COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
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AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
CAUCUS
Monday, March 25, 2019
5:00 p.m.
Large Meeting Room, Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island

1. CALL TO ORDER - 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. CITIZEN COMMENTS (Comments regarding agenda items only)

5. EXECUTIVE SESSION
   A. Legal advice regarding the settlement of pending negotiations (Scratch Golf)  
      Thomas J. Keaveny II, County Attorney
   B. Legal advice regarding pending litigation (Dyer) – Thomas J. Keaveny II, County Attorney
   C. Update regarding settlement negotiations (Malind Bluff) – Thomas J. Keaveny II, County Attorney
   D. Briefing on a personnel matter regarding organization restructuring / Engineering Division  
      John Weaver, Interim County Administrator

6. CAUCUS
   A. Discussion of Council’s Rules and Procedures (backup)
   B. Administrator’s Report (backup)

7. ADJOURNMENT
BEAUFORT COUNTY COUNCIL
RULES OF PROCEDURE / CODE OF ORDINANCES

Rules.

The following set of rules shall be in effect upon adoption by the Beaufort County Council. These rules shall pertain to all meetings and proceedings. The adoption of these rules shall replace and supersede all prior rules adopted by the Beaufort County Council governing the subject matter hereof. Items not specifically covered in these rules or other applicable ordinance or state law shall be decided using the most current edition of Robert's Rules of Order.

Officers.

Council shall elect one of its members to serve as Chairman for a two-year term on the first business day in January following each County General Election. Nominations for Chairman must be made by a Council member. Six votes shall be required to elect.

On the first business day in January following each County General Election, also shall select one of its members to serve as Vice Chairman for a two-year term. The election of Vice Chairman shall be in the same manner as set forth above for the election of Chairman.

Chairman. The chairman shall preside at all meetings of the council, and may execute on behalf of the council all official instruments or documents unless otherwise directed by a majority vote of council. The chairman or chairman's designee shall read the title of all Ordinances and Resolutions (other than those appearing on the consent portion of the agenda), and other matters, as they come up during the course of the meeting for council consideration and action. The chairman shall preserve order and decorum at all meetings, and shall state every question coming before the council, announce the decision of the council and decide questions of order. Any council member may appeal the decision of the chairman on a question of order, and two-thirds of those members present shall conclusively determine such question of order. The chairman shall have the authority and responsibility for formatting, reformatting, setting, amending and overseeing the agenda and the council's order of business of regular and special meetings of the council.

Vice-Chairman. In the event that the chairman is absent or unable to serve, the vice-chairman shall serve as chairman. In the event the office of chairman is vacated, the vice-chairman shall serve as chairman until such time as the vacancy of chairman is filled through the appointment by the governor, reinstatement by the governor, in the next general election, or by special election if the vacancy occurs one hundred eighty (180) days or more prior to the next general election. The term "vacated" means that the chairman's office has been vacated either by resignation, suspension, removal from office, or death. In the event the office of chairman is vacated or the chairman will remain absent for an extended period of time, the council may elect a "successor vice-chairman," who shall serve in the place of the vice-chairman who is serving in the chairman's position. The successor vice-chairman shall serve until the vice-chairman resumes the office of vice-chairman or the successor vice-chairman's term is terminated by the council. When the chairman is absent from a
regular or special meeting of the council, or unavailable at the time execution of documents on behalf of the council is necessary, the vice-chairman shall execute on behalf of the council all official instruments or documents, unless otherwise directed by a majority vote of council.

Meetings.

Regular.

(1) Regular meetings of the council shall be held on the second and fourth Monday of each month beginning at 6:00PM, provided, however, the council may vary this schedule upon concurrence of a majority.

(2) The agenda and supporting materials shall be provided to the council not less than seventy-two (72) hours before the meeting.

The clerk to council will prepare the agenda for a regularly scheduled council meeting at the direction of the chairman of the county council. The agenda will include any business passed at a committee meeting or any other matter that in the opinion of the chairman is deemed to be of significance and worthy of council’s consideration.

