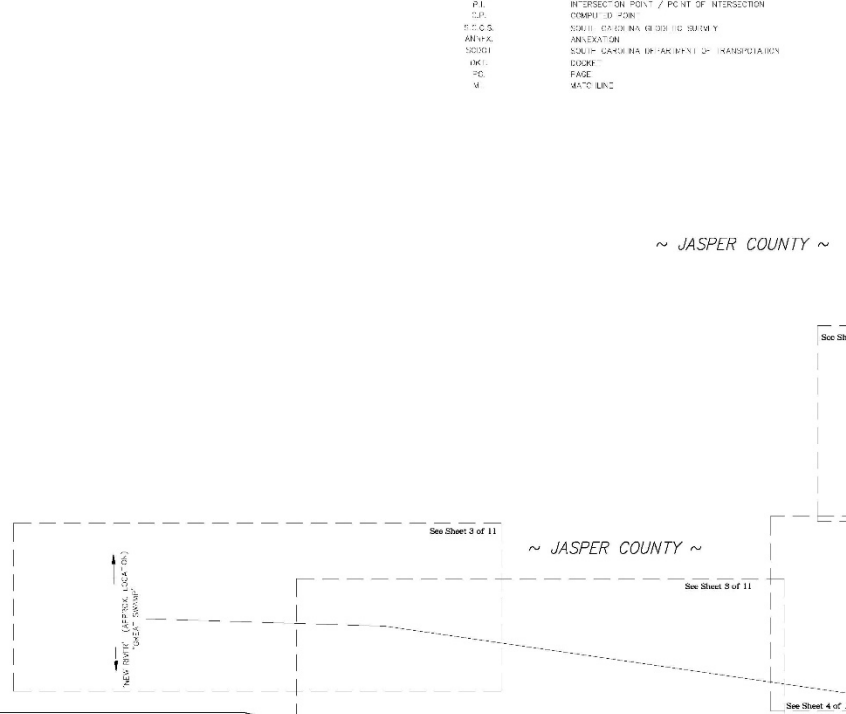




LEGEND

- AXIS NE COUNTY LINE
- PROPOSED COUNTY BOUNDARY (COUNTY LINE)
- ADJACENT BOUNDARY LINE (BY TITLE & REF. MONUMENTATION)
- HIGHWAY (SOLID OR DASHED)
- SECTION BORDER
- WATCH LINE BETWEEN PLAT SHEETS
- IRON PIN OR PIPE FOUND (D.P.F. OR I.P.F. SIZE & TYPE NOTED)
- S.W. CORNER (S.W. CORNER OF AN UNLAWFUL MONUMENTATION)
- DIMENSIONS OR REF. MONUMENTATION (D.M. OR R.M. DIMENSIONS NOTED)
- CONCRETE MONUMENT FOUND (C.M.F. OR C.M. SIZE/DIMENSIONS NOTED)
- CORNER TO TOP OF MONUMENT FOUND (C.T. OR C.M. FOUND)
- SALT MARKS
- COUNTY LINE CORNER IDENTIFIER
- AND A CORNER IDENTIFIER
- MONUMENT, S.I. — MAG. NAIL & WASHER "COUNTY BOUNDARY MONUMENT" (UNLESS NOTED OTHERWISE)
- MAG. NAIL & WASHER SET — "COUNTY BOUNDARY MONUMENT"
- #8 REBAR 4/3-1/4" "COUNTY BOUNDARY MONUMENT" — S.C.G.S. ALUMINUM CAP SET
- IRON REINFORCING BAR (REBAR)
- CONCRETE PIPE (CONCRETE PIPE)
- CEMENT OR "2 INCH" TOP IRON PIPE (C.I.P.)
- ADJ. GROUND LEVEL
- REGISTER OF DEEDS
- BOOK/PAGE
- DEED BOOK/PAGE
- PLAT BOOK/PAGE
- PLAT CANTON/BLADE
- TAX MAP SYSTEM (COUNTY PARCEL IDENTIFICATION)
- CENTER LINE
- INTERSECTION POINT / POINT OF INTERSECTION
- COMPUTED POINT
- S.C.G.S. STATION OR GRID POINT
- ANNOTATION
- SCALE IN QUARTER INCHES OF TERRITORY
- BOOK
- PAGE
- MARK LINE
- M.A.W.S.
- R.B.C.S.
- R.R. or F.R.L.
- D. or D.H.
- C.T. OR C.M.
- A.G.L.
- S.C.D.
- R.C. or P.C.
- D.B. or P.C.
- P.L. or P.L.
- S.C. or S.L.
- I.M.S.
- C.P.
- P.L.
- C.P.
- S.C. or S.C.
- ANNOTATION
- S.C.G.S. STATION OR GRID POINT
- BOOK
- PAGE
- MARK LINE

LOCATION MAP (NOT TO SCALE)



~ JASPER COUNTY ~

~ BEAUFORT COUNTY ~

~ JASPER COUNTY ~

~ BEAUFORT COUNTY ~

NO.	BEAUFORT (ACRES)	JASPER (ACRES)
A		14.8
B	0.71	
C		- .00
D		2.03
E	2.33	
F		-.30
G		1.16
H	1.22	
I		2.08
J	0.89	
K		3.29
TOTAL	6.95	22.54
OVERALL		16.30

