

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX  
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D. PAUL SOMMERVILLE  
CHAIRMAN

GERALD W. STEWART  
VICE CHAIRMAN

COUNCIL MEMBERS

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

GARY T. KUBIC  
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
DEPUTY COUNTY ADMINISTRATOR  
SPECIAL COUNSEL

THOMAS J. KEAVENY, II  
COUNTY ATTORNEY

ASHLEY M. BENNETT  
CLERK TO COUNCIL

AGENDA  
COUNTY COUNCIL OF BEAUFORT COUNTY  
REGULAR SESSION

Monday, July 24, 2017

6:00 p.m.

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

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Councilman Michael Covert
5. PROCLAMATION – Gullah / Geechee Nation Appreciation Week
6. ADMINISTRATIVE CONSENT AGENDA
  - A. Approval of Minutes
    1. June 26, 2017 Caucus ([backup](#))
    2. June 26, 2017 Regular Session ([backup](#))
  - B. Committee Reports (next meeting)
    1. Community Services (August 28 at 3:00 p.m., HHI Branch Library)
    2. Executive (August 14 at 3:00 p.m., ECR)
    3. Finance (August 7 at 2:00 p.m., ECR)
      - a. Minutes – June 26, 2017 ([backup](#))
    4. Governmental (August 7 at 4:00 p.m., ECR)
    5. Natural Resources (August 21 at 2:00 p.m., ECR)
    6. Public Facilities (August 21 at 4:00 p.m., ECR)
      - a. Minutes – June 26, 2017 ([backup](#))
  - C. Appointments to Boards and Commissions ([backup](#))
7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.
8. NEW BUSINESS
  - A. PRESENTATION / FY 2016 COMPREHENSIVE ANNUAL FINANCIAL REPORT



9. OLD BUSINESS

- A. A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2016/8 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT FROM PLANTATION BUSINESS PARK OWNERS' ASSOCIATION INC., BUSINESS PARK WAY AND A PORTION OF PLANTATION PARK DRIVE, INTO COUNTY ROAD SYSTEM INCLUDING STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THE DEDICATED RIGHTS OF WAY ([backup](#))
1. Consideration of adoption to occur July 24, 2017
  2. Consideration of adoption was postponed June 26, 2017
  3. Public Facilities Committee discussion and recommendation to adopt resolution occurred May 15, 2017 / Vote 7:0

10. CONSENT AGENDA

- A. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 10 PRITCHER POINT ROAD, SOUTH CAROLINA ([backup](#))
1. Consideration of second reading approval to occur July 24, 2017
  2. Public Hearing – Monday, August 28, 2017 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, located at 11 Beach City Road, Hilton Head Island
  3. First reading approval occurred June 26, 2017 / Vote 7:0
  4. Public Facilities Committee discussion and recommendation to approve on first reading occurred June 26, 2017 / Vote 5:0
- B. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 20 AIRPORT CIRCLE, SOUTH CAROLINA ([backup](#))
1. Consideration of second reading approval to occur July 24, 2017
  2. Public Hearing – Monday, August 28, 2017 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, located at 11 Beach City Road, Hilton Head Island
  3. First reading approval occurred June 26, 2017 / Vote 7:0
  4. Public Facilities Committee discussion and recommendation to approve on first reading occurred June 26, 2017 / Vote 5:0
- C. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE OFFICIAL BEAUFORT COUNTY ZONING MAP – SECTION 3.1.20 (ESTABLISHMENT OF ZONES) TO ADOPT THE 2013 F-35B AICUZ (AIR INSTALLATION COMPATIBILITY USE ZONE) MAP AS THE MARINE CORPS AIR STATION AIRPORT OVERLAY (MCAS-AO) ZONE MAP ([backup](#))
1. Consideration of second reading approval to occur July 24, 2017
  2. Public Hearing – Monday, August 28, 2017 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, located at 11 Beach City Road, Hilton Head Island
  3. First reading approval occurred June 26, 2017 / Vote 7:0
  4. Natural Resources Committee discussion and recommendation to approve occurred June 19, 2017 / Vote 6:0

D. TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC): (backup)

- SECTION 3.4.30 MCAS AIRPORT OVERLAY (MCAS-AO) ZONE STANDARDS (ADDS NOTICE REQUIREMENTS IN COMPLIANCE WITH SECTION 6-29-1610 OF THE SOUTH CAROLINA CODE);
  - SECTION 5.3.20 APPLICABILITY (ARCHITECTURAL STANDARDS AND GUIDELINES) (CLARIFIES THAT ARCHITECTURAL STANDARDS ONLY APPLY TO NON-RESIDENTIAL AND MULTI-FAMILY STRUCTURES THAT ARE WITHIN 500-FEET OF ARTERIALS AND MAJOR COLLECTOR ROADS IN CONVENTIONAL, PUD (PLANNED UNIT DEVELOPMENT), AND CP (COMMUNITY PRESERVATION) DISTRICTS)
  - SECTION 5.8.20 APPLICABILITY (LANDSCAPING, BUFFERS, AND SCREENING STANDARDS) (ADDS TREE REQUIREMENTS FOR NEW SINGLE-FAMILY AND DUPLEX LOTS); AND
  - SECTION 5.11.100.E TREE PROTECTION DURING CONSTRUCTION (SUBPARAGRAPH 4. PENALTY FOR DAMAGING OR CUTTING PROTECTED TREES) (INCREASES THE PENALTY/MITIGATION OF ILLEGALLY REMOVED TREES FROM 1.25 TIMES TO 2 TIMES THE CALIPER INCHES REMOVED)
1. Consideration of second reading approval to occur July 24, 2017
  2. Public Hearing – Monday, August 28, 2017 beginning at 6:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, located at 11 Beach City Road, Hilton Head Island
  3. First reading approval occurred June 26, 2017 / Vote 7:0
  4. Natural Resources Committee discussion and recommendation to approve occurred June 19, 2017 / Vote 6:0

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings  
County Council of Beaufort County  
June 26, 2017

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, June 26, 2017 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 D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Michael Covert, Brian Flewelling, Steven Fobes, York Glover, Stewart Rodman and Roberts “Tabor” Vaux. Council members Rick Caporale, Gerald Dawson (participated telephonically during executive session) and Alice Howard absent.

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**CALL FOR EXECUTIVE SESSION**

It was moved by Mr. Rodman, seconded by Mr. Glover, that Council go immediately into executive session regarding (1) discussions incident to proposed contractual negotiations with a prospective economic development prospect – Project Tetris; and (2) discussion of employment of a person regulated by County Council. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson (participated telephonically during the executive session), Mrs. Howard and Mr. Vaux (temporarily left the room). The motion passed.

**EXECUTIVE SESSION**

**RECONVENE OF CAUCUS**

**STATUS OF HURRICANE MATTHEW RECOVERY PROCESS**

Mr. Eric Larson, Division Director–Environmental Engineering and Land Management, stated an updated Hurricane Matthew Recovery Briefing, dated June 26, 2017 was distributed to Council by way of email and is available online at [www.beaufortcountydasterrecovery.net](http://www.beaufortcountydasterrecovery.net).

Mr. Kubic stated that in a meeting with Senator Tom Davis, it was asked what Beaufort County should do to create awareness, at the State level, so that we would be reimbursed at the 100% of the local match. He recommended we talk with representatives of Florence County and Horry

County, both affected by Hurricane Matthew, to make sure that all coastal counties are fully reimbursed. Without objection, he will send a list of all the counties affected by Hurricane Matthew as well as begin those discussions.

### **RECEIPT OF COUNTY ADMINISTRATOR’S TWO-WEEK PROGRESS REPORT**

Council accepted the County Administrator’s Progress Report.

### **RECEIPT OF DEPUTY COUNTY ADMINISTRATOR / SPECIAL COUNSEL’S TWO-WEEK PROGRESS REPORT**

Council accepted the Deputy County Administrator / Special Counsel’s Progress Report.

### **DISCUSSION OF CONSENT AGENDA**

Chairman Paul Sommerville asked if any members of Council would like to pull any items from the Consent Agenda for discussion or separate vote.

Mr. Sommerville stated Item 10A, a resolution repealing and replacing resolution 2016/8 and authorizing the County Administrator to accept from Plantation Business Park Owners’ Association Inc., Business Park Way and a portion of Plantation Park Drive into County Road System including stormwater drainage infrastructure within the dedicated right of way, was added to the agenda under Old Business in because it would have been pulled from the Consent Agenda for further discussion. He does not feel the item will be resolved today, due to the absence of several Council members.

Mr. Vaux is concerned that this issue might not pass given the number of Council members absent and the number of years this item has been in discussion. It is not your “standard County taking over private roads.”

Mr. Sommerville stated the general policy is the County does not want any more roads. He asked the benefit of the County in accepting this road and the extenuating circumstances.

Mr. Vaux stated this is a frontage road on the south side of U.S. Highway 278 and it helps take traffic off U.S. Highway 278. A portion of this road is privately owned by Plantation Business Park, while the County owns and built the road to the east and west. Until recently, no one knew that it was privately owned. The evidence of such includes the lack of a property tax bill. We have met several times over the past few years to resolve this issue. The Plantation Business Park Owners’ Association (POA) obtained ownership of the road, from the previous developer, and is ready to turn it over to the County. It was decided the County would take the road, the catch basins and the pipes underneath the road. That was the solution, plus the fact that the County is giving \$25,000 to the POA for a one-time contribution to their future stormwater needs. We were also going to talk to the Town of Bluffton (Town) regarding their contribution.

Mr. Kubic said the Town would have to approve the disbursement of the \$25,000 through their Council. He is awaiting Council's decision in order to have those discussions with the Town.

Mr. Stewart stated it is important to have that piece of road. He was always under the impression that the road was privately owned when we agreed to Resolution 2016/8. Our policy is not to take on any more roads, especially those that are not up to our standard. If we were to take this road, which is not up to standard, why would we still give them \$25,000?

Mr. Vaux said the \$25,000 is because the POA would be responsible for the County stormwater after it leaves the footprint of the road.

Mr. Kubic stated there is an adopted resolution (Resolution 2016/8) which calls for the County to accept a portion of Plantation Business Park Way, a portion of the Drive, and none of the stormwater fixtures. That decision was predicated on a review commissioned on the condition of the piping. The study indicated there was future potential maintenance amounting to approximately \$150,000. The POA wanted to explore other compromises. They may have a realization of the cost of the piping underneath. We went back and forth on the compromise. A part of the compromise was the \$25,000 contribution and the recognition that a stormwater inlet is an attribute of a roadway development. If we leave the \$25,000 on the table, the Town has no incentive to match. The Town recently annexed this piece of property, so it is in the Town.

After much discussion regarding the ownership of the road, acceptance of this road, the County's payment to the POA in the amount of \$25,000, and the associated historical aspects, it was decided that with the number of Council members absent, this item will be postponed until the July 24, 2017 Council meeting.

Mr. Covert asked that Item 11E, a contract award for the construction of a new Comprehensive Animal Services Campus in Okatie, South Carolina, for comment.

#### **DISCUSSION OF NON-AGENDA ITEMS**

Chairman Paul Sommerville asked if any members of Council if they had any non-agenda items they would like to discuss.

Mr. Rodman stated at the earlier Public Facilities Committee meeting, the Committee talked about the County Transportation Committee and agreed to leave the enabling legislation as is. Since then, there have been talks regarding the possibility of the CTC having an expanded role.

**ADJOURNMENT**

Council adjourned at 6:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

Ratified:

**DRAFT**

Official Proceedings  
County Council of Beaufort County  
June 26, 2017

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, June 26, 2017 beginning at 6:00 p.m. in the Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

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

**PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance.

**INVOCATION**

Council member Brian Flewelling gave the Invocation.

**MOMENT OF SILENCE / JIMMY STANLEY**

The Chairman called for a moment of silence in remembrance of Mr. Jimmy Stanley, Superintendent, Roads and Drainage South, Public Works Department.

**PROCLAMATION**

**Beaufort County Liberty Week**

The Chairman proclaimed June 28 through July 4, 2017 as Beaufort County Liberty Week. Ms. Mae Mendoza, President, Beaufort County Historical Society, accepted the proclamation.

**ADMINISTRATIVE CONSENT AGENDA**

**Review of the Proceedings of the Caucus held June 12, 2017**

This item comes before Council under the Administrative Consent Agenda.



It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve the minutes of the caucus held June 12, 2017. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

### **Review of the Proceedings of the Regular Session held June 12, 2017**

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve the minutes of the regular session held June 12, 2017. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

### **Committee Reports**

#### **Governmental Committee**

##### **Parks and Leisure Services Board**

###### **Stanley Ganshow**

The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. Mr. Ganshow, representing northern Beaufort County, garnered the six votes required for appointment to serve as a member of the Parks and Leisure Services Board.

#### **Public Facilities Committee**

##### **Solid Waste and Recycling Board**

The vote on the reappointment of Mr. David Uehling, representing Solid Waste District 6, was delayed until the July 24, 2017 Council meeting. Reappointment of Mr. Uehling requires ten votes and seven Council members are present.

