

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) 255-2180
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE
MICHAEL E. COVERT
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
YORK GLOVER, SR.
ALICE G. HOWARD
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
REGULAR SESSION

Monday, April 9, 2018

6:00 p.m.

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

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Chairman D. Paul Sommerville
5. RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes
 1. March 26, 2018 Caucus ([backup](#))
 2. March 26, 2018 Regular Session ([backup](#))
 - B. Committee Reports (next meeting)
 1. Community Services (April 16, 2018 at 4:00 p.m., ECR)
 2. Executive (May 14, 2018 at 3:00 p.m., ECR)
 3. Finance (May 7, 2018 at 2:00 p.m., ECR)
 - a. Minutes – April 2, 2018 ([backup](#))
 4. Governmental (May 7, 2018 at 4:00 p.m., ECR)
 - a. Minutes – April 2, 2018 ([backup](#))
 5. Natural Resources (April 16, 2018 at 2:00 p.m., ECR)
 6. Public Facilities (April 23, 2018 at 3:00 p.m., ECR)
 - a. Minutes – March 26, 2018 ([backup](#))
 - C. Boards and Commissions ([backup](#))
7. NEW BUSINESS / RESOLUTION DESIGNATING APRIL 2018 AS FAIR HOUSING MONTH ([backup](#))
8. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.



9. CONSENT AGENDA

- A. AN ORDINANCE TO DELETE ORDINANCE 2001/24 ELIMINATING THE OAK MARSH PLANTATION SPECIAL PURPOSE TAX DISTRICT AND TO ACCEPT INTO THE COUNTY'S MAINTENANCE SYSTEM THE ROADWAYS IN THE OAK MARSH PLANTATION SUBDIVISION ([backup](#))
1. Consideration of approval on first reading to occur April 9, 2018
 2. Public Facilities Committee discussion and recommendation to approve ordinance, on first reading, occurred March 26, 2018 / Vote 7:0
- B. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLE 3, SECTION 3.3.50 REGIONAL CENTER MIXED USE (C5) ZONE STANDARDS (TO ALLOW HOTEL TO APARTMENT CONVERSION ON UNIT-TO-UNIT BASIS) ([backup](#))
1. Consideration of approval on second reading to occur April 9, 2018
 2. Public hearing – Monday, April 23, 2018 beginning at 6:30 p.m., in Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 3. First reading approval occurred March 26, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve ordinance, on first reading, occurred March 19, 2018 / Vote 6:1
 5. Natural Resources Committee discussion occurred February 19, 2018

10. PUBLIC HEARINGS

- A. A TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS AND COMMISSIONS, SECTION 2-193(B)(5), MEMBERSHIP (ALLOWS COUNCIL DISTRICT APPOINTEES TO SERVE OUT OF COUNCIL DISTRICT) ([backup](#))
1. Consideration of third and final reading approval to occur April 9, 2018
 2. Second reading approval occurred March 26, 2018 / Vote 11:0
 3. First reading approval occurred March 12, 2018 / Vote 11:0
 4. Governmental Committee discussion and recommendation to approve ordinance, on first reading, occurred March 5, 2018 / Vote 5:0
- B. AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$300,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE CITY OF BEAUFORT FOR BRIDGE ACCESS AND BIKE PATH TO THE WATERFRONT PARK EXTENSION INTO THE WHITEHALL DEVELOPMENT ([backup](#))
1. Consideration of third and final reading to occur April 9, 2018
 2. Natural Resources Committee discussion occurred March 19, 2018
 3. Second reading approval occurred October 9, 2017 / Vote 10:0
 4. First reading approval occurred September 25, 2017 / Vote 11:0
 5. Finance Committee discussion and recommendation to approve ordinance, on first reading, occurred September 5, 2017 / Vote 6:0
 6. Natural Resources Committee discussion and recommendation to forward request to the Finance Committee for funding approval occurred August 22, 2017 / Vote 7:0

- C. AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (2) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH JASPER COUNTY (THE “PARK”) SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (3) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH JASPER COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (4) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN BEAUFORT COUNTY; AND (5) OTHER MATTERS RELATED THERETO ([backup](#))
1. Consideration of third and final reading to occur April 9, 2018
 2. Second reading approval occurred March 12, 2018 / Vote 11:0
 3. First reading approval occurred February 19, 2018 / Vote 11:0
 4. Executive Committee discussion and recommendation to approve ordinance, on first reading, occurred February 5, 2018 / Vote 5:0

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
March 26, 2018

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, March 26, 2018 beginning at 5:00 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, and Council members Rick Caporale, Michael Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux present.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council go immediately into executive session regarding (1) discussions incident to proposed contractual negotiations and the proposed purchase of real property (St. James Baptist Church); (2) receipt of legal advice relating to potential litigation (Declaratory Judgment Municipal Roads); and (3) discussions incident to proposed contractual negotiations (Okatie River Park System). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman

ATTEST:

Ashley M. Bennett, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
March 26, 2018

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, March 26, 2018 beginning at 6:00 p.m. in Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, Council members Rick Caporale, Mr. Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux present.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Gerald Dawson gave the Invocation.

RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS

Chairman Paul Sommerville, on behalf of County Council, recognized the following Adopt-A-Highway groups: Carolina Dreamers Car Club, Sun City Lions Club, and Randy Boehme Family and Friends, and thanked them for vigilant efforts in making Beaufort County a cleaner, safer and more beautiful place to live, work and visit.

PROCLAMATION / PENN CENTER 1862 CIRCLE WEEK

Chairman Paul Sommerville proclaimed April 22 through April 28, 2018 as Penn Center 1862 Circle Week and encouraged everyone to recognize the significance of the mission of Penn Center, Inc. -- to preserve and promote the history and culture of the Sea Islands. Mr. Ezra Callahan, Vice Chairman, Penn Center Board of Trustees, accepted the proclamation.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held March 12, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Covert, seconded by Mr. Rodman, that Council approve the minutes of the caucus held March 12, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

Review of the Proceedings of the Regular Session held March 12, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Covert, seconded by Mr. Rodman, that Council approve the minutes of the regular session held March 12, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

Committee Reports

Community Services Committee

Beaufort Memorial Hospital Board

Community Services Committee nominated Dr. Stephen Larson for appointment to serve as a member of the Beaufort Memorial Hospital Board.

Natural Resource Committee

Southern Beaufort County Corridor Beautification Board

Natural Resources Committee nominated Mrs. Roberta Cope-Foss, representing Council District 11, for appointment to serve as a member of the Southern Beaufort County Corridor Beautification Board.

Public Facilities Committee

Beaufort County Transportation Committee

Public Facilities nominated Mr. Afif Combs, representing Council District 11, for appointment to serve as a member of the Beaufort County Transportation Committee.

Keep Beaufort County Beautiful Board

Public Facilities nominated Mrs. Deborah Hadley, representing Council District 7, and Mrs. Carol Murphy, representing Council District 5, for appointment to serve as members of the Keep Beaufort County Beautiful Board.

NEW BUSINESS / INTRODUCTION

Interim County Administrator Joshua Gruber introduced Ms. Stefanie Nagid, the newly hired Passive Park Manager for Beaufort County.

PUBLIC COMMENT

Mr. Bill Love, Director, Disabilities and Special Needs Department, spoke in regards to the construction of a disabilities and special needs home in Live Oaks development. Prejudice is a far greater problem for Live Oaks then saying the consumers of Disabilities and Special Needs (DSN) are not welcome to live there. Their discrimination is a bigger obstacle to overcome than that of any disability of DSN consumers. Live Oaks has said that DSN consumers are different. They have said that they do not have the right to live where they choose to live. That they are not able to be productive, inclusive and contributing citizens in their neighborhood. In 2018, we have an opportunity to make a difference in our lives and the lives of others. He is angry, sad and disappointed that we have come this far to learn there are neighbors who have said, “You cannot live next to me because you are disabled.” Being disabled does not disqualify one from living where they choose to live.

Ms. Wanda Mayse, Deputy Director of Disabilities and Special Needs Department, spoke in regards to the construction of the Disabilities and Special Needs group home in Live Oaks development. We are all one accident away from being different. In her previous job, TBI Survivors Camp, she worked with disabled pilots, physiatrists, psychologists and doctors. Would you want to be the person telling people where they can and cannot live?

Ms. Nancy Pinkerton, Chairman, Disabilities and Special Needs Board, is upset that people do not recognize that they, or a family member, could be the next person who needs our help.

Mr. Jeff Boss, Deputy General Manager, Beaufort-Jasper Water and Sewer Authority, spoke on behalf of Mr. Ed Saxon, General Manager of Beaufort-Jasper Water and Sewer Authority, to support Mr. Josh Gruber’s selection as the next Beaufort County Administrator. Mr. Gruber has always been readily available, provided insightful advice and valuable assistance. He thanked Mr.

Gruber for the assistance provided during the recovery process associated with two hurricanes and one snowstorm. His leadership during these difficult storms allowed us to restore services, quickly, safely and efficiently. He spoke with many Council members in support of Mr. Gruber when he was a finalist for the position in September 2017 and, was disappointed when Council did not select. Mr. Gruber is well known and respected by the citizens of Beaufort County. He is the right person to lead Beaufort County during this next period of change. Take “interim” off his current title.

Mr. Gary Kubic, former County Administrator, asked Council to end the job search for the new Beaufort County Administrator and replace it with the appointment of Mr. Josh Gruber. Mr. Kubic’s public and private record extends over 42 years. During this time, three prior deputy administrators also became successful public managers. His four decades of administrative services have enabled the ability to recognize those individuals who possess the necessary skills and talents to become county administrators. Mr. Gruber is one of those talents. Mr. Kubic has always instituted succession management. Last year, his career plans changed. It was Beaufort County’s Succession Management Plan that provided a qualified member of staff to continue the successful delivery of public services. During this time, Mr. Gruber has managed two storm events, directed and maintained the workforce, represented administration in meetings, assisted in planning processes, attended all meetings requested by Council, proposed a no millage increase budget for FY2019, administered a cost efficient self-insurance fund, reviewed and applied his knowledge of the law to proposed development agreements, maintained a positive working relationship with governmental leaders and gained the respect of the citizens. He is already Beaufort County’s Administrator. He has earned this appointment. If Council does not agree, you owe it to Mr. Gruber to grandfather him as a finalist in the selection process. He suggests that all future discussions and interviews handled in open session so the public has the opportunity for transparency. Perhaps, because of the change in membership on County Council, the newly seated Council should have an opportunity to decide who will be their next county administrator. The best course of action is to appoint immediately Mr. Gruber as County Administrator.

Ms. Lyndsey Glover, a Beaufort resident and disabilities and special needs consumer, spoke in favor of disabilities and special needs community housing and associated benefits.

Mr. Bill Bootle expressed his support for Mr. Josh Gruber as the next County Administrator. He worked with Mr. Gruber on an economic development item. Mr. Gruber was helpful, intelligent and responsive. Why spend the money for a headhunter/recruiter? We have the best person for the position. Council should hire Mr. Gruber immediately.

Ms. Katherine Parker, a Beaufort resident, expressed her support for Mr. Gruber as the next County Administrator. Mr. Gruber knows the job, the County and the people. He is a very approachable person. It is a waste of taxpayer money to continue to search for a candidate. Hire Josh Gruber.

Ms. Megan Wilcox, a Beaufort resident and a disabilities and special needs consumer, spoke about the benefits of disabilities and special needs housing.

Ms. Rachael Barnett, a Beaufort resident and disabilities and special needs consumer, spoke in support of disabilities and special needs community housing. Ms. Barnett provided an overview of the benefits of community housing.

