

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2180  
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GERALD W. STEWART  
VICE CHAIRMAN

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STEWART H. RODMAN  
ROBERTS "TABOR" VAUX

THOMAS J. KEAVENY, II  
INTERIM COUNTY ADMINISTRATOR  
COUNTY ATTORNEY

CONNIE L. SCHROYER  
CLERK TO COUNCIL

**AGENDA**  
**COMMUNITY SERVICES COMMITTEE**

Monday, October 8, 2018

3:00 p.m.

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

Committee Members:  
Alice Howard, Chairman  
Rick Caporale, Vice Chairman  
Michael Covert  
Steve Fobes  
York Glover  
Roberts "Tabor" Vaux

Staff Support:  
Monica Spells, Assistant County Administrator  
Civic Engagement and Outreach

1. CALL TO ORDER 3:00 P.M.
2. DISCUSSION / ORDINANCE ALLOWING UNITED STATES GOVERNMENT TEMPORARY EXCLUSIVE USE OF GRAY'S HILL BOAT LANDING (backup)
3. DISCUSSION / BONAIRE ESTATES SEWER IMPROVEMENTS PROJECT (COMMUNITY DEVELOPMENT BLOCK GRANT – CDBG PROJECT) WITH BEAUFORT JASPER WATER AND SEWER AUTHORITY AND LOWCOUNTRY COUNCIL OF GOVERNMENTS
4. DISCUSSION / ACQUISITION OF PROPERTIES AND HOMES FOR THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS DEPARTMENT
  - A. STAFF OVERVIEW
    1. Needs Discussion
    2. Funding for New Homes
    3. Realtor Services / Procurement
    4. Site Selection Challenges and Timeline for New Homes
    5. Construction Updates:
      - 608 Center Drive West, Beaufort
      - 1604 Deanne Lane, Beaufort
      - 2700 Waddell Road, Beaufort
      - 1 Bostic Circle, Beaufort
  - B. COUNCILMAN STU RODMAN REPORT

5. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
  - A. Disabilities and Special Needs Board / Two Vacancies (Countywide)
  - B. Library Board / One Vacancy (Council District 5)
6. ADJOURNMENT

2017/2018 Strategic Plan Committee Assignments  
Affordable Housing: Housing Survey  
DSN Residential Homes (3)

**ORDINANCE 2018 \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A RIGHT OF ENTRY GRANTING THE UNITED STATES GOVERNMENT TEMPORARY AND EXCLUSIVE CONTROL OVER CERTAIN REAL PROPERTY LOCATED AT GRAY’S HILL BOAT LANDING**

WHEREAS, on September 28, 2018 a Marine Corps Air Station (MCAS) F-35B crashed in the area of Little Barnwell Island; and

WHEREAS, the United States Government has deemed it necessary to enter and restrict others from entering property owned by Beaufort located at the Gray’s Hill Boat landing and shown on the attached Exhibit “A”; and

WHEREAS, the Right of Entry is provided for access to the crash area for investigation and response effort; and

WHEREAS, the citizens and residents are best served by providing the United States Government with a temporary Right of Entry in support of an investigation and response effort for the September 28, 2018 MCAS mishap.

**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, duly assembled, does hereby authorize the Interim County Administrator to execute the Right of Entry providing access to the United States Government in support of its investigation and response effort for the September 28, 2018 MCAS mishap.

DONE this \_\_\_ day of \_\_\_\_\_, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim County Administrator

ATTEST:

\_\_\_\_\_  
Connie L. Schroyer, Clerk to Council

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



Map Layers

US Street Map

County Base Map

2018 Aerial



Gray's Hill  
Boat Landing



200 m

Enhanced Search



## RIGHT OF ENTRY PERMIT

This **RIGHT OF ENTRY PERMIT** (“Permit”) is effective this \_\_\_\_ day of October, 2018 and is by and between County of Beaufort, (“Permitter”) and **THE UNITED STATES OF AMERICA**, acting by and through the Department of the Navy (“Government”).

### RECITALS:

**WHEREAS**, Permitter owns certain real property located at Gray’s Hill Boat Landing, Beaufort County, South Carolina hereinafter (“Premises”) depicted on Exhibit A attached hereto; and

**WHEREAS**, Government desires entry onto Premises, in support of an investigation and response effort at an aircraft mishap on nearby property, to use the Premises as a staging area for damaged aircraft and associated debris removed from the aircraft mishap site, and related response activities, such mishap occurring on or about September 28, 2018 (“Permitted Use”).