A single council member may submit matters for consideration by the full council by providing the appropriate documentation at least seven (7) calendar days prior to the council meeting in question. The requirement for appropriate documentation is not necessary for matters which impact a particular district only. The chairman of the county council has the sole discretion to determine whether or not an item as submitted meets the requirements of these rules.

(3) Freedom of Information Act requirements must be met for all meetings.

Special.

(1) The chairman or a majority of the members of council may call special meetings of the council.

(2) All council members shall be forwarded written notice forty-eight (48) hours in advance of a special meeting that specifies the subject matter to be discussed. Only those items mentioned in the notice or on the accompanying agenda shall be considered at a special meeting, unless other items are added by a two-thirds majority of council. This procedure does not apply to emergency meeting requirements outlined in section 3-3.

(3) Twenty-four (24) hours' notice must be given for a special meeting.

Emergency.

The chairman, or in his absence the vice-chairman, may call an emergency meeting in accordance with 1976 S.C. Code section 4-9-130, as amended.

Workshop Sessions

(1) The chairman may call a workshop session or such meeting may be scheduled as a part of a regular council meeting.
(2) All council members shall be given written notice of a workshop session that specifies the subject matter to be discussed at least two (2) working days before the meeting. Only those items mentioned in the notice or on the accompanying agenda shall be discussed at the meeting.

(3) The primary purpose of a workshop session shall be to present in-depth information and to provide an opportunity for the council to raise questions for the purpose of making more informed decisions on complex issues that would take undue time from a regular meeting. No final vote on any subject shall be taken during the course of a workshop session.

Public Hearing

(1) The council shall hold public hearings for those matters required by law and may hold public hearings for any purpose the council deems appropriate. Public hearings shall be held before final action is taken to:

   a. Adopt annual operational and capital improvement budgets;
   b. Make appropriations, including supplemental appropriations;
   c. Adopt building, housing, electrical, plumbing, gas, and other regulatory codes involving penalties;
   d. Adopt zoning and subdivision regulations;
   e. Levy taxes;
   f. Sell, lease or contract to sell or lease real property owned by the county.
   g. Development Agreements and/or Amendments.

(2) Such public hearings shall be advertised as required by law. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing.

(3) A public hearing is understood to be a forum for people interested in the subject matter to present information to the council for their consideration as they deliberate an issue.

(4) Each speaker shall be limited to five (5) minutes.

(5) The presiding officer may terminate a presentation if the presiding officer determines that enough input has been presented on a particular point or that any further input would be redundant. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring only new information to the subject.

(6) In addition to verbal presentation, written material may be submitted to the council for their consideration.

(7) Public hearings may be limited to a total of thirty (30) minutes; provided no speaker shall be allowed to exceed the five-minute limitation as provided in subsection (4) above. These limits may be extended at the discretion of the chairman under extraordinary circumstances and depending upon the length of the agenda and the number of speakers to be heard.
Executive Session.

(1) The council may hold an executive session for any purpose permitted by the Freedom of Information Act as amended from time to time.

(2) To hold an executive session, a motion must be made, seconded, and adopted to go into executive session for a permitted purpose, and a like procedure shall be followed to end the executive session. Following the executive session, a public announcement should be made as to the general nature of the executive session.

(3) No vote shall be taken in executive session.

Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of official business.

Order of Business.

(a) Right and authority of council chairman. The council chairman, or in his absence the vice chairman, having the responsibility of presiding over all council meetings, shall have the right and authority to establish for each meeting the order of business.

(b) Public comment period. In the event a public comment period is provided for by the chairman or by the council, said comment period may be limited to thirty (30) minutes.

(1) Those persons desiring to participate during the public comment segment shall notify the clerk to council of their intention before or at the meeting's scheduled time of commencement. The clerk shall be provided with the speaker's name, telephone number and the topic of discussion. Time before council shall be allocated on a first come-first served basis.

(2) A speaker shall be permitted no more than three (3) minutes to complete their comments to council.

(3) There shall be no predetermined number of persons permitted to address council during the public comment segment, but only in extraordinary circumstances as determined by the chairman may the thirty-minute allotment of time be exceeded. As a matter of right and course, no person normally should expect to address council more than once within any sixty-day period.