Ms. Karen Doughtie, a Bluffton resident, spoke in support of Mr. Josh Gruber as the next County Administrator. Mr. Gruber has been effective in this community. Why has this decision taken so long? With the upcoming change in County Council, we cannot be without Mr. Gruber's leadership.

Ms. Lynn Russo, a member of the Disabilities and Special Needs Board, stated Pinecrest community has a disabilities and special needs group home. When this process started, there were homeowners who expressed their concerns as well as those who thought it would wonderful. None of the housing prices declined and homes in Pinecrest continue to sell. These group homes function as single-family homes. There have been no issues, to date, in Pinecrest. It is unbelievable that Live Oaks is having an issue with this. It is regressive and discriminatory.

Ms. Mellissa Dalton spoke in support of Mr. Josh Gruber as Beaufort County Administrator. We need to move forward with this process. In the interest of transparency, what are the specific reasons he is not our County Administrator.

Mrs. Dot Gnann, a former County Council member and Beaufort resident, read a letter from Representative Bill Herbkersman, supporting Mr. Josh Gruber as County Administrator. He recommended taking action in the hiring of Mr. Gruber as County Administrator. Mr. Gruber has proven unparalleled communication with the State House on many important issues. Mr. Gruber is diverse and we need this continuity as we rapidly approach many issues. He urged Council to consider Mr. Gruber for the position of County Administrator. Ms. Gnann expressed her support for Mr. Gruber as well. Mr. Gruber has been the top ambassador throughout Beaufort County and has the respect at the state level. Council has an obligation to represent us in an intelligent and timely fashion. It does not seem reasonable to leave a qualified candidate in the balance. She recommends Mr. Gruber as Beaufort County Administrator.

Mr. Ed Olsen, a member of the Bluffton Township Fire District Board, said he knows Mr. Gruber professionally, not personally. As a Commissioner for the last ten years, Mr. Gruber has been important to the Bluffton Township Fire District (District). The District has grown to six stations. The existing Comprehensive Plan calls for 11 stations in the next 5 years. The County is complex. There are eight fire departments in the County -- three operate as County agencies, two are state agencies, two municipal agencies, and one private agency. Mr. Gruber knows all of this, but a new person will not. The District ranks second in the state in financial reporting accuracy. Losing Mr. Gruber would be a setback for this County. The cost of a search firm would cover the cost of one firefighter for an entire year.

Chief John Thompson, Bluffton Township Fire District, spoke on behalf of Mr. Josh Gruber, who has been instrumental in moving the District forward because of his knowledge of current issues. He is always receptive and understands the County process.

Burton Fire Chief Harry Rountree, speaking on behalf of Sheldon Fire Chief Walter Jones and Lady's Island/St. Helena Island Fire Chief Bruce Kline, spoke in support of Mr. Josh Gruber, who has been responsive to the fire districts' needs. They hope to continue that relationship.

Mr. Dean Moss said he has worked with six County administrators. Of these, Mr. Gruber has been the easiest to work with. He is careful, thoughtful and creative. Council would not be making a mistake, if, at the end of this process, choosing Mr. Gruber as the next County Administrator.

Ms. Carolyn Smith, a Bluffton resident, expressed her support of Mr. Josh Gruber as the next County Administrator. She worked with Mr. Gruber six years ago on a project involving the Alljoy area -- adoption of an ordinance establishing rules and regulations for the use of Alljoy Beach -- one of the best things that happened to this County. Let us vote Mr. Gruber in as the administrator.

Ms. Edwina Hoyle spoke on behalf of Mr. Josh Gruber. If you want public trust, you have to have a transparent process, you have to understand fiscal responsibility as seen from the eyes of the stakeholder and you have to have a good plan for succession. She backs Mr. Gruber as the next County Administrator. He has represented Beaufort County for years and, has done so with integrity. He has already performed the duties and functions of this job with honor, integrity and has earned the public's trust. Mr. Gruber has become the public face of Beaufort County. Why continue the search when you have someone like Mr. Gruber at the ready? Why look to an outsider, who does not know this community?

Mr. Chuck Laine favorably endorsed Mr. Gruber as the next County Administrator. He spoke of the largest public-private partnership in Beaufort County and the seamlessness of with Mr. Kubic and Mr. Gruber. When the new Animal Services Campus is open, it is because of Mr. Kubic and Mr. Gruber. He looks forward to working with Mr. Gruber for many years.

Mr. John Eddie stated on May 27, 2017, he sent an email to the Chairman thanking Council for providing a safe and caring home for our special needs daughter. He thanked Council again. He said his daughter, Megan Wilcox, continues to receive professional, dedicated and expertise from the staff at the Department of Disabilities and Special Needs. Mr. Love and his staff do an outstanding job and the care given to the residence in the group homes is amazing. Thank you for the opportunity given to Ms. Wilcox and the other individuals with disabilities to live life to the fullest. Words cannot express true appreciation for this program. Residents of Live Oaks development have denied the use of one of the homes as a group home. They say using the home to care for special needs individuals is not appropriate for their community. This is nothing more than bigotry and prejudice. To be prejudice against someone with a disability is unacceptable and needs to be addressed by this Council. We as a community need to stand up and say this is wrong and we will not tolerate it. He urged Council to advocate for DSN and help them get this group home desperately needed in our community. Let the Live Oak community know that we will not deal with bigotry and prejudice in our County.

Ms. Janelle Proctor, a resident of Lady's Island, said this place is her paradise. She spoke on behalf of Mr. Gruber as the next County Administrator.

Mr. Bob Proctor, a resident of Lady’s Island, said the writing is on the wall. As you part from your elected position, hire Mr. Gruber as County Administrator.

Mr. Chuck Newton, Chairman, Sea Island Coalition (Coalition), stated the Coalition formed two years ago pressing for smart development along the Sea Island Parkway. The Coalition Board supports timely action regarding hiring of a new county administrator. Mr. Gruber is our active link to institutional memory. Mr. Gruber has not always been in agreement with the Coalition’s position on matters, but accessible. The County needs to spend its scarce financial resources on something besides personnel search. The County has invested around \$70,000 to get us to the point of spending another \$25,000 to \$50,000 for a search guaranteed to present Mr. Gruber as a final candidate. There are many ways to invest that money, such as, improvement to the Sea Island Parkway Corridor and Lady’s Island.

Mr. Stephen Murray, City of Beaufort Councilman, expressed his support for Mr. Gruber as the next County Administrator. He asked Council to remove “Interim” for Mr. Gruber’s title. It is clear tonight Mr. Gruber is a well-respected individual across the County. A lot of the challenges we will face in the future, we will have to do it together. No one entity can do it alone. Mr. Gruber is a team player. He requested that Council suspend its search for the next County Administrator.

Mr. Bill Prokop, Manager, City of Beaufort, spoke in support of Mr. Gruber as Beaufort County Administrator. He urged Council to consider Mr. Gruber in the search.

Mr. Billy Keyserling, Mayor, City of Beaufort, asked Council to rethink their process regarding the search for the next County Administrator. Mr. Gruber is a responsive County Administrator.

Mrs. Maria Walls, County Treasurer, spoke favorably of Mr. Josh Gruber. You can find an attorney to be a county administrator. You can find someone with county administrator experience. However, you will not find someone with both of those qualities, who invested in our community, Mr. Gruber and family. Mr. Gruber has a wonderful future ahead of him, hopefully here in Beaufort County.

Mr. David Bennett, Mayor, Town of Hilton Head Island, spoke on behalf of Mr. Gruber. There have been whispers of concerns from constituents regarding the uncertainty surrounding the position, the length of time we have spent on the process, and the potential change on County Council. His personal experience with Mr. Gruber has been very good. Mr. Gruber is capable, competent, responsive, a team player, has a great attitude and provides a good rationale for his basis. He expressed his support for Council’s decision.

Chairman Paul Sommerville read into the record a letter, dated March 24, 2018, from Representative Shannon Erickson supporting Mr. Josh Gruber as Beaufort County Administrator.

Chairman Paul Sommerville read into the record a letter, dated March 25, 2018, from Representative Weston Newton providing his recommendations and thoughts regarding Interim County Administrator Joshua Gruber and County Council’s administrator search process.

Dr. Al Panu, Chancellor, University of South Carolina Beaufort, spoke on behalf of Mr. Josh Gruber. Mr. Gruber is a proven leader in his role.

Sheriff P.J. Tanner spoke in support of Mr. Joshua Gruber. Mr. Gruber has done a terrific job through three storms. He is well trained. If you do not make a decision, collectively, on making Mr. Gruber as the County Administrator now, then at least to give him the job for 18 months, thereby allowing the new Council members to go back and look at his record. If we sit back and wait, Mr. Gruber will be looking for another job.

TIME-SENSITIVE ITEMS POTENTIALLY COMING FORTH FROM MARCH 26, 2018 COMMITTEE MEETING FOR COUNCIL CONSIDERATION

CONTRACT AWARD / 2018 ROAD RESURFACING

Discussion and recommendation of approval occurred at the March 26, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, as Public Facilities Committee Chairman, no second required, that Council award a contract to Preferred Materials, Inc. Savannah, Georgia, for 2018 Beaufort County Roads Resurfacing, in the amount of \$2,913,192, plus a 10% project contingency for a total budget of \$3,204,511. This contract would cover all projects included in Year 1 (Project 1 Hilton Head Island – Arrow Road, Beach City Road, Leg O Mutton Road, New Orleans Road, Pembroke Drive, Starfish Drive and Wexford Drive), as well as intersection improvements at Bluffton Parkway, Buckingham Plantation Drive and H. E. McCracken Circle. CTC Funds and TAG Funds will fund this. The vote: YEAS – Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale, Mr. Covert and Mr. Dawson. The motion passed.

CONTRACT AWARD / DESIGN BUILD SERVICES AND CONSTRUCTION OF TWO EMS STATIONS (ONE IN SOUTHERN BEAUFORT COUNTY AND ONE IN NORTHERN BEAUFORT COUNTY)

Discussion and recommendation of approval occurred at the March 26, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, as Public Facilities Committee Chairman, no second required, that Council award a contract award to Fraser Construction Company, LLC, Bluffton, South Carolina, to provide design build services to construct two EMS stations in an amount, not to exceed, \$2.6 million, plus a 10% project contingency, for a total project budget of \$2.86 million. Funding will come from 2017 General Obligation Bonds, EMS Facility and Contingency. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

CONTRACT AWARD / ENGINEERING AND ARCHITECTURAL INDEFINITE DELIVERY CONTRACTS FOR PROFESSIONAL SERVICES

Discussion and recommendation of approval occurred at the March 26, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Rodman, as Public Facilities Committee Chairman, no second required, that Council enter into a contract with the following firms: Infrastructure Consulting & Engineering, Beaufort, South Carolina; Johnson, Mirmiran & Thompson, Mt. Pleasant, South Carolina; and Cranston Engineering, Bluffton, South Carolina for indefinite delivery of professional engineering and architectural services. Each consultant contract not to exceed \$300,000 (\$900,000 total appropriation), and individual project expenditures not to exceed \$100,000. Funding will vary depending on the type of professional services rendered, but would come from one of the following sources: TAG Fund, Stormwater Utility Fees, Road Impact Fees, or PALS Impact Fees. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

ITEM REMOVED FROM CONSENT AGENDA

A RESOLUTION PLEDGING UP TO AN ADDITIONAL \$575,000 FOR THE MITCHELVILLE PRESERVATION PROJECT AFTER THE APPROVAL OF A MASTER PLAN FOR INITIAL PHASE 1 ACTIVITIES INCLUDING ACTIVITIES SUCH AS ARCHAEOLOGY, LAND SURVEYING AND ENVIRONMENTAL SERVICES, ROADS, PARKING, PATHWAY SYSTEM, SIGNAGE, SITE IMPROVEMENTS OR BUILDINGS ON THE SITE

Main motion: It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council adopt a resolution pledging up an additional \$575,000 for the Mitchelville Preservation Project after the approval of a Master Plan for initial Phase 1 activities, including activities such as archaeology, land surveying and environmental services, roads, parking, pathway system, signage, site improvements or buildings on the site.