**WHEREAS**, the Government has requested Permitter who has agreed to grant the Government revocable right of entry upon the Premises for the Permitted Use subject to the terms and conditions provided herein.

### AGREEMENT:

**NOW, THEREFORE**, without consideration, Permitter and Government agree as follows:

1. **Revocable Right of Entry**. Permitter hereby grants Government, its successors, contractors, officers, agents, employees and assigns, a revocable right of entry permit (Permit) to enter into and upon the Premises for the Permitted Use. The Navy’s contract number for this Permit is **N40085-19-RP-00027**.
2. **Non-assignable/Non-transferable**. This Permit is neither assignable nor transferable by Government, its successors, contractors, officers, agents, employees and assigns.
3. **Accompaniment**. Unless otherwise authorized in writing by the Government, Permitter shall not accompany Government, its successors, contractors, officers, agents, employees and assigns entering the Premises.
4. **Term**. The term of this Permit shall be for a period of ninety (90) days from the date of execution of this document. Prior to the expiration of this Permit, the Government may find that it is appropriate to extend and, if necessary, negotiate a lease agreement for longer term use of the Premises, The Government reserves the right in its sole discretion to determine whether

extension of the term is necessary. **PERMITTOR SHALL ALLOW NO OTHER USE OF THE PROPERTY DURING THE TERM OF THIS PERMIT.**

5. **Property Restoration.** At the termination of this Permit, the Government agrees to restore the Premises to the same or a substantially similar condition as existed on the date of entry under this Permit, ordinary wear and tear excepted.

6. **Liability.**

a. **Government Liability to Permitter or Third Parties.** Pursuant to the Federal Tort Claims Act (“**FTCA**”), 28 U.S.C. §§ 1346(b), 2671-2680, or the Military Claims Act (“**MCA**”), 10 U.S.C. § 2733, as applicable, the Government is liable to Permitter and any third party for any injury to persons or damage to property proximately caused by the acts or omissions of Permittee employees acting within the scope of their employment. In no case will the Government's liability exceed that allowable under applicable law, including the FTCA and MCA, or available appropriations.

b. **Permitter Liability to the Government.** **GOVERNMENT ACKNOWLEDGES AND AGREES THAT PERMITTOR WILL NOT BE RESPONSIBLE OR LIABLE FOR DEATH OR INJURIES TO PERSONS OR DAMAGE TO OR THEFT OF PROPERTY ARISING FROM OR IN ANY WAY CONNECTED WITH THE GOVERNMENT’S USE OF THE PREMISES PURSUANT TO THIS PERMIT.**

7. **Entire Agreement.** This Permit constitutes the entire agreement between the parties regarding the Government’s Permitted Use of the Premises. Any modification and amendment to this Right of Entry Permit must be in writing and signed by all parties hereto.

8. **Notices.** Whenever any notice, demand or request is required or permitted under this Permit, such notice, demand or request shall be in writing and shall be sent by United States Mail to the addresses set forth below:

To Permitter: Thomas Keaveny  
County of Beaufort  
Interim County Manager  
P.O. 1228  
Beaufort, SC 29901

To Permittee: Naval Facilities Engineering Command Mid-Atlantic  
ATTN: Real Estate Contracting Officer (AM1)  
9324 Virginia Ave.  
Norfolk, VA 23511

9. **Local Representative.** The Navy's local representative in this matter is:

Kimberly Fleming  
MCAS Beaufort  
703-314-6157

10. **Anti-Deficiency Act; Navy's Obligations.** Notwithstanding any provision to the contrary, all of Government's activities under or pursuant to this Right of Entry Permit are subject to the availability of appropriated funds, and no provisions shall be interpreted to require obligation or provision of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341. Additionally, nothing contained in this Permit shall be considered to imply that the Congress of the United States of America will, at any later date, appropriate sufficient funds to meet the Navy's obligations under this Permit or any deficiencies hereunder.