### **PUBLIC COMMENT**

Mr. Tommy O'Brien, a resident of Beaufort, stated Mr. Jimmy Stanley was a gifted athlete who played many sports in Beaufort County. His boat was used in the movie *Forest Gump*. Mr. O'Brien spoke about the Oaks at Broad River and the effect this development has had on drainage in the immediate area, to include rainwater getting into homes. We have been begging to get the drainage fixed for years. Emails have been sent because telephone calls have been dismissed. Why is it that Stormwater Utility staff can fix a private driveway down Paige Point Road, but cannot clean out our ditches and cauldron pipes? It is time to fix our drainage.

Ms. Laura Lee Rose, Director, Clemson Extension, announced that the Extension has moved into its new facility. She invited Council to visit the new location.

Ms. Katherine Lang, a resident of Cottage Farms, supports a ban on single-use plastic bags. It is a communities' right to dictate what is right for them. Plastic bags are not good for our environment. The damage goes far beyond what we can see. We need to pass our own ban and fast.

Mr. Flewelling stated the Natural Resources Committee would take up this matter on August 21, 2017.

Ms. Julie Davis, South Grant Sea Grant Consortium, thanked Council for the new office space for Clemson Extension.

Mr. D. C. Giley, a resident of Cat Island, supports a ban on single-use plastic bags for retail checkout of purchased goods. Plastic bags are a common sight along our highways and end up in our ocean. He provided an overview of the population statistics of plastic bags. Act this year to protect our environment by banning single-use plastic bags.

### **NEW BUSINESS**

#### **Presentation / Fiscal Year 2016 Comprehensive Annual Financial Report**

Mr. Sommerville stated this item has been postponed until a later meeting.

### **OLD BUSINESS**

#### **A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2016/8 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT FROM PLANTATION BUSINESS PARK OWNERS' ASSOCIATION INC., BUSINESS PARK WAY AND A PORTION OF PLANTATION PARK DRIVE, INTO COUNTY ROAD SYSTEM INCLUDING STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THE DEDICATED RIGHTS OF WAY**

Mr. Sommerville stated this item would be postponed until the July 24, 2017 Council meeting due to the number of Council members absent today, as well as to allow additional time for more information.

**CONSENT AGENDA**

**A RESOLUTION TO COMMISSION ANIMAL SERVICE OFFICER TO ENFORCE BEAUFORT COUNTY ANIMAL ORDINANCES FOR BEAUFORT COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 26, 2017 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council adopt a resolution to commission Leslie Mosier, as Animal Service Officer, to enforce Beaufort County Animal Ordinances for Beaufort County pursuant to the authority granted in Section 4-9-145 of the Code of Laws of South Carolina, 1976, as amended. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. 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**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 26, 2017 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 10 Pritcher Point Road, South Carolina. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 20 AIRPORT CIRCLE, SOUTH CAROLINA**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 26, 2017 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 20 Airport Circle, South Carolina. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**CONTRACT AWARD / DESIGN AND CONSTRUCTION MANAGEMENT FOR BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 26, 2017 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council award a contract to Beaufort Design Build, LLC, Beaufort, South Carolina, in the amount of \$197,250, with a \$19,725 contingency fund, for the design and construction management of the Arthur Horne Building. This will be funded from account 10001310-51160, Facilities Management-Professional Services. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**CONTRACT AWARD / CONSTRUCTION OF NEW COMPREHENSIVE ANIMAL SERVICES CAMPUS (ANIMAL SHELTER, SURGERY CENTER AND PARK) IN OKATIE, PUBLIC-PRIVATE PARTNERSHIP WITH HILTON HEAD HUMANE ASSOCIATION**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 26, 2017 meeting of the Public Facilities Committee.

Mr. Covert congratulated Nix Construction of Hilton Head Island, South Carolina. Six of the subcontractors are from this local area. He applauds the construction company. There is an opportunity for businesses and citizens to provide a financial funding in exchange for advertising and naming rights.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve a contract award to Nix Construction, Hilton Head Island, South Carolina for construction of the new Animal Services Campus in the amount of \$7,147,500, with a 9.5% project contingency of \$679,013, for a total project budget of \$7,826,513. This project will be funded from the CIP Account #40090011-54600, County TAG Funds and private funding. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**A RESOLUTION AUTHORIZING THE BEAUFORT COUNTY ADMINISTRATOR AND BEAUFORT COUNTY STORMWATER UTILITY STAFF TO PREPARE AND SUBMIT AN AMENDMENT TO AN APPLICATION FOR NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 19, 2017 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council adopt a resolution authorizing the Beaufort County Administrator and Beaufort County Stormwater Utility staff to prepare and submit an amendment to an application for NPDES General Permit for stormwater discharges from regulated small municipal separate storm sewer systems. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE OFFICIAL BEAUFORT COUNTY ZONING MAP – SECTION 3.1.20 (ESTABLISHMENT OF ZONES) TO ADOPT THE 2013 F-35B AICUZ (AIR INSTALLATION COMPATIBILITY USE ZONE) MAP AS THE MARINE CORPS AIR STATION AIRPORT OVERLAY (MCAS-AO) ZONE MAP**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 19, 2017 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on first reading an ordinance to amend the Beaufort County Official Zoning Map – Section 3.1.20 (Establishment of Zones) to adopt the 2013 F-35B AICUZ (Air Installation Compatibility Use Zone) map as the Marine Corps Air Station Airport Overlay (MCAS-AO) zone. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC): SECTION 3.4.30 MCAS AIRPORT OVERLAY (MCAS-AO) ZONE STANDARDS (ADDS NOTICE REQUIREMENTS IN COMPLIANCE WITH SECTION 6-29-1610 OF THE SOUTH CAROLINA CODE); SECTION 5.3.20 APPLICABILITY (ARCHITECTURAL STANDARDS AND GUIDELINES) (CLARIFIES THAT ARCHITECTURAL STANDARDS ONLY APPLY TO NON-RESIDENTIAL AND MULTI-FAMILY STRUCTURES THAT ARE WITHIN 500-FEET OF ARTERIALS AND MAJOR COLLECTOR ROADS IN CONVENTIONAL, PUD (PLANNED UNIT DEVELOPMENT), AND CP (COMMUNITY PRESERVATION) DISTRICTS); SECTION 5.8.20 APPLICABILITY (LANDSCAPING, BUFFERS, AND SCREENING STANDARDS) (ADDS TREE REQUIREMENTS FOR NEW SINGLE-FAMILY AND DUPLEX LOTS); AND SECTION 5.11.100.E TREE PROTECTION DURING CONSTRUCTION (SUBPARAGRAPH 4. PENALTY FOR DAMAGING OR CUTTING PROTECTED TREES) (INCREASES THE PENALTY/MITIGATION OF ILLEGALLY REMOVED TREES FROM 1.25 TIMES TO 2 TIMES THE CALIPER INCHES REMOVED)**

This item comes before Council under the Consent Agenda. Discussion occurred at the June 19, 2017 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Council approve on first reading text amendments to the Community Development Code (CDC): Section 3.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards (adds notice requirements in compliance with Section 6-29-1610 of the South Carolina Code); Section 5.3.20 Applicability (architectural standards and guidelines) (clarifies that architectural standards only apply to non-residential and multi-family structures that are within 500-feet of arterials and major collector roads in conventional, PUD (Planned Unit Development), and CP (Community Preservation) Districts); Section 5.8.20 Applicability (landscaping, buffers, and screening standards) (adds tree requirements for new single-family and duplex lots); and Section 5.11.100.E Tree Protection during Construction (Subparagraph 4. Penalty For Damaging Or Cutting Protected Trees) (increases the penalty/mitigation of illegally removed trees from 1.25 times to 2 times the caliper inches removed). The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

## **PUBLIC HEARINGS**

### **FISCAL YEAR 2017 – 2018 AIRPORTS BUDGET (ENTERPRISE FUND)**

The Chairman opened a public hearing beginning at 6:32 p.m. for the purpose of receiving public comment regarding the Fiscal Year 2017 – 2018 Airports Budget. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:33 p.m.

It was moved by Mr. Stewart, as Finance Committee Chairman, no second required, that Council approve on third and final reading Fiscal Year 2017 – 2018 Airports Budget (Enterprise Fund). The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

### **FISCAL YEAR 2017 – 2018 STORMWATER MANAGEMENT UTILITY BUDGET (ENTERPRISE FUND)**

The Chairman opened a public hearing beginning at 6:34 p.m. for the purpose of receiving public comment regarding the Fiscal Year 2017 – 2018 Stormwater Management Utility Budget. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:35 p.m.

It was moved by Mr. Stewart, as Finance Committee Chairman, no second required, that Council approve on third and final reading Fiscal Year 2017 – 2018 Stormwater Management Utility Budget (Enterprise Fund). The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**PORT ROYAL ISLAND ZONING MAP AMENDMENT FOR R100 040 000 0209 0000,  
(12 ACRES LOCATED ALONG BAY PINES ROAD); FROM T2-RURAL DISTRICT TO  
S1-INDUSTRIAL DISTRICT**

The Chairman opened a public hearing beginning at 6:30 p.m. for the purpose of receiving public comment regarding a Port Royal Island Zoning Map amendment for R100 024 000 078C 000 (12 acres located along Bay Pines Road) from T2-Rural District to S1-Industrial District. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:31 p.m.

It was moved by Mr. Flewelling, as Natural Resources Chairman, no second required, that Council approve on third and final reading a Port Royal Island Zoning Map amendment for R100 024 000 078C 000 (12 acres located along Bay Pines Road) from T2-Rural District to S1-Industrial District. The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.

**TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY  
DEVELOPMENT CODE (CDC):**

- **SECTION 1.3.50 EXEMPTIONS (ADDS REQUIREMENT TO COMPLY WITH HISTORIC PRESERVATION STANDARDS);**
- **SECTION 2.2.50 LOTS (SPECIFIES MINIMUM WIDTHS OF FLAG LOTS);**
- **SECTION 2.2.60 ACCESS MANAGEMENT (ALLOWS BUILDINGS TO FRONT MAJOR ROADWAYS WHILE TAKING ACCESS FROM A REAR STREET OR ALLEY);**
- **TABLE 3.1.70 LAND USE DEFINITIONS (AMENDS “CAMPGROUND” TO SPECIFY TWO OR MORE RECREATIONAL VEHICLES/RVS ON A SINGLE PROPERTY);**
- **SECTION 5.6.120 FREESTANDING SIGNS (ESTABLISHES MINIMUM 10-FOOT SETBACK FROM RIGHT-OF-WAY (ROW));**
- **TABLE 5.8.50.F. EXISTING TREES IN THOROUGHFARE BUFFER (ADDS RETENTION REQUIREMENT OF EXISTING TREES 6-INCHES DBH IN THOROUGHFARE BUFFERS);**
- **SECTION 5.8.110.B.4. PERFORMANCE GUARANTEE (ESTABLISHES A TWO-YEAR SURVIVAL BOND FOR LANDSCAPING);**
- **SECTION 5.11.90 FORESTS (ADDS NEW SUBSECTION THAT PROMOTES INTERCONNECTIVITY OF PRESERVED FOREST HABITAT);**
- **SECTION 5.11.100.B. SPECIMEN TREES (ADDS LONGLEAF PINE AND BLACK CHERRY AS SPECIMEN TREES AT 16 INCHES (DBH)); AND**
- **SECTION 6.2.70 MAINTENANCE GUARANTEE (CROSS-REFERENCES THE LANDSCAPING SURVIVAL BOND FROM SECTION 5.8.110.B.4)**

The Chairman opened a public hearing beginning at 6:36 p.m. for the purpose of receiving public comment regarding text amendments to the Beaufort County Community Development Code (CDC): Section 1.3.50 Exemptions (adds requirement to comply with historic preservation

standards); Section 2.2.50 Lots (specifies minimum widths of flag lots); Section 2.2.60 Access Management (allows buildings to front major roadways while taking access from a rear street or alley); Table 3.1.70 Land Use Definitions (amends “campground” to specify two or more recreational vehicles/RVs on a single property); Section 5.6.120 Freestanding Signs (establishes minimum 10-foot setback from right-of-way (ROW)); Table 5.8.50.F Existing Trees In Thoroughfare Buffer (adds retention requirement of existing trees 6-inches DBH in thoroughfare buffers); Section 5.8.110.B.4 Performance Guarantee (establishes a two-year survival bond for landscaping); Section 5.11.90 Forests (adds new subsection that promotes interconnectivity of preserved forest habitat); Section 5.11.100.B Specimen Trees (adds longleaf pine and black cherry as specimen trees at 16 inches (DBH)); and Section 6.2.70 Maintenance Guarantee (cross-references the landscaping survival bond From Section 5.8.110.B.4).

After calling once for public comment, the Chairman recognized Ms. Rikki Parker, Project Manager, S.C. Coastal Conservation League, who thanked County staff, the Natural Resources Committee and County Council for implementing changes to the section of the ordinance regarding trees. The most significant improvement is the implementation of a requirement that developments preserve and maintain forest connectivity to the greatest extent possible. It is important to maintain wildlife habitat, not just in isolation, but also in large swaths of land. The Coastal Conservation League applauds the County’s effort in preserving habitats, including longleaf pine and black cherry trees in the specimen tree category, protecting trees greater than 16 inches in size, protecting trees in a thoroughfare buffer, and changing the fines for tree removal. After calling twice more for comment and receiving none, the Chairman declared the hearing closed at 6:39 p.m.