Mr. Rodman removed this item from the Consent Agenda. Council recently approved \$250,000 of Rural and Critical Lands Preservation funds for the Mitchelville Preservation Project for the master planning component of the Project. Since that time, discussions have occurred regarding earmarking funds for the future. The consensus of the Natural Resources Committee was to pledge funding, following the completion of the Master Plan for the Project. There are two things that could happen in the interim while awaiting the completion of the Master Plan – potential grants and public funding. He would like the County to authorize the County Administrator to distribute the first \$50,000 of matching funds, prior to the approval of the Master Plan. This would initially come from the General Fund with reallocation from, perhaps, Accommodations Tax funds, Hospitality Tax funds or Rural and Critical Lands Preservation funds.

Mr. Flewelling stated as the folks from Mitchelville Preservation solicit donations or pursue grant opportunities that require matching funds; he suggested Council authorize the County Administrator to release funds up to \$50,000, from the \$575,000 pledge allocated from the General Fund. Reimbursement of the monies allocated from the General Fund, will come from one of the following fund accounts: Accommodations Tax funds, Hospitality Tax funds or Rural and Critical Preservation funds.

Motion to amend by addition: It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council amend the resolution to include language to authorize the County Administrator to allocate from the General Fund up to \$50,000 of matching funds to Mitchelville Preservation. Reimbursement of the monies allocated from the General Fund, will come from one of the following fund accounts: Rural and Critical Lands, Accommodations Tax or Hospitality Tax.

Mr. Stewart stated the General Fund is not the appropriate funding mechanism for projects like this. We will always have dollars in Rural and Critical Lands, Accommodations Tax and Hospitality Tax for use. He does not like the idea of “a payback” when there are funds available for immediate use from these other resources. He would prefer it not specify General Fund as the funding mechanism.

Mr. Vaux stated part of the problem when this request came forward was to earmark the funds from the Rural and Critical Lands Program. Several Council members were not comfortable with that, but were comfortable supporting the project, but not earmarking all of the funds (from a certain account), but willing find and provide the money. We also did not want to fund it 100%, because we wanted to encourage Mitchelville to pursue grant opportunities.

Mr. Stewart does not believe you can commit funds by way of resolution. We typically approve an ordinance in order to commit funds.

Vote on motion to amend by addition: YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. NAYS – Mr. Caporale and Mr. Stewart. The motion passed.

Motion to amend by substitution: It was moved by Mr. Stewart, seconded by Mr. Caporale, that Council amend the resolution to substitute language from “commit” to “recommend.” The language would read, “Beaufort County Council hereby recommends future Councils to positively consider additional funding for the Historical Mitchelville Freedom Park Phase 1 improvements.” YEAS – Mr. Stewart. NAYS - Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Stewart and Mr. Vaux. ABSTAIN – Mr. Caporale. The motion failed.

Vote on the amended motion, which is now the main motion, and includes the motion to amend by addition: Council adopt a resolution pledging up an additional \$575,000 for the Mitchelville Preservation Project after the approval of a Master Plan for initial Phase 1 activities, including activities such as archaeology, land surveying and environmental services, roads, parking, pathway system, signage, site improvements or buildings on the site. Further, authorize the County Administrator to allocate from the General Fund up to \$50,000 of matching funds to Mitchelville Preservation. Reimbursement of the monies allocated from the General Fund, will come from one of the following fund accounts: Rural and Critical Lands, Accommodations Tax or Hospitality Tax. Reimbursement of the monies allocated from the General Fund, will come from one of the following fund accounts: Rural and Critical Lands, Accommodations Tax or Hospitality Tax. YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. NAYS – Mr. Stewart. ABSTAIN – Mr. Caporale. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLE 3, SECTION 3.3.50 REGIONAL CENTER MIXED USE (C5) ZONE STANDARDS (TO ALLOW HOTEL TO APARTMENT CONVERSION ON UNIT-TO-UNIT BASIS)

Main motion: It was moved by Mr. Stewart, as Executive Committee Chairman, no second required, that Council approve on first reading text amendment to the Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use (C5) Zone Standards to allow hotel to apartment conversion on unit-to-unit basis.

Mr. Glover removed this item from the Consent Agenda for the opportunity to vote against this text amendment because the habitat is not conducive to the area.

Mr. Caporale said this existing building is a haven for known drug users, prostitution, etc. For this company to purchase this facility to convert to affordable housing is something we need to allow. We have all said that affordable housing and workforce housing is a problem. Now is the opportunity to show the public we are serious.

Mr. Vaux said he will vote in favor of this today, but will not vote favorably in the future unless Council receives assurance that Committee discusses this issue.

Mr. Caporale wanted to know the range of rental rates. Since we have received different figures, we need to see those numbers in writing.

Mr. Sommerville said he, too, asked for information regarding dollars per square footage, etc.

Mrs. Howard said she was concerned, initially, about this project. We need to remember this is a private developer. There is uncertainty regarding what he owes us by way of information. This is not a government-subsidized project. If we are going to allow him to increase density, there are restrictions imposed on him. We need to be careful what we ask for. She will vote in favor of this.

Mr. Stewart said there is good reason for approving this project on this particular piece of property; however, we are making a general commitment that any hotel that fits within this section of the County will have ability to make this same change. We do not know what the future might hold.

Mr. Covert requested a copy of the business plan prior to third and final reading.

Mrs. Howard said we are not spending government money on this project, so who are we to question rent control.

Vote on main motion: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Glover. The motion passed.

CONSENT AGENDA

A RESOLUTION TO SUPPORT PRESCRIBED FIRE

This item comes before Council under the Consent Agenda. Discussion and recommendation to adopt resolution occurred at the March 19, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council adopt a resolution to support prescribed fire in Beaufort County. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS AND COMMISSIONS, SECTION 2-193(B)(5), MEMBERSHIP (ALLOWS COUNCIL DISTRICT APPOINTEES TO SERVE OUT OF COUNCIL DISTRICT)

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve text amendment occurred at the March 5, 2018 meeting of the Governmental Committee.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Council approve on second reading a text amendment to the Beaufort County Code of Ordinances, Chapter 2, Administration; Article V, Boards and Commissions, Section 2-193(B)(5), Membership (to allow Council District appointees to serve out of Council District and to allow the continuance of a member to continue serving on a Board following the relocation from the district, subject to approval from the Council member who represents the district in which they serve). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, April 9, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

PUBLIC HEARING

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER EXTENSION CDBG GRANT; AND TO PROVIDE FOR SUPPLEMENTAL FUNDS FOR THE BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION TO MAKE THEIR BUDGET WHOLE

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment concerning an ordinance to amend Beaufort County Ordinance 2017/15, for FY 2017-2018 Beaufort County Budget to provide for additional revenue received from the Town of Hilton Head Island; to provide for a reallocation of funds to meet increased mandatory PEBA Contributions, to provide for reallocation of funds for the Employee Compensation Plan; to provide for a reallocation of funds for increased expenditures for the Daufuskie Island Ferry Operations; to provide for a supplemental expenditure for matching funds for the Bon Aire Circle Sewer Extension CDBG Grant; and to provide for supplemental funds for the Beaufort County Economic Development Corporation to make their budget whole. After calling three times for public comment and receiving none, Chairman Sommerville declared the public hearing closed at 6:31 p.m.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on third and final reading an ordinance to amend Beaufort County Ordinance 2017/15, for FY 2017-2018 Beaufort County Budget to provide for additional revenue received from the Town of Hilton Head Island; to provide for a reallocation of funds to meet increased mandatory PEBA Contributions, to provide for reallocation of funds for the Employee Compensation Plan; to provide for a reallocation of funds for increased expenditures for the Daufuskie Island Ferry Operations; to provide for a supplemental expenditure for matching funds for the Bon Aire Circle Sewer Extension CDBG Grant; and to provide for supplemental funds for the Beaufort County Economic Development Corporation to make their budget whole. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

MOTION TO EXTEND BEYOND 8:00 P.M.

It was moved by Mr. Vaux, seconded by Mrs. Howard, that Council extend beyond 8:00 p.m. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart, and Mr. Vaux. NAYS – Mr. Caporale and Mr. Flewelling. The motion passed.

MATTERS ARISING OUT OF EXECUTIVE SESSION

Chairman Paul Sommerville announced the establishment of a Subcommittee of Council to meet with the owners and legal representatives of Pepper Hall Plantation to discuss a possible public-private partnership regarding the creation of a public park. The Subcommittee members are Councilmen Michael Covert, Brian Flewelling and Jerry Stewart.

PUBLIC COMMENT

Mr. Morris Campbell, a Hilton Head Island resident, asked Council to keep the county administrator search process transparent and ensure the community is a part of the process. It is important to maintain trust. He thanked Mr. Caporale, Mr. Fobes, Mr. Stewart and Mr. Vaux for their service as Council members.

ADJOURNMENT

Council adjourned at 8:27 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman

ATTEST: _____

Ashley M. Bennett, Clerk to Council

Ratified:

FINANCE COMMITTEE

April 2, 2018

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

The Finance Committee met Monday, April 2, 2018 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

Chairman Jerry Stewart, Vice Chairman Michael Covert and members Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes and Stu Rodman present. Committee Member Brian Flewelling absent. Non-committee members York Glover, 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: Joshua Gruber, Interim County Administrator; Patrick Hill, Information Technology Director; Alicia Holland, Assistant County Administrator–Finance; Chris Inglese, Assistant County Attorney; and Rob McFee, Division Director-Engineering and Infrastructure.

Public: Tonya Crosby, Chief Finance and Operations Specialist, Beaufort County School District, and Dr. Jeffrey Moss, Beaufort County School District Superintendent.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

INFORMATION ITEMS

1. Consideration of Reappointments and Appointments / Accommodations (State 2%) Tax Board

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

Status: Councilman York Glover will nominate Ms. Constance Gardner, to represent the hospitality seat, on the Accommodations (State 2%) Tax Board, following receipt of her application and resume.

2. Initial Presentation / Beaufort County FY2018/2019 Budget Proposal

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 opened the discussion of the Beaufort County FY2018/2019 budget proposal by stating today's overview will not include the budgets for Stormwater Management Utility, Airports or Fire Districts. The Stormwater Management Utility and Airport budgets are awaiting board approval and will be placed on the May Finance Committee agenda. The Stormwater Management Utility and Airport budgets' should include a reserve fund that, if not spent, will roll over to a reserve fund. He asked Council members to review the budget of the fire district within their Council District.

