

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
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STEWART H. RODMAN
CHAIRMAN

D. PAUL SOMMERVILLE
VICE CHAIRMAN

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JOHN L. WEAVER
INTERIM COUNTY ADMINISTRATOR

CONNIE L. SCHROYER
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
REGULAR SESSION
Monday, January 14, 2019
6:00 p.m.
Council Chambers, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

1. **Call to Order – Chairman Stu Rodman** 6:00 p.m.
2. **Pledge of Allegiance and Invocation – Councilman Gerald Dawson**
3. **Approval of Agenda**
4. **Public Comments** *[See Clerk to Council for sign-in prior to meeting. Speakers shall limit comments to three minutes.]*
5. **Consent Agenda** *[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council Member may remove any item on the Consent Agenda for individual discussion and vote.]*
 - A. **Approval of Minutes**
 1. November 26, 2018 Special Session (backup)
 2. December 10, 2018 Regular Session (backup)
 3. December 10, 2018 Caucus (backup)
 4. November 26, 2018 Public Facilities (backup)
 5. December 3, 2018 Governmental Committee (backup)
 6. December 10, 2018 Finance Committee (backup)
 7. December 17, 2018 Community Services Committee (backup)



B. 2nd Reading of an ordinance regarding a supplemental expenditure for the funding of a Joint Shelter

Ordinance Title: *An Ordinance to Amend Beaufort County Ordinance 2018/24, for FY 2018-2019 Beaufort County Budget to Provide for Supplemental Expenditure in the Amount of \$245,585 for Funding of the Joint Emergency Shelter Between Beaufort County, Jasper County and Jasper County School District* – **Chris Inglese** (backup)

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Council approved an Intergovernmental Agreement to build a Joint Shelter on September 24, 2018 / Vote 11:0
5. Finance Committee discussed and recommended an Intergovernmental Agreement and funding to build a Joint Shelter on September 24, 2018 / Vote 7:0
6. Governmental Committee discussed, as information only, a Joint Shelter on August 6, 2018

C. 2nd Reading of an ordinance to lease a portion of the Charles Lind Brown Center

Ordinance Title: *An Ordinance Authorizing the Interim County Administrator to Execute Documents Necessary to Lease a Portion of the Charles Lind Brown Center* – **Tom Keaveny** (backup)

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Governmental Committee recommended approval on November 5, 2018 / Vote 7:0

D. 2nd Reading of an ordinance regarding a text amendment to the Beaufort County Code of Ordinances, Chapter 78: Floods

Ordinance Title: *Text Amendments to the Beaufort County Code of Ordinances, Chapter 78: Floods* – **Charles Atkinson** (backup)

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Governmental Committee recommended approval on December 3, 2018 / Vote 5:0

E. 2nd Reading of an ordinance regarding a text amendment to the Community Development Code (CDC): Article 6, Section 6.1.30 Types and Subdivisions

Ordinance Title: *Text Amendment to the Community Development Code (CDC): Article 6, Section 6.1.30: Types and Subdivisions* (To modify the requirements to allow commercial subdivisions in all zoning districts that allow commercial uses) – **Eric Greenway** ([backup](#))

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Natural Resources Committee recommended approval on November 19, 2018 / Vote 4:0

F. 2nd Reading of an ordinance regarding a text amendment to the Community Development Code (CDC): Article 4, Section 4.2.190 Water / Marine-Oriented Facilities

Ordinance Title: *Text Amendment to the Community Development Code (CDC): Article 4, Section 4.2.190: Water / Marine-Oriented Facilities* (To provide a definition of small tidal creeks) – **Eric Greenway** ([backup](#))

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Natural Resources Committee recommended approval on November 19, 2018 / Vote 4:0

G. 2nd Reading of an ordinance regarding a text amendment to the Community Development Code (CDC): Article 8, Section 8.3.40 Non-conforming Structures

Ordinance Title: *Text Amendment to the Community Development Code (CDC): Article 8, Section 8.3.40: Non-Conforming Structures* (To clarify that structures damaged greater than 50% of value shall conform to current Building Code Standards but not Zoning Standards) – **Eric Greenway** ([backup](#))

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Natural Resources Committee recommended approval on November 19, 2018 / Vote 4:0

H. 2nd Reading of an ordinance regarding a text amendment to the Community Development Code (CDC): Appendix B, Daufuskie Island Code

Ordinance Title: *Text and Map Amendment to the Community Development Code (CDC): Appendix B, Daufuskie Island Code (To amend the Daufuskie Island Plan) – Eric Greenway* ([backup](#))

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Natural Resources Committee recommended approval on November 19, 2018 / Vote 4:0

I. 2nd Reading of an ordinance regarding the development of a new Joint County Industrial and Business Park (Project Sky)

Ordinance Title: *An Ordinance Authorizing and Approving (1) The 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 Beaufort County and to Include the Aforementioned Property; (2) 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 (Project Sky) – Chris Inglese, Nicole Scott Ewing* ([backup](#))

1. Consideration of second reading on January 14, 2019
2. Public Hearing – Monday, January 28, 2019 in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approved on December 10, 2018 / Vote 10:0
4. Finance Committee recommended on December 10, 2018 / Vote 6:0

J. A resolution to amend the membership of the Board of Assessment Appeals

Resolution Title: *A Resolution to Temporarily Amend the Membership and Composition of the Beaufort County Board of Assessment Appeals to Assist with the Volume of Assessment Appeals Resulting from the 2018 County Wide Reassessment – Chris Inglese, Ebony Sanders* ([backup](#))

1. Consideration of adoption on January 14, 2019
2. Finance Committee recommended on December 10, 2018 / Vote 6:0

K. A resolution to appropriate \$269,600 of budgeted economic development funds

Resolution Title: *A Resolution to Appropriate \$269,600 from the Beaufort County Funds Provided in the Fiscal Year 2019 Budget for the Purpose of Economic Development Corporation’s Site Development and Job Retention Efforts – Chris Inglese, John O’Toole* ([backup](#))

1. Consideration of adoption on January 14, 2019
2. Finance Committee recommended on December 10, 2018 / Vote 6:0

L. A resolution affirming the result of a bond referendum, Fripp Island Public Service District

Resolution Title: *A Resolution Declaring the Result of a Bond Referendum Conducted in the Fripp Island Public Service District, South Carolina on December 11, 2018 – Tom Keaveny* (backup)

1. Consideration of adoption on January 14, 2019
2. Third and final reading of Ordinance 2018 / 33 authorizing the Fripp Island Public Service District, South Carolina, to issue General Obligation Bonds in a principal amount not exceeding \$5,300,000, subject to a successful referendum in this District enacted on October 8, 2018 / Vote 10:0

6. Non-Consent Agenda

A. Public Hearing and 3rd Reading of an ordinance regarding a text amendment to the Beaufort County Code of Ordinances, Chapter 18, Article III, Business and Professional Licenses

Ordinance Title: *Text Amendment to the Beaufort County Code of Ordinances Chapter 18 Article III, Business And Professional Licenses, Section 54(A), Deductions and Exemptions, by Deleting a Portion of the Current Ordinance Text – Chris Inglese* (backup)

1. Consideration of third and final reading on January 14, 2019
2. Second reading approved on December 10, 2019 / Vote 10:0
3. First reading approved on November 5, 2018 / Vote 11:0
4. Finance Committee recommended approval on November 5, 2018 / Vote 8:0

B. 1st Reading of an ordinance regarding a text amendment to the Local 3% Accommodations Tax Ordinance

Ordinance Title: *An Ordinance to Amend Beaufort County Code of Ordinances Section 66-26 et.seq. to Identify the Greater Bluffton Chamber of Commerce as a Recipient of Funds and to Provide for Transparency in Accounting Reports from Agencies Receiving Funds from the County Accommodations Taxes - Chris Inglese* (backup)

1. Consideration of first reading on January 14, 2019
2. Finance Committee recommended on December 10, 2018 / Vote 6:0

C. 1st Reading of an ordinance regarding a text amendment to the Community Development Code (CDC) / Short Term Rentals

Ordinance Title: *Text Amendment to the Beaufort County Community Development Code (CDC) Short Term Rentals: Article 3, Section 3.1.60 (Consolidated Use Table) and Section 3.1.70 (Land Use Definitions); Article 4 Section 4.1.360 (Specific to Use) to Add New Uses Called Limited Home Rental and Extended Home Rental – Eric Greenway* (backup)

1. Consideration of first reading on January 14, 2019
2. Natural Resources recommended on December 17, 2018 / Vote 4:0

D. A resolution recommending the construction of a new home for the DSN Department at 1 Bostick Circle

Resolution Title: *A Resolution Adopting the Findings of the Staff Attorney Memorandum Dated December 12, 2018 Acknowledging the Failure to Obtain Council Approval for the Purchase of Real Property Located at 1 Bostick Circle and Recommending to Proceed with Construction of a New Home for the Disabilities and Special Needs Department – Chris Inglese* (backup)

1. Consideration of adoption on January 14, 2019
2. Community Services Committee recommended on December 17, 2018 / Vote 5:0

7. Discussion and Action Items

A. Adoption of the 2019 Caucus and Regular Meeting Schedule (backup)

B. Committee Reports (next meeting, times to be announced)

1. Community Services (Tuesday, January 22, 2019)
2. Executive Committee (February 11, 2019)
2. Finance (February 4, 2019)
3. Governmental (January 28, 2019)
4. Natural Resources (Tuesday, January 22, 2019)
5. Public Facilities (February 4, 2019)

C. Nominations / Appointments to Boards and Commissions (backup)

1. Nancy Ludtke, Daufuskie Island Fire District (appointment)
2. Seth Howard, Seabrook Point Special Purpose Tax District (appointment)
3. Joseph Naughton, Drug and Alcohol Abuse Board (nomination)

8. Public Comments

9. Adjournment

Official Proceedings
County Council of Beaufort County
November 26, 2018

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

A special session of the County Council of Beaufort County was held Monday, November 26, 2018 beginning at 5:00 p.m. in the Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Chairman Sommerville gave the Invocation.

PUBLIC HEARING

AN ORDINANCE ADOPTING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND ROBERT L. GRAVES, PEPPER HALL PLANTATION

The Chairman opened a public hearing beginning at 5:00 p.m. for the purpose of receiving public comment, regarding an ordinance adopting a Development Agreement by and between the County of Beaufort, South Carolina and Robert L. Graves, Pepper Hall Plantation. After calling once for public comment, the Chairman recognized Dr. Chris Marsh, Executive Director of the Lowcountry Institute and Spring Island Trust, recommended the following: (i) Maintain the buffer intact to satisfy one of the priorities. (ii) Postpone making a decision until the exhibits mentioned in the Development Agreement have been shared with the public and another public hearing can be held. (iii) Spend the County's money elsewhere for the development of a new passive park. (iv) Validate the economic benefit to the taxpayers before committing to this project.

Ms. Wendy Zara asked Council to vote against the adoption of a Development Agreement between Beaufort County and Robert L. Graves, Pepper Hall Plantation.

Mr. Barry Johnson, legal representation for the Graves family, addressed some of the issues raised by Council and the public. He asked Council to support the Development Agreement.

Mr. Lewis Leopard expressed the following disadvantages of the proposed Development Agreement with Mr. Graves: (1) The Rural and Critical Lands Preservation funds paid \$4.2 million for 18.5 acres to protect the headwaters of the Okatie River from development. This agreement defeats that purpose. (2) Beaufort County agrees to fund 50% of all stormwater costs for the development. (3) The agreement allows the developer to use the 18.5 acres purchased to protect the headwaters of the Okatie River, as open space. (4) The agreement contemplates using 1.5 acres for a stormwater detention pond. (5) Beaufort County commits \$2 million in roads for a private development. How is this advantageous to Beaufort County and the voters?

Mr. Chuck Newton, Chairman of the Sea Island Corridor Coalition, said the Coalition does not understand why this Development Agreement would garner approval of this Council. This is a purchase made with Rural and Critical Lands Preservation funds, generated from one or more bond referenda. These monies were intended for conservation, parks, buffers, scenic vistas and preservation of valuable economic and natural resources. That intent creates a higher bar when being spent. These are not Councils funds alone to spend. Reconsider what is going on and respect the source and nature of the money being spent.

Mr. Larry White, a Lady's Island resident, addressed the portion of the Development Agreement that returns three acres (barn site) to the owners. That land was bought using Rural and Critical Lands Preservation funds which is contrary to what the public perceives to be the purpose of the Rural and Critical Lands Preservation Program and is a breach of trust. If you want to discourage foundations in joining in protecting public land, discourage the next Rural and Critical Lands Preservation Program Referendum and discourage your own re-election, then this plan will provide such.

Ms. Jennifer Sharp, representing Indivisible Beaufort, stated the organization is not in favor of this Development Agreement due to the many issues. Please consider that the Rural and Critical Lands Preservation Program purchases properties to protect and preserve sensitive areas.

Ms. Chelsea Blech, a resident of Graves Road, spoke against the Development Agreement.

Mrs. Rikki Parker, South Coast Project Manager and Legal Analyst, Coastal Conservation League, stated this Development Agreement is above and beyond the normal concessions for a development agreement and favors the developer heavily.

Mr. Dan Boone, a Spring Island resident, fears of the pollution that will affect his property due to this development.

Mr. Bob Green, a resident of Isles of Beaufort and member of Chechessee Creek Club, said this is not County property nor available for swaps and deals. It is Rural and Critical Lands Preservation Program property.

Ms. Lee Shaffer said since the Open Land Trust and Coastal Conservation League have been in existence, their missions and efforts have enjoyed resounding support from Beaufort County citizens. She spoke of trust and honor of our elected officials. She asked Council to reconsider the Development Agreement.

Ms. Beth Grace spoke of the lack of information provided to the public on this development agreement. She fails to see a win for Beaufort County and the Rural and Critical Lands Preservation program with this agreement.

Ms. Monie Harowick, a resident of Beaufort County, spoke of the lack of the public being informed of this Development Agreement. She urged Council to take a step back and reconsider.

Ms. Queen Quet, Chieftess and Head of State for the Gullah/Geechee Nation, commended Council and the voters for passing the Rural and Critical Lands Preservation Referendum. The Gullah Geechee Sea Island Coalition opposes this ordinance and Development Agreement.

Mrs. Barbara Holmes, Beaufort County Open Land Trust, clarified that when the 18 acres of the Graves property was purchased, no conservation easement or deed restrictions were placed on the property. It is owned by Beaufort County and protected by default by being purchased with Rural and Critical Lands Preservation funds.

Mr. Jim Cuff, Island West resident, said none of the exhibits were provided to the public. He also expressed his disagreement with the cost share of stormwater and the amount of money to be spent on the roads. He urged Council not to move forward with this ordinance and Development Agreement.

Mr. John Adrian Morris, General Manager of Berkeley Hall, said he has not been provided any information on this property and does not like the information he has been provided at tonight's meeting.

Mr. Henry Sanders, a Hilton Head Island resident, is concerned with the Okatie River and the precedence this Development Agreement will set. He asked Council to send it to the Rural and Critical Lands Preservation Board for their input.

After calling twice more for public comment and receiving none, the Chairman called the hearing closed at 6:04 p.m.

SECOND READING (REREAD) OF THE DEVELOPMENT AGREEMENT FOR PEPPERHALL PLANTATION

Main motion: This is a Committee recommendation from the Natural Resources Committee, no second required, that Council approve on second reading (reread) of an ordinance adopting a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation.

Motion to delay: It was moved by Mrs. Howard, seconded by Mr. Glover, that Council delay reread of second reading of an ordinance adopting a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation, until the following concerns can be addressed and resolved: 50/50 split of stormwater, the wording in the residential improvement district, and the 2.5-acre barn-swap.

Amended motion to delay: It was moved by Mrs. Howard, seconded by Mr. Glover, that Council delay reread of second reading of an ordinance adopting a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation, until a clear explanation and resolution of the 50/50 split of stormwater can be provided, the 2.5-acre barn-swap and 18 acres of Rural and Critical Lands property being used by the developer as a credit for open space is removed from the Development Agreement. The vote: YEAS – Mr. Dawson, Mr. Glover, Mrs. Howard and Mr. Sommerville. NAYS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Vaux. The motion failed.

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

DISCUSSION OF RECOMMENDED 2019 COMMITTEE SCHEDULES

Mr. Stewart recused himself from discussion of the 2019 Committee schedules, since his term ends December 31, 2018.

Mr. John Weaver, Interim County Administrator, suggested changing the 2019 meeting schedule to one that would benefit Council, Clerk to Council and staff. Council meetings fall on the second and fourth Mondays of each month. He suggested holding all Committee meetings on the first and third weeks of the month. Action items coming out of Committee would skip a Council meeting and be put on the following agenda to allow staff adequate time for preparation and presentation.

MOTION TO EXTEND BEYOND 8:00 P.M.

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

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council go immediately into executive session for discussion of employment of a person regulated by County Council. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT - Mr. Caporale, Mr. Fobes and Mr. Stewart. The motion passed.

EXECUTIVE SESSION

MATTERS ARISING OUT OF EXECUTIVE SESSION

No matters arose out of executive session.

PUBLIC COMMENT

Ms. Miriam Mitchell asked Council to sign a petition opposing SCANA Energy merger and their compensation packages. Five thousand employees have lost their jobs and there have been nine rate increases. Customers have paid an additional 18% on top of their regular rates. They have had two failed nuclear reactors. This is a sink hole that will take us decades to recover from.

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Connie L. Schroyer, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
December 10, 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, December 10, 2018 beginning at 6:00 p.m. in the Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

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.

INVOCATION

Council member Tabor Vaux gave the Invocation.

APPROVAL OF AGENDA

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council add the following agenda item: Rural and Critical Lands Project 2018E under matters arising out of executive session. 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.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council add an off-agenda item regarding employee benefits to direct County administration to declare December 26, 2018 as a paid holiday. 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.

It was moved by Mr. Covert, seconded by Mr. Vaux, that Council add an off-agenda item regarding the review and reconsideration of the November 15, 2018 contract award that increased the design budget for Brewer Memorial Park Stormwater Demonstration Project. 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.

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council add an off-agenda item regarding the consideration of the Accommodation (2% State) Tax Board fiscal year 2019 grant recommendations to tourism related organizations. 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.

Interim County Administrator John Weaver asked Council to defer Consent Agenda Item 11A – an ordinance approving and adopting the Sheldon Fire District’s Plans to borrow money to fund improvements to the Sheldon Fire Station 40, until the regularly scheduled meeting of January 14, 2019.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve the December 10, 2018 County Council Regular Session agenda, as amended, to include the following addition: (1) Rural and Critical Lands Project 2018E under matters arising out of executive session, (2) employee benefits, (3) review and reconsideration of the November 15, 2018 Contract Award consideration for increased design budget for Brewer Memorial Park Stormwater Demonstration Project, and (3) consideration of the Accommodation (2% State) Tax Board fiscal year 2019 grant recommendations to tourism related organizations. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

COMMENTS / VICE CHAIRMAN GERALD STEWART

Vice Chairman Gerald Stewart addressed Council and the public regarding questions raised about his residency in Beaufort County. While he has numerous ties to the County, his residential lease was cut short to allow the owner access to his property; therefore, he will recuse himself from this evening’s proceedings in an abundance of caution and to avoid any appearance of impropriety.

COMMENTS / CHAIRMAN PAUL SOMMERVILLE

Chairman Sommerville recognized Mr. Rick Caporale, Mr. Steven Fobes, Mr. Gerald Stewart and Mr. Tabor Vaux for their service on Council.

Mr. Stewart left the meeting at 6:10 p.m.

RECOGNITION / MONICA SPELLS, ASSISTANT COUNTY ADMINISTRATOR RECEIVES CREDENTIALLED MANAGER STATUS

Chairman Paul Sommerville recognized Ms. Monica Spells, the recipient of the Credentialed Manager Designation by the Credentialing Advisory Board of the International City/County Manager Association.

RECOGNITION / ADOPT A HIGHWAY GROUPS

Chairman Paul Sommerville recognized the following Adopt-A-Highway groups – Village People and Sea Island Rotary Club -- and thanked them for their vigilant efforts in making Beaufort County a cleaner, safer and more beautiful place to live, work and visit.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held October 22, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council approve the minutes of the caucus held October 22, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

Review of the Proceedings of the Regular Session held October 22, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council approve the minutes of the regular session held October 22, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

Review of the Proceedings of the Caucus held November 5, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council approve the minutes of the caucus held November 5, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

Review of the Proceedings of the Regular Session held November 5, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council approve the minutes of the regular session held November 5, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

Committee Reports

Governmental Committee

Committee Chairman Gerald Dawson said as we continue to work toward economic development, he expressed his thanks for Economic Development Corporation Director, John O’Toole and the members of the Economic Development Corporation for the work that they are doing. The South Carolina Department of Commerce issued a press release on November 30 announcing Blue Sky Processing, LLC. The company will invest \$2.5 million in the County and secure 16 jobs.

Mr. Vaux nominated Ms. Nancy Ludtke to serve as a member of the Daufuskie Island Fire District Board.

Mr. Dawson nominated Mr. Seth Howard to serve on the Seabrook Point Special Purpose Tax District.

Natural Resources Committee

Natural Resources Committee Chairman Brian Flewelling stated that he Mr. Rodman were asked by the Malind Bluff / Osprey Point owner and developer to consider renegotiations. We have been in litigation on one of these properties, may have found a solution to the disagreements. However, a development agreement subcommittee would benefit for such renegotiations.

Chairman Sommerville appointed Mr. Flewelling and Mr. Rodman and Councilman-elect Passiment to serve on a Development Agreement Subcommittee for Malind Bluff / Osprey Point.

PUBLIC COMMENT

There were no requests to speak.

NEW BUSINESS / A RESOLUTION TO AMEND THE BEAUFORT COUNTY COUNCIL RULES AND PROCEDURES, CHAPTER 2A TO ADD A SCHEDULE FOR COMMITTEE MEETINGS TO BE HELD MONTHLY

Main motion: It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council adopt a resolution to amend the Beaufort County Council Rules and Procedures, Chapter 2A to add a schedule of committee meetings to be held monthly.

Motion to amend: It was moved by Mr. Flewelling, seconded by Fobes, that the resolution include the following amendments: Paragraph 5 – change phrase “fully comprehend the issue at hand” and Paragraph 7 – change language to “encouraged to coordinate their scheduled meetings during the same week so as to not inconvenience”. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

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

OFF AGENDA ITEM / EMPLOYEE BENEFITS

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council declare December 26, 2018 as a paid County holiday. The vote: YEAS – Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSTAIN – Mr. Caporale. ABSENT – Mr. Stewart. The motion passed.

OFF AGENDA ITEM / REVIEW AND RECONSIDERATION OF CHANGE ORDER 1 FOR INCREASED DESIGN BUDGET FOR THE BREWER MEMORIAL PARK STORMWATER DEMONSTRATION PROJECT

It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council rescind the decision made on November 10, 2018 to deny the Change Order 1 for the increased design budget for the Brewer Memorial Park Stormwater Demonstration Project in the amount of \$27,800. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

It was moved by Mr. Covert, seconded by Mr. Vaux, that Council approve Change Order 1 for the increased design budget for the Brewer Memorial Park Stormwater Demonstration Project in the amount of \$27,800, which will bring the total contract award to \$117,800. Funding will come from the following accounts: Brewer Memorial Park Account 50260017, Sawmill Creek Overtopping Account 501260023, Salk Creek South M1 Account 50260020, and Shanklin Road M2 Account 50260021. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

OFF-AGENDA ITEM / BEAUFORT COUNTY CODE OF ORDINANCES SECTION 66-26

It was moved by Mr. Flewelling, seconded by Mr. Vaux, that Council approve on first reading an ordinance to amend Beaufort County Code of Ordinances, Section 66-26 *et. seq.* to provide for transparency in accounting reports from agencies receiving funds from the County Accommodations Taxes subject to the following revisions: Section 66-47(b) adding a \$50,000 allocation for the Greater Bluffton Chamber of Commerce; changing Section 66-47(b)(1) amount of \$150,000 for the Greater-Beaufort Port Royal Convention and Visitors Bureau to \$125,000; changing Section 66-47(b)(2) amount of \$150,000 for the Hilton Head-Bluffton Chamber of Commerce to \$125,000. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

TIME-SENSITIVE ITEMS POTENTIALLY COMING FORTH FROM DECEMBER 10, 2018 COMMITTEE MEETINGS FOR COUNCIL CONSIDERATION

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE 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 BEAUFORT COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (2) 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 (PROJECT SKY)

It was moved by Mr. Rodman, seconded by Mr. Glover, that Council approve on first reading an ordinance authorizing and approving (1) the 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 Beaufort County and to include the aforementioned property; (2) 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 (Project Sky). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

CONTRACT AWARD / OFF-AIRPORT TREE REMOVAL AND SUMMIT DRIVE MITIGATION FOR BEAUFORT COUNTY AIRPORT, HILTON HEAD ISLAND

Council approve a contract award to Kolcum Tree Care, LLC, of Hilton Head Island, South Carolina, in the amount of \$386,951.50 for tree removal services at the Hilton Head Island Airport. This contract will be funded as follows: 90% via FAA AIP Grant, 5% through South Carolina Association of Counties and 5% via Hilton Head Island Airport revenue. Mr. Sommerville called for the vote (no motion and second give). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

ITEM REMOVED FROM CONSENT AGENDA

AN ORDINANCE AUTHORIZING SHELDON FIRE DISTRICT TO BORROW FUNDS FROM A QUALIFIED LENDING INSTITUTION IN AN AMOUNT NOT TO EXCEED \$981,000 FOR THE RENOVATION AND EXPANSION OF THE FIRE STATION

Without objection, the Chairman postponed consideration of an ordinance authorizing Sheldon Fire District to borrow funds from a qualified lending institution in an amount not to exceed \$981,000 for the renovations and expansion of the Fire Station.

A RESOLUTION APPROVING AN AMENDED AND RE STATED DEVELOPMENT AGREEMENT BY AND BETWEEN SEABROOK SOLAR, LLC AND BEAUFORT COUNTY, SOUTH CAROLINA

Mr. Flewelling removed this item from the consent agenda for further discussions.

Main motion: It was moved by Mr. Glover, seconded by Mr. Flewelling, that Council adopt a resolution approving an amended and restated Development Agreement by and between Seabrook Solar, LLC and Beaufort County, South Carolina.

Motion to amend: It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council amend the development agreement so that instead of the \$250,000 donation to the Friends of the Spanish Moss Trail, the monies be allocated toward sidewalks in the neighboring community in the Seabrook area. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

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

CONTRACT AWARD / ONE EXTENDED REACH SLOPE MOWER FOR THE PUBLIC WORKS DEPARTMENT, STORMWATER DIVISION

Mr. Vaux removed this item from the consent agenda to allow Mr. Vaux to recuse himself from discussion and vote.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve a contract award in the amount of \$114,646, to Blanchard, CAT, Hardeeville, South Carolina for the purchase of one new Holland Sidearm Mowing Equipment and warranty for the Stormwater Infrastructure Section of the Public Works Department. Funding will come from Account 50250011-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

CONSENT AGENDA

**TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES
CHAPTER 18 ARTICLE III, BUSINESS AND PROFESSIONAL LICENSES, SECTION
54 (A), DEDUCTIONS AND EXEMPTIONS, BY DELETING A PORTION OF THE
CURRENT ORDINANCE TEXT**

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve ordinance occurred at the November 5, 2018 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on second reading text amendment to the Beaufort County Ordinance Chapter 18 Article III, Business and Professional Licenses, Section 54(A), deductions and exemptions, by deleting a portion of the current ordinance text. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

The Chairman announced a public hearing Monday, January 14, 2019 beginning at 6:30 p.m. in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

**AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2018/24, FOR FY
2018-2019 BEAUFORT COUNTY BUDGET TO PROVIDE FOR SUPPLEMENTAL
EXPENDITURE IN THE AMOUNT OF \$245,585 FOR FUNDING OF THE JOINT
EMERGENCY SHELTER BETWEEN BEAUFORT COUNTY, JASPER COUNTY AND
JASPER COUNTY SCHOOL DISTRICT**

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve ordinance occurred at the September 24, 2018 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading an ordinance to amend Beaufort County Ordinance 2018/24, for FY 2018-2019 Beaufort County Budget to provide for supplemental expenditure in the amount of \$245,585 for funding of the Joint Emergency Shelter between Beaufort County, Jasper County and Jasper County School District. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY TO LEASE A PORTION OF THE CHARLES LIND BROWN CENTER

Mr. Glover removed this item from the consent agenda to hear from the recipients of the lease agreement and moved back to the consent agenda for a vote.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading an ordinance authorizing the Interim County Administrator to execute documents necessary to lease a portion of the Charles Lind Brown Center. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 78: FLOODS

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve ordinance occurred at the December 3, 2018 meeting of the Governmental Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Beaufort County Code of Ordinances, Chapter 78: Floods. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC); ARTICLE 4, SECTION 4.1.190 RECREATION FACILITIES: CAMPGROUNDS (TO PROVIDE DISTINCTIONS BETWEEN PRIMITIVE, SEMI-DEVELOPED, AND DEVELOPED CAMPGROUNDS)

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Community Development Code (CDC); Article 4, Section 4.1.190 Recreation Facilities: Campgrounds (to provide distinctions between primitive, semi-developed, and developed campgrounds) The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 6, SECTION 6.1.30: TYPES AND SUBDIVISIONS (TO MODIFY THE
REQUIREMENTS TO ALLOW COMMERCIAL SUBDIVISIONS IN ALL ZONING
DISTRICTS THAT ALLOW COMMERCIAL USES)**

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Community Development Code (CDC); Article 6, Section 6.1.30: Types and Subdivisions (to modify the requirements to allow commercial subdivisions in all zoning districts that allow commercial uses). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 4, SECTION 4.2.190: WATER / MARINE-ORIENTED FACILITIES (TO
PROVIDE A DEFINITION OF SMALL TIDAL CREEKS)**

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Community Development Code (CDC); Article 4, Section 4.2.190: Water / Marine-Oriented Facilities (to provide a definition of small tidal creeks) The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

**TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 8, SECTION 8.3.40: NON-CONFORMING STRUCTURES (TO CLARIFY
THAT STRUCTURES DAMAGED GREATER THAN 50% OF VALUE SHALL
CONFORM TO CURRENT BUILDING CODE STANDARDS BUT NOT ZONING
STANDARDS)**

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Community Development Code (CDC); Article 8, Section 8.3.40: Non-conforming structures (to clarify that structures damaged greater than 50% of value shall conform to current building code standards but not zoning standards). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

TEXT AND MAP AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B, DAUFUSKIE ISLAND CODE (TO AMEND THE DAUFUSKIE ISLAND PLAN)

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading text amendments to the Community Development Code (CDC); Appendix B, Daufuskie Island Code (to amend the Daufuskie Island Plan). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACQUISITION OF TMS# R100 025 000 050C 0000 FROM THE FORFEITED LAND COMMISSION

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

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council adopt a resolution authorizing the Interim County Administrator to execute any and all necessary documents for the acquisition of TMS# R100 025 050C 0000 from the Forfeited Land Commission. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

A RESOLUTION LISTING THE U.S. HIGHWAY 278 BRIDGES TO HILTON HEAD ISLAND IMPROVEMENT PROJECT A TOP PRIORITY UNDER THE POLICY AGENDA FOR THE 2019 BEAUFORT COUNTY STRATEGIC PLAN

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve ordinance occurred at the November 26, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council adopt a resolution listing the U.S. Highway 278 Bridges to Hilton Head Island Improvement Project a top priority under the Policy Agenda for the 2019 Beaufort County Strategic Plan. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS/ECONOMIC DEVELOPMENT AUTHORITY OF NOT EXCEEDING \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (TECHNICAL COLLEGE OF THE LOWCOUNTRY PROJECT), IN ONE OR MORE SERIES, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council adopt a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of not exceeding \$8,000,000 aggregate principal amount of its Economic Development Revenue Bonds (Technical College of the Lowcountry Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

CONTRACT AWARD / YEAR TWO COUNTY CTC RESURFACING PROJECT

This item comes before Council under the Consent Agenda. Discussion and recommendation to approve ordinance occurred at the November 26, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve awarding Year 2 Resurfacing Projects to Preferred Materials, Inc. in the amount of \$3,405,845, plus a 10% contingency, for a total project cost of \$3,746,424. Funding will come from CTC and TAG Funds. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

PUBLIC HEARINGS

A RESOLUTION APPROVING AN AMENDED AND RE STATED DEVELOPMENT AGREEMENT BY AND BETWEEN SEABROOK SOLAR, LLC AND BEAUFORT COUNTY, SOUTH CAROLINA

The Chairman opened a public hearing beginning at 10:01 p.m. for the purpose of receiving public comment regarding a resolution approving an amended and restated Development Agreement by and Between Seabrook Solar, LLC and Beaufort County, South Carolina. After calling once for public comment, the Chairman recognized Mr. Dean Moss, Beaufort County Open Land Trust,

spoke in favor of the solar development on this property and the proposed amendment to the Development Agreement.

Pastor Moore agrees with the Development Agreement but objects to removing vegetation properties bordering the Community Development, LLC.

Mr. Bill Moore, Principal, Adgar Solar, said he met with Mr. Moore and informed him that Adgar Solar has no intentions to remove the trees along the property line that borders the Community Development LLC.

Ms. Barbara O’Leary, property owner adjacent to the proposed site, said that in a meeting with Mr. Moore the community were concerned of the egress of the deer. The community is in great support of the solar farm and have had great communications with Adgar Solar.

Mrs. Rikki Parker, South Coast Project Manager and Legal Analyst, Coastal Conservation League, spoke in support of the Seabrook Solar Development Agreement.

After calling twice more for public comment, and receiving none, the Chairman called the hearing closed at 10:13 p.m.

A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY OF NOT EXCEEDING \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (TECHNICAL COLLEGE OF THE LOWCOUNTRY PROJECT), IN ONE OR MORE SERIES, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED

The Chairman opened a public hearing beginning at 10:15 p.m. for the purpose of receiving public comment regarding a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of not exceeding \$8,000,000 aggregate principal amount of its Economic Development Revenue Bonds (Technical College of the Lowcountry Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:15 p.m.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 10 PRITCHER POINT ROAD, SOUTH CAROLINA (BEAUFORT-JASPER WATER & SEWER AUTHORITY)

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Beaufort-Jasper Water and Sewer Authority).

The Chairman opened a public hearing beginning at 10:16 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Beaufort-Jasper Water and Sewer Authority). After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:16 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart.
The motion passed.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 10 PRITCHER POINT ROAD, SOUTH CAROLINA (HARGRAY COMMUNICATIONS GROUP, INC.)

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Hargray Communications Group, Inc.).

The Chairman opened a public hearing beginning at 10:16 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Hargray Communications Group, Inc.). After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:16 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart.
The motion passed.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED CONVEYING A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY AT 10 PRITCHER POINT ROAD, SOUTH CAROLINA (BEAUFORT-JASPER WATER & SEWER AUTHORITY)

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council approve on third and final reading ordinance authorizing the execution and delivery of a deed conveying a portion of property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Beaufort-Jasper Water & Sewer Authority).

The Chairman opened a public hearing beginning at 10:16 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the execution and delivery of a deed conveying a portion of property owned by Beaufort County at 10 Pritcher Point Road, South Carolina (Beaufort-Jasper Water & Sewer Authority). After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:16 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A BILL OF SALE GRANTING OWNERSHIP OF CERTAIN INFRASTRUCTURE MATERIALS TO BEAUFORT-JASPER WATER & SEWER AUTHORITY RELATED TO THE ANIMAL SHELTER PROJECT (BEAUFORT-JASPER WATER & SEWER AUTHORITY)

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that that Council approve on third and final reading an ordinance authorizing the execution and delivery of a Bill of Sale granting ownership of certain infrastructure materials to Beaufort-Jasper Water and Sewer Authority related to the Animal Shelter Project. (Beaufort-Jasper Water & Sewer Authority).

The Chairman opened a public hearing beginning at 10:16 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the execution and delivery of a Bill of Sale granting ownership of certain infrastructure materials to Beaufort-Jasper Water and Sewer Authority related to the Animal Shelter Project. (Beaufort-Jasper Water & Sewer Authority). After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:16 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS TO LEASE A PORTION OF A BUILDING ON DAUFUSKIE ISLAND (DAUFUSKIE ISLAND STORE)

It was moved by Mr. Vaux, seconded by Mr. Covert, that Council approve on third and final reading an ordinance authorizing the Interim County Administrator to execute documents to lease a portion of a building on Daufuskie Island (Daufuskie Island Store).

The Chairman opened a public hearing beginning at 10:17 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the Interim County Administrator to execute documents to lease a portion of a building on Daufuskie Island (Daufuskie Island Store). After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:17 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE ADDING CHAPTER 91, PASSIVE PARKS, TO THE BEAUFORT COUNTY CODE OF ORDINANCE

It was moved by Mr. Covert, seconded by Mrs. Howard, that Council approve on third and final reading an ordinance adding Chapter 91, Passive Parks, to the Beaufort County Code of Ordinances.

The Chairman opened a public hearing beginning at 10:18 p.m. for the purpose of receiving public comment regarding an ordinance adding Chapter 91, Passive Parks, to the Beaufort County Code of Ordinances. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:18 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS FOR THE CONVEYANCE OF 51 BALL PARK ROAD TO THE GULLAH FARMERS COOPERATIVE ASSOCIATION

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on third and final reading an ordinance authorizing the Interim County Administrator to execute documents for the conveyance of 51 Ball Park Road to the Gullah Farmers' Cooperative Association.

The Chairman opened a public hearing beginning at 10:19 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the Interim County Administrator to execute documents for the conveyance of 51 Ball Park Road to the Gullah Farmers' Cooperative Association. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:19 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. RESUSCAL - Mr. Glover recused himself, left the room and was not present during the discussion and vote. ABSENT - Mr. Stewart. The motion passed.

AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF AN EASEMENT ENCUMBERING PROPERTY IDENTIFIED AS TMS R600 039 00C 153A 0000 (OYSTER STREET)

It was moved by Mr. Flewelling, seconded by Mr. Covert, that Council approve on third and final reading an ordinance authorizing the relinquishment of an easement encumbering property identified as TMS No. R600 039 00C 152A 0000.

The Chairman opened a public hearing beginning at 10:20 p.m. for the purpose of receiving public comment regarding an ordinance authorizing the relinquishment of an easement encumbering property identified as TMS No. R600 039 00C 152A 0000. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:20 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

A SUPPLEMENTAL ORDINANCE ESTABLISHING A TIMELINE FOR FUNDS TO BE PROVIDED FROM BEAUFORT COUNTY TO THE TECHNICAL COLLEGE OF THE LOWCOUNTRY FOR THE FINANCING AND CONSTRUCTION OF THE LOWCOUNTRY CULINARY INSTITUTE AND TOURISM CENTER

It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council approve on third and final reading a supplemental ordinance establishing a timeline for funds to be provided from Beaufort County to the Technical College of the Lowcountry for the financing and construction of the Lowcountry Culinary Institute and Tourism Center.

The Chairman opened a public hearing beginning at 10:21 p.m. for the purpose of receiving public comment regarding a supplemental ordinance establishing a timeline for funds to be provided from Beaufort County to the Technical College of the Lowcountry for the financing and construction of the Lowcountry Culinary Institute and Tourism Center. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:21 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE ESTABLISHING WRITTEN FINANCIAL POLICY GUIDELINES FOR BEAUFORT COUNTY, SOUTH CAROLINA

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on third and final reading an ordinance establishing written financial policy guidelines for Beaufort County, South Carolina.

The Chairman opened a public hearing beginning at 10:21 p.m. for the purpose of receiving public comment regarding an ordinance establishing written financial policy guidelines for Beaufort County, South Carolina. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:21 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL \$457,447.00 OF 2017 GENERAL OBLIGATION BONDS TO PROVIDE MATCHING FUNDS WITH BEAUFORT-JASPER WATER & SEWER AUTHORITY AND LOWCOUNTRY COUNCIL OF GOVERNMENTS FOR THE BONAIRE ESTATES SEWER IMPROVEMENTS PROJECT

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on third and final reading an ordinance to appropriate an additional \$457,447.00 of 2017 General Obligation Bonds to provide matching funds with Beaufort-Jasper Water & Sewer Authority and Lowcountry Council of Governments for the Bonaire Estates Sewer Improvements Project.

The Chairman opened a public hearing beginning at 10:23 p.m. for the purpose of receiving public comment regarding an ordinance to appropriate an additional \$457,447.00 of 2017 General Obligation Bonds to provide matching funds with Beaufort-Jasper Water & Sewer Authority and Lowcountry Council of Governments for the Bonaire Estates Sewer Improvements Project. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:23 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2018/24, FOR FY 2018-2019 BEAUFORT COUNTY BUDGET TO PROVIDE FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$179,500.00 FOR ADDITIONAL PERSONNEL IN THE SOLICITOR'S OFFICE

It was moved by Mr. Vaux, seconded by Mr. Rodman, that Council approve on third and final reading an ordinance to amend Beaufort County Ordinance 2018/24 for FY 2018-2019 Beaufort County Budget to provide for supplemental appropriation in the amount of \$179,500 for additional personnel in the Solicitor's Office.

The Chairman opened a public hearing beginning at 10:24 p.m. for the purpose of receiving public comment regarding an ordinance to amend Beaufort County Ordinance 2018/24 for FY 2018-2019 Beaufort County Budget to provide for supplemental appropriation in the amount of \$179,500 for

additional personnel in the Solicitor's Office. After calling three times for public comment, and receiving none, the Chairman called the hearing closed at 10:24 p.m.

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart.
The motion passed.

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND ROBERT L. GRAVES, PEPPER HALL PLANTATION (AS REREAD ON NOVEMBER 25, 2018)

AN ORDINANCE APPROVING A PROPOSED AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AND ROBERT L. GRAVES, PEPPER HALL PLANTATION (AS AMENDED ON DECEMBER 10, 2018)

Mr. Vaux recused himself, left the room and was not present during the discussion and vote. (Jim Scheider, a lawyer in the law firm, previously represented the Graves Family, he has an interest in).

