

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

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

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY

REGULAR SESSION

Monday, June 25, 2018

6:00 p.m.

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

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Councilman Roberts “Tabor” Vaux
5. RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS ([backup](#))
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Committee Reports (next meeting)
 1. Community Services (August 20, 2018 at 4:00 p.m., ECR)
 - a. Minutes – May 21, 2018 ([backup](#))
 2. Executive (August 13, 2018 at 3:00 p.m., ECR)
 3. Finance (August 6, 2018 at 2:00 p.m., ECR)
 4. Governmental (August 6, 2018 at 4:00 p.m., ECR)
 5. Natural Resources (August 20, 2018 at 2:00 p.m., ECR)
 - a. Minutes – May 21, 2018 ([backup](#))
 6. Public Facilities (August 27, 2018 at 3:00 p.m., HHI Library)
7. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting
8. NEW BUSINESS
 - A. RECEIPT OF FISCAL YEAR 2017 CERTIFIED AUDITED FINANCIAL REPORT (CAFR)
9. CONSENT AGENDA
 - A. MAP AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, CHAPTER 4: FUTURE LAND USE MAP 4-9 TO: REMOVE THE HAMLET PLACE TYPE ON THE BUCKINGHAM LANDING COMMUNITY AT THE FOOT OF THE BRIDGE TO HILTON HEAD ISLAND ([backup](#))



- B. MAP AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE, PREAMBLE, DIVISION P.20, PAGES P10 AND P-11 TO REMOVE THE HAMLET PLACE TYPE FROM THE BUCKINGHAM LANDING COMMUNITY AT THE FOOT OF THE BRIDGE TO HILTON HEAD ISLAND ([backup](#))

10. PUBLIC HEARINGS – 6:30 P.M.

- A. AN ORDINANCE ESTABLISHING A CONDITIONAL USE FOR AFFORDABLE HOUSING DEVELOPMENTS IN THE REGIONAL CENTER MIXED USE (C5) ZONE DISTRICT (AMENDS BY SUBSTITUTION, HOTEL TO APARTMENT CONVERSION ON UNIT-TO-UNIT BASIS)
 - 1. Consideration of approval on third and final reading to occur June 25, 2018
 - 2. Consideration of second reading to occur June 11, 2018
 - 3. First reading approval occurred March 26, 2018
 - 4. Planning Commission approval of amended version occurred June 4, 2018 / Vote 8:1
 - 5. Natural Resources Committee recommends approval of Ordinance as a substitute for the hotel conversion, subject to independent review and recommendations of Planning Commission occurred May 21, 2018 / Vote 5-0-1
 - 6. Natural Resources Committee deferred to staff for 30 days for recommendations occurred April 16, 2018
 - 7. County Council discussion to refer back to Natural Resources Committee occurred April 9, 2018
 - 8. Natural Resources Committee discussion and recommendation to approve occurred March 19, 2018 / Vote 6:1
 - 9. Planning Commission approval occurred February 5, 2018/ Vote 3:2

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT – Speaker sign-up encouraged

13. ADJOURNMENT

June 2018 Beaufort County Council Recognition

1. Bermuda Bluff Island Property Owners Association-
Bermuda Bluff Island volunteers have been picking up trash and debris from Lands' End since 2003. This group of "trash attackers" are passionate about wanting to live in a beautiful environment. They love the view when the edge of the road is clean. Two years ago Daphne Brown took over the leadership reins from Bill Reynolds and since January of 2017, approximately 12 volunteers have picked up over 162 bags of litter. They pick up litter because they care about their neighbors and want to inspire others. If passersby see them hard at work cleaning the roadside, they are setting a positive model not to litter and maybe even motivate others to pick up trash in their area. Beaufort County thanks you for your dedication to keeping Beaufort County clean and beautiful for all residents.
2. Kiwanis club of Beaufort-
Picking up litter was the first community service project for the Kiwanis Club of Beaufort. 32 years ago, their first trash clean up included an area from Beaufort Plaza to the Broad River Bridge. They filled a dump truck! Today, members conduct bimonthly litter pickups on a two-mile stretch of Hwy. 21. These busy volunteers arrange their hectic schedules, and continue to recruit a faithful group who believe it is a good use of time to get down in the trenches and pick up construction debris, bags of litter and a multitude of other items. Thank you for your continued service and seeing the value of cleaner roadsides in Beaufort County.
3. Rotary Club of the Low Country /Beaufort High Interact Club-
Rotary Club of the Low Country, in partnership with Beaufort High Interact Club, have been picking up trash once a month on Youmans Drive and Highway 21 since 2000. Up to 10 Rotary members and 30 Interact students participate. They pick up over 170 bags of litter a year and have devoted countless service hours to control litter on their assigned route. Beaufort County thanks you for 18 years of valuable service to our community.
4. Pleasant Point –
On the first Saturday of every month, Pleasant Point Plantation Homeowners Association Adopt-A-Highway volunteers gather on Brickyard Point Road. They divide into teams to tackle the roadside litter. The Pleasant Point Plantation volunteers take pride in their efforts to improve the visual appeal for all driving in the area and to protect our precious waterways. Thank you Pleasant Point Plantation for your strong commitment to volunteerism, and beautifying the roadways of Beaufort County since 2003.