Mr. Josh Gruber, Interim County Administrator, provided the Committee with a PowerPoint presentation on the County FY2018/2019 budget proposal as follows:

Mandatory Budget Expenditures:

- 1% increase in Employer Contributions to the S.C. Retirement System - \$600,000
- Solid Waste Hauling and Disposal Costs - \$400,000

Highly Recommended Budget Expenditure:

- Step / Merit Increases for County Employees

Interim County Administrator Budget Recommendations:

- Support for Economic Development Initiatives
 - Internal County Support for Business Retention and Expansion Purposes by 50% reduction of Business License Tax - \$850,000
 - External Support for Attracting New Business Relocation to Beaufort County - \$500,000 / year reflected as .25 mils on the tax bill to capture future growth in mil value.
- Funding for Beaufort Memorial Hospital - \$550,000 reflected as a dedicated mil value on tax bill
- Departmental Budget Requests
 - \$223,500 Recurring Expenses
- Elected Official Budget Requests
 - \$390,000 Treasurer
 - \$131,500 Magistrates
 - \$750,000 Sheriff
- Outside Agency Budget Requests
 - \$60,000 Beaufort County Economic Development Corporation
 - \$21,500 Palmetto Breeze
 - \$18,500 Beaufort Soil and Water Conservation District

Mr. Gruber provided an overview of revenue increases as follows:

- Increased collections due to TIF terminations - \$750,000
- Increased property tax revenue by approximately 2.5% - \$2,500,000
- Reallocation of internal cost differentials - \$1,500,000
- Increased investment income - \$400,000
- Hilton Head Island / Sheriff expenses reimbursement request - \$250,000
- Increased collection of fees for services - \$100,000

The FY2018/2019 budget proposal contains a zero mil increase, to be reflected on the tax bill as 49.49 mils for County Operations, .27 mils Economic Development, .35 mils Beaufort Memorial Hospital, and .50 mils Beaufort/Jasper/Hampton Comprehensive Health Services Indigent Healthcare. The projected FY2018/2019 mil value increase is 2.5% (\$1,864,679).

Status: Information only.

3. Initial Presentation / School District FY2018/2019 Budget Proposal

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

Discussion: Dr. Jeffrey Moss, School District Superintendent, said the Beaufort County School District (District) FY2018/2019 budget proposal contains a \$4.4 million increase over the current fiscal year in state mandates. The federal mandate increase is about \$500,000. The District is expecting a 1.5% growth in student population. That is approximately 250 to 300 students. Other miscellaneous increases of approximately \$4.0 million include locality supplement, additional cost of living increases, and administrative fees. This totals \$10.5 million in increases. The District will present the budget proposal to the Board of Education on April 18, 2018.

Mrs. Tonya Crosby, Chief Finance and Operations Specialist, stated the Board of Education should certify the budget the second meeting in May. Mrs. Crosby stated projected actuals appear to be on target. Due to that and some additional revenues from EFA, the District could break even and not have to use the Reserve Fund. EFA for next year appears to increase by \$4.0 million. Also, there is \$500,000 extra for Tier 2 property tax relief. Total revenues seem to be up about \$6.0 million to \$8.0 million.

Status: Information only.

4. Discussion / Business License Fee Adjustments

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

Discussion: Beaufort County is looking to reduce the cost of business license and start phasing the fee out. This year's budget contains a reduction of 50% in Business License Tax for FY2018/2019. This reduction will total approximately \$850,000 over previous year collections.

Status: Further discussion will occur at a later meeting.

5. Discussion / Economic Development and Beaufort Memorial Hospital / Indigent Healthcare Millage Breakdown

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

Discussion: Beaufort County is looking at reflecting these expenses by mil value on the tax bill in order to capture future growth in the value of the mill. This would be \$500,000 or .27 mils for Economic Development, \$550,000 or .35 mils for Beaufort Memorial Hospital, and .50 mils for Beaufort/Jasper/Hampton Comprehensive Health Services Indigent Healthcare. If this is in an ordinance form, it gives it a more permanent status.

Status: Further discussion will occur at a later meeting.

6. Update / Countywide Reassessment

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

Status: This item will be discussed at a special meeting on April 23, 2018.

7. Off Agenda – County Council Compensation

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

Discussion: Mr. Stu Rodman stated it is time to change the compensation of County Council members. We are well below other large sister counties in the State.

Status: Information only.

8. Off Agenda – Impact Fee Update

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

Discussion: Mr. Stu Rodman asked for an update on impact fees.

Mr. Gruber stated the initial Request for Proposals came in substantially higher than our estimate. Staff is currently in the process of issuing another RFP.

Status: Information only.

DRAFT

GOVERNMENTAL COMMITTEE

April 2, 2018

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

The Governmental Committee met Monday, April 2, 2018 beginning at 4:00 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 Gerald Dawson, Vice Chairman Steven Fobes, and members Michael Covert, York Glover, Jerry Stewart and Roberts "Tabor" Vaux present. Committee member Brian Flewelling absent. Non-committee members Rick Caporale, Alice Howard, Stu Rodman and Paul Sommerville 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: Phil Foot, Assistant County Administrator-Public Safety; Chris Inglese, Assistant County Attorney; and Joshua Gruber, Interim County Administrator.

Public: Kristen Beckham, External Affairs Representative, Dominion Energy; Brad Samuel, Regional Community and Economic Development Representative, SCANA Corporation; and J. W. Weatherford, Park Manager, Hunting Island State Park.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Dawson chaired the meeting.

ACTION ITEM

1. Consideration of Reappointments and Appointments / Construction Adjustments and Appeals 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. Glover seconded by Mr. Fobes, that Committee approve and recommend Council nominate Mr. Herbert Brown for reappointment to serve as a member of the Construction Adjustments and Appeals Board. The vote: YEAS –Mr. Covert, Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Stewart and Mr. Vaux. ABSENT – Mr. Flewelling. The motion passed.

Recommendation: Council nominate Mr. Herbert Brown for reappointment to serve as a member of the Construction Adjustments and Appeals Board.

INFORMATION ITEMS

2. Update / Dominion Energy and SCANA Merger

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

Discussion: Ms. Kristen Beckham, External Affairs Representative, Dominion Energy, provided the Committee with a PowerPoint presentation on Dominion Energy proposed merger with SCANA. The core values of Dominion Energy are safety, ethics, excellence, and One Dominion Energy. Dominion Energy is headquartered in Richmond, Virginia and, is one of the nation's largest producers and transporters of energy. The company is built on a proud legacy of public service, innovation, and community involvement. In addition to the core energy production, transportation and storage businesses, Dominion Energy invests in the community by practicing responsible environmental stewardship wherever they operate. Dominion Energy's mission is to serve customers safety, efficiently, and reliably, strengthen communities, minimize environmental impacts, reward shareholders, and live values. The presentation included an overview of the following:

Environmental Highlights

- \$3.7 Billion - Environmental spending to safeguard public health and reduce emissions since 2000
- 43% - Reductions in carbon emission intensities for Dominion Energy generating stations since 2000
- 4.4 Billion Cubic Feet - Methane saved through voluntary reduction programs
- Doubled production of electricity from renewable energy from 2010-2016, with 2,700MW of solar currently in operation or under development nationally
- 262 - projects in 10 states where employees participated to clean up riverfronts, improve trails, and fix parks in 2016

Social Highlights

- #1 - "Best for Vets" Award, Energy Sector, *Military Times Magazine*
- #2 – “Most Admired Companies”, Utilities Sector, *Fortune Magazine*
- “Just 100” list - America’s Best Corporate Citizens in 2016, *Forbes Magazine*
- \$27 million in charitable giving in 2016
- \$13 million - Low-income fuel assistance in 2016
- 101,000 hours - Employee volunteer community service in 2016

Ms. Beckham provided an overview of Dominion Energy's power and natural gas infrastructure, as well as existing South Carolina operations.

Dominion Energy's proposal provides the best outcome for SCANA customers to include the following:

- \$1.3 billion cash to customers at close
- \$1,000/residential customer on average
- 7% immediate reduction in bills¹
- NND removed from bills in 20 years
- \$1.7 billion assets funded by shareholders and never put in rates
- Replacement gas fired power plant with no capital cost to customers (\$180 million)

The benefits of the proposal include the following:

Cash Up-Front (offset amounts paid by customers for NND to date)

- \$1.3 billion cash to customers within 90 days of close
- Spread among all customer classes according to 2016 revised peak allocation
- \$1,000/average residential customer

Lower Rates (reduce ongoing customer electric bills)

- Reduction in typical monthly bill by at least 7% (or \$10/month) within 90 days of close
- Write-off \$1.7 billion of capital that would have otherwise increased rates
- Replacement power to customers free of any capital cost (\$180 million)
- \$12.2 billion in total benefits to South Carolina vs. 100% capital recovery with 60-year amortization

Community Benefits (increased community benefits and charitable contributions)

- Protects employees until 2020
- Increases charitable contributions by \$1.0 million a year for at least 5 years
- Dominion's offer price provides investors reassurance on health of the utility for the future

Ms. Beckham provided an overview of cash payments by customer class, as well and an illustration of the reduction in customer bills upon closing with Dominion proposal.

Status: Information only.

3. Update / Hunting Island and St. Phillips Island Parks

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

Discussion: Mr. J. W. Weatherford, Park Manager, Hunting Island State Park, provided the Committee with a PowerPoint presentation on Hunting Island State Park and St. Phillips Island Park. The presentation included an overview of storm recover, beach re-nourishment, St. Phillips Island and the future. The following damage was incurred during these storms:

- Pier at Nature Center – damaged during Hurricane Matthew
- Wildlife Viewing Pond – damaged during both Hurricane Matthew and Hurricane Irma
- Boardwalk to Hammock Island – damaged during Hurricane Matthew
- Boardwalk to Bulk Head – damaged during Hurricane Irma
- South Beach Restrooms, Trees and Dunes – damaged during Hurricane Matthew
- South Beach Road, Parking Bays and Drainage Ditches – damaged during Hurricane Irma
- Park Store Flooded – damaged during both Hurricane Matthew and Hurricane Irma
- Beach Campground – damaged during both Hurricane Matthew and Hurricane Irma

Mr. Weatherford spoke about the importance of beach re-nourishment, and showed the Committee before and after beach re-nourishment photos from a different location.

Mr. Weatherford stated the transaction of St. Phillips Island happened quickly without a plan in place. The goal is to prepare a Master Plan for the site.

Mr. Weatherford provided an overview to the Committee of the following goals:

Short-Term

- Managing the new normal
- Beach Re-nourishment
- Create a general park plan
- Provide access to the resources (re-servable day campsites in 2018 and St. Phillips Island Tour in 2018)

Long-Term

- Park's capacity
- Infrastructure
- Master Park Plan
- Relevancy with Millennials

Status: Information only.

4. Legislative Updates

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, provided an update on the following pending legislation:

- Inclusionary Zoning Legislation H.4162 and H.4954
- Nuisance Property Cleanup Legislation S.833
- Plastic Bag Ban Legislation H.3529
- Solar Energy Legislation H4421
- Local Government Fund (LGF)

Status: Information only.

DRAFT

PUBLIC FACILITIES COMMITTEE

March 26, 2018

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

The Governmental Committee met Monday, March 26, 2018 beginning at 3:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman Stu Rodman, Vice Chairman York Glover and members Rick Caporale, Michael Covert, Alice Howard, Jerry Stewart and Roberts “Tabor” Vaux present. Non-Committee members Gerald Dawson, Brian Flewelling, Steven Fobes and D. Paul Sommerville 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: Andrea Atherton, Capital Improvements Project Manager; Phil Foot, Assistant County Administrator–Public Safety; Josh Gruber, Interim County Administrator; Patrick Hill, Information Technology Director; Alicia Holland, Assistant County Administrator–Finance; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Eric Larson, Division Director–Environmental Engineering and Land Management; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; Dave Thomas, Purchasing Director; and David Wilhelm, Public Works Director.

Public: David Bennett, Mayor, Town of Hilton Head Island; Charles Cousin, Director, Community Development, Town of Hilton Head Island; Scott Liggett, Director, Public Project and Facilities Chief Engineer, Town of Hilton Head Island; Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers, and Perry White.