NOTES

- THIS IS NOT A VALID TITLE COPY OF THIS DOCUMENT UNLESS IT BEARS THE ORIGINAL SIGNATURE, SIGNATURE DATE, AND THE DATED, UNDOUBTED SEAL OF THE REGISTERED PROFESSIONAL LAND SURVEYOR NOTED HEREON.
- THE PURPOSE OF THIS PLAT IS TO MAP THE SECTION OF THE BEAUFORT/JASPER COUNTY LINE RUNNING WESTWARD FROM THE CENTERLINE OF THE CHICKLESSEE RIVER (NORTHWEST TRIBUTARY OF THE CHICKLESSEE RIVER) TRADING ALONG VARIOUS PROPERTIES AND PUBLIC ROADS SUCH AS CHEESA PLANTATION DRIVE, SWANEY ROAD (S-27-54), OKATIE HWY. (S.C. HWY. 170) AND BEAUFORT ROAD (S.C. HWY. 170). THIS PLAT IS INTENDED TO BE USED IN CONNECTION WITH THE SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE. THIS PLAT IS NOT TO BE CONSIDERED AS A MONUMENT IN THE MAIN PLAT OF THE LOCAL SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE (LOCAL SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE). SOUTH OF THE ROAD AND EAST OF HAZELVILLE IN JASPER COUNTY, SOUTH CAROLINA.
- IF ANY INFORMATION REFERENCED ON THIS PLAT IS ONLY THAT USED TO SUBSIDE THE PLAT IS INCORPORATED INTO THE PLAT, THE SURVEYOR ADVISING ON PLAT IS THE BEAUFORT/JASPER COUNTY LINE BEING FOUND ON RECORD, RESPECTIVELY IN THE JASPER AND BEAUFORT REGISTER OF DEEDS (R.O.D.) OFFICES AND (SEE NOTE CONSISTENT WITH THE SEARCH, TITLE ABSTRACT, OR TITLE OPINION FOR ANY OF THE PROPERTIES NOTED HEREON).
- THIS PLAT HAS BEEN DONE FOR THE STATE OF SOUTH CAROLINA IN ACCORDANCE WITH THEIR PLANNED USE AND PURPOSE OF THE INFORMATION SHOWN HEREON. ALL SURVEY MARKS AND SURVEY POINTS (P.O.) ARE TO BE PLACED IN THE FIELD TO THE DEGREE OF RELIANCE UPON THE PLAT BY THESE PROPERTIES.
- THIS PROPERTY MAY BE SUBJECT TO VARIOUS UTILITY EASEMENTS (E.G. POWER, TELEPHONE, CABLE, GAS, WATER, SEWER, ETC.) AND ALL SUCH UTILITIES ARE TO BE PLACED IN THE PLAT. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL SUCH UTILITIES. THIS PLAT DOES NOT ADDRESS ANY SUCH UTILITY EASEMENTS OR CONDITIONS OF ANY NATURE, UNLESS SPECIFICALLY NOTED OTHERWISE ON PLAT.
- NO SURVEYS, EVALUATION OR DELINEATION OF ANY ENVIRONMENTAL ISSUES OR MATTERS SUCH AS HAZARDOUS WASTE CONTAMINATION, SUBSURFACE CONTAMINATION, OR OTHER MATTERS, OR INTERFERING WITH ADJACENT PROPERTY RIGHTS, SHALL BE CONSIDERED AS A PART OF THIS SURVEY UNLESS SPECIFICALLY NOTED OTHERWISE ON PLAT.
- THE ADDITIONAL NOTES SPECIFIC TO THIS SURVEY AND THE INFORMATION ON THIS PLAT IS THE BEAUFORT/JASPER COUNTY LINE SURVEY, BEING: OF BEAUFORT/JASPER COUNTY, SOUTH CAROLINA.
- A "MARKING (N) AND WASHER (S) IDENTIFICATION" IS SHOWN ON THE PLAT AND IDENTIFICATION (MAG. NAIL & WASHER) SHALL BE IDENTIFIED AND IDENTIFIED, FOUND AND BE PLACED WITHIN THE PLAT. THE PLAT IS TO BE USED IN CONNECTION WITH THE SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE. THE PLAT IS TO BE USED IN CONNECTION WITH THE SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE FOR EACH CORNER ALONG THE BEAUFORT/JASPER COUNTY LINE SURVEY FROM THE UNION CAMP BOUNDARY CORNER IN GRADE. A PLAT IDENTIFICATION (MAG. NAIL & WASHER) SHALL BE IDENTIFIED AND IDENTIFIED.
- THE ORIENTATION OF THIS PLAT IS ECONOMIC NORTH, NAD 83, 2011 ADJUSTMENT, GRID SCALE. ALL LINES, MONUMENTS, AND DISTANCES SHOWN HEREON ARE SUBJECT TO THE SOUTH CAROLINA STATE SCALE FACTOR FOR THIS PLAT IS CORRECTED AT THE GEODETIC MONUMENT DESIGNATED "T. 218" (TID. OK4222) BEING FOUND NEAR THE CORNER OF THE NEW RIVER AND NEW RIVER, BEING FOUND BY BEAUFORT/JASPER COUNTY, SOUTH CAROLINA. THE AVERAGE SCALE CORRECTED SCALE FACTOR FOR THIS PLAT IS 1.000000.