COMMUNITY SERVICES COMMITTEE

May 21, 2018

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

The Community Services Committee met Monday, May 21, 2018 beginning at 4:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

County staff: Joshua Gruber, Interim County Administrator; Patrick Hill, Director, Systems Management Department; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Bill Love, Director, Disabilities and Special Needs Department; and Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; Mark Sutton, Deputy Director - Facilities Management; and Carl Weddler, Veterans Affairs Director.

Public: Linda Boga, former Administrative Assistant, Veterans Affairs Office;

Media: Suzanne Larson, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

ACTION ITEM

1. Consideration of Reappointments and Appointments / Library Board

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

Motion: It was moved by Mr. Fobes, seconded by Mr. Glover, that the Committee nominate and recommend Council appoint Ms. Victoria Woodhead, representing Council District 5, to serve as a member of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Fobes, Mr. Glover and Mrs. Howard. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council appoint Ms. Victoria Woodhead, representing Council District 5, to serve as a member of the Library Board.

INFORMATION ITEMS

2. Facility Project Updates (as related to the Committee’s external responsibilities as Council’s representative)

- **Construction of three new homes for the Beaufort County Disabilities and Special Needs Department**
- **Expansion of the Beaufort County Elections and Voter Registration Building**

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

Discussion: Mr. Mark Sutton, Deputy Director – Facilities Management, provided the Committee with an update on the two facility projects – construction of three new homes for the Beaufort County Disabilities and Special Needs Department and the expansion of the Beaufort County Elections and Voter Registration Building.

The expansion of the Beaufort County Elections and Voter Registration Building construction is still ongoing. There was a delay due to the needed replacement of structural steel. The contractor did not vet it properly and the steel received were too tall. The steel is being engineered now, and once received, the expansion should be complete within 4-6 weeks.

Beaufort County is constructing three new homes for the Beaufort County Disabilities and Special Needs Department in the following locations: Mossy Oaks, Waddell Road, and Live Oaks. In regard to the construction at Mossy Oaks, there was a delay due to confusion with the fire marshal and the state fire marshal regarding the fire sprinkler drawing. The project is moving forward and interior sheetrock is being installed. The estimate completion time is 4 weeks. The construction of the home on Waddell Road ran into the same problem regarding the fire sprinkler drawing. There were also issues with Beaufort-Jasper Water and Sewer Authority due to the available sewer line being 15 feet deep and them wanting an extra \$12,000 to tap it. The contractor had to absorb majority of that cost. The construction of a home at Live Oaks has not received final approval. There is a meeting scheduled for tomorrow, May 22, 2018 with the Live Oaks Home Owners Association to discuss final concerns. We have a building permit, but not an ARC permit.

Mr. Keaveny said in regard to the home construction at Live Oaks, the City of Beaufort has issued the Building Permit. Beaufort County is working with the Architectural Review Committee at Live Oaks, to make sure the home is compliant with their homeowners’ requirements, etc.

Status: Information only.

3. Veterans Affairs Office Staff Update

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

Discussion: Mr. Carl Wedler, Veterans Affairs Director, presented a recognition award to Ms. Linda Boga, former administrative assistant for the Veterans Affairs Office who has recently retired after 22 years with Beaufort County Veterans Affairs Office.

Mr. Wedler said he has a new Veterans Counselor coming on board May 29, 2018. Once he goes through accreditation training, Beaufort County will have three veteran counselors in the County. We have expanded services. We are a virtual department. We go to various locations around the County, as well as provide home visits.