Media: Joe Croley, *Lowcountry Inside Track*.

Chairman Stu Rodman chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award

- **2018 Road Resurfacing (2,913,192 contract, plus 10% contingency for total budget of \$3,204,511)**

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

Discussion: A pavement condition report was prepared by F&ME Consultants dated July 19, 2017. This report serves as a basis for evaluating pavement maintenance and preservation methods for the Beaufort County roadway network. Based on this report the following roads were identified in the Years 1 and 2 Paving Plan.

Project #1 Hilton Head Island – Arrow Road, Beach City Road, Leg O Mutton Road, New Orleans Road, Pembroke Drive, Starfish Drive and Wexford Drive.

Project #2 Bluffton Area – Bluffton Parkway (Okatie to Buckwalter), Buckwalter Pkwy (Fording Island to Bluffton Pkwy South), Bluffton Pkwy (Buckwalter to Buck Island) and Bluffton Parkway (Buck Island to Simmonsville), Malphrus Road (Fording Island to Pine Forest) and Red Cedar.

In addition to the Years 1 and 2 Paving Plan, the Invitation for Bid (IFB) included intersection improvements at Bluffton Parkway and Buckingham Plantation Drive (Project 3) and resurfacing H.E. McCracken (Project 4).

Beaufort County received bids on February 8, 2018 for the 2018 Beaufort County Roads Resurfacing IFB. Beaufort County only received one bid from Preferred Materials in the amount of \$4,959,061. An analysis of the bid submitted revealed no apparent cause for rejection. Preferred Materials is a responsive bidder and is in compliance.

Based on the available Beaufort County Transportation Committee (CTC) fund balance, it is recommended to award all of Year 1 projects as well as the intersection improvements at Bluffton Parkways, Buckingham Plantation Drive and McCracken Circle in the amount of \$2,913,192.

Project 4, McCracken Circle, lies wholly within the corporate limits of the Town of Bluffton and the cost to resurface this road is \$328,060. If approved, administration will secure an agreement from the Town to perform this work using County TAG funds.

Mr. Covert is concerned about only receiving one bid.

Mr. Gruber explained there are limited contractors to do this type of work.

Motion: It was moved by Mrs. Howard, seconded by Mr. Glover, that Committee recommend Council award a contract to Preferred Materials, Inc., Savannah, Georgia, for 2018 Beaufort County Roads Resurfacing, in the amount of \$2,913,192, plus a 10% project contingency for a total budget of \$3,204,511. This contract would cover all projects included in Year 1 (Project 1 Hilton Head Island – Arrow Road, Beach City Road, Leg O Mutton Road, New Orleans Road, Pembroke Drive, Starfish Drive and Wexford Drive) as well as intersection improvements at Bluffton Parkway, Buckingham Plantation Drive and H. E. McCracken Circle. This will be funded by CTC Funds and TAG Funds. The vote: YEAS – Mr. Caporale, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. NAYS - Mr. Covert. The motion passed.

Recommendation: Council award a contract to Preferred Materials, Inc. Savannah, Georgia, for 2018 Beaufort County Roads Resurfacing, in the amount of \$2,913,192, plus a 10% project contingency for a total budget of \$3,204,511. This contract would cover all projects included in Year 1 (Project 1 Hilton Head Island – Arrow Road, Beach City Road, Leg O Mutton Road, New Orleans Road, Pembroke Drive, Starfish Drive and Wexford Drive, as well as intersection improvements at Bluffton Parkway, Buckingham Plantation Drive and H. E. McCracken Circle. This will be funded by CTC Funds and TAG Funds.

2. Consideration of Contract Award

- **Design Build Services to Construct Two EMS Stations (one in southern Beaufort County and one in northern Beaufort County)**

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

Discussion: Beaufort County issued a Request for Proposals (RFP) to provide design build services to construct two EMS stations. One station will be located in southern Beaufort County and the other in northern Beaufort County.

A selection committee interviewed all three proposers and believes Fraser Construction, LLC has the most desirable combination of experience with similar project, budget control during design, establishing and maintaining a Guaranteed Maximum Price, land, right of way and easement acquisition, project management, capacity to perform and local knowledge of the potential sites and market conditions.

Fraser Construction, LLC will provide design services for these two EMS stations as well as their construction for an amount not to exceed \$2.6 million.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend County Council award a contract award to Fraser Construction Company, LLC, Bluffton, South Carolina, to provide design build services to construct two EMS stations in an amount, not to exceed, \$2.6 million, plus a 10% project contingency, for a total project budget of \$2.86 million. Funding will come from 2017 General Obligation Bonds, EMS Facility and Contingency. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council award a contract to Fraser Construction Company, LLC, Bluffton, South Carolina, to provide design build services to construct two EMS stations in an amount, not to exceed, \$2.6 million, plus a 10% project contingency, for a total project budget of \$2.86 million. Funding will come from 2017 General Obligation Bonds, EMS Facility and Contingency.

3. Consideration of Contract Award

- **Engineering and Architectural Indefinite Delivery Contracts for Professional Services (\$900,000 total for consultant contract, and an amount not to exceed \$100,000 for individual project expenditures)**

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

Discussion: On November 30, 2017, Beaufort County received 11 qualification responses from consulting engineering and architectural teams for the indefinite delivery of professional engineering and architectural services.

An indefinite delivery contract is a type of contract that provides for an indefinite quantity of supplies or services during a fixed period of time. In this solicitation, these services include, but are not limited to, engineering design and review, inspection, surveying, materials testing, architectural design, and professional management services.

A proposal review team reviewed and ranked the proposals based on the criteria provided in their solicitation. Five teams were short listed and interviews were conducted with those five teams in order to select the top three teams. After the interviews, the selection committee completed their evaluation and selected the following three firms: Infrastructure Consulting & Engineering, Johnson, Mirmiran & Thompson, and Cranston Engineering.

In accordance with state and local procurement codes, Beaufort County may enter into an agreement with all three firms for a period of two years, with each consultant contract not to exceed \$300,000, and individual project expenditures not to exceed \$100,000.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend County Council enter into a contract with the following firms: Infrastructure Consulting & Engineering of Beaufort, South Carolina, Johnson, Mirmiran & Thompson of Mt. Pleasant, South Carolina, and Cranston Engineering of Bluffton, South Carolina for indefinite delivery of professional engineering and architectural services. In an amount not to exceed \$300,000 for each consultant contract, and an amount not to exceed \$100,000 for individual project expenditures. Funding will vary depending on the type of professional services rendered, but would come from one of the following sources: TAG Fund, Stormwater Utility Fees, Road Impact Fees, or PALS Impact Fees. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: County Council enter into a contract with the following firms: Infrastructure Consulting & Engineering of Beaufort, South Carolina, Johnson, Mirmiran & Thompson of Mt. Pleasant, South Carolina, and Cranston Engineering of Bluffton, South Carolina, for indefinite delivery of professional engineering and architectural services. In an amount not to exceed \$300,000 for each consultant contract, and an amount not to exceed \$100,000 for individual project expenditures. Funding will vary depending on the type of professional services rendered, but would come from one of the following sources: TAG Fund, Stormwater Utility Fees, Road Impact Fees, or PALS Impact Fees.

4. Special Purpose Tax District / Oak Marsh

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

Discussion: Mr. Tom Keaveny, County Attorney, provided the Committee with an overview of the statutory authority related to the creation of a special purpose tax district.

Mr. Joshua Gruber, Interim County Administrator, in 2001 County Council approved an ordinance creating a special purpose tax district for the purpose of resurfacing and maintaining roads in Oak Marsh Plantation Subdivision to include drainage and other public works incident to road maintenance; but, the tax assessment was never imposed. Had the assessment been imposed, to date the District would have collected over \$20,000. It was the intent that the County accept the roads into the County's roadway system following collections and conclusion of the District. It was undiscovered that the assessment was never attached to the tax bill. The community has requested Council accept the roads into the County road network. Mr. Gruber suggests the Committee recommend Council agree to accept this roadway into the County's maintenance system.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee recommend Council accept the roadways within the Oak Marsh Plantation Subdivision, into the County's maintenance system, and dissolve the Special Purpose Tax District for the Oak Marsh Plantation Subdivision. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council accept the roadways within the Oak Marsh Plantation Subdivision, into the County's maintenance system, and dissolve the Special Purpose Tax District for the Oak Marsh Plantation Subdivision.

5. Consideration of Reappointments and Appointments / Beaufort 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 Mr. Rodman, seconded by Mr. Glover, that Committee recommend Council nominate Mr. Afif Combs, representing Council District 11, to serve as a member of the Beaufort County Transportation Committee. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Afif Combs, representing Council District 11, to serve as a member of the Beaufort County Transportation Committee.

6. Consideration of Reappointments and Appointments / Keep Beaufort County Beautiful 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. Covert, seconded by Mr. Glover, that Committee recommend Council nominate Mrs. Deborah Hadley, representing Council District 7, to serve as a member of the Keep Beaufort County Beautiful Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Motion: It was moved by Mrs. Howard, seconded by Mr. Glover, that Committee recommend Council nominate Ms. Carol Murphy, representing Council District 5, to serve as a member of the Keep Beaufort County Beautiful Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Motion: It was moved by Mrs. Howard, seconded by Mr. Glover, that Committee recommend Council nominate Ms. Diane Voge, representing Council District 10, to serve as a member of the Keep Beaufort County Beautiful Board, subject to approval of text amendments to the Beaufort County Code of Ordinances, Chapter 2, Administration; Article V, Boards and Commissions to allow Council District appointees to serve out of Council District (Ms. Voge lives in Council District 5). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council nominate Ms. Deborah Hadley, representing Council District 7; Ms. Carol Murphy, representing Council District 5; and Ms. Diane Voge, representing Council District 10 (upon approval of the template ordinance), for appointment to serve as members of the Keep Beaufort County Beautiful Board.

INFORMATION ITEMS

7. Update / U.S. Highway 278 Gateway Corridor Projects

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

Discussion: Committee Chairman Stu Rodman introduced this item to the Committee. The Town of Hilton Head Island (Town) had suggested items to include in the contract. The contract affected involved the Jenkins Island expansion, which would require it to be delayed, then come back to the County Council for approval.

Mr. Josh Gruber, Interim County Administrator, said a couple weeks ago this matter came before the Town's Planning Commission. We were looking at a buy-in on the project, as well as a right of way donation to an area along U.S. Highway 278. In making a recommendation to approve the project, there were two requests made: (1) limiting the impacts to surrounding vegetation, and (2) installing sidewalks and multi-use paths in this area. Staff has been working with the Town on those requests. A redesign is underway to incorporate curb and gutter into the project, which will eliminate the need to have the buoy swells on either side of the roadway, cutting down footprint, and leave mature trees. The second is installing sidewalk and multi-use pathway on the north side (west bound lanes). The east bound side would be more difficult due to the swells at the entrance way to Windmill Harbour. We will incorporate these in the design plans and then bring forth a contract for approval.

Mr. Gruber provided an update on the Environmental Assessment process. They were given a limited notice to proceed the preliminary subsurface work.

Mr. Gruber spoke in regard to the State Transportation Infrastructure Bank (SIB) application amendment. As part of our overall process to develop funding for the Hilton Head Bridge replacement, we are looking at needing to update our existing application on file with the SIB. The update involves a request of \$120 million in funding. We are hoping to raise \$80 million from the sales tax, if the referendum is approved, as well as \$40 million from SCDOT, to create a \$240 million pot of money necessary to move forward for the bridge replacement. We need the assistance of consultants to put this packet together and take it before the SIB Board. We have a list of other communities with projects pending before that body. It is important that we are granted the opportunity to update our existing application, rather than submit a new application. Making this project work, without SIB funding, would be difficult.