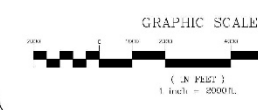
I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA (EFFECTIVE JUNE 28, 2009), AS PER ARTICLE 4, RESOLUTION 49-100, THAT THIS MAP OR PLAT IS INTENDED ONLY TO SHOW INFORMATION SURVEYED FOR A SPECIFIC STATED PURPOSE. THAT SURVEY LINES SHOWN HEREON ARE BASED ON ACTUAL FIELD SURVEY EVIDENCE AND/OR MEASUREMENTS WHICH MEET OR EXCEED THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



NOT VALID UNLESS SIGNED BY SURVEYOR

REVIEW ONLY

EMBOSSSED SEAL



CORNERSTONE SURVEYING & ENGINEERING, INC.
 640 Jasper Ridge Rd. • Summerville • South Carolina • 29485 • Phone: 843.977.9006

BEAUFORT/JASPER COUNTY LINE
 RUNNING WESTWARD FROM THE CENTERLINE OF THE CHICKLESSEE RIVER (NORTHWEST TRIBUTARY OF THE CHICKLESSEE RIVER) TRADING ALONG VARIOUS PROPERTIES AND PUBLIC ROADS SUCH AS CHEESA PLANTATION DRIVE, SWANEY ROAD (S-27-54), OKATIE HWY. (S.C. HWY. 170) AND BEAUFORT ROAD (S.C. HWY. 170). THIS PLAT IS INTENDED TO BE USED IN CONNECTION WITH THE SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE. THIS PLAT IS NOT TO BE CONSIDERED AS A MONUMENT IN THE MAIN PLAT OF THE LOCAL SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE (LOCAL SURVEY OF THE GREAT SWAMP OF THE NEW RIVER OF THE BEAUFORT/JASPER COUNTY LINE). SOUTH OF THE ROAD AND EAST OF HAZELVILLE IN JASPER COUNTY, SOUTH CAROLINA.

Date of Map: 8/15/2016
 Drawn: KAW/KDD
 Design: RDJ/KDD
 Checked: KAW/RDD
 Approved: RDJ
 CAD File: 15001-000-000-WST.dwg
 P.S. & Pg. _____
 Pl. Board Appl. # _____

Date _____ Revision No. _____

Proj. No.: 15001-000
 Sheet 1 Of 11

Steps for Clarifying Boundaries

Act 262 Of 2014

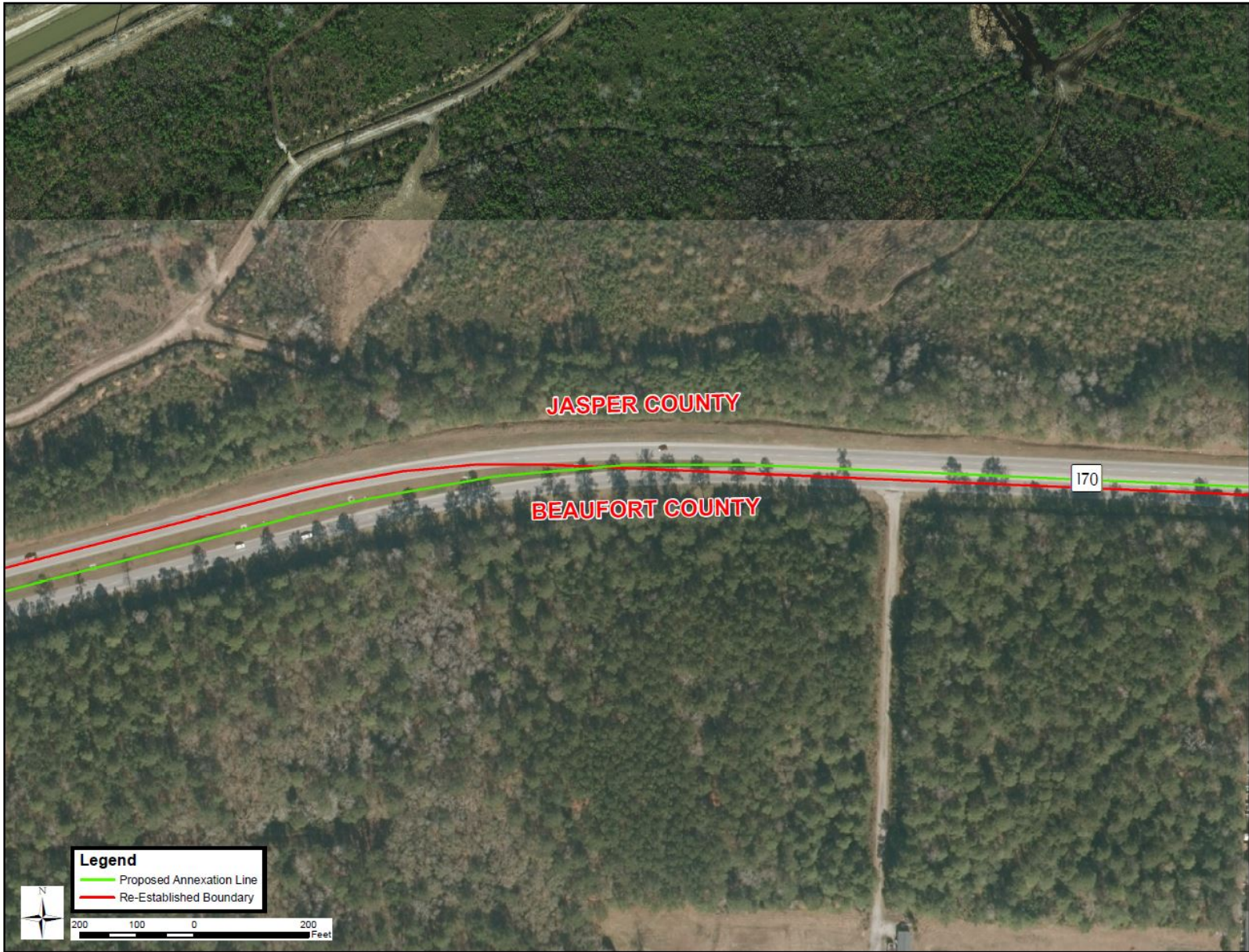
- **SCGS Requirements:**
 - Upon reestablishing county boundary, SCGS shall certify its work and within 30 days of certification:
 - Provide copies to the administrator of each affected county;
 - Provide written notification to affected parties
 - Provide notice and copies to the public through its official website and or other means it considers appropriate; and
 - Notify as it determines appropriate, other affected state and federal agencies
 - (Initiates 60 Day Appeal Process)
- Certified Surveys submitted to Secretary of State, Register of Deeds Offices, and South Carolina Department of Archives with Cover Letter
- Date of the cover letter is the date the surveys become effective
- Introduce Legislation to update Code of Law to reflect clarified boundary with State Plane Coordinates