Main motion: It was moved by Mr. Rodman, seconded by Mr. Fobes, that Council approve on third and final reading an ordinance approving a proposed amended Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation.

Chairman Sommerville stated this item is on the agenda for third and final reading tonight, but he feels it should be considered and voted on as second reading due to substantial changes made to the Development Agreement since the first public hearing, as well as public notice not having been provided on the intent to discuss a development agreement.

Motion to overrule the decision of the Chairman: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council overrule the decision of the Chairman to reconsider an ordinance approving a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation on second reading. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, and Mr. Rodman. NAYS – Mrs. Howard, Mr. Glover and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman opened a public hearing beginning at 6:32 p.m. for the purpose of receiving public comment regarding an ordinance approving a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation. After calling once for public comment, the Chairman recognized Ms. Mary Leary who spoke in opposition a dock being permissible in the Pepper Hall Development Agreement.

Ms. Wendy Zara spoke in opposition of the Pepper Hall Development Agreement.

Mr. Scott Crosby spoke in opposition of the Pepper Hall Development Agreement.

Mr. Jeff Hall, a resident of Beaufort County for 35 years, spoke in favor of the Pepper Hall Development Agreement.

Mr. Rob Reichel, a resident of Beaufort County since 1974, thanked Council for their support in the Pepper Hall Development Agreement.

Ms. Sally McGarry, Local Issues Chairman of the League of Women Voters, spoke of concerns the League of Women Voters has with the Pepper Hall Development Agreement.

Mr. Tony Criscitiello, former Planning Department Director and resident of Beaufort County, spoke in favor of the 50/50 Stormwater split and the concept of the Pepper Hall Development Agreement.

Mr. Pat Annessa spoke in favor of the Pepper Hall Development Agreement.

Mr. Jason Ward, a Bluffton resident, spoke of the fairness and justness of the Pepper Hall Development Agreement.

Mr. Tamplet Graves spoke against the Pepper Hall Development Agreement due to the density.

Mr. David Meeder, a 30-year resident of southern Beaufort County, spoke about Mr. Graves' right to develop his property.

Mr. Colden Battey asked Council to look at the substantial change made to the stormwater portion of the amended Pepper Hall Development Agreement.

Mr. Tom Low, architect, spoke in favor of the design of walkable community provided by the Pepper Hall Development Agreement.

Ms. John Reed supports Robert Graves and the Pepper Hall Development Agreement.

Mr. James Crosby spoke against the Pepper Hall Development Agreement.

Mr. Barry Johnson, an attorney representing Robert Graves, spoke of the work that has gone into the Pepper Hall Development Agreement.

Mr. Jim Gibson asked Council to return the \$4.5 million to the Rural and Critical Lands Preservation Fund. He is against the Pepper Hall Development Agreement.

Mr. Edward McNair endorses the Pepper Hall Development Agreement.

Ms. Judy Graves spoke against Robert Graves and the Pepper Hall Development Agreement.

Mr. Tim Crowley, a Sun City resident, spoke against the Pepper Hall Development Agreement due to the lack of schedule, no limits on spending and the County funding obligations.

Mr. Al Stokes stated his concerns with the Okatie Headwaters being impaired.

Mr. Collins Doughtie spoke of his concerns with Robert Graves selling the development at Pepper Hall.

Ms. Janice Graves McKim spoke against the Pepper Hall Development Agreement due to the impact it will have on the community and the river.

Ms. Chelsea McKim Black spoke against the Pepper Hall Development Agreement and read a prepared statement on behalf of Janice Benton Graves, Verna Graves Crosby, William Kevin Graves, Judy Deann Graves, Janice Graves McKim, Jeffery Scott Crosby, Theresa Graves Brannan, Michael Lloyd Graves, Paul Bissell Graves Junior, James Edward Crosby, Michael Shawn Crosby, Linda Donaldson Graves, John Samuel Hubbard, Rolland Emmett McKim Junior, Chelsea McKim Black, Megan Christine Graves, Candace Mellissa Graves, Zachary Rolland Black, Richard A. Brennan, A.J. Brennan, and Devah Henderson, who oppose the Pepper Hall Development Agreement.

Mr. Chris Marsh, a Port Royal resident, spoke about the development of how the park is done on County property and public transparency procedures needed moving forward.

Mr. Gregory Yoder said Council has the opportunity to keep the area pristine and should not approve the Pepper Hall Development Agreement.

Ms. Carol Beolf said this Council is missing how angry the residents are in Beaufort County regarding failed planning.

Mr. Al Seders spoke of the negative impact the Pepper Hall Development Agreement will have on the Okatie River.

Mr. John Riolo, resident of Council District 8, spoke against the Pepper Hall Development Agreement.

Ms. Mary Ann Browdy spoke of her opposition to the Pepper Hall Development Agreement due to the effect it will have on the Okatie River.

Ms. Janice Graves, a resident of Beaufort County since 1969, spoke of the effect this will have on the Okatie River, stormwater drainage and the roadways.

Ms. Terri Graves Porter request Council answer all questions and provide clear plans prior to a vote taken on the Pepper Hall Development Agreement.

Ms. A.J. Brennan, a certified Coast Guard Captain and marine biologist, spoke of the negative effect this Pepper Hall Development Agreement will have on the Okatie estuary.

Mr. Skip Hoagland spoke against the Pepper Hall Development Agreement due to the effect this will have on our marshes, clean water, traffic and the community.

Mr. Wyatt Dean, a Bluffton resident, spoke against the Pepper Hall Development Agreement.

Ms. Marilyn Muchler, an Oldfield resident, encouraged Council to look at the land swap and add a cap to the 50/50 stormwater split.

Ms. Rikki Parker, Coastal Conservation League, said the Conservation League is concerned with 50/50 stormwater split and the leasing of the barn parcel.

Ms. Paige Floyd asked Council to reconsider the Pepper Hall Development Agreement and the effect it will have on the environment and people.

Mr. Jim Cuff, Island West resident, stated the issues he has with the Pepper Hall Development Agreement, which included road ownership and stormwater management.

Mr. Roland McKim said density is the problem with the Pepper Hall Development Agreement.

Mr. Buck spoke against the Pepper Hall Development Agreement and the effect it will have on the Okatie River.

Mr. Zack Black spoke against the Pepper Hall Development Agreement.

Ms. Carolyn Smith, representative of the All Joy Preservation Commission, provided Council a letter from All Joy Plantation regarding the purchase of land at 75 Confederate Avenue.

Ms. Colleton Graves asked Council to reconsider the development plan for Pepper Hall Plantation.

After call twice more for public comment, and receiving none, the Chairman declared the hearing closed at 8:52 p.m.

Motion to postpone: It was moved by Mr. Dawson, seconded by Mrs. Howard, that Council postpone consideration of third and final reading an ordinance approving a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation until the January 14, 2019 Council Regular Session meeting and move to the Committee for discussions of possible and potential purchase of the property. The vote: YEAS – Mr. Dawson, Mr. Glover, Mrs. Howard and Mr. Sommerville. NAYS - Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, and Mr. Rodman. ABSENT – Mr. Stewart and Mr. Vaux. The motion failed.

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

Mr. Weaver said that the vote taken was not in order. There was never a formal motion to amend the November 26, 2018 version of the ordinance. Council should have made a motion to amend from the November 26, 2018 version to the December 10, 2018 version of the ordinance.

Motion to reconsider: It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council reconsider an ordinance approving a Development Agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, and Mr. Rodman. NAYS - Mr. Dawson, Mr. Glover, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Motion to amend by substitution: It was moved by Mr. Covert, seconded by Mr. Flewelling, that Council amend the second reading of November 26, 2018, to approve an ordinance approving a proposed amended development agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation dated December 10, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, and Mr. Rodman. NAYS - Mr. Dawson, Mr. Glover, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

Main motion to include the motion to amend by substitution: It was moved by Mr. Flewelling seconded by Mr. Covert, that Council approve an ordinance approving a proposed amended development agreement by and between the County of Beaufort, South Carolina, and Robert L. Graves, Pepper Hall Plantation. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, and Mr. Rodman. NAYS – Mr. Dawson, Mr. Glover, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. Stewart and Mr. Vaux. The motion passed.

MATTERS ARISING OUT OF EXECUTIVE SESSION

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council authorize the Interim County Administrator to purchase real property Rural and Critical Lands Project 2018E, identified as district map and parcel number R600 039 00B 0147 0000 for \$1,310,000. The vote: YEAS –Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council allocate \$269,600 of budgeted economic development funds for preparation of a site in the Beaufort Commerce Park, job retention and wetland identification, subject to approval of a building lease on the site. The vote: YEAS –Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

MOTION TO EXTEND BEYOND 8:00 P.M.

It was moved by Mr. Rodman, seconded by Mrs. Howard, that Council extend beyond 8:00 p.m., by five minutes, adjourning at 8:05 p.m. The vote: YEAS –Mr. Caporale, Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman and Mr. Sommerville. NAYS – Mr. Glover. ABSENT - Mr. Vaux temporarily left the room AND Mr. Stewart. The motion passed.

PUBLIC COMMENT

Mr. Joe Mack thanked Councilman Rick Caporale for his dedication and commitment over the years.

ADJOURNMENT

Council adjourned at 11:02 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman

ATTEST:

Connie L. Schroyer, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
December 10, 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, December 10, 2018 beginning at 5:00 p.m. in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

MOTION FOR OFF-AGENDA ITEM

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council hear an off-agenda item in executive session regarding the purchase of 75 Confederate Avenue property (Project 2018B). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

APPROVAL OF AGENDA

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve the Caucus agenda dated December 10, 2018, as amended, to include an additional executive session item concerning Project 2018B. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Covert, that Council go immediately into executive session to discuss the proposed New River / WalCam Land Swap and Project 2018B. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville and Mr. Vaux. ABSENT – Mr. Stewart. The motion passed.

EXECUTIVE SESSION

RECONVENE OF CAUCUS

Discussion / Referendum Pathway and Trail Prioritization

Interim County Administrator John Weaver provided Council with an update on the referendum pathway and trail prioritization. The way the referendum is written, it does not require the pathways and trails to be completed in any particular order. Since there is a division among Council regarding the order, staff have provided a revised list for Council's consideration. He asked Council to decide on a process moving forward. The goal is to find additional funding, but, at this time, there is only \$10 million to spend on pathways and trails.

Mr. Colin Kinton, Division Director–Transportation Engineering, reviewed with Committee the revised pathway and trail prioritization list. The list outlines the project by priority, cost and Council District. The phasing approach would allow more areas and projects to be accomplished. He reviewed the recommended initial construction as follows: District 1 – Laurel Bay Road Pathway Widening Phase 1, Stuart Point, Burton Wells Road Phase 1, Spanish Moss Trail Extension and Seabrook Road Phase 1; District 2 – Middle Road; District 3 - Meridian Road and Dr. Martin Luther King, Jr. Drive Phase 1; District 4 – Broad River Drive, Ribaut Road to Parris Island Gateway and Depot Road; District 5 – Salem Road / Old Salem Road Phase 1 and Broad River Boulevard / Riley Road; and District 9 – Burnt Church Road Phase 1 and Bluffton Parkway Phase 1.

Discussion / 2019 Council Committee Schedule

Interim County Administrator John Weaver provided Council with a resolution to amend the Beaufort County Council Rules and Procedures, Chapter 2A to add a schedule for Committee meetings to be held monthly.

Discussion / Consent Agenda

Interim County Administrator John Weaver expressed his concern with Consent Agenda Item 11A – an ordinance approving and adopting the Sheldon Fire District's Plans to borrow money to fund improvements to the Sheldon Fire Station 40. He distributed the opinion of legal counsel regarding the process and asked that this item be removed from the agenda.

Mr. Weaver stated that with the change in the Committee schedules that "time-sensitive items" will no longer be needed on the Council agenda. If a Council member wants to add an item to the agenda, it should happen during the approval of the agenda. It would also require two-thirds approval of Council to approve such addition to the agenda.

Mr. Weaver stated that nothing should be carried over at the end of the year, into a new seated Council session. There is no state or local ordinance that requires such, but it makes sense to follow such process. No Council can obligate a future Council relative to financial matters.

Chairman Sommerville removed Item 11M – a resolution approving an amended and restated development agreement by and between Seabrook Solar, LLC and Beaufort County, South Carolina, to allow Mr. Dawson to recuse himself.

Mr. Vaux removed Item 11O – contract award for one extended reach slope mower for the Public Works Department, Stormwater Division.

ADJOURNMENT

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Connie L. Schroyer, Clerk to Council

Ratified:

DRAFT

PUBLIC FACILITIES COMMITTEE

November 26, 2018

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

The Public Facilities Committee met Monday, November 26, 2018 beginning at 3:30 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 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, 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: Tom Keaveny, County Attorney; Colin Kinton, Division Director–Transportation Engineering; Larson, Division Director–Environmental Engineering and Land Management; Rob McFee, Division Director–Facilities and Construction Engineering; and Dave Thomas, Purchasing Director.

Public: Dean Moss, President, Beaufort County Open Land Trust, and Brett Gillis, Senior Associate, Stantec

Media: Joe Croley, *Lowcountry Inside Track*.

Chairman Stu Rodman chaired the meeting.

ACTION ITEMS

- 1. Consideration of Contract Award / Blanchard Machinery, Hardeeville, South Carolina / State Contract Purchase / One New Holland Slope Mower with a Diamond Mower Extended Reach for the Public Works Department, Stormwater Infrastructure Section / \$114,646**

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Public Works’ Fleet Manager to purchase one side arm slope mower to provide a replacement for a mower that has exceeded its life of operation and starting to cost in repair more than the value of the machine. The purchase is from a South Carolina State contract vendor and is offered at a fair and reasonable price. The price includes 24 months / 2,000 hours on the Mower, 12 months on the diamond sidearm and 12 months / 72 hours warranty. The total cost of the Mower will be \$114,646, which includes tax, equipment, software,

delivery, installation, all discounts, SC sales tax and manuals. Funding will come from Account 50250011-54200, Specialized Equipment.

Motion: It was moved by Mr. Covert, seconded by Mrs. Howard, that Committee recommend Council award a contract to Blanchard CAT, Hardeeville, South Carolina in the amount of \$114,646 for the purchase of one new Holland sidearm mowing equipment and warranty for the Stormwater Infrastructure Section of the Public Works Department. Funding will come from Account 50250011-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Stewart. ABSTAIN – Mr. Vaux (arrived late and was not present during discussion). The motion passed.

Recommendation: Council award a contract to Blanchard CAT, Hardeeville, South Carolina in the amount of \$114,646 for the purchase of one new Holland sidearm mowing equipment and warranty for the Stormwater Infrastructure Section of the Public Works Department. Funding will come from Account 50250011-54200, Specialized Equipment.

2. Consideration of Contract Award / Preferred Materials / Year Two County CTC Resurfacing Project / \$3,405,840

Discussion: Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed this item with the Committee. 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, 2 and 3 paving plans:

- Project 1 – Hilton Head Island – Pembroke Drive (William Hilton Parkway to Indigo Run traffic circle)
- Project 2 – Bluffton Area – Bluffton Parkway (Buckwalter Parkway to Buck Island Road) Buckwalter Parkway (Fording Island Road to Bluffton Parkway South) and Buckwalter Parkway (Bluffton Parkway South to May River Road)

The County received bids on November 5, 2018 for IFB110518E, Beaufort County Roads Resurfacing Year 2 Projects. Two contractors submitted bids as follows:

Preferred Materials, Inc.

- Project 1 - \$289,416
- Project 2 - \$3,116,424

Lane Construction

- Project 1 - \$383,981
- Project 2 - \$3,529,220

An analysis of the bids reveals no apparent cause for rejecting the bid provided by Preferred Materials, Inc. They are a responsive bidder and in compliance with the County's IFB110518E. Funding will come from CTC and TAG Funds.

Motion: It was moved by Mr. Covert, seconded by Mrs. Howard, that Committee recommend Council award Year 2 Resurfacing Projects to Preferred Materials, Inc. in the amount of \$3,405,845, plus a 10% contingency, for a total project cost of \$3,746,424. Funding will come from CTC and TAG Funds. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman and Mr. Stewart. ABSTAIN – Mr. Vaux (arrived late and was not present during discussion). The motion passed.

Recommendation: Council award Year 2 Resurfacing Projects to Preferred Materials, Inc. in the amount of \$3,405,845, plus a 10% contingency, for a total project cost of \$3,746,424. Funding will come from CTC and TAG Funds.

3. Discussion / A Resolution that the U.S. Highway 278 Bridges to Hilton Head Island Improvement Project is Essential to the Economic Development in the Area, is Consistent with Applicable Local Land Use Plans, and is on All Priority Lists Maintained by Beaufort County

Discussion: Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed this resolution with the Committee. This resolution is to make a finding that the U.S. Highway 278 Bridges to Hilton Head Island Improvement Project is essential to continued economic development in Beaufort County, is consistent with the existing and planned future land use plans as described in the Beaufort County 2010 Comprehensive Plan and is a top priority under the Policy Agenda for the 2018 Beaufort County Strategic Plan.

Motion: It was moved by Mr. Covert, that the Committee recommend Council adopt a resolution that the U.S. Highway 278 Bridges to Hilton Head Island Improvement Project is essential to the economic development in the area, is consistent with applicable local land use plans, and is on all priority lists maintained by Beaufort County. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Vaux. The motion passed.

Recommendation: Council adopt a resolution that the U.S. Highway 278 Bridges to Hilton Head Island Improvement Project is essential to the economic development in the area, is consistent with applicable local land use plans, and is on all priority lists maintained by Beaufort County.

4. Consideration of Reappointments and Appointments / Beaufort County Transportation Committee

Motion: It was moved by Mr. Sommerville, seconded by Mr. Vaux, that Committee recommend Council nominate Mr. Mark McCain for reappointment to serve as a member of the Beaufort County Transportation Committee.

Motion: It was moved by Mrs. Howard, seconded by Mr. Vaux, that Committee recommend Council nominate Mr. Joe DeVito for reappointment to serve as a member of the Beaufort County Transportation Committee.

Motion: It was moved by Mr. Caporale, seconded by Mrs. Howard, that Committee recommend Council nominate Mr. Craig Gordon for reappointment to serve as a member of the Beaufort County Transportation Committee.

Motion: It was moved by Mr. Stewart, seconded by Mrs. Howard, that Committee recommend Council nominate Mr. Craig Forrest for reappointment to serve as a member of the Beaufort County Transportation Committee.

Status: These nominations will be brought forward in February 2019.

INFORMATION ITEMS

5. Presentation / U.S. Highway 278 Signal Retiming

Discussion: Mr. Colin Kinton, Division Director–Transportation Engineering introduced Stantec Consulting Services representatives Mr. Andy Egan, Transportation Engineer and Mr. Brett Gillis, Senior Associate, who provided the Committee with a PowerPoint presentation on the U.S. Highway 278 Traffic Signal Retiming. The presentation included an overview of signal timing basics, project background, new timing plans, before- and after-study results, and benefit-cost analysis.

Status: Information only.

6. Project Updates

- **Pathway Design Groupings**
- **U.S. Highway 21**
- **U.S. Highway 278**

Discussion: Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed with the Committee the Pathway Design Groupings. On November 13, 2017, County Council approved a One Cent Transportation Sales Tax for three specific projects in Beaufort County. One of those projects was the construction of up to 24 multiuse pathway facilities located at specific locations across Beaufort County. The referendum was passed by Beaufort County voters on November 6, 2018 and staff needs to begin the permitting, design and construction of these projects.

Based on project locations, priority ranking and anticipated complexities such as: right-of-way acquisition, utility conflicts, tree preservation, drainage impacts, etc., staff recommends the Public Facilities Committee approve the following initial project design groupings in order to deliver these projects in the minimum amount of time necessary and at the least expense to the program. Staff recommends the following groupings (pathway priority is in parenthesis):

- Design Group 1 – Burnt Church Road, Shad Road, Ulmer Road (1), Bluffton Parkway (3) and All Joy Road (6)
- Design Group 2 – Laurel Bay Road (2), Joe Fraser (4), Meridian Road (5), and Salem/Old Salem and Burton Hill Road (7)
- Design Group 3 – Stuart Point (9), Broad River Blvd. (10), and Middle Road (8)
- Design Group 4 – Broad River Drive (11), Martin Luther King Drive (13) and Ribaut Road/Parris Island Gateway (14)

At the present time, staff plans to revisit this design/construction priority with the Public Facilities Committee on an annual basis and schedule the remaining projects as funding and opportunity allows.

Status: (1) Council members will send to staff priority pathways and trails for their review and possible inclusion for another grouping. (2) Committee directed staff to keep Council apprised if all of the pathways will not be completed under these One Cent Sales Tax Dollars.

7. Discussion / Vegetative Maintenance / Supplemental Funding for Additional Cycles

Discussion: Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed this item with the Committee. The South Carolina Department of Transportation (SCDOT) is responsible for the maintenance of all the United States and South Carolina primary routes in Beaufort County. Their program for vegetative maintenance (roadside mowing) allows for four mowing cycles across the 46 counties in South Carolina.

Due to the long growing season in Beaufort County, this frequency is often insufficient to keep roadside vegetation to acceptable levels. Administration has been in discussions with SCDOT regarding additional mowing cycles for Beaufort County primary routes. These routes are the most heavily travelled by residents and tourists alike, and their condition is important for both safety and aesthetics. The cost to double the mowing cycles on the primary system from 4 to 8, using the SCDOT selected contractor, would be approximately \$108,000 per year. Staff recommends evenly distributing the funding sources (\$27,000 each) from the Accommodations Tax, Hospitality Tax, TAG Funds, and CTC Funds.

Status: This item will be discussed at the next Finance Committee.

8. Consideration of Reappointments and Appointments / Keep Beaufort County Beautiful Board

Status: No action taken at this time.

9. Consideration of Reappointments and Appointments / Seabrook Point Special Purpose Tax District

Status: No action taken at this time.

DRAFT

GOVERNMENTAL COMMITTEE

December 3, 2018

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

The Governmental Committee met Monday, December 3, 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

Vice Chairman Steven Fobes, and member Michael Covert, Brian Flewelling, York Glover and Tabor Vaux present. Chairman Gerald Dawson and member Jerry Stewart absent. Non-Committee members Alice Howard, Stu Rodman and D. Paul Sommerville also 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: Chuck Atkinson, Director, Building Code Department; Phil Foot, Assistant County Administrator–Public Safety; and John Weaver, Interim County Administrator.

Public: John O’Toole, Director, Beaufort County Economic Development Corporation; Sandy Steele, Director of Operations, SouthernCarolina Regional Development Alliance; Charlie Stone, Project Manager, Beaufort County Economic Development Corporation; and Frank Turano, Alliance Consulting Engineers.

Media: Lolita Huckaby, *Lowcountry Inside Track*.

Councilman Steven Fobes chaired the meeting.

ACTION ITEM

1. Text Amendments to the Beaufort County Code of Ordinances / Chapter 78 - Floods

Discussion: Mr. Chuck Atkinson, Director, Business Codes, reviewed this item with the Committee. The National Flood Insurance Program (NFIP) is a highly technical program that governs if and how those citizens in Beaufort County who live in flood hazard areas can protect and insure their homes and businesses from rising water in the event of a natural disaster. The NFIP is a Federal Program created by Congress to mitigate future flood losses nationwide through sound, community enforced ordinances and to provide access to affordable, federally backed flood insurance protection for property owners. The NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents by floods.

Participating in the NFIP is based on an agreement between local communities and the Federal Government that states that if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas (SFHA), the federal government will make flood insurance available within the community as a financial protection against flood losses. The ordinances are required to be periodically updated to ensure that the most mandates are being implemented in the community.

The proposed changes to the Beaufort County Flood Damage Prevention Ordinance are being submitted to ensure strict compliance with both federal and state mandates regulating our continued participation in FEMA's National Flood Insurance and Community Rating System Programs. All proposed changes were taken from South Carolina Department of Natural Resources model flood ordinance and were reviewed for compliance by South Carolina Department of Natural Resources staff, and, subsequently approved for use as proposed.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Covert, that Committee recommend Council approve on first reading text amendments to the Beaufort County Code of Ordinances, Chapter 78 – Floods. The vote: YEAS –Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mr. Vaux. ABSENT – Mr. Dawson and Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading text amendments to the Beaufort County Code of Ordinances, Chapter 78 – Floods.

2. Consideration of Reappointments and Appointments

• Daufuskie Island Fire District

Motion: It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Committee recommend Council nominate Ms. Nancy Lubke for appointment to serve as a member of the Daufuskie Island Fire District Board. The vote: YEAS –Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mr. Vaux. ABSENT – Mr. Dawson and Mr. Stewart. The motion passed.

Recommendation: Council nominate Ms. Nancy Lubke for appointment to serve as a member of the Daufuskie Island Fire District Board.

INFORMATION ITEMS

3. Update / Southern Carolina Alliance Corporation Quarterly Report

Discussion: Ms. Sandy Steele, Director of Operations, Southern Carolina Alliance Corporation, presented Council with the Southern Carolina Regional Development Alliance Quarterly Report dated December 2018. The report included activities through October 19, 2018: 132 projects worked in 2018, 53 new projects, and 15 requests for information (RFIs) on 71 projects, 187 properties submitted to 49 projects and 58 visits to 19 properties by 20 projects. In 2018, Southern Carolina Regional Development Alliance has secured \$160,600,000 and 604 jobs from the following: The Parker Companies, Spartina 449, ODPE Group, Lowcountry Aviation

Company, Carolina Composites/Pioneer Boats, Carolina Textile Care, Ridgeland Pellet Company, Evanescens Packaging Solutions and Nupi Americas. Moving forward, the following projects are forecasted: Project Can Can, Project Blackberry, Project Godfather, Project Safe, Project Colony, Project Peach, Project Peroxide, Project Green, Project Poplar, and Project Sky. An overview of lead generations, internal marketing, upcoming external marketing, annual recruitment plan, investor and sponsor relations, website and social media and project development was provided to the Committee.

Mr. John O’Toole, Director, Beaufort County Economic Development Corporation, spoke before the Committee on the grant application from South Carolina Department of Commerce, future project developments and business retention initiatives.

Status: Information only.

4. Update / Public Safety Division

Discussion: Mr. Phil Foot, Assistant County Administrator–Public Safety, provided the Committee with a monthly update on the Public Safety Division. The update provided an overview of total intake and live release outcome for the Animal Services Division, Animal Campus Construction; permitting and plan reviews for the Building Codes Division, Code Enforcement statistics for the month of November; average daily population at the Detention Center, integrated electronic security system upgrade at the Detention Center, call statistics, continued recruiting efforts, grants received; an equipment update for the Emergency Medical Services (EMS) Division; and Mosquito Control Division operations, and operation update for the Park and Recreation Division.

Status: Information only.

5. Discussion

- **2019 Council Committee Schedule**
- **Meeting Procedure – Approval of Agenda**

Discussion: Mr. John Weaver, Interim County Administrator, reviewed this item with the Committee. Currently, we do not have a formal approval of the agenda. He recommends begin approving the agendas immediately. The agendas currently are reviewed by the Committee or Council, but that is only a recommendation or proposed approval. We need to include the approval of the agenda to make it formal. According to *Roberts Rules of Order*, an agenda sent out in advance for review accomplishes nothing until approved by Council. Under South Carolina Freedom of Information Act, once the agenda is published, Council is not allowed to amend the agenda. Once the meeting begins, a vote of two-thirds can amend the agenda. Any additions to an agenda, must be made at the beginning of the meeting and at the time that the agenda is approved.

In regard to 2019 Council Committees, Mr. Weaver said it would be to the advantage to Council, Clerk to Council and staff to set specific times for Committee meetings so there is ample time to conclude the meetings and ample time between the end of the Committee meeting and an item to go to Council. He proposes the Finance Committee and Community Services Committee meetings be held on the first week of each month and all action items from those committees go to Council on the fourth Monday of the month. He proposes the Governmental Committee, Natural Resources Committee and Public Facilities Committee meeting be held on the fourth week of each month and all action items from those committee go to Council on the second Monday of the subsequent month. On occasions where there are only one meeting or five Mondays in the month, so that is not set in stone. He needs Council to realize the time it takes to put all of the documents and agendas together. He asked that this issue be considered at the Council meeting on December 10, 2018.

Status: Committee directed Chairman Paul Sommerville to add the discussion and consideration of the 2019 Committee Meeting schedule to the December 10, 2018 County Council agenda.

DRAFT

FINANCE COMMITTEE

December 10, 2018

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

The Finance Committee met Monday, December 10, 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, and Stu Rodman present. Member Fobes absent. Non-committee members Alice Howard, Paul Sommerville, and Roberts “Tabor” Vaux present. Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Jim Beckert, Auditor; Kimberly Chesney, Tax Collector; Patrick Hill, Director, Systems Management Department; Alicia Holland, Assistant County Administrator–Finance; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Jon Rembold, Airports Director; Dave Thomas, Purchasing Director; Maria Walls, Treasurer; and John Weaver, Interim County Administrator.

Public: Ray Deal, Controller, Hilton Head Island-Bluffton Chamber of Commerce; Dick Farmer, Chairman, Accommodations Tax (2% State) Board; Brian Nicholson, CPA, Mauldin and Jenkins; John O’Toole, Director, Beaufort County Economic Development Corporation; and Charlie Stone, Project Manager, Beaufort County Economic Development Corporation.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

ACTION ITEMS

1. Contract Award / Kolcun Tree Care / Off-Airport Tree Removal and Summit Drive Mitigation / Beaufort County Airport, Hilton Head Island / \$386,951.50

Discussion: Mr. Jon Rembold, Airports Director, reviewed this item with the Committee. As part of the ongoing tree removal project at Hilton Head Island Airport, it has been determined that mitigation of certain trees removed within the approaches to Runway 03-21 and along Summit Drive will need to be performed.

Beaufort County issued an Invitation to Bid to contractors capable of providing the tree mitigation service. The project is being executed in accordance with the Hilton Head Island Airport Master Plan Phase I Implementation as directed by Beaufort County and Town of Hilton Head Island Councils in 2010.

Bids were received and reviewed by airport staff and consultants and it was determined that Kolcum Tree Care, Inc., was the lowest responsible/responsive bidder.

The Beaufort County Airports Board finds this contract award and work authorization acceptable and forwards this item to the Finance Committee for approval.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council award a contract to Kolcum Tree Care, LLC, Hilton Head Island, South Carolina, in the amount of \$386,951.50 for tree removal services at the Hilton Head Island Airport. This contract will be funded as follows: 90% via FAA AIP Grant, 5% through South Carolina Association of Counties and 5% via Hilton Head Island Airport revenue. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Dawson (arrived late) and Mr. Fobes. The motion passed.

Recommendation: Council award a contract to Kolcum Tree Care, LLC, Hilton Head Island, South Carolina, in the amount of \$386,951.50 for tree removal services at the Hilton Head Island Airport. This contract will be funded as follows: 90% via FAA AIP Grant, 5% through the South Carolina Association of Counties and 5% via Hilton Head Island Airport revenue.

2. State (2%) Accommodations Tax Board Fiscal Year 2019 Grant Recommendations to Tourism-Related Organizations in the Cumulative Amount of \$490,000

Discussion: At the November 5, 2018 Finance Committee meeting, the Committee requested the Accommodations (State 2%) Tax Board to reassess the 2019 Grant recommendations due to some issues raised by the Beaufort County Black Chamber of Commerce and report back before the December 10, 2018 Finance Committee meeting. The Board has met, reassessed and reconfirmed its position regarding distribution of the funds as follows:

- Arts Center of Coastal Carolina - \$9,000
- Beaufort County Black Chamber of Commerce - \$64,000
- Beaufort County Heritage Tourism Corporation - \$0
- Beaufort Film Society - \$15,000
- Bluffton Historical Preservation Society - \$10,000
- Child Abuse Prevention Association & Exchange Club - \$500
- Coastal Discovery Museum / Cultural and Eco-tourism Programs - \$20,000

- Coastal Discovery Museum / Hilton Head Invitational Discovery Golf Tournament - \$8,500
- Daufuskie Island Foundation - \$5,000
- David M. Carmines Foundation - \$5,500
- Embrella Visionz, Inc. - \$0
- Friends of Fort Fremont Historic Preserve - \$6,900
- Friends of Hunting Island - \$36,000
- Friends of Savannah Coastal Wildlife Refuges, Inc. - \$0
- Greater Beaufort-Port Royal Convention & Visitor's Bureau - \$100,000
- Greater Bluffton Chamber of Commerce and Convention & Visitor Bureau, Inc. - \$0
- Gullah Festival, Shrimp Festival, and Taste of Beaufort - \$32,500
- Haig Point Foundation - \$0
- Hilton Head Choral Society - \$3,000
- Hilton Head Hospital Association - \$6,000
- Hilton Head Island – Bluffton Chamber of Commerce and Visitor & Convention Bureau - \$10,000
- Hilton Head Island Concours d'Elegance, Inc. - \$26,000
- Hilton Head Symphony Orchestra - \$7,000
- Historic Bluffton Arts and Seafood Festival, Inc. - \$7,000
- Lean Ensemble Theater - \$1,800
- Lowcountry Golf Course Owners Association - \$10,000
- Mitchelville Preservation Project - \$20,000
- Native Island Business and Community Affairs Association (NIBCAA) - \$23,000
- Port Royal Sound Foundation - \$8,300
- Public Art Fund of Community Foundation of the Lowcountry - \$1,500
- Santa Elena Foundation - \$5,000
- SC Lowcountry & Resort Islands Tourism Commission - \$35,000
- The Gullah Museum of Hilton Head Island - \$13,500

Motion 1: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council allocate an additional \$17,000 from the Accommodation (3% Local) Tax Fund to the Beaufort County Black Chamber of Commerce to offset their expenses for cultural tourism marketing. The vote: YEAS – Mr. Dawson and Mr. Flewelling. NAYS – Mr. Caporale, Mr. Covert, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion failed.

Motion 2: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council accept the Accommodation (2% State) Tax Board fiscal year 2019 grant recommendations to tourism-related organization in the amount of \$490,000 as follows: Arts Center of Coastal Carolina - \$9,000, Beaufort County Black Chamber of Commerce - \$64,000, Beaufort Film Society - \$15,000, Bluffton Historical Preservation Society - \$10,000, Child Abuse Prevention Association & Exchange Club - \$500, Coastal Discovery Museum / Cultural and Eco-tourism Programs - \$20,000, Coastal Discovery Museum / Hilton Head Invitational Discovery Golf Tournament - \$8,500, Daufuskie Island Foundation - \$5,000, David M. Carmines Foundation - \$5,500, Friends of Fort Fremont Historic Preserve - \$6,900, Friends of Hunting Island - \$36,000, Greater Beaufort-Port Royal Convention & Visitor's Bureau - \$100,000, Gullah Festival, Shrimp Festival, and Taste of Beaufort - \$32,500, Hilton Head Choral Society - \$3,000, Hilton Head Hospital Association - \$6,000, Hilton Head Island – Bluffton Chamber of Commerce and Visitor & Convention Bureau - \$10,000, Hilton Head Island Concours d'Elegance, Inc. - \$26,000, Hilton Head Symphony Orchestra - \$7,000, Historic Bluffton Arts and Seafood Festival, Inc. - \$7,000, Lean Ensemble Theater - \$1,800, Lowcountry Golf Course Owners Association - \$10,000, Mitchelville Preservation Project - \$20,000, Native Island Business and Community Affairs Association (NIBCAA) - \$23,000, Port Royal Sound Foundation - \$8,300, Public Art Fund of Community Foundation of the Lowcountry - \$1,500, Santa Elena Foundation - \$5,000, SC Lowcountry & Resort Islands Tourism Commission - \$35,000, and The Gullah Museum of Hilton Head Island - \$13,500. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. NAYS – Mr. Covert. ABSENT –Mr. Fobes. The motion passed.

Recommendation: Council accept and award the Accommodation (2% State) Tax Board fiscal year 2019 grant recommendations to tourism-related organization in the amount of \$490,000 as follows: Arts Center of Coastal Carolina - \$9,000, Beaufort County Black Chamber of Commerce - \$64,000, Beaufort Film Society - \$15,000, Bluffton Historical Preservation Society - \$10,000, Child Abuse Prevention Association & Exchange Club - \$500, Coastal Discovery Museum / Cultural and Eco-tourism Programs - \$20,000, Coastal Discovery Museum / Hilton Head Invitational Discovery Golf Tournament - \$8,500, Daufuskie Island Foundation - \$5,000, David M. Carmines Foundation - \$5,500, Friends of Fort Fremont Historic Preserve - \$6,900, Friends of Hunting Island - \$36,000, Greater Beaufort-Port Royal Convention & Visitor's Bureau - \$100,000, Gullah Festival, Shrimp Festival, and Taste of Beaufort - \$32,500, Hilton Head Choral Society - \$3,000, Hilton Head Hospital Association - \$6,000, Hilton Head Island – Bluffton Chamber of Commerce and Visitor & Convention Bureau - \$10,000, Hilton Head Island Concours d'Elegance, Inc. - \$26,000, Hilton Head Symphony Orchestra - \$7,000, Historic Bluffton Arts and Seafood Festival, Inc. - \$7,000, Lean Ensemble Theater - \$1,800, Lowcountry Golf Course Owners Association - \$10,000, Mitchelville Preservation Project - \$20,000, Native Island Business and Community Affairs Association (NIBCAA) - \$23,000, Port Royal Sound Foundation - \$8,300, Public Art Fund of Community Foundation of the Lowcountry - \$1,500, Santa Elena Foundation - \$5,000, SC Lowcountry & Resort Islands Tourism Commission - \$35,000, and The Gullah Museum of Hilton Head Island - \$13,500.

3. Discussion / An MCIP Agreement with Jasper County Regarding Project Sky

Discussion: Mr. John O'Toole, Director, Beaufort County Economic Development Corporation, reviewed this item with the Committee. This Multi-County Industrial Park (MCIP) with Jasper County deals with a net tax gain for the taxpayers of Beaufort County, return on investment, job creation, and a \$2.5 million investment. This MCIP Agreement was suggested by the South Carolina Department of Commerce and is not out of the norm in the State of South Carolina.

Motion: It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Committee recommend Council approve a Multi-County Industrial Park (MCIP) Agreement with Jasper County regarding Project Sky, subject to the agreement being revised to include language that the Fee-In-Lieu Taxes in an option in the future, but not automatically granted. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT –Mr. Fobes. The motion passed.

Recommendation: Council approve a Multi-County Industrial Park (MCIP) Agreement with Jasper County regarding Project Sky, subject to the agreement being revised to include language that the Fee-In-Lieu Taxes is an option in the future, but not automatically granted.

4. Discussion / Potential Changes to the Accommodations Tax (2%) Ordinance relating to Designated Marketing Organizations

Discussion: This potential change would amend Section 66-26 of the Code of Ordinances to provide for transparency in accounting reports from agencies receiving funds from County accommodations taxes.

Main motion: It was moved by Mr. Covert, seconded by Mr. Flewelling, that Committee recommend Council approve on first reading an ordinance to amend Beaufort County Code of Ordinances, Section 66-26 *et. seq.* to provide for transparency in accounting reports from agencies receiving funds from County accommodations taxes.

Motion to amend by addition and substitution: It was moved by Mr. Covert, seconded by Mr. Flewelling, that Committee amend the Beaufort County Code of Ordinances, Section 66-26 as follows: (i) Section 66-47(b): add a \$50,000 allocation to the Greater Bluffton Chamber of Commerce; (ii) Section 66-47(b)(1): substitute \$150,000 with \$125,000 for the Greater-Beaufort Port Royal Convention and Visitors Bureau; (iii) Section 66-47(b)(2): substitute \$150,000 with \$125,000 for the Hilton Head-Bluffton Chamber of Commerce.

Motion to amend by addition: It was moved by Mr. Rodman, that Committee amend the ordinance to require entities seeking 3% Local Accommodations Tax funds to solicit a Request for Qualifications. Mr. Rodman withdrew his motion to amend.

Vote on the motion to amend by addition and substitution: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling and Mr. Rodman. NAYS - Mr. Stewart. ABSENT –Mr. Fobes. The motion passed.

Motion 2: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that in parallel to considering the proposed amendments to the Accommodations Tax Ordinance, the Committee direct County staff to submit a Request for Qualifications for entities interested in representing the County as visitors' bureaus or equivalent. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Vote on the main motion to include the motion to amend by addition and substitution: Council approve on first reading ordinance to amend Beaufort County Code of Ordinances Section 66-26 *et. seq.* to provide for transparency in accounting reports from agencies receiving funds from the County Accommodations Taxes subject to the following revisions: amend Beaufort County Code of Ordinances, Section 66-26 as follows: (i) Section 66-47(b): add a \$50,000 allocation to the Greater Bluffton Chamber of Commerce; (ii) Section 66-47(b)(1): substitute \$150,000 with \$125,000 for the Greater-Beaufort Port Royal Convention and Visitors Bureau; (iii) Section 66-47(b)(2): substitute \$150,000 with \$125,000 for the Hilton Head-Bluffton Chamber of Commerce. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling and Mr. Rodman. NAYS - Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Recommendation 1: Council approve on first reading ordinance to amend Beaufort County Code of Ordinances, Section 66-26 *et. seq.* to provide for transparency in accounting reports from agencies receiving funds from the County Accommodations Taxes subject to the following revisions: amend Beaufort County Code of Ordinances, Section 66-26 as follows: (i) Section 66-47(b): add a \$50,000 allocation to the Greater Bluffton Chamber of Commerce; (ii) Section 66-47(b)(1): substitute \$150,000 with \$125,000 for the Greater-Beaufort Port Royal Convention and Visitors Bureau; (iii) Section 66-47(b)(2): substitute \$150,000 with \$125,000 for the Hilton Head-Bluffton Chamber of Commerce.

Recommendation 2: Committee directed County staff to solicit a Request for Qualifications for entities interested in representing the County as visitors' bureaus or equivalent.

5. Matters Arising Out of Executive Session

Motion: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Committee recommend Council commit \$269,600 for site development, subject to final approval of the lease agreement of a spec building, to be constructed in the Beaufort Commerce Park. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council commit \$269,600 for site development, subject to final approval of the lease agreement of a spec building, to be constructed in the Beaufort Commerce Park.