Mr. Gruber said as a part of this contract, we have been working with representatives from the Town, and have jointly asked this consultant to include several public engagement sessions. This will allow for the collection of information so the information can be a part of the design. The consultant was also asked to put together renderings of what a potential alternate bridge might look like in this situation.

Mr. Gruber requests Council's permission to work with the Town and make this a joint-use project. In doing so, we would ask that they participate financially, which would allow us to be in unison as we move this forward to the SIB Board. As a joint application, it would be stronger than just coming forward from the County. Administration is also requesting the Committee's approval to enter into a contract with Johnson, Mirmiran & Thompson, Mt. Pleasant, South Carolina, to complete the SIB application amendment in anticipation of funds for the U.S. Highway 278 Bridge widening.

Mayor Bennett, Town of Hilton Head Island, stated it is important that the Town share in the costs associated with this contract. That has not been voted on by Town Council but he feels they will be receptive financial cost share as well as being a party to the contract.

Staff: Administration to enter into an agreement with the Town of Hilton Head Island.

8. Consideration of Contract Award

- **State Transportation Infrastructure Bank Application Amendment Consultant for U.S. Highway 278 Bridge Widening Project (\$91,763.74)**

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

Discussion: Beaufort County is pursuing funding to widen U.S. Highway 278 from Moss Creek Drive in Bluffton to Squire Pope Road on Hilton Head Island. This is a remaining four-lane divided highway segment connecting the six-lane divided highway on the mainland side.

South Carolina Department of Transportation (SCDOT) has programmed \$43.5 million to replace the original U.S. Highway 278 EB (eastbound) Bridge over Mackay Creek as part of this project. In April of 2017, Beaufort County and SCDOT entered into an agreement to conduct an Environmental Assessment of this corridor to identify all the impacts associated with the widening improvements and bridge rehabilitation / replacement. SCDOT agreed subject to Beaufort County funding the project outside of the \$43.5 million associated with the original bridge replacement. The overall estimated cost for this project is \$240 million, necessitating the need for additional funding sources.

In response to our advertisement of Request for Proposals, three consulting engineering firms submitted proposals to complete or amend Beaufort County's existing State Transportation Infrastructure Bank (SIB) application. A review committee agreed that Johnson, Mirmiran & Thompson submitted the strongest proposal to complete the application in collaboration with Beaufort County. Their bid contained \$75,642.51 in total labor fees, \$2,000 for budgeted direct costs, and \$14,121.23 in sub-consultant costs, for a total budget of \$91,763.74.

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee award a contract to Johnson, Mirmiran & Thompson, Mt. Pleasant, South Carolina, in the amount of \$91,763.74 to complete the State Transportation Infrastructure Bank application amendment in anticipation of funds for U.S. 278 Highway Bridge widening. Funding will come from Beaufort County TAG fees. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Status: Committee awarded a contract to Johnson, Mirmiran & Thompson, Mt. Pleasant, South Carolina, in the amount of \$91,763.74 to complete the State Transportation Infrastructure Bank application amendment in anticipation of funds for U.S. Highway 278 Bridge widening. Funding will come from Beaufort County TAG fees.

9. Request for Office Space / Gullah Museum of Hilton Head Island

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, reviewed this item with the Committee. Beaufort County has been providing free office space at the Beaufort County Government Center, located on Hilton Head Island, to Historic Mitchelville Freedom Park. Originally, they were provided one office space, but that office space grew to two spaces. Mitchelville was sharing their space with the Gullah Museum of Hilton Head Island (Gullah Museum), but with growth, Mitchelville needed the space. Beaufort County has been contacted by the Gullah Museum asking if we have any space available. We are limited to the space at the facility, but will make it work if it is the desire of Council. His concern is the precedent that is being set. Space needs, for both the Alcohol and Drug Abuse Department and Disabilities and Special Needs Department, are anticipated in the near future.

Status: Committee requested administration to enter into a temporary lease agreement with the Gullah Museum of Hilton Head Island for office space at the Beaufort County Government Center, located on Hilton Head Island.

10. Sale of 2.55 Acres Rail Bed Road

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, reviewed this item with the Committee. Rail Bed Road is an existing right-of-way (ROW), near Huspah Creek in the Seabrook area. This ROW, the egress and ingress for the train trestle, is no longer needed since the train trestle collapse. Beaufort County was contacted by the property owner, who owns the properties both north and south of this roadway, asking if we would be willing to sell this to him so he can combine both of his tracts of land into one unified tract. Staff recommendation is to move forward with the sale of this property in the amount of \$500.

Status: Committee recommended administration check with the Friends of the Spanish Moss Trail regarding their future expansion and carry this item over until the next meeting of the Public Facilities Committee.

11. South Carolina Recreational Trails Program Grant for Kayak Ramp at Whale Branch Fishing Pier

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

Status: This item was deferred until the next meeting of Public Facilities.

DRAFT

Boards and Commissions
Reappointments and Appointments
April 9, 2018

1 Community Services Committee

Beaufort Memorial Hospital Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
03.26.18	Stephen Larson	At-Large	Appoint	6/11	4	2/22

2 Governmental Committee

Construction Adjustments and Appeals 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>
04.09.18	Herbert Brown	Design Prof/Contractor/Bldg. Industry	Reappoint	10/11	4	2/22

3 Natural Resources Committee

Southern Beaufort County Corridor Beautification Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
03.26.18	Roberta Cope-Foss	Council District 11	Appoint	6/11	Partial-term	2/21

4 Public Facilities Committee

Beaufort County Transportation Committee

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
03.26.18	Afif Combs	Council District 11	Appoint	6/11	Partial-term	2/19

Keep Beaufort County Beautiful Board

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
03.26.18	Deborah Hadley	Council District 7	Appoint	6/11	4	2/22
03.26.18	Carol Murphy	Council District 5	Appoint	6/11	2	2/20

<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>
04.09.18	Diane Voge *	Council District 10	Appoint	6/11	4	2/22

* Nominee serving out of district.

Resolution 2018 /

FAIR HOUSING MONTH

WHEREAS, April 11, 2018, marks the 50th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, and the State of South Carolina enacted South Carolina Fair Housing Law in 1989. Both laws support the policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the County Council of Beaufort County is committed to addressing discrimination in our community, supporting programs that will educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every citizen of their right to fair housing; and

WHEREAS, the County Council of Beaufort County rejects discrimination on the basis of race, religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the County Council of Beaufort County desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment.

NOW, THEREFORE, BE IT RESOLVED, that the County Council of Beaufort County does hereby designate April 2018 as Fair Housing Month and recognizes the policy supporting Fair Housing in encouraging all citizens to endorse Fair Housing opportunities for all not only during Fair Housing month, but also throughout the year.

Adopted this _____ day of April, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

2018/___

AN ORDINANCE TO DELETE ORDINANCE 2001/24 ELIMINATING THE OAK MARSH PLANTATION SPECIAL PURPOSE TAX DISTRICT AND TO ACCEPT INTO THE COUNTY'S MAINTENANCE SYSTEM THE ROADWAYS IN THE OAK MARSH PLANTATION SUBDIVISION.

WHEREAS, in 2001 Beaufort County adopted ordinance 2001/24 establishing the Oak Marsh Plantation Special Purpose Tax District ("SPD"); and

WHEREAS, the SPD was adopted pursuant to the Oak Marsh Property Owners' Association (POA) request for the County to accept the roads and drainage easements into the County Maintenance Inventory; and

WHEREAS, at the time the SPD was adopted, approximately \$56,737.00 in improvements to the roads and/or drainage were expected to be done; and

WHEREAS, the intention of the SPD was to assess a special tax on the beneficiaries of the SPD to provide for 50% of the estimated cost for improvements to the roadways, or \$28,368.50; and

WHEREAS, through an apparent oversight the \$28,368.50 was never collected, however the County began and has continued to provide maintenance for the roadways and roadway drainage in the Oak Marsh subdivision; and

WHEREAS, records from the 2001 request by the Oak Marsh POA include a properly executed quit claim deed transferring the roads to Beaufort County, however said deed apparently was never filed with the Register of Deeds; and

WHEREAS, at the March 26, 2018 meeting of the Public Facilities Committee, the committee did unanimously recommended waiver of the \$28,368.50, to rescind Ordinance 2001/24 thereby eliminating the SPD, and to formally accept the roadways and road drainage system of the Oak Marsh Subdivision; and

WHEREAS, Beaufort County Council finds that under the circumstances and the length of time since the POA's original request in 2001, accepting the roadways, eliminating the SPD, and waiving the fees is in the best interest of the citizens and visitors of Beaufort County.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Division 5 of the Beaufort County Code Ordinances be amended as shown with strikethrough (—) below to delete the Oak Marsh Plantation Special Purpose Tax District. Be it further ordained, that the roadways in the Oak Marsh Plantation subdivision, serving the 32 lots located therein, are hereby accepted into the County's maintenance system and the \$28,368.50 condition precedent for accepting the roadways is hereby waived.

~~DIVISION 5.— OAK MARSH PLANTATION SPECIAL PURPOSE TAX DISTRICT~~

~~Sec. 66-371.— Creation; boundaries.~~

~~There is hereby created a special purpose tax district to be known as Oak Marsh Plantation Special Purpose Tax District which shall include those 32 lots located at Oak Marsh Plantation Subdivision, on/in Hilton Head Island, Beaufort County, South Carolina, in Oak Marsh Plantation Subdivision shown on the plats hereinabove described.~~

~~(Ord. No. 2001-24, § I, 9-10-01)~~

~~Sec. 66-372.— Board of commissioners—Creation, composition, and terms of office.~~

- ~~(a) There is hereby established the Oak Marsh Plantation Board of Commissioners, composed of five members or fewer to be appointed by the majority vote of Beaufort County Council. Members of the board must be record owners, either in whole or part, of a lot or lots of land in Oak Marsh Plantation Subdivision.~~
- ~~(b) The term of office shall be for a period of four years and shall continue until successors are appointed and qualified. The board of commissioners shall follow the guidelines as established in the county's template ordinance.~~

~~(Ord. No. 2001-24, § II, 9-10-01)~~

~~Sec. 66-373.— Compensation.~~

~~The board members shall serve without pay and shall annually file a report with Beaufort County Council, not later than November 1 of each year, showing all activities and disbursements during the fiscal year. The board shall select from among themselves a chairman, vice chairman, secretary/treasurer, who shall each serve for two years, from the date of their respective appointment. All official documents shall be signed by the chairman and attested by the secretary, except that all disbursements shall be by the treasurer.~~

~~(Ord. No. 2001-24, § III, 9-10-01)~~

~~Sec. 66-374.— Powers and duties.~~

~~The board of commissions shall have the following powers and duties.~~

- ~~(a) *Adopt budget.* To adopt an annual budget for the operation of the district and approve the expenditure of all funds; and~~
- ~~(b) *Assessment.* The board may increase the assessment by majority vote of the board or by authority of this division should inflation exceed the passbook rate thereby requiring additional funds to meet budgeted expenditures or, if consolidation of lots occur, the commission shall ensure proper assessment on an original plat basis. If the board fails to provide for an assessment in any year, the county auditor and treasurer are directed to continue assessment as was established for prior years; and~~