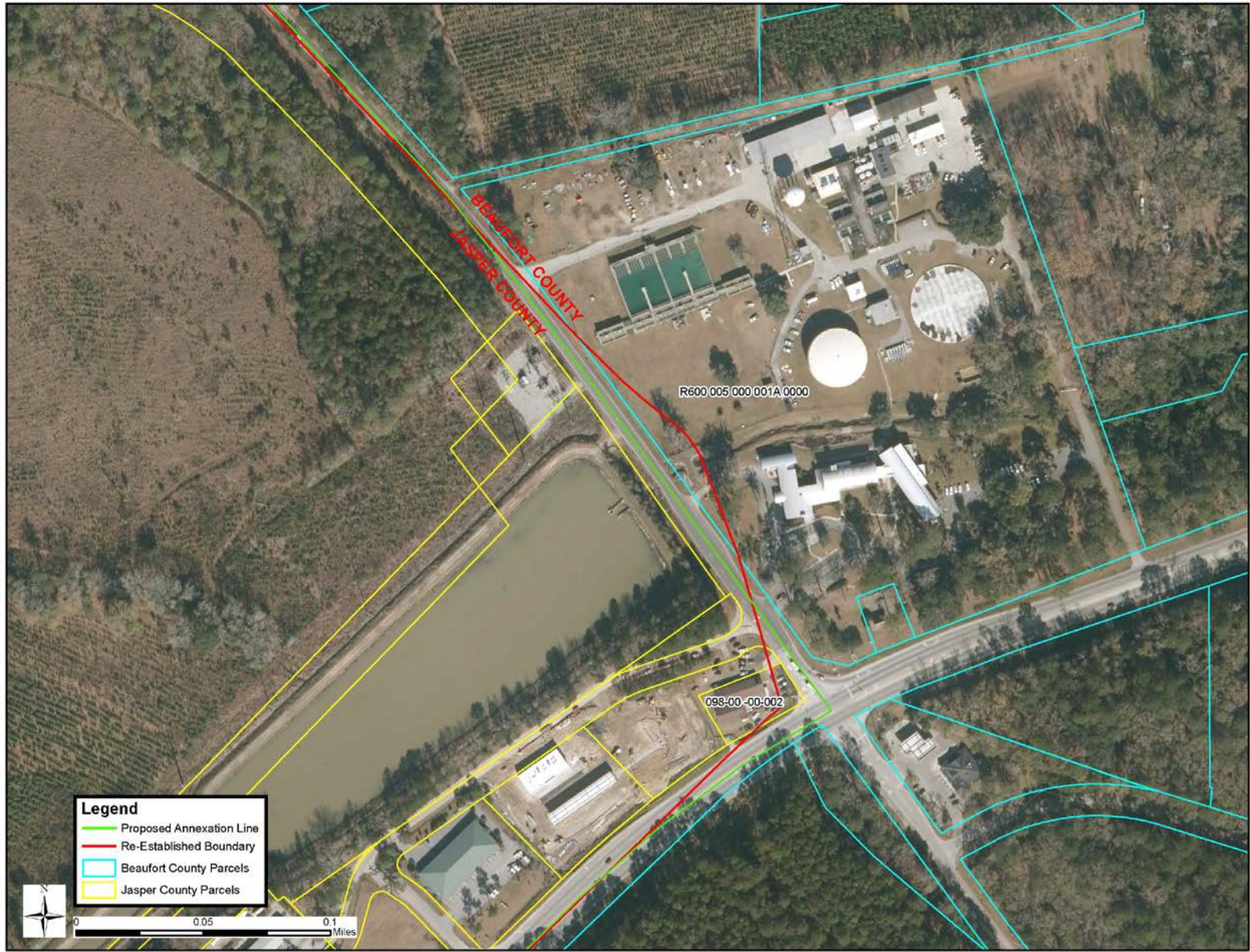
Act 262 of 2014

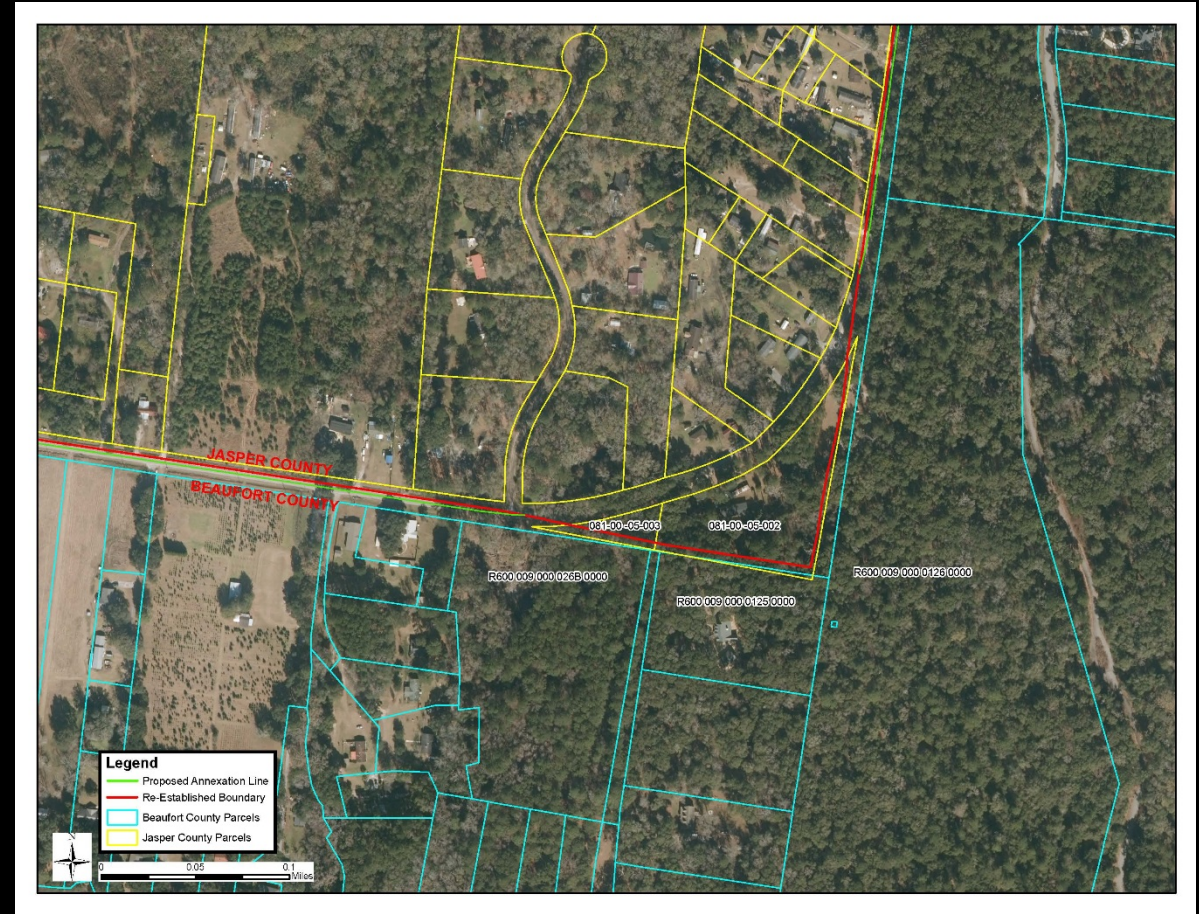