(4) This rule in no way is intended to be applicable to or in any manner restrict the public's right to comment during the public hearing segment of council's consideration of a specific ordinance.

(c) Items on agenda. Once a council meeting has commenced, an item may be added to the meeting agenda pursuant to the South Carolina Freedom of Information Act, including a vote of two-thirds of the members in attendance.

Decorum and Debate.

(a) The chairman or in his absence the vice-chairman is charged with the responsibility to maintain decorum and to strictly enforce the requirements of these rules. No person shall conduct himself/herself in a disorderly or boisterous manner and such conduct will be cause
for immediate removal of the offending person from the meeting. When a measure is before the council for consideration, the chairman or in his absence the vice-chairman ("the presiding officer") shall recognize the individual to speak, and when two (2) or more members wish to speak, the presiding officer shall determine in which order the speakers may speak.

(b) No member of council shall interrupt another while speaking, except to make a point of order or make a point of personal privilege.

(c) The presiding officer may limit debate or discussion as he may deem appropriate and may limit any member of council to five (5) minutes on any question, speaking one time unless to a point of order or other privileged motion, unless such limitation is overridden by a majority vote of council.

(d) If a member is transgressing the rules of the council, the presiding officer shall, or any council member may, call him or her to order. In such case, he or she shall immediately cease unless permitted to explain. The council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise.

(f) Any member found in violation of the rules of council by a two-thirds vote of council shall be liable to censure or such other punishment as the council may deem proper.

Voting.

(a) A member must be present in person to cast his/her vote.

(b) Any member may request a roll call vote at any time.

(c) No member shall take any action with regard to a matter before council which action would be in violation of state laws and regulations concerning ethics and government accountability. A member who is faced with a conflict of interest under state law shall prepare a written statement describing the matter and the nature of the potential conflict of interest and shall furnish a copy of that statement to the chairman. The chairman shall then cause the statement to be printed in the minutes of the meeting and require that the member be excused from any votes, deliberations, and other actions on the matter.

(d) Except in a case of conflict of interest, all members are expected to vote on all questions. However, it is within the individual Council member’s personal discretion to not cast a vote without the necessity of offering any explanation.

Ordinances and Resolutions.

(a) Readings. The council shall take legislative action by Ordinance. Resolutions shall not have the force of law, but shall express the opinion of that council concerning a particular matter. With the exception of emergency ordinances, all ordinances shall be read at three (3) public meetings of the council on three (3) separate days with an interval of not less than seven (7) days between the second and third reading; provided, that a verbatim reading of an ordinance shall not be required unless such reading is requested by a member and approved by a majority vote of those members present.
(c) Emergency ordinances. To meet public emergencies affecting life, health, safety of the property of the people, council may adopt emergency ordinances, but such ordinances shall not levy taxes, grant, renew, or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and shall describe the emergency. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirement, or public notice. Such ordinances shall expire automatically as of the 61st day following enactment.

(d) Codification. All ordinances shall be compiled, indexed, codified, published by titles and made available to public inspection at the office of the clerk of council.

(e) Effective date of ordinances. Ordinances shall take effect on the day the ordinance is given third reading unless other date is specified in the ordinance.

(f) Resolutions. A resolution shall require only one reading for its adoption, and may be adopted at either a regular or special meeting by a majority vote of the members present at the meeting.

(g) Standard codes or technical regulations. The council may adopt any standard code or technical regulation by reference. Copies of any adopted code or technical regulation shall be made available by the clerk for distribution or for purchase at a reasonable price.

Committees.

(a) All committees, including any sub-committees which become necessary, shall be appointed by the chairman and the chairman of the individual committees shall be appointed by the council chairman. The committee may, at its discretion, elect a vice-chairman and such other officers as it may choose.

(b) Standing committees. Standing committees may be established at the discretion of county council. Examples of such committees include, without limitation:

Community Services.
Finance.
Governmental.
Natural Resources.
Public Facilities.
Executive.