- ~~(c) — *Borrow money or accept donations.* To borrow money or accept donations under such terms and conditions as it may deem beneficial for the district, and use or expend the same for the purposes of maintaining roads and improving drainage and other public works incident to road maintenance. The full faith and taxing power of the tax district is hereby irrevocably pledged for the payment of the indebtedness of the tax district; and~~
- ~~(d) — *Collect and disburse assessments.* To levy and assess each lot within the district on an equal, per lot basis, through the auditor and treasurer of Beaufort County. The initial assessments shall be \$88.66 per lot per year. Upon collection of said assessments, the board shall, after deducting its costs therefrom, disburse the same to any lender or other source of funding as may be necessary to pay any indebtedness by or on the behalf of the district. Remaining funds shall be placed in an escrow account bearing the highest percentage rate available and under the protection of FDIC or FSLIC as a safeguard against inflation; and~~
- ~~(e) — *[Contract for road maintenance.]* Enter into contracts for road resurfacing and/or maintenance and other public works incident to road resurfacing and/or maintenance; and~~
- ~~(f) — *[Maintain roads considering public works.]* Resurface and maintain roads, to include drainage and other public works incident to road resurfacing and maintenance in the tax district; and~~
- ~~(g) — *[Maintain roads and drainage easements.]* Maintain roads and drainage easements in the tax district.~~

~~(Ord. No. 2001-24, § IV, 9-10-01)~~

~~Sec. 66-375. — Duties of county auditor and treasurer.~~

~~The auditor and treasurer and Beaufort County Council are hereby directed to levy and assess each lot within the district and collect a tax therefrom, for such amounts as directed by the board of commissioners, first assessment being \$88.66 per year per lot for Oak Marsh Plantation Special Purpose Tax District. (The formula for assessment shall be computed as follows: One-half of the estimated cost of resurfacing (\$28,368.50) divided by the number of lots (32). Equation based upon \$28,368.50 to be paid over a ten-year period.) All sums collected shall be credited to the district and delivered to such persons or entities as may be directed by the board. The board is responsible for notifying the county auditor of said assessment by March 15 of each calendar year.~~

~~(Ord. No. 2001-24, § V, 9-10-01)~~

~~Sec. 66-376. — Termination of tax district.~~

~~The board or commission shall be allowed to petition Beaufort County to be dissolved upon presentation of sufficient documentation that the roads and drainage which have been maintained by the special purpose tax district have been accepted for perpetual care and maintenance by a governmental agency or duly incorporated homeowners association. Beaufort County Council may, by majority vote, determine whether to dissolve the tax district or continue its existence.~~

~~Upon the tax district being dissolved, any funds belonging to the tax district shall be paid to the Oak Marsh Property Owners' Association if formed, if not, excess shall escheat to the General Fund of Beaufort County Council.~~

DONE this ___ day of _____, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley Bennett, Clerk to Council

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

2018 /

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3,
SECTION 3.3.50 REGIONAL CENTER MIXED-USE (TO PERMIT UNIT-PER-UNIT
CONVERSION OF LODGING TO MULTI-FAMILY RESIDENTIAL)

WHEREAS, added text is highlighted in yellow and deleted text is struck through.

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: March 26, 2018
Second Reading:
Public Hearing:
Third and Final Reading:

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

The Regional Center Mixed Use (C5) Zone permits a full range of retail, service, and office uses. The Zone’s intensity accommodates regional and community commercial and business activities. Uses include large, commercial activities that serve the entire County and highway-oriented businesses that need to be located on major highways. While this use intends high-quality, commercial character, the setback or build-to-line, landscaping and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The Zone is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas. The Zone is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600’. The minimum zone size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This Zone shall be located in areas designated “regional commercial” in the Comprehensive Plan.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25’ min.
Side:	
Side, Main Building	15’ min.
Side, Ancillary Building	15’ min.
Rear	10’ min.

Lot Size

Lot Size	21,780 SF min.
Width	150’ min.

Note:

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
Ground Floor Finish Level	No minimum

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
Floor Area Ratio ^{2,3}	0.37 max.

¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

²Lodging that is converted unit per unit to multi-family residential may exceed maximum density with the following conditions:

1. The hotel shall have been in continuous operation for a minimum of five years.
2. To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.
3. The site shall meet the parking requirements for multi-family residential in Article 5, Division 5.5.

^{2,3}Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
Accessory dwelling unit	1 per unit
Community residence	1 per bedroom
Live/work	2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
Restaurant, café, coffee shop	1 per 150 GSF
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Bed and breakfast	2 spaces plus 1 per guest room
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
Warehousing/distribution	1 per 2,000 GSF

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

2018 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS AND COMMISSIONS, SECTION 2-193(B)(5), MEMBERSHIP (ALLOWS COUNCIL DISTRICT APPOINTEES TO SERVE OUT OF COUNCIL DISTRICT)

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

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: March 12, 2018
Second Reading: March 26, 2018
Public Hearing:
Third and Final:

Sec. 2-193. Membership.

(b) *Term.*

- (1) Board, agency or commission members shall serve at the pleasure of council for a whole-year term up to four years, subject to the following voting requirements for their appointment:
 - a. First term, 6/11 or more of the full council.
 - b. Second term, 8/11 or more of the full council.
 - c. Third term or more, 10/11 or more of the full council.
- (2) Any partial term in excess of one-half plus one day of a full term shall count as a full term for determination of the voting requirements specified in subsection (b).
- (3) Half the members of a board, agency or commission shall be appointed every two years during the month of February beginning in February 1989. (Members to be appointed will be determined by lottery held among the board, agency or commission members.)
- (4) Members shall serve until their successors are appointed and qualified.
- (5) Members shall be a resident of the district in which they serve for their entire term. Relocation from the district constitutes a resignation unless, within 30 days of the date Council becomes aware of the relocation, the Council member whose district the member represents notifies Council that the member wishes to remain on the board, agency or commission until the expiration of the term. ~~Exception: vacancies on the Beaufort County Library Board or the Corridor Review Boards may be filled by appointment of a member at-large if the county council member who represents the district in which the vacancy exists consents.~~
- (6) A vacancy on any Board which requires appointment by district may, with the consent of the Council member who represents the district with the vacancy, be filled by a resident of another district.
- (7) No reappointment can be considered more than 30 days prior to the expiration of a particular term

ORDINANCE NO. 2018 / ____

AN ORDINANCE TO APPROPRIATE FUNDS NOT TO EXCEED \$300,000 FROM THE 3% LOCAL ACCOMMODATIONS TAX FUNDS TO THE CITY OF BEAUFORT FOR BRIDGE ACCESS AND BIKE PATH TO THE WATERFRONT PARK EXTENSION INTO THE WHITEHALL DEVELOPMENT

WHEREAS, Beaufort County has developed a plan to increase bicycle and walking paths throughout the County; and

WHEREAS, the City of Beaufort has received a proposal for a development known as Whitehall Development that includes a land donation for a waterfront park directly across from the existing City of Beaufort Waterfront Park; and

WHEREAS, the proposed extension of the Waterfront Park will be connected to the existing Waterfront Park by bicycle and pedestrian paths; and

WHEREAS, the County owns land adjacent to the proposed park extension which is currently inaccessible but would become accessible as a result of the Whitehall Development; and

WHEREAS, the County desires that public access to the park extension be memorialized by sufficient signage, subject to approval of the South Carolina Department of Transportation, and the preservation of at least ten (10) public parking spaces adjacent to the park extension; and

WHEREAS, Beaufort County Council believes that it is in the best interests of its citizens and to visitors of Beaufort County, to assist with the cost of improvements to the park extension on the land donated by the developer of the Whitehall Development.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that a transfer in the amount not to exceed \$300,000.00 to the City of Beaufort is hereby authorized from the 3% Local Accommodations Tax Fund for the purpose of constructing the Waterfront Park extension, adjacent to the Whitehall Development, with the condition that the developer provide sufficient signage on Sea Island Parkway, subject to SCDOT approval, and that the developer provide at least ten (10) public parking spaces adjacent to and for the use of the public park, and that the park be a minimum of one (1) acre not including the designated public parking.

DONE this ____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: September 25, 2017
Second Reading: October 9, 2017
Public Hearing:
Third and Final Reading:

DRAFT

Beaufort County, South Carolina
Multi-County Park

ORDINANCE NO. _____
(WASTE MANAGEMENT-RIVERPORT MULTI-COUNTY PARK)

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (2) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH JASPER COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (3) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH JASPER COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (4) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN BEAUFORT COUNTY; AND (5) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Multi-County Park Act"), Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County"), effective as of August 5, 2011, entered into that certain Agreement for the Establishment of Multi-County Industrial/Business Park (RiverPort) (the "RiverPort Multi-County Park Agreement"), which included certain property in Jasper County in the RiverPort Park (the "RiverPort Multi-County Park Property"); and

WHEREAS, Beaufort County and Jasper County, as authorized under the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, now desire to remove certain property from the RiverPort Multi-County Park; and

WHEREAS, in order to promote economic development and thus encourage investment and provide additional employment opportunities, Beaufort County and Jasper County, as authorized under the Multi-County Park Act, now propose to establish jointly a multi-county industrial/business park within which such removed property which is more particularly described in Exhibit A hereto (the "Waste Management Property"), shall be included and which will be owned and/or hereafter operated by Waste Management of Georgia, Inc., one or more

affiliates, and/or other project sponsors, (the “Waste Management-RiverPort Multi-County Park); and

WHEREAS, Beaufort County and Jasper County have agreed to the specific terms and conditions of such arrangement as set forth in that certain Agreement for Establishment of a Multi-County Industrial/ Business Park (Waste Management-RiverPort) proposed to be entered into by and between Beaufort County and Jasper County as of such date as may be agreed to by Beaufort County and Jasper County (the “Waste Management–RiverPort Multi-County Park Agreement”), a form of which Waste Management–Riverport Multi-County Park Agreement has been presented to this meeting; and

WHEREAS, it appears that the Waste Management-RiverPort Multi-County Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Beaufort County for the purposes intended.

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

Section 1. Removal of Waste Management Property from RiverPort Multi-County Park. In accordance with the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, Beaufort County hereby approves the removal of the Waste Management Property from the RiverPort Multi-County Park. In accordance with Section 3(B) of the RiverPort Multi-County Park Agreement, Beaufort County shall, together with Jasper County, create a revised Exhibit A to the RiverPort Multi-County Park Agreement to be attached thereto reflecting such removal.

Section 2. Establishment of Waste Management-RiverPort Multi-County Park; Approval of the Waste Management-RiverPort Multi-County Park Agreement. There is hereby authorized to be established, in conjunction with Jasper County, a multi-county industrial/business park to be known as the Waste Management-RiverPort Multi-County Park and to include therein the Waste Management Property. The form, provisions, terms and conditions of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting and filed with the Clerk to Beaufort County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Waste Management-RiverPort Multi-County Park Agreement were set out in this Ordinance in its entirety. The Chairman of Beaufort County Council is hereby authorized, directed, and empowered to execute the Waste Management-RiverPort Multi-County Park Agreement in the name and on behalf of Beaufort County; the Clerk to Beaufort County Council is hereby authorized, directed, and empowered to attest the same; and the Chairman of Beaufort County Council is further authorized, directed, and empowered to deliver the Waste Management-RiverPort Multi-County Park Agreement to Jasper County.

The Waste Management-RiverPort Multi-County Park Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Beaufort County thereunder and as shall be approved by the officials of Beaufort County executing the same, their execution thereof to constitute

conclusive evidence of their approval of any and all changes or revisions therein from the form of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting.