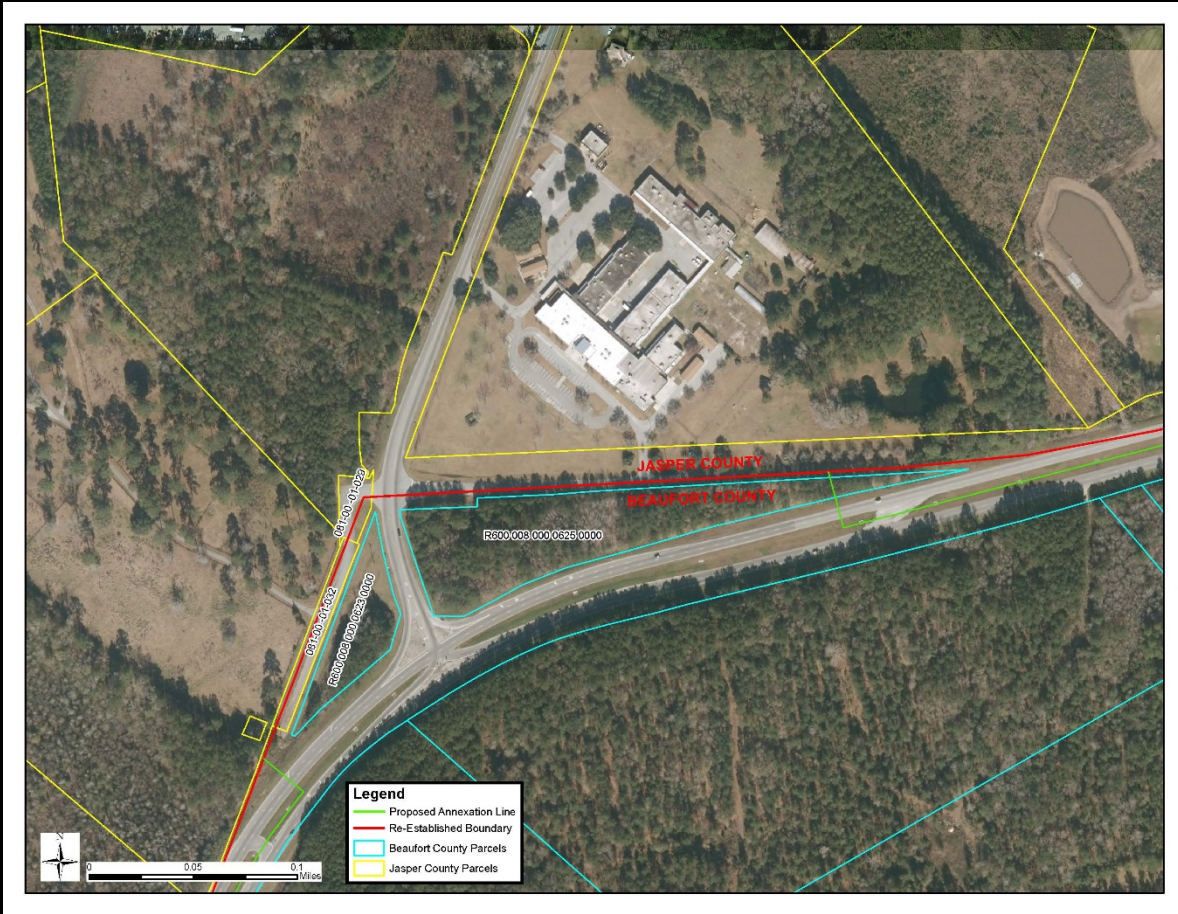
- **Affected Parties Disagreeing with SCGS:**