(c) Assignment of county government functions to a committee. Committee structure/committee assignments. The chairman of county council shall provide a list of the various county divisions, departments, boards and commissions and other activities that are assigned to any standing committee established. These assignments may be changed, as necessary, by the chairman of the county council, with the advice of the county administrator. Any change in the committee assignment of various government functions shall not become effective until
it is announced at a regularly scheduled meeting of the county council and the administrator has been notified in writing by the chairman of county council.

(d) Member assignments. After consulting with council members regarding their preferences for committee assignments, the chairman of county council shall appoint council members to any standing committee established. Committee assignments shall be made for a period of two (2) years beginning with the first regularly scheduled council meeting in January following a County General Election. The chairman of county council may, from time to time, make changes to committee assignments for any of the following reasons: to fill a vacancy; to accommodate a new council member; to respond to a formal request from a council member to change committees; to solve a schedule conflict; or to make changes in the committee chairmanships.

(e) Chairpersons. The chairman, in exercising his duties under subsection (a) above, may make changes to committee chair assignments as he sees fit, but must make the initial and any subsequent changes to committee chair assignments at a public meeting of the county council. The chairman of county council will make committee chair assignments for two-year terms.

(f) Council attendance. All council members may attend any committee meeting, but a member may cast a vote on a matter only if he or she is a voting member of that committee. If a member of council is in attendance at a committee meeting where he or she is not a voting member, that member may participate in the meeting. Committee members not in attendance at committee meetings may not cast a vote by proxy.

(g) Quorum. A minimum of three (3) members of a committee will constitute a quorum. If a quorum is not met at any scheduled committee meeting, the matters scheduled to be discussed may be forwarded to the full council and clearly marked "forwarded without recommendation." If a particular item does not receive a majority vote, it will be forwarded to the full council and clearly marked "forwarded with a negative recommendation."

The committee chairman shall be the presiding officer over committee meetings. The committee, by majority vote, may designate one (1) of its members to serve as vice-chairman of the committee. In the absence of the committee chairman, the committee vice-chairman shall fulfill the duties of the committee chairman. Committees shall follow all the parliamentary and procedural rules of the county council, except that, any motion made in committee shall not require a second in order to be considered and voted on by the committee.

(h) Meeting schedule. Committees shall meet as necessary to conduct the work of the committee. The chairman of each committee shall schedule committee meetings at a time decided by majority vote of the committee members. The chairman of each committee shall schedule special meetings of the committee as necessary. Committee schedules will be approved by written resolution of council in order to ensure that meeting schedules do not conflict. A scheduled committee meeting may be canceled by the chairman of the committee with at least twenty-four (24) hours' notice to the committee members.

(i) Subcommittees. Subcommittees shall not be established unless these council rules and procedures are amended by ordinance.
(j) Agenda process.

(1) The suggested format for committee agendas will be in conformity with the format utilized by county council.

(2) Proposed committee agendas will be prepared by the clerk to council and submitted to the chairman of each committee at least five (5) colander days prior to the scheduled committee meeting. Committee members may also submit items directly to be put on the committee agenda and shall submit these items to the clerk to council at least seven (7) calendar days prior to the scheduled committee meeting. Committee agendas will be approved by the appropriate committee chairman.

(3) Once the committee agenda packet is in final form, it will be distributed to each committee member at least three (3) days prior to the meeting. A copy of the agenda will be distributed at the same time to each council member not on the committee.

(l) Citizens Comments may be allowed at the beginning of each committee meeting for matters appearing on the committee agenda. No speaker will be allowed more than three (3) minutes, with the total number of speakers to be determined by the committee chairman with a view towards avoiding redundancy. If the committee chairman feels that the person providing input during this section of the agenda is addressing something which is irrelevant to the committee's business, he may interrupt or stop the speaker as deemed appropriate.

(m) Administrative and staff reports. The county administrator and the appropriate staff will report to the committee on any matter in which the committee may have an interest or of which the committee may need to be made aware.

(n) Form for action items. All business to be considered by the committee for action, if necessary and appropriate, may be provided in either resolution form or in ordinance form and placed in the agenda packet with an Agenda Item Summary. All discussion items must be accompanied by an Agenda Item Summary. Ordinances and Resolutions shall be in a form as approved by the county administrator.