The Chairman of Beaufort County Council, the County Administrator of Beaufort County, and the Clerk to the Beaufort County Council, for and on behalf of Beaufort County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Waste Management-RiverPort Multi-County Park and the performance of all obligations of Beaufort County under and pursuant to the Waste Management-RiverPort Multi-County Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 3. Payment of Fee in Lieu of Tax. The businesses and industries located in the Waste Management-RiverPort Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Waste Management-RiverPort Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Jasper County. That portion of the fee allocated pursuant to the Waste Management-RiverPort Multi-County Park Agreement to Beaufort County shall, upon receipt by the Treasurer of Jasper County, be paid to the Treasurer of Beaufort County in accordance with the terms of the Waste Management-RiverPort Multi-County Park Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. Beaufort County and Jasper County, acting by and through the Treasurer of Jasper County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Jasper County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision in South Carolina law.

The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 4. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Waste Management-RiverPort Multi-County Park by Beaufort County and Jasper County shall be as set forth in the Waste Management-RiverPort Multi-County Park Agreement.

Section 5. Distribution of Revenues within Beaufort County. Revenues generated from industries and businesses located in the Waste Management-RiverPort Multi-County Park and received by Beaufort County shall be distributed by Beaufort County **[in accordance with an ordinance to be passed by Beaufort County Council.]**

Section 6. Governing Laws and Regulations. The ordinances of the City of Hardeeville, South Carolina (the "City") and Jasper County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Waste Management-RiverPort Multi-County Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the Waste

Management-RiverPort Multi-County Park. The Beaufort County Code of Ordinances shall in no way apply to the Waste Management-RiverPort Multi-County Park.

Section 7. Applicable Ordinances and Regulations. Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the Waste Management-RiverPort Multi-County Park properties located in Jasper County unless the properties are within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

Section 8. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Waste Management-RiverPort Multi-County Park properties is vested with the Sheriff's Department of Jasper County. If any of the Waste Management-RiverPort Multi-County Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 9. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Beaufort County Code or other Beaufort County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 10. Severability. If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 11. Effectiveness. This Ordinance shall be effective upon third and final reading.

[End of Ordinance - Signature page to follow]

Enacted and approved, in meeting duly assembled, this ____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: February 19, 2018
Second Reading: March 12, 2018
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 COUNTY OF BEAUFORT)

) **AGREEMENT FOR THE ESTABLISHMENT OF**
) **MULTI-COUNTY INDUSTRIAL/BUSINESS PARK**
) **(WASTE MANAGEMENT-RIVERPORT)**
)

THIS AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (WASTE MANAGEMENT-RIVERPORT) for the establishment of a multi-county industrial/business park to be located within Jasper County and Beaufort County is made and entered into as of [_____, 2018, by and between Jasper County, South Carolina (“Jasper County”) and Beaufort County, South Carolina (“Beaufort County”).

RECITALS

WHEREAS, Jasper County and Beaufort County are contiguous counties which, pursuant to Ordinance No. [_____, enacted by Jasper County Council on [_____, 2018, and Ordinance No. [_____] enacted by Beaufort County Council on [_____, 2018, have each determined that, in order to promote economic development and thus encourage investment and provide additional employment opportunities within both of said counties, there should be established in Jasper County a multi-county industrial/business park (the “Park”), to be located upon property more particularly described in Exhibit A (Jasper); and

WHEREAS, as a consequence of the establishment of the Park, property comprising the Park and all property having a situs therein is exempt from *ad valorem* taxation pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equivalent to the property taxes or other in-lieu-of payments that would have been due and payable except for such exemption.

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Binding Agreement.** This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Jasper County and Beaufort County, their successors and assigns.

2. **Authorization.** Article VIII, Section 13(D) of the South Carolina Constitution provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in South Carolina. The Code of Laws of South Carolina, 1976, as amended (the “Code”) and particularly, Section 4-1-170 thereof, satisfies the conditions imposed by Article VIII, Section 13(D) of the South Carolina Constitution and provides the statutory vehicle whereby a multi-county industrial or business park may be created.

3. **Location of the Park.**

(A) The Park consists of property that is located in Jasper County and which now or will be owned and/or operated by Waste Management of Georgia, Inc. one or more affiliates, and/or other project sponsors, as more particularly described in Exhibit A hereto. It is specifically recognized that the Park may from time to time consist of non-contiguous properties within Jasper County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinance of the county council of Jasper County and resolution of the county council of Beaufort County. If any property proposed for inclusion in the Park is located, at the time

such inclusion is proposed, within the boundaries of a municipality, then the municipality must give its consent prior to the inclusion of the property in the Park.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A which shall contain a legal description of the boundaries of the Park as enlarged or diminished, together with a copy of the ordinance of Jasper County Council and resolution of Beaufort County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the enactment by Jasper County Council of its ordinance authorizing the diminution of the boundaries of the Park, a public hearing shall first be held by Jasper County Council. Notice of such public hearing shall be published in a newspaper of general circulation in Jasper County, at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearing shall also be given by certified mail that is deposited with the U.S. Postal Service at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any property which would be excluded from the Park by virtue of the diminution.

4. **Fee in Lieu of Taxes.** Pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, all property located in the Park is exempt from all *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of *ad valorem* taxes) equivalent to the *ad valorem* taxes or other in-lieu-of payments that would have been due and payable but for the location of such property within the Park.

5. **Allocation of Expenses.** Jasper County and Beaufort County shall bear expenses incurred in connection with the Park, including, but not limited to, those incurred in the administration, development, operation, maintenance and promotion of the Park, in the following proportions:

A. Jasper County	100%
B. Beaufort County	0%

6. **Allocation of Revenues.** Jasper County and Beaufort County shall receive an allocation of all revenues generated by the Park through payment of fees in lieu of *ad valorem* taxes in the following proportions:

A. Jasper County	99%
B. Beaufort County	1%

Any payment from Jasper County to Beaufort County of Beaufort County's allocable share of Park revenues: (I) shall be made and accompanied by a statement showing the manner in which total payment and each County's share were calculated. If any Park revenues are received by Jasper County through payment by any owner, or any lessee/tenant, or any other taxpayer is made under protest, or otherwise as part of a dispute, then Jasper County is not obligated to pay Beaufort County more than Beaufort County's share of the undisputed portion of the Park revenues until thirty (30) days after the final resolution of the protest or dispute.

7. **Revenue Allocation within Each County.** Park revenues generated shall be distributed to and within the County as follows:

(A) Revenues generated by the Park through the payment of fees in lieu of *ad valorem* taxes shall be distributed to Jasper County and to Beaufort County, as the case may be, according to the proportions established by this Agreement. With respect to revenues allocable to Jasper County by way of fees in lieu of *ad valorem* taxes generated from properties within the Park, such revenue shall be distributed within Jasper County in the manner provided by ordinance of the county council of Jasper County; provided, that (i) each taxing entity which overlaps the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such revenue-generating portion, (ii) with respect to amounts received in any fiscal year by a taxing entity, the governing body of such taxing entity shall allocate the revenues received to operations and/or debt service of such entity, and (iii) all taxing entities other than the foregoing shall receive zero percent (0%) of such revenues.

(B) Revenues allocable to Beaufort County by way of fees in lieu of *ad valorem* taxes generated from properties located in the Jasper County portion of the Park shall be distributed solely to Beaufort County.

8. **Fees in Lieu of *Ad Valorem* Taxes Pursuant to Title 4 or Title 12 of the Code.** It is hereby agreed that the entry by Jasper County into any one or more fee in lieu of *ad valorem* tax agreements pursuant to Title 4 or Title 12 of the Code or any successor or comparable statutes (“Negotiated Fee in Lieu of Tax Agreements”), with respect to property located within the Park and the terms of such agreements shall be at the sole discretion of Jasper County.

9. **Assessed Valuation.** For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to Jasper County and Beaufort County and to each of the taxing entities within the participating counties shall be in accordance with the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to **Sections 6 and 7** herein.

10. **Governing Laws and Regulations.** Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties located in the Jasper County portion of the Park unless any such property is within the boundaries of a municipality in which case, the municipality’s applicable ordinances and regulations shall apply.

11. **South Carolina Law Controlling.** This Agreement has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with South Carolina law.

12. **Severability.** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision of this Agreement.

13. **Counterpart Execution.** This Agreement may be executed in multiple counterparts.

14. **Additional Parties.** This Agreement may be amended from time to time to add additional counties located in South Carolina, subject to Article VIII, Section 13(D) of the Constitution of South Carolina and Title 4, Chapter 1 of the Code, by ordinance of the county council of Jasper County, and by resolution of the county council of Beaufort County; provided, however, that to the extent permitted by law, additional counties may be added as parties hereto with only the enactment of an ordinance of the county council of Jasper County only in the event that such additional county’s allocation of Park Revenues hereunder shall be allocated solely out of Jasper County’s residual net share of the Park Revenues provided for its use and distribution pursuant to **Section 7** hereof.

15. **Term; Termination.** Except as specifically provided in this **Section 15**, Jasper County and Beaufort County agree that this Agreement may not be terminated in its entirety by any party and shall remain in effect for a period equal to the shorter of (i) twenty-one (21) years commencing with the effective date of this Agreement or (ii) a period of time of sufficient length to facilitate any special source revenue credits due with respect to Park property; provided, however, that this Agreement shall automatically terminate in its entirety on the 30th day after provision or payment in full, or termination, of all special source revenue credits or due with respect to Park property. Notwithstanding anything in this Agreement to the contrary, this Agreement may not be terminated to the extent that Jasper County has outstanding contractual commitments to any owner or in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code, lessee/tenant, or other taxpayer of or with respect to Park property requiring designation of such property as part of a multi-county industrial/business park pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina and/or Title 4, Chapter 1 of the Code (the “Act”), unless Jasper County shall first (i) obtain the written consent of such owner, lessee/tenant, or other taxpayer or (ii) designate such parcel as part of another multi-county industrial/business park pursuant to the Act effective immediately upon termination of this Agreement. Additionally, in the event that Jasper County complies with the preceding sentence, Jasper County may terminate this Agreement upon providing thirty (30) days notice to Beaufort County and any owner or in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code, lessee/tenant, or other taxpayer of or with respect to Park property.

16. **Law Enforcement Jurisdiction.** Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties is vested with the Sheriff’s Office of Jasper County, for matters within

their jurisdiction. If any of the Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is also vested with the law enforcement officials of the municipality for matters within their jurisdiction.

[End of Agreement – Execution Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and the year first above written.

JASPER COUNTY, SOUTH CAROLINA

By: _____
L. Martin Sauls, IV, Chairman, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____
Judy Frank, County Council Clerk
Jasper County, South Carolina

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
D. Paul Sommerville, Chairman, County Council
Beaufort County, South Carolina

[SEAL]

Attest:

By: _____
Ashley Bennett, County Council Clerk
Beaufort County, South Carolina

Exhibit A (Jasper)

PARK PROPERTY

ALL that certain piece, parcel or lot of land, situate, lying and being in the City of Hardeeville, Jasper County, South Carolina, shown as "Parcel 13-B" containing 21.05 acres, more or less, as more particularly shown and described on a plat entitled "Subdivision Plat, Parcel 13-A and Parcel 13-B, Riverport Phase 1, Formerly Parcel 13, Hardeeville Tract", dated July 20, 2017, prepared by Thomas & Hutton, certified by Robert K. Morgan III, SCPLS No. 26957, and reordered in the Jasper County Records in Plat Book ___ at Page ___. For a more detailed description as to the courses, metes and bounds of the above mentioned parcels, reference is had to said plat.

A portion of Jasper County Tax Map Parcel 031-00-00-016.

The remainder of this page intentionally left blank.

Exhibit B (Beaufort)

BEAUFORT COUNTY PROPERTY

None.

The remainder of this page intentionally left blank.