Status: Information only.

4. Department Update / Alcohol and Drug Abuse

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

Status: This item was delayed until the next meeting of the Community Services Committee.

NATURAL RESOURCES COMMITTEE

May 21, 2018

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

The Natural Resources Committee met Monday, May 21, 2018 beginning at 2:00 p.m. in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Tabor Vaux, and members Rick Caporale, Gerald Dawson, Steven Fobes, York Glover and Alice Howard present. Non-committee member Michael Covert also present.

County Staff: Tony Criscitiello, Director, Community Development Department; Suzanne Fogleman, Temp Clerk to Council; Eric Greenway, Director, Community Development Department; Josh Gruber, Interim County Administrator; Patrick Hill, Director, Systems Management Department; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Fred Leyda, Human Services Director; Rob Merchant, Deputy Director Community Development Department; Dan Morgan, Mapping and Applications Director; Stephanie Nagid, Passive Park, Community Development Department; Dave Wilhem, Public Works Director; and Patty Wilson, Right-of-Way Manager.

Public: Angela Childers, Beaufort Housing Authority; Richard Fishman, Co-owner of Suburban Lodge Extended Stay; Suzanne Fishman, Co-owner of Suburban Lodge Extended Stay; Barry Johnson; Barbara Holmes, Director of Land Protection as well as Administrator of the Rural and Critical Lands Program, Beaufort County Open Land Trust; Deborah Johnson, Lowcountry Affordable Housing Coalition; Brad Mole, Town of Bluffton; Bill Moore, Adger Solar; Michael Krominus; Joe Passiment, Resident of Sun City; Rob Semmler, Chairman, Planning Commission; and Kevin Smith; Thomas & Hutton Engineering;

Media: Suzanne Larson, *Lowcountry Inside Track*.

Committee Chairman Brian Flewelling chaired the meeting.

ACTION ITEMS

- 1. Text Amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (to allow hotel to apartment conversion on unit-to-unit basis)**

Discussion of Proposed Voluntary Inclusionary Zoning Ordinance Providing Incentives and Regulations for Affordable Housing Projects in the C5 District

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

Discussion: At the April 16, 2018 meeting of the Natural Resources Committee. The Committee delayed taking action on text amendment to the Beaufort County Community Development Code (CDC) until the May 21, 2018 (today's meeting) to allow the Community Development Department time to analyze the Housing Needs Assessment Study.

Mr. Chris Inglese, Assistant County Attorney, stated since the last meeting of the Natural Resources Committee, staff convened for weekly meetings with the following parties: Ben Boswell, Human Services Alliance; Fred Leyda, Human Services Alliance; Angela Childers, Beaufort Housing Authority; and Deborah Johnson, Lowcounty Affordable Housing Coalition; to discuss the proposed text amendment and concerns previously addressed: Mr. Inglese presented to the Committee a PowerPoint Presentation providing an overview of the issues, concerns and opportunities. The three issues with the proposed text amendment included school impact fee, assurances for affordable rents, and parking. We do not have a study to support the school impact fee which is a statutory prerequisite to impose a fee. Also, this type of efficiency apartment would have a fractional impact on schools. The assurances for affordable rents issue would be addressed with language that the landowner elects to set aside 20% of units for 25 years or 30% of units for 20 years. In addition, the definition of rental affordable units and owner affordable units would be included within the ordinance. Incentives for development would be unlimited density bonus and a waiver of impact fees for affordable units. Parking remains to be an issue. The Community Development Code (CDC) currently has a potential waiver of 20%, but it would have to be supported by an engineering study. A lot of time the support for a reduction comes in the form of accessibility to a multiuse trail or a transit stop, neither of which exist with the Suburban Lodge. There may be some design alternatives or with Suburban Lodge they could convert some units to one bedroom to address the parking issue.

The proposed ordinance in its current form would give a developer or landowner an election on the formula of either 20% of units for 25 years or 30% of units for 20 years for affordable housing. Affordable housing is defined within in the ordinance. Rental affordable units – rent may not exceed 30% of 80% of AMI as defined by HUD annual report. Owner Affordable Units – aggregate household income not to exceed 100% of AMI. The incentives for development are as follows: unlimited density bonus and waiver of impact fees for affordable units. All other C5 Standards must also be met.