- May file request for a contested case hearing with the SC Administrative Law Court
- This decision may be appealed
- **“Affected Party”**
 - Governing body of an affected county
 - Governing body of a political subdivision of this State
 - An elected official, other than a statewide elected official
 - A property owner or an individual residing in the certification zone
 - A business entity located in the certification zone
 - A nonresident individual who owns or leases real property situated in the certification zone

ANNEXATION RESOLUTION



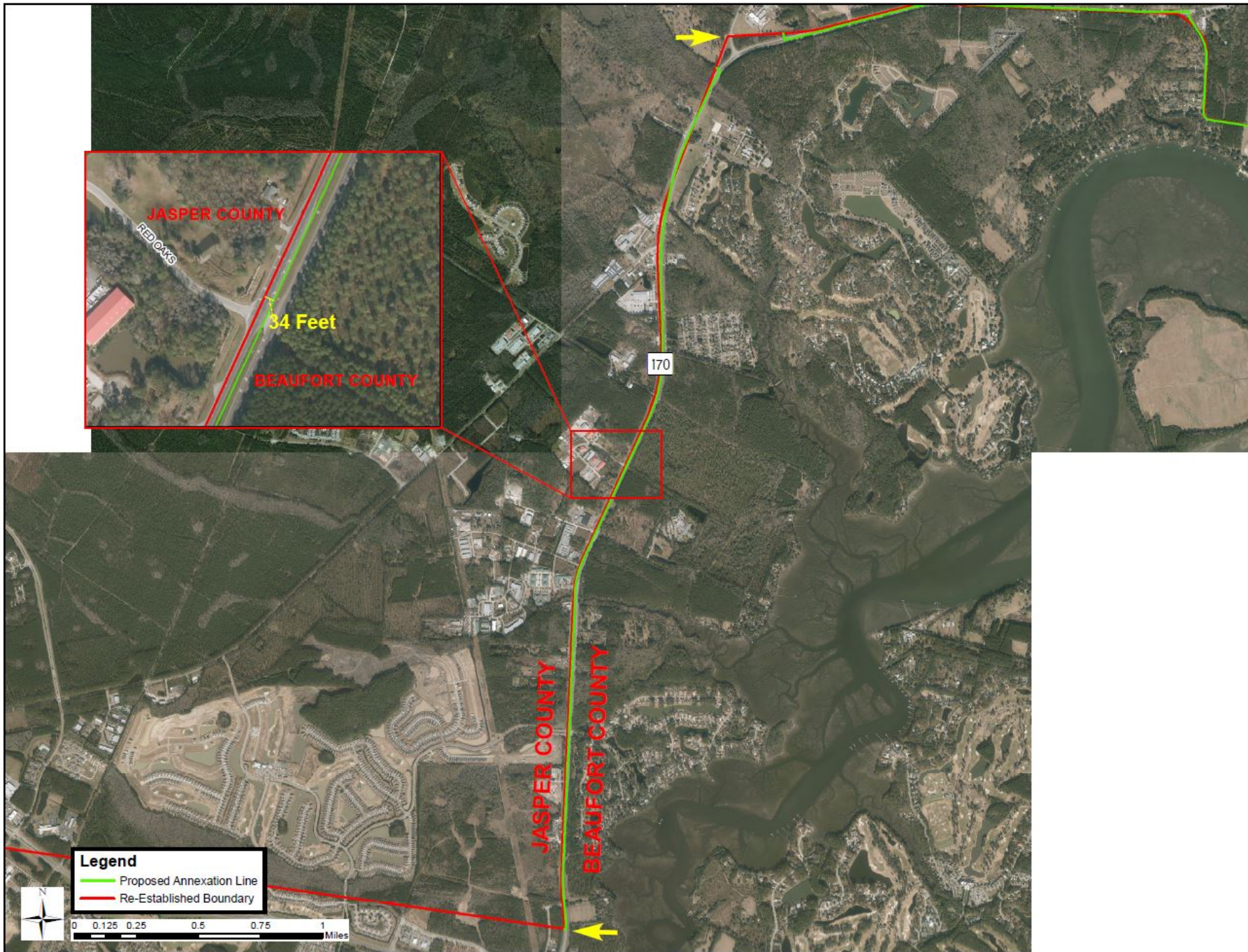




BEAUFORT TO JASPER = 22.34 ACRES

JASPER TO BEAUFORT = 5.95 ACRES

TOTAL INCREASE TO JASPER, DECREASE TO BEAUFORT = 16.39 ACRES



QUESTIONS?

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

RESOLUTION # 2016-07

RESOLUTION OF JASPER COUNTY COUNCIL

CONSENTING TO THE PROPOSED ANNEXATION OF CERTAIN PROPERTY ALONG THE BEAUFORT COUNTY – JASPER COUNTY BOUNDARY CONSISTING OF 5.95 ACRES OF LAND FROM JASPER COUNTY TO BEAUFORT COUNTY, AND THE ANNEXATION OF CERTAIN OTHER PROPERTIES ALONG THE BEAUFORT COUNTY – JASPER COUNTY BOUNDARY CONSISTING OF 22.34 ACRES FROM BEAUFORT COUNTY TO JASPER COUNTY.