(o) Minutes. Minutes of a committee meeting will be taken by the clerk to county council or deputy. Minutes may be in summary form. Approval of committee minutes shall be done by the respective committees without the necessity of full council review and approval.

Parliamentary procedure.

(a) When motions are debatable. All motions, except motions to adjourn, to recess, to lay on the table, and questions of order or privilege, shall be debatable. No motion shall be debated until it shall have been stated by the chairman. All questions of order shall be decided by the chairman without debate, subject to an appeal to the council.

(b) Motions to reconsider. A motion to reconsider any action taken by the council may be made only on the day such action was taken. Such motion must be made by a council member voting on the prevailing side, but may be seconded by any other council member, and may be made at any time subject to the aforementioned restrictions.
(c) Motion to rescind. By means of a Motion to Rescind, Council can change an action previously taken or ordered. The effect of rescind is to strike out an entire main motion, resolution, order or rule that has been adopted at some previous time.

(d) Motions that interrupt a speaker. Only the following motions shall be permitted to interrupt a speaker:

1. A question of order. This question is to the effect that the rules of council are not being adhered to. It is not debatable and does not require a second.

2. A question of privilege. This question relates to the rights and privileges of a member of council, i.e., charges made against the official character of a member; that the member has not been furnished with pertinent information available to other members of council; that the member did not hear or understand a statement presented to council, etc. It does not require a second.

3. A motion to adjourn. This motion is not debatable but does require a second.

(e) Motions that cannot interrupt a speaker but may interrupt the proceedings. The following motions cannot interrupt a speaker without the speaker's consent but may interrupt the proceedings and shall be received during debate.

1. A motion to lay on the table. This motion removes the subject from consideration until the council votes to again consider the subject. It is not debatable but it does require a second.

2. A motion to call for the question. This motion is to the effect that debate now cease, and the council immediately proceed to vote on the pending question. It is not debatable but does require a second.

3. A motion to adjourn debate to a subsequent meeting (defer). The effect of this motion is to postpone the subject to the time specified in the motion and until which time it cannot be taken up except by majority vote of the council. It is debatable and does require a second.

4. A motion to commit or recommit. The effect of this motion is to refer the subject to committee. It is debatable and requires a second.

5. A motion to amend. This motion is debatable and requires a second.

The above motions shall have precedence in the order listed.

(f) \textit{Motions that do not require a second}: The following motions do not require a second:

1. Inquiries of any kind.

2. Leave to withdraw a motion.

3. Nominations.

4. Point of order.

5. Question of privilege.
Memorandum

DATE: March 22, 2019

TO: County Council

FROM: John L. Weaver, Interim County Administrator

SUBJECT: Interim County Administrator’s Progress Report

The following is a summary of activities that took place Monday, February 25, 2019 through Friday, March 22, 2019:

February 25, 2019

- Staff Meeting re: Fleet Management Maintenance Contract
- County Council Special Session re: County Administrator Interviews
- Governmental Committee
- County Council Caucus
- County Council Regular Session

February 26, 2019

- Dr. Richard Gough, President, Technical College of the Lowcountry re: Introductory Meeting
- Robert McFee re: Possible Storm Drainage Adjustments - US 278 Jenkins Island
- Philip Foot, Alicia Holland, Suzanne Gregory and Monica Spells re: Project Status Reports
- Thomas Keaveny and Attorney Robert Achurch re: County IRF Policy

February 27, 2019

- Public Facilities Committee Agenda Review
- Finance Committee Agenda Review
- Executive Committee re: Malind Bluff / Oyster Point
- First Vehicle Services Representatives Steve Breeden, Region Vice President, Dale Domish and Staff re: First Vehicle Services Presentation / Contract Discussion

February 28, 2019

- Thomas P. Miller & Associates Representatives Dustin Lester, Chris Holcomb, Mike Higbee, County Attorney Thomas Keaveny, and Clerk to Council Connie Schroyer re: Beaufort County Council Leadership and Strategic Planning Session Bi-weekly Conference Call
- Attorney Bill Harvey and Thomas Keaveny re: Whitehall Park
- Eric Larson, Robert McFee and Thomas Keaveny re: Engineering Team Project Status Reports
March 1, 2019