Mr. Inglese reviewed the monitoring and enforcement of such ordinance. The Affordable Housing Coordinator position is budgeted and in the process for hire. The applicant would file deed restricted covenants and enter into a Memorandum of Understanding with the County which must be filed with the Register of Deeds Department. Additional monitoring and enforcement would include: annual reporting, inspections and submittals. The County may revoke the C.O. when found non-compliant.

Mr. Inglese distributed a breakdown of incomes from the South Carolina Housing website that showed the area median income for Beaufort County. He explained the math within the ordinance and stated utilities would be included as part of the breakdown.

He provided an overview of the application of the ordinance on Suburban Lodge. Potential options available for Suburban Lodge includes the followings: Parking Study, re-design parking to find more spaces, land acquisition for parking easement agreement with utility, or convert zero-bedroom efficiency apartments to one-bedroom apartments.

He said the concern with an ordinance like this is to over-house our commercial district. The intent is to invite the introduction of housing into commercial development so there is mixed-uses. The ordinance in its current form falls short on guaranteeing those mixed uses, but it is something we can add in there and improve with time.

Procedurally, this would have to go before the Planning Commission before final vote of County Council. This could be a new staff application for zoning ordinance amendment to the CDC or it could be an amendment to the application of Suburban Lodge. He stated the Committee could take action on this item and forward it to County Council with the contingency that the Planning Commission do their independent review and recommendation.

Mr. Richard Fishman, Suburban Lodge applicant and owner, thanked County Council and County staff for their support. He spoke about low income housing and land use restrictions. They are made so that a percentage of the units to people fit the guideline of low income. They are never rented by identifying units. One of the reasons for that is due to a violation of fair housing. In the past, we would collect W-2 or proof of income to stay on top of the guidelines. He said currently there are 15 individuals who are long term renters at the motel. He provided an overview of their income and professions. As a natural course, the people who would choose to live in the hotel as a permanent stay of housing is the type of people we are trying to attract. This community has an affordable housing need way beyond realized. It is very tough to make a living if you are not coming into the area with money. Regarding the parking, he is unsure the purpose of a parking study. There is plenty of parking. A bus does stop at the Tanger Outlets, which is only a block away. Maybe as part of affordable housing, we can get the bus to stop closer.

When the process began in November / December of 2017 the hope was to push forward. The bank does not want to release any renovation monies until there is an agreement in place. The hope was to have this designated as apartments. The bank does not want to lend money on renovation of a hotel.

Motion: It was moved by Mr. Caporale, seconded by Mr. Fobes, that Committee recommend Council approve on second reading text amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (to allow hotel to apartment conversion on unit-to-unit basis), contingent upon independent review and recommendation of the Planning Commission. The vote: YEAS – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard and Mr. Vaux. ABSTAIN – Mr. Glover. The motion passed.

Recommendation: Council approve on second reading text amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (to allow hotel to apartment conversion on unit-to-unit basis), contingent upon independent review and recommendation of the Planning Commission.

2. Condemnation for Easement / Four Tracts Associated with Pine Grove Road, Kato Lane and Burlington Circle

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

Discussion: Ms. Patty Wilson, Right-of-Way Manager, provided the Committee with an overview of the proposed condemnation for easement for four tracts associated with Pine Grove Road, Kato Lane and Burlington Circle. The Stormwater Department often receives requests to maintain this regionally significant system due to flooding issues. The process to obtain easements needed for this ditch system formally began in January 2017. The County has received 20 unrecorded notarized easements out of the 24 requested easements. Three property owners, consisting of four tracts (R100-24-42B, R100-24-284, R100-24-285 and R100-24-287) have verbally denied granting easements. These property owners were contacted at least twice by letter, door hangers were left, and personal contact was established.

Motion: It was moved by Mr. Dawson, seconded by Mr. Glover, that Committee approve and recommend Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of four tracts of land (R100-24-42B, R100-24-284, R100-24-285 and R100-24-287) associated with Pine Grove Road, Kato Lane and Burlington Circle to complete a significant ditch system. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of four tracts of land (R100-24-42B, R100-24-284, R100-24-285 and R100-24-287) associated with Pine Grove Road, Kato Lane and Burlington Circle to complete a significant ditch system.