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council approve on third and final reading text amendments to the Beaufort County Community Development Code (CDC): Section 1.3.50 Exemptions (adds requirement to comply with historic preservation standards); Section 2.2.50 Lots (specifies minimum widths of flag lots); Section 2.2.60 Access Management (allows buildings to front major roadways while taking access from a rear street or alley); Table 3.1.70 Land Use Definitions (amends “campground” to specify two or more recreational vehicles/RVs on a single property); Section 5.6.120 Freestanding Signs (establishes minimum 10-foot setback from right-of-way (ROW)); Table 5.8.50.F Existing Trees In Thoroughfare Buffer (adds retention requirement of existing trees 6-inches DBH in thoroughfare buffers); Section 5.8.110.B.4 Performance Guarantee (establishes a two-year survival bond for landscaping); Section 5.11.90 Forests (adds new subsection that promotes interconnectivity of preserved forest habitat); Section 5.11.100.B Specimen Trees (adds longleaf pine and black cherry as specimen trees at 16 inches (DBH)); and Section 6.2.70 Maintenance Guarantee (cross-references the landscaping survival bond From Section 5.8.110.B.4). The vote: YEAS – Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSENT – Mr. Caporale, Mr. Dawson, Mrs. Howard and Mr. Vaux. The motion passed.



**MATTERS ARISING OUT OF EXECUTIVE SESSION**

There were no matters arising out of Executive Session.

**PUBLIC COMMENT**

Mr. Steve Hill, a resident of Daufuskie Island, spoke about Marshside Mamas. The current lease includes community activities. However, the request for proposal (RFP) is silent on all of these community activities, which is a concern. The RFP provides for the sale to a private entity. The area surrounding the County landing on Daufuskie Island has historically been considered public space. The RFP is silent on maintaining these facilities and functions, which, too, is a concern. This property could serve as a valuable transportation nexus. The Daufuskie Island community is concerned about the RFP.

**ADJOURNMENT**

Council adjourned at 6:44 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST: \_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

Ratified:

**JOINT MEETING  
FINANCE COMMITTEE AND EXECUTIVE COMMITTEE**

**June 26, 2017**

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

A joint meeting of the Finance Committee and Executive Committee met Monday, June 26, 2017 beginning at 1:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

**ATTENDANCE**

Finance Committee: Chairman Jerry Stewart, Vice Chairman Michael Covert and members Rick Caporale, Brian Flewelling, Steven Fobes and Stu Rodman present. Committee member Gerald Dawson absent. Non-committee member York Glover and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.).

Executive Committee: Chairman Jerry Stewart and members Brian Flewelling and Stu Rodman present. Members Gerald Dawson and Alice Howard absent. Non-Committee members Rick Caporale, Mike Covert, Steven Fobes, York Glover and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.).

County staff: Angel Bowers, Assistant Disaster Recovery Coordinator; Pamela Cobb, Disaster Recovery Coordinator; Joshua Gruber, Deputy County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator–Finance; Chris Inglese, Assistant County Attorney; Gary James, Assessor; Tom Keaveny, County Attorney; Colin Kinton, Division Director–Transportation Engineering; Gary Kubic, County Administrator; Eric Larson, Division Director–Environmental Engineering and Land Management; Rob McFee, Division Director–Facilities and Construction Engineering; Maria Walls, Treasurer; David Wilhelm, Public Works Director.

Public: Mark McCain, County Transportation Committee and Steve Riley, Hilton Head Island Town Manager.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Stewart chaired the meeting.

## **ACTION ITEM**

### **1. Executive Session**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Rodman, seconded by Mr. Fobes, that Committee go immediately into executive session for receipt of legal advice relating to potential litigation. The vote: Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Dawson and Mrs. Howard. The motion passed.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee authorize the County Administrator to begin a dialogue and negotiations with the municipalities for the municipalities and the County to share financial responsibilities for maintenance of roads that are in municipal boundaries and jurisdictions, as discussed in Attorney General's Opinion dated November 15, 2016, and in the event those negotiations do not bear fruit within the next 120 days or sooner, the County Administrator be authorized to initiate a declaratory judgement action against the municipalities for the purpose of having judicial order clarifying the responsibilities of the County and the municipalities as to those roads. The vote: Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Dawson and Mrs. Howard. The motion passed.

**Recommendation:** Committee authorized the County Administrator to begin a dialogue and negotiations with the municipalities for the municipalities and the County to share financial responsibilities for maintenance of roads that are in municipal boundaries and jurisdictions, as discussed in Attorney General's Opinion dated November 15, 2016, and in the event those negotiations do not bear fruit within the next 120 days or sooner if negotiations begin to fail, the County Administrator be authorized to initiate a declaratory judgement action against the municipalities for the purpose of having judicial order clarifying the responsibilities of the County and the municipalities as to those roads.

## **INFORMATION ITEMS**

### **2. Update / \$35 Million General Obligation Bond Anticipation Note(s)**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Gary Kubic County Administrator introduced this item to the Committee. He spoke about current expenditures, cash flow, and the demand on the reserve fund.

Mrs. Alicia Holland, Assistant County Administrator–Finance, provided an update on the sale of the \$30 million Bond Anticipation Notes (BAN) on June 22, 2017. The total par amount of the BAN is \$30,250,000 of which \$250,000 was to cover expenses. The interest expense for

the 12-month period will be \$423,500. The closing for the BAN is scheduled for Thursday, June 29, 2017. With the BAN being received on June 20 and FEMA reimbursements shortly after, it becomes complicated to manage the cash movements. Monies paid to Beaufort County are not all County dollars, but collected for other entities, committed or restricted. Going forward, she would like to present quarterly, with the help of the County Treasurer, an update on cash flow movements, to help Council better understand what we face during the low points.

Mrs. Maria Walls, Treasurer, presented Council a diagram outlining cash flow projections from January 1, 2016 to December 31, 2017. The diagram showed the dollars in the bank out (cash and invested). This is not all Beaufort County dollars. Beaufort County collects dollars for various agencies, but is pooled together until distributed. She explained the minimum projected for unrestricted dollars through calendar year 2017, and the importance of the BAN.

Mr. Fobes asked staff to provide a diagram to show only County cash flow.

Mr. Kubic stated the general ledger is the key document for the County. Pooling your cash for equity purposes is critical. We do not have prior agreements with the municipalities that in the event of a storm, all the reserves are immediately pooled for the purpose of having the ability to pay the expenditures associated with the storm. We still do not have a payment from FEMA regarding our requests which puts pressure on the BAN. We do not know our current position. The Town of Hilton Head Island made a wise move and borrowed \$20 million for the exact same reason. With time we will know our flexibility; but, currently, do not. It is too unpredictable. He suggests the following actions:

- Pressure FEMA.
- Pressure the State Delegation and Governor.
- Work with municipalities, especially the Town of Hilton Head Island, so if it is possible to give each other some relief, based on the pooling of cash on paper, and not jeopardize our position.
- Forecast in FY 2019 whether or not to add additional millage to restore all of these borrowings.

Mr. Steven Riley, Hilton Head Island Town Manager, understands the County's cash flow; it is what is driving the Town of Hilton Head Island (Town) as well. The greatest share of the Town's debris removal costs is on the private property side (PPDR). We cannot expect to receive any refunding on that until at least September. The Town is struggling with cash flow. If we all jointly borrowed, it counts against both tax caps. There is no good reason to do so. We are not in the market at the same time to co-borrow. The greatest concern is next year. The critical issue is preparing for Fiscal Year 2019 and millage override. That needs to be coordinated.

Mr. Sommerville wanted to know who has been paying for debris removal in private communities on Hilton Head Island.

Mr. Riley stated the Town has been paying for debris removal. The Town had a contract and agreements with SCDOT, and has borne the costs. The Town wanted a contractor that would put the Town first.

**Status:** Information only.

### 3. School District Impact Fees

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Gary Kubic, County Administrator, stated he sent a letter to Dr. Jeffrey Moss, Superintendent, Beaufort County School District, expressing all of the relationships that are relevant to growth and development, plus how it impacts the need for additional schools. There have been conversations with Dr. Moss about the possibility of having the study to project or establish the relationship to see the need for more schools in the future corresponding with the growth in the County. It is an opportunity to allow the existing taxpayer to pay less by shifting some of the revenue requirements to offset the new school growth as a result of the population growth from new development. It lessens that burden on the existing taxpayers. It is a sequential process, one that has been generally accepted by communities that are experiencing growth. County Administration has yet to hear back from Dr. Moss regarding procedural process. The hope is that the Board of Education sees the logic, commissions the study, submits the results of the study to the County, and allows the County to take the next step in deciding whether or not to convert the information into some type of impact fee.

**Status:** County Administrator will contact the School District Superintendent via telephone to inquire as to the process after receipt of the letter and then inform Council via email as to the response.

### 4. Enabling Legislation for Beaufort County Transportation Committee

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Committee Chairman Gerald Stewart stated this item was brought up during the 2017 Council Retreat and as an ancillary item during budget discussions.

Mr. Josh Gruber, Deputy County Administrator, stated historically the members of the County Transportation Committee (CTC) had been appointed by the Legislative Delegation. In January, the Legislative Delegation passed a resolution devolving those powers to County Council. Beaufort County Council adopted an ordinance dissolving the old CTC and creating a new CTC. Subsequent to that time, there was a question that had arisen regarding the potential personal liability of Board members. That discussion had an outgrowth as to the functions and responsibility of the CTC. Currently County Council appoints the members of the CTC, but should Council ultimately have the authority to approve the projects recommended by the CTC.

Currently, the CTC has the autonomous authority to issue road contracts. Should the current ordinance for functions and responsibilities be changed?

Mr. Stewart stated the issue involves the appropriation of monies which are County funds. County Council members are elected officials and who are responsible for the fiduciary responsibility of the County, as opposed to appointed officials like the CTC members.

Mr. Rodman is in favor of amending the enabling legislation to make the CTC an advisory board. It would not take anything from the CTC, but instead could potentially expand their roles.

Mr. Flewelling spoke against the potential amendment. He does not see any problems with the exception of liability of members. He trusts their decision and will back it up. He is concerned that public perception of Council is accumulating power, instead of devolving to outside agencies. They are accountable to Council every two years as we renew their appointments. He will vote against the motion.

Mr. Fobes stated his sentiments mirror that of Mr. Flewelling's. He asked to hear from the representative of the CTC.

Mr. Covert agreed with Mr. Flewelling and Mr. Fobes. He has not heard of any issues with the CTC. He likes the way the methodology is laid out.

Mr. Caporale said he cannot support any amendment to make the CTC an advisory board. He would like to give more authority to the County's Boards and Commissions, not less.

Mr. Sommerville said if it is not broke, don't fix it. Making the CTC an advisory board would be problematic. He personally does not want that authority.

Mr. Stewart stated historically the list of roads and the issue of dollars have come back before the Public Facilities Committee for discussion. It has not been isolated and Council has made comments and has had an input, while it was under the purview of the Legislative Delegation. Roads are a service. We provide a service and the citizens look to us to provide that service. Council is responsible for the finances and wellbeing of the County. We have had problems with new road construction with litigations. As the elected officials in the County we have some responsibility in dealing with how the monies are spent and the legal responsibility. We are talking about accepting roads into the County not being considered by the CTC. It is appropriate for this body. He would vote in favor of the change to an advisory board. We have lots of board and commissions, and all but one is an advisory board.

Mr. Flewelling stated the Planning Commission has its own statutory authority outside of Council to do certain things. We have a system that allows for the paving of roads and certain road maintenance features that is independent of the politics. It is based on metrics and staff recommendation. You introduce politics and it will muddy the waters. It is a good thing to deny this recommendation.

Mr. Mark McCain, County Transportation Committee, stated the CTC takes the fiduciary responsibility seriously. They are working toward a five-year plan. We can provide Council with a product that will give the citizens of this County accountability.

Mr. Craig Forest, County Transportation Committee, expressed his surprise at the discussion before Council. He just learned about the proposed amendment. He does not care about the final decision on the roads. Council is missing out on having a true CTC where you are getting true input and advice in order to make decisions. He would like the board responsibility to be expanded to include other issues. Council needs to be thinking about what they want the CTC to do to help in Council in its decision-making process. Even if this is the correct thing to do, from a perception point of view, Council had an opportunity in January to make the CTC an advisory board.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee deny an ordinance to amend Beaufort County Ordinance 2015/31 so as to amend Section 2-275 of the Beaufort County Code of Ordinance so as to establish that the Beaufort County Transportation Committee shall serve as an advisory body to Beaufort County Council. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes and Mr. Rodman. NAYS - Mr. Stewart. ABSENT – Mr. Dawson and Mrs. Howard. The motion passed.

**Status:** Committee denied an ordinance to amend Beaufort County Ordinance 2015/31 so as to amend Section 2-275 of the Beaufort County Code of Ordinance so as to establish that the Beaufort County Transportation Committee shall serve as an advisory body to Beaufort County Council.

##### **5. Magistrate Office / Statutory Authority / Beaufort County Code of Ordinances**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Tom Keaveny, County Attorney, reviewed this item with the Committee. There have been issues regarding the magistrates before Council each year over the last three years. Each issue has ended in either litigation or arbitration. The question has come up regarding the County's Code of Ordinances as it relates to magistrates. Our ordinance is more generous regarding compensation than the State Statute requires the County to be. The County has the right, under the State Statute, to tell our Senator how many magistrates we want to have, 90 days before their terms expire. By telling them how many you want, you tell them how many part time you want. Does Council want to tell the Senator how many magistrates we want? Does Council want to tweak the County Code of Ordinances as it relates to magistrates?