- David Wilhelm re: Curbside Recycling
- Northern Beaufort County Regional Plan Implementation Committee Special Meeting
- Tammy Coghill, SCE&G Representative, Eric Larson, David Wilhelm, Pamela Cobb and Chuck Atkinson re: Coghill Introduction / Mid-Year Hurricane Discussion
- Robert McFee, Mike Garrigan, Charles Perry, Don Baldwin and Tim Golde re: US 278 Project
- Council Member Gerald Dawson and Harold Mitchell re: Paige Point Cemetery Follow-up Meeting

March 4, 2019

- Monica Spells, Alicia Holland, Philip Foot, Suzanne Rainey, Cheryl Harris and Mark Roseneau re: FY 2020 Budget Discussion / County Facilities
- Monica Spells, Alicia Holland and Suzanne Gregory re: Salaries / Compensation Review
- Finance Committee
- Public Facilities Committee

March 5, 2019

- Monica Spells, Philip Foot and Connie Schroyer re: Tour of Buckwalter Recreation Center / County Council Leadership and Strategic Planning Session
- Thomas Keaveny, Eric Greenway and Stefanie Nagid re: Beaufort County Open Land Trust

March 6, 2019

- Chairman Stu Rodman, Vice Chairman Paul Sommerville and Thomas Keaveny re: Chairman Weekly Meeting
- Martin Goodman, Area Manager and Business Consultant re: Beaufort Area Small Business Development Center Update
- Eric Larson re: Military Stormwater Fees

March 7, 2019

- Eric Greenway re: Council Planning Retreat
- Thomas Keaveny, Chuck Atkinson and Philip Foot re: Building Codes and Impact Fees
- Monica Spells, Alicia Holland, Philip Foot and Thomas Keaveny re: County Administrator Transition
- Mark Roseneau re: Tour of Santa Elena Facility

March 8, 2019

- Eric Larson and Thomas Keaveny re: Wright Place Briefing
- Thomas P. Miller & Associates Representatives Dustin Lester, Chris Holcomb, Mike Higbee and County Staff re: County Council Leadership and Strategic Planning Session Agenda Review
March 11, 2019

- Thomas Keaveny and Monica Spells Meeting re: County Administrator Transition
- Executive Committee

March 12, 2019

- Realtors’ Breakfast
- Eric Greenway and Stefanie Nagid re: Financial Report for RCLP Funds

March 13, 2019

- Natural Resources Committee Agenda Review
- Chairman Stu Rodman, Vice Chairman Paul Sommerville, Council Members Larry McEllynn, Alice Howard and Thomas Keaveny re: Review of Committee Agenda Items / County Issues
- Council Planning Retreat Walk-through of Buckwalter Recreation Center with J. T. Miller Representatives and Staff

March 14, 2019

- County Council Leadership and Strategic Planning Session (Day 1)

March 15, 2019

- County Council Leadership and Strategic Planning Session (Day 2)

March 18, 2019

- Suzanne Gregory re: Review of Benefitfirst Subscription Agreement
- Natural Resources Committee

March 19, 2019

- Christopher Inglese Meeting re: Personnel Matter

March 20, 2019

- Agenda Review with Chairman, Vice Chairman and Staff re: March 25, 2019 County Council / Committee Agendas
- Chairman Stu Rodman, Vice Chairman Paul Sommerville, Council Member Brian Flewelling and Thomas Keaveny re: County Issues
- Representatives from County, Town of Hilton Head Island, Staff and Legislative Delegation re: US 278 Application SIB Meeting, Columbia, SC
March 21, 2019

- David Wilhelm re: Follow-up from County Council Leadership and Strategic Planning Session 03.14.19
- Thomas Keaveny and Suzanne Gregory re: Employment Matter
- William Rauch, Newspaper Reporter, The Island News re: Vacant County Positions / Compensation
- Monica Spells, Thomas Keaveny, Alicia Holland, Philip Foot and Mark Roseneau re: Identification of Real Property Assets / Beaufort County Council 2019 Priorities

March 22, 2019

- Personal Leave