**FOR PERMITTOR:**

By: \_\_\_\_\_  
Date

\_\_\_\_\_  
**THOMAS KEAVENY**  
Interim County Manager  
P. O. 1228  
Beaufort, SC 2991

**FOR GOVERNMENT:**

**UNITED STATES OF AMERICA**, acting by and through the Department of the Navy

By: \_\_\_\_\_  
Real Estate Contracting Officer Date

\_\_\_\_\_  
**MATTHEW D. KURTZ**

# 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: Bonaire Sewer Improvements Project

Date Submitted: October 8, 2018

Submitted By: Monica Spells

Venue: Community Services Committee

**Bonaire Estates Sewer Improvements Project**  
**ROUGH DRAFT - October 8, 2018**  
**Community Services Committee Meeting**

	Project Budget	Funding Sources				Totals	Project Shortfall
		Beaufort County	BJWSA	CDBG	RIA		
Construction	\$ 2,283,080	\$ 216,000	\$ 53,960	\$ 896,200	\$ 500,000	\$ 1,666,160	\$ 616,920
Contingency	\$ 228,308	\$ 62,816	\$ -	\$ 53,800	\$ -	\$ 116,616	\$ 111,692
Engineering	\$ 150,000	-	\$ 116,616	\$ -	\$ -	\$ 116,616	\$ 33,384
LCOG	\$ 53,450	\$ 3,450	\$ -	\$ 50,000	\$ -	\$ -	\$ -
<b>Total Project Budget</b>	<b>\$ 2,714,838</b>	<b>\$ 282,266</b>	<b>\$ 170,576</b>	<b>\$ 1,000,000</b>	<b>\$ 500,000</b>	<b>\$ 1,899,392</b>	<b>\$ 761,996</b>
Shared Project Shortfall		\$ 325,153 43%	\$ 436,843 57%	\$ -	\$ -	\$ -	\$ 761,996
Revised Project Budget - May 2017	\$ 2,714,838	\$ 607,419 50%	\$ 607,420 50%	\$ 1,000,000	\$ 500,000		
Actual Project Bid - Sep. 2018	\$ 3,197,973						
Difference between Revised Estimate and Actual Bid	\$ 483,135	\$ 241,567 50%	\$ 241,567 50%				
BJWSA Capacity Fees (in-kind contribution)	\$ 295,320	\$ -	\$ 295,320	\$ -	\$ -	\$ -	\$ -
<b>Total Project Value</b>	<b>\$ 3,493,293</b>	<b>\$ 848,986</b>	<b>\$ 1,144,307</b>	<b>\$ 1,000,000</b>	<b>\$ 500,000</b>	<b>\$ -</b>	<b>\$ -</b>

**DRAFT**

Topic: Bonaire Estate Sewer Improvement Project  
Date Submitted: October 8, 2018  
Submitted By: Monica Spells  
Venue: Community Services Committee

**From:** [Dick Deuel](#)  
**To:** [Spells, Monica](#)  
**Cc:** [Keaveny, Thomas](#); [Holland, Alicia](#); [Brian Chemsak, PE](#); [Sarah Linkimer, CPA](#); [Ed Saxon, PE](#)  
**Subject:** RE: Bonaire Funding  
**Date:** Tuesday, October 2, 2018 12:05:46 PM

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Monica,

The attachment you sent agrees with our understanding of the Bonaire budget per our prior discussions. Based on the apparent low bid of \$3,197,973, our 50/50 cost share would increase from \$607,420 to \$848,987.

If you wish, we'd be glad to meet with you and your team as soon as possible with your team to discuss the overage and decide if both our organizations can increase our individual funding amounts accordingly to move forward with the project. Acknowledging that BJWSA's Board and County Council will have to approve the increased allocations, I propose we meet no later than the middle of next week. Please let me know if or when you are available to meet.

Best Wishes,

**Dick Deuel**

Engineering - Development Projects Manager

Dick.Deuel@bjwsa.org - ***\*\*Please update your records to reflect my new email address.\*\****

**BJWSA**

6 Snake Road

Okatie, SC 29909

Phone: 843-987-8094

<http://www.bjwsa.org>

**Our mission: Inspire trust and enhance public health.**

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**From:** Spells, Monica <mspells@bcgov.net>  
**Sent:** Wednesday, September 19, 2018 10:04 AM  
**To:** Dick Deuel <Dick.Deuel@bjwsa.org>  
**Cc:** Keaveny, Thomas <tkeaveny@bcgov.net>; Holland, Alicia <aholland@bcgov.net>  
**Subject:** Bonaire Funding

Hi Dick,

It was nice seeing you yesterday at the bid opening for the Bonaire Estates Sewer Extension CDBG

project. I shared with Tom that as expected, bids came in higher than the budget. Thanks for confirming the bid total. I have in my notes that Jordan Construction was the successful bidder at \$3,197,973. Further, I want to confirm the additional funding required, as staff will need to present this information to Council.