8. Discussion / Request for Increased Membership of the Board of Assessment Appeals

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee recommend Council increase the Board of Assessment Appeals membership from 9 to 15. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Recommendation: Council increase the Board of Assessment Appeals membership from 9 to 15.

INFORMATION ITEMS

9. Update / FY2018 Comprehensive Annual Financial Report

Discussion: Mr. Brian Nicholson, CPA, Mauldin and Jenkins (external auditor), provided the Committee with an update on the FY2018 Comprehensive Annual Financial Report. A draft Comprehensive Annual Financial (CAFR) report will be provided to Beaufort County within the next two weeks for review. A final report with opinions will then be provided prior to December 31, 2018.

Status: Information only.

10. Approval of Agenda

Motion: It was moved by Mr. Flewelling, seconded by Mr. Covert, that Committee approve the Finance Committee agenda dated December 10, 2018 as published. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Dawson (arrived late) and Mr. Fobes. The motion passed.

Status: Committee approved the Finance Committee agenda dated December 10, 2018 as published.

11. Executive Session - Contract negotiations regarding a potential lease agreement of a spec building in the Beaufort Commerce Park

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee go immediately into executive session for contract negotiations regarding a potential lease agreement on a spec building in the Beaufort Commerce Park. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Fobes. The motion passed.

Status: Committee went into executive session for contract negotiations regarding a potential lease agreement on a spec building in the Beaufort Commerce Park.

12. Treasurer's Report / Results of 2017 Tax Year and Update on Investments

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

Discussion: Mrs. Maria Walls, Treasurer, presented the Committee a PowerPoint Presentation on the results of the 2017 Tax Year and Beaufort County's investments. The presentation included an overview of Delinquent Tax Sale collections, Delinquent Tax Sale comparison, financials, investment returns, and collection rate.

Status: Information only.

COMMUNITY SERVICES COMMITTEE

December 17, 2018

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

The Community Services Committee met Monday, December 17, 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 Alice Howard, Vice Chairman Rick Caporale, and members Steven Fobes, York Glover and Roberts “Tabor” Vaux present. Member Michael Covert absent. Non-committee member Gerald Dawson, Brian Flewelling, Stu Rodman (telephonically) 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: Jim Beckert, Auditor; Chris Inglese, Assistant County Attorney; Bill Love, Director, Disabilities and Special Needs Department; Wanda Mayse, Deputy Director, Disabilities and Special Needs Department; Rob McFee, Division Director–Facilities and Construction Engineering; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; Mark Sutton, Deputy Director, Facilities; Dave Thomas, Purchasing Director and John Weaver, Interim County Administrator.

Public: Bill Martin, Coosaw resident.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

INFORMATION ITEMS

1. Approval of Agenda

Motion: It was moved by Mr. Fobes, seconded by Mr. Vaux, that Committee approve the Community Services Committee published agenda dated December 17, 2018. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Covert. The motion passed.

Status: Committee approved the Community Services Committee agenda dated December 17, 2018 as published.

2. Update / Disabilities and Special Needs Lot Purchase / 1 Bostick Circle

Discussion: At the October 8, 2018 meeting of the Community Services Committee, the Committee tabled discussion of the acquisition of property located at 1 Bostick Circle for the Beaufort County Disabilities and Special Needs Department home and directed the Legal Department to review all ordinances and resolutions and bring forth a recommendation to the Committee regarding this property. Mr. Chris Inglese, Assistant County Attorney, provided the Committee with a review and findings regarding the property located at 1 Bostick Circle.

In recent years, the County's Disabilities and Special Needs Department (DSN) have been engaged in a fundamental shift in the way those in need are served by DSN due to state directives. Unfortunately, the process has revealed in some areas of Beaufort County, community resistance in placing DSN homes in certain neighborhoods. DSN Staff have faced numerous challenges in locating new homes to better house those they serve.

The shift led to the proposed sale of the Port Royal Community Residential Facility in accordance with Beaufort County Council Resolution 2017/1. This facility, which averages 14 DSN consumers, is aging and no longer meets the needs of those it serves. The State had the facility constructed more than 20 years ago as an Intermediate Care Facility. The facility is institutional in nature and contrary to current state program standards.

Under current state directives, DSN typically houses no more than four consumers per home. Therefore, the County determined that three new homes were needed to accommodate the individuals currently residing at the Port Royal property. Prior to discussion of these three homes, DSN had identified the need for one home based on its growing waitlist for residential services, for a total of four homes needed.

DSN utilized the County's Purchasing Department for assistance in identifying the new home sites. This process led to the procurement and approval for construction of three new DSN homes.

DSN staff next began the search for a site for a fourth home and ultimately pursued the purchase of an undeveloped lot at 1 Bostick Circle. The DSN budget had funds available for a site in its Building Acquisitions line and, ultimately, the Interim County Administrator at the time of the lot purchase did execute the necessary documents for the purchase of 1 Bostick Circle.

The purchase is memorialized by a deed filed in the Beaufort County Register of Deeds at Book 3645 and Page 1772, filed February 20, 2018 and executed February 3, 2018. The County purchased the property for \$34,000. The former Interim County Administrator, who has served as Special Counsel, executed the necessary documents for the purchase and stamped the deed as Approved for Recording on behalf of the Beaufort County Attorney. Neither the Purchasing Director, nor staff in the Legal Department, were notified of the purchase in advance.

The Finance Department wired the necessary purchasing funds based on the Beaufort County of Ordinances Section 2-509 which authorizes the Administrator's spending authority up to \$50,000.

On October 8, 2018, Community Services Committee discussed the purchase and ultimately asked for a legal opinion regarding the purchase of 1 Bostick Circle. On November 13, 2018, the Committee went into Executive Session for the purpose of receiving legal advices regarding the referenced purchase.

Issues:

- At issue, is a provision of the Beaufort County Code of Ordinances Section 2-514, Exemptions, for real property which states in pertinent part, "(b) [W]ith prior approval of the county, council, the purchase of real property for government use shall be negotiated by the county administrator". Additionally, Section 2-509 states "[U]pon request of the county council and subject to its approval of each transaction, perform all delegable functions in connection with acquisition and disposal of real property". After thoroughly reviewing the record of council meetings, and inquiring of appropriate staff members, I concluded that nothing in the record demonstrates council's prior approval for, nor knowledge of, the specific purchase of 1 Bostick Circle as required by County Code Section 2-514 and 2-509.
- Beaufort Code Section 2-510 articulates the remaining issues. In summary, the Code acknowledges ratification of an unauthorized contract at the time the Administrator executes the contract. I imagine this provision exists to protect innocent third parties from being damaged because of technical, procurement errors. Additionally, the Code requires the following in the instance of an unauthorized contract:
 - a. The department head shall prepare a written statement of facts; and
 - b. What corrective action is being taken to prevent another occurrence; and
 - c. What action is being taken against the individual responsibility for committing the act; and
 - d. Document that the price paid is fair and reasonable.

Taking these in the order listed, the statement of facts is provided herein pursuant to the request of the Committee and on behalf of the Department Head. Mr. Inglese prepared the statement of facts, because it is unclear from the Code, which Department Head is to prepare the statement of facts. Furthermore, the Community Services Committee requested the Legal Department to make written findings pursuant to the Code Section 2-510.

Next, the corrective action needed is to pursue a full time, real estate professional on staff to assist all department with their real estate and property management needs. A professional staff position will help to ensure that County Code requirements are met, because the licensed real estate professional will be subject to principal/agent loyalty as well as the employer/employee loyalty, thus always acting in the County's best interest. Furthermore, a real

estate professional can assist the County in numerous ways beyond compliance with County codes, including, but not limited, to purchases such as those made through the Rural and Critical Lands Program, real estate sales/purchases for the Facilities Department and elected officials, negotiating and drafting leases, managing property management logistics/work orders and more.

Third, there is no available disciplinary action to be taken against the former Interim County Administrator for failing to follow County procedures, as he is no longer employed by Beaufort County.

Fourth, the appraisal has been provided and values the property at \$35,000 and demonstrates that “the price paid is fair and reasonable.”

In conclusion, the property is owned by the County. The controversy surrounding the property has two elements. First, the unauthorized purchase by the former Interim County Administrator. The County should provide a staff position for a licensed real estate professional that can assist all departments with their real estate purchases and property management needs. There is no available disciplinary action available against the former Interim County Administrator because he is no longer employed by the County. The price paid for the property is fair and reasonable as demonstrated by the independent appraisal.

The second element is the apparent resistance from the Battery Point neighborhood to a DSN home at 1 Bostick Circle. Council should make a decision to either sell the property or move forward with the construction of the DSN home. Council should be cautioned against selling the property because of the perception of discrimination and probable violation of Federal laws that will certainly be attached to such an action. Staff’s recommendation is to move forward with the proposed DSN home, which we are confident will stand as another exemplary property serving DSN consumers.

Mr. John Weaver, Interim County Administrator, said a licensed site plan engineer will need to bring forth site plans for Council’s approval. In this area, a load of top soil is better than gold and is needed to fill it to a buildable level on the property. This is a communications problem regarding authority of the previous Interim County Administrator.

Motion: It was moved by Mr. Vaux, seconded by Mr. Glover, that Committee accept the Legal Department’s findings. The vote: YEAS – Mr. Caporale, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Covert. The motion passed.

Status: Committee Council accepted the Legal Department’s findings.

ORDINANCE 2019 / ____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2018/24, FOR FY 2018-2019 BEAUFORT COUNTY BUDGET TO PROVIDE FOR SUPPLEMENTAL EXPENDITURE IN THE AMOUNT OF \$245,585 FOR FUNDING OF THE JOINT EMERGENCY SHELTER BETWEEN BEAUFORT COUNTY, JASPER COUNTY AND JASPER COUNTY SCHOOL DISTRICT

WHEREAS, the South Carolina Code of Laws, §4-9-30, provides authority for the county governments to enter into contractual intergovernmental agreements; and

WHEREAS; both Beaufort and Jasper County are located in a region of the Southeast which periodically is affected by hurricanes and other natural disasters requiring evacuation of the population for public safety concerns, and as a consequence of the hurricane season occurring during the seasons of the year when tourism visitation is highest, there is an enhanced need for an evacuation site which can accommodate these large numbers of people, some of which have medical needs or are accompanied by pets which may not be allowed at certain emergency shelters; and

WHEREAS, many areas of Beaufort County have public safety personnel who service many of the communities of Hilton Head and Bluffton that include private constables or security guards who must be readily available to reenter the evacuated areas prior to the general public being allowed back in those areas, necessitating an emergency shelter for these personnel relatively close to the areas evacuated; and

WHEREAS, Jasper County has applied for and been awarded a grant (No. 4166-070) from the South Carolina Emergency Management Division for the provision of a “universal shelter” using federal funds (based upon a 75% federal to 25% local match) which would be able to accommodate evacuees from multiple counties in the Lowcountry, providing a safe environment for evacuees, medical need evacuees, a place for public safety and first responder personnel to shelter prior to the evacuated areas becoming available for return, and accommodations for animal sheltering (“Joint Use Shelter Project” or “Project”), and

WHEREAS, a copy of the application and award has been made available to Beaufort County and the Jasper County School District;

WHEREAS, Beaufort County, the adjacent coastal county to Jasper County, would likely be evacuated to higher and safer ground West of I-95 prior to or simultaneous with an evacuation of Jasper County, requiring Beaufort County’s evacuees and public safety and first responder

personnel would be in need of a shelter in close proximity to Beaufort County in order to find safe haven prior to their return,; and

WHEREAS, based upon the relative populations of the Counties, and past experiences, it is anticipated that approximately two-thirds of the evacuees will originate in Beaufort County; and

WHEREAS, the school district has an appropriate site at its Ridgeland campus, located at 250 Jaguar Trail, Ridgeland, South Carolina, which would be suitable for certain improvements to be made which would provide a safe evacuation shelter for approximately 5000 individuals; and

WHEREAS, the total amount needed for the Project totals \$1,637,232.00, with funding to consist of \$1,227,924.00 provided from federal funds, with a local match required of \$409,308.00 in (funds and in-kind); and

WHEREAS, the Project consists of two Phases, the first being engineering and design, and the second being generally described as the installation of electrical generators and hurricane shutters; and

WHEREAS, Jasper County has already placed for bid and awarded the contract for the engineering and design at a cost of \$125,000.00, comprised of a federal grant of \$93,750.00 and a local match of \$31,250.00; and

WHEREAS, there will also be on-going operational expenses for maintenance and repair on an annual basis; and

WHEREAS, as a result of negotiations and cooperation between Jasper County, Beaufort County, and the School District, an agreement has been reached by which funding required for the grant match can be provided, the improvements installed, funding for on-going operations and maintenance provided, and operational protocols and procedures created for the safe and successful provision of a joint use shelter for the citizens of the Lowcountry, and especially those of Jasper and Beaufort Counties; and

WHEREAS, this Agreement, upon its execution by the parties hereto shall be on file with the Clerks to the County Councils of Jasper and Beaufort County, and the School District Superintendent; and

WHEREAS, County Council approved a budget amendment to the County Council budget pursuant to Ordinance 2018/44 to increase its budget by \$10,000.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2018-2019 Beaufort County Budget Ordinance (Ordinance 2018/24) is hereby amended in the following manner:

1. Ordinance 2018/24 Section 4(I)(I) is hereby amended to include in the “County Council” budget an additional approved appropriation of \$245,585 so that the total budget for item “(I)(I)” equals \$886,982.00.

DONE this ___ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE 2019 / _____

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY TO LEASE A PORTION OF THE CHARLES LIND BROWN CENTER

WHEREAS, Beaufort County is the owner of Parcel Number R120 003 000 0040 with a street address of 1001 Hamar Street and generally known in the community as both the Charles Lind Brown Center and the Greene Street Gym (“Center”); and

WHEREAS, Beaufort County’s Parks and Recreation Department frequently uses the Center but, at times, does not use the entire Center; and

WHEREAS, the UNITED Community Task Force (“UCTF”) offers community programming (specifically Youth Athletic Skills Building Program, mentorship programs, and other youth-oriented programs) for the community at large; and

WHEREAS, UCTF would like to use certain portions of the Center for community programming and, after working with Parks and Recreation, the two parties have identified portions of the Center which are suited to UCTF’s needs; and

WHEREAS, the Interim County Administrator has negotiated a lease with UCTF for the use of the agreed upon portions of the Center; and

WHEREAS, in accordance with Beaufort County Code of Ordinances Section 2-514, it is necessary for County Council to provide prior approval to the County Administrator to lease property owned by the County; and

WHEREAS, County Council finds it is in the best interests of the community and Beaufort County to lease portions of the Center to UCTF.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council, duly assembled, does hereby authorize the Interim County Administrator to execute any and all documents necessary to lease a portion of the Charles Lind Brown Center to the UNITED Community Task Force.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny II, County Attorney
County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE 2019 /

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES,
CHAPTER 78: FLOODS**

WHEREAS, added text is underscored and deleted text is ~~struck through~~.

Adopted this _____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Chapter 78 - FLOODS⁽¹⁾

Footnotes:

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Cross reference— Environment, ch. 38; health and sanitation, ch. 46; buildings and building regulations, ch. 74; manufactured homes and trailers, ch. 86; planning, ch. 94; waterways, ch. 102; zoning and development standards, ch. 106; natural resource protection standards for flood hazard area, § 106-1848; subdivision and land development standards, § 106-2766 et seq.; flood control design criteria, § 106-2859.

ARTICLE I. - IN GENERAL

Secs. 78-1—78-25. - Reserved.

ARTICLE II. - FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

Sec. 78-26. - Authority.

This article is adopted pursuant to the authority conferred by S.C. Code 1976, § 4-9-30(5) delegating the responsibility of local governments to adopt regulations designed to promote the public health, safety and general welfare.

Findings of Fact - The Special Flood Hazard Areas of Beaufort County are subject to periodic inundation, which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Code 1982, § 5-110)

Sec. 78-27. - Purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to accomplish the following:

- (1) Restrict and prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities serving such uses, be protected against flood damage at the time of initial construction;
- (3) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1982, § 5-111)

Sec. 78-28. - Objectives.

The objectives of this article shall include but not be limited to, the following:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control project;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential homebuyers are notified that property is in a flood area.

(Code 1982, § 5-112)

Sec. 78-29. - Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure, which is, located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, ~~unless the addition, renovation or reconstruction to any building that was constructed prior to the initial flood insurance study for that area, and the addition, renovation or reconstruction does not equal 50 percent of the present market value of the structure- regardless as to whether the addition is a substantial improvement or not.~~ Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from this article.

Appeal means a request for a review of the building official's interpretation of any section of this article or a request for variance.

Area of shallow flooding means a designated AO or VO zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equalized or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along open coast and any other area subject to high velocity wave action caused by but not limited to hurricane wave wash or tsunamis; the area designated as V, VE and V1-30.

Critical development means development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants and gas/oil/propane storage facilities.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be comprised.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or permanent storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundations, perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

E.O. 11988 means Executive Order 11988 which is a directive, issued by President Carter in 1977, that requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas unless there is no practical alternative.

Existing construction means, for the purposes of determining rates, a structure for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975 for FIRM's effective before that date. The term "existing construction" may also be referred to as "existing structure."

Existing manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed, including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance from which this article derives. Reference Ordinance 77-17 adopted September 30, 1977.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets. Any expansion is considered new construction.

Flood or flooding means a general temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation of runoff of surface water from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable, are not acceptable. Materials which absorb or retain water after submergence are not flood resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FLA-TB-2, dated April 1993, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be historic as cited in subsections (3) and (4) of this definition but have been included on the inventories because it was believed that the structures or districts have the potential of meeting the historic structure criteria of the Department of the Interior. In order for these structures to meet National Flood Insurance Program historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets historic structure criteria of the Department of the Interior.

Increased Cost of Compliance applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Levee system means a good protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Limited Storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of section 78-66(1) and (2) of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of section 78-70 of this ordinance.

Lowest adjacent grade means the elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest floor means the top surface of an enclosed area in a building, including basement; i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor or a garage used solely for parking vehicles, building access or storage.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

North American Vertical Datum (NAVD) of 1988 means vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article derives.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the ordinance from which this article derives. Reference Ordinance No. 77-17 dated September 30, 1977.

Recreational vehicle means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protection of the structure or other affected development from flood damages, implementing the enforcement provisions of this article or other otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss means any building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, and the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section 1316 means section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations or ordinances that are intended to discourage or otherwise restrict land development or occupancy in floodprone areas.

Stable natural vegetation means the first place on the oceanfront where plants such as sea oats hold sand in place.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (i) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of ten years.

Substantially improved existing manufactured home parks or subdivisions means that the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

V zone. See *Coastal high hazard area.*

Variance means a grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in CFR section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum of 1929 or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or river areas.

(Code 1982, § 5-113)

Cross reference— Definitions generally, § 1-2.

Sec. 78-30. - Lands to which article applies.

This article shall apply to all unincorporated areas of special flood hazard within the jurisdiction of the county.

(Code 1982, § 5-114(a))

Sec. 78-31. - Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study For The County of Beaufort," dated September 30, 1977, Federal Register Vol. 41, No. 207, pages 46962 through 46992, dated Tuesday, October 26, 1976, and subsequent supplement titled "Wave Height Analysis," dated June 4, 1984, with accompanying flood insurance rate maps and flood boundary maps, dated September 30, 1977, and subsequent maps adding wave height dated December 4, 1984 and September 29, 1986, November 4, 1992 and adopt current FIS and map of January 17, 1991.

(Code 1982, § 5-114(b); [Ord. No. 2009/2, 1-12-2009](#))

Sec. 78-32. - Establishment of development permit.

A development permit or building permit shall be required in conformance with this article prior to the commencement of any development activities.

(Code 1982, § 5-114(c))

Sec. 78-33. - Compliance.

No structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Code 1982, § 5-114(d))

Sec. 78-34. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1982, § 5-114(e))

Sec. 78-35. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the county council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1982, § 5-114(f))

Sec. 78-36. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1982, § 5-114(g))

Sec. 78-37. - Penalties for violation.

Violation of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$200.00 or imprisoned for not more than 30 days and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Code 1982, § 5-114(h))

Sec. 78-38. - Administration.

- (a) *Designation of administrator.* ~~The building official is appointed to administer and implement this article. The County Administrator or his/her designee is appointed to administer and implement this article.~~
- (b) *Permit procedures.* Application for a development permit or building permit shall be made to the county on forms furnished by the county prior to any development activities, and may include but not be limited to the following plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities, and the location of such. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - (3) Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in subsection 78-67;
 - (4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - (5) Provide a floor elevation or floodproofing certification after the lowest floor is completed or, when the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. It shall be the duty of the permit holder to submit to the floodplain manager a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level, before vertical framing or in the case of slab construction before pouring the slab. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the surveyor or engineer. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the engineer or architect. Any work done prior to submission of the certification shall be at the permit holder's risk. The floodplain manager shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required shall be cause to issue a stop work order for the project; and
 - (6) As-built certification. Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of subsection (b)(3) and (b)(5) of this section that the development is built in accordance with the submitted plans and previous pre-development certifications.
- (c) *Administrative procedures.* Administrative procedures shall be as follows:
- (1) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to this article and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
 - (2) *Stop work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.
 - (3) *Revocation of permits.* The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
 - (4) *Periodic inspections.* The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises with the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- (5) *Violations to be corrected.* When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
- (6) *Actions for failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
- a. The building or property is in violation of this article;
 - b. A hearing will be held before the local administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. Following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building or to remove fill as appears appropriate.
- (7) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed in subsection (c)(6) of this section, the administrator shall find that the building or development is in violation of this article, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, that the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the county council by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The county council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the county council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- (10) Denial of flood insurance under the NFIP. If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance, then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
- (11) The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance:
- a) FEMA 55 Coastal Construction Manual
 - b) All FEMA Technical Bulletins
 - c) All FEMA Floodplain Management Bulletins
- (d) *Duties and responsibilities of the building official. Duties of the building official shall include but not limited to: of the administrator. Duties of the administrator shall include but not be limited to:*
- (1) Review all building permits to ensure that the permit requirements of this article have been satisfied;
 - (2) Advise the permittee that additional federal or state permits may be required and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building permit;

- (3) Notify adjacent communities and the [South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program](#), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Ensure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (5) Obtain from a registered professional land surveyor, architect or engineer the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, in accordance with subsection (b)(5) of this section;
- (6) Obtain from a registered professional land surveyor, architect or engineer the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with subsection (b)(5) of this section;
- (7) In coastal high hazard areas obtain certification from a registered professional engineer or architect that the structure is securely anchored by adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- (8) In coastal high hazard areas, review plans for adequacy of breakaway screening or lattice in accordance with sections 78-66 and 78-67;
- (9) When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect;
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided;
- (11) [Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations \(as found on an elevation profile, floodway data table, etc.\) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in section 78-67 \(a\)\(6\)](#)
- (12) [Special Flood Hazard Area/ topographic boundaries conflict- When the exact location of boundaries of the areas special flood hazards conflicts with the current, natural topography information at the site, the site information takes precedence when the lowest adjacent grade is at or above the BFE. The property owner may apply and be approved for a Letter of Map Amendment \(LOMA\) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA;](#)
- (13) Maintain all records pertaining to this article in the office of the building official, and the records shall be open for public inspection;
- (14) Submit a report to the administrator of the Federal Insurance Administration concerning the community participation in the program;
- (15) Use of best available data. When base flood elevation data or floodway data has been provided in accordance with section 78-31, obtain, review and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source;
- (16) [Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 78-67 \(a\)\(5\) are met;](#)
- (17) [Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards;](#)
- (18) [Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards;](#)

- (19) Make on-site inspections of projects in accordance with the administrative procedures outlined in section 78-38 (c)(1);
- (20) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 78-38 (c)(2-9);
- (21) Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas;
- (22) Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RDSE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred and
- (23) Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

The market values shall be determined by one of the following methods:

- a) The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
- b) One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

(e) Adoption of Letter of Map Revisions (LOMR). All LOMRs that are issued in the areas identified in section 78-30 of this ordinance are hereby adopted.

(Code 1982, § 5-115; [Ord. No. 2009/2, 1-12-2009](#))

Cross reference— Administration, ch. 2.

Sec. 78-39. - Variance procedures.

- (a) The county construction board of adjustments and appeals, as established by the county council, shall hear and decide appeals and requests for variances from the requirements of this article.
- (b) The construction board of adjustments and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination of this article.
- (c) In passing upon such application, the construction board of adjustments and appeals shall consider all technical evacuations, all relevant factors, and all standards specified in other sections of this article.
- (d) Conditions for granting variances shall be as follows:

- (1) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; variances shall be only for land areas not exceeding one-half acre in size;
 - (2) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety and extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
 - (3) Such variance shall be freely transferable with the land and shall not be personal to the applicant;
 - (4) Unless otherwise provided therein, a variance shall be valid for a period of one year after the date of its issuance. If construction has not commenced pursuant thereto within such time, the variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance; and
 - (5) A copy of the variance granted shall be affixed to the deed of the property in question and recorded with the register of deeds.
- (e) Upon consideration of the factors listed in subsection (d) of this section, the board may grant a variance but only per the following; the procedures described shall be the exclusive method for obtaining variances under this article:
- (1) Structures for which the start of construction commenced on or before September 30, 1977, and for those structures built between September 30, 1977 and December 4, 1984. No variance for an existing structure will be granted when such improvement would exceed 100 percent of the market value of the structure.
 - (2) For start of construction commencing on or after September 30, 1977, no variance will be granted for a structure which has been built in compliance with this article and subsequently is made to be in noncompliance with or without the knowledge of the owner. The owner shall be subject to the penalty described in section 78-37.
 - (3) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (4) Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas, in accordance with the National Flood Insurance Program, document number FIA-TB-7, dated December 93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of this section, and the standards in division 2 of this article.
- (f) Any person aggrieved by the decision of the construction board of adjustments and appeals may appeal such decision to the county council and thereafter to the applicable court as so desired.

(Code 1982, § 5-116)

Secs. 78-40—78-65. - Reserved.

DIVISION 2. - FLOOD HAZARD REDUCTION

Sec. 78-66. - General standards.

: *In all areas of special flood hazard, the following are required:*

- (1) All permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding.
- (2) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (6) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Electrical, ventilation, plumbing, heating and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude outdoor faucets for shower heads, sinks, hoses, etc., as long as cutoff devices and backflow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No electrical distribution panel shall be allowed at an elevation lower than the base flood elevation.
- (9) Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with this article shall meet the requirements of new construction as contained in this article.
- (10) Critical Development shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data.
- (11) Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(b) Streams with established base flood elevations but without floodways. Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Code 1982, § 5-117(a))

Sec. 78-67. - Specific standards.

(a) *Requirements.* In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 78-31, the following are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor elevated no lower than the required base flood elevation (BFE). No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings shall be installed per section 78-69.
- (2) *Americans with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction outlined in this section as well as applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- (3) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated no lower than the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that all areas of the structure below the required elevation shall be watertight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection 78-38(b)(3).

(4) Accessory structures.

- a. A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirement as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with section 78-67 (a)(1) and section 78-69 or dry floodproofed in accordance with section 78-67 (a)(3).
- b. If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
 1. Accessory structures shall not be used for any uses other than the parking of vehicles and storage;
 2. Accessory structures shall be designed to have low flood damage potential;
 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 4. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure;
 5. Service facilities such as electrical and heating equipment shall be installed in accordance with section 78-66 (a)(8);
 6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with section 78-69 of this ordinance, and
 7. Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

(5) Floodways. Located within areas of special flood hazard established in section 78-30 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 - 1. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator,
 - 2. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development,
- b. If subsection (a)(5)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 78-66 and 78-67
- c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of section 78-98 and the encroachment standards of subsection (a)(5)a are met, and
- d. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

(6) Map Maintenance Activities. The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 78-30 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

- a. Requirement to Submit New Technical Data
 - 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
 - a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with section 78-71
 - 2. It is the responsibility of the applicant to have technical data, required in accordance with FEMA requirements, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
 - 3. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a) Proposed floodway encroachments that increase the base flood elevation; and
 - b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 - 4. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to section 78-67 (a)(6)
- b. Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

(Code 1982, § 5-117(b))

Sec. 78-68. - Standards for manufactured homes and recreational vehicles.

- (a) All manufactured homes placed or substantially improved on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (1) The lowest floor of the manufactured home is elevated no lower than the required base flood elevation;
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
 - (3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; and
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsections (a) and (b)(3) of this section.
- (c) A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on any sites shall either be on site for fewer than 180

consecutive days and be fully licensed and ready for highway use or meet the requirements of subsections (a) and (b) of this section.

- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

(Code 1982, § 5-118; [Ord. No. 2009/2, 1-12-2009](#))

Cross reference— Manufactured homes and trailers, ch. 86.

Sec. 78-69. - Enclosed area below base flood elevation in zones A1-30.

- (a) New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. All materials used below the base flood elevation must be flood resistant. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (1) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one foot above grade;
 - (3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area;
 - (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (d) No environmentally conditioned space is allowed below the required base flood elevation.
- (e) Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

(Code 1982, § 5-119)

Sec. 78-70. - Coastal high hazard areas (V zones).

Located within the areas of special flood hazard established in section 78-31 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following shall apply:

- (1) All ~~buildings or structures~~ new construction and substantial improvements shall be located landward of the reach of the mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements;
- (2) All ~~buildings or structures~~ new construction and substantial improvements shall be elevated so that the lowest supporting horizontal member, excluding pilings or columns, is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open latticework or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away if abnormal wave action occurs and in accordance with subsection (11) of this section;
- (3) All buildings or structures shall be securely anchored on pilings or columns; columns should be spaced so as not to impede the flood flow;
- (4) Pilings or columns used as structural support and the attached structure shall be designed and anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used are those associated with the base flood. Wind load values are those required by the Standard Building Code as adopted by the county;
- (5) Pool enclosures shall not be located below the base flood elevation in coastal high hazard areas;
- (6) Pools shall not be elevated above finished grade in coastal high hazard areas, so as to prevent increased flood flow to adjacent properties;
- (7) Compliance with subsections (3), (4) and (5) of this section shall be certified by a professional engineer or architect;
- (8) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - a. Particle composition fill material does not have a tendency for excessive natural compaction;
 - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.
- (9) There shall be no alterations of sand dunes or mangrove stands which would increase potential flood damage;
- (10) Latticework or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
 - a. No solid walls shall be allowed; and
 - b. Materials shall consist of wood or mesh screening only;
- (11) If aesthetic latticework or screening is utilized, such enclosed space shall not be used for human habitation;
- (12) Prior to construction, plans for any structure that will have latticework or decorative screening must be submitted to the building official for approval;
- (13) The placement of manufactured homes is prohibited, except existing manufactured homes;

- (14) Any alteration, repair, reconstruction or improvement to a new or existing structure shall not enclose the space below the lowest floor except for latticework or decorative screening, as provided for in section 78-69 and this section;
- (15) Access stairs attached to or beneath an elevated building must be constructed of flood-resistant materials and must be constructed as open staircases so they do not block flow underneath the structure in accordance with section 78-70(2).
- (16) Decks must meet the following requirements:
- a. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the building's lowest horizontal member;
 - b. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction; and
 - c. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings;
- (17) Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate; and
- (18) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus 1 foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.

(Code 1982, § 5-120)

Sec. 78-71. - Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development.
- (e) Floodplain management criteria associated with the subdivision of land into lots, building sites or building units is contained within the county development standards in chapter 106 or any future ordinance regulating such development activity.

SPECIAL FLOOD HAZARD AREAS

<i>Zone A-1 through 30</i>		<i>Yes</i>	<i>No</i>
1.	Garage, residential	X	
2.	Storage rooms, residential (not for habitation)	X	
3.	Walls for enclosing items #1 and #2	X	

4.	Electrical outlets	X (Note 1)	
5.	Electric meters	X	
6.	Automatic washer		X
7.	Dryers		X
8.	Air conditioning equipment, etc.		X
9.	Heating equipment		X
10.	A second refrigerator in storage room or garage for cold storage		X

SPECIAL FLOOD HAZARD AREAS

<i>Zone V-1 through 30</i>		<i>Yes</i>	<i>No</i>
1.	Garage, residential	(Note 2)	
2.	Storage rooms, residential	(Note 2)	X
3.	Walls below base flood elevation	(Note 2)	X
4.	Electrical outlets	(Note 1)	
5.	Electrical meters		X
6.	Automatic washer		X
7.	Dryers		X
8.	Air conditioning equipment, etc.		X
9.	Heating equipment		X
10.	Hot water tank		X

11.	A second refrigerator in storage room or garage for cold storage		X
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Notes:

- (1) Only those outlets required by code will be allowed below, but should be located at the highest elevation to minimize damage.
- (2) No solid walls allowed. Only open lattice or insect screening.

(Code 1982, § 5-121)

Sec. 78-72. - Severability

If any section, subsection or any other part of this article is held for any reason to be unconstitutional or otherwise invalid, such holding will not affect the validity of the remaining portions of this article.

ORDINANCE 2019 / ____

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 6, SECTION 6.1.30: TYPES AND SUBDIVISIONS (TO MODIFY THE
REQUIREMENTS TO ALLOW COMMERCIAL SUBDIVISIONS IN ALL ZONING
DISTRICTS THAT ALLOW COMMERCIAL USES)**

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

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Campground Standards

Section 4.1.190: Campground Standards: With an increasing trend in RV resort campgrounds, staff reviewed our existing campground regulations in relation to other areas across the country. While these large resort type campgrounds may be desirable in more commercial districts, it is the goal of the proposed amendment to limit the types and sizes of campgrounds located in the Natural Preserve District and the Rural District. The proposed amendment creates three distinct types of campgrounds as follows: Primitive, Semi-Developed and Developed. The amendment also requires parameters such as length of stay, buffers, and accessory structures.

Planning Commission Action – Kevin Hennelly made a Motion recommending the proposed amendments and Ed Pappas seconded the Motion. Motion carried with Randolph Stewart voting no.

4.1.190 Recreation Facility: Campgrounds

Campgrounds shall be defined as the following:

Primitive Campground -A campground accessible by walk-in, equestrian, motorized trail vehicles or vehicular traffic where basic facilities may be provided for the comfort and convenience of the campers. Primitive Campgrounds shall comply with the following:

A. Length of Stay. All campers are limited to a 14-day length of stay.

B. Zones - Primitive Campgrounds are allowed in the T1 Natural Preserve zone and all T2 Rural zones.

C. Buffers. Any tent sites shall be located no less than 30 feet from any property line.

D. No RV's motorized camping trailers, or camping trailers over 20 feet in length shall be allowed.

E. Tree Requirement. Existing Trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite

F. Accessory Uses. Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.

Semi- Developed Campground - A campground, with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Semi-Developed Campgrounds shall comply with the following:

A. Length of Stay. All camping units are limited to a 30-day length of stay.

B. Zones. Semi-Developed Campgrounds can be located within T2 Rural.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. This does not include tent only sites. A maximum number of 200 camp sites.

E. Tree Requirement. Existing trees shall be left between all campsites and/or RV Pads, to the maximum extent practicable. If there are no trees between campsites, tent sites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.

F. Accessory Uses. Recreational facilities and amenities shall be for the purpose of the camper enjoyment including sports facilities, equipment for amusement, playground facilities, swimming pools and a camp store/office. These amenities shall not be for general public use and shall not exceed 3,000 square feet.

Developed Campground - A campground with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These campsites may have individual water, sewer, and electrical connections. Developed Campgrounds shall comply with the following:

A. Length of Stay. All Camping units are limited to a 30-day length of stay.

B. Zones. Developed Campgrounds can be located within T2 (only Rural Center Zone), C4 Community Center Mixed Use and C5 Regional Center Mixed Use.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. A maximum number of 400 camp sites.

E. Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practical. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.

F. Accessory Uses. Recreational facilities and rural recreation businesses such as zip lines, horse riding trails, arcades, camp stores, small cafes, small offices, or a club house. Such businesses are intended to be of smaller size, intensity and scale than commercial uses, which would be more commonly found in commercial zoning districts. The amenities shall not be for public use.

comply with the following:

~~A. Buffers. This use shall be screened with a 100 ft. wide, opaque, visual buffer next to all property lines.~~

~~B. Minimum RV Pad Size. RV pads that shall be a minimum of 1,600 square feet.~~

~~C. Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practicable. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite or RV pad.~~

~~D. Accessory Uses. A camp store and entertainment area are allowed as accessory uses to a campground provided they do not exceed 3,000 square feet for every 200 camping spaces or RV pads, and are not advertised off site.~~

~~E. Pumpout Station. A pumpout station meeting SCDHEC requirements shall be provided for camping trailers and recreational vehicles.~~

Table 3.1.60. Consolidated Use Table (continued)

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY																		
1. Recreation Facility: Golf Course	--	P	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
2. Recreation Facility: Campground	S	C	--	--	--	<u>C</u>	--	--	--	--	--	--	--	--	--	<u>C</u>	<u>C</u>	--
3. Ecotourism	S	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--

4. School: Public or Private	--	--	--	--	--	S	--	--	--	S	P	P	P	P	P	P	--	--
"P" indicates a Use that is Permitted By Right.																		
"C" indicates a Use that is Permitted with Conditions.																		
"S" indicates a Use that is Permitted as a Special Use.																		
"TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3																		
"--" indicates a Use that is not permitted.																		

Vehicle Sales and Rental: Light

Section 3.1.60 Consolidated Use Table. The purpose of this amendment is to allow Vehicle Sales and Rental: Light as a conditional use in the T4 Hamlet Center District. The use is currently allowed as a conditional use in the T4 Hamlet Center Open District.

Planning Commission Action – Kevin Hennelly made a Motion to recommend denial of the change and Randolph Stewart seconded the Motion. Motion carried unanimously.

3.1.60 Consolidated Use Table

Table 3.1.60. Consolidated Use Table (continued)																		
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RETAIL & RESTAURANTS (continued)																		
5. General Retail greater than 50,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--
6. General Retail with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	C	C
7. Adult Oriented Business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C
8. Bar, Tavern, Nightclub	--	--	--	--	--	P	--	--	--	--	--	--	P	P	--	P	P	--
9. Gas Station/Fuel Sales	--	S	--	--	--	C	--	--	--	--	C	C	C	C	C	C	C	C
10. Open Air Retail	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	P	--
11. Restaurant, Café, Coffee Shop	--	--	--	--	P	P	--	--	--	--	P	P	P	P	TCP	P	P	C
12. Restaurant, Café, Coffee Shop with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	S	S	--	C	C	C
13. Vehicle Sales & Rental: Light	--	--	--	--	--	C	--	--	--	--	-- C	--	C	--	--	C	C	--
14. Vehicle Sales & Rental: Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P

Docks on Small Tidal Creeks

Section 4.2.190 Water/Marine-Oriented Facilities. The purpose of this amendment is to provide a definition of “small tidal creeks.” The Community Development Code regulates docks on small tidal creeks beyond the state requirements as enforced by the SCDHEC Office of Coastal Resource Management (OCRM). Specifically, the CDC restricts the length of docks on small tidal creeks to a maximum of 300 feet. Newly subdivided lots must have a minimum lot width of 250 feet to have a dock. The ordinance also encourages community docks by allowing them to be longer than 300 feet (up to 500 feet) if certain lot width conditions are met.

The issue that the Community Development Department has run into is that the CDC defines small tidal creeks by referring to a map in Appendix F. There have been several cases where the map did not indicate a particular creek that otherwise should have met the definition of a small tidal creek. Therefore, staff recommends that the CDC provide a clear definition of small tidal creeks, and use the

maps as a reference tools. The maps already contain a disclaimer that puts the burden on applicants to verify the information on the map using other sources recognizing that conditions change.

SCDNR defines “tidal creeks” as those tidally influenced bodies of water that are 100 meters or less in width from marsh bank to marsh bank. Anything wider is defined by the State as “open water.” Staff recommends using the State’s definition.

Planning Commission Action – Diane Chmelik made a Motion to recommend approval of the new wording and Jason Hincer seconded the Motion. Motion carried unanimously.

4.2.190 Water / Marine-Oriented Facilities

Water/Marine-oriented facilities shall comply with the following standards:

- A. **Space as Far Apart as is Reasonably Feasible.** Water-oriented facilities should be spaced as far apart as is reasonably feasible.
- B. **Regulation of Navigable Structures or Aids.** The regulation of navigational structures or aids falls under the jurisdiction of the State of South Carolina Ocean and Coastal Resource Management Office (OCRM), or appropriate federal regulators.
- C. **Construction May Occur Before Principal Dwelling.** Water-oriented facilities may be constructed prior to the construction of the principal dwelling.
- D. **Docks on Small Tidal Creeks.** Private docks and community docks located on are allowed in small tidal creeks shall meet the requirements of this Section. Small tidal creeks are defined as tidally influenced bodies of water that are 100 meters or less in width measured from marsh bank to marsh bank. as shown on the Beaufort County Small Tidal Creek Delineation Maps (See Appendix F) provide an inventory of small tidal creeks in Beaufort County. The Director may request a survey from a certified land surveyor to verify the width of a creek, if they comply with the following standards:

Commercial Subdivisions

6.1.30 Types of Subdivisions This amendment would allow Commercial Subdivisions to occur in any zoning district where commercial (retail, service, light industrial, etc.) uses are permitted.

The Commercial Subdivision is an option in the Community Development Code that addresses a trend among major national retailers in commercial shopping centers to want to own the land the stores reside upon and the parking areas that support the stores. Consequently, shopping center developers and their major retailers want the flexibility to use the subdivision and site plan review process to integrate the two processes together without creating conflicts between zoning standards and subdivision regulations. Often internal setback and buffer yard requirements would cancel out the unified site plan concept inherent in a commercial subdivision within a shopping center. The Commercial Subdivision provision is designed to remedy that problem.