3. Condemnation for Easement / Jenkins Road Tract R700-15-103

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

Discussion: Ms. Patty Wilson, Right-of-Way Manager, provided the Committee with an overview of the proposed condemnation for easement for a tract of land (R700-15-103) on Jenkins Road. The process to obtain easements for this ditch system formally began in March 2017. Easements for the southern section of the ditch were acquired and recorded. The County has received two unrecorded notarized easements out of three requested easements for the northern section of the ditch. Multiple attempts of communication and negotiation including a visit from councilman Dawson were unsuccessful of the remaining tract. Tract R700-15-103 is heir's property and the heir who pays the taxes does not want to grant an easement to the County.

Motion: It was moved by Mr. Dawson, seconded by Mr. Fobes, that Committee approve and recommend Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of Tract R700-15-103 off Jenkins Road to complete a significant ditch system. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation of Tract R700-15-103 off Jenkins Road to complete a significant ditch system.

4. Easement Abandonment / Multiple Tracts at Bessies Lane and Young Circle

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

Discussion: Ms. Patty Wilson, Right-of-Way Manager, provided the Committee with an overview of the proposed abandonment for easement Tracts R100-16-199, R100-13-8A, and R100-13-17. The process to obtain the easement needed for this regionally significant ditch system formally began in March 2017, although conversations with one of the residents offering to assist in garnering community support began several years ago. Through past efforts, the County has recorded several easements, however, there are gaps in easement coverage to fully cover the system. While we have signed easements on two tracts, we have numerous tracts still unsigned. All remaining property owners have been contacted by letter at least twice and have had multiple other attempts to communicate with them. Reverent Venice Young initially volunteered to assist us. We communicated with him 12 times including four “no show” meetings. Recently, one of the property owners, in which the County has a recorded easement, has stated verbally the desire to have the easement abandoned and do not want the County to continue to maintain the system. Due to the lack of interest, staff recommends abandonment of all current recorded easements, ceasing further attempts to acquire easements, and ceasing future

maintenance of this system. Abandonment would include easements on Tracts R100-16-199, R100-13-8A, and R100-13-17.

Mr. Dawson said he does not agree with abandoning this project due to the impact this has on other property owners. He would like the County to hold off taking any action at this time.

Mr. Flewelling said if the easements in their unrecorded form are kept in the file, and it is properly documented that we are not ready to proceed with condemnation on the tracts we do not have but are interested in fulfilling this obligation at some point in time, it would be wise to wait off on this.

Mr. Gruber stated having one foot in and one foot out is not that great. If we get calls for service, it is difficult to pinpoint the locations we can work on. We need to make a choice. Either we move forward and condemn the remaining properties to make the system work, or we say there is not enough community support for this ditch system and we abandon this project.

Mr. Dawson recommends the County go the condemnation route.

Motion: It was moved by Mr. Dawson, seconded by Mr. Fobes, that Committee approve and recommend staff proceed with best practices to obtain five tracts (R100-13-0001, R100-13-0008, R100-13-0009, R100-13-007C, R100-16-0006) off Bessie Lane and Young Circle. The tracts not obtainable through typical negotiations, the Committee recommends Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation to complete a significant ditch system. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Staff proceed with best practices to obtain five tracts (R100-13-0001, R100-13-0008, R100-13-0009, R100-13-007C, R100-16-0006) off Bessie Lane and Young Circle. The tracts not obtainable through typical negotiations, the Committee recommends Council adopt a resolution authorizing the Interim County Administrator to pursue condemnation to complete a significant ditch system.

5. Consideration of Reappointments and Appointments / Beaufort / Jasper Water and Sewer Authority

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

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Committee approve and recommend Council nominate Mr. Donald Manson, representing County Council appointee, for reappointment to serve as a member of the Beaufort / Jasper Water and Sewer Authority. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Donald Manson, representing County Council appointee, for reappointment to serve as a member of the Beaufort / Jasper Water and Sewer Authority.

6. Matters Arising out of Executive Session

- **Development Agreement for Project Solar**
- **Memorandum of Understanding Between Beaufort County and Robert L. Graves**

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

Motion: It was moved by Mr. Dawson, seconded by Mr. Glover, that Committee approve and recommend Council approve a Development Agreement for Project Solar. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Motion: It was moved by Mr. Caporale, seconded by Mr. Fobes, that Committee approve and recommend Council approve a Memorandum of Understanding between Beaufort County and Robert L. Graves, owner of Pepper Hall Plantation, regarding a potential public-private partnership for the development of 18 acres of Rural and Critical Lands Property, adjacent to Pepper Hall and along the Okatie River. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover and Mrs. Howard. RECUSED – Mr. Vaux. Mr. Vaux recused himself, left the room, and was not present for any of the discussion relative to Pepper Hall. His law firm represents the property owner. The motion passed.