The attachment represents the last budget numbers I believe we all discussed several months ago after a meeting with Ed and Josh.

Thanks so much,

**Monica N. Spells**

Assistant County Administrator  
Beaufort County Government

843-255-2354 (Office) | 843-255-9802 (Fax) | [mspells@bcgov.net](mailto:mspells@bcgov.net)  
Civic Engagement and Outreach Area | PO Drawer 1228 | Beaufort, SC 29901-1228  
Robert Smalls Complex | 100 Ribaut Road | Beaufort, SC 29902

Per BChemsak, BJWSA, engineer's construction estimate includes contingency and is \$2,511,388 as compared to \$2,625,542 (\$114,154 decrease) presented at 5/22/2017 Community Services Committee Meeting. Also reduce project budget by capacity fees of \$295,320 (BJWSA in-kind contribution). Engineering fees are adjusted to \$150,000 from \$116,616 (\$33,384 increase).

	Project Budget	Funding Sources				Project Shortfall
		Beaufort County	BJWSA	CDBGrant	RIA Grant	
Construction	\$ 2,283,080	\$ 216,000	\$ 53,960	\$ 896,200	\$ 500,000	\$ (616,920)
Contingency (10%)	228,308	62,816	-	53,800	-	(111,692)
Engineering	150,000	-	116,616	-	-	(33,384)
LCOG	53,450	3,450	-	50,000	-	-
<b>Total Project Budget</b>	<b>\$ 2,714,838</b>	<b>\$ 282,266</b>	<b>\$ 170,576</b>	<b>\$ 1,000,000</b>	<b>\$ 500,000</b>	<b>\$ (761,996)</b>
Shared Project Shortfall		\$ 325,153	\$ 436,843	\$ -	\$ -	\$ 761,996
		43%	57%			
Revised Project Budget/Funding	\$ 2,714,838	\$ 607,419	\$ 607,420	\$ 1,000,000	\$ 500,000	\$ -
BJWSA Capacity Fees (in-kind contribution)	\$ 295,320	\$ -	\$ 295,320	\$ -	\$ -	\$ -
<b>Total Project Value</b>	<b>\$ 3,010,158</b>	<b>\$ 607,419</b>	<b>\$ 902,740</b>	<b>\$ 1,000,000</b>	<b>\$ 500,000</b>	<b>\$ -</b>

Topic: Bon Aire Circle Sewer Extension Project - Documents  
Date Submitted: May 22, 2017  
Submitted By: Dick Deuel  
Venue: Community Services Committee