WHEREAS, the official boundaries of the Counties of the State of South Carolina are provided for by Article VII, Section 12, and Article VII, Section 2 of the Constitution of the State of South Carolina, which provides that the boundaries of the several counties shall remain as established until changed by the general Assembly; and

WHEREAS, the General Assembly has adopted statutes setting the boundaries of the several Counties in Title 4, Chapter 3 of the Code of Laws of South Carolina, and specifically codified the boundaries of Beaufort County in Section 4-3-70, and Jasper County in Section 4-3-320; and

WHEREAS, the official boundary lines of Beaufort and Jasper County oftentimes mention the centerlines or rights of way of certain roads as being the boundary; and

WHEREAS, since the adoption by the General Assembly of the official boundaries of Beaufort and Jasper County, many of the centerlines of such roads have been obscured by changes in the courses of the roads, either by road widenings or other improvements which altered the centerlines and rights of way to accommodate geographical or topographical features encountered; and

WHEREAS, advances in the accuracy of surveying, including the wide-spread use of Global Navigation Satellite Systems (GNSS) and state-of-the-art surveying equipment have increased the precision of the measurements used to re-establish the historic surveys; and

WHEREAS, the General Assembly has authorized the re-surveying of the boundaries of the several Counties so as to take into consideration the increased accuracy of GPS surveying, and the South Carolina Geodetic Survey (SCGS), a division of the South Carolina Revenue and Fiscal Affairs office has been tasked with the re-establishment of these boundaries, including that between Beaufort and Jasper Counties; and

WHEREAS, having completed the survey, the SCGS has reported that the boundary lines which reference the centerlines and rights of way of the roads no longer coincide with the centerlines and rights of way of existing roads, and has suggested the amendment of the official boundary lines to reflect the current configurations of those road references, to be marked with new monumentation referenced to the South Carolina State Plane Coordinate System and preserved in a digitized data base maintained by SCGS; and

WHEREAS, the proposed amendment to the boundary lines between the Counties of Beaufort and Jasper would not involve the movement of any privately owned property from one County to the other, as the movements of the lines occur within government owned property and government owned roads and highway rights of way, which also avoids there being any financial impact on the debt servicing ability of either County, as all of the property proposed to be moved from one county to the other are exempt from taxation;

WHEREAS, the movement of the boundary lines between the Counties will re-establish certain indeterminate political boundaries, ensuring jurisdictional integrity that can avoid costly litigation, and clarify jurisdictional matters between the public safety and public services provided by each County; and

WHEREAS, in accordance with South Carolina Attorney General Opinion Number 90-67 (November 21, 1990), when there are no inhabitants and therefore no qualified electors in the territory being moved from one County to the other, no election is required by either the State Constitution or statutes of the State, and may be accomplished by legislative act; AND

WHEREAS, the matters involved herein have been the subject of a public hearing before County Council, including a presentation by officials of the SCGS;

NOW THEREFORE, BE IT RESOLVED by Jasper County Council, the Council being duly assembled, that the Council approves the proposed relocation of the boundary lines and the attendant annexation of certain property along the Beaufort County – Jasper County boundary consisting of approximately 5.95 acres of land from Jasper County to Beaufort County, and the annexation of certain other properties along the Beaufort County – Jasper County boundary consisting of approximately 22.34 acres from Beaufort County to Jasper County, such properties more specifically identified and described on those certain plats

of survey prepared by Cornerstone Surveying & Engineering, Inc. for the South Carolina Geodetic Survey, R. David Branton, Professional Land Surveyor, entitled "A Plat of a Portion of the Beaufort-Jasper County Line" and dated June 15, 2016, subject to the Beaufort County Council adopting a complementary Resolution agreeing to the revised boundary lines and annexations;

FURTHER RESOLVED, that in furtherance of the adjustment of the boundary lines and annexations as proposed, that the County Administrator, with the assistance of the County Attorney, is authorized to create and execute such ancillary documents on behalf of Jasper County as may be necessary or desirable to effect such adjustments and annexations, and are directed to work with Beaufort County to effect the annexations; and

FURTHER RESOLVED, the Chairman of County Council and the County Administrator are authorized to convey this Resolution and its request for the expeditious adjustments to the boundaries between the Counties and the proposed annexation of territory contained herein to the County Legislative Delegation, and to coordinate and assist as necessary with appropriate legislation and its attendant processes, including, but not limited to, any appearances or testimony at legislative committee meetings or hearings.

This Resolution made this 15th day August, 2016.

L. Martin Sauls, IV
Chairman

ATTEST:

Judith M. Frank
Clerk to Council

RESOLUTION # 2016-07

.....

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date

ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

Topic: Beaufort Jasper Boundary Lines - Article
Date Submitted: August 22, 2016
Submitted By: Tom Keaveny
Venue: County Council Regular

BEAUFORT NEWS SEPTEMBER 27, 2015 8:02 PM

Redrawing the lines: State review of Beaufort County boundaries is a trip through time

HIGHLIGHTS

Over the summer, an Australian diver plunged into a marsh in Yemassee to search for a long-lost, century-old stone.

BY ZACH MURDOCK
zmurdock@islandpacket.com

Over the summer, an Australian diver plunged into a marsh in Yemassee to search for a long-lost, century-old stone.

At the bottom of the muck, he found what he was hunting for: a concrete block with a pipe sticking out of it.

The stone marks the exact latitude and longitude of a former plantation's property line. And it's key to a team of state researchers and surveyors who are piecing together the jigsaw puzzle of the original S.C. county boundaries that were established more than 100 years ago.