Mr. Kubic recommends Council repeal all County ordinances that impact the magistrates, in their entirety.

**Motion:** It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve and recommend Council repeal all County ordinances as they relate to the magistrates and the process of this State agency be subject only to statutory authority that is created by the State Assembly. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. Dawson and Mrs. Howard. The motion passed.

**Status:** Staff is to bring forth a draft ordinance repealing all County ordinances as it relates to magistrates.

#### **6. Boards and Commissions Appointment Process**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** This item will be taken up at the next meeting.

#### **7. Ordinance Approval Process**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Status:** This item will be taken up at the next meeting.

**DRAFT**



## PUBLIC FACILITIES COMMITTEE

June 26, 2017

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

The Public Facilities Committee met Monday, June 26, 2017 beginning at 3:00 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

### ATTENDANCE

Chairman Stu Rodman, Vice Chairman York Glover and members Rick Caporale, Michael Covert, Jerry Stewart and Roberts "Tabor" Vaux present. Committee member Alice Howard absent. Non-Committee member D. Paul Sommerville present (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.).

County Staff: Andrea Atherton, Capital Improvements Project Manager; Quinton Chisolm, Animal Services Officer; Eric Crisman, Animal Service Office; Phil Foot, Assistant County Administrator–Public Facilities; Josh Gruber, Deputy County Administrator/Special Counsel; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Colin Kinton, Division Director–Transportation Engineering; Gary Kubic, County Administrator; Eric Larson; Rob McFee, Division Director–Facilities and Construction Engineering; Jim Minor, Solid Waste and Recycling Manager; Dan Morgan, Mapping and Applications Director; Leslie Mosier, Animal Service Office; Donna Ownby, EMS Director; Mark Roseneau, Facilities Management Director; Tallulah Trice, Animal Shelter and Control Director; Dave Thomas, Purchasing Director; and David Wilhelm, Public Works Director.

Public: Nancy Goard, Clinic Manager, Hilton Head Humane Association; Craig Forest, County Transportation Committee; Franny Gertheoffer, Executive Director, Hilton Head Humane Association; Miles Glick, Glick-Boehm & Associates; Chuck Laine, Chairman, Board of Directors, Hilton Head Humane Association; and Monte Leath, Vice Chairman, Board of Directors, Hilton Head Humane Association.

Media: Joe Croley, *Lowcountry Inside Track*.

Chairman Stu Rodman chaired the meeting.

## **ACTION ITEMS**

### **1. Consideration of Contract Award / Design and Construction Management for Beaufort County Government Robert Smalls Complex, Arthur Horne Building**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, presented this item to the Committee. Beaufort County issued a Request for Proposals from qualified firms to provide services for architectural, engineering, and civil engineering design for the construction of a three-story building to be located on a portion of the property at the Beaufort County Government Robert Smalls Complex. The new building location will require the removal of a portion of the Arthur Horne Building, with temporary repair and stabilization for continued operations. A&E design services for a three-story structure of approximately 21,000 square feet were requested from qualified firms.

Four firms responded and were interviewed by an evaluation committee consisting of Phil Foot, Assistant County Administrator-Public Safety, Mark Roseneau, Facilities Management Director, and Mark Sutton, Deputy Facilities Management Director. The Committee conducted contract negotiations with the number one ranked firm, Hussey, Gay, and Bell of Savannah, Georgia, but could not mutually agree on the contract price, so the Committee moved to the second ranked firm, Beaufort Design Build of Beaufort, South Carolina and agreed upon a final cost of \$197,250, with a \$19,725 contingency. This will be funded from account 10001310-51160, Facilities Management-Professional Services.

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Covert, that Committee approve and recommend Council award a contract to Beaufort Design Build, LLC, Beaufort, South Carolina, in the amount of \$197,250, with a \$19,725 contingency fund, for the design and construction management of the Arthur Horne Building. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mrs. Howard. The motion passed.

**Recommendation:** Council award a contract to Beaufort Design Build, LLC, Beaufort, South Carolina, in the amount of \$197,250, with a \$19,725 contingency fund, for the design and construction management of the Arthur Horne Building.

### **2. Contract Award for Construction of New Comprehensive Animal Services Campus (Animal Shelter, Surgery Center and Park) in Okatie, Public-Private Partnership with Hilton Head Humane Association**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** A new Animal Services Campus was designed by Glick-Boehm & Associates, Charleston, South Carolina. This new campus includes construction of a new 20,000 square foot Animal Services facility on a 6.3 acre site at the corner of S.C. Highway 170 and Pritcher Point Road in Beaufort County. The building integrates the Beaufort County Animal Shelter, Animal Control officers, and Hilton Head Humane Association Adoption facilities and spay and neuter clinic wings. Construction bids were advertised in February 2017 and five bids were received. In addition, nine bid alternatives were included in the bidding documents.

An analysis of Nix Construction, Hilton Head Island, South Carolina bid price of \$7,557,000 base amount, and \$7,147,500 with deduct alternatives, which revealed no apparent cause for rejecting their bid. Nix Construction is the certified lowest responsible/responsive bidder. Compliance with the County's SMB Participation Ordinance was reviewed and Nix Construction's business outreach plan to utilize local, small and minority business is sound and meets the County's objective and is in compliance with the County's SMB Participation Ordinance. It is recommended that the bid be awarded to Nix Construction in the amount of \$7,147,500. Staff is requesting a 9.5% project contingency of \$679,013, making the total construction budget of \$7,826,513. The new Animal Services Campus will be funded from CIP Account \$40090011-54600, County TAG Funds and private funding. The revenue streams for the project are: \$7 million from County GO Bonds, \$2 million from the Hilton Head Humane Associations, and \$400,000 from TAG Funds.

Mr. Phil Foot, Assistant County Administration–Public Safety, provided the Committee with a PowerPoint presentation that recapped the Council's priority goals since 2013, as well as photographs of the condition of the existing animal control facility.

Mr. Chuck Laine, Chairman, Board of Directors, Hilton Head Humane Association, stated the existing animal control facility is using a "Band-Aid approach". The Hilton Head Humane Association has obligated \$2.0 million for the construction of the new Animal Services Campus, which is a substantial investment from a small operation. He is looking forward to approval by County Council.

Mr. Miles Glick, Glick-Boehm & Associates, spoke on the architectural design of the new Animal Services Campus, which is technically oriented. The facility includes a clinic, an adoption site, as well as a side for Beaufort County, shared space, and other uses. The facility consists of approximately 21,000 square feet, of which Beaufort County side will be 7,000 square feet, Hilton Head Humane Associates side 4,000 square feet, the clinic 5,000 square feet and approximately 1,100 square feet of shared space. It is a Lowcountry architectural style. Each of the three areas will have their own entrances, but connected in the middle. This design makes things efficient. He presented a rendering of the proposed facility.

**Motion:** It was moved by Mr. Caporale, seconded by Mr. Vaux, that Committee approve and recommend Council award a contract to Nix Construction, Hilton Head Island, South Carolina for construction of the new Animal Services Campus in the amount of \$7,147,500, with a 9.5% project contingency of \$679,013, for a total project budget of \$7,826,513. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mrs. Howard. The motion passed.

**Recommendation:** Council award a contract to Nix Construction, Hilton Head Island, South Carolina for construction of the new Animal Services Campus in the amount of \$7,147,500, with a 9.5% project contingency of \$679,013, for a total project budget of \$7,826,513.

### 3. A Resolution to Commission Animal Services Officer / Leslie Mosier

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Glover, seconded by Mr. Caporale, that Committee approve and recommend Council adopt a resolution to commission Leslie Mosier, as Animal Service Officer, to enforce Beaufort County Animal Ordinances for Beaufort County pursuant to the authority granted in Section 4-9-145 of the Code of Laws of South Carolina, 1976, as amended. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mr. Rodman and Mr. Stewart. ABSENT – Mrs. Howard and Mr. Vaux (temporarily left the room) The motion passed.

**Recommendation:** Council adopt a resolution to commission Leslie Mosier, as Animal Service Officer, to enforce Beaufort County Animal Ordinances for Beaufort County pursuant to the authority granted in Section 4-9-145 of the Code of Laws of South Carolina, 1976, as amended.

### 4. Consideration of Limited Access and Utility Easement Request for 20 Airport Circle, Beaufort

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Glover, seconded by Mr. Covert, that Committee approve and recommend Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 20 Airport Circle, South Carolina. The vote: YEAS –Mr. Covert, Mr. Glover, Mr. Rodman Mr. Stewart, and Mr. Vaux ABSENT – Mr. Caporale (left the meeting early) and Mrs. Howard. The motion passed.

**Recommendation:** Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 20 Airport Circle, South Carolina.

### 5. Palmetto Electric Cooperative Easement for Electrical Services for the New Animal Services Complex Located at 10 Pritcher Point Road, Bluffton

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Motion:** It was moved by Mr. Covert, seconded by Mr. Glover, that Committee approve and recommend Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 10 Pritcher Point Road, South Carolina. The vote: YEAS –Mr. Covert, Mr. Glover, Mr. Rodman Mr. Stewart, and Mr. Vaux ABSENT – Mr. Caporale (left the meeting early) and Mrs. Howard. The motion passed.

**Recommendation:** Council approve on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned by Beaufort County, located at 10 Pritcher Point Road, South Carolina.

### **INFORMATION ITEMS**

#### **6. Consideration of Contract Award / Bobcat Compact Track Loader for the Public Works Department**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Director of Public Works to purchase one new 2017 T870 Bobcat Compact Track Loader from Bobcat of Savannah, Bloomingdale, Georgia, a certified National Joint Powers Association (NJPA) cooperative contract vendor. Public Works currently has two bobcats. Both are ten years old and have nearly 6,000 hours of operation aggregate in saltwater environment.

Total cost of \$77,414.92 includes all discounts, delivery, South Carolina sales tax; manuals, selectable joystick controls, NAGS port relief valve, engine compartment seal kit, S850 & T870 tier 4 forestry application kit, M Series 84”C/I heavy duty bucket, bolt-on cutting edge, 84” and 82” root grapple. This would be funded from account 10001320-54200.

**Motion:** It was moved by Mr. Covert, seconded by Mr. Glover, that Committee approve a contract award to Bobcat of Savannah, Bloomingdale, Georgia in the amount of \$77,414.92 for one new 2017 T870 Bobcat Compact Track Loader. This would be funded from account 10001320-54200. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Glover, Mr. Rodman, Mr. Stewart and Mr. Vaux. ABSENT – Mrs. Howard. The motion passed.

**Status:** Committee awarded a contract to Bobcat of Savannah, Bloomingdale, Georgia in the amount of \$77,414.92 for one new 2017 T870 Bobcat Compact Track Loader. This would be funded from account 10001320-54200.

#### **7. Update on Local Preference**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Dave Thomas, Purchasing Director, provided the Committee an update on FY2017 Local Preference. The presentation included the following information:

Solicitations

- Total Solicitations: 37
  - Invitation for Bids: 21
  - Request for Proposals: 11
  - Request for Qualifications: 5
- Solicitations Awarded: 22
- Solicitations Still Under Review: 11
- Solicitations Not Awarded: 4

Awarded

- Contract Award Status: 22 Awarded, 11 Under Evaluation, 4 Not Awarded
- Local Awards: 9 (40% of Total)
- Non-Local Awards: 13 (59% of Total)
- 11 of 22 Solicitations Had No Local Participation (50% of Total Awarded Solicitations)

Dollars

- Total Dollars Awarded: \$ 28,322,538
- Local Dollars Awarded: \$ 9,455,370 (33% of Total)
- Non-Local Dollars Awarded: \$18,867,168 (66% of Total)
- Cost Differential: \$5,302,131

Dollars Awarded to Local Business' and Contractors from Purchase Orders

- 1348 PO's processed for \$117,798,842 (\$37,000,000 projected for Hurricane cost)
- \$5,018,903 spent with Local Business' (4% of Total)

Local Preference Usage

- Used twice in Fiscal Year 2017 (Purchased Vehicles from Butler Chrysler for the Sheriff's Office. Matched State Contract Price)

Staff Will Continue the Following Tasks:

- Work With the Vendor Community While Emphasizing Doing Business with Local, Small and Minority Vendors
- Using Public Service Announcements, The County Website, and Community Networking To Provide Information on Beaufort County Business Opportunities
- The new Vendor Registry software will help the local vendor community have easier access to bids and information.

**Status:** Update only.

## **8. Consideration of Rescinding Contract / Daufuskie Island Park Trail and Restroom**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Joshua Gruber, Deputy County Administrator/Special Counsel, reviewed this item with the Committee. After bidding the subject project three previous times with no contract award, Beaufort County received bids on August 23, 2016 for construction of the Daufuskie Island Park Trail and Amenities. This work includes 960 linear feet of walking trail, landscaping, parking area, men's and women's restroom facility, including electric service, ground water well and septic system.

On September 26, 2016, County Council approved the award to ACCI in the amount of \$135,305. The funding sources for this project were a South Carolina Department of Parks & Recreation SCPRT Grant funds of \$99,808 and \$85,369 from County Hospitality Tax.