The commercial subdivision was originally adopted as part of the Zoning and Development Standards Ordinance (ZDSO) in 2013. At that time, it was limited to the commercial regional, commercial suburban, and industrial zoning districts. When the CDC was adopted, this provision was included and limited to the analogous districts - C5 Regional Center Mixed-Use, C4 Community Center Mixed Use and S1 Industrial. However, the CDC has several transect zones that allow commercial uses such as T2 Rural Center, and the T4 districts. Staff believes that the exclusion of these transect zones was an oversight when the CDC was adopted. It is possible for developers to utilize the commercial subdivision and still

create a traditional development with a network of internal streets with on-street parking and sidewalks. Therefore, staff supports the following amendment:

Planning Commission Action – Ed Pappas made a Motion to recommend approval of the new wording and Caroline Fermin seconded the Motion. Motion carried unanimously.

6.1.30 Types of Subdivisions

There are three types of subdivisions allowed under this Development Code:

- A. **Minor Subdivision.** Minor subdivisions are land developments that consist of subdividing a tract or parcel of land into four lots or less, provided the subject land has not been previously subdivided within five years. Minor subdivisions shall comply with the procedures in Subsection 7.2.70.E, (Minor Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- B. **Major Subdivision.** Major subdivisions are land developments that consist of subdividing a tract or parcel of land into five or more lots. Major subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- C. **Commercial Subdivision.** Commercial subdivisions are land developments that include master planning and subdividing into two or more lots any commercial, industrial, or multi-family tract or parcel of land located in C4, C5, and S1 districts. ~~These subdivisions are limited to commercial and/or industrial uses only.~~ Commercial subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code. This type of subdivision includes all of the following:
 - 1. Separate ownership of lots, coupled with undivided interest in common property;
 - 2. Restrictive land use covenants or easements that govern use of both the common area and separate ownership interests; and
 - 3. Management of common property and enforcement of restrictions by a property owners' association.

Non-Conforming Structures

8.3.40 Non-Conforming Structures: This amendment will clarify that structures damaged greater than 50% of value as a result of fire, storm, or flood is not required to meet current zoning standards when rebuilt. It is important to note that the structure would need to comply with current building codes and flood elevation standards.

Planning Commission Action – Caroline Fermin made a Motion to recommend approval of the new wording and Kevin Hennelly seconded the Motion. Motion carried unanimously

8.3.40 Reconstruction or Repair after Casualty Damage of Nonconforming Use or Structure

The reconstruction or repair of a nonconforming use or structure damaged as a result of a fire, natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

- A. **Damage of 50 Percent or Less of Value.** If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before-damaged condition would be 50 percent or less of its market value before the damage, the use or structure may be reconstructed or repaired if:
1. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity beyond what is allowed in this Article; and
 2. The reconstruction begins within six months after the damage and is diligently pursued to completion.
- B. **Damage Greater than 50 Percent of Value.** Any nonconforming building or portion thereof may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance is issued within six months of the date of the damage. Any nonconforming building or portion thereof which is not razed by fire, natural causes, or other natural disasters will be required to conform to all applicable development standards upon reconstruction. If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before damaged condition would exceed 50 percent of its market value before the damage, the use or structure shall not be reconstructed or repaired except in conformity with the provisions of this Development Code, unless:
1. The structure is a single family residential use, in which case it may be rebuilt as long as it complies with all applicable building codes;
 2. It is rebuilt using the former building footprint and does not increase the nonconformity of the structure; and
 3. Substantial reconstruction is started within one year of the date of destruction, and completed in good faith.
- C. **Damage That Creates Unsafe Condition.** Regardless of the percent of damage to a nonconforming structure, any structure deemed unsafe by the Building Codes Official and is a threat to the life and safety of repair crews, the public, or neighbors, shall be demolished and terminated. Future structures then shall comply with the requirements of this Development Code.

2019 /

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 4, SECTION 4.2.190: WATER / MARINE-ORIENTED FACILITIES (TO
PROVIDE A DEFINITION OF SMALL TIDAL CREEKS)**

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

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Campground Standards

Section 4.1.190: Campground Standards: With an increasing trend in RV resort campgrounds, staff reviewed our existing campground regulations in relation to other areas across the country. While these large resort type campgrounds may be desirable in more commercial districts, it is the goal of the proposed amendment to limit the types and sizes of campgrounds located in the Natural Preserve District and the Rural District. The proposed amendment creates three distinct types of campgrounds as follows: Primitive, Semi-Developed and Developed. The amendment also requires parameters such as length of stay, buffers, and accessory structures.

Planning Commission Action – Kevin Hennelly made a Motion recommending the proposed amendments and Ed Pappas seconded the Motion. Motion carried with Randolph Stewart voting no.

4.1.190 Recreation Facility: Campgrounds

Campgrounds shall be defined as the following:

Primitive Campground -A campground accessible by walk-in, equestrian, motorized trail vehicles or vehicular traffic where basic facilities may be provided for the comfort and convenience of the campers. Primitive Campgrounds shall comply with the following:

A. Length of Stay. All campers are limited to a 14-day length of stay.

B. Zones - Primitive Campgrounds are allowed in the T1 Natural Preserve zone and all T2 Rural zones.

C. Buffers. Any tent sites shall be located no less than 30 feet from any property line.

D. No RV's motorized camping trailers, or camping trailers over 20 feet in length shall be allowed.

E. Tree Requirement. Existing Trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite

F. Accessory Uses. Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.

Semi- Developed Campground - A campground, with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Semi-Developed Campgrounds shall comply with the following:

A. Length of Stay. All camping units are limited to a 30-day length of stay.

B. Zones. Semi-Developed Campgrounds can be located within T2 Rural.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. This does not include tent only sites. A maximum number of 200 camp sites.

E. Tree Requirement. Existing trees shall be left between all campsites and/or RV Pads, to the maximum extent practicable. If there are no trees between campsites, tent sites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.

F. Accessory Uses. Recreational facilities and amenities shall be for the purpose of the camper enjoyment including sports facilities, equipment for amusement, playground facilities, swimming pools and a camp store/office. These amenities shall not be for general public use and shall not exceed 3,000 square feet.

Developed Campground - A campground with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These campsites may have individual water, sewer, and electrical connections. Developed Campgrounds shall comply with the following:

A. Length of Stay. All Camping units are limited to a 30-day length of stay.

B. Zones. Developed Campgrounds can be located within T2 (only Rural Center Zone), C4 Community Center Mixed Use and C5 Regional Center Mixed Use.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. A maximum number of 400 camp sites.

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comply with the following:

~~A. Buffers. This use shall be screened with a 100 ft. wide, opaque, visual buffer next to all property lines.~~

~~B. Minimum RV Pad Size. RV pads that shall be a minimum of 1,600 square feet.~~

~~C. Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practicable. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite or RV pad.~~

~~D. Accessory Uses. A camp store and entertainment area are allowed as accessory uses to a campground provided they do not exceed 3,000 square feet for every 200 camping spaces or RV pads, and are not advertised off site.~~

~~E. Pumpout Station. A pumpout station meeting SCDHEC requirements shall be provided for camping trailers and recreational vehicles.~~

Table 3.1.60. Consolidated Use Table (continued)

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY																		
1. Recreation Facility: Golf Course	--	P	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
2. Recreation Facility: Campground	S	C	--	--	--	<u>C</u>	--	--	--	--	--	--	--	--	--	<u>C</u>	<u>C</u>	--
3. Ecotourism	S	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--

4. School: Public or Private	--	--	--	--	--	S	--	--	--	S	P	P	P	P	P	P	--	--
"P" indicates a Use that is Permitted By Right.																		
"C" indicates a Use that is Permitted with Conditions.																		
"S" indicates a Use that is Permitted as a Special Use.																		
"TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3																		
"--" indicates a Use that is not permitted.																		

Vehicle Sales and Rental: Light

Section 3.1.60 Consolidated Use Table. The purpose of this amendment is to allow Vehicle Sales and Rental: Light as a conditional use in the T4 Hamlet Center District. The use is currently allowed as a conditional use in the T4 Hamlet Center Open District.

Planning Commission Action – Kevin Hennelly made a Motion to recommend denial of the change and Randolph Stewart seconded the Motion. Motion carried unanimously.

3.1.60 Consolidated Use Table

Table 3.1.60. Consolidated Use Table (continued)																		
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RETAIL & RESTAURANTS (continued)																		
5. General Retail greater than 50,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--
6. General Retail with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	C	C
7. Adult Oriented Business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C
8. Bar, Tavern, Nightclub	--	--	--	--	--	P	--	--	--	--	--	--	P	P	--	P	P	--
9. Gas Station/Fuel Sales	--	S	--	--	--	C	--	--	--	--	C	C	C	C	C	C	C	C
10. Open Air Retail	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	P	--
11. Restaurant, Café, Coffee Shop	--	--	--	--	P	P	--	--	--	--	P	P	P	P	TCP	P	P	C
12. Restaurant, Café, Coffee Shop with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	S	S	--	C	C	C
13. Vehicle Sales & Rental: Light	--	--	--	--	--	C	--	--	--	--	-- C	--	C	--	--	C	C	--
14. Vehicle Sales & Rental: Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P

Docks on Small Tidal Creeks

Section 4.2.190 Water/Marine-Oriented Facilities. The purpose of this amendment is to provide a definition of “small tidal creeks.” The Community Development Code regulates docks on small tidal creeks beyond the state requirements as enforced by the SCDHEC Office of Coastal Resource Management (OCRM). Specifically, the CDC restricts the length of docks on small tidal creeks to a maximum of 300 feet. Newly subdivided lots must have a minimum lot width of 250 feet to have a dock. The ordinance also encourages community docks by allowing them to be longer than 300 feet (up to 500 feet) if certain lot width conditions are met.

The issue that the Community Development Department has run into is that the CDC defines small tidal creeks by referring to a map in Appendix F. There have been several cases where the map did not indicate a particular creek that otherwise should have met the definition of a small tidal creek. Therefore, staff recommends that the CDC provide a clear definition of small tidal creeks, and use the

maps as a reference tools. The maps already contain a disclaimer that puts the burden on applicants to verify the information on the map using other sources recognizing that conditions change.

SCDNR defines “tidal creeks” as those tidally influenced bodies of water that are 100 meters or less in width from marsh bank to marsh bank. Anything wider is defined by the State as “open water.” Staff recommends using the State’s definition.

Planning Commission Action – Diane Chmelik made a Motion to recommend approval of the new wording and Jason Hincer seconded the Motion. Motion carried unanimously.

4.2.190 Water / Marine-Oriented Facilities

Water/Marine-oriented facilities shall comply with the following standards:

- A. **Space as Far Apart as is Reasonably Feasible.** Water-oriented facilities should be spaced as far apart as is reasonably feasible.
- B. **Regulation of Navigable Structures or Aids.** The regulation of navigational structures or aids falls under the jurisdiction of the State of South Carolina Ocean and Coastal Resource Management Office (OCRM), or appropriate federal regulators.
- C. **Construction May Occur Before Principal Dwelling.** Water-oriented facilities may be constructed prior to the construction of the principal dwelling.
- D. **Docks on Small Tidal Creeks.** Private docks and community docks located on are allowed in small tidal creeks shall meet the requirements of this Section. Small tidal creeks are defined as tidally influenced bodies of water that are 100 meters or less in width measured from marsh bank to marsh bank. as shown on the Beaufort County Small Tidal Creek Delineation Maps (See Appendix F) provide an inventory of small tidal creeks in Beaufort County. The Director may request a survey from a certified land surveyor to verify the width of a creek, if they comply with the following standards:

Commercial Subdivisions

6.1.30 Types of Subdivisions This amendment would allow Commercial Subdivisions to occur in any zoning district where commercial (retail, service, light industrial, etc.) uses are permitted.

The Commercial Subdivision is an option in the Community Development Code that addresses a trend among major national retailers in commercial shopping centers to want to own the land the stores reside upon and the parking areas that support the stores. Consequently, shopping center developers and their major retailers want the flexibility to use the subdivision and site plan review process to integrate the two processes together without creating conflicts between zoning standards and subdivision regulations. Often internal setback and buffer yard requirements would cancel out the unified site plan concept inherent in a commercial subdivision within a shopping center. The Commercial Subdivision provision is designed to remedy that problem.

The commercial subdivision was originally adopted as part of the Zoning and Development Standards Ordinance (ZDSO) in 2013. At that time, it was limited to the commercial regional, commercial suburban, and industrial zoning districts. When the CDC was adopted, this provision was included and limited to the analogous districts - C5 Regional Center Mixed-Use, C4 Community Center Mixed Use and S1 Industrial. However, the CDC has several transect zones that allow commercial uses such as T2 Rural Center, and the T4 districts. Staff believes that the exclusion of these transect zones was an oversight when the CDC was adopted. It is possible for developers to utilize the commercial subdivision and still

create a traditional development with a network of internal streets with on-street parking and sidewalks. Therefore, staff supports the following amendment:

Planning Commission Action – Ed Pappas made a Motion to recommend approval of the new wording and Caroline Fermin seconded the Motion. Motion carried unanimously.

6.1.30 Types of Subdivisions

There are three types of subdivisions allowed under this Development Code:

- A. **Minor Subdivision.** Minor subdivisions are land developments that consist of subdividing a tract or parcel of land into four lots or less, provided the subject land has not been previously subdivided within five years. Minor subdivisions shall comply with the procedures in Subsection 7.2.70.E, (Minor Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- B. **Major Subdivision.** Major subdivisions are land developments that consist of subdividing a tract or parcel of land into five or more lots. Major subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- C. **Commercial Subdivision.** Commercial subdivisions are land developments that include master planning and subdividing into two or more lots any **commercial, industrial, or multi-family** tract or parcel of land **located in C4, C5, and S1 districts. These subdivisions are limited to commercial and/or industrial uses only.** Commercial subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code. This type of subdivision includes all of the following:
 - 1. Separate ownership of lots, coupled with undivided interest in common property;
 - 2. Restrictive land use covenants or easements that govern use of both the common area and separate ownership interests; and
 - 3. Management of common property and enforcement of restrictions by a property owners' association.

Non-Conforming Structures

8.3.40 Non-Conforming Structures: This amendment will clarify that structures damaged greater than 50% of value as a result of fire, storm, or flood is not required to meet current zoning standards when rebuilt. It is important to note that the structure would need to comply with current building codes and flood elevation standards.

Planning Commission Action – Caroline Fermin made a Motion to recommend approval of the new wording and Kevin Hennelly seconded the Motion. Motion carried unanimously

8.3.40 Reconstruction or Repair after Casualty Damage of Nonconforming Use or Structure

The reconstruction or repair of a nonconforming use or structure damaged as a result of a fire, natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

- A. **Damage of 50 Percent or Less of Value.** If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before-damaged condition would be 50 percent or less of its market value before the damage, the use or structure may be reconstructed or repaired if:
1. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity beyond what is allowed in this Article; and
 2. The reconstruction begins within six months after the damage and is diligently pursued to completion.
- B. **Damage Greater than 50 Percent of Value.** Any nonconforming building or portion thereof may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance is issued within six months of the date of the damage. Any nonconforming building or portion thereof which is not razed by fire, natural causes, or other natural disasters will be required to conform to all applicable development standards upon reconstruction. If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before damaged condition would exceed 50 percent of its market value before the damage, the use or structure shall not be reconstructed or repaired except in conformity with the provisions of this Development Code, unless:
1. The structure is a single family residential use, in which case it may be rebuilt as long as it complies with all applicable building codes;
 2. It is rebuilt using the former building footprint and does not increase the nonconformity of the structure; and
 3. Substantial reconstruction is started within one year of the date of destruction, and completed in good faith.
- C. **Damage That Creates Unsafe Condition.** Regardless of the percent of damage to a nonconforming structure, any structure deemed unsafe by the Building Codes Official and is a threat to the life and safety of repair crews, the public, or neighbors, shall be demolished and terminated. Future structures then shall comply with the requirements of this Development Code.

ORDINANCE 2019 / ____

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 8, SECTION 8.3.40: NON-CONFORMING STRUCTURES (TO CLARIFY
THAT STRUCTURES DAMAGED GREATER THAN 50% OF VALUE SHALL
CONFORM TO CURRENT BUILDING CODE STANDARDS BUT NOT ZONING
STANDARDS)**

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

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Campground Standards

Section 4.1.190: Campground Standards: With an increasing trend in RV resort campgrounds, staff reviewed our existing campground regulations in relation to other areas across the country. While these large resort type campgrounds may be desirable in more commercial districts, it is the goal of the proposed amendment to limit the types and sizes of campgrounds located in the Natural Preserve District and the Rural District. The proposed amendment creates three distinct types of campgrounds as follows: Primitive, Semi-Developed and Developed. The amendment also requires parameters such as length of stay, buffers, and accessory structures.

Planning Commission Action – Kevin Hennelly made a Motion recommending the proposed amendments and Ed Pappas seconded the Motion. Motion carried with Randolph Stewart voting no.

4.1.190 Recreation Facility: Campgrounds

Campgrounds shall be defined as the following:

Primitive Campground -A campground accessible by walk-in, equestrian, motorized trail vehicles or vehicular traffic where basic facilities may be provided for the comfort and convenience of the campers. Primitive Campgrounds shall comply with the following:

A. Length of Stay. All campers are limited to a 14-day length of stay.

B. Zones - Primitive Campgrounds are allowed in the T1 Natural Preserve zone and all T2 Rural zones.

C. Buffers. Any tent sites shall be located no less than 30 feet from any property line.

D. No RV's motorized camping trailers, or camping trailers over 20 feet in length shall be allowed.

E. Tree Requirement. Existing Trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite

F. Accessory Uses. Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.

Semi- Developed Campground - A campground, with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Semi-Developed Campgrounds shall comply with the following:

A. Length of Stay. All camping units are limited to a 30-day length of stay.

B. Zones. Semi-Developed Campgrounds can be located within T2 Rural.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. This does not include tent only sites. A maximum number of 200 camp sites.

E. Tree Requirement. Existing trees shall be left between all campsites and/or RV Pads, to the maximum extent practicable. If there are no trees between campsites, tent sites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.

F. Accessory Uses. Recreational facilities and amenities shall be for the purpose of the camper enjoyment including sports facilities, equipment for amusement, playground facilities, swimming pools and a camp store/office. These amenities shall not be for general public use and shall not exceed 3,000 square feet.

Developed Campground - A campground with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These campsites may have individual water, sewer, and electrical connections. Developed Campgrounds shall comply with the following:

A. Length of Stay. All Camping units are limited to a 30-day length of stay.

B. Zones. Developed Campgrounds can be located within T2 (only Rural Center Zone), C4 Community Center Mixed Use and C5 Regional Center Mixed Use.

C. Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.

D. Minimum RV Pad Size. If RV pads are provided they shall be a minimum of 1,600 square feet. A maximum number of 400 camp sites.

E. Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practical. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.

F. Accessory Uses. Recreational facilities and rural recreation businesses such as zip lines, horse riding trails, arcades, camp stores, small cafes, small offices, or a club house. Such businesses are intended to be of smaller size, intensity and scale than commercial uses, which would be more commonly found in commercial zoning districts. The amenities shall not be for public use.

comply with the following:

~~A. Buffers. This use shall be screened with a 100 ft. wide, opaque, visual buffer next to all property lines.~~

~~B. Minimum RV Pad Size. RV pads that shall be a minimum of 1,600 square feet.~~

~~C. Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practicable. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite or RV pad.~~

~~D. Accessory Uses. A camp store and entertainment area are allowed as accessory uses to a campground provided they do not exceed 3,000 square feet for every 200 camping spaces or RV pads, and are not advertised off site.~~

~~E. Pumpout Station. A pumpout station meeting SCDHEC requirements shall be provided for camping trailers and recreational vehicles.~~

Table 3.1.60. Consolidated Use Table (continued)

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY																		
1. Recreation Facility: Golf Course	--	P	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
2. Recreation Facility: Campground	S	C	--	--	--	<u>C</u>	--	--	--	--	--	--	--	--	--	<u>C</u>	<u>C</u>	--
3. Ecotourism	S	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--

4. School: Public or Private	--	--	--	--	--	S	--	--	--	S	P	P	P	P	P	P	--	--
"P" indicates a Use that is Permitted By Right.																		
"C" indicates a Use that is Permitted with Conditions.																		
"S" indicates a Use that is Permitted as a Special Use.																		
"TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3																		
"--" indicates a Use that is not permitted.																		

Vehicle Sales and Rental: Light

Section 3.1.60 Consolidated Use Table. The purpose of this amendment is to allow Vehicle Sales and Rental: Light as a conditional use in the T4 Hamlet Center District. The use is currently allowed as a conditional use in the T4 Hamlet Center Open District.

Planning Commission Action – Kevin Hennelly made a Motion to recommend denial of the change and Randolph Stewart seconded the Motion. Motion carried unanimously.

3.1.60 Consolidated Use Table

Table 3.1.60. Consolidated Use Table (continued)																		
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RETAIL & RESTAURANTS (continued)																		
5. General Retail greater than 50,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--
6. General Retail with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	C	C
7. Adult Oriented Business	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C
8. Bar, Tavern, Nightclub	--	--	--	--	--	P	--	--	--	--	--	--	P	P	--	P	P	--
9. Gas Station/Fuel Sales	--	S	--	--	--	C	--	--	--	--	C	C	C	C	C	C	C	C
10. Open Air Retail	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	P	--
11. Restaurant, Café, Coffee Shop	--	--	--	--	P	P	--	--	--	--	P	P	P	P	TCP	P	P	C
12. Restaurant, Café, Coffee Shop with Drive-Through Facilities	--	--	--	--	--	--	--	--	--	--	--	--	S	S	--	C	C	C
13. Vehicle Sales & Rental: Light	--	--	--	--	--	C	--	--	--	--	-- C	--	C	--	--	C	C	--
14. Vehicle Sales & Rental: Heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P

Docks on Small Tidal Creeks

Section 4.2.190 Water/Marine-Oriented Facilities. The purpose of this amendment is to provide a definition of “small tidal creeks.” The Community Development Code regulates docks on small tidal creeks beyond the state requirements as enforced by the SCDHEC Office of Coastal Resource Management (OCRM). Specifically, the CDC restricts the length of docks on small tidal creeks to a maximum of 300 feet. Newly subdivided lots must have a minimum lot width of 250 feet to have a dock. The ordinance also encourages community docks by allowing them to be longer than 300 feet (up to 500 feet) if certain lot width conditions are met.

The issue that the Community Development Department has run into is that the CDC defines small tidal creeks by referring to a map in Appendix F. There have been several cases where the map did not indicate a particular creek that otherwise should have met the definition of a small tidal creek. Therefore, staff recommends that the CDC provide a clear definition of small tidal creeks, and use the

maps as a reference tools. The maps already contain a disclaimer that puts the burden on applicants to verify the information on the map using other sources recognizing that conditions change.

SCDNR defines “tidal creeks” as those tidally influenced bodies of water that are 100 meters or less in width from marsh bank to marsh bank. Anything wider is defined by the State as “open water.” Staff recommends using the State’s definition.

Planning Commission Action – Diane Chmelik made a Motion to recommend approval of the new wording and Jason Hincer seconded the Motion. Motion carried unanimously.

4.2.190 Water / Marine-Oriented Facilities

Water/Marine-oriented facilities shall comply with the following standards:

- A. **Space as Far Apart as is Reasonably Feasible.** Water-oriented facilities should be spaced as far apart as is reasonably feasible.
- B. **Regulation of Navigable Structures or Aids.** The regulation of navigational structures or aids falls under the jurisdiction of the State of South Carolina Ocean and Coastal Resource Management Office (OCRM), or appropriate federal regulators.
- C. **Construction May Occur Before Principal Dwelling.** Water-oriented facilities may be constructed prior to the construction of the principal dwelling.
- D. **Docks on Small Tidal Creeks.** Private docks and community docks located on are allowed in small tidal creeks shall meet the requirements of this Section. Small tidal creeks are defined as tidally influenced bodies of water that are 100 meters or less in width measured from marsh bank to marsh bank. as shown on the Beaufort County Small Tidal Creek Delineation Maps (See Appendix F) provide an inventory of small tidal creeks in Beaufort County. The Director may request a survey from a certified land surveyor to verify the width of a creek, if they comply with the following standards:

Commercial Subdivisions

6.1.30 Types of Subdivisions This amendment would allow Commercial Subdivisions to occur in any zoning district where commercial (retail, service, light industrial, etc.) uses are permitted.

The Commercial Subdivision is an option in the Community Development Code that addresses a trend among major national retailers in commercial shopping centers to want to own the land the stores reside upon and the parking areas that support the stores. Consequently, shopping center developers and their major retailers want the flexibility to use the subdivision and site plan review process to integrate the two processes together without creating conflicts between zoning standards and subdivision regulations. Often internal setback and buffer yard requirements would cancel out the unified site plan concept inherent in a commercial subdivision within a shopping center. The Commercial Subdivision provision is designed to remedy that problem.

The commercial subdivision was originally adopted as part of the Zoning and Development Standards Ordinance (ZDSO) in 2013. At that time, it was limited to the commercial regional, commercial suburban, and industrial zoning districts. When the CDC was adopted, this provision was included and limited to the analogous districts - C5 Regional Center Mixed-Use, C4 Community Center Mixed Use and S1 Industrial. However, the CDC has several transect zones that allow commercial uses such as T2 Rural Center, and the T4 districts. Staff believes that the exclusion of these transect zones was an oversight when the CDC was adopted. It is possible for developers to utilize the commercial subdivision and still

create a traditional development with a network of internal streets with on-street parking and sidewalks. Therefore, staff supports the following amendment:

Planning Commission Action – Ed Pappas made a Motion to recommend approval of the new wording and Caroline Fermin seconded the Motion. Motion carried unanimously.

6.1.30 Types of Subdivisions

There are three types of subdivisions allowed under this Development Code:

- A. **Minor Subdivision.** Minor subdivisions are land developments that consist of subdividing a tract or parcel of land into four lots or less, provided the subject land has not been previously subdivided within five years. Minor subdivisions shall comply with the procedures in Subsection 7.2.70.E, (Minor Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- B. **Major Subdivision.** Major subdivisions are land developments that consist of subdividing a tract or parcel of land into five or more lots. Major subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code.
- C. **Commercial Subdivision.** Commercial subdivisions are land developments that include master planning and subdividing into two or more lots any commercial, industrial, or multi-family tract or parcel of land located in C4, C5, and S1 districts. ~~These subdivisions are limited to commercial and/or industrial uses only.~~ Commercial subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code. This type of subdivision includes all of the following:
 1. Separate ownership of lots, coupled with undivided interest in common property;
 2. Restrictive land use covenants or easements that govern use of both the common area and separate ownership interests; and
 3. Management of common property and enforcement of restrictions by a property owners' association.

Non-Conforming Structures

8.3.40 Non-Conforming Structures: This amendment will clarify that structures damaged greater than 50% of value as a result of fire, storm, or flood is not required to meet current zoning standards when rebuilt. It is important to note that the structure would need to comply with current building codes and flood elevation standards.

Planning Commission Action – Caroline Fermin made a Motion to recommend approval of the new wording and Kevin Hennelly seconded the Motion. Motion carried unanimously

8.3.40 Reconstruction or Repair after Casualty Damage of Nonconforming Use or Structure

The reconstruction or repair of a nonconforming use or structure damaged as a result of a fire, natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

- A. **Damage of 50 Percent or Less of Value.** If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before-damaged condition would be 50 percent or less of its market value before the damage, the use or structure may be reconstructed or repaired if:
1. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity beyond what is allowed in this Article; and
 2. The reconstruction begins within six months after the damage and is diligently pursued to completion.
- B. **Damage Greater than 50 Percent of Value.** Any nonconforming building or portion thereof may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance is issued within six months of the date of the damage. Any nonconforming building or portion thereof which is not razed by fire, natural causes, or other natural disasters will be required to conform to all applicable development standards upon reconstruction. If a nonconforming use or structure is damaged to an extent whereby the cost of restoring the use or structure to its before damaged condition would exceed 50 percent of its market value before the damage, the use or structure shall not be reconstructed or repaired except in conformity with the provisions of this Development Code, unless:
1. The structure is a single family residential use, in which case it may be rebuilt as long as it complies with all applicable building codes;
 2. It is rebuilt using the former building footprint and does not increase the nonconformity of the structure; and
 3. Substantial reconstruction is started within one year of the date of destruction, and completed in good faith.
- C. **Damage That Creates Unsafe Condition.** Regardless of the percent of damage to a nonconforming structure, any structure deemed unsafe by the Building Codes Official and is a threat to the life and safety of repair crews, the public, or neighbors, shall be demolished and terminated. Future structures then shall comply with the requirements of this Development Code.

ORDINANCE 2019 / ____

TEXT AND MAP AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B, DAUFUSKIE ISLAND CODE (TO AMEND THE DAUFUSKIE ISLAND PLAN)

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

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE

Revised Draft– August 13, 2018

Appendix B: Daufuskie Island Community Development Code

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Division B.I: Transect Zones

Sections:

- B.1.10 Purpose
- B.1.20 Applicability
- B.1.30 Transect 1: Natural Preserve (D1) Standards
- B.1.40 Transect 2: Rural (D2R) Standards
 - Rural Historic (D2R-CP) Standards
 - Gullah Heritage (D2R-GH) Standards
- B.1.50 Transect 3: General Neighborhood (D3GN) Standards
- B.1.60 Transect 4: Mixed Use (D4MU) Standards
- B.1.70 Transect 5: Village Center (D5VC) Standards
- B.1.80 Transect 5: Gateway Corridor (D5GC) Standards

B.1.10 Purpose

This Division provides regulatory standards governing land use and building form within the transect zones. The Form-Based Code reflects the community vision for implementing the intent of the Comprehensive Plan to preserve Daufuskie Island’s character and create livable and walkable places. These standards are intended to ensure that proposed development is compatible with existing character and future development on neighboring properties produces an environment of desirable character.

B.1.20 Applicability

The requirements of this Division shall apply to all proposed development within the transect zones and shall be considered in combination with the standards for specific uses in Article 4 (Specific to Use), if applicable, and the development standards in Article 5 of the Beaufort County Community Development Code (Supplemental to Zones). If there is a conflict between any standards, the provisions of Article 4 of the Beaufort County Community Development Code (Specific to Use) control over this Article 3 (Specific to Zones) and Article 5 (Supplemental to Zones).

B.I.30 Transect I: DI Natural Preserve (DINP) Standards

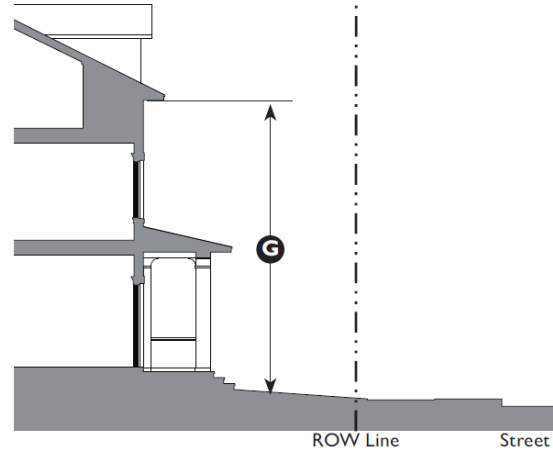
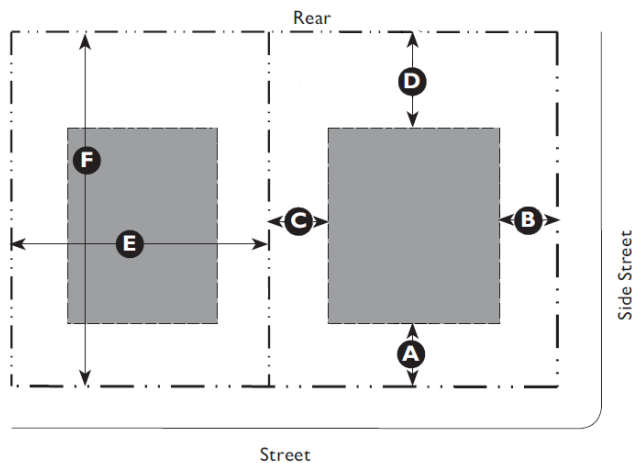


General note: the illustrations above are intended to provide a brief overview of the transect zone and are descriptive in nature.

A. Purpose

The Natural Preserve (DINP) Zone is intended to preserve areas that contain sensitive habitats, open space, and limited agricultural uses. This Zone typically does not contain buildings; however, single-family dwellings, small civic buildings or interpretive centers may be located within this zone if approved as a part of a conservation agreement.

Division B.I: Transect Zones
DI Natural Preserve



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Facade Zone

B. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	50' min.	A
Side Street	50' min.	B
Side:		
Side, Main Building	50' min.	C
Side, Ancillary Building	20' min.	
Rear	100' min.	D
Lot Size (One Acre Minimum)		
Width	150' min.	E
Depth	n/a	F
Miscellaneous		

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

C. Building Form		
Building Height		
Main Building	35 feet / 2 stories max.	G
Ancillary Building	35 feet / 2 stories max.	
Ground Floor Finish Level ¹	No minimum	
Footprint		
Maximum Lot Coverage	n/a	
Lot coverage is the portion of a lot that is covered by any and all buildings including accessory buildings.		

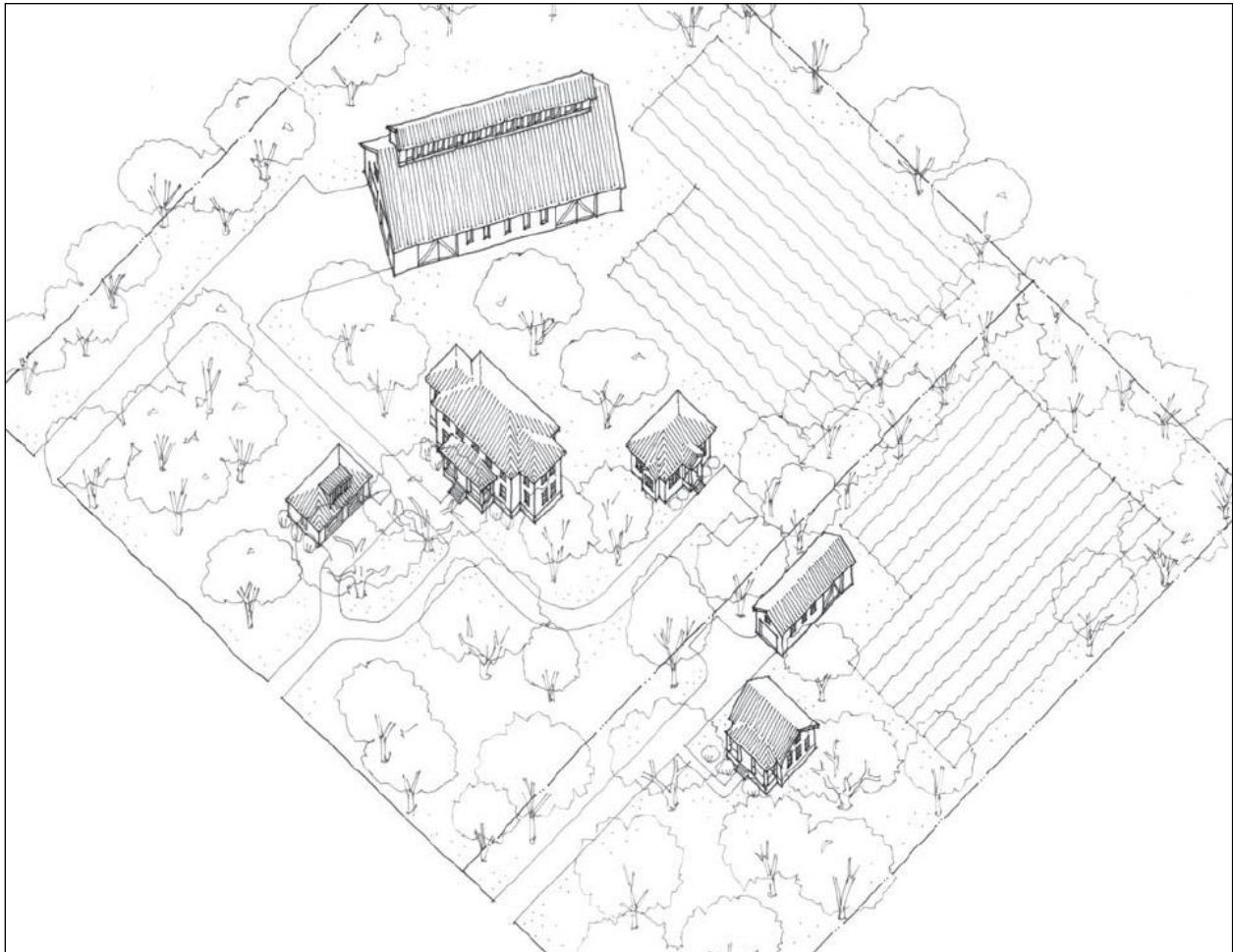
Notes

¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes

D. Gross Density²	
Gross Density	0.1 d.u./acre

²Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

B.I.40 Transect 2: D2 Rural (T2R) Standards



General Note: The illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Purpose

The zones within transect 2 are rural in character. This transect, and the zones included, implement the Comprehensive Plan goals of preserving the rural and historic character of Daufuskie Island.

The Rural (D2R) Zone is intended to preserve the rural character of Daufuskie Island. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, small commercial or restaurant uses, farms where animals are raised, or crops are grown, parks, woodland, grasslands, trails, and open space areas.

The D2R Rural Zone implements the Comprehensive Plan goals of preserving the rural and historic character of Daufuskie Island.

B. Subzones

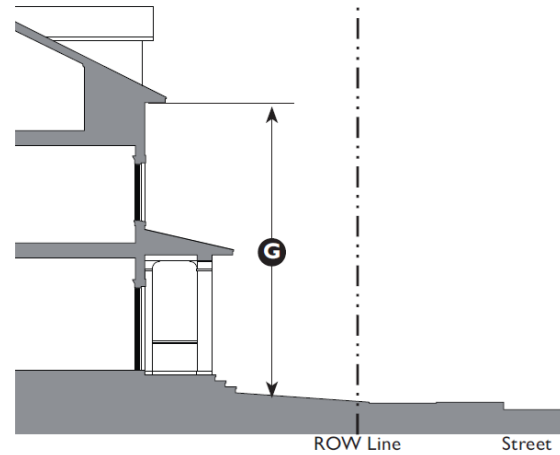
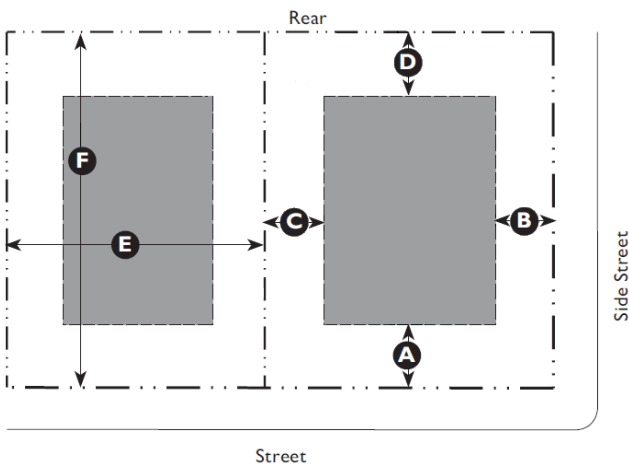
D2R-CP (Rural-Conventionally Platted)

The intent of the D2R-CP subzone is to provide a district that preserves the currently approved conventionally platted subdivisions within this area of Daufuskie Island. This subzone allows for smaller lots that have already been approved by Beaufort County, however no further subdivision or recombination of the existing lots is allowed without obtaining a special permit from Beaufort County.

D2R-GH (Rural-Gullah Heritage)

The intent of the D2R-GH subzone is to provide a district that preserves the Gullah heritage, while maintaining the rural character within this area of Daufuskie Island. This subzone preserves the Gullah heritage sites and ensures that new development is in character with the Gullah heritage.

Division B.1: Transect Zones
D2 Rural



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Facade Zone

C. Building Placement

Setback (Distance from ROW/Property Line)

Front	50' min.	A
Side Street	50' min.	B
Side		
Side, Main Building	20' min.	C
Side, Ancillary Building	20' min.	
Rear	50' min.	D

Lot Size (One Acre Minimum)

Width	100' min.	E
Depth	n/a	F

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.

D. Building Form

Architectural Guidelines

Although not required, the preferred architectural style in Transect 2 is Lowcountry Vernacular as illustrated in 5.3.40.B of the Beaufort County Community Development Code. Also allowed in Transect 2 is a style referred to as Everyday Island. The Everyday Island style of architecture includes a large group of structures and construction techniques for those not wanting the traditional local vernacular. This Everyday Island style also includes modular and prefab construction. These preferred building types and everyday island styles apply in all zones and subzones in Transect 2.

D. Building Form (Continued)

Building Height

Main Building	2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level ¹	No minimum	
Footprint		
Maximum Lot Coverage ²	n/a	

Miscellaneous

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

Notes

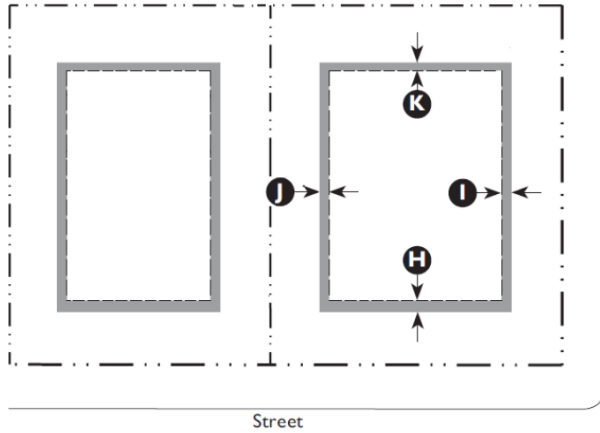
¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

²Lot coverage is the portion of a lot that is covered by any and all buildings including accessory buildings.