## BONAIRE ESTATES SEWER EXTENSION COST SHARE BREAKDOWN

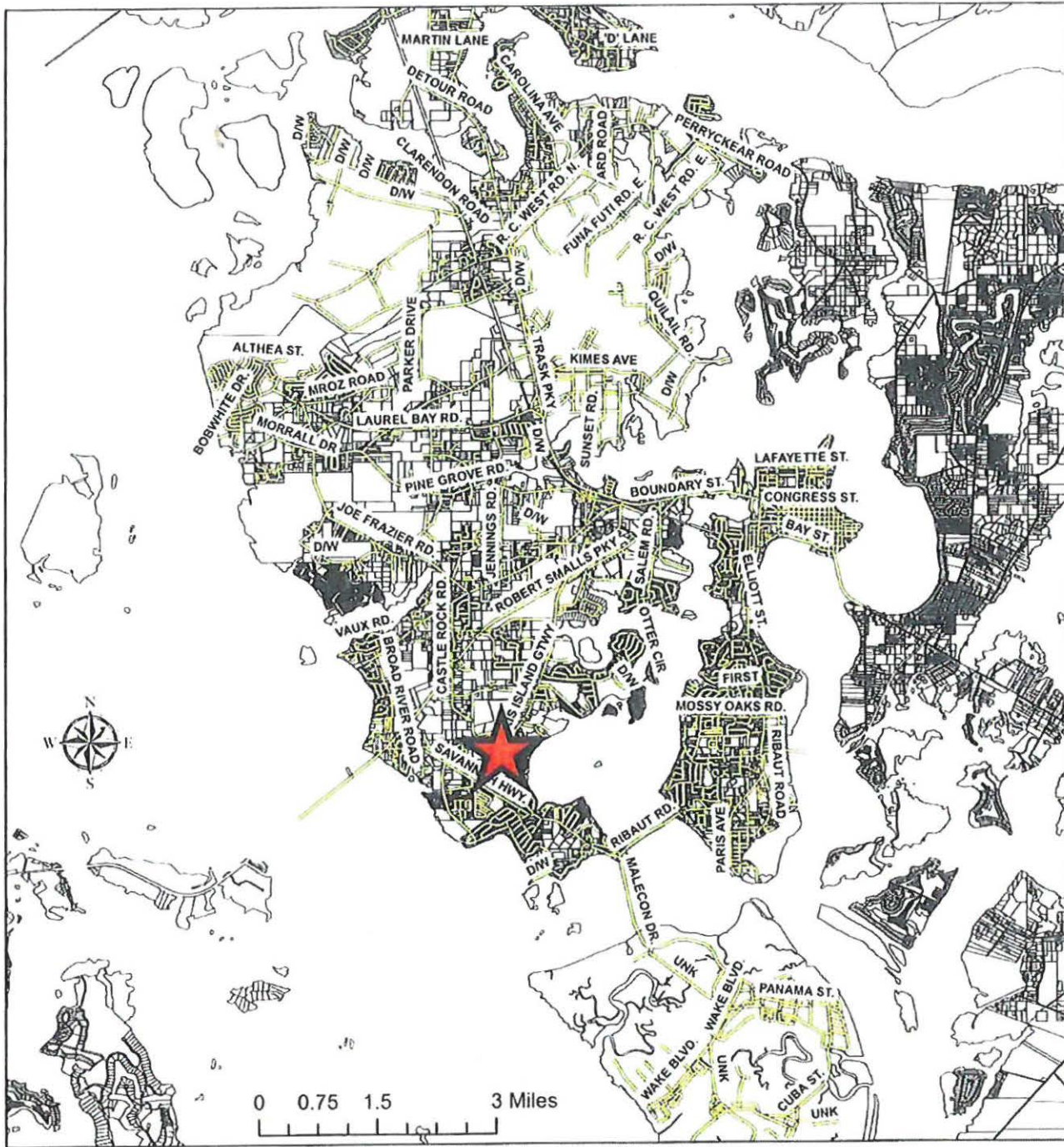
Design Options	Approved CDBG Construction Cost	Engineering, Fees, Contingency	Total Estimated Project Cost	Engineer's Cost Estimate	Funding Shortfall	Shortfall with RIA \$500,000 RIA Grant Included
Submersible Pump Station, Force Main, Gravity Sewer Collection System	\$1,282,776	\$582,002	\$1,748,162	\$3,657,774	\$2,374,998	\$1,874,998
Vacuum Pump Station, Force Main Vacuum Sewer Collection System	\$1,282,776	\$582,002	\$1,748,162	\$2,625,542	\$1,342,766	\$842,766

Based on the information above, BJWSA recommends the vacuum sewer system option and proposes a 50/50 cost share with Beaufort County as outlined below.

Matching Contributions	Type	Funds Committed	50% of the Funding Shortfall	Less Matching Funds Applied to Engineering and Construction	Funding Shortfall Balance	Sewer Capacity Credited to Beaufort County and Committed to Project
Beaufort County	Construction	\$282,266	\$421,383	\$278,816	\$142,567	TBD
BJWSA	Sewer Capacity and Construction	\$465,896	\$421,383	\$170,000	\$251,383	\$295,320

Including contingency, recommend a project funding contribution of \$500,000 each from both Beaufort County and BJWSA

# Beaufort County Bon Aire Circle Sewer Extension Project Location



## Legend

- Bon Aire Project Location
- Roads
- Parcels



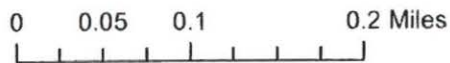
# Beaufort County Bon Aire Circle Sewer Extension Project Location