ACCI was sent the project contracts to execute and acquire the required Certificate of Insurance. The need for payment and performance bonds for this project was waived by the County. ACCJ was notified on February 22, 2017, May 31, 2017 and June 6, 2017 to submit a corrected Certificate of Insurance.

Staff was going to recommend rescinding contract and returning the SCPRT grant, but since adding this item to the agenda, the Certificate of Insurance has been received. It still may not be sufficient as it does not name the county as an insured. It may be trivial or easily fixed. The primary concern at this time is the grant requirement documents require the project to be completed by the end of August 2017. We have four grant extensions. At some point, this does need to come to a conclusion.

Mr. Rodman said he has been in contact with the contractor who said there have been some changes to the architectural drawing in order to meet County code. When asked where he is in the construction process, his reply was that the material for the main building and some of the material for the sidewalk piece. The well driller is scheduled to come in the first week of July.

Mr. Vaux suggested reaching out to the State for another five- to six-month extension. We are so close to getting this done.

Mr. Kubic stated he wants the authority to terminate contract subsequent to discussions with the contractor ensuring we can be named additional insured on the Certificate of Insurance, so that we can sign a contract. We will not sign a contract unless we are certain that he can complete this project within the parameters of the grant. He stated before terminating he would make a call to the State and ask for an addition 30-40 days.

**Status:** Without objection, Committee provided the County Administration the authorization to terminate the contract with Chuck Hunter if the County cannot be added as an insured on the Certificate of Insurance or if the project cannot be completed within the parameters of the grant.

#### **9. Memorandum of Understanding with the City of Beaufort / Development of an Airplane Hangar**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Chris Inglese, Assistant County Attorney, reviewed this item with the Committee. This is co-owned property that is partially in the County and partially in the City. There is an interested developer in the construction of an airplane hangar in property that straddles the two jurisdictions. The County was working with the City of Beaufort in developing a Memorandum of Understanding, but since then, there is another potential developer interested in property at the airport that also straddles both jurisdictions. The Airports Director has asked that this item be looked at more comprehensively.

**Status:** Information only.

#### **10. Bluffton Parkway Sections VI & VII**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Rob McFee, Division Director–Facilities and Construction Engineering, reviewed this item with the Committee. He provided a graphic showing the southern part of Beaufort County and provided an overview of the concept alignment.

**Status:** Information only.

#### **11. Update on Solid Waste: Curbside Pick-up and Recycling**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Jim Minor, Solid Waste and Recycling Director, reviewed this item with the Committee. He distributed a diagram of the curbside pickup timeline and reviewed by the Committee an overview of the implementation schedule. We are cooperating with the Town of Bluffton for the opportunity of synergy, have held two public hearings in the Bluffton area, have had numerous meetings with potential key players, and worked with the consultant. Hurricane Matthew has delayed the processes, but hopes to come before Council soon with recommended amendments to our solid waste and recycling ordinance.



**Status:** Information only.

## **12. Update on Initiative to Reduce U.S. Highway 278 Congestion East of the Bridges**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Colin Kinton, Division Director–Traffic Engineer, reviewed this item with the Committee. We are actively working with SCDOT and the Town of Hilton Head to pull resources to get a consultant on board to review the traffic flows and provide recommendations. We have talked quite a bit about the environmental assessment project, the physical improvements to the corridor, as well as what we can do not to buy us more efficiency on our system.

**Status:** Information only.

## **13. Update on Myrtle Park Office Complex**

**Notification:** To view video of full discussion of this meeting please visit [http://beaufort.granicus.com/ViewPublisher.php?view\\_id=2](http://beaufort.granicus.com/ViewPublisher.php?view_id=2)

**Discussion:** Mr. Gary Kubic, County Administrator, reviewed this item with the Committee. If Santee Cooper has the ability to offer a \$4.0 million loan to communities for the benefit of public services that having Beaufort County continuously hold this loan by contract and not produce a building or operation on this site, then we should relinquish the contract and give the money back to Santee Cooper. That would give us the ability to sell the property or hold it for future expansion. It no longer merits us to hold the contract.

Mr. Gruber added the \$4.0 million was to build a 30,000 to 40,000 square foot shell of a Class A office space building. We have done all of the due diligence on the site necessary. It is a flat level lot. Water, sewer, fiber cable, and gas are in relatively close proximity. The County continues paying interest on the note on a monthly basis.

**Status:** Information only.

Boards and Commissions  
Reappointments and Appointments  
July 24, 2017

**1 Public Facilities Committee**

***Solid Waste and Recycling Board***

<u>NominateD</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
05.22.17	David T. Uehling	Solid Waste District 6	Reappoint	10/11	4	2/2021

**RESOLUTION NO. 2017/\_\_\_**

**A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2016/8 AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT FROM PLANTATION BUSINESS PARK OWNERS' ASSOCIATION INC., BUSINESS PARK WAY AND A PORTION OF PLANTATION PARK DRIVE, INTO COUNTY ROAD SYSTEM INCLUDING STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THE DEDICATED RIGHTS OF WAY.**

**WHEREAS**, County Council adopted Resolution 2016/8 authorizing the County Administrator to accept Business Park Way and that portion of the Plantation Park Drive which is owned by Plantation Park Business Owners' Association Inc. and only the road, but not any stormwater drainage infrastructure or fixtures which adjoin or abut the road which is owned by the Association and which is identified by TMS number (TMS No: R610 031 000 0135 0000); and

**WHEREAS**, U.S. Highway 278 is a heavily traveled main thoroughfare in southern Beaufort County consisting of six plus lanes at various points which are used for both commercial and personal travel; and

**WHEREAS**, in an effort to reduce the amount of traffic on U.S. Highway 278, to alleviate congestion and to improve safety on this and other highways, Beaufort County has encouraged, and invested in, the development, design and construction of a network of frontage roads which run adjacent to heavily traveled highways and thoroughfares and which allow motorists who are traveling to and from local business to use these networks of roads rather than the highways and main thoroughfares; and

**WHEREAS**, Plantation Business Park is a commercial center in the Town of Bluffton which is located adjacent to U.S. Highway 278 and which consists of a variety of businesses and offices which are joined by a network of private and County owned roads all of which make access to and from businesses and offices convenient and help motorists avoid the use of U.S. Highway 278; and

**WHEREAS**, Business Park Way and Plantation Park Drive (TMS No: R610 031 000 0135 0000) are frontage roads which run perpendicular to and parallel with U.S. Highway 278, respectively; Business Park Way is owned by Plantation Business Park Property Owners' Association Inc. ("the Association"); part of Plantation Park Drive is owned by Beaufort County and part of it is owned by the Association; and

**WHEREAS**, the Association desires to convey to Beaufort County its interest in Business Park Way and Plantation Park Drive (collectively "the road" or "roadway"); and

**WHEREAS**, Beaufort County commissioned a forensic engineering study of stormwater drainage infrastructure and fixtures which exist on, and abut, the road which the Association owns; and

**WHEREAS**, the study determined that significant maintenance issues exist with the stormwater drainage infrastructure and fixtures which abut, and are adjacent to, the road which the Association owns; as a result of the study and other factors, Beaufort County agrees to accept into the County's road system Business Park Way and that portion of Plantation Park Drive which the Association owns; Beaufort County accepts ownership of stormwater drainage infrastructure or fixtures directly underneath the road including roadside pipe and catch basins shown on Exhibit A incorporated herein by reference; and Beaufort County accepts responsibility for repairing, replacing or maintaining any stormwater drainage infrastructure or fixtures which exists within the footprint of Business Park Way and that portion of Plantation Park Drive which by this resolution is adopted into the public County road system; and

**WHEREAS**, separating the roadway from the stormwater drainage is not feasible due to the existing stormwater pipes and catch basins located under the road; and

**WHEREAS**, the stormwater infrastructure under the roads being adopted pursuant to this Resolution carry stormwater from the road to the private stormwater system owned by the Plantation Business Park Owners' Association Inc; and

**WHEREAS**, the Plantation Business Park Owners' Association Inc. agrees to continue to accept, carry, store, and treat stormwater drainage coming from the roads and leaving the catch basins under the roads being adopted into the County Public Road system, pursuant to this Resolution and to perpetually provide for the stormwater management of water leaving Business Park Way and Plantation Park Drive.

**WHEREAS**, the Public Facilities Committee met May 15, 2017 and recommends that Council accept the dedication of Business Park Way and Plantation Park Drive including responsibility for stormwater infrastructure located within the roadway, and make a one-time TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) to the Plantation Business Park Owners' Association Inc. with the expectation that the expenditure be used for a reserve fund, available for future private stormwater infrastructure maintenance and repairs as needed for stormwater drainage from the roadways hereby adopted; and

**WHEREAS**, the County Council recognizes the uniqueness of the roadway in that these roadways are part of a frontage road which provides an alternative route for traffic traveling parallel to U.S. Highway 278 and is currently under private ownership; and

**WHEREAS**, County Council desires to resolve the issues of ownership and maintenance of the roads providing a connection for the valuable frontage road alleviating heavy traffic along U.S. Highway 278 while at the same time putting in place an agreement regarding the drainage, storage and treatment of stormwater coming from Business Park Way and Plantation Park Drive.

**WHEREAS**, the County Administrator is authorized to pursue matching funding in the amount of TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) from the Town of Bluffton.

**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 accept dedication of Plantation Park Drive and Business Park Way identified by TMS number (TMS No: R610 031 000 0135 0000) into the County road system, including dedication of public stormwater infrastructure existing under the dedicated right of way as shown on the attached Exhibit A.

Section 3. The County Administrator is authorized to execute a Memorandum of Understanding regarding the existing stormwater infrastructure under the road such that the County is responsible only for stormwater infrastructure located directly under the intended right of way, as shown on the attached Exhibit A. The Plantation Business Park Owners' Association, Inc. shall be responsible for stormwater and the maintenance of its private stormwater infrastructure once stormwater leaves the area of the accepted roadways.

Section 4. Resolution 2016/8 adopted May 23, 2016 is hereby rescinded in its entirety and Resolution 2017/\_\_\_ is substituted in its place.

Section 5. The County Administrator is authorized for the expenditure of TWENTY-FIVE THOUSAND DOLLARS and 00/cents (\$25,000.00) payable to the Plantation Business Park Owners' Association Inc. with the understanding that the funds be used to establish a reserve fund for the maintenance and repair of their private stormwater drainage systems and that both parties pursue matching funds from the Town of Bluffton.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

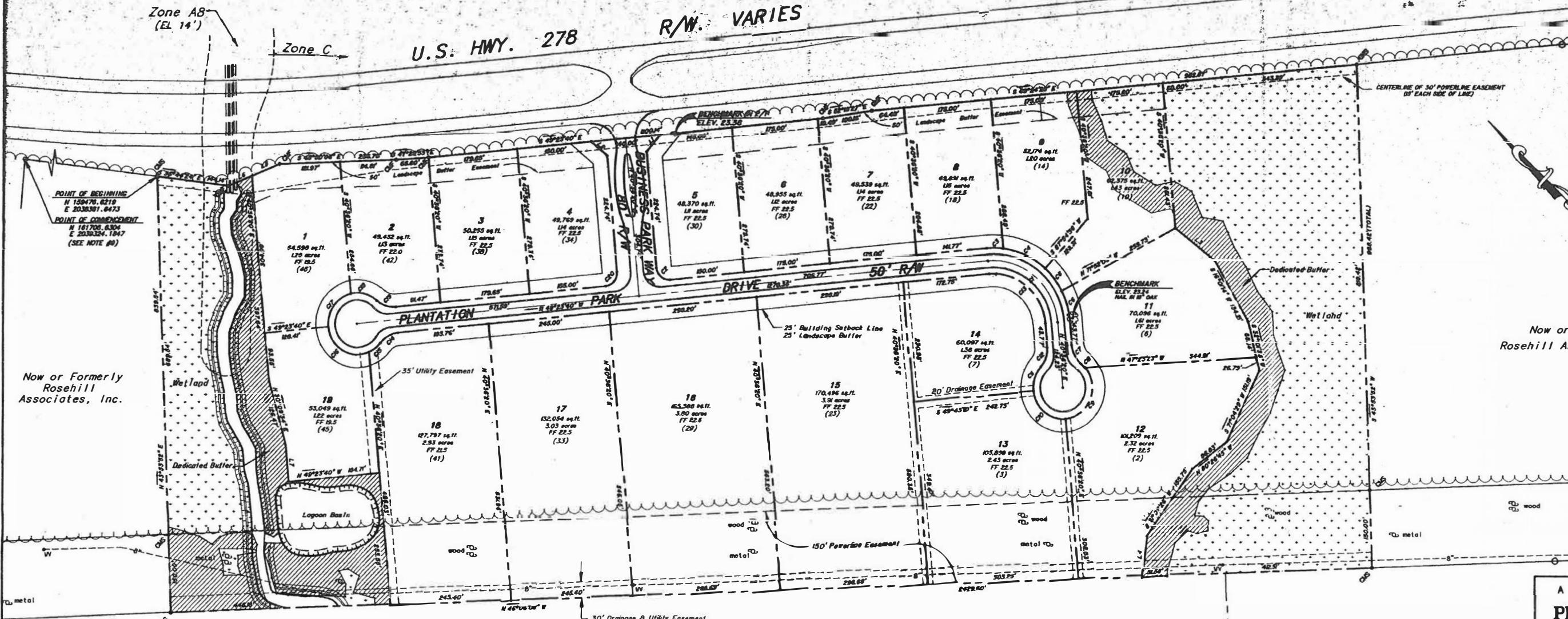
\_\_\_\_\_  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