E. Gross Density³

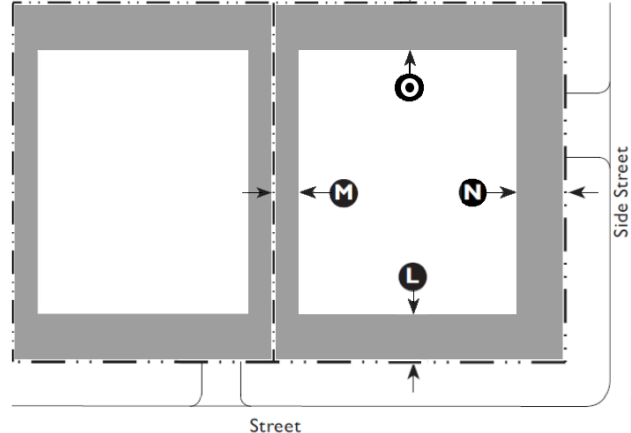
Gross Density	1.0 d.u. per acre
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³Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)



Key

- ROW / Property Line
- Setback Line
- Encroachment Area



Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments

Front	5' max.	H
Side Street	5' max.	I
Side	5' max.	J
Rear	5' max.	K

Encroachments are not allowed within a Street ROW/
Alley ROW, or across a property line.

G. Buffers

In both D2R and D2R-HC a buffer of natural vegetation and trees shall be retained when developed. If the buffer area has been cleared prior to development, or does not exist, a buffer consisting of natural vegetation and trees shall be installed. Minimum buffer requirements are:

Width of Buffer

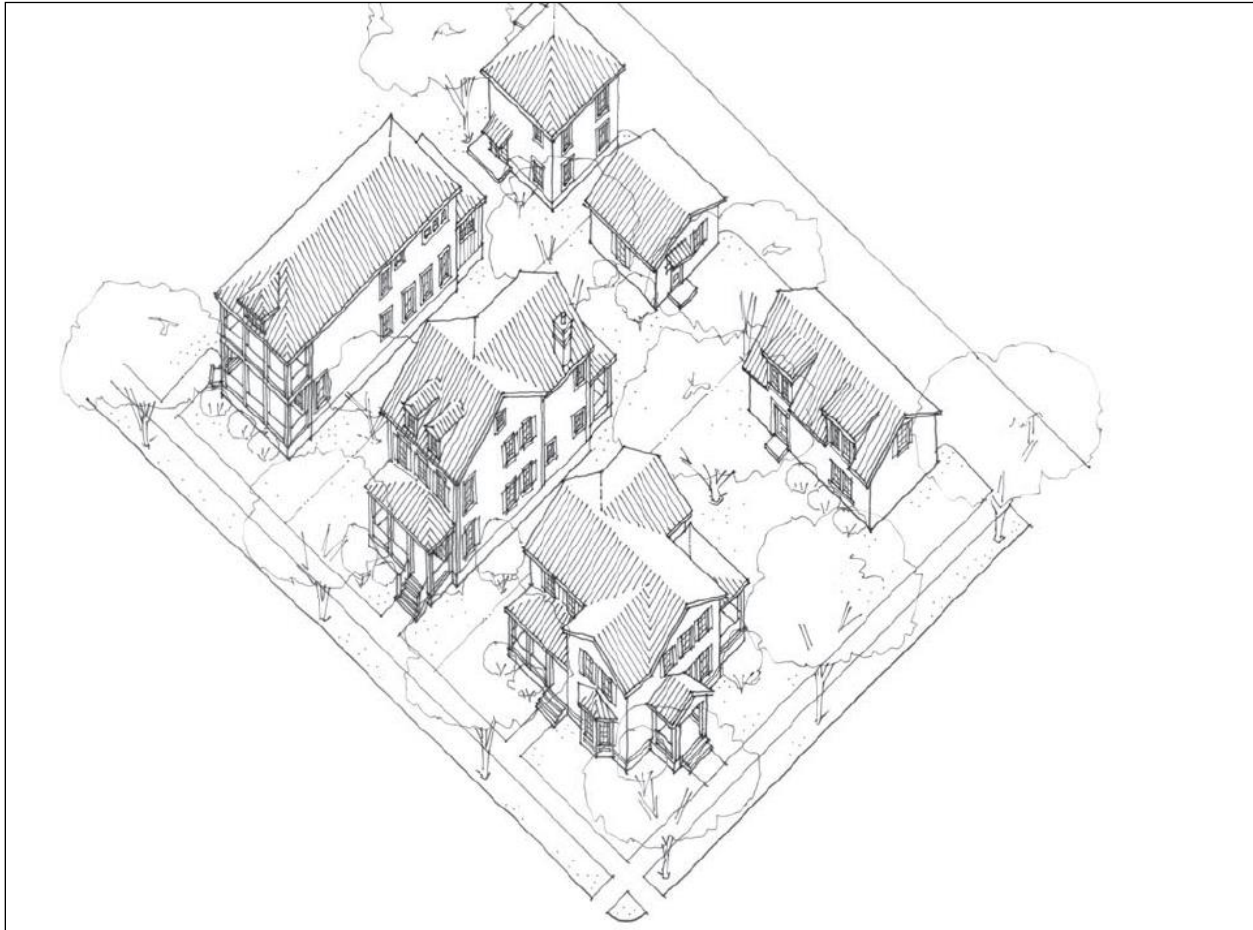
Front	20' min.	L
Side Street	20' min.	M
Side	10' min.	N
Rear	20' min.	O

Miscellaneous

All development in both D2R and D2R-HC abutting any street or road open and used by the public shall be subject to the requirements of the thoroughfare buffer for 2 or 3 lanes as described in Division 5.8.50 of the Beaufort County Community Development Code. These buffers do not apply to the CP and GH sub-districts, however if a property is located in one of these sub-districts and lies within the Heritage Corridor Overlay District, the buffers in the Overlay District shall apply.

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B.1.50 Transect 3: D3 General Neighborhood (D3GN) Standards



General note: The illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Purpose

The (D3GN) Zone is intended to preserve the historic character and natural environment of Daufuskie Island. The (D3GN) Zone is intended to provide a walkable, predominantly single-family neighborhood that integrates compatible multi-family housing types, such as duplexes and cottage courts within walking distance to village centers and commercial areas.

The D3GN Zone implements the Comprehensive Plan goals of preserving and building upon the walkable character of portions of Daufuskie Island.

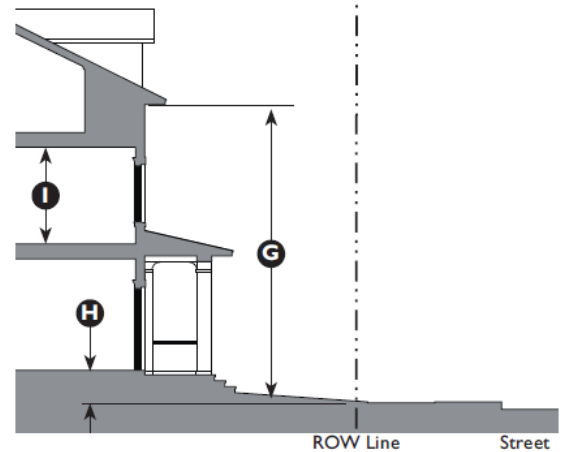
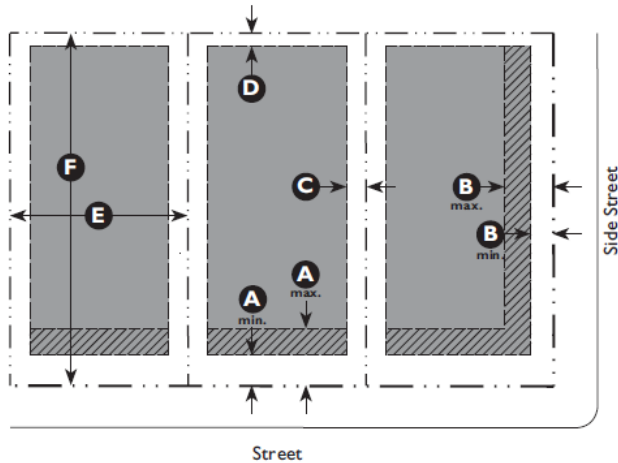
B. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.40
Estate House	5.1.50
Village House	5.1.60

Miscellaneous

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

Division D.I: Transect Zones
D3 General Neighborhood

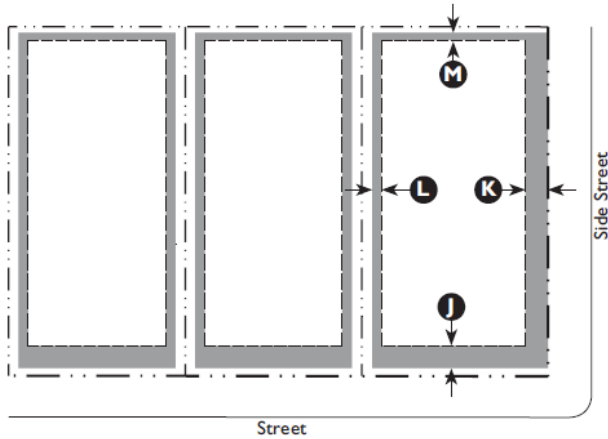


Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Façade Zone

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	15' min., 50' max.	A
Side Street	10' min., 50' max.	B
Side:		
Side, Main Building	7 ½' min.	C
Side, Ancillary Building	5' min.	
Rear		
Rear, Main Building	15' min.	D
Rear, Ancillary Building	5' min.	
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (43,560 SF Maximum)		
Width	100' max.	E
Depth	200' max.	F
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.		
Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses		

D. Building Form		
Building Height		
Main Building	2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level ¹	18" min.	H
Upper Floor(s) Ceiling	8' min. clear	I
Footprint		
Maximum Lot Coverage ²	30% of lot area	
Miscellaneous		
Loading docks, overhead doors, and other service entries may not be located on street-facing facades.		
Notes		
¹ Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.		
² Lot coverage is the portion of a lot that is covered by any and all buildings including accessory buildings.		
E. Gross Density ¹		
Gross Density	3.0 d.u. per acre	
¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)		



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

F. Encroachments and Frontage Types

Encroachments

Front	5' max.	J
Side Street	5' max.	K
Side	3' max.	L
Rear	5' max.	M

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

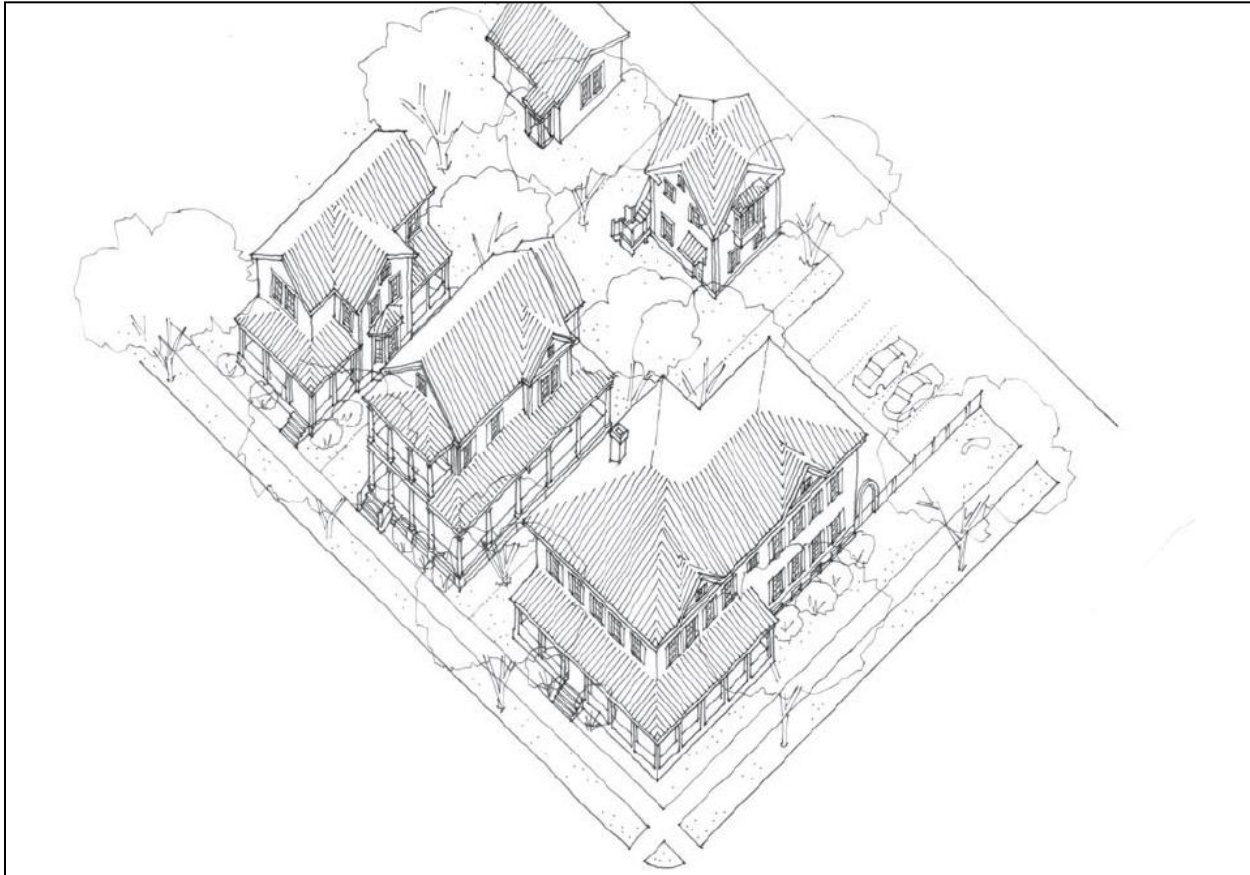
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

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B.I.60 Transect 4: D4 Mixed Use (D4MU) Standards



General note: The illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Purpose

The Mixed Use (D4MU) Zone is intended to integrate vibrant residential, commercial and retail environments, providing access to day-to-day amenities within walking distance within the zone as well as to the village centers.

The Mixed Use Zone implements the Comprehensive Plan goals of creating areas of higher intensity residential and commercial uses for Daufuskie Island.

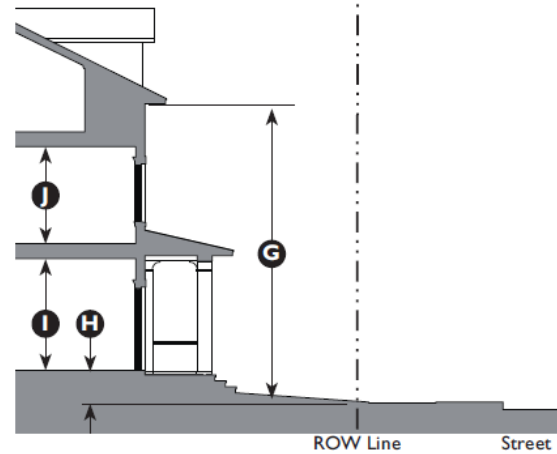
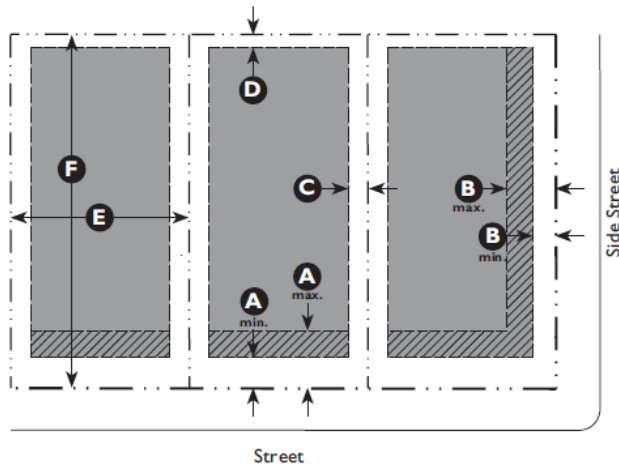
B. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.40
Village House	5.1.60
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Industrial/Agricultural	5.1.140

Miscellaneous

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

Division B.I: Transect Zones
D4 Mixed Use



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Facade Zone

C. Building Placement

Setback (Distance from ROW/Property Line)		
Front	15' min., 30' max.	(A)
Side Street	10' min., 30' max.	(B)
Side:		
Side, Main Building	7 ½' min.	(C)
Side, Ancillary Building	5' min.	
Rear:		
Rear, Main Building	15' min.	(D)
Rear, Ancillary Building	5' min.	

Lot Size (20,000 SF Maximum)

Width	100 ft. max.	(E)
Depth	200 ft. max.	(F)

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint Exceeding 10,000 square feet.

D. Building Form

Building Height		
Main Building	2 stories max.	(G)
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ¹	18" min.	(H)
Ground Floor Ceiling:	10' min.	(I)
Upper Floor(s) Ceiling	8' min.	(J)

Ground Floor lobbies and Common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Footprint

Maximum Lot Coverage ²	30% of lot area
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Notes

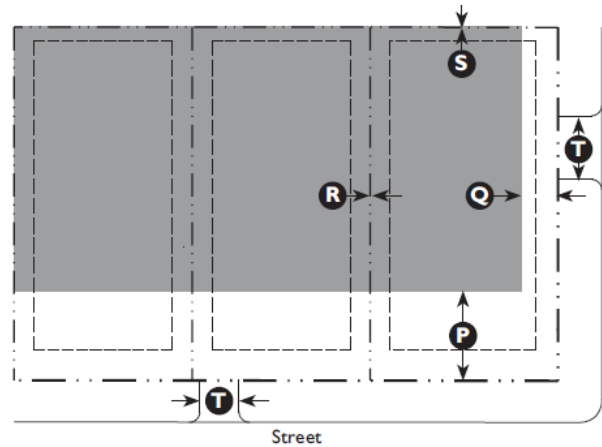
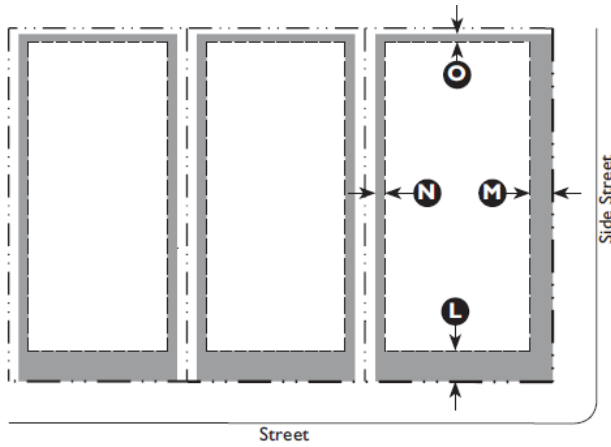
¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

²Lot coverage is the portion of a lot that is covered by any And all buildings, including accessory buildings.

E. Gross Density¹

Base site area less than 5 ac.	8.0 d.u. per acre
Base site area greater than 5 ac.	4.0 d.u. per acre

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



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

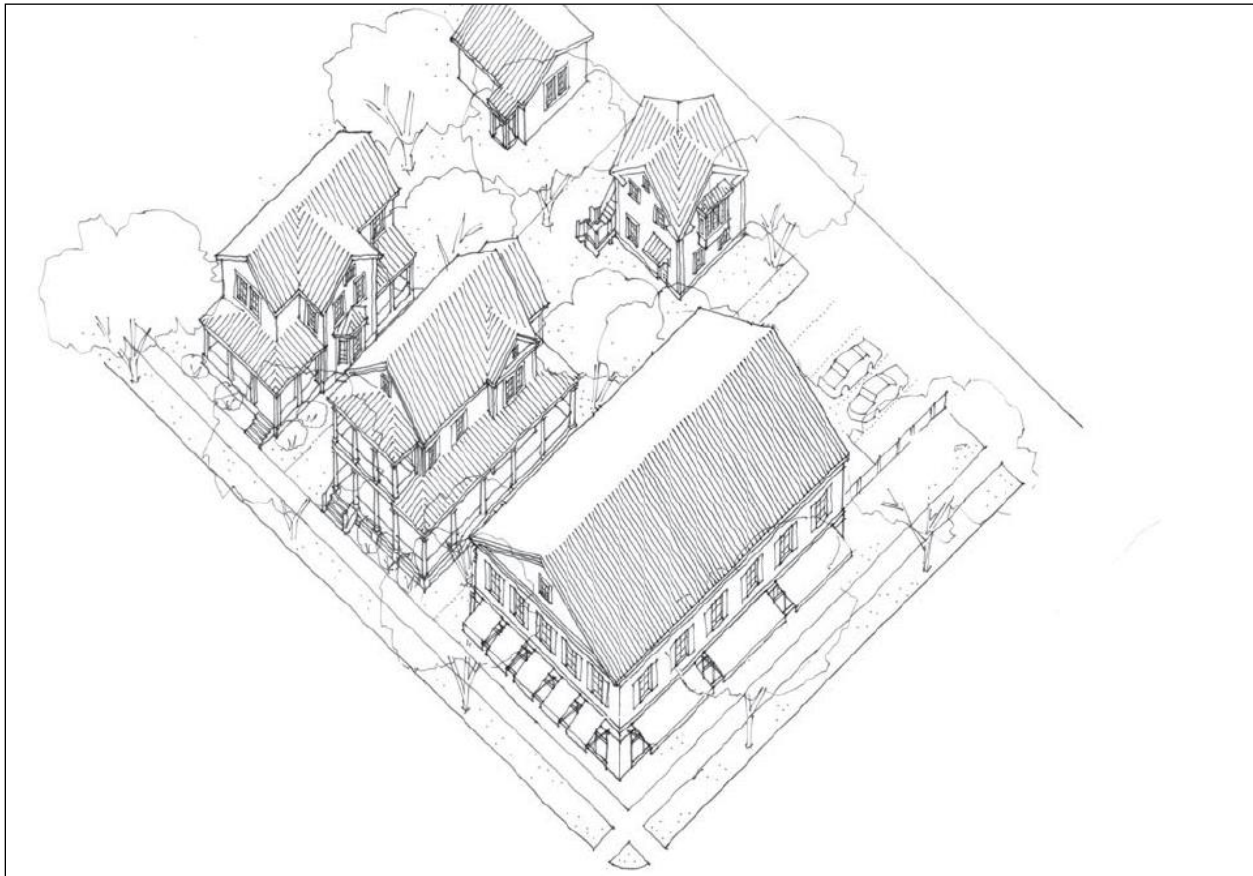
- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types		
Encroachments		
Front	12' max.	L
Side Street	12' max.	M
Side	3' max.	N
Rear	5' max.	O
Encroachments are not allowed within a street ROW, property line, or across a curb.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Forecourt	
Porch: Projecting	Dooryard	
Porch: Engaged	Porch: Side Yard	
Stoop		

G. Parking		
Location (Setback from Property Line)		
Front	5' behind front façade of main building	P
Side Street	5' behind front façade of main building	Q
Side	0' min.	R
Rear	5' min.	S

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B.I.70 Transect 5: Village Center (D5VC) Standards



General note: The illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Purpose

The zones within transect 5 are the most urban in character. This transect, and the zones included, implement the Comprehensive Plan goals of preserving the character of Daufuskie Island while providing for the commercial needs of the island.

The Village Center (D5VC) Zone is intended to integrate vibrant main-street commercial and retail environments, providing access to day-to-day amenities within walking distance, creating potential for water ferry embarkation points, and serving as a focal point for Daufuskie Island.

The Village Center Zone implements the Comprehensive Plan goals of creating areas of higher intensity residential and commercial uses for Daufuskie Island.

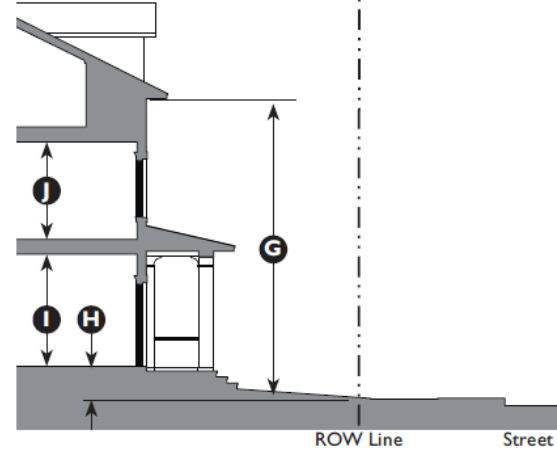
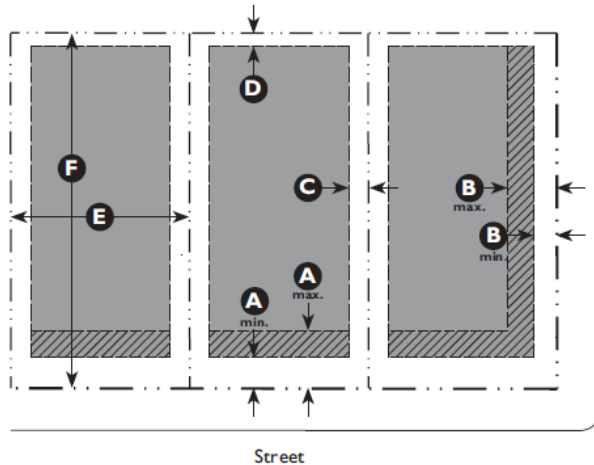
B. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.40
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Main Street Mixed Use	5.1.130
Industrial/Agricultural	5.1.140

Miscellaneous

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

Division D.1: Transect Zones
D5 Village Center



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Facade Zone

C. Building Placement

Setback (Distance from ROW/Property Line)

Front	5' min., 20' max.	A
Side Street	5' min., 20' max	B
Side:		C
Main Building	7 1/2' min.	
Ancillary Building	5' min.	
Rear		D
Main Building	15' min.	
Ancillary Building	5' min.	

Lot Size (20,000 SF Maximum)

Width	100' max.	E
Depth	200' max.	F

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 20,000 square feet.

D. Building Form

Building Height

Main Building	2 1/2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ¹		H
Residential	18" min.	
Commercial	6" max.	
Ground Floor Ceiling:	10' min.	I
Upper Floor(s) Ceiling	8' min.	J

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Footprint

Maximum Lot Coverage ²	30% of lot area
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Miscellaneous

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

Notes

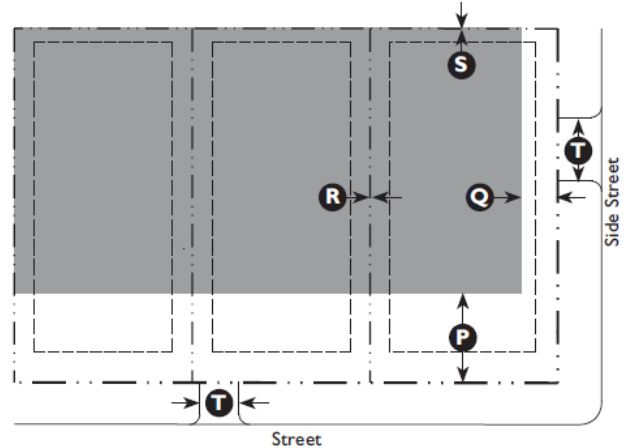
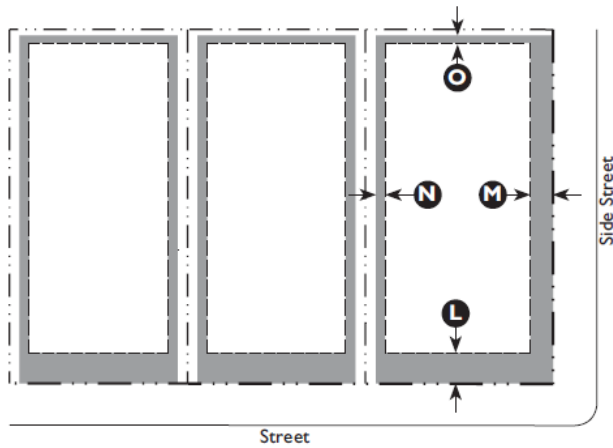
¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

²Lot coverage is the portion of a lot that is covered by any and all buildings, including accessory buildings.

E. Gross Density

Gross Density ¹	8.0 d.u. per acre
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¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)



Key
 ---- ROW / Property Line ■ Encroachment Area
 --- Setback Line

Key
 ---- ROW / Property Line ■ Allowed Parking Area
 --- Setback Line

F. Encroachments and Frontage Types

Encroachments		
Front	12' max.	L
Side Street	12' max.	M
Side	3' max.	N
Rear	5' max.	O

Encroachments are not allowed within a street ROW, Alley ROW, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed within street ROW.

Allowed Frontage Types

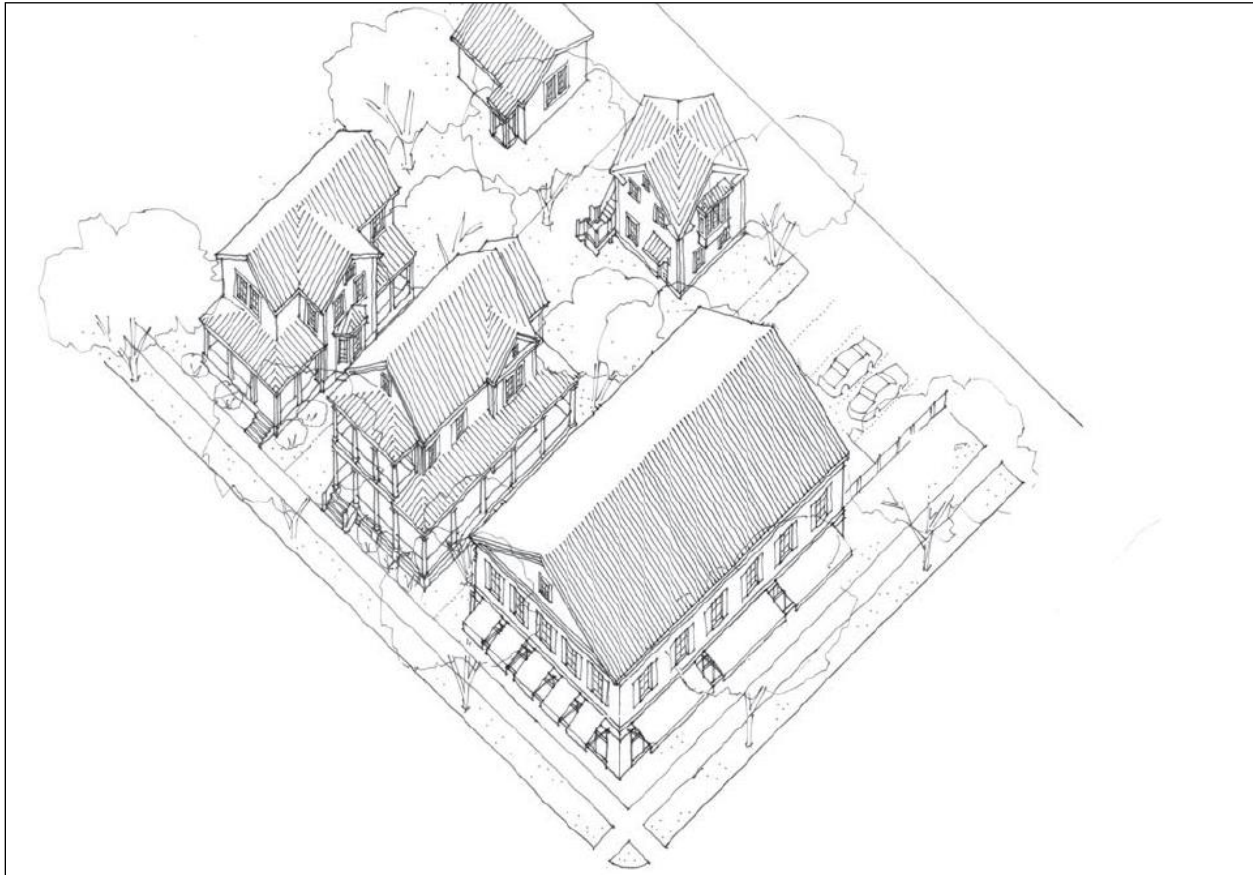
Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shopfront
Forecourt	Terrace

G. Parking

Location (Setback from Property Line)		
Front	40' min.	P
Side Street	15' min.	Q
Side	0' min.	R
Rear	5' min.	S

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B.I.80 Transect 5: Gateway Corridor (D5GC) Standards



General note: The illustration above is intended to provide a brief overview of the transect zone and is descriptive in nature.

A. Purpose

The zones within transect 5 are the most urban in character. This transect, and the zones included, implement the Comprehensive Plan goals of preserving the character of Daufuskie Island while providing for the commercial needs of the island.

The Gateway Corridor (D5GC) Zone is intended to extend the concept of a vibrant main-street commercial and retail environments from the Village Center to public places in the Gateway Corridor, providing access to day-to-day amenities within walking distance, creating, and serving as a focal point for public space for Daufuskie Island.

The Gateway Corridor Zone implements the Comprehensive Plan goals of creating areas of higher intensity residential and commercial uses for Daufuskie Island and provide for public and civic uses.

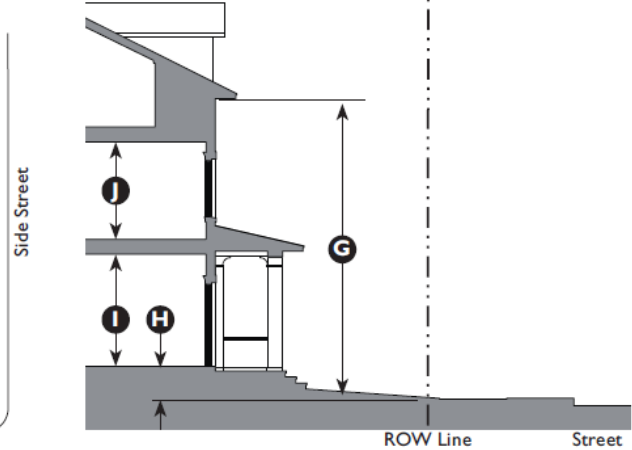
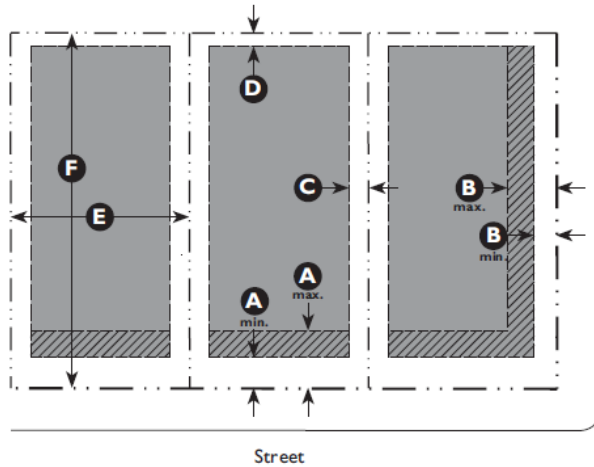
B. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.140
Small Lot House	5.1.170
Cottage Court	5.1.180
Duplex	5.1.190
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Main Street Mixed Use	5.1.130
Industrial/Agricultural	5.1.140

Miscellaneous

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

Division D.I: Transect Zones
D5 Gateway Corridor



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Facade Zone

C. Building Placement

Setback (Distance from ROW/Property Line)

Front	15' min., 30' max.	A
Side Street	10' min., 30' max	B
Side:		C
Main Building	7 1/2' min.	
Ancillary Building	5' min.	
Rear		D
Main Building	15' min.	
Ancillary Building	5' min.	

Lot Size (20,000 SF Maximum)

Width	100' max.	E
Depth	200' max.	F

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 20,000 square feet.

D. Building Form

Building Height

Main Building	2 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ¹		H
Residential	18" min.	
Commercial	6" max.	
Ground Floor Ceiling:	10' min.	I
Upper Floor(s) Ceiling	8' min.	J

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Footprint

Maximum Lot Coverage ²	30% of lot area
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Miscellaneous

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

Notes

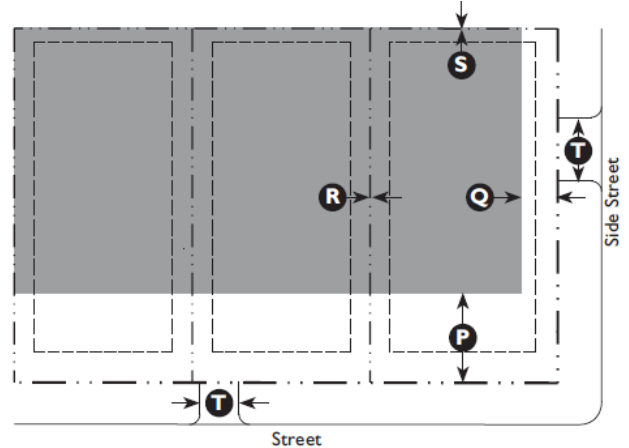
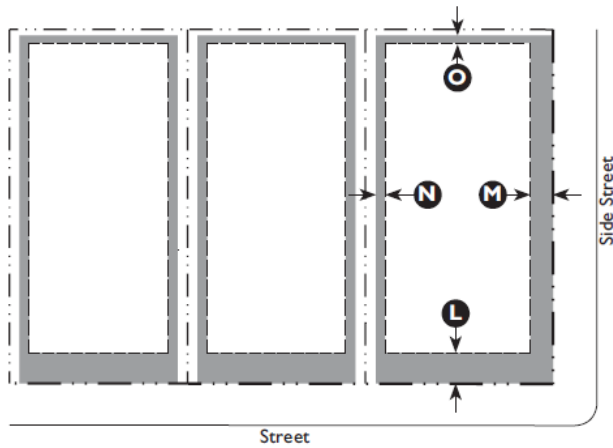
¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

²Lot coverage is the portion of a lot that is covered by any and all buildings, including accessory buildings.

E. Gross Density

Gross Density ¹	4.0 d.u. per acre
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¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	12' max.	L
Side Street	12' max.	M
Side	3' max.	N
Rear	5' max.	O

Encroachments are not allowed within a street ROW, Alley ROW, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shopfront
Forecourt	Terrace

G. Parking

Location (Setback from Property Line)		
Front	40' min.	P
Side Street	15' min.	Q
Side	0' min.	R
Rear	5' min.	S

Division B.2: Overlay Zones

Sections:

- B.2.10 Purpose
- B.2.20 Applicability
- B.1.30 Heritage Corridor Overlay (HCO) Standards

B.1.10 Purpose

This Division provides regulatory standards governing land use and building form within special overlay zones. These zones are typically applied to certain areas of the County on Daufuskie Island where extreme physical or cultural constraints need increased planning guidelines and consideration.

B.1.20 Applicability

The requirements of this Division shall apply to all proposed development within the overlay zones and shall be considered in combination with the standards for specific uses in Article 4 (Specific to Use), if applicable, and the development standards in Article 5 (Supplemental to Zones) of the Beaufort County Community Development Code. If there is a conflict between any standards, the provisions of Article 4 (Specific to Use) control over Article 3 (Specific to Zones) and Article 5 (Supplemental to Zones).

B.1.30 Heritage Corridor Overlay (HCO) Standards

- A. Purpose.** The Heritage Corridor Overlay (HCO) zone is established to provide for the long-term protection of the culturally significant resources found on Daufuskie Island. The zone acknowledges Daufuskie Island's historic cultural landscape and its importance to Daufuskie Island and Beaufort County's most notable concentration of Gullah culture.
- B. District Boundaries.** The boundaries of the HCO zone on Daufuskie Island are depicted on the Beaufort County Official Zoning Map. The Overlay District extends 200 feet from the centerline of each street that is identified on the Zoning Map, and any parcel that abuts the defined boundary shall be considered to be included within the overlay corridor and its standards. Where the zone applies, the permitted uses shall be limited to the base zoning in D2R, except where additional limitations are established within the overlay zone.
- C. Site Design and Architecture.** Design features that impact other culturally significant locations, and franchise design are prohibited. All development within 200 feet of the streets of roads that define the district boundary in this zone shall be reviewed by the Beaufort County Design Review Board for both the site design and building style. Any development outside of this 200-foot standard shall not require review by the Design Review Board. All design and buildings shall meet the requirements of Lowcountry Vernacular design architectural style as set forth in Division 5.3 of the Beaufort County Community Development Code.
- D. Use Limitations.** The following specific uses are deemed to be incompatible with the DI-HC-O zone; and therefore, are prohibited:

1. **Restricted Access (Gated Communities).** An intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent access by non-residents.
 2. **Resorts.** This use includes lodging that serves as a destination point for visitors and designed with some combination of recreation uses or natural areas. Typical types of activities and facilities include marinas, beaches, pools, tennis, golf, equestrian, restaurants, shops, and the like. This restriction does not apply to ecotourism or its associated lodging.
 3. **Golf Courses.** This use includes regulation and par three golf courses having nine or more holes.
- E. **Buffers.** A buffer of natural vegetation and trees shall be retained when developed. If the buffer area has been cleared prior to development, or does not exist, a buffer consisting of natural vegetation and trees shall be installed. Minimum buffer requirements are in Table B.1.30.E.

Table B.1.30.E: Heritage Corridor Overlay District Buffer Requirements	
Buffer	Width
Front	50 feet minimum
Side Street	20 feet minimum
Side	10 feet minimum
Rear	20 feet minimum

All development shall be subject to the requirements of the thoroughfare buffer for 2 or 3 lanes as described in Division 5.8.50 of the Beaufort County Community Development Code.

Division B.3: Permitted Uses and Definitions

Sections:

- B.3.10 Purpose
- B.3.20 Consolidated Land Use Table and Land Use Definitions

B.1.10 Purpose

This Division establishes the land uses allowed in all zones within the County on Daufuskie Island and defines each of the land uses.

B.1.20 Consolidated Land Use Table and Land Use Definitions

The following table shown in B.3.20 defines the land uses that are allowed in each zone on Daufuskie Island. The uses are indicated as:

- **Permitted Use.** A use that is permitted by right in a zone.
- **Conditional Use.** A use that is permitted in a zone subject to the standards specified for that use being met, as determined by the Planning Commission.
- **Special Use.** A use that may be permitted within a zone upon approval of a special use permit by the Zoning Board of Appeals (ZBOA). See Section 7.2.130 (Special Use Permits).
- **Not Permitted Use.** A use that is not allowed or permitted in a zone.

The following table also B.3.20 defines the land use types for Daufuskie Island.