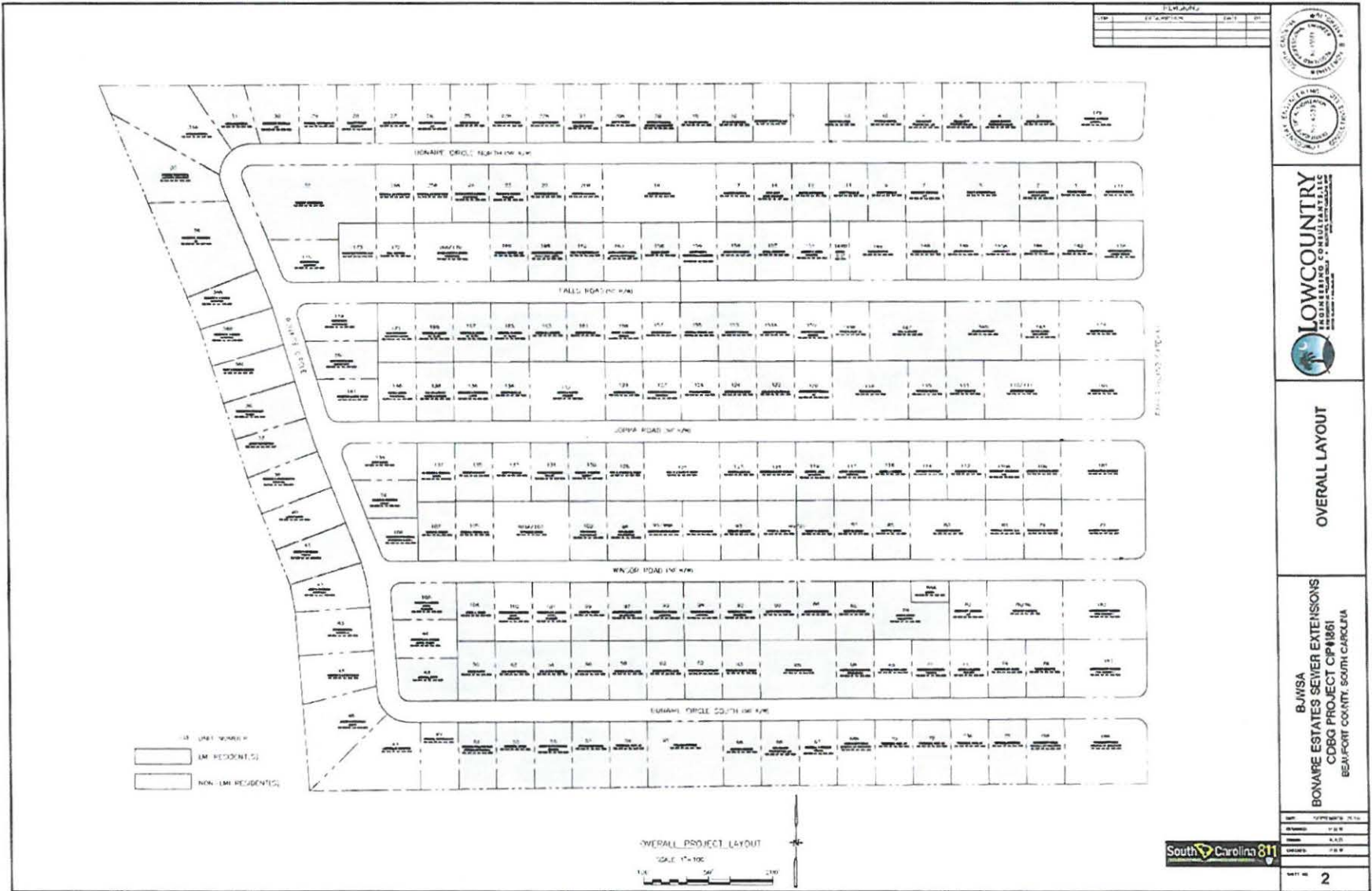


## Legend

### PropVExist

- Existing
- Proposed
- Proposed Force Main
- Bon Aire Project Location
- Roads
- Parcels