Through the S.C. Boundary Program, a dozen county lines are under review this year to retrace where boundaries are now as compared to how they were originally conceived in state codes dating back to 1912, said program manager Matt Wellslager.

Two of those reviews are taking place on Beaufort County's western edge, including its border with Jasper County along U.S. 278 and a portion of S.C. 170 and the stretch alongside Hampton County near Yemassee, according to program maps.

But going back to the original lines isn't as simple as walking down the highway, said David Ballard, a researcher with the program and member of the state Geodetic Survey team.

The markers identified in the original lines -- such as the concrete monument now at the bottom of the Yemassee marsh -- are no longer around, Ballard said.

"It'll have things like 'from the old dead pine tree to the bridge,'" said Rebecca Leach, who also works with the program. "We saw one that said 'black gum mark on the river bank.' That's how they established the county lines back then, but over time those things have been cut down and moved through population growth and expansion, or just done away with.

"We have been tasked to find these things, nail down where original boundary lines are, and now we use new technology with land surveying and geographic coordinates to update the law," she said.

That's required more heavy lifting in the archives and libraries than it has Aussie divers, though, Ballard said.

Working with Summerville-based Cornerstone Surveying and Engineering, which the program has contracted with to review the Beaufort County lines, researchers have relied heavily on old annexation documents, historic aerial photography and decades old plat documents to hunt down the original lines, Ballard said.

Now the team believes it has coordinates to retrace the exact property lines that once delineated the boundaries of the old plantations that existed then, such as the old Okeetee Club and Chelsea Club, Ballard said.

"Once we have what we think is a pretty firm hold on what we need to know historically, we go out and look at what we can find in the field, trying to kick the dirt around and see what is still remaining," Wellslager said. "We're not making new lines or new boundaries, we're trying to find out where they were and say without any question, 'This is the spot.'"

For Beaufort, Jasper and Hampton counties, "the spot" hasn't changed much and won't significantly impact any properties, said Wellslager and Dan Morgan, director of Beaufort County Mapping and Geographical Services.

The only discrepancies are over a few feet of Beaufort and Jasper counties' legal right of way on S.C. 170, which have shifted just off the exact county line after several highway expansions and improvements, Wellslager and Morgan said. County planning and legal teams have met to discuss how to fix those small issues, and they will hold public meetings on the changes this fall, per state law, Morgan added.

In the coming years, the S.C. Boundary Program intends to address all non-waterway county lines throughout the state, should the program continue to be funded by the S.C. General Assembly, Wellslager said. The program received \$500,000 over the past two years to begin this year's surveys.

"We have a chance to review the history of the state in a way that not a lot of other people do," Wellslager said. "You can kind of do a genealogy, and you can see as the state was populated where different people came from based on their last names, where certain people were living. It's how people moved around in the state, where they set up, going back to the original King Charles land grants."

Follow reporter Zach Murdock on Twitter at twitter.com/IPBG_Zach and on Facebook at facebook.com/IPBGZach.

Topic: Beaufort Jasper Boundary Lines - Article

Date Submitted: August 22, 2016

Submitted By: Tom Keaveny
<http://www.islandpacket.com/news/local/community/beaufort-news/article36779823.html>

Venue: County Council Regular

Topic: Public Comment - Daufuskie Island Ferry
Date Submitted: August 22, 2016
Submitted By: Joni Dimond
Venue: County Council Regular

Topic: Public Comment - Daufuskie Island Ferry

Date Submitted: August 22, 2016

Submitted By: *Jon Diamond*

Venue: County Council Regular

Aug. 22, 2016

members

I read that there will be a new Daufuskie Island ferry with a reasonable schedule starting Aug. 1st. I own land on Daufuskie and very often wanted to visit there, however the old schedule never seemed to fit my needs. It seems to me that this has been too long in coming, especially for school children who were missing out on afternoon programs by having to catch a certain ferry at a certain time. Our system is set up to only benefit one part of the community. The old schedule was never convenient for grocery shopping or just for a way to have a change or maybe time to visit friends. I would imagine there are those of us who own land or homes on Daufuskie Island who really have never had a way to get there. I remember years ago, if you attended a meeting in the evening you didn't have a ride back to Hilton Head.

II

It would be shameful if these changes were made because of the increase in tourists and not for the benefit of those who really needed the transportation. In looking into this change more thoroughly I was told that seniors only had to pay two dollars one way and yet the county told me that I would have to pay seven dollars one way. I don't like to look a gift-horse in the mouth but let's talk about fairness. When I asked why I would have to pay the seven dollar fee even though I'm a senior, and 81 years old, to be exact. The seniors who live on the island only have to pay the two dollars one way. Anyone with half a brain should be able to understand the unfairness of this. What I was told by the county is that someone who is a senior and lives on Daufuskie and rents only has to pay two dollars each way. The senior who rents on Daufuskie isn't paying taxes,

III

while I do pay taxes on my land on Daufuskie and have been paying these taxes for 23 years. The senior who owns their own home and lives on Daufuskie, is not any different than me, and yet only has to pay two dollars one-way.

While we're at it lets discuss why I have been kept from having a way into my property. Legally one must be given an easement. The county is keeping me from selling my land that is on deep water and has a nice high elevation. After many years of writing letters to large firms trying for answers I was not getting from the county, I came across a very large firm that seems willing and able to sue everyone in sight.

It would have been worth your while to have given me an easement for my Daufuskie Island property and to have looked into how the county and two real estate brokers stole my 20 acres on Coosaw Island-- Parcel 81 from me. Rather than having to face a very large law-suit.

Thank you, Fodi Dimond