Table B.3.20. Consolidated Use Table

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
AGRICULTURE									
1. Agriculture & Crop Harvesting	P	P	--	P	P	--	--	--	A nursery, orchard, or farm, greater than 10,000 SF, primarily engaged in the growth and harvesting of fruits, nuts, vegetables, plants, or sod. The premises may include agricultural accessory structures, plant nurseries, and secondary retail or wholesale sales.
2. Agricultural Support Services	P	P	--	P	P	--	--	--	Nursery, orchard, forestry, or farm supply and support services including, but not limited to: equipment dealers, support uses for agricultural, harvesting, and/or animal production, seasonal packing sheds, etc.
3. Animal Production	--	C	--	C	C	--	--	--	The raising, breeding, feeding, and/or keeping of animals for the principal purpose of commercially producing products for human use or consumption, including, but not limited to: cattle, pigs, sheep, goats, fish (aquaculture), bees, rabbits, and poultry. This does not include "Factory Farming" operations.
4. Animal Production: Factory Farming	--	S	--	S	S	--	--	--	The raising, breeding, feeding, and/or keeping of livestock (typically cows, pigs, turkeys, or chickens) in confinement at high stocking density for the purpose of commercially producing meat, milk, or eggs for human consumption.
5. Seasonal Farmworker Housing/ Construction Worker Housing	--	S	--	S	S	S	S	S	Housing designated for temporary occupancy for workers during seasonal farming or construction activity.
6. Forestry	P	P	P	P	P	P	P	P	Perpetual management, harvesting, replanting, and enhancement of forest resources for ultimate sale or use of wood products, subject to S.C. Forestry Commission BMPs.
7. Commercial Stables	--	C	--	C	C	--	--	--	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
RESIDENTIAL									
1. Dwelling: Single Family Detached Unit	--	P	P	P	P	P	P	P	A structure containing one dwelling unit on a single lot.
2. Dwelling: Single Family Attached Unit	--	--	--	--	--	P	P	P	A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.
3. Dwelling: Two Family Unit (Duplex)	--	--	--	--	--	P	P	P	A structure containing two dwelling units on a single lot.
4. Dwelling: Multi-Family Unit	--	--	--	--	--	P	P	P	A structure containing three or more dwelling units on a single lot.
5. Dwelling: Accessory Unit	--	P	P	P	P	P	P	P	An auxiliary dwelling unit, no larger than 800 SF attached to a principal dwelling unit or located within an accessory structure on the same lot.
6. Dwelling: Family Compound	--	P	--	P	--	--	--	--	A form of traditional rural development which provides for the placement of additional single-family detached dwelling units on, and/or subdivisions of, a single parcel of land owned by the same family for at least 50 years.

Division B.3: Permitted Used and Definitions

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
	RESIDENTIAL (continued)								
7. Dwelling: Cluster Compound	--	P	--	P	P	--	--	--	A form of development which provides for the placement of small, single family detached dwelling units on, and/or subdivisions of, a single parcel of land. Central facilities that provide services to the residents of the cluster compound may be included.
8. Dwelling: Group Home	--	P	P	P	P	P	P	P	Residential facility for nine or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.
9. Community Residence (dorms, convents, assisted living, temporary shelters)	--	S	--	S	S	S	S	S	<p>1. Dormitory: A building, or portion thereof, which contains living quarters for five or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, or other comparable organization, provided that such building is either owned or managed by such organization, or is under contract with such organization for that purpose.</p> <p>2. Convent or Monastery. The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.</p> <p>3. Assisted Living Facility: A state-licensed facility for long-term residence exclusively by seniors and persons with disabilities who require assistance with daily activities, and which may include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly or disabled, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities. May include an accessory skilled nursing component.</p> <p>4. Group Home (more than 9 persons). A state-licensed residential facility for more than 9 mentally or physically handicapped persons providing care on a 24-hour basis.</p> <p>Temporary Shelter: A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate residence. This does not include residential substance abuse facilities or halfway houses (see "Community Care Facility").</p>
10. Home Office	--	P	P	P	P	P	P	P	An office use carried out for gain by a resident and conducted entirely within the resident's home. This use permits the employment of one individual who does not live in the home.

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
RESIDENTIAL (continued)									
11. Home Business	--	P	P	P	P	P	P	P	An office or service use carried out for gain by a resident and conducted entirely within the resident's home and/or accessory structures. This use permits the employment of up to three individuals who do not reside on the premises.
12. Cottage Industry	--	P	S	P	S	--	S	S	Light industrial uses and boat, small engine (e.g. lawn mowers, but not vehicles), and farm equipment repair services carried out for gain by a resident and conducted on, or adjacent to, the property that contains the operator's residence. This use permits the employment of up to six individuals who do not reside on the premises.
13. Live/Work	--	P	C	P	C	P	P	P	An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: complete kitchen, living, and sleeping space and sanitary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living space located to the rear or above. Activities are limited to those uses permitted in the underlying Zone in which the Live/Work unit is located.
RETAIL AND RESTAURANTS									
1. General Retail 3,500 SF or less	--	P	--	P	P	P	P	P	Stores and shops that sell and/or rent goods and merchandise to the general public. This category does not include "Open Air Retail," "Vehicle Sales and Rental," or "Gas Stations/Fuel Sales."
2. General Retail 10,000 SF or less	--	S	--	--	--	--	P	P	
3. General Retail over 10,000 SF	--	--	--	--	--	--	S	S	
4. Bars, Taverns and Nightclubs	--	--	--	--	--	S	P	P	1. Bar, Tavern. A business where alcoholic beverages are sold for on-site consumption that is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a micro brewery ("brew-pub"), and other beverage tasting facilities. 2. Night Club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.
5. Gas Stations and Fuel Sales	--	--	--	--	--	P	P	P	An establishment where petroleum products are dispensed for retail sale. This use may include a retail convenience store and/or a single bay carwash. It does not include towing, vehicle body or engine repair (see "Vehicle Services"), or overnight vehicle storage.
6. Open Air Retail	--	P	--	P	P	P	P	P	A retail sales establishment operated substantially in the open air including, but not limited to: flea markets, monument sales, beach recreation rentals, and the like. Does not include "Vehicle Sales and Rental", agricultural equipment sales and rental (see "Agricultural Support Services"), plant nurseries (see "Agriculture and Crop Harvesting"), or roadside stands and farmers markets (see "Temporary Uses").

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
RETAIL AND RESTAURANTS (continued)									
7. Restaurant, Café, Coffee Shop: Less than 40 seats in structure	--	P	--	P	P	P	P	P	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens.
8. Restaurant, Café, Coffee Shop: 40 seats or more in structure	--	--	--	--	--	P	P	P	
9. Vehicle Sales and Rental - Light	--	--	--	--	--	S	P	P	
OFFICES & SERVICES									
1. General Offices and Services 3,500 SF or less	--	C	--	C	C	P	P	P	<ol style="list-style-type: none"> 1. <u>Bank/Financial Services.</u> Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities. 2. <u>Business Services.</u> Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage. 3. <u>Business Support Services.</u> Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services. 4. <u>Personal Services.</u> Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons, funeral homes. These uses may include incidental retail sales related to the services they provide. 5. <u>Professional and Administrative Services.</u> Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.
2. General Offices and Services 10,000 SF or less	--	--	--	--	--	P	P	P	
3. Animal Services: Clinic/Hospital	--	--	--	--	--	C	P	P	

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
OFFICES & SERVICES (continued)									
4. Animal Services: Kennel	--	C	--	C	C	C	P	P	A commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities (except horses – see “Commercial Stables”), and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see “General Retail”).
5. Body Branding, Piercing, Tattooing	--	--	--	--	--	S	S	S	An establishment whose principal business is the one or more of the following: any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means; creation of an opening in the body for the purpose of inserting jewelry or other decorations (not including ear piercing); and/or placing designs, letters, figures, symbols or other marks upon or under the skin of any person using ink or other permanent coloration.
6. Day Care: Family Home (up to 8 clients)	--	C	--	C	C	C	S	S	A state-licensed facility in a private home where an occupant of the residence provides non-medical care and supervision for up to 8 unrelated adults or children, typically for periods of less than 24 hours per day for any client.
7. Day Care: Commercial Center (9 or more clients)	--	--	--	--	--	C	S	S	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.
8. Lodging: Bed and Breakfast (5 rooms or less)	--	C	--	C	C	P	P	P	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.
9. Lodging: Inn (up to 24 rooms)	--	--	--	--	S	P	P	P	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public.
10. Lodging: Hotel (25 to 50 rooms)	--	--	--	--	--	S	P	P	A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public.
11. Residential Storage Facility	--	--	--	--	--	S	S	S	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods. Outdoor storage of boats, trailers, and vehicles may be provided as an accessory use.
12. Medical Service: Hospital	--	--	--	--	--	S	P	P	An institution licensed by the State, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
OFFICES & SERVICES (continued)									
13. Medical Service: Clinics/Offices	--	--	--	--	--	P	P	P	<p>1. <u>Clinic</u>. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies. Counseling services by other than medical doctors or psychiatrists are included under "General Services - Professional/Administrative."</p> <p>2. <u>Medical Office</u>. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is classified under "Medical Services – Clinic." Counseling services by other than medical doctors or psychiatrists are included under "General Services – Professional / Administrative."</p>
14. Vehicle Services: Minor Maintenance and Repair	--	C	--	C	C	P	P	P	Incidental minor repairs to include replacement of parts and service to passenger cars and light trucks, but not including any operation defined as "Vehicle Services - Major Maintenance and Repair" or any other operation similar thereto. Examples include quick service oil, tune-ups, tires, brake and muffler shops. This use also includes car washes and detailing businesses as a principal use.
15. Vehicle Services; Major Maintenance and Repair	--	--	--	--	--	S	S	S	General repair, rebuilding or reconditioning of boats and/or motor vehicles; collision service including body or frame straightening or repair; vehicle paint shops; auto wrecker services.
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY									
1. Community Oriented Cultural Facility (less than 5,000 SF)	--	C	--	C	C	P	P	P	Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.
2. Community Oriented Cultural Facility (5,000 SF or greater)	--	C	--	C	C	C	P	P	Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.
3. Community Public Safety Facility	--	P	P	P	P	P	P	P	A public safety facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim holding facilities. May include ambulance dispatch on the same site. Does not include "Detention Facilities."

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY (continued)									
4. Institutional Care Facility	--	--	--	--	S	S	S	S	Facilities licensed by the State that provide living, sleeping, and sanitation accommodations in coordination with the provision of social, rehabilitative and/or medical services in a protective living environment for persons residing voluntarily, by court placement, or under protective control of the federal, state or county government; including, but not limited to, post-correctional facilities, residential substance abuse treatment facilities, residential treatment facilities for the mentally ill, skilled nursing homes not part of an assisted living or continuing care facility (see "Community Residence").
5. Detention Facility	--	--	--	--	S	S	S	S	A facility operated by a public agency, or is under contract with a public agency, that houses persons convicted of, or being held for, a crime. Such facilities include: prisons, detention facilities, work-release facilities, work camps, etc.
6. Meeting Facility/Place of Worship (less than 15,000 SF)	--	P	--	P	P	P	P	P	A facility for public or private meetings, including: community centers, places of worship (e.g., churches, mosques, synagogues, etc.), meeting halls for clubs and other membership organizations, etc. This use includes all cemeteries.
7. Meeting Facility/Place of Worship (15,000 SF or greater)	--	C	--	C	C	P	P	P	
8. Park, Playground, Outdoor Recreation Areas	S	P	P	P	P	P	P	P	An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, playing fields, outdoor tennis and basketball courts, outdoor swimming pools, boat ramps and fishing piers; and areas for passive recreation such as hiking trails, picnic areas and bird blinds.
9. Recreation Facility: Community Based	--	P	--	P	P	P	P	P	A community recreation center that may include one or more of the following: gymnasium; indoor swimming pool; indoor tennis, racquetball, and/or handball courts, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services. Does not include commercial health/fitness facilities, which are included under "General Offices and Services."
10. Recreation Facility: Commercial Indoor	--	--	--	--	S	P	P	P	An establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to : bowling alleys, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site.

Division B.3: Permitted Used and Definitions

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY (continued)									
11. Recreation Facility: Commercial Outdoor	--	--	--	--	S	P	P	P	A facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage. This use does not include golf courses or campgrounds.
12. Recreation Facility: Campground	--	S	--	S	S	S	S	S	Form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent two (2) or more pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
13. Ecotourism	S	C	--	C	P	P	P	P	Organized, educational and mainly outdoor recreation with or without lodging that invites participants to learn about and promote ecological preservation, conservation, and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park, or protected area; 2. Interpretive educational program with or without guides; 3. Outdoor activities; or Cultural experiences.
14. School: Public or Private	--	C	--	C	S	P	P	P	A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
15. School: Specialized Training/ Studios	--	S	--	S	S	P	P	P	Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.
16. School: College or University	--	--	--	--	S	S	S	S	A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS									
1. Airport, Aviation Services	--	S	--	--	--	--	--	--	An airport, runway, landing strip, seaport, or heliport providing accommodations by public, private, or not-for-profit entities for the conveyance of persons from one location to another by airplane, seaplane, helicopter, or other means of aviation. Includes facilities for loading and unloading areas.

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS (continued)									
2. Infrastructure and Utilities: Regional (Major)	--	C	--	S	C	C	C	C	Utility facilities that provide County-wide or regional service. Examples include public utility substations; water towers; waste treatment plants; and electrical substations.
3. Parking Facility: Public or Commercial	--	--	--	--	S	P	P	P	A public or commercial parking lot or structure providing parking either for free or for a fee. Does not include towing impound and storage facilities.
4. Transportation Terminal	--	--	--	--	S	P	P	P	A public or commercial site or structure providing access via water ferry or aviation, such as helicopter, to transport people or goods to a mainland location. Parking facilities either for free or for a fee may be included.
5. Waste Management: Community Collection and Recycling	--	C	--	S	C	C	S	S	A site, location, tract of land, or building that may be used for the purpose of collecting all types of residential waste and recyclables that are generated "off site" in the local community to be transported by public or private companies to a waste recycling, transfer or disposal/recovery facility, permitted by South Carolina Department of Health and Environmental Control (SCDHEC) as required. This use includes county collection (convenience) centers.
6. Waste Management: Regional Waste Transfer and Recycling	--	S	--	S	S	S	S	S	Disposal uses including sanitary landfills, construction waste and debris landfills, sludge disposal or storage; and resource recovery facilities, excluding disposal of industrial or radioactive waste materials.
7. Wireless Communication Facility	--	S	S	S	S	S	S	S	Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.
INDUSTRIAL									
1. Manufacturing, Processing, and Packaging – Light (Less than 15,000 SF)	--	C	--	--	S	P	P	P	A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, micro-brewery.
2. Manufacturing, Processing, and Packaging – Light (15,000 SF or greater)	--	S	--	--	S	S	S	S	
3. Mining & Resource Extraction	--	S	--	S	S	S	S	S	Extractive uses such as surface mining for sand, gravel, clay and topsoil and any other such use. Quarrying is not permitted.

Division B.3: Permitted Used and Definitions

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1	D2	D2	D2	D3	D4	D5	D5	Definition
	NP	R	CP	GH	GN	MU	VC	GC	
INDUSTRIAL (continued)									
4. Outdoor Maintenance / Storage Yard	--	S	--	S	S	S	S	S	An outdoor storage area for large equipment, vehicles, and/or other materials used by a public agency or a general or specialty contractor; lumberyards; and other industrial outdoor storage uses, excluding salvage operations. May include an accessory office.
5. Warehousing	--	--	--	--	S	S	P	P	Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include mini-storage facilities offered for rent or lease to the general public (see "Residential Storage Facility") or warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution").
6. Wholesaling and Distribution	--	--	--	--	S	S	P	P	An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Division B.4: Developments Within Rural Areas

Sections:

- B.4.10 Purpose
- B.4.20 Applicability
- B.4.30 Small Lot Cottage Court Subdivisions
- B.4.40 Family Compound Standards

B.4.10 Purpose

The purpose of this Division is to:

- A. Provide standards for the subdivision of rural lands on Daufuskie Island that maintain the character and heritage of the rural lands while allowing to opportunity to provide for small dwellings in a Cottage Court design in Cluster Compounds to provide for affordable housing and housing that will allow the elderly to remain on Daufuskie Island.
- B. Allow long-time rural residents to protect a traditional way of life and provide affordable housing for family members that in turn helps stabilize and preserve the Island's traditional rural communities.

B.4.20 Applicability

The standards found in this Division apply to zones and subzones within D2R district of Transect 2 on Daufuskie Island.

B.4.30 Small Lot Cottage Court Subdivision

- A. **Intent.** The rural small lot subdivision, or also known as the cottage close type of development, is designed to allow landowners of rural lots greater flexibility to subdivide land that is generally not allowed to be subdivided under this Development Code because of the density limitations in the D2R Zone to provide for Cluster Compound developments.
- B. **Applicability.** Use of the rural small lot cottage court subdivision option is limited as identified in Table 2.1.30.A and cannot be transferred to any other parcel.
- C. **Minimum Development Standards for Rural Small Lot Cottage Court Subdivisions.** Rural small lot cottage court subdivisions shall comply with the following:
 - 1. **Parent Parcel.** The parent parcel constitutes the total site. Any development of this type shall require a minimum of a four-acre parent parcel with a maximum parent parcel of eight acres. All residential units or parcels shall be clustered around a courtyard or small access street, and the area not developed shall be preserved and all significant tress saved.
 - 2. **Residential Units or Lots.** The number of lots or units allowed in a rural small lot subdivision is established in Table B.4.30.C. All lots or residential structures shall be clustered within a one or two-acre envelope as shown in Table 2.1.30.A

Table B.4.30.C: Maximum Number of Lots that can be Subdivided from a Parcel of Record Utilizing the Small Lot Cottage Court Subdivision

Parent Parcel Size	Maximum Number of Residential Units	Maximum Area or Envelope to be Developed
4 acres	6	1 acre
6 acres	8	1 ½ acres
8 acres	12	2 acres

D. Restrictions on Future Subdivisions. A note shall appear on all plats for rural small lot cottage court subdivisions specifying the number of remaining by-right lots that can be subdivided from the parent tract should the maximum lots or residential units defined in Table 2.1.30.A not be developed initially. If all by-right lots are subdivided or units constructed, the note shall state that no subdivisions of the parent parcel shall be allowed.

B.4.40 Family Compound Standards

Family compounds shall comply with the following standards

- A. Fifty (50) Years of Ownership.** A single member of the family, multiple members of the family, or an unbroken succession of family members shall own a family compound property for no less than 50 years. All owners of the property shall request the family compound.
- B. Familial Relationship of those Receiving Property and/or Dwelling Unit.** The person(s) for whom the family dwelling units are built, and/or the property subdivided shall be related to the owner of the property by blood, marriage, or adoption.
- C. Property May be Subdivided.** Family compounds shall be developed, and the dwelling units built, or the family compound property may be subdivided and conveyed by the landowner to a family member to build a dwelling unit. Family compounds that are subdivided are limited to the maximum number of units without clustering shown in Table 2.7.40.A.
- D. Family Compound Design.** The family compound shall be designed as follows:
 - 1. Lots or dwelling units may be designed in a conventional form, or as a traditional cluster. For the purposes of this Section, traditional cluster means there must be a minimum of two dwelling units on the parcel and the average distance between dwelling units is no greater than 50 feet.
 - 2. The maximum density that may be achieved on family compounds is outlined in Table 2.1.40.A (Maximum Densities of Family Compounds). This maximum density includes dwelling units and accessory dwelling units.
 - 3. For family compounds that are clustered:
 - a. There is no minimum lot area;
 - b. The minimum separation between dwelling units is 15 feet; and
 - c. A land development plan shall be submitted for approval. See Section 7.2.60 (Land Development Plan). The land development plan shall be drawn to scale

and clearly indicate all property lines and the location of all existing and proposed structures.

4. For family compounds that are not clustered the minimum lot area is one-half acre.

- E. Covenants Required.** Family compounds that are subdivided shall be accompanied by covenants and cross easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50 feet of vehicular access for each lot.
- F. Septic Systems and Reserve Areas.** No family dwelling unit shall be built unless the appropriate agency has determined that septic systems and reserve areas in the family compound are sufficient to serve all units in the compound.
- G. Leasing.** No family dwelling unit shall be leased for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.
- H. Conveyance of Land Approved as Family Compound.** No portion of a tract of land approved as a family compound in accordance with this Section shall be conveyed for five years from the date of approval of the family compound unless the grantee is related to the property owner by blood, marriage, or adoption. This limitation on conveyance shall:
 - 1. Be recorded on the plat of the property, on the plats of any property subdivided and conveyed by the landowner(s) under this Section, and in a database accessible to county staff.
 - 2. Not operate to prohibit actions in foreclosure brought by lenders that are participating in the secondary mortgage market.
 - 3. Not operate to prohibit sale by the county of the entire tract or a portion of it for nonpayment of property taxes.
- I. Affidavit Required.** Applicants must submit a sworn affidavit recorded in the Register of Deeds Office with the following information:
 - 1. There has been no intentional misrepresentation during the application process;
 - 2. There shall be no lease of a family dwelling unit to a nonfamily member within five years of approval; or
 - 3. There shall be no conveyance of any portion of a tract of land granted a dwelling unit or lot under this section to a nonfamily member within five years of approval.
- J. Violations and Enforcement.**
 - 1. A violation of this section shall consist of the following:
 - a. Intentional misrepresentation during the application process;
 - b. Lease of a family dwelling unit to a nonfamily member within five years of approval; or
 - c. Conveyance of any portion of a tract of land granted a dwelling unit or lot under this section to a nonfamily member within five years of approval.
 - 2. Penalties may be waived by the Director if it can be shown that lease or conveyance to a nonfamily member was absolutely necessary to avoid foreclosure on either a family dwelling unit or any portion of a tract granted a dwelling unit under this section.

Division B.4: Developments Within Rural Areas

3. Until the violation has been addressed in accordance with Article 9 (Enforcement), the Director shall not permit additional dwelling units on the family compound or further subdivision under this section in the violator’s family compound.
4. As a condition of approval, the applicant and the person(s) for whom the family dwelling unit is to be built or the property subdivided shall read and sign disclosure forms describing any violations of this section and applicable penalties.
5. A violation shall not have the effect of clouding the title of a parcel subdivided under this Section.

Table B.4.40.D: Maximum Densities of Family Compounds

Minimum Site Area (in Acres)	Maximum Number of Units (with Clustering)	Maximum Number of Units (without Clustering)
Up to 1.00	3	2
2	4	3
3	6	4
4	8	6
5	10	8
6	12	10
7	14	12
8	16	14
9	18	16
10	20	18
Greater than 10	2.0 units per acre	1.8 units per acre

Division B.5: Applicability of the Community Development Code

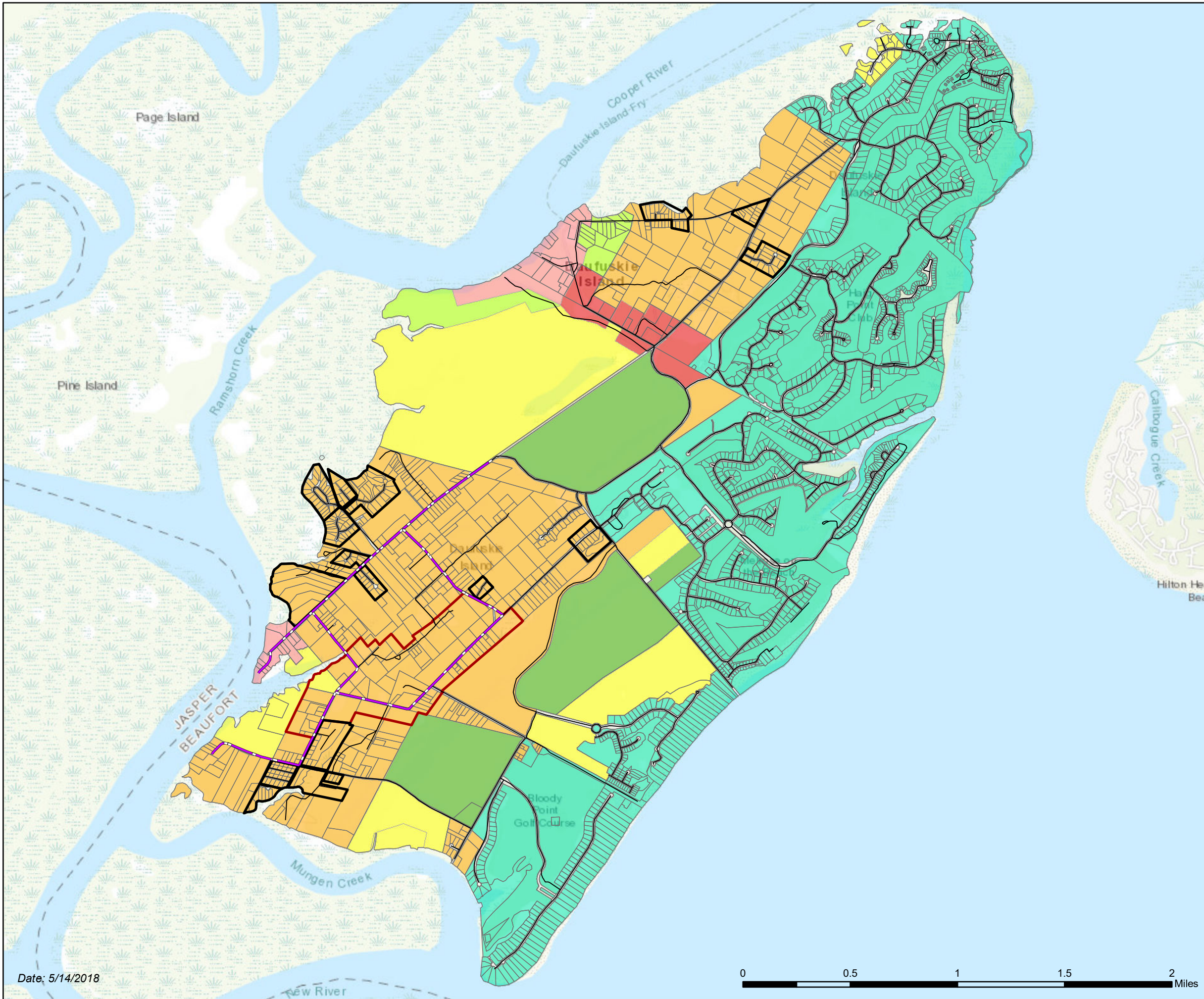
Sections:

B.5.10 Applicability of the Community Development Code

B.5.10 Applicability of the Community Development Code

Table B.5.10 provides a listing of each of the relevant articles and sections of the CDC and their applicability to Appendix B.


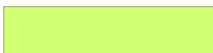



Table B.5.10: Applicability of the Community Development Code	
Article or Division	Applicability to Appendix B
Article 1: General Provisions	Applicable
Article 2: Multi-lot Single-Lot Community Scale Development	Limited Applicable (see below)
Division 2.1: Overview	Applicable
Division 2.2: General to Community Design	Applicable
Division 2.3: Traditional Community Plans	Not Applicable
Division 2.4: Multi-Family Oriented Communities	Not Applicable
Division 2.5: Manufactured Home Communities	Not Applicable
Division 2.6: Commercial Oriented Communities	Not Applicable
Division 2.7: Developments within Rural Areas	Not Applicable
Division 2.8: Civic and Open Space Standards	Applicable
Division 2.9: Thoroughfare Standards	Applicable
Division 2.10: Transfer of Development Rights	Not Applicable
Article 3: Specific to Zones	Not Applicable
Article 4: Specific to Use	Limited Applicable (see below)
Division 4.1: Specific to Use	Applicable
Division 4.2: Accessory Uses and Structures	Applicable
Division 4.3: Temporary Uses and Structures	Not applicable
Article 5: Supplemental to Zones	Limited Applicable (see below)
Division 5.1: Building Type Standards	Applicable
Division 5.2: Private Frontage Standards	Applicable
Division 5.3: Architectural Standards and Guidelines	Section 5.3.30.B is applicable.
Division 5.4: Fences and Walls	Applicable
Division 5.5: Off-Street Parking	Applicable
Division 5.6: Sign Standards	Applicable
Division 5.7: Exterior Lighting	Applicable
Division 5.8: Landscaping, Buffers, and Screening Standards	Applicable
Division 5.9: Neighborhood Compatibility Standards	Not Applicable
Division 5.10: Historic Preservation	Applicable
Division 5.11: Resource Protection Standards	Applicable
Division 5.12: Stormwater Standards	Applicable
Article 6: Subdivision and Land Development	Applicable
Article 7: Procedures	Applicable
Article 8: Nonconformities	Applicable
Article 9: Enforcement	Applicable
Article 10: Definitions	Applicable




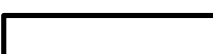

Zoning Classifications

Daufuskie Island, SC



Zoning Classifications

-  DI-2R
-  DI-3E
-  DI-4SU
-  DI-5GC
-  DI-5VC
-  DI-6PUD
-  DI-IP

Subzones

-  DI-2R-GH
-  DI-2R-CP
-  DI-HCO Overlay District

Legend

-  Roads
-  Parcels



Note: All platted subdivisions approved by Beaufort County may not be shown



ORDINANCE NO. 2019/____
(PROJECT SKY MULTI-COUNTY PARK)

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE 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 BEAUFORT COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (2) 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"), 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 (the "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 (Project Sky) 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 "Project Sky Multi-County Park Agreement"), a form of which Project Sky Multi-County Park Agreement has been presented to this meeting; and

WHEREAS, it appears that the Project Sky 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. Establishment of Project Sky Multi-County Park; Approval of the Project Sky 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 Project Sky Multi-County Park and to include therein the Project Sky Property as more particularly described on Exhibit A. The form, provisions, terms and conditions of the Project

Sky 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 Project Sky 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 Project Sky 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 Project Sky Multi-County Park Agreement to Jasper County.

The Project Sky 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 Project Sky 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 Project Sky Multi-County Park and the performance of all obligations of Beaufort County under and pursuant to the Project Sky Multi-County Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 2. Payment of Fee in Lieu of Tax. The businesses and industries located in the Project Sky Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Project Sky Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Beaufort County. That portion of the fee allocated pursuant to the Project Sky Multi-County Park Agreement to Jasper County shall, upon receipt by the Treasurer of Beaufort County, be paid to the Treasurer of Jasper County in accordance with the terms of the Project Sky 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 Beaufort 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 Beaufort 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 3. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Project Sky Multi-County Park by Beaufort County and Jasper County shall be as set forth in the Project Sky Multi-County Park Agreement.

Section 4. Distribution of Revenues within Beaufort County. Revenues generated from industries and businesses located in the Project Sky 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 5. Governing Laws and Regulations. The ordinances of Beaufort County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Project Sky Multi-County Park.

Section 6. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Project Sky Multi-County Park properties is vested with the Sheriff's Department of Beaufort County. If any of the Project Sky 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 7. 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 8. 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 9. 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 _____, 2019

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Stewart H. Rodman, Chairman, County Council,
Beaufort County, South Carolina

[SEAL]

Attest:

By: _____
Connie L. Schroyer, Clerk to County Council,
Beaufort County, South Carolina

First Reading: December 10, 2018
Second Reading: _____, 2019
Public Hearing: _____, 2019
Third Reading: _____, 2019

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) **AGREEMENT FOR THE ESTABLISHMENT OF**
) **MULTI-COUNTY INDUSTRIAL/BUSINESS PARK**
) **(PROJECT SKY)**
 COUNTY OF JASPER)

THIS AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (PROJECT SKY) for the establishment of a multi-county industrial/business park to be located within Beaufort County and Jasper County is made and entered into as of [____], 2019, by and between Beaufort County, South Carolina (“Beaufort County”) and Jasper County, South Carolina (“Jasper County”).

RECITALS

WHEREAS, Beaufort County and Jasper County are contiguous counties which, pursuant to Ordinance No. [____], enacted by Beaufort County Council on [____], 2019, and Ordinance No. [____] enacted by Jasper County Council on [____], 2019, 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 Beaufort County a multi-county industrial/business park (the “Park”), to be located upon property more particularly described in Exhibit A (Beaufort); 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 Beaufort County and which now or will be owned and/or operated by Project Sky 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 Beaufort County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinance of the county council of Beaufort County and resolution of the county council of Jasper 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 Beaufort County Council and resolution of Jasper County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the enactment by Beaufort County Council of its ordinance authorizing the diminution of the boundaries of the Park, a public hearings shall first be held by Beaufort County Council. Notice of such public hearing shall be published in a newspaper of general circulation in Beaufort 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.** Beaufort County and Jasper 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. Beaufort County	100%
B. Jasper County	0%

6. **Allocation of Revenues.** Beaufort County and Jasper 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. Beaufort County	99%
B. Jasper County	1%

Any payment from Beaufort County to Jasper County of Jasper 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 Beaufort 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 Beaufort County is not obligated to pay Jasper County more than Jasper 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 Beaufort County and to Jasper County, as the case may be, according to the proportions established by this Agreement. With respect to revenues allocable to Beaufort County by way of fees in lieu of *ad valorem* taxes generated from properties within the Park, such revenue shall be distributed within Beaufort County in the manner provided by ordinance of the county council of Beaufort 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 Jasper County by way of fees in lieu of *ad valorem* taxes generated from properties located in the Beaufort County portion of the Park shall be distributed solely to Jasper 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 Beaufort 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 Beaufort 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 Beaufort County and Jasper 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 Beaufort County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties located in the Beaufort 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 Beaufort County, and by resolution of the county council of Jasper 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 Beaufort 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**, Beaufort County and Jasper 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 Beaufort 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 Beaufort 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 Beaufort County complies with the preceding sentence, Beaufort County may terminate this Agreement upon providing thirty (30) days notice to Jasper 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 Beaufort 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.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Stewart H. Rodman, Chairman County Council
Beaufort County, South Carolina

[SEAL]
Attest:

By: _____
Connie L. Schroyer, County Council Clerk,
Beaufort County, South Carolina

JASPER COUNTY, SOUTH CAROLINA

By: _____
D. T. Johnson, Jr., Chairman, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____
County Council Clerk
Jasper County, South Carolina

Exhibit A (Beaufort)

PARK PROPERTY

Property ID No. R700 020 000 0008 000, located at 1236 Trask Parkway, consisting of approximately 8.970 acres

The remainder of this page intentionally left blank.

DRAFT

Exhibit B (Jasper)

JASPER COUNTY PROPERTY

None.

The remainder of this page intentionally left blank.

RESOLUTION 2019 / ____

A RESOLUTION TO TEMPORARILY AMEND THE MEMBERSHIP AND COMPOSITION OF THE BEAUFORT COUNTY BOARD OF ASSESSMENT APPEALS TO ASSIST WITH THE VOLUME OF ASSESSMENT APPEALS RESULTING FROM THE 2018 COUNTY WIDE REASSESSMENT

WHEREAS, Beaufort County Code of Ordinances Sec. 66-81 *et. seq.* provides for the composition, powers and procedures of the Board of Assessment Appeals; and

WHEREAS, Beaufort County underwent a statutorily required countywide reassessment of real property in 2018; and

WHEREAS, the Assessor's office has received 5,008 appeal applications and anticipates a higher than usual volume of appeals to the Board of Assessment Appeals; and

WHEREAS, currently the Board of Assessment Appeals is operating with only six (6) of nine (9) authorized members; and

WHEREAS, the Board of Assessment Appeals should be temporarily expanded to a total of fifteen (15) members so that they can work in three (3) panels of five (5) in the different geographical areas of the County to handle the anticipated volume of appeals; and

WHEREAS, Beaufort County Code of Ordinances Sec. 66-82 provides that "Beaufort County Council may, by resolution, add additional members to the board when, in its discretion or at the request of the assessor or the auditor, the number of appeals warrants such an increase."

NOW, THEREFORE, BE IT RESOLVED BY BEAUFORT COUNTY COUNCIL, that the Beaufort County Board of Assessment Appeals is hereby temporarily modified in the following ways:

1. The Board of Assessment Appeals is temporarily increased from nine (9) members to fifteen (15).

2. The six (6) temporary appointments shall balance geographical resident and professional qualifications.
3. The six (6) temporary appointments shall expire on March 1, 2020.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

RESOLUTION 2019 / ____

A RESOLUTION TO APPROPRIATE \$269,600 FROM THE BEAUFORT COUNTY FUNDS PROVIDED IN THE FISCAL YEAR 2019 BUDGET FOR THE PURPOSE OF ECONOMIC DEVELOPMENT CORPORATION'S SITE DEVELOPMENT AND JOB RETENTION EFFORTS

WHEREAS, County Council previously appropriated a \$500,000 budget to the Beaufort County Economic Development Corporation for site development and job retention in the FY 2019 Budget; and

WHEREAS, the Beaufort County Economic Development Corporation would like to request access to the amount of \$269,600 to fund current site development and job retention initiatives; and

WHEREAS, the sum of \$155,000 will be contributed towards site work at the Beaufort Commerce Park in preparation for the construction of a 50,000 sq. ft. speculative building; and

WHEREAS, the sum of \$14,600 will be used as payment for the wetland delineation and wetland survey plat that is being completed at Lot 13 and Lot 20 at the Beaufort Commerce Park; and

WHEREAS, the remaining sum of \$100,000 will be put towards an ongoing job retention effort; the project aims to retain 50 existing jobs and prospectively generate growth of between 20 to 100 new jobs with an average annual wage of \$60,100 - \$89,800; to support its plans the company will invest between \$4 - \$8.7 million; and

WHEREAS, the Beaufort County Economic Development Corporation requests the amount of \$269,600 for the above-mentioned projects; and

WHEREAS, the County administrator is authorized to release said funds in the amount of TWO HUNDRED SIXTY-NINE THOUSAND AND SIX HUNDRED DOLLARS and 00/cents (\$269,600.00) from Beaufort County to the Beaufort County Economic Development Corporation only after approval by County Council.

NOW THEREFORE, BE IT RESOLVED, that the County Council of Beaufort County hereby adopts this resolution as follows:

Section 1. The above recitals are true and correct and incorporated into this Resolution herein by reference.

Section 2. The County administrator is authorized to release the appropriated funds of \$269,600.00 to the Beaufort County Economic Development Corporation for the purposes stated above.

Adopted this _____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, County Attorney

ATTEST:

Connie Schroyer, Clerk to Council

DRAFT

RESOLUTION 2019 / __

A RESOLUTION DECLARING THE RESULT OF A BOND REFERENDUM CONDUCTED IN THE FRIPP ISLAND PUBLIC SERVICE DISTRICT, SOUTH CAROLINA ON DECEMBER 11, 2018

WHEREAS, pursuant to a resolution adopted by the County Council of Beaufort County (the “*County Council*”), the governing body of Beaufort County, South Carolina (the “*County*”), dated October 8, 2018, the County Council ordered that a bond referendum be held in the Fripp Island Public Service District (the “*District*”) on the question of the issuance of not exceeding \$5,300,000 of general obligation bonds of the District; and

WHEREAS, the Board of Voter Registration and Elections of Beaufort County (the “*Election Board*”) conducted a Bond Referendum in the District on December 11, 2018 (the “*Referendum*”) where the following question (the “*Question*”) was submitted to the qualified voters of the District:

Shall the Fripp Island Public Service District, located in Beaufort County, South Carolina (the “*District*”), be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the District in an aggregate principal amount of not exceeding \$5,300,000, the proceeds of which shall be applied to defray: (A) the costs of improving, equipping, repairing, and reconstructing the Fripp Inlet bridge and related infrastructure; and (B) the costs of issuance of such bonds?

Yes, in favor of the question

No, opposed to the question

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

WHEREAS, the Election Board has provided the official result to the County Council, which return establishes that the Referendum was in favor of the Question.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COUNCIL IN MEETING DULY ASSEMBLED that the County Council hereby declares that the result of the Referendum was in favor of the Question, there having been 161 votes cast in favor of the Question and 13 votes cast in opposition to the Question. A copy of the official return, as provided by the Election Commission, is attached hereto as Exhibit A.

DONE AT BEAUFORT, SOUTH CAROLINA, this 14th day of January, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

(SEAL)

BY: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

Attest:

Connie L. Schroyer, Clerk to Council

EXHIBIT A

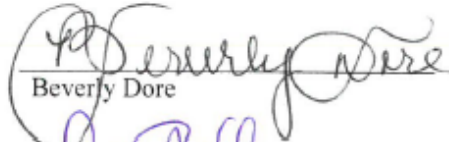
STATE OF SOUTH CAROLINA
BEAUFORT COUNTY BOARD OF CANVASSERS
STATEMENTS AND RETURNS OF VOTES
FOR
FRIPP ISLAND BOND REFERENDUM SPECIAL
ELECTION

DECEMBER 11, 2018

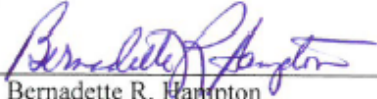
We, the Board of Voter Registration and Elections of Beaufort County Board of Canvassers do hereby certify that the following result of the December 11, 2018 Fripp Island Bond Referendum Special Election is correct in all respects.



William Bronson



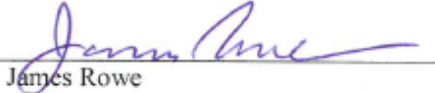
Beverly Dore



Bernadette R. Hampton



Craig Pelley



James Rowe

Dated this 13th day of December, 2018

SUMMARY REPORT

Beaufort County
Fripp Island Bond Referendum
December 11, 2018

OFFICIAL RESULTS

Run Date: 12/13/18 10:10 AM

	VOTES	PERCENT
PRECINCTS COUNTED (OF 5)	5	100.00
REGISTERED VOTERS - TOTAL	865	
BALLOTS CAST - TOTAL.	176	
VOTER TURNOUT - TOTAL.		20.35
 \$5,300,000 General Obligation Bonds		
Vote for 1		
Yes, in favor of the question.	161	92.53
No, opposed to the question	13	7.47
TOTAL.	174	

ORDINANCE 2019 / ____

**TEXT AMENDMENT TO THE BEAUFORT COUNTY ORDINANCES CHAPTER 18
ARTICLE III, BUSINESS AND PROFESSIONAL LICENSES, SECTION 54(A),
DEDUCTIONS AND EXEMPTIONS, BY DELETING A PORTION OF THE CURRENT
ORDINANCE TEXT**

WHEREAS, Beaufort County Council has voted to amend the current Beaufort County Ordinance to make clear the deductions and exemptions regarding business income;

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council to amend the Beaufort County Ordinance Chapter 18 Article III Section 54(a) by deleting the stricken through portions of the text as follows:

Sec. 18-54 Deductions and Exemptions.