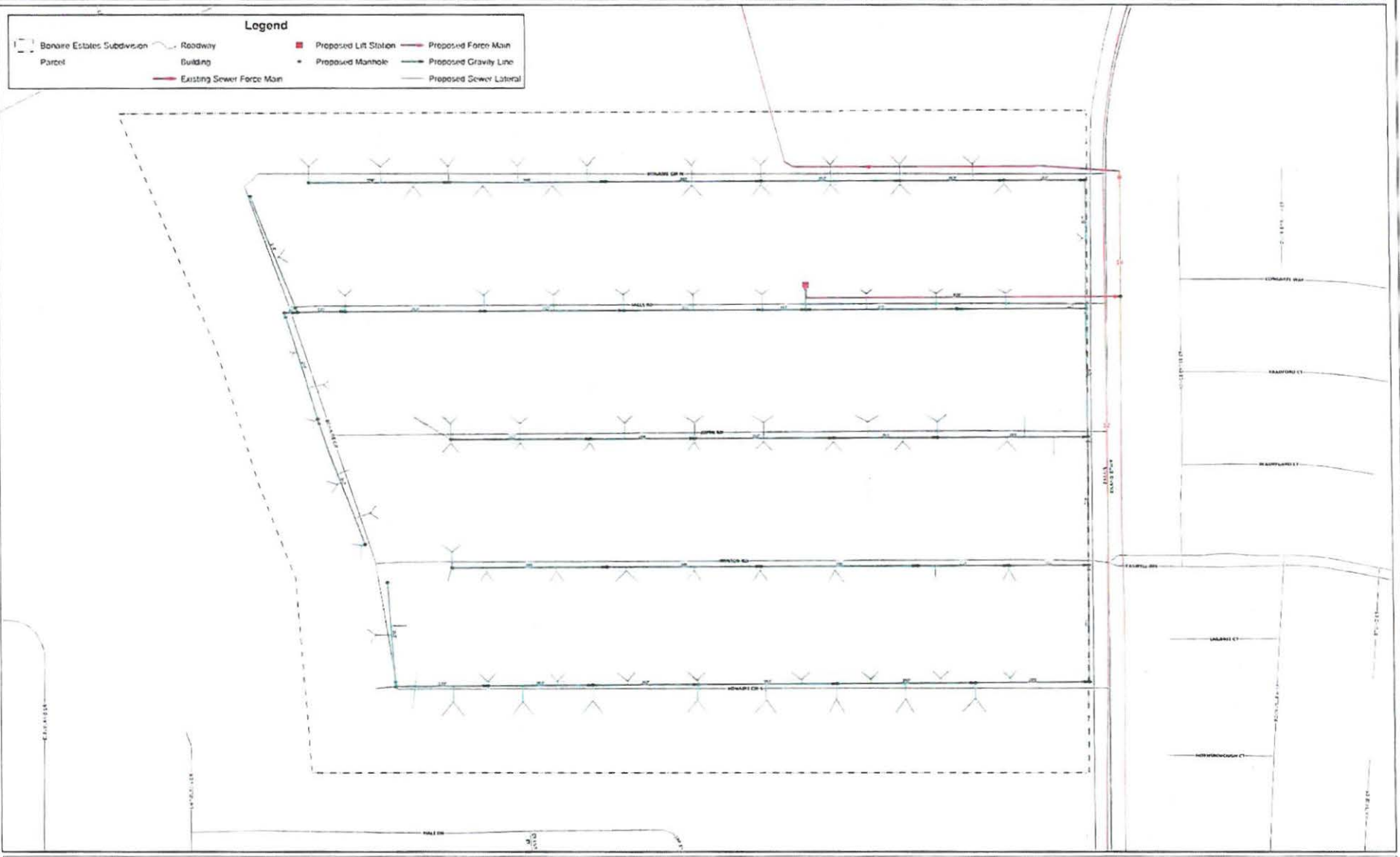
**LOWCOUNTRY**  
ENGINEERING CONSULTANTS  
INCORPORATED

**BLWISA**  
BONAIRE ESTATES SEWER EXTENSIONS  
CDBG PROJECT CP#1861  
BEAUFORT COUNTY, SOUTH CAROLINA



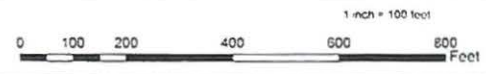
**Legend**

- Bonaire Estates Subdivision Parcel
- Roadway
- Building
- Proposed Lift Station
- Proposed Force Main
- Proposed Gravity Line
- Existing Sewer Force Main
- Proposed Sewer Lateral



Beaufort-Jasper Water & Sewer Authority  
 6 Snake Road  
 Okatie, SC 29909  
 843-987-9200

**Bonaire Estates Subdivision  
 Sewer CDBG**



Item: Bonaire Circle Sanitary Sewer System Prelim Est  
 Scope: Install lift station, force main, gravity sewer and connections to 200 parcels throughout Bonaire Estates residential subdivision  
 Date: 3/11/2016