# EXHIBIT "A"

U.S. HWY. 278 R/W. VARIES



- REFERENCES:**
1. A PLAT OF THE BOUNDARY & METLANS FOR BLOCK X BEING A PORTION ROSEHILL PLANTATION PREPARED BY THOMAS & MITTON ENGINEERING COMPANY JOB # 6294 DATED 9/25/93 LAST REVISED 9/30/93.
  2. A PLAT OF 50 ACRES BEING A PORTION OF ROSEHILL PLANTATION PREPARED BY THOMAS & MITTON ENGINEERING COMPANY JOB # 3237 DATED 9/25/93.
- NOTES:**
1. PLAT ERROR OF CLOSURE IS 1/1750000
  2. FIELD ERROR OF CLOSURE IS 1/30,000
  3. ANGULAR ERROR OF CLOSURE IS 0.2" PER ANGLE POINT.
  4. THE AREA WAS DETERMINED BY GEOMETRIC METHOD OF LAND CALCULATION.
  5. FIELD EQUIPMENT: SOKKIA SET4, SOKK J3
  6. COORDINATES BASED ON SOUTH CAROLINA STATE PLANE GRID.
  7. THERE IS A 10' UTILITY EASEMENT ALONG THE FRONT PROPERTY LINE OF ALL LOTS.
  8. THE PROPERTY IDENTIFICATION NUMBER IS R000-0230-000-000-000 FOR THE TRACT. PROPERTY IDENTIFICATION NUMBERS FOR THE SUBDIVIDED TRACT HAVE NOT BEEN ASSIGNED BY BEAUFORT COUNTY.
  9. COMMENCING AT A CONCRETE MONUMENT FOUND AT THE SOUTHERN INTERSECTION OF U.S. HWY. 278 AND BRICK ISLAND ROAD; THENCE S 20°24'22" E FOR 685.54'; THENCE S 27°35'12" E FOR 104.45'; THENCE S 31°48'40" E FOR 104.46'; THENCE S 35°58'44" E FOR 104.43'; THENCE S 37°01'24" E FOR 416.88'; THENCE S 38°44'23" E FOR 201.64' TO THE POINT OF BEGINNING.
  10. THE FINISHED FLOOR ELEVATION SHOWN FOR EACH LOT IS THE MINIMUM ELEVATION.

**RIGHT-OF-WAY 2.78 AC.**  
**METLANDS & BUFFERS 12.77 AC.**  
**LOTS 34.45 AC.**  
**TOTAL 50.00 AC.**



### Line Schedule

LINE	DIRECTION	DISTANCE
L1	N 85°36'20" E	42.43'
L2	N 04°23'40" W	42.43'
L3	N 05°53'48" W	101.85'
L4	S 52°50'50" W	80.88'
L5	S 66°09'26" E	80.88'
L6	S 66°09'26" E	81.13'
L7	S 40°36'20" W	71.39'

### Curve Schedule

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	130.00'	204.20'	130.00'	181.65'	N 04°23'40" W	30°00'00"
C2	155.00'	33.48'	18.81'	35.38'	S 04°23'40" E	30°00'00"
C3	155.00'	94.48'	48.78'	83.03'	S 18°33'11" E	34°55'54"
C4	155.00'	54.70'	27.84'	54.42'	S 00°01'14" W	20°13'14"
C5	155.00'	80.80'	30.80'	80.41'	S 29°23'36" W	20°20'30"
C6	50.00'	41.03'	21.75'	38.69'	S 17°06'55" E	17°00'51"
C7	80.00'	11.41'	5.70'	11.48'	S 00°55'48" E	10°53'23"
C8	80.00'	130.01'	130.00'	181.65'	S 67°54'36" W	126°01'26"
C9	80.00'	31.81'	15.90'	31.81'	N 04°23'40" W	60°00'00"
C10	80.00'	89.57'	29.86'	48.78'	N 61°57'01" E	47°10'25"
C11	80.00'	41.03'	21.75'	38.69'	N 84°06'46" E	37°40'51"
C12	71.39'	184.83'	184.80'	268.29'	N 04°23'40" E	30°00'00"
C13	50.00'	41.03'	21.75'	38.69'	N 71°54'06" W	47°00'51"
C14	50.00'	29.86'	15.90'	29.86'	N 04°23'40" W	20°19'11"
C15	50.00'	11.41'	5.70'	11.48'	N 13°24'27" W	100°41'17"
C16	50.00'	31.81'	15.90'	31.81'	N 01°14'27" E	17°00'51"
C17	50.00'	31.81'	15.90'	31.81'	S 29°23'36" W	30°00'00"
C18	50.00'	41.03'	21.75'	38.69'	S 29°23'36" W	47°00'51"
C19	25.00'	30.80'	15.90'	30.80'	S 29°23'36" W	60°00'00"

BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS  
 FINAL PLAN APPROVAL  
 This plat complies with the Beaufort County Development Review  
 Form 2-1-1. The site plan shown herein is to be in compliance  
 with the Beaufort County Zoning & Development Standards  
 Ordinance and has received approval of a development permit.  
 Date of Dev. Rev. Form 3/6/96  
 Development Permit # 23-310  
 Certified by *[Signature]*  
 Date 4/12/96  
 Revised 6/20/97

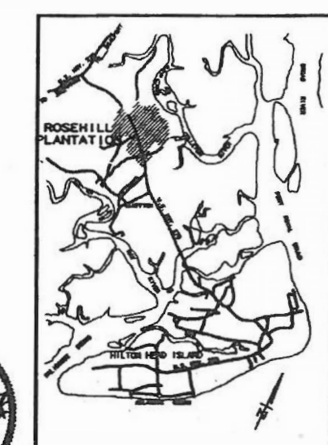
Now or Formerly  
 Rosehill Associates, Inc.  
 FILED  
 JOHN A. SULLIVAN, JR.  
 R.C.  
 BEAUFORT COUNTY, S.C.  
 DATE 7/14/97  
 97 JUL 14 PM 3:56  
 3K  
 FOLDER #  
 LEGEND  
 C.M.F. = 3"X3" CONCRETE MONUMENT FOUND  
 C.M.S. = 3"X3"X24" CONCRETE MONUMENT SET  
 I.P.F. = 1/2" REBAR  
 I.P.S. = 1/4" IRON PIPE W/CAP SET  
 O = C.M.S. UNLESS OTHERWISE NOTED  
 ( ) = INDICATES STREET ADDRESS

A PLAT OF  
**PLANTATION  
 BUSINESS PARK**  
 BEAUFORT COUNTY  
 SOUTH CAROLINA



PREPARED FOR:  
 PLANTATION BUSINESS PARK  
 GENERAL PARTNERSHIP

RECORDED IN BOOK 56 PAGE 20  
 DATE \_\_\_\_\_  
 IN THE OFFICE OF  
 CLERK OF COURT  
 BEAUFORT COUNTY S.C.  
 REPLACES PLATS IN  
 BOOK 56 PAGE 20  
 SCALE 1"=100'  
 FILE J-8850  
 DATE 5/9/97  
 TECH. J.W.M.









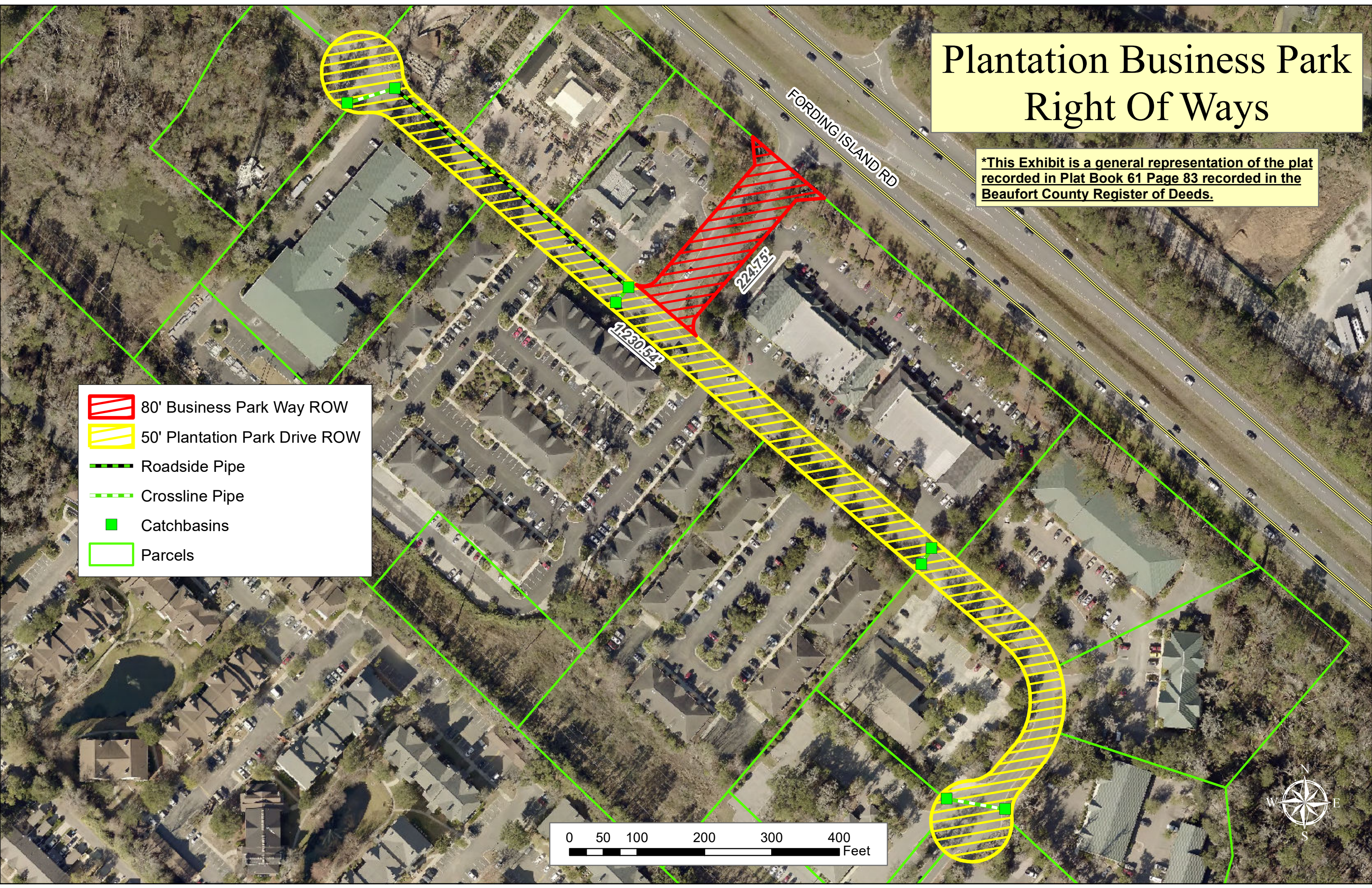
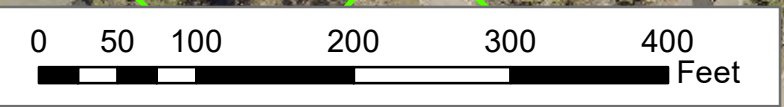
I HEREBY DEED THE ROADS AND DRAINAGE SYSTEM TO BEAUFORT COUNTY  
 FOR MAINTENANCE AND PUBLIC USE.  
*[Signature]*  
 PLANTATION BUSINESS PARK GENERAL PARTNERSHIP  
 BY: ROBERT W. GERWART  
 GENERAL PARTNER  
 \*I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND  
 BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF  
 LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE  
 REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO,  
 THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN  
 TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUREMENTS OF  
 COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVEN BY  
 LAND SURVEY.  
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF THE FIELD  
 SURVEY IS 1/20,000 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE  
 COORDINATE METHOD OF AREA CALCULATION.  
 THOMAS & MITTON ENGINEERING CO.  
 SAVANNAH, GEORGIA

ORIGINAL DOCUMENT  
 POOR CONDITION OR CONTRAST  
 22X

# Plantation Business Park Right Of Ways

**\*This Exhibit is a general representation of the plat recorded in Plat Book 61 Page 83 recorded in the Beaufort County Register of Deeds.**

-  80' Business Park Way ROW
-  50' Plantation Park Drive ROW
-  Roadside Pipe
-  Crossline Pipe
-  Catchbasins
-  Parcels





**Ordinance No. 2017/ \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN  
EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY,  
10 PRITCHER POINT ROAD, SOUTH CAROLINA**

**WHEREAS**, Beaufort County owns real property (“County Parcel”) known as TMS No.: R600 013 000 0061 0000 and located on SC Hwy 170 (also known as Okatie Highway) on the East side of SC Hwy 170 with Pritcher Point Road located along the southern part of the County Parcel and Huffalump Road located along the northern part of the County parcel; and

**WHEREAS**, due to the Beaufort County Animal Services Facility project, it is necessary for Palmetto Electric Cooperative, Inc., to locate overhead and/or underground electric and communications systems to serve the new facility; and

**WHEREAS**, Palmetto Electric Cooperative, Inc. has requested that Beaufort County grant it a Utility Easement for the nonexclusive right to enter the County Parcel for the purpose of erecting, operating and maintaining overhead and/or underground electric and communication systems across portions of the County’s property; and

**WHEREAS**, County staff has worked diligently with Palmetto Electric Cooperative, to locate an appropriate easement path across the County’s property that ensures a minimal impact to the property itself; and

**WHEREAS**, Beaufort County Council has determined that it is in its best interests to authorize the execution and delivery of the requested Easement attached hereto and incorporated by reference and shown on the attached “Exhibit A”; and

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

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

- (1) The County Administrator is hereby authorized to execute the Easement referenced herein and which is shown on “Exhibit A”; and
- (2) The County Administrator is hereby authorized to take all necessary actions as may be necessary to complete the conveyance of the Easement and ensure the construction and installation of the new power line to occur as agreed upon by the County and Palmetto Electric Cooperative, Inc.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

\_\_\_\_\_  
Ashley Bennett, Clerk to Council

First Reading: June 26, 2017

Second Reading:


Public Hearing:


Third and Final Reading:



**COUNTY COUNCIL OF BEAUFORT COUNTY  
BEAUFORT COUNTY ENGINEERING DEPARTMENT**  
2266 Boundary Street, Beaufort, SC 29902  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Steward Rodman, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator  
Josh Gruber, Deputy County Administrator  
Tom Keaveny, County Attorney 

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

SUBJ: **Palmetto Electric Cooperative Easement for Electrical Services for the New Animal Services Facility**

DATE: June 15, 2017

**BACKGROUND.** The Engineering Department is in the process of acquiring all the necessary documents for construction to begin on the County's new Animal Services Facility located on 10 Pritcher Point Road, Bluffton, Parcel # R600 013 000 0061 0000, as shown in Attachment #1. Palmetto Electric Cooperative (PEC) is requesting an easement (Attachment #2) from the County in order to facilitate the electrical services for this project.