- (a) No deductions from gross income shall be made, except income from business done wholly outside of the county jurisdiction on which a license tax is paid to another county or a municipality, ~~or income which cannot be taxed pursuant to state law~~. The applicant shall have the burden to establish the right to a deduction by satisfactory records and proof. No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the county, unless exempted by state or federal law. The license official shall determine the appropriate classification and licensing for each business. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this article.

DONE this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE 2019 / ____

AN ORDINANCE TO AMEND BEAUFORT COUNTY CODE OF ORDINANCES SECTION 66-26 et. seq. TO IDENTIFY THE GREATER BLUFFTON CHAMBER OF COMMERCE AS A RECIPIENT OF FUNDS AND TO PROVIDE FOR TRANSPARENCY IN ACCOUNTING REPORTS FROM AGENCIES RECEIVING FUNDS FROM THE COUNTY ACCOMMODATIONS TAXES

WHEREAS, County Council having considered the matters brought before it and finding it in the best interest of the citizens and residents of Beaufort County to make such amendments to the Beaufort County Code of Ordinances to provide for accounting transparency and to identify the Bluffton Chamber of Commerce as a Designated Marketing Organization

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the Beaufort County Code of ordinances Section 66-26 et. seq. is hereby amended as provided below wherein deleted text is ~~struck through~~ and added text is underlined:

DONE this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

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

DIVISION 1. - GENERALLY

Sec. 66-26. - Purpose.

The purpose of the accommodations tax board shall be to advise the county council in matters concerning the expenditure of revenues received by the county by means of a two-percent state tax on tourist lodging facilities; provisions of the state act require the council to comply with specified criteria for the expenditure of revenues derived from the tax, and the council wishes to comply with the provisions of the state act.

(Code 1982, § 7-21(a))

Sec. 66-27. - Membership.

Membership on the accommodations tax board shall be composed of the following:

- (1) Four members shall be selected from the hospitality industry of the county.
- (2) Two members shall be selected at the pleasure of the council.
- (3) One member shall be selected from a cultural organization.

(Code 1982, § 7-21(b)(1)—(3))

Sec. 66-28. - Meetings.

The accommodations tax board shall meet no less than four times a year.

(Code 1982, § 7-21(b)(4))

Sec. 66-29. - Powers and duties.

To be in compliance with S.C. Code of Law, Title 6 Chapter 4, the state (2%) accommodations tax shall be allocated in the following manner:

- (1) Be in compliance with the Ordinance No. 89-9; however, the first \$25,000.00 of revenues received from the accommodations tax will, by law, be placed in the county's general fund with no restrictions on the expenditures.
- (2) Five percent of the balance must be allocated to the general fund with no restrictions on expenditures.
- (3) Thirty percent of the remaining balance is ~~split~~ divided with ~~half~~ one-third (1/3) going to the Greater Beaufort-Port Royal Convention and Visitors Bureau and ~~half~~ one-third (1/3) going to the Hilton Head - Bluffton Chamber of Commerce and one-third (1/3) going to the Greater Bluffton Chamber of Commerce, which ~~as the council hereby designates the Greater Beaufort-Port Royal Convention and Visitors Bureau and the Hilton Head - Bluffton Chamber of Commerce~~ as the designated marketing organizations (DMOs).
 - (a) In accordance with state law, the DMOs shall submit for approval a detailed budget of planned expenditures. The proposed budgets from the two DMOs shall be presented at the April finance committee meeting. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the county. The accounting shall include but not be limited to IRS form 990s from the organization receiving county funds, audited year-end financial statements, profit and loss statements and any other documentation in which the Finance Committee may request. The final reports accounting from the two DMOs shall be presented at the August finance Finance committee Committee meeting.
 - (b) Advertising expenditures using these county funds cannot be spent within Beaufort County except for notifications of festivals or other events similar in nature.
 - (c) Adoption of this section goes into effect ~~immediately; however, any changes to this section of the Code after initial adoption shall go into effect one year from the date of adoption~~ upon adoption by County Council.

- (4) (a) The remaining balance plus earned interest received by the county must be allocated to a special fund and used for tourism-related expenditures. These expenditures shall be dispersed through a grant process of which the accommodations (2% state) tax board evaluates requests and makes recommendations to county council. Grant requests must not be used as an additional source of revenue to provide services normally provided by the county, but to promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county to attract and provide for tourists. Tourism-related expenditures include:
- i. Advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;
 - ii. Promotion of the arts and cultural events;
 - iii. Construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;
 - iv. The criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;
 - v. Public facilities such as restrooms, dressing rooms, parks, and parking lots;
 - vi. Tourist shuttle transportation;
 - vii. Control and repair of waterfront erosion;
 - viii. Operating visitor information centers.
- (b) Allocation must be spent within two years of receipt.

Sec. 66-30. Inspections and Audits.

(a) For the purpose of enforcing the provisions of this article, the license official or other authorized agent of the County of Beaufort, South Carolina, is empowered to enter upon the

premises of any person or establishment subject to this article to make inspections, examine and audit books and records of such person or establishment.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that the audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount determined to be due in addition to the penalties provided herein. The license official may make systematic inspections of all businesses within the unincorporated areas of the County of Beaufort, South Carolina, to ensure compliance with this chapter.

(Code 1982, § 7-21(c); Ord. No. 2009/15, 3-30-2009 ; Ord. No. 2018/21, 6-11-2018)

Secs. 66-31—66-40. - Reserved.

DIVISION 2. - ACCOMMODATIONS (3%) TAX

Sec. 66-41. - Authority.

This article is enacted pursuant to the authority S.C. Code § 4-9-30 (1976, as amended) which provides that the county may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the county and for the preservation of the general health, peace and order in the county and S.C. Code § 6-1-500 et seq. (1976, as amended) which expressly provides authorization for the imposition of a local accommodations tax.

(Ord. No. 2002-11, § 1, 3-11-2002; Ord. No. 2005/10, § 1, 3-28-2005)

Sec. 66-42. - Local (3%) accommodations tax—definitions.

(a) *Tourist* and *transient* means a person traveling to and staying in places outside his or her usual environment for one night or more for leisure, business, or any other purpose for consideration within the unincorporated areas of Beaufort County, South Carolina. A person meeting this definition may be staying in places of public accommodations such as hotels,

motels, inns, condominium, bed and breakfasts, tourist courts, campgrounds or the residences of family or friends for consideration.

- (b) *Local accommodations tax* means a tax on the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for consideration. This tax does not apply where the facilities consist of less than six sleeping rooms, contained on the same premises, which is used as the individual's place of abode. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of 90 continuous days are not considered proceeds from transients. The tax imposed herein does not apply to additional guest charges as defined in S.C. Code § 12-36-920(B) (1976, as amended).
- (c) A local accommodations tax equal to three percent is hereby imposed on the gross proceeds derived from the rental of any room(s) (excluding meeting rooms) as provided above.

(Ord. No. 2002-11, § 2, 3-11-2002; Ord. No. 2005/10, § 2, 3-28-2005 ; Ord. No. 2009/15, 3-30-2009)

Sec. 66-43. - Payment of local (3%) accommodations tax.

- (a) Payment of the local accommodations tax established herein shall be the liability of the consumer of the services described herein. The local accommodations tax shall be paid at the time of delivery of the services to which the local accommodations tax applies, and shall be collected by the provider of the services.
- (b) The county shall provide a local accommodations tax return, which shall be utilized by the provider of the services to calculate the amount of local accommodation taxes collected and due. Payment shall be made to Beaufort County and shall be made at the same time the return is required to be filed as provided below.

Real estate agents, brokers, corporations, or listing services required to remit taxes under this article must notify the county if rental property, previously listed by them, is dropped from their listings. The notice shall be on a form provided by the county.

- (c) The local accommodations tax collected by the provider of the services as required herein shall be remitted to the County of Beaufort, South Carolina, as follows:
 - (1) Payment shall be collected and remitted monthly starting January 1, 2010 and each month thereafter.
 - (2) Payments are due on or before the twentieth day following the end of the filing period.
- (d) An interest-bearing restricted account, kept in a separate fund segregated from the county's general fund and to be known as "The County of Beaufort, South Carolina, Local Accommodations Tax Account" is hereby established. All revenue and interest generated by the local accommodations tax shall be deposited into this account. "The County of Beaufort, South Carolina, Local Accommodations Tax Account," shall be controlled by the county administrator for the County of Beaufort, South Carolina. The principal and any accrued interest thereon shall be spent only as provided herein.
- (e) Deposits into "The County of Beaufort, South Carolina, Local Accommodations Tax Account" may also include appropriations from the general fund by the county council and voluntary contributions of money and other liquid assets from any source. Once any such funds are so deposited, the funds become dedicated funds and may only be spent as provided herein.

(Ord. No. 2002-11, § 3, 3-11-2002; Ord. No. 2005/10, § 3, 3-28-2005 ; Ord. No. 2009/15, 3-30-2009 ; Ord. No. 2009/36, 10-12-2009)

Sec. 66-44. - Permitted uses of local (3%) accommodations tax funds.

- (a) The county council is hereby authorized to utilize the funds collected from the imposition and collection of the local accommodations tax and other funds deposited into "The County of Beaufort, South Carolina, Local Accommodations Tax Account." The revenue generated by the local accommodations tax must be used exclusively for the following purposes:

- (1) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
 - (2) Cultural, recreational, or historic facilities;
 - (3) River/beach access and renourishment;
 - (4) Highways, roads, streets, bridges and boat ramps providing access to tourist destinations;
 - (5) Advertisements and promotions related to tourism development;
 - (6) Water and sewer infrastructure to serve tourism-related demand; and
 - (7) The operation and maintenance of those items provided in (a)(1) through (a)(6) above, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.
 - (8) For all other proper purposes including those set forth herein.
- (b) Authorization to utilize any funds from the "County of Beaufort, South Carolina, Local Accommodations Tax Account," shall be by ordinance duly adopted by the county council for the County of Beaufort, South Carolina.

(Ord. No. 2002-11, § 4, 3-11-2002; Ord. No. 2005/10, § 4, 3-28-2005 ; Ord. No. 2009/15, 3-30-2009)

Sec. 66-45. - Inspections and audits.

- (a) For the purpose of enforcing the provisions of this article, the license official or other authorized agent of the County of Beaufort, South Carolina, is empowered to enter upon the premises of any person or establishment subject to this article to make inspections, examine and audit books and records of such person or establishment.
- (b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that the audit reveals that false information has been filed by the remitter, the costs of the audit shall be added to the correct amount determined to be due in addition to the penalties provided herein. The license official may make systematic inspections of all businesses within the

unincorporated areas of the County of Beaufort, South Carolina, to ensure compliance with this chapter.

(Ord. No. 2002-11, § 5, 3-11-2002; Ord. No. 2005/10, § 5, 3-28-2005 ; Ord. No. 2009/36, 10-12-2009)

Sec. 66-46. - Violations and penalty.

(a) It shall be a violation of this chapter to:

- (1) Fail to collect the local accommodations tax in connection with the rental of accommodations to tourists or transients as set forth herein.
- (2) Fail to remit to the County of Beaufort, South Carolina, any local accommodations taxes collected pursuant to this article by the twentieth day of the following month, as set forth herein.
- (3) Knowingly provide false information on a return submitted to the County of Beaufort, South Carolina, as set forth herein.
- (4) Fail or refuse to provide books and records to an authorized agent of the County of Beaufort, South Carolina, for the purpose of an examination or audit upon 24 hours' written notice as provided herein.

(b) In the event that local accommodations taxes are not timely remitted to the County of Beaufort, South Carolina as provided herein, the person or establishment failing to remit shall also pay a penalty equal to one and one-half percent of the unpaid amount for each month or portion thereof that such taxes remain unpaid.

(c) A person or establishment failing or refusing to timely file a return and make appropriate payment and/or provide books and records as provided herein may be subject to a conviction for a violation hereof. The violator shall be guilty of a misdemeanor and subject to the penalties provided in section 1-6 of the Code of the County Council of Beaufort County, South Carolina.

- (d) Upon identification of a delinquent account, the director of business license or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based on the revenue procedures as adopted with this amendment.

(Ord. No. 2002-11, § 6, 3-11-2002; Ord. No. 2005/10, § 6, 3-28-2005 ; Ord. No. 2009/36, 10-12-2009)

Sec. 66-47. - Management and use of local (3%) accommodations tax.

[The management and use of local accommodations tax is as follows:]

- (a) Fund the approved annual operating expenditures of the program at an amount not to exceed eight percent of the funds collected.
- (b) Allocate \$350,000.00 annually for advertising and promotion programs related to tourism development (subsection 66-44(a)(5)). These funds shall be allocated as follows:
- (1) One hundred ~~five~~ thousand dollars shall be allocated to the Greater Beaufort-Port Royal Convention and Visitors Bureau for advertising, promotion and events to increase tourism within the county.
 - (2) One hundred ~~five~~ thousand dollars shall be allocated to the Hilton Head - Bluffton Chamber of Commerce for advertising, promotion and events to increase tourism within the county.
 - (3) One hundred thousand dollars shall be allocated to the Greater Bluffton Chamber of Commerce for advertising, promotion and events to increase tourism within the county.
 - (~~3~~ 4) Fifty thousand dollars shall be allocated to the Beaufort County Black Chamber of Commerce for advertising, promotion and events to increase tourism within the county.
 - (4 ~~5~~) Funds shall be distributed to the ~~designated~~ organizations listed above on a quarterly basis no later than 30 days after the end of the quarter.

(§ 6) Advertising expenditures using these county funds cannot be spent within Beaufort County except for notifications of festivals or other events similar in nature.

(c) Allocate the remaining balance of collections as follows:

- (1) Twenty percent to establish a reserve fund for emergency or other unforeseen needs;
- (2) Twenty percent for river/beach access and renourishment (subsection 66-44(a)(3));
- (3) Sixty percent for tourism-related buildings, including, but not limited to, civic centers, coliseums and aquariums (subsection 66-44(a)(1)); cultural, recreational, or historic facilities; highways, roads, streets, bridges and boat ramps providing access to tourist destinations (subsection 66-44(a)(2)); water and sewer infrastructure to serve tourism-related demand (subsection 66-44(a)(6); the operation and maintenance, including police, fire protection, emergency medical services and emergency preparedness operating directly attendant to those facilities as referenced above (subsection 66-44(a)(7); and for all other proper purposes (subsection 66-44(a)(8)).

(d) In accordance with state law, the ~~three chambers~~ above listed organizations shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the county. The accounting shall include but not be limited to IRS form 990s from the organization receiving county funds, audited year-end financial statements, profit and loss statements and any other documentation in which the Finance Committee may request. The accounting from the above listed organizations shall be presented at the August Finance Committee meeting.

~~(e) Any changes to this section of the code shall go into effect after July 1, 2009.~~

(Ord. No. 2002-11, § 7, 3-11-2002; Ord. No. 2005/10, § 7, 3-28-2005 ; Ord. No. 2009/15, 3-30-2009 ; Ord. No. 2018/22, 6-11-2018)

Sec. 66-48. - Applicability and effective date.

- (a) This division shall become effective on October 12, 2009.
- (b) The business license department is authorized to adopt guidelines, policies and procedures to implement this division.

(Ord. No. 2009/36, 10-12-2009)

Sec. 66-49. - Severability.

If any part of the ordinance is held by a court of competent jurisdiction be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance [Ord. No. 2009/36] without such unconstitutional, illegal or invalid provision, and the remainder of this division shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this division or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

(Ord. No. 2009/36, 10-12-2009)

Sec. 66-50. - Reserved.

ORDINANCE 2019 / ____

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
ARTICLE 3, SECTION 3.1.60 (CONSOLIDATED USE TABLE) AND SECTION 3.1.70
(LAND USE DEFINITIONS); ARTICLE 4, SECTION 4.1.360 (SPECIFIC TO USE) TO
ADD NEW USES CALLED LIMITED HOME RENTAL AND EXTENDED HOME
RENTAL**

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

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:



MEMORANDUM

To: Beaufort County Council
From: Eric Greenway, AICP, Community Development Director
Subject: Amendment to the Community Development Code (CDC) to add requirements for Short Term Rentals
Date: December 20, 2018

Summary: The purpose of this amendment is to address short-term rentals by introducing new uses that clarify the operational parameters, development standards, approval/permitting procedures and compliance processes for short-term rentals for properties within Beaufort County’s jurisdiction. The code currently only allows such uses as bed and breakfast or inns and this amendment will clarify the definitions of short term rental(s) and replaces the use of bed and breakfast with Limited Home Rental (LHR) and Inns with Extended Home Rental (EHR).

Natural Resources Committee: During the Natural Resources committee two minor changes were recommended. The first being a typographical error on the county name and the other reducing the number of violations prior to revoking the permit from three to two.

Planning Commission Recommendation: At their December 3 meeting, the Beaufort County Planning Commission recommended that Beaufort County Council adopt the proposed amendments to the CDC. Present at the meeting were Robert Semmler, Ed Pappas, Diane Chmelik, Dr. Caroline Fermin, Kevin Hennelly, Jason Hincer, Randolph Stewart, and Cecily McMillan. Harold Mitchell was absent. Cecily McMillan motioned to forward the recommendation to Beaufort County Council. Caroline Fermin seconded. Motion carried with Jason Hincer voting no.

Amended Sections of the CDC: These amendments affect the following sections of the CDC – Section 3.1.60 Consolidated Use Table; Section 3.1.70 Land Use Definitions; Section 4.1.360 Limited Home Rental and Extended Home Rental.

3.1.60 Consolidated Use Table

Table 3.1.60. Consolidated Use Table (continued)																		
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RETAIL & RESTAURANTS (continued)																		
15. Day Care: Family Home (up to 8 clients)	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	TCP	TCP	--
16. Day Care: Commercial Center (9 or more clients)	--	--	--	--	C	C	--	--	--	C	C	C	C	C	TCP	C	C	C
17. Lodging: Bed & Breakfast (5 rooms or less) Limited Home Rental (LHR)	--	S	S	--S	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	TCP	TCP	TCP	--
18. Lodging: Extended Home Rental (EHR)	--	S	--	--	S	S	--	--	--	--	P	P	P	P	TCP	P	P	--
19. Lodging: Inn (up to 24 rooms)	--	S	--	--	--	P	--	--	--	--	P	P	P	P	TCP	P	P	--
20. Lodging: Hotel	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	--

“P” indicates a Use that is Permitted By Right.

"C" indicates a Use that is Permitted with Conditions.

"S" indicates a Use that is Permitted as a Special Use.

"TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3

"--" indicates a Use that is not permitted.

3.1.70 Land Use Definitions

OFFICES AND SERVICES

This category is intended to encompass activities, without outdoor storage needs, that are primarily oriented towards office and service functions.

Land Use Type	Definition
10. Day Care: Family Care Home	A state-licensed facility in a private home where an occupant of the residence provides non-medical care and supervision for up to 8 unrelated adults or children, typically for periods of less than 24 hours per day for any client.
11. Day Care: Commercial Center	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.
12. Lodging: <u>Bed & Breakfast (B&B)</u> <u>Limited Home Rental (LHR)</u>	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence. A property with an owner-occupied residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.
13. <u>Lodging:</u> <u>Extended Home Rental (EHR)</u>	A property with an owner- or non-owner occupied residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year.
14. Lodging: Inn	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public.

4.1.360 Short-Term Rentals

A. Purpose and Applicability

1. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, the County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated County of Beaufort.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of residential dwellings as STRPs by:

- a. Providing for an annual permitting process to regulate STRP's;
- b. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants;

- c. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located;
- d. Providing alternative accommodation options for lodging in residential dwellings; and
- e. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

2. Applicability.

- a. **Short-Term Rental Types.** The following Short-Term Rentals shall be authorized

- 1) **Limited Home Rental (LHR)** - a property with an owner-occupied residential dwelling, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.

- 2) **Extended Home Rental (EHR)** - a property with an owner- or non-owner occupied residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of Article 3.6 of this Ordinance.

- b. **Applicable Zoning Districts.** STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Article 3, Section 3.1.60 (Consolidated Use Table).

- c. **Application.** Applications for STRPs shall be made in compliance with this Article.

- 3. **Registration.** All STRPs require a Zoning Permit and Business License. Upon adoption of this Ordinance, STRPs will have 30 calendar days to submit applications to comply with the provisions of this Article and an additional 90 calendar days to obtain all required Zoning Permits for the STRP use.

B. Operating Standards and Requirements

1. Permits and Renewals

- a. After a LHR STRP use has been authorized through the applicable zoning process(es), a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

- b. After an EHR STRP use has been authorized by the Board of Zoning Appeals, a Zoning Permit for a STRP use and a Business License must be obtained prior to offering, advertising, or providing Short-Term Rental Properties for lodging as provided for in this Article.

- c. Zoning Permits for all STRP uses must be renewed annually in compliance with this Article.

2. Short-Term Rental Property Tenant Notices

- a. Each STRP must contain a Short-Term Rental Tenant notice posted in each room where Short-Term Rental Tenants may lodge. The notice must provide the following information:
 - 1) Contact information for the owner of the STRP;
 - 2) Zoning Permit Number for the STRP use;
 - 3) Trash collection location and schedules, if applicable; and
 - 4) Fire and Emergency evacuation routes.

C. General Standards

1. Use Limitations and Standards.

- a. Legally permitted Principal Dwelling Units and Accessory Dwelling Units may be used as STRPs, even when they are located on the same property; however, Accessory Structures shall not be used as STRPs.
- b. Parking for Short-Term Rental Tenants shall be in compliance with Division 3.2 of the County Community Development Code.
- c. Signage advertising STRPs is prohibited in Residential Zoning Districts.

2. Advertising. Whether by a hosting platform, via Internet or paid advertising, or other postings, advertisements, or announcements, the availability of a STRP shall include the County issued Zoning Permit Number and Business License Number.

3. Annual Zoning Permit Renewal.

- a. Zoning Permits for all STRPs must be renewed annually. An application for annual renewal of the Zoning Permit must include:
 - 1) The application fee;
 - 2) A notarized affidavit signed by the property owner stating that the type of STRP use and the information submitted as part of the application for the previous year's Zoning Permit for the STRP use has not changed in any manner whatsoever and that the STRP use complies with the most recently adopted version of this Article (form of Affidavit Provided by the County); and
 - 3) The applicant shall file an application for a new Zoning Permit for a STRP use if the aforementioned requirements are not met.
- b. If the Director of the Community Development Department determines that the STRP use is not consistent with the Special Exception that authorizes the use and/or Site Plan Review approval that authorizes the use, the applicant shall file an application for a new Zoning Permit for the STRP use, including applicable Special Exception and/or Site Plan Review applications and fees.
- c. By the end of January of each calendar year, the owners of all registered STRPs will be mailed an annual renewal notice informing them that they must renew the Zoning Permit for the STRP use on or before April 1st of the same calendar year or their existing Zoning Permit will expire. The Zoning Permit for the STRP use will terminate on April 1st of each year regardless of whether or not the applicant receives notice from the Zoning and Planning Department Director.

D. Use Limitations and Requirements

1. **Applicability.** The limitations and requirements of this Section apply to all types of Short-Term Rental Properties (STRPs).
2. **Application Submittal Requirements.** No application for a STRP shall be accepted as complete unless
 - a. The name, address, email, and telephone number of all property owners of the Short-Term Rental Property (STRP).
 - b. Completed Short-Term Rental Property application signed by all current property owner(s). For properties owned by corporations or partnerships, the applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.
 - c. Restricted Covenants Affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
 - d. Address and Property Identification Number of the property on which the STRP is located.
 - e. The type of STRP that is the subject of the application, which may be a Limited Home Rental (LHR) or an Extended Home Rental (EHR).
 - f. The type of Dwelling Unit(s) that is proposed to be used as a STRP including, but not limited to, Principal Dwelling Unit, Accessory Dwelling Unit, Single Family Detached, Single Family Attached, Manufactured Housing Unit, and/or Multi Family, and documentation of Zoning Permit and Building Permit approvals for the structures, as applicable.
 - g. The maximum number of bedrooms in the Dwelling Unit(s) proposed to be used as a STRP.

E. Enforcement and Violations

1. Notwithstanding the provisions of this Ordinance, a STRP Zoning Permit may be administratively revoked by the Community Development Department Director or his designee if the STRP has violated the provisions of this Article on two or more occasions within a 12-month period. Provided however, a STRP Zoning Permit may be immediately revoked if the Community Development Department Director determines the STRP has Building Code violations, there is no Business License for the property, the property is being used in a manner not consistent with the Zoning Permit issued for the STRP use, or the advertisement for the STRP does not include the County issued Zoning Permit Number and Business License Number.
2. If a STRP Zoning Permit is administratively revoked or an application for a STRP Zoning Permit is administratively denied, a STRP owner (or authorized agent) may appeal the Community Development Department Director's administrative decision revoking or denying the STRP Zoning Permit to the Board of Zoning Appeals within 30 calendar days from the date of the denial or revocation. All appeals shall be addressed in accordance with the appeal procedures of CHAPTER 3, Article 3.13, of this Ordinance.
3. **Subsequent Application.** Once a County-issued Zoning Permit and/or a Business License for a STRP use has been revoked, no new Zoning Permit and/or Business License for a STRP use shall be issued to the applicant for the same property for a period of one year from the date of revocation. Upon expiration of the revocation period, a new Zoning Permit application for a STRP use must be submitted in accordance with this Article.

RESOLUTION 2019 / ____

A RESOLUTION ADOPTING THE FINDINGS OF THE STAFF ATTORNEY MEMORANDUM DATED DECEMBER 12, 2018 ACKNOWLEDGING THE FAILURE TO OBTAIN COUNCIL APPROVAL FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1 BOSTICK CIRCLE AND RECOMMENDING TO PROCEED WITH CONSTRUCTION OF A NEW HOME FOR THE DISABILITIES AND SPECIAL NEEDS DEPARTMENT

WHEREAS, the County, by and through the execution of documents by the former Interim County Administrator in the position at the time, did purchase real property known as 1 Bostick Circle in Beaufort, SC; and

WHEREAS, the issue of the purchase of 1 Bostick Circle has been thoroughly discussed at three Community Services Committee meetings on October 8, 2018; November 13, 2018 and December 17, 2018; and

WHEREAS, the Community Services Committee discussed the ordinance requirement for County Council to provide “prior approval” before the Administrator purchases real property; and

WHEREAS, a staff attorney concluded that there was no evidence in the record that County Council did provide the required “prior approval” before the former Interim County Administrator executed the documents for the purchase of 1 Bostick Circle; and

WHEREAS, it is the intention of the Disabilities and Special Needs Department (DSN) to build a new home at 1 Bostick Circle for its consumers in compliance with federal and state standards; and

WHEREAS, at the request of the Community Services Committee, an independent appraisal was performed and said appraisal concluded the value of the property is \$35,000; and

WHEREAS, the purchase price of the property was \$34,000; and

WHEREAS, the staff attorney memorandum concluded that the price paid was a fair and reasonable price; and

WHEREAS, the staff attorney memorandum recommends that County Council provide approval for staff to move forward with procuring construction of the DSN home; and

WHEREAS, currently staff is aware of at least 26 DSN consumers that have been displaced from Beaufort County due to unavailable housing within Beaufort County; and

WHEREAS, County Council finds that it is in the best interest of the citizens and residents of Beaufort County for County staff to continue efforts to construct a new DSN home at 1 Bostick Circle for the benefit of DSN consumers.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby adopt the findings of the staff attorney memorandum dated December 12, 2018, attached herein and made a part of this Resolution. Specifically, County Council hereby adopts the recommendation of the staff attorney to proceed with efforts to construct a new DSN home at 1 Bostick Circle and in keeping with Beaufort County's mission to serve its people in a manner so that all our citizens may enjoy and appreciate a protected quality of life.

Adopted this _____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council




Memorandum

DATE: December 12, 2018

TO: John Weaver, Esq., Interim County Administrator

COPY: County Council Community Services Committee via Alice Howard, Chair
Monica N. Spells, Assistant County Administrator, Civic Engagement and
Outreach, William Love, Executive Director, Beaufort County Disabilities and
Special Needs

FROM: Christopher S. Inglese, Assistant County Attorney 

SUBJECT: Purchase of 1 Bostick Circle Parcel

SUMMARY OF FACTS

In recent years, the County's Disabilities and Special Needs Department (DSN) has been engaged in a fundamental shift in the way those in need are served by DSN due to state directives. Unfortunately, the process has revealed in some areas of Beaufort County, community resistance to placing DSN homes in certain neighborhoods. DSN staff have faced numerous challenges in locating new homes to better house those they serve.

The shift led to the proposed sale of the Port Royal Community Residential Facility ("the Port Royal property") via Beaufort County Council Resolution 2017-1 (attached as Exhibit A). This facility, which averages fourteen (14) DSN consumers, is aging and no longer meets the needs of those it serves. The State had the facility constructed more than 20 years ago as an Intermediate Care Facility. The facility is institutional in nature and contrary to current state program standards.

Under current state directives, DSN typically houses no more than four (4) consumers per home. Therefore, the County determined that three (3) new homes were needed to accommodate the individuals currently residing at the Port Royal property. Prior to discussion of these three (3) homes, DSN had identified the need for one (1) home based on its growing waiting list for residential services, for a total of four (4) homes needed.

DSN utilized the County's Purchasing Department for assistance in identifying the new home sites. This process led to the procurement and approval for construction of three (3) new DSN homes.

DSN staff next began the search for a site for a fourth home and ultimately pursued the purchase of an undeveloped lot at 1 Bostick Circle. The DSN budget had funds available for a site in its Building Acquisitions line and ultimately the Interim County Administrator at the time of the lot purchase did execute the necessary documents for the purchase of 1 Bostick Circle.

The purchase is memorialized by a deed filed in the Beaufort County Register of Deeds at Book 3645 and Page 1772, filed February 20, 2018 and executed February 3, 2018 (attached as Exhibit B). The County purchased the property for \$34,000. The former Interim County Administrator, who also served as “Special Counsel” executed the necessary documents for the purchase and stamped the deed as “Approved for Recording” on behalf of the Beaufort County Attorney. Neither the Purchasing Director, nor staff in the Legal Department, were notified of the purchase in advance. The Finance Department wired the necessary purchasing funds based on Code Section 2-509 which authorizes the Administrator’s spending authority up to \$50,000.

On October 8, 2018, Community Services Committee discussed the purchase and ultimately asked for a legal opinion regarding the purchase of 1 Bostick Circle. On November 13, 2018, the Committee went into Executive Session for the purpose of receiving legal advice regarding the referenced purchase.

ISSUES

1. At issue, is a provision of the Beaufort County Code of Ordinances Section 2-514 Exemption for real Property which states in pertinent part, “(b) [W]ith **prior approval of the county council**, the purchase of real property for governmental use shall be negotiated by the county administrator” (**emphasis added**). Additionally, Section 2-509 states “[U]pon request of the county council and **subject to its approval** of each transaction, perform all delegable functions in connection with acquisition and disposal of real property” (**emphasis added**).

After thoroughly reviewing the record of council meetings, and inquiring of appropriate staff members, I concluded that nothing in the record demonstrates council’s *prior approval* for, nor knowledge of, the specific purchase of 1 Bostick Circle as required by County Code Sections 2-514 and 2-509.

2. Beaufort Code Section 2-510 articulates the remaining issues. In summary, the Code acknowledges ratification of an unauthorized contract at the time the Administrator executes the contract. I imagine this provision exists to protect innocent third parties from being damaged because of technical, procurement errors. Additionally, the Code requires the following in the instance of an unauthorized contract:
 - a. The department head shall prepare a written statement of facts; and
 - b. What corrective action is being taken to prevent another occurrence; and
 - c. What action is being taken against the individual responsible for committing the act; and
 - d. Document that the price paid is fair and reasonable.

Taking these in the order listed, the statement of facts is provided herein pursuant to the request of the committee and on behalf of the Department Head. I have prepared the statement of

facts, because it is unclear from the Code, which Department Head is to prepare the statement of facts. Furthermore, the Community Services Committee requested that I make written findings pursuant to the Code Section 2-510.

Next, the corrective action needed is to pursue a full time, real estate professional on staff to assist all departments with their real estate and property management needs. A professional, staff position will help to ensure that County code requirements are met, because the licensed real estate professional will be subject to principal/agent loyalty as well as the employer/employee loyalty, thus always acting in the County's best interest. Furthermore, a real estate professional can assist the County in numerous ways beyond compliance with County codes, including but not limited to purchases such as those made through the Rural and Critical Lands Program, real estate sales/purchases for the Facilities Department and elected officials, negotiating and drafting leases, managing property management logistics/work orders and more.

Third, there is no available disciplinary action to be taken against the former Interim County Administrator for failing to follow County procedures, as he is no longer employed by Beaufort County.

Fourth, the appraisal is attached as Exhibit C. The appraisal values the property at \$35,000 and demonstrates that "the price paid is fair and reasonable."

CONCLUSION

The property is owned by the County. The controversy surrounding the property has two elements. First, the unauthorized purchase by the former Interim County Administrator. The County should provide a staff position for a licensed real estate professional that can assist all departments with their real estate purchases and property management needs. There is no available disciplinary action available against the former Interim County Administrator because he is no longer employed by the County. The price paid for the property is fair and reasonable as demonstrated by the independent appraisal.

The second element is the apparent resistance from the Battery Creek neighborhood to a DSN home at 1 Bostick Circle. County Council should make a decision to either sell the property or move forward with construction of the DSN home. County Council should be cautioned against selling the property because of the perception of discrimination and probable violation of Federal laws that will most certainly be attached to such an action. Staff's recommendation is to move forward with the proposed DSN home, which we are confident will stand as another exemplary property serving DSN consumers.

EXHIBIT A

RESOLUTION 2017 / 1

A RESOLUTION TO THE BEAUFORT COUNTY LEGISLATIVE DELEGATION REQUESTING A PROVISIO BE WRITTEN TO RETAIN THE TOTAL AMOUNT OF PROCEEDS FROM THE SALE OF THE PORT ROYAL COMMUNITY RESIDENTIAL CARE FACILITY TO BE APPLIED TO THE PURCHASE, CONSTRUCTION AND/OR RENOVATION OF RESIDENTIAL HOMES TO BE MANAGED BY BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS

WHEREAS, The Beaufort County Disabilities and Special Needs (DSN) Board sent a resolution regarding the Beaufort County Community Residential Care Facility (CRCF) located in the Town of Port Royal (County Council District 4) at 1508 Old Shell Road to the Beaufort County Legislative Delegation on December 17, 2014; and

WHEREAS, the DSN Board passed this resolution on December 16, 2014 in hopes that the Delegation will consider moving it forward during the legislative session; and

WHEREAS, the DSN Board is appointed by Beaufort County Council and both bodies have concerns regarding the future of this facility, which is owned by the South Carolina Department of Disabilities and Special Needs (SCDDSN) and leased by Beaufort County Council for its DSN Department; and

WHEREAS, this facility is aging and no longer meets the needs of those it is meant to serve as the State had the facility constructed more than 20 years ago as an Intermediate Care Facility, which is institutional in nature and contrary to current SCDDSN program standards, and approved converting the facility to a 15-bed CRCF about 17 years ago; and

WHEREAS, current State standards call for a CRCF to accommodate no more than 6 to 8 individuals, and the 15 individuals residing at this facility have developmental disabilities, to include high-behavior needs, high-physical needs, and issues associated with aging, such as Alzheimer's and other dementias; and

WHEREAS, given the diverse, over-population in this facility, the ability of the County to best meet the needs of these individuals is adversely impacted, compromising the health and safety of the County employees and the individual residents; and

WHEREAS, based on current best practices established by SCDDSN and the South Carolina Department of Health and Human Services (SCDHHS), including the "Final Rule" (which looks at not only where a person lives, but how and with whom they spend their day), the facility prevents Beaufort County from coming into compliance with required home and community-based services; and

WHEREAS, the facility does not offer residents a homelike setting which is prescribed, thereby diminishing the care provided to the individuals living at the facility; and

WHEREAS, the location of the facility next to marshes and tidal waterways does not provide a safe setting for the residents, many of whom have communication disabilities; and

WHEREAS, these individuals deserve to reside in a home which affords them the opportunity to be in a place which is better integrated into the fabric of Beaufort County, enabling them to live as normal a life as possible; and

WHEREAS, Beaufort County DSN is facing challenges in transitioning these individuals per compliance requirements due to the facility being owned by SCDDSN; and

WHEREAS, should the property be sold, half of the proceeds will return to the State according to State law, thereby removing critical funding, which would be available to Beaufort County to develop appropriate housing for these individuals under its care and lead to the transfer of these individuals from Beaufort County and away from their loved ones to an alternate facility in a different county; and

WHEREAS, should this property be sold and all revenue be made available to Beaufort County to help develop compliant, smaller residential settings throughout the County, these residents will be able to remain in Beaufort County, their home, where they will be afforded an enhanced quality of life; and

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council requests that the Beaufort County Legislative Delegation introduce and work diligently to pass a proviso to the South Carolina General Assembly session that would require the return of 100% of the proceeds of the future sale of the Port Royal CRCF property to Beaufort County for the express purpose of purchasing, constructing, or renovating several new smaller residential facilities for its residents with developmental disabilities that would both conform to compliance directives on appropriate residential settings for these persons and better enable Beaufort County to provide the necessary ongoing care for these residents in safer, more appropriate housing.

DONE this 23rd day of January, 2017

COUNTY COUNCIL OF BEAUFORT COUNTY

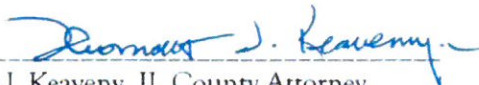
By: _____



D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney



ATTEST:

Ashley M. Bennett, Clerk to Council



EXHIBIT B

5-18
NCHW

Prepared without the benefit of a title exam by:
Derek C. Gilbert, Esq
Gilbert Law Firm LLC
2 Professional Village Circle
Beaufort, South Carolina 29907
Tel: 843-524-4000
Fax: 843-524-4006
derek@dkgilbert.com
File No. 180105-BAKER ST BEAUFORT COUNTY

BEAUFORT COUNTY SC - ROD
BK 3645 Pgs 1772-1776
FILE NUM 2018009213
02/20/2018 02:46:30 PM
REC'D BY rbing RCPT# 881011
RECORDING FEES \$0.00

Parcel ID No. R120 029 00A 0272 0000

*****AREA ABOVE THIS LINE RESERVED FOR RECORDING*****

STATE OF SOUTH CAROLINA)
)
COUNTY OF Beaufort) TITLE TO REAL ESTATE
) (General Warranty Deed)

GRANTOR: Brian Baker and Leslie T. Baker

GRANTEE: Beaufort County

Grantee's Address: Post Office Box 1228
Beaufort, SC 29901

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

KNOW ALL MEN BY THESE PRESENT, that Grantor, for and in consideration of the sum of Thirty Four Thousand and 00/100 Dollars, (\$34,000.00), paid by Grantee to the Grantor, the receipt and sufficiency of which is hereby acknowledged, SUBJECT TO the matters set forth below, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Grantee, the real estate (the "Premises") described on Exhibit A attached hereto and incorporated herein.

This conveyance is made SUBJECT TO all easements, conditions, covenants and restrictions of record.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in any way incident or appertaining, including, but not limited to, all improvements of any nature located on the Premises and all easements and rights-of-way appurtenant to the Premises.

APPROVED FOR RECORDING
BY: [Signature]
BEAUFORT COUNTY ATTORNEY
DATE: 2-16-18

TO HAVE AND TO HOLD all and singular the Premises unto Grantee and Grantee's heirs, successors and assigns forever.

And, SUBJECT TO the matters set forth above, Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, executors, administrators and other lawful representatives, to warrant and forever defend all and singular the Premises unto Grantee and Grantee's heirs, successors and assigns against Grantor and Grantor's successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused this General Warranty Deed to be executed on this the 3rd day of February, 2018.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Brian Baker
Witness #1

Brian Baker
Brian Baker

Amanda M. Constant
Notary

Leslie T. Baker
Leslie T. Baker

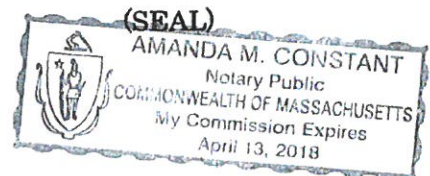
STATE OF MASSACHUSETTS)
)
COUNTY OF Barnstable)

ACKNOWLEDGMENT

I, the undersigned notary public, do hereby certify that Brian Baker and Leslie T. Baker, Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 3rd day of February, 2018.

Amanda M. Constant
Notary Public for MA
My Commission Expires: 4/13/18



ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

ALL that certain piece, parcel or lot of land, situate, lying and being in the City of Beaufort, County of Beaufort, State of South Carolina, being designated as Lot 247, Phase VIII, Battery Point Subdivision, as shown on a plat prepared by Gasque & Associates, Inc., David E. Gasque, RLS, dated May 30, 1997, entitled "Plat Showing Battery Point Subdivision, Phase VIII, Prepared for J. Bennett McNeal, City of Beaufort, Beaufort County, South Carolina," a copy of which is duly recorded on June 11, 1998 in the Office of the Register of Deeds for Beaufort, South Carolina in Plat Book 65 at Page 105.

Said property is subject to any and all applicable covenants, conditions, revisions, provisions, easements and/of rights-of-way as set forth in the Office of the Register of Deeds for Beaufort County, South Carolina and any amendments thereto.