Recommendation 1: Council approve a Development Agreement for Project Solar.

Recommendation 2: Council approve a Memorandum of Understanding between Beaufort County and Robert L. Graves, owner of Pepper Hall Plantation, regarding a potential public-private partnership for the development of 18 acres of Rural and Critical Lands Property, adjacent to Pepper Hall and along the Okatie River.

INFORMATION ITEMS

7. Update / Previous Planning Commission Meeting

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

Discussion: Mr. Rob Merchant, Deputy Director, Community Development Department, stated the May 2018 Planning Commission meeting was canceled due to the lack of agenda items.

Status: Information only.

8. Update / Previous Southern Lowcountry Regional Planning Commission Meeting

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

Discussion: Mr. Rob Merchant, Deputy Director, Community Development Department, provided the Committee an update on the last meeting of the Southern Lowcountry Regional Planning Commission (SOLOCO) meeting. At that meeting, Beaufort County and the Town of Hilton Head Island gave presentations providing an overview of the pattern and progression of development in Southern Beaufort County, the building out figures within the current PUDs and major subdivisions and an analysis of the land that remains to be developed. An overview of policies Beaufort County would like to adopt for the remaining properties was also provided.

Mr. Flewelling asked administration to distribute to member of County Council, the presentation provided at the recent SOLOCO meeting.

Status: Information only.

9. Executive Session

- **Discussion of negotiations incident to proposed contractual arrangements (Project Solar)**
- **Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property (Project 2018-C)**
- **Discussion of Memorandum of Understanding Between Beaufort County and Robert L. Graves**

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

Motion: It was moved by Mrs. Howard, seconded by Mr. Fobes, that Committee go immediately into executive session for discussion of negotiations incident to proposed contractual arrangements (Project Solar); discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property (Project 2018-C); and discussion of a Memorandum of Understanding between Beaufort County and Robert L. Graves. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. Mr. Vaux recused himself, left the room, and was not present for any of the discussion relative to Pepper Hall. His law firm represents the property owner. The motion passed.

Status: Committee went into executive session for discussion of negotiations incident to proposed contractual arrangements (Project Solar); discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property (Project 2018-C); and discussion of a Memorandum of Understanding between Beaufort County and Robert L. Graves.



MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Robert Merchant, Deputy Community Development Director
Date: June 12, 2018
Subject: Amendment to Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan, Map 4-9 Place Type Overlay District – Southern Beaufort County
--AND--
Amendment to the Preamble to the Community Development Code (pages P-10 and P-11)

PLANNING COMMISSION RECOMMENDATION from the excerpt of its June 4, 2018, draft minutes:

Mr. Robert Merchant briefed the Commissioners on the map amendments. He stated substantive changes to both the Comprehensive Plan and the Community Development Code maps. He explained the rationale for the changes. He stated that not all walkable areas are equal. He noted a workshop where County Council asked for these amendments. He showed a power point presentation. He explained the elimination of the hamlet place type from the Buckingham Landing area limits future upzoning there. He then explained the reduction of the Hilton Head National area from hamlet to village place type.

Commission discussion included the on-going litigation and its impact on the action that the Commission may recommend (*Mr. Christopher Inglese, Assistant County Attorney, noted that the on-going litigation has no effect since the Commission is tasked to recommend future.*).

Applicant's Comment: None were provided, since the Staff is the applicant.

Public Comment: Mr. Evan Williams, representing Scratch Golf, the owner of Hilton Head National, objects to the County's proposal to downgrade the zoning of Hilton Head National. It is inappropriate to take action when there is an existing litigation against the County on the property. There is no rationale to take action. There is no sufficient basis for the downzoning. The County formulated the form-based code suitable for a mixed-use development on the property. The downzoning is an arbitrary and capricious act.