**FOR ACTION.** Public Facilities Committee meeting on June 26, 2017.

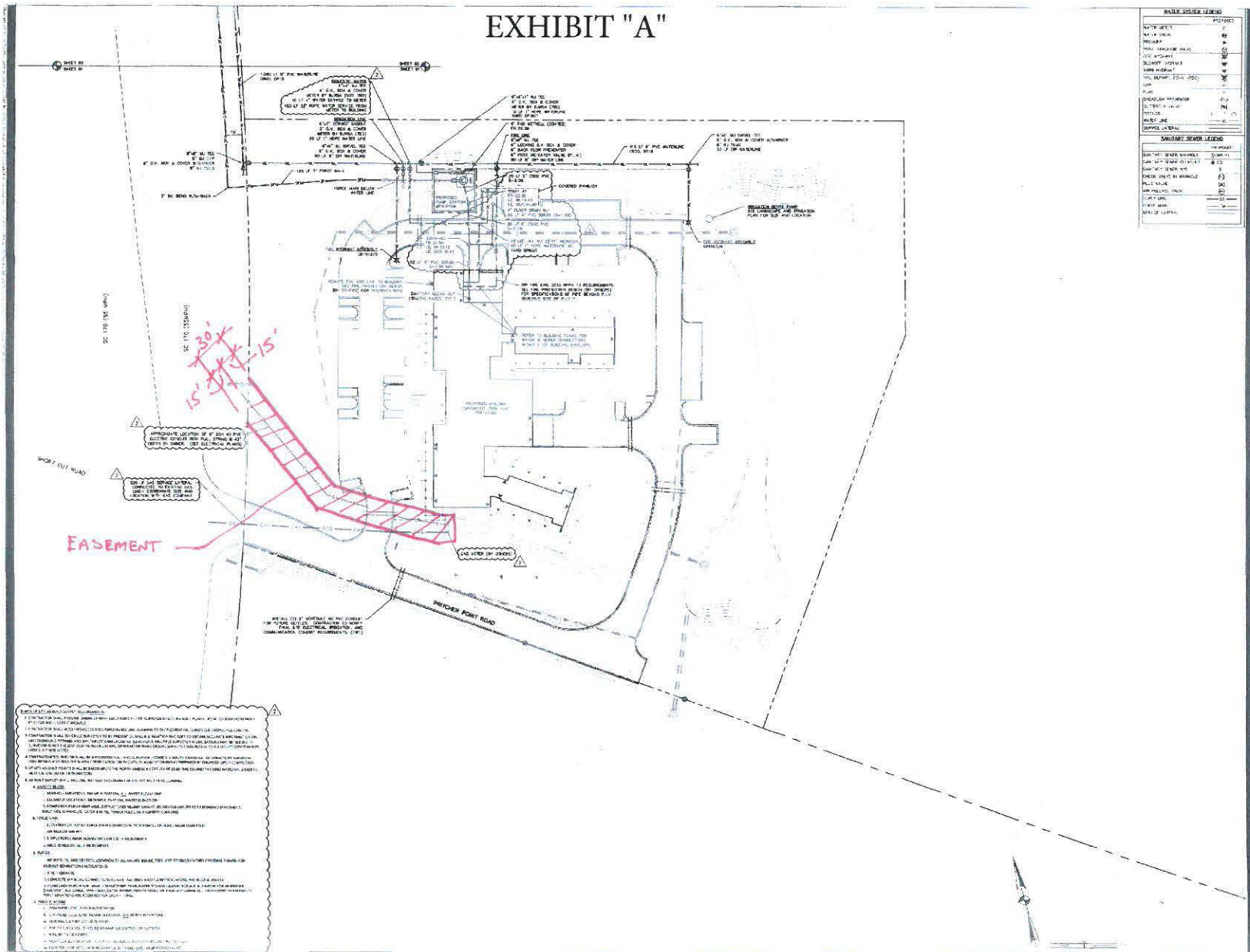
**RECOMMENDATION.** That the Public Facilities Committee approve and recommend to County Council the requested easement from PEC in order to provide electrical services for the new Animal Services Facility.

JRM/PLW/mjh

Attachments: 1) Location Map  
2) Easement Document

Contract/ASerFac/PECeasementApp

# EXHIBIT "A"



**UTILITY LINE LEGEND**

**DATE SET:** 10/20/2009

**BY:** GBA

**REVISIONS:**

**NO. OF SHEETS:** 10

**SHEET NO.:** 10

**PROJECT:** BCAS/HHA ANIMAL SERVICES COMPLEX

**CLIENT:** HANCOCK COUNTY

**DESIGNED BY:** GBA

**DATE:** 10/20/2009

**SCALE:** AS SHOWN

**PROJECT LOCATION:** PRITCHARD POINT ROAD, BEAUFORT, SC

**PROJECT NO.:** 09-010

**DRAWN BY:** GBA

**CHECKED BY:** GBA

**APPROVED BY:** GBA

**DATE:** 10/20/2009

**SCALE:** AS SHOWN

**UNITS:** FEET

**TOLERANCES:** ± 0.1

**PROJECTION:** NAD 83

**COORDINATES:** X, Y, Z



**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	10/20/2009
2	ISSUE FOR PERMITS	10/20/2009
3	ISSUE FOR PERMITS	10/20/2009
4	ISSUE FOR PERMITS	10/20/2009
5	ISSUE FOR PERMITS	10/20/2009
6	ISSUE FOR PERMITS	10/20/2009
7	ISSUE FOR PERMITS	10/20/2009
8	ISSUE FOR PERMITS	10/20/2009
9	ISSUE FOR PERMITS	10/20/2009
10	ISSUE FOR PERMITS	10/20/2009



**BCAS/HHA ANIMAL SERVICES COMPLEX**

**COUNTY OF BEAUFORT, SC**

**110 PRITCHARD POINT ROAD, BEAUFORT, SC 29906**

**UTILITY PLAN**

**DATE:** 10/20/2009

**SCALE:** AS SHOWN

**PROJECT NO.:** 09-010

**SHEET NO.:** 10

**TOTAL SHEETS:** 10

**C601**

Attachment 2

STATE OF SOUTH CAROLINA )
)
COUNTY OF BEAUFORT ) EASEMENT

KNOW ALL MEN BY THESE PRESENTS that the undersigned Beaufort County hereinafter ("GRANTOR"), for consideration of One (\$1.00) Dollar, the receipt and sufficiency of which is hereby acknowledged, and in further consideration of the covenants and conditions expressed herein, do hereby grant bargain and sell and by these presents have granted, bargained and sold unto PALMETTO ELECTRIC COOPERATIVE, INC., its Successors and Assigns (hereinafter "GRANTEE") the nonexclusive right to enter the following described lands for the purpose of erecting, operating and maintaining overhead and/or underground electric and communications systems.

ALL that certain piece, parcel or lot of land described and known as:

NUMBER OF ACRES: 35.721
TAX DISTRICT: R600
PLAT & PARCEL NO.: R600-013-000-0061-0000
AREA OF COUNTY: Southern Beaufort
TOWN/TOWNSHIP: Bluffton
PLANTATION/SUBDIVISION:
LOCATION: 10 Pritcher Point Rd.
LOT:
PLAT REFERENCE: Book: 116 Page: 38
Deed Book: 3194 Page: 1874
OTHER: Previous Owner Atlas SC I SPE LLC
Deed Book: 3005 Page: 1141

Said easement being fifteen (15') feet on either side of centerline of power line or thirty (30') feet wide. More specifically described in attached Exhibit "A".

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in any wise incident or appertaining. TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the PALMETTO ELECTRIC COOPERATIVE, INC., its Successors and Assigns forever.

**AND I (WE)** do hereby bind myself (ourselves) and my (our) Heirs and Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **PALMETTO ELECTRIC COOPERATIVE, INC.**, its Successors and Assigns, against me (us) and my (our) Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

The grant of this easement is subject to the following terms and conditions:

1. That **Grantee's** right to enter the above-described property shall be nonexclusive and solely for the purpose of, and is hereby limited to, such activities as are reasonable necessary for construction, reconstructing, operating and maintaining an overhead and/or underground electric or communications system.
2. That **Grantor** hereby reserves the right to use or convey the property which is subject of this Easement in any manner whatsoever which does not interfere with the use and enjoyment of the Easement.
3. That **Grantor** hereby reserves the right to change the location of the within Easement from time to time, but solely at the expense of **Grantor**.
4. That landscaping shall not be planted within ten (10') feet of any door or opening of electrical distribution equipment, or within the boundaries of the basic easement. If landscaping is planted in violation of this provision, Grantee shall have the right to remove such landscaping and shall have no obligation to replant such landscaping.

**WITNESS** my (our) Hand(s) and Seal(s), this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord Two Thousand Seventeen.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

**Beaufort County**

\_\_\_\_\_  
(Witness #1 Signature)

\_\_\_\_\_  
(Grantor's Signature)

Print Name: \_\_\_\_\_

By: \_\_\_\_\_ (L.S.)  
(Print Grantor's Name)

\_\_\_\_\_  
(Witness #2 Signature)

Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

**PROBATE**

**PERSONALLY** appeared before me the undersigned witness and made oath that he/she saw the within named **Grantor** sign, seal, and as his/her act and deed, deliver the within written Easement, and that he/she with the other witness whose signature appears above witnessed the execution thereof.

\_\_\_\_\_  
(Witness #1 or #2)

**SWORN** to before me, this \_\_\_\_\_  
day of \_\_\_\_\_, A.D., 2017

\_\_\_\_\_ (SEAL)  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# Attachment 1





**Ordinance No. 2017/ \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, 20 AIRPORT CIRCLE, SOUTH CAROLINA**

**WHEREAS**, Beaufort County owns real property (“County Parcel”) known as TMS No.: R200 018 000 054H 0000 and located at 20 Airport Circle on Lady’s Island, County of Beaufort; and

**WHEREAS**, due to the Beaufort County Airport Master Plan and anticipated future airport development, and for the benefit of the adjacent property located at 9 Airport Circle, it is necessary for Beaufort-Jasper Water and Sewer Authority (BJWSA) to obtain an easement across the County Parcel for the purpose of laying, constructing, maintaining, operating, repairing, replacing and removing pipe lines, together with valves, tie overs and appurtenant facilities for the transportation of sanitary sewer or substances which can be transported through a pipe line, to serve future development and the adjacent parcel; and

**WHEREAS**, BJWSA and the owner of the adjacent parcel 9 Airport Circle, have requested that Beaufort County grant it a limited access Utility Easement for the nonexclusive right to enter the County Parcel for the purpose of an underground, sanitary sewer pipeline across portions of the County’s property; and

**WHEREAS**, there is an existing sewer line from the Airport Circle right of way, across the County Parcel and ending on the adjacent parcel at 9 Airport circle and that sewer line serves county property, however an easement being necessary for the perpetual maintenance of the sanitary sewer pipeline; and

**WHEREAS**, County staff has worked diligently with BJWSA and the adjacent property owner, to locate an appropriate easement path across the County’s property that ensures a minimal impact to the property itself; and

**WHEREAS**, Beaufort County Council has determined that it is in its best interests to authorize the execution and delivery of the requested Easement attached hereto and incorporated by reference and shown on the attached “Exhibit A”; and

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

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

- (1) The County Administrator is hereby authorized to execute the Easement referenced herein and which is shown on “Exhibit A”; and
- (2) The County Administrator is hereby authorized to take all necessary actions as may be necessary to complete the conveyance of the Easement and ensure the construction and installation of the new power line to occur as agreed upon by the County and Palmetto Electric Cooperative, Inc.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading: June 26, 2017

Second Reading:

Public Hearing:

Third and Final Reading:



Together with the right from time to time to redesign, rebuild, or alter said pipe lines and to install such additional pipe lines, apparatus and equipment as Grantee may at any time deem, necessary and the right to remove any pipe line or any part thereof, all within the above described easement area.