This being the same property conveyed to the within named Grantor by deed dated March 24, 2017 and recorded March 27, 2017 in the Office of the Register of Deeds for Beaufort County, South Carolina in Book 3561 at Page 2427.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

AFFIDAVIT

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

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is known as:
3. Check one of the following: The deed is
 - (a)_____subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b)_____subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c)X_____exempt from the deed recording fee because (see Information section of affidavit): 12-24-40(sub-section 2)

(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
 - (a)_____The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
 - (b)_____The fee is computed on the fair market value of the realty which is _____
 - (c)_____The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check Yes___ or No___ to the following: A lien or encumbrance existed on The land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes,"
6. The deed recording fee is computed as follows:
 - (a)Place the amount listed in item 4 above here: _____

EXHIBIT C

APPRAISAL OF REAL PROPERTY



LOCATED AT

1 Bostick Cir
Beaufort, SC 29902
LOT 247 BATTERY POINT S/D PH VIII

FOR

N/A

AS OF

12/3/2018

BY

BRIAN J HARRELSON
SEA ISLAND APPRAISAL COMPANY
106 WEST STREET EXT SUITE A
BEAUFORT, SC 29902
(843) 379-6103
bharrelson@seaislandappraisal.com

SEA ISLAND APPRAISAL COMPANY
106 WEST STREET EXT SUITE A
BEAUFORT, SC 29902
(843) 379-6103

December 04, 2018

BEAUFORT COUNTY
PO BOX 1228-29901
BEAUFORT, SC 29901

Re: Property: 1 Bostick Cir
Beaufort, SC 29902
Borrower: N/A
File No.: 7162H1118

Opinion of Value: \$ 35,000
Effective Date: 12/3/2018

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



BRIAN J HARRELSON
License or Certification #: 3183
State: SC Expires: 06/30/2020
bharrelson@seaislandappraisal.com

LAND APPRAISAL REPORT

File No.: 7162H1118

Property Address: 1 Bostick Cir City: Beaufort State: SC Zip Code: 29902
 County: BEAUFORT Legal Description: LOT 247 BATTERY POINT S/D PH VIII

Assessor's Parcel #: R120 029 00A 0272 0000 Tax Year: 2018 R.E. Taxes: \$ 41.51 Special Assessments: \$ 0
 Market Area Name: BATTERY POINT Map Reference: R120-29-A-272 Census Tract: 0005.02
 Current Owner of Record: BEAUFORT COUNTY Borrower (if applicable): N/A
 Project Type (if applicable): PUD De Minimis PUD Other (describe) HOA: \$ 832 per year per month
 Are there any existing improvements to the property? No Yes If Yes, indicate current occupancy: Owner Tenant Vacant Not habitable
 If Yes, give a brief description:

The purpose of this appraisal is to develop an opinion of: Market Value (as defined), or other type of value (describe)
 This report reflects the following value (if not Current, see comments): Current (the Inspection Date is the Effective Date) Retrospective Prospective
 Property Rights Appraised: Fee Simple Leasehold Leased Fee Other (describe)
 Intended Use: TO PROVIDE A CURRENT MARKET VALUE AS OF 12/3/2018.
 Intended User(s) (by name or type): BEAUFORT COUNTY
 Client: BEAUFORT COUNTY Address: PO BOX 1228-29901, BEAUFORT, SC 29901
 Appraiser: BRIAN J HARRELSON Address: 106 WEST STREET EXT SUITE A, BEAUFORT, SC 29902

Location:	Characteristics	Predominant Occupancy	One-Unit Housing	Present Land Use	Change in Land Use
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	<input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	<input checked="" type="checkbox"/> Owner 95 <input type="checkbox"/> Tenant 5	PRICE (\$000) AGE (yrs)	One-Unit 100% <input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely * <input type="checkbox"/> In Process *
Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	<input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vacant (>5%)	225 Low 0	2-4 Unit %	* To: _____
Demand/supply: <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	Marketing time: <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.		850 High 25	Multi-Unit %	
			285 Pred 14	Comm'l %	

Factors Affecting Marketability

Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A
Employment Stability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Market Area Comments: THE SUBJECT IS BOUNDED TO THE NORTH BY SALEM ROAD, EAST AND SOUTH BY BATTERY CREEK, AND WEST BY HIGHWAY 280.
 THE SUBJECT IS LOCATED IN BATTERY POINT SUBDIVISION WITHIN THE CITY OF BEAUFORT, SC. THE AREA IS CHARACTERIZED BY SINGLE FAMILY HOUSING OF AVERAGE TO GOOD CONSTRUCTION QUALITY. CONVENIENCE TO SCHOOLS, PLACES OF WORSHIP, AND RECREATIONAL FACILITIES IS CONSIDERED GOOD.
 SHOPPING AND EMPLOYMENT CENTERS ARE MINUTES AWAY. I HAVE CONSIDERED RELEVANT COMPETITIVE LISTINGS AND/OR CONTRACTS OFFERINGS IN THE PERFORMANCE OF THIS APPRAISAL AND IN THE TRENDING INFORMATION REPORTED IN THIS SECTION.

Dimensions: SEE SURVEY (NOT ATTACHED) Site Area: .18 Acres
 Zoning Classification: PUD/PLANNED UNIT DEV. Description: RESIDENTIAL IMPROVED SINGLE FAMILY
 Do present improvements comply with existing zoning requirements? Yes No No Improvements
 Uses allowed under current zoning: SINGLE FAMILY BUILDING LOT
 Are CC&Rs applicable? Yes No Unknown Have the documents been reviewed? Yes No Ground Rent (if applicable) \$ N/A/
 Comments:
 Highest & Best Use as improved: Present use, or Other use (explain) _____
 Actual Use as of Effective Date: SINGLE FAMILY BUILDING LOT Use as appraised in this report: SINGLE FAMILY BUILDING LOT
 Summary of Highest & Best Use: The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The subject meets all these criteria.

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private	Frontage
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street	ASPHALT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Width				LEVEL
Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Surface				GOOD
Sanitary Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Curb/Gutter	CONCRETE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RECTANGULAR
Storm Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Sidewalk	CONCRETE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	APPEARS LOW
Telephone	<input type="checkbox"/>	<input type="checkbox"/>		Street Lights	ELECTRIC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RESIDENTIAL
Multimedia	<input type="checkbox"/>	<input type="checkbox"/>		Alley	NONE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Other site elements: Inside Lot Corner Lot Cul de Sac Underground Utilities Other (describe)
 FEMA Spec'l Flood Hazard Area Yes No FEMA Flood Zone A8 FEMA Map # 4500250065D FEMA Map Date 09/29/1986
 Site Comments: NO ADVERSE EASEMENTS NOTED AT THE TIME OF INSPECTION. LOT DIMENSIONS OBTAINED FROM THE MLS/LISTING AGENT. FINAL DETERMINATION OF FLOOD ZONE LIES IN THE SURVEY. THIS APPRAISER IS NOT CONSIDERED TO BE AN EXPERT IN THE FIELD OF ENVIRONMENTAL HAZARDS.



LAND APPRAISAL REPORT

File No.: 7162H1118

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

TRANSFERS HISTORY
 Data Source(s): **BEAUFORT COUNTY PROPERTY MAX**
 1st Prior Subject Sale/Transfer: Analysis of sale/transfer history and/or any current agreement of sale/listing: **THERE WERE TWO SALE TRANSFER OF THE**
 Date: **2/3/2018** **SUBJECT PROPERTY WITHIN THE THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS APPRAISAL ASSIGNMENT.**
 Price: **34,000** **THE VACANT LAND FIRST SOLD ON 3/24/17 FOR \$30,000 AND THEN AGAIN ON 2/3/2018 FOR \$34,000. THERE WERE NO**
 Source(s): **BFT MLS/PROPERTY MAX** **RECORDED SALES OF THE COMPARABLE PROPERTIES REPORTED BY THE BEAUFORT COUNTY REGISTER OF DEEDS IN**
 2nd Prior Subject Sale/Transfer: **THE LAST 12 MONTHS PRECEDING THEIR SALES DATES.**
 Date: **3/24/2017**
 Price: **30,000**
 Source(s): **BFT MLS/PROPERTY MAX**

FEATURE	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	1 Bostick Cir Beaufort, SC 29902	74 Bostick Cir Beaufort, SC 29902	66 Petigru Dr Beaufort, SC 29902	55 Bostick Cir Beaufort, SC 29902
Proximity to Subject		0.15 miles SW	0.28 miles S	0.22 miles SW
Sale Price	\$	\$ 30,000	\$ 45,000	\$ 67,250
Price/ Acre	\$	\$ 214,285.71	\$ 236,842.11	\$ 320,238.10
Data Source(s)	INSPECTION	BFT MLS#152852;DOM 290	BFT MLS#133301;DOM 1511	BFT MLS#153906;DOM 220
Verification Source(s)	BFT COUNTY PROPERTY MAX	BFT COUNTY PROPERTY MAX	BFT COUNTY PROPERTY MAX	BFT COUNTY PROPERTY MAX
VALUE ADJUSTMENT	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing		CASH	CASH	CASH
Concessions		NONE NOTED	NONE NOTED	NONE NOTED
Date of Sale/Time		3/28/2018	12/29/2016	4/20/2018
Rights Appraised	Fee Simple	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE
Location	BATTERY POINT	BATTERY POINT	BATTERY POINT	BATTERY POINT
Site Area (in Acres)	.18	.14	.19	.21
		+4,000		-3,000
	LANDSCAPE	LANDSCAPE	POND/DIST MARSH	MARSH/SUPERIOR
	RESIDENTIAL LOT	RESIDENTIAL LOT	RESIDENTIAL LOT	RESIDENTIAL LOT
	PUBLIC WATER/SEWER	PUBLIC WATER/SEWER	PUBLIC WATER/SEWER	PUBLIC WATER/SEWER
Net Adjustment (Total, in \$)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 4,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -10,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -28,000
Adjusted Sale Price (in \$)		\$ 34,000	\$ 35,000	\$ 39,250

SALES COMPARISON APPROACH
 Summary of Sales Comparison Approach **ALL SALES WERE THE MOST RECENT MARKET TRANSACTION TO OCCUR NEAR THE SUBJECT THAT WERE SIMILAR IN DESIGN AND MARKET APPEAL. THE APPRAISER SELECTED THE MOST APPROPRIATE SALES AVAILABLE. ALL COMPARABLES WERE CONSIDERED AS EACH ONE HAS A COMPARISON FACTOR. THE SALES USED ARE THE BEST AVAILABLE AND ARE CONSIDERED VALID SALES FOR COMPARISON.**

PUD
 PROJECT INFORMATION FOR PUDs (if applicable) The Subject is part of a Planned Unit Development.
 Legal Name of Project: **BATTERY POINT**
 Describe common elements and recreational facilities: **COMMUNITY POOL, CLUB HOUSE, TENNIS COURTS, BOAT BASIN, COMMUNITY DOCK, COMMUNITY POOL, AND AND LEISURE TRAIL.**

RECONCILIATION
 Indicated Value by: Sales Comparison Approach \$ **35,000**
 Final Reconciliation **THE DIRECT SALES COMPARISON APPROACH IS CONSIDERED TO BE THE BEST APPROACH FOR DETERMINING THE VALUE OF VACANT LAND. SALES AND LISTINGS FROM THE ENTIRE AREA WERE TAKEN INTO CONSIDERATION TO ARRIVE AT THE FINAL CONCLUSION OF VALUE.**
 This appraisal is made "as is", or subject to the following conditions: **THIS APPRAISAL HAS BEEN MADE IN THE "AS IS" CONDITION. THIS APPRAISAL IS OF VACANT LAND WITH NO IMPROVEMENTS.**
 This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.
Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 35,000, as of: 12/3/2018, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

ATTACH.
 A true and complete copy of this report contains _____ pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits: Scope of Work
 Limiting cond./Certifications Narrative Addendum Location Map(s) Flood Addendum Additional Sales
 Photo Addenda Parcel Map Hypothetical Conditions Extraordinary Assumptions

SIGNATURES
 Client Contact: _____ Client Name: **BEAUFORT COUNTY**
 E-Mail: _____ Address: **PO BOX 1228-29901, BEAUFORT, SC 29901**
APPRAISER
 Appraiser Name: **BRIAN J HARRELSON**
 Company: **SEA ISLAND APPRAISAL COMPANY**
 Phone: **(843) 379-6103** Fax: _____
 E-Mail: **bharrelson@seaislandappraisal.com**
 Date of Report (Signature): **December 04, 2018**
 License or Certification #: **3183** State: **SC**
 Designation: _____
 Expiration Date of License or Certification: **06/30/2020**
 Inspection of Subject: Did Inspect Did Not Inspect (Desktop)
 Date of Inspection: **12/3/2018**
SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
 Supervisory or Co-Appraiser Name: _____
 Company: _____
 Phone: _____ Fax: _____
 E-Mail: _____
 Date of Report (Signature): _____
 License or Certification #: _____ State: _____
 Designation: _____
 Expiration Date of License or Certification: _____
 Inspection of Subject: Did Inspect Did Not Inspect
 Date of Inspection: _____



Subject Photos

Borrower/Client	N/A				
Property Address	1 Bostick Cir				
City	Beaufort	County	BEAUFORT	State	sc Zip Code 29902
Lender	N/A				



Subject Front

1 Bostick Cir
Sales Price
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location BATTERY POINT
View
Site .18
Quality
Age



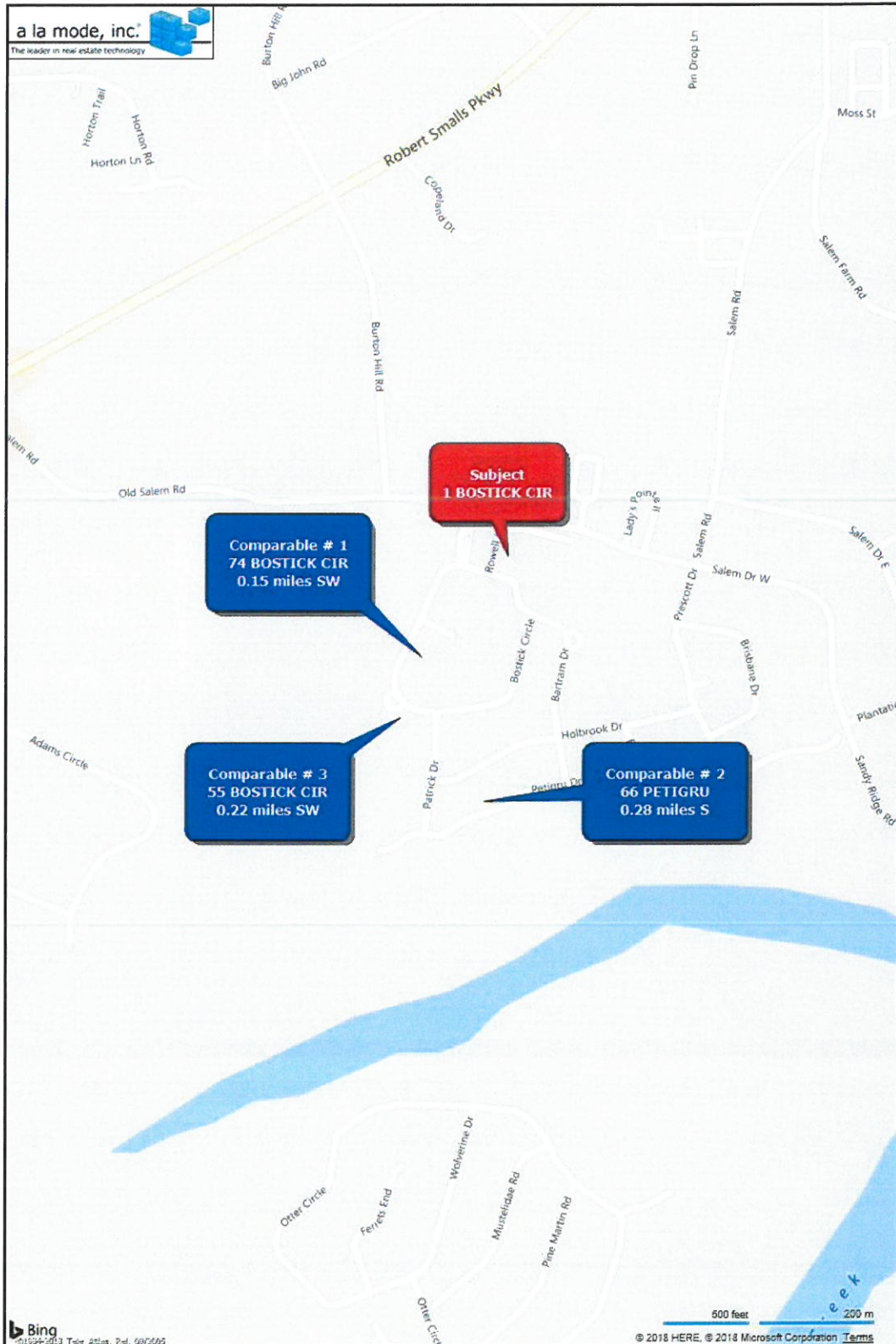
Subject Rear



Subject Street

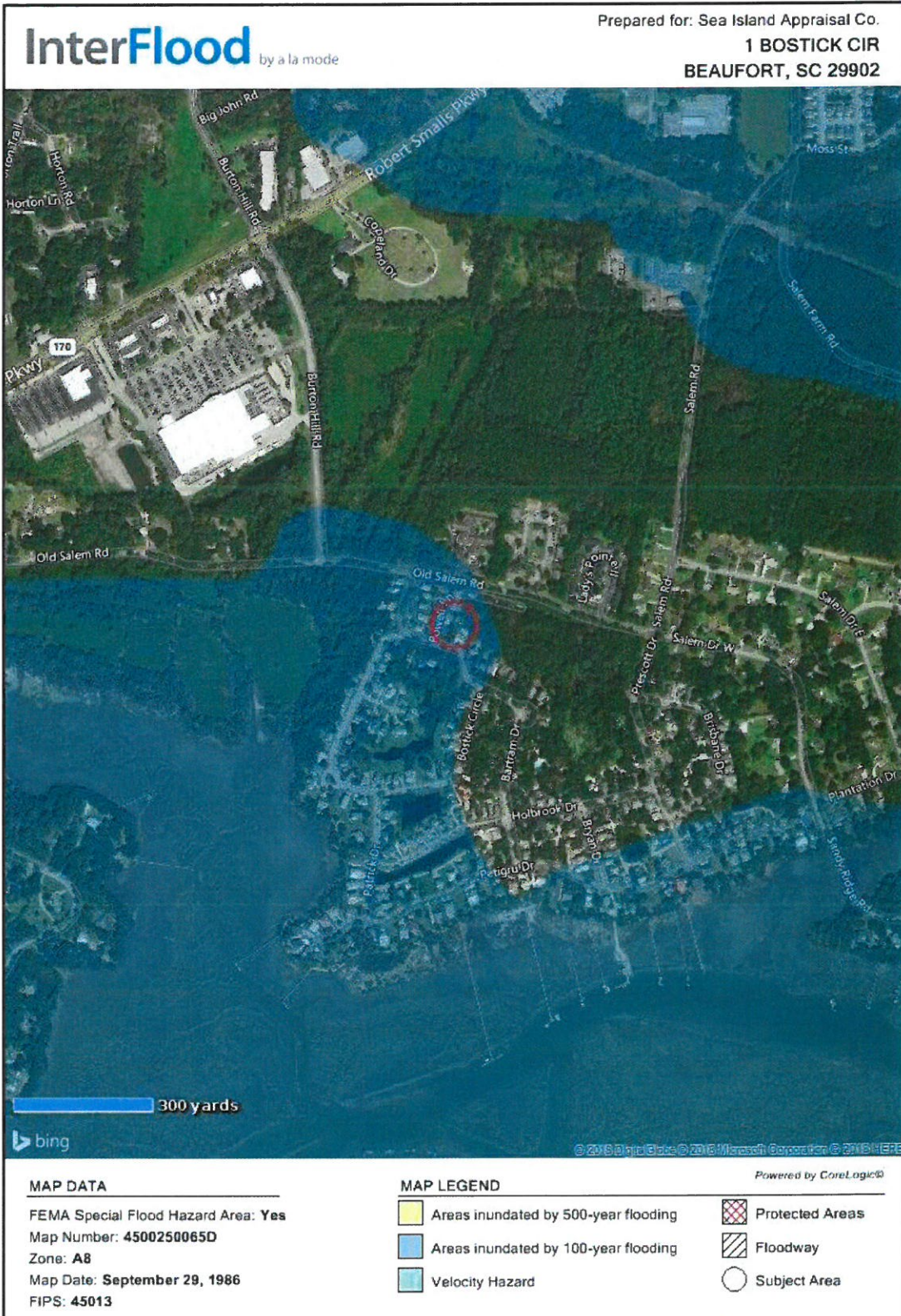
Location Map

Borrower/Client	N/A				
Property Address	1 Bostick Cir				
City	Beaufort	County	BEAUFORT	State	sc
Zip Code	29902				
Lender	N/A				



Flood Map

Borrower/Client	N/A				
Property Address	1 Bostick Cir				
City	Beaufort	County	BEAUFORT	State	sc
Lender	N/A				
				Zip Code	29902



GP Land Certifications Addendum

File No.: 7162H1118

Property Address: 1 Bostick Cir	City: Beaufort	State: SC	Zip Code: 29902
Client: BEAUFORT COUNTY	Address: PO BOX 1228-29901, BEAUFORT, SC 29901		
Appraiser: BRIAN J HARRELSON	Address: 106 WEST STREET EXT SUITE A, BEAUFORT, SC 29902		

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a plat and/or parcel map in the appraisal report to assist the reader in visualizing the lot size, shape, and/or orientation. The appraiser has not made a survey of the subject property.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database. Possession of this report or any copy thereof does not carry with it the right of publication.
- Forecasts of effective demand for the highest and best use or the best fitting and most appropriate use were based on the best available data concerning the market and are subject to conditions of economic uncertainty about the future.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Certifications & Definitions

File No.: 7162H1118

Property Address: 1 Bostick Cir	City: Beaufort	State: SC	Zip Code: 29902
Client: BEAUFORT COUNTY	Address: PO BOX 1228-29901, BEAUFORT, SC 29901		
Appraiser: BRIAN J HARRELSON	Address: 106 WEST STREET EXT SUITE A, BEAUFORT, SC 29902		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications:

DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact: _____	Client Name: BEAUFORT COUNTY
E-Mail: _____	Address: PO BOX 1228-29901, BEAUFORT, SC 29901

<p>APPRAISER</p> <p><i>Brian J Harrelson</i> Appraiser Name: BRIAN J HARRELSON Company: SEA ISLAND APPRAISAL COMPANY Phone: (843) 379-6103 Fax: _____ E-Mail: bharrelson@seaislandappraisal.com Date Report Signed: December 04, 2018 License or Certification #: 3183 State: SC Designation: _____ Expiration Date of License or Certification: 06/30/2020 Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect (Desktop) Date of Inspection: 12/3/2018</p>	<p>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</p> <p>Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date Report Signed: _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect Date of Inspection: _____</p>
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SIGNATURES



County Council of Beaufort County 2019 Meetings

DRAFT

DRAFT

Date	CAUCUS		REGULAR SESSION	
	Time	Location	Time	Location
January 14, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
January 28, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
February 25, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
March 11, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
March 25, 2019	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
April 8, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
April 22, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
May 13, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
May 28, 2019 *	5:00 p.m.	Bluffton Branch Library	6:00 p.m.	Bluffton Branch Library
June 10, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
June 24, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
July 22, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
August 26, 2019	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
September 9, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
September 23, 2019	5:00 p.m.	Bluffton Branch Library	6:00 p.m.	Bluffton Branch Library
October 14, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
October 28, 2019	5:00 p.m.	Hilton Head Island Branch Library	6:00 p.m.	Hilton Head Island Branch Library
November 18, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers
December 9, 2019	5:00 p.m.	Executive Conference Room	6:00 p.m.	Council Chambers

* Tuesday in lieu of Monday (Memorial Day)

Bluffton Branch Library, 120 Palmetto Way, Bluffton
 Council Chambers, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
 Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island

Boards and Commissions
 Reappointments and Appointments
 January 14, 2019

1. Community Services

Drug and Alcohol Abuse Board

<u>NominatING</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Year</u>	<u>Expiration</u>
01.14.19	Joseph Naughton	Council District 9	Appoint	6/11	Partial Term	2/21

2. Nomination from Councilman Dawson

Seabrook Point Special Purpose Tax District

<u>NominatED</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Year</u>	<u>Expiration</u>
12.10.18	Seth Howard	Council District 1	Appoint	6/11	***	***

3. Governmental Committee

Daufuskie Island Fire District

<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>
12.10.18	Nancy Ludtke	Council District 9	Appoint	6/11	Partial Term	2/21

ADD-ONS

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

Topic: 2019-2020 Council Committee Schedule & Responsibilities

Date Submitted: January 14, 2019

Submitted by: John Weaver

Venue: Council Regular Session

RESOLUTION 2019 / ____

A RESOLUTION TO AMEND THE BEAUFORT COUNTY COUNCIL RULES AND PROCEDURES, CHAPTER 2A. SO AS TO ADD THERETO A SCHEDULE FOR COMMITTEE MEETING TO BE HELD MONTHLY

WHEREAS, so as to avoid conflict in scheduling the various committee meetings and to provide sufficient time for the completion of the committees' business, Council has determined that the best interests of county staff, the Clerk to Council and Council itself will be served by establishing a monthly schedule for committee meetings.

NOW, THEREFORE, BE IT RESOLVED that effective January, 2019, and continuing forward thereafter, the following schedule for Council Committee meetings shall be as follows:

1. The **Finance Committee** and the **Public Facilities Committee** will meet on Monday of the first full week of each month. The **Finance Committee** will begin at **2:00PM** and the **Public Facilities Committee** will begin at **4:00PM**.
 - a. Items from either or both of those two committees that require further consideration by full Council shall be placed on the Council Agenda for the second Council meeting of the same month as when the committees last met.
 - b. Committee Chairmen are expected to review and approve a committee agenda with the Clerk to Council no later than the Wednesday preceding the scheduled meeting.
2. The **Natural Resources Committee** and the **Community Services Committee** will meet on Monday of the third full week of each month. The **Natural Resources Committee** will begin at **2:00PM** and the **Community Services Committee** will begin at **4:00PM**.
 - a. Items from either or both of those two committees that require further consideration by full Council shall be placed on the Council agenda for the first Council meeting of the following month.
 - b. Committee Chairmen are expected to review and approve a committee agenda with the Clerk to Council no later than the Wednesday preceding the scheduled meeting.
3. The **Executive Committee** will meet on Monday of the second full week of each month beginning at **4:00PM**.
 - a. Items from this committee that require further consideration by full Council shall be placed on the Council agenda for the second Council meeting of the same month as when the committee last met.
 - b. The Committee Chairman is expected to review and approve a committee agenda with the Clerk to Council no later than the Wednesday preceding the scheduled meeting.
4. The **Governmental Committee** will meet on Monday of the fourth full week of each month beginning at **4:00PM**.
 - a. Items from this committee that require further consideration by full Council shall be placed on the Council agenda for the first Council meeting of the following month.

- b. The Committee Chairman is expected to review and approve a committee agenda with the Clerk to Council no later than the Wednesday preceding the scheduled meeting.
5. Nothing herein is intended to prevent the cancellation of a committee meeting if in the opinion of the Committee Chairman there are insufficient issues requiring the committee's attention.
 6. Nothing herein is intended to prevent a Committee Chairman from recommending to the Council Chairman that a particular issue coming forward from that committee is time sensitive and should be considered by full Council at the next full Council meeting. In all instances, FOIA requirements of South Carolina statutory law must be met.
 7. Committee Chairman shall retain the prerogative of delaying the transmittal of an issue to the full Council if in the opinion of the Committee Chairman additional research or additional information is necessary for the committee to fully comprehend the issue at hand so as to make an informed recommendation to Council.
 8. Council recognizes that there are months when full Council meets only once monthly. Council also recognizes that there potentially are unforeseen circumstances where by necessity committee schedules must be adjusted. This scheduling Resolution is intended to be sufficiently flexible as needed so as to conduct the business of a committee with standardization, but, nevertheless, with the authority to adjust a schedule as deemed reasonable and necessary.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Stewart H. Rodman, Chairman

ATTEST:

Connie L. Schroyer, Clerk to Council

RESOLUTION 2019 / ____

A RESOLUTION TO DEFINE THE CATEGORIES OF MEMBERSHIPS ON THE COUNCIL COMMITTEES AND TO ESTABLISH THE DUTIES AND RESPONSIBILITIES OF EACH MEMBER CATEGORY

WHEREAS, with the election of new Council members and a new Council Chairman, it becomes necessary to establish membership for the various Council Committees for 2019 and 2020; and

WHEREAS, the listing of committee assignments, as determined by the Chairman, is attached hereto and is deemed by Council to be reasonable and acceptable; and

WHEREAS, the Chairman has established the following committee membership criteria that, likewise, is reasonable and equitable to Council, particularly

- A.** Attendance at scheduled committee meetings by the committee Chairman, Vice-Chairman and named members is expected. Attendance at scheduled committee meetings by other Council members not classified as a committee member is encouraged, but not required.
- B.** For purposes of establishing a committee quorum, a majority of the named committee members must be in attendance. Non-members in attendance shall not be considered when establishing the presence of a committee quorum.
- C.** All members of Council not specifically identified as a named committee member are designated as "ex officio" committee members because of their status as elected officials of County Council.
- D.** When in attendance, "ex officio" committee members shall be entitled to participate and discuss any issue before the committee as set forth on its agenda. Further, any "ex officio" committee member in attendance shall be entitled to have an equal vote on any issue that requires a recommendation to full Council. However, as an exception to this policy, no non-member of the Executive Committee shall be entitled to a vote on any subject.

THEREFORE, BE IT RESOLVED that the membership criteria and the duties and responsibilities of committee members and non-committee members in attendance during a scheduled committee meeting is APPROVED.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Stewart H. Rodman, Chairman

ATTEST:

Connie L. Schroyer, Clerk to Council

Topic: Personal Service Contract
Date Submitted: January 14, 2019
Submitted by: Mare Baracco
Venue: Council Regular Session

----- Forwarded message -----

From: "**Stu Rodman**" <sturodman@gmail.com>

Date: Sat, Jan 12, 2019 at 8:14 AM -0500

Subject: Personal Service Contract

To: "Flewelling, Brian" <brianf@bcgov.net>, "Mike Covert" <info@covertaire.com>,

"Sommerville, Paul" <psommerville@hargray.com>

Cc: "Weaver, John" <jweaver@bcgov.net>, "Keaveny, Thomas" <tkeaveny@bcgov.net>

All,

John is finding it hard to find an appropriate attorney to conduct the investigation directed by Council last fall.

John and Tom have confirmed my conclusions that there is little to investigate since Council ratified the contract when it extended it and the contract was within the authority level of the Administrator.

There may be good reason to continue and, not wanting to ignore a Council directive, my inclination is to bring this to Council's attention, ask John to temporarily suspend the exercise, allow a couple of weeks for Members to consider the situation, and authorize John to close out the matter if no Member brings it forth and Council doesn't vote to continue.

Cheers,

Stu



Beaufort County > Vendor
Beaufort County Financial Transparency

Vendor

Filter by Fund: Capital Projects, Debt Service, Enterprise ...

Actions | 1 of 1 | FindNext

Vendor Payment Details for
HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Filter by Fiscal Year:
[2016](#) [2017](#) [2018](#) [2019](#)

Filtered by Fiscal Year: 2019, Vendor: HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Account

Vendor Payments

ADMIN'S CONTINGENCY

\$13,000

Payment Date	Account	Category	Department	Fund	Vendor Payments
07/06/2018	ADMIN'S CONTINGENCY	Contingency	COUNTY ADMINISTRATOR	GENERAL FUND	\$13,000

Total

\$13,000



Beaufort County > Vendor
Beaufort County Financial Transparency

Vendor

Filter by Fund: **Capital Projects, Debt Service, Enterprise ...**

Actions | | | | FindNext

Vendor Payment Details for
HILTON HEAD ISLAND CONOURS D'ELEGANCE INC.

Filter by Fiscal Year:
2016 2017 **2018** 2019

Filtered by Fiscal Year: **2018**, Vendor: **HILTON HEAD ISLAND CONOURS D'ELEGANCE INC.**

Account					Vendor Payments
<input type="checkbox"/> ADMIN'S CONTINGENCY					\$10,000
Payment Date	Account	Category	Department	Fund	Vendor Payments
07/07/2017	ADMIN'S CONTINGENCY	Contingency	COUNTY ADMINISTRATOR	GENERAL FUND	\$10,000
<input type="checkbox"/> DIRECT SUBSIDIES					\$26,000
Payment Date	Account	Category	Department	Fund	Vendor Payments
12/01/2017	DIRECT SUBSIDIES	Subsidies	STATE ACCOMMODATIONS TAX (2%)	STATE ACCOMMODATIONS TAX	\$26,000
Total					\$36,000



Beaufort County ▸ Vendor
Beaufort County Financial Transparency

Vendor

Filter by Fund: Capital Projects, Debt Service, Enterprise ... ▾

Actions ▾ | | | 1 of 1 | | FindNext

Vendor Payment Details for
HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Filter by Fiscal Year:			
2016	2017	2018	2019

Filtered by Fiscal Year: 2017, Vendor: HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Account ▾					Vendor Payments ▾
<input type="checkbox"/> ADMIN'S CONTINGENCY					\$10,000
Payment Date	Account	Category	Department	Fund	Vendor Payments
07/22/2016	ADMIN'S CONTINGENCY	Contingency	COUNTY ADMINISTRATOR	GENERAL FUND	\$10,000
<input type="checkbox"/> DIRECT SUBSIDIES					\$25,000
Payment Date	Account	Category	Department	Fund	Vendor Payments
11/18/2016	DIRECT SUBSIDIES	Subsidies	STATE ACCOMMODATIONS TAX (2%)	STATE ACCOMMODATIONS TAX	\$25,000
Total					\$35,000



Beaufort County > Vendor
Beaufort County Financial Transparency

Vendor

Filter by Fund: Capital Projects, Debt Service, Enterprise ...

Actions | 1 of 1 | FindNext

Vendor Payment Details for
HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Filtered by Fiscal Year: 2016, Vendor: HILTON HEAD ISLAND CONCOURS D'ELEGANCE INC.

Filter by Fiscal Year:
[2016](#) [2017](#) [2018](#) [2019](#)

Account

ADMIN'S CONTINGENCY

DIRECT SUBSIDIES

Total

Vendor Payments

\$10,000

\$25,000

\$35,000

Select a Report View

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[Spending by Category](#)

[Spending by Date](#)

[Spending by Department](#)

[Spending by Fund](#)

[Spending by Sub-Category](#)

From: Stu Rodman <sturodman@gmail.com>
Sent: Saturday, September 08, 2018 4:32 PM
To: Sommerville, Paul
Cc: Jerry Stewart
Subject: Re: Hurricane

Paul,

1. We have to assume the worst and delaying action until Monday evening when an evacuation might already be underway would be irresponsible in the eyes of the public.
2. This is a golden opportunity to demonstrate the childish foolishness of some on Council that has put us in a dangerous position and then stand up as adults and hire Josh.

Cheers,

Stu

On Sat, Sep 8, 2018 at 4:19 PM PSOMMERVILLE <psommerville@hargray.com> wrote:
Emergency Management is hosting a conference call this evening. This will give us more direction. Josh will be in the EOC (Emergency Operations center), the same as he would if he still worked for Beaufort County.

On Sat, 8 Sep 2018 15:37:23 -0400

Stu Rodman <sturodman@gmail.com> wrote:
> Paul and Jerry,
>
> The Governor has called a state of emergency.
>
> The only prudent action for Beaufort County Council is to ask the Town of
> Hilton Head Island to temporarily loan Josh to Beaufort County for the
> duration of the emergency to re-assume his duties as intern County
> Administration.
>
> To that end and time being of the essence, I strongly recommend that an
> emergency meeting of County Council or its Executive Committee be called
> for no later than early tomorrow afternoon.
>
> Cheers,
>
> Stu

From: Sommerville, Paul <psommerville@bcgov.net>
Sent: Friday, September 14, 2018 4:21 PM
To: Keaveny, Thomas
Cc: Stewart, Jerry
Subject: Re: Investigation Into Purchase Of Boston Ct and Contract w Josh Gruber

Excellent thoughts. Thank you. Unless Jerry sees a problem with it I will proceed

Sent from my iPhone

On Sep 14, 2018, at 3:52 PM, Keaveny, Thomas <tkaveny@bcgov.net> wrote:

Paul,

The more I think about Stu's offer the more I like it. Consider appointing him to investigate both matters and to report his findings and recommendations to either the Executive Committee or Governmental Committee (w permission of Committee Chairman) at it's October meeting.

Alice asked us to report back to her Committee re the DSN issues, so I think you should obtain her agreement to assign the matter to Stu and for him to report his findings recommendation to a Committee other than hers.

Just my thoughts.

Thomas J. Keaveny II
Interim County Administrator
Beaufort County Attorney

This message is being sent from my iPhone. Please excuse typographical errors.

From: Keaveny, Thomas <tkeaveny@bcgov.net>
Sent: Saturday, September 15, 2018 10:58 AM
To: Spells, Monica; Love, William; Thomas, Dave; Sutton, Mark; Holland, Alicia; Cody, Beth
Subject: Councilman Rodman's Investigation of DSN Purchase and Independent Contract Agreement with Josh Gruber.

All,

I am forwarding an email I received from Chairman Sommerville. He has asked Councilman Rodman to investigate the two issues referenced above and to report his findings to the appropriate Committees. I will handle the issues with Josh Gruber's contract. Please compile all the documents which support the purchase of Bostic Circle.

Thank you.

Tom

Thomas J. Keaveny, II
Interim County Administrator
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2027/2025



From: Sommerville, Paul
Sent: Saturday, September 15, 2018 10:44 AM
To: Rodman, Stewart; Fobes, Steve; Caporale, Rick; Covert, Michael; Vaux, Tabor; Flewelling, Brian; Stewart, Jerry; Alice & Gene Howard; Dawson, Gerald; Glover, York
Cc: Keaveny, Thomas
Subject:

Stu, Could you please do the necessary investigative work to present background information to the Community Services Committee on September 24th regarding the purchase of the DSN Bostick property. This could include any minutes, recollections, contracts, written agreements, etc. that may be available. Alice has previously announced that she will take up this matter at Community Services on September 24th and with your help we can have the relevant background information to help Alice's committee move efficiently through these discussions.

Similarly, could you please do the necessary investigative work regarding the personal services contract between Beaufort County and Josh Gruber. Jerry Stewart has agreed to take this matter up at his Finance Committee also on September 24th.

Thanks, Stu. Paul

From: Stu Rodman <sturodman@gmail.com>
Sent: Thursday, September 20, 2018 12:05 AM
To: Keaveny, Thomas; Sommerville, Paul; Jerry Stewart; Howard, Alice G.
Subject: Findings
Attachments: Findings.docx

All,

Draft findings attached for comment.

Staff was most helpful and professional.

I strongly recommend handling this at Council (not Committee) Executive Session.

I cancelled Public Facilities on Monday so there is time for an expanded Executive Session.

I am good to go Monday or do it at a later time.

Cheers,

Stu

DRAFT

Stu's Findings

In General

1. The Staff, at all levels, acted appropriately and within their duties.
2. It is appropriate as issues arise in the course of day to day business for Council, as recommended, to:
 - Insert its authority where appropriate.
 - Review County Policies to discharge its responsibilities to the Citizens.

DSN Land Acquisition

1. For 3 years beginning in 2015, the County has been in the process of procuring 4 DSN residential facilities including Council setting priorities and budgeting funds. Staff kept Council apprised of progress.
2. In November, 2017 Council approved the contracts for 3 of the homes.
3. In February, 2018 Josh approved the land purchase for the fourth home.
4. At issue is whether the land purchase required Council approval, which could be argued two ways:
 - Yes, as an Ordinance exists requiring such Council approval.
 - No, it being within Josh's authority, it having budgetary approval by Council, it requiring subsequent Council approval for the building, and it conforming to the practice of Council to not always approve land purchases, such as right-of-ways.
5. Recommendations:
 - Council, starting with Community Services. to re-confirm this purchase.
 - Staff to provide a recommendation to Public Facilities as to whether the Ordinance in question should be revised in light of this issue.

Personal Services Contract

1. It was appropriate given Tom's expanded responsibilities.
2. Josh was uniquely qualified to provide this service for the County.
3. It was timely given the advent of hurricane season.
4. At issue is whether Tom should have advised Council or obtained its approval:
 - No, as it was within Tom's authority to initiate & execute which he did.
 - Yes, because of recent history and Josh having worked for Council.
5. Recommendations:
 - Extensions beyond hurricane season to require Council approval.
 - Executive Committee to review the responsibilities of an Interim.

From: Keaveny, Thomas <tkeaveny@bcgov.net>
Sent: Friday, September 21, 2018 8:30 AM
To: sturodman@gmail.com
Subject: RE: Findings

Thank you.

Tom

Thomas J. Keaveny, II
Interim County Administrator
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2027/2025



From: sturodman@gmail.com [<mailto:sturodman@gmail.com>]
Sent: Friday, September 21, 2018 8:18 AM
To: Keaveny, Thomas
Subject: Fwd: Findings

Tom

For you only.

Cheers

Stu

Sent from my iPhone

Begin forwarded message:

From: "Gruber, Josh" <joshg@hiltonheadislandsc.gov>
Date: September 21, 2018 at 6:45:43 AM EDT
To: Stu Rodman <sturodman@gmail.com>
Subject: Re: Findings

Stu,

Thank you for the heads up. I know my opinion in this matter mean very little at this point, but I believe you have analyzed and processed both of these issues in a very logical and analytical

way. As such, my personal opinion is that both of these summaries and recommendations are spot on.

However, as you and I both know, since the outcomes you have proposed don't involve me being drawn and quartered in a public square, they are likely to be met with opposition from the usual suspects.

Thanks again for keeping me in the loop. I appreciate it.

Joshua A. Gruber

Please excuse any errors as this message was created on a mobile device.

> On Sep 20, 2018, at 9:42 PM, Stu Rodman <sturodman@gmail.com> wrote:

>

> Josh,

>

> As you are probably aware there is a brewing issue over two issues that involve you. Paul asked me to analyze the situation. I met with Staff and drafted the attached suggesting that we resolve this in executive session.

>

> I pass it along for your information and I welcome any comments.

>

> Cheers,

>

> Stu

>

>

> <Findings.docx>

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