Further Commission discussion included non-support of the former rezoning request of Hilton Head National that would have too intense/inappropriate proposed uses such as a hotel and a water park; reiteration of the on-going litigation of the Hilton Head National property; noting that the Commission recommendation would not affect development of the property; querying the rationale for changing the Hilton Head National place type (Mr. Merchant noted the impact of the village place type could be out of character with the surrounding area and the strong

opposition from neighboring communities; clarifying the difference between the place types (commercial sizes differ, noting the Calhoun Street and Corner's Community developments); querying the number of village place types in Bluffton; clarifying the public outcry on village place types; clarifying the removal of the Buckingham Landing place type; querying whether input was received from the municipalities; agreeing to the Buckingham Landing change but not the Hilton Head National change; reiterating trusting the Code to create walkable places to schools, small shops, etc.; and not being in favor of the Hilton Head National change without input from the municipalities.

Motion: Ms. Diane Chmelik made a motion, and Mr. Harold Mitchell seconded the motion, to **recommend approval** to County Council on the Map Amendment to the Beaufort County Comprehensive Plan, Chapter 4: Future Land Use Map 4-9 to remove the Hamlet Place Type on the Buckingham Landing Community at the foot of the bridge to Hilton Head Island. No further discussion occurred. The motion **carried** (9:0--FOR: Chmelik, Fermin, Hennelly, Hinchler, McMillan, Mitchell, Pappas, Semmler, and Stewart).

Motion: Ms. Diane Chmelik made a motion, and Mr. Ed Pappas seconded the motion, to **recommend approval** to County Council on the Map Amendment to the Beaufort County Comprehensive Plan, Chapter 4: Future Land Use Map 4-9 to change the Village Place Type that corresponds with the Hilton Head National property at the corner of Bluffton Parkway and Malphrus Road to a Hamlet Place Type. No further discussion occurred. The motion **failed** (4:5--FOR: (FOR: Chmelik, Hennelly, Hinchler, Semmler); AGAINST: Fermin, McMillan, Mitchell, Pappas, and Stewart).

Motion: Mr. Ed Pappas made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval** to County Council on the Map Amendment to The Beaufort County Community Development Code, Preamble, Division P.20, Pages P10 and P-11 to remove the Hamlet Place Type from the Buckingham Landing Community at the foot of the bridge to Hilton Head Island. No further discussion occurred. The motion **carried** (9:0--FOR: Chmelik, Fermin, Hennelly, Hinchler, McMillan, Mitchell, Pappas, Semmler, and Stewart).

Motion: Mr. Harold Mitchell made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval** to County Council on the Map Amendment to The Beaufort County Community Development Code, Preamble, Division P.20, Pages P10 and P-11 Change the Village Place Type that corresponds with the Hilton Head National property at the corner of Bluffton Parkway and Malphrus Road to a Hamlet Place Type. No further discussion occurred. The motion **failed** (3:6--FOR: Chmelik, Hennelly, and Semmler; AGAINST: Fermin, Hinchler, McMillan, Mitchell, Pappas, and Stewart).

STAFF REPORT:

Summary of the Proposed Amendment to the Comprehensive Plan: The Future Land Use chapter of the Comprehensive Plan contains a special land use designation called the Place Type Overlay. The purpose of the Place Type Overlay is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The overlay establishes five place types going from the most rural to the most

urban – rural crossroad, hamlet, village, town, and city (the Town and City Place Types are directed into the municipalities). The Beaufort County Community Development Code assists in the implementation of these place types through the use of the Transect Zones found in Article 3 of the code.