**DESCRIPTION**

COST ESTIMATE			
QUANTITY	UNITS	UNIT PRICE	TOTAL PRICE
<b>Solids Handling Pump Station &amp; FM</b>			
1	EA	\$160,000	\$160,000
800	LF	\$20	\$16,000
80	LF	\$200	\$16,000
80	LF	\$50	\$4,000
1	LS	\$5,000	\$5,000
1	EA	\$2,500	\$2,500
800	LF	\$2	\$1,600
Pump Station /FM Subtotal			\$205,100
<b>Gravity Sewer Throughout</b>			
9,000	LF	\$30	\$270,000
3,000	LF	\$35	\$105,000
20	EA	\$2,000	\$40,000
10	EA	\$2,500	\$25,000
85	EA	\$500	\$42,500
88	EA	\$1,000	\$88,000
173	EA	\$60	\$10,380
Gravity Sewer Subtotal			\$580,880
<b>Site Clearing and Restoration</b>			
12,000	LF	\$4	\$48,000
12000	LF	\$4	\$48,000
12000	SY	\$10	\$120,000
Subtotal Site Clearing/Restoration			\$216,000
<b>Sewer Replacement on Private Property</b>			
153	EA	\$150	\$22,950
5350	LF	\$10	\$53,500
100	EA	\$60	\$6,000
107	EA	\$390	\$41,730
1	LS	\$40,000	\$40,000
0	SF	\$0	\$0
0	EA	\$150	\$0
Private Property Work Subtotal			\$164,180
<b>Subtotal - Construction</b>			<b>\$1,166,160</b>
<b>Engineering/Misc./Contingency</b>			
5%	Const		\$58,308
5%	Const Insp		\$58,308
10%	Const		\$116,616
107	EA	\$2,760	\$295,320
1	LS	\$53,450	\$53,450
			\$582,002
<b>Total Project</b>			<b>\$1,748,162</b>

FUNDING SOURCE		
County	BJWSA	CDBG
		\$ 160,000
		\$ 16,000
		\$ 16,000
		\$ 4,000
		\$ 5,000
		\$ 2,500
		\$ 1,600
		\$ 270,000
		\$ 105,000
		\$ 40,000
		\$ 25,000
\$ 16,000		\$ 26,500
\$ 34,000		\$ 54,000
\$ 3,960		\$ 6,420
\$ 48,000		
\$ 48,000		
\$ 120,000		
		\$ 22,950
		\$ 53,500
		\$ 6,000
		\$ 41,730
		\$ 40,000
		\$ -
		\$ -
	\$ 58,308	
	\$ 58,308	
\$ 62,816		\$ 53,800
	\$ 295,320	
\$ 3,450		\$ 50,000
\$ 282,266	\$ 465,896	\$ 1,000,000

BJWSA Portion=(173-107)\*Unit Cost      CDBG Portion = 107\*Unit Cost  
 BJWSA Portion=(173-107)\*Unit Cost      CDBG Portion = 107\*Unit Cost

<b>NOTES :</b>	
CDBG Portion Construction	\$ 950,000.00
Beaufort County Construction	\$ 278,816.00
BJWSA Construction	\$ 53,960.00
Construction total cost	\$ 1,282,776.00

Topic: Findings re: Land Purchase / Disabilities and Special Needs Residential Facility / Bostic Circle

Date Submitted: October 8, 2018

Submitted By: Stu Rodman

Venue: Community Services Committee

**STU's FINDINGS**  
**DSN LAND ACQUISITION**

**IN GENERAL** it is appropriate, as issues arise in the course of day to day business of the County, for Council to:

1. Insert its authority where and when appropriate.
2. Review County Policies to discharge its elected responsibilities.

**BACKGROUND:**

1. For 3 years, beginning in 2015, the County has been engaged procuring 4 new DSN residential facilities including Council setting priorities and budgeting funds.
2. In November, 2017 Council approved contracting for 3 of the homes.
3. In February, 2018, Josh approved the land purchase for the 4<sup>th</sup> home.

**AT ISSUE** is whether the land purchase required Council approval, which could be argued two ways:

**YES** - as 1) an Ordinance exists requiring such Council approval and 2) the total expenditure for the 4<sup>th</sup> home & land would require Council approval.

**NO** - it 1) being within Josh's authority, 2) having budgetary approval by Council, 3) requiring subsequent Council approval for the building, and 4) conforming to the practice of Council to not always require approve land purchases, such as right-of-ways.

**CONCLUSION:** It's a gray area, but land purchases lead to subsequent expenditures and should therefore probably come to Council.

**RECOMMENDATIONS:**

1. Staff to provide a recommendation to Public Facilities as to whether the Ordinance in question should be revised in light of this issue.
2. Council, starting with Community Services, to reconfirm the land purchase and, if not reconfirmed, it should be sold.