Together also with the right of ingress, egress, and access to and from the right of way across and upon the Property as may be necessary or convenient for purposes connected with said right of way.

Beaufort County ("County") shall through agreement cause any contractor to indemnify the County and the Grantee for any damage to the property of Grantor other than to property cleared or removed as hereinbefore provided caused during the course of constructing, rebuilding or repairing said pipe line.

Reserving, however, to Grantor the right to cultivate and use the ground within the limits of said easement area, provided that such use shall not interfere with or obstruct the rights herein granted.

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

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

WITNESSES:

GRANTOR: Beaufort County

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Gary Kubic, County Administrator

STATE OF SOUTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF BEAUFORT

I, \_\_\_\_\_, the undersigned Notary Public, do certify that Gary Kubic personally appeared before me, and having satisfactorily proven to be the persons or persons whose names are subscribed above, have acknowledged the due execution of the within Limited Utility Easement.

Witness my official seal this the \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:



2017 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE OFFICIAL BEAUFORT COUNTY ZONING MAP – SECTION 3.1.20 (ESTABLISHMENT OF ZONES) TO ADOPT THE 2013 F-35B AICUZ (AIR INSTALLATION COMPATIBILITY USE ZONE) MAP AS THE MARINE CORPS AIR STATION AIRPORT OVERLAY (MCAS-AO) ZONE MAP

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: \_\_\_\_\_

D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading: June 26, 2017









Second Reading:

Public Hearing:

Third and Final Reading:

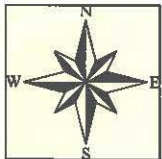
# MCAS BEAUFORT

## Noise Contours and APZs'

-  MCAS Boundary
- Accident Potential Zones**
-  APZ1
-  APZ2
-  CZ
-  RZ
- F-35 Noise levels**
-  Zone 2A (65 - 69.9 DB DNL)
-  Zone 2A (70 - 74.9 DB DNL)
-  Zone 3 (75+ DB DNL)

"DNL" means "Day-Night Average Sound Level" and is a 24-hour weighted and averaged measurement.

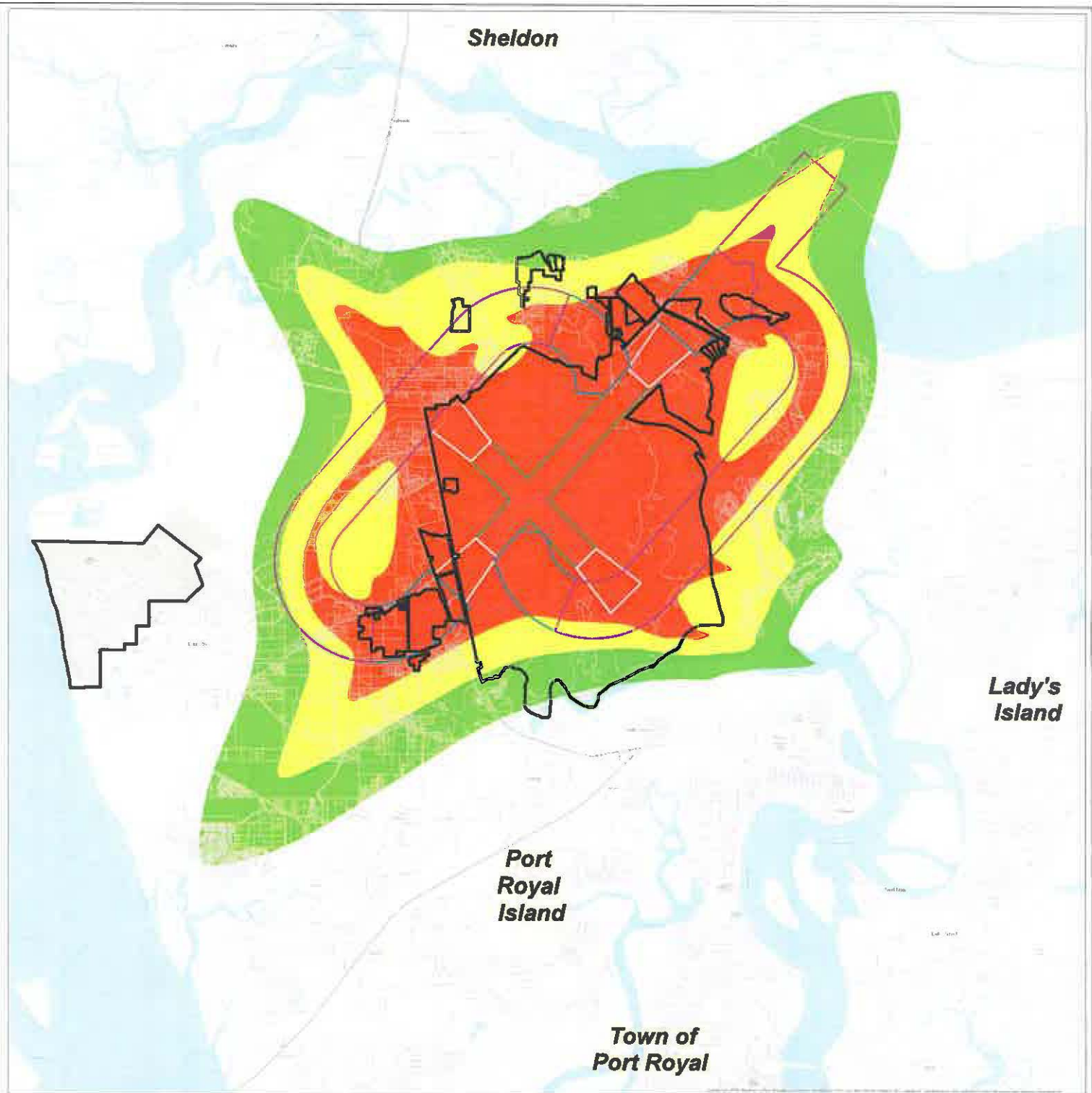
"DNL" is not a measurement in decibels (dBA)



Beaufort County Council  
Planning Department



Created April 12, 2017





2017 /

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC):

- SECTION 3.4.30 MCAS AIRPORT OVERLAY (MCAS-AO) ZONE STANDARDS (ADDS NOTICE REQUIREMENTS IN COMPLIANCE WITH SECTION 6-29-1610 OF THE SOUTH CAROLINA CODE);
- SECTION 5.3.20 APPLICABILITY (ARCHITECTURAL STANDARDS AND GUIDELINES) (CLARIFIES THAT ARCHITECTURAL STANDARDS ONLY APPLY TO NON-RESIDENTIAL AND MULTI-FAMILY STRUCTURES THAT ARE WITHIN 500-FEET OF ARTERIAL AND MAJOR COLLECTOR ROADS IN CONVENTIONAL, PUD (PLANNED UNIT DEVELOPMENT), AND CP (COMMUNITY PRESERVATION) DISTRICTS);
- SECTION 5.8.20 APPLICABILITY (LANDSCAPING, BUFFERS, AND SCREENING STANDARDS) (ADDS TREE REQUIREMENTS FOR NEW SINGLE-FAMILY AND DUPLEX LOTS); AND
- SECTION 5.11.100.E TREE PROTECTION DURING CONSTRUCTION (SUBPARAGRAPH 4. PENALTY FOR DAMAGING OR CUTTING PROTECTED TREES) (INCREASES THE PENALTY/MITIGATION OF ILLEGALLY REMOVED TREES FROM 1.25 TIMES TO 2 TIMES THE CALIPER INCHES REMOVED).

Whereas, amended text is highlighted in yellow, underscored for additions and struck through for deletions.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

---

Ashley M. Bennett, Clerk to Council

First Reading: June 26, 2017

Second Reading:

Public Hearing:

Third and Final Reading:

**1.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards.** This amendment implements a recommendation from the 2015 Joint Land Use Study (JLUS) for Marine Corps Air Station Beaufort to formally codify state law requires to notify local military installations prior to land use planning and zoning actions.

~~G. **Variiances.** The Beaufort County Zoning Board of Appeals (ZBOA) shall not act upon a request for a variance from this Section affecting lands within the MCAS AO Zone until they have received an advisory opinion from MCAS Beaufort. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.~~

**G. Notice to Military Installations.**

1. Section 6-29-1610 et seq. of the South Carolina Code Ann. sets forth notice requirements pertaining to federal military installations. The provisions of Subsection G. shall apply to the following types of land use and zoning decisions when such decisions involve land located within an Accident Potential Zone or Noise Zone:
  - a. adoption of or amendment to the Beaufort County Comprehensive Plan;
  - b. amendment to the Official Zoning Map;
  - c. an appeal to the Beaufort County Zoning Board of Appeals (ZBOA);
  - d. a request to the ZBOA for a variance from the provisions of the Beaufort County Community Development Code; or
  - e. a request to the ZBOA for a Special Use Permit.
2. Pursuant to § 6-29-1610 et seq., S.C. Code Ann., for the proposed land use or zoning decisions identified in Subsection G, Division 1, the Beaufort County Community Development Department shall:
  - a. at least thirty days prior to any public hearing conduction in conjunction with any of the land use or zoning decision specified in Subsection G, Division 1, request from the base commander a written recommendation with supporting facts with regard to the matters specified in Subsection G, Division 4, relating to the use of the property which is the subject of review; and
  - b. upon receipt of the written recommendation from the base commander, the Community Development Department shall make the written recommendation a part of the public record, and in addition to any other duties with which the Community Development Department is charged by the local government, investigate and make recommendations of findings with respect to each of the matters enumerated in Subsection G, Division 4.
3. If the base commander does not submit a recommendation by the date of the public hearing, there is a presumption that the proposed land use or zoning decision does not have any adverse effect relative to the matters specified in Subsection G, Division 4.
4. The matters the Community Development Department and the base commander shall address in their investigation, recommendations, and findings must be:
  - a. whether the proposed land use or zoning decision will permit a use that is suitable in view of the fact that the property under review is within the MCAS-AO zone;

- b. whether the proposed land use or zoning decisions will adversely affect the existing use or usability of nearby property within the MCAS-AO zone;
- c. whether the property to be affected by the proposed land use or zoning decisions has a reasonable economic use as currently zoned;
- d. whether the proposed land use or zoning decision results in a use which causes or may cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools where adjacent or nearby property is used as a federal military installation;
- e. whether the land use or zoning proposal is in conformity with the policy and intent of the Beaufort County Comprehensive Plan given the proximity of a federal military installation; and
- f. whether there are other existing or changing conditions affecting the use of the nearby property, such as the presence of a federal military installation, which give supporting grounds for either approval or disapproval of the proposed land use or zoning decision.

**5.3.20 Applicability (of Architectural Standards and Guidelines).** This amendment limits the applicability of architectural standards in conventional zones to development located within 500 feet of an arterial or major collector. This amendment also clarified existing PUDs are not exempt from architectural standards. A significant amount of commercial development along US 278 such as Moss Creek and Belfair is zoned PUD.

- B. **Within Conventional Zones, Existing PUDs, and Community Preservation Districts.** Within Conventional Zones, Existing PUDs, and Community Preservation Districts, all development located within 500 feet of the right-of-way of an arterial or major collector, with the exception of single-family and two-family residential, shall meet the standards in Section 5.3.3.30 (General Architectural Standards and Guidelines) and utilize Section 5.3.40 (Architectural Styles) as a “best practices manual” to achieve the standards in Section 5.3.30 (General Architectural Standards).

**5.8.20 Tree Planting Requirements for Single Family Residences and Duplexes.** This amendment requires that all new residential lots have at least two overstory trees with the exception of the T4 districts. Existing trees can count toward this requirement. In the T4 districts, at least one overstory tree is required.

B. ~~Exemptions.~~ **Requirements for Single-Family Residential and Duplex Lots.** New single-family residential and duplex lots that are 10,800 square feet or less shall require the planting or preservation of at least two overstory trees in all districts except T4. In the T4 districts, at least one overstory tree is required.

- ~~1. Within Transect Zones: Single family residential and duplexes on individual lots are exempt from the requirement of this section within T1 Natural Preserve, T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood.~~
- ~~2. Within Conventional Zones and Community Preservation Districts: Single family residential and duplexes on individual lots are exempt.~~

**5.11.100.E Tree Protection During Construction.** This amendment increases the penalty for damaging or removing protected trees during construction. The current penalty requires the trees to be replaced by 1.25 times the diameter caliper inches of removed or damaged trees. The amendment would require that to be increased to 2 times the caliper inches.

4. **Penalty for Damaging or Cutting Protected Trees.** If trees are damaged or cut down as a result of the construction process, the mitigation shall be individual plantings of trees a minimum of 2.5 caliper inches with a total caliper equal to ~~1.25~~ **two (2)** times that of the DBH of the trees damaged or destroyed. Trees shall be planted within the disturbed area of the site. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).