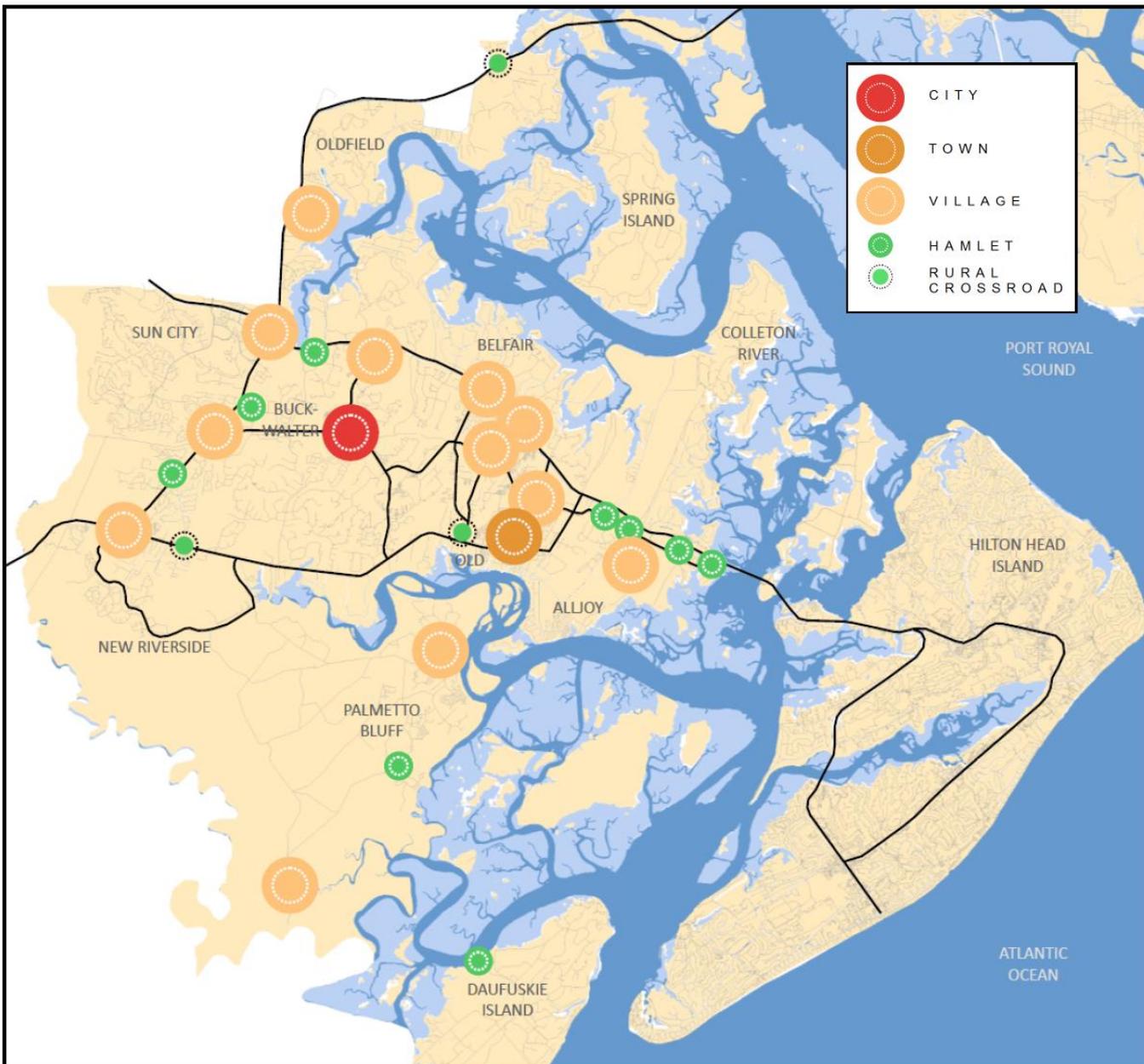
Members of Beaufort County Council expressed concern that some of the place types may be promoting too much residential and commercial development, having the potential to overload the road network and negatively impact existing neighborhoods. County Council held two workshops (January 25 and February 26) earlier this year to conduct an in-depth analysis of land use policy in southern Beaufort County. At the March 19 Natural Resources Committee meeting, the Committee discussed the following changes to the Place Type Map:

- Remove the Hamlet that corresponds with the Buckingham Landing Community.
- Evaluate the appropriateness of the Village Place Type at Hilton Head National.

Recommendation: Community Development Staff analyzed the two discussion items from the Natural Resource Committee and has the following recommendations:

- Remove the Hamlet Place Type from the Buckingham Landing Community: The Buckingham Landing Community has many qualities that make it a good candidate to develop into a mixed-use walkable neighborhood, specifically its gridded street network and water front location. However, the neighborhood has poor access, it is very low in elevation, and its residents have expressed a desire to preserve it as a single family neighborhood. For these reasons, Community Development Staff supports removing this place type from the Comprehensive Plan
- Change the place type at Bluffton Parkway and Malphrus Road from Village to Hamlet: During the review of the Hilton Head National development, many members of the public expressed concern about the magnitude and intensity of development that the village place type could potentially yield. In addition, the Hilton Head National development had the potential to create the need for \$12.6 million in offsite transportation improvements. Therefore, Community Development staff recommends changing the village to a hamlet place type.
- Amend pages P-10 and P-11 of the Preamble to the Community Development Code to match the revised maps from the Comprehensive Plan.

Proposed Amendments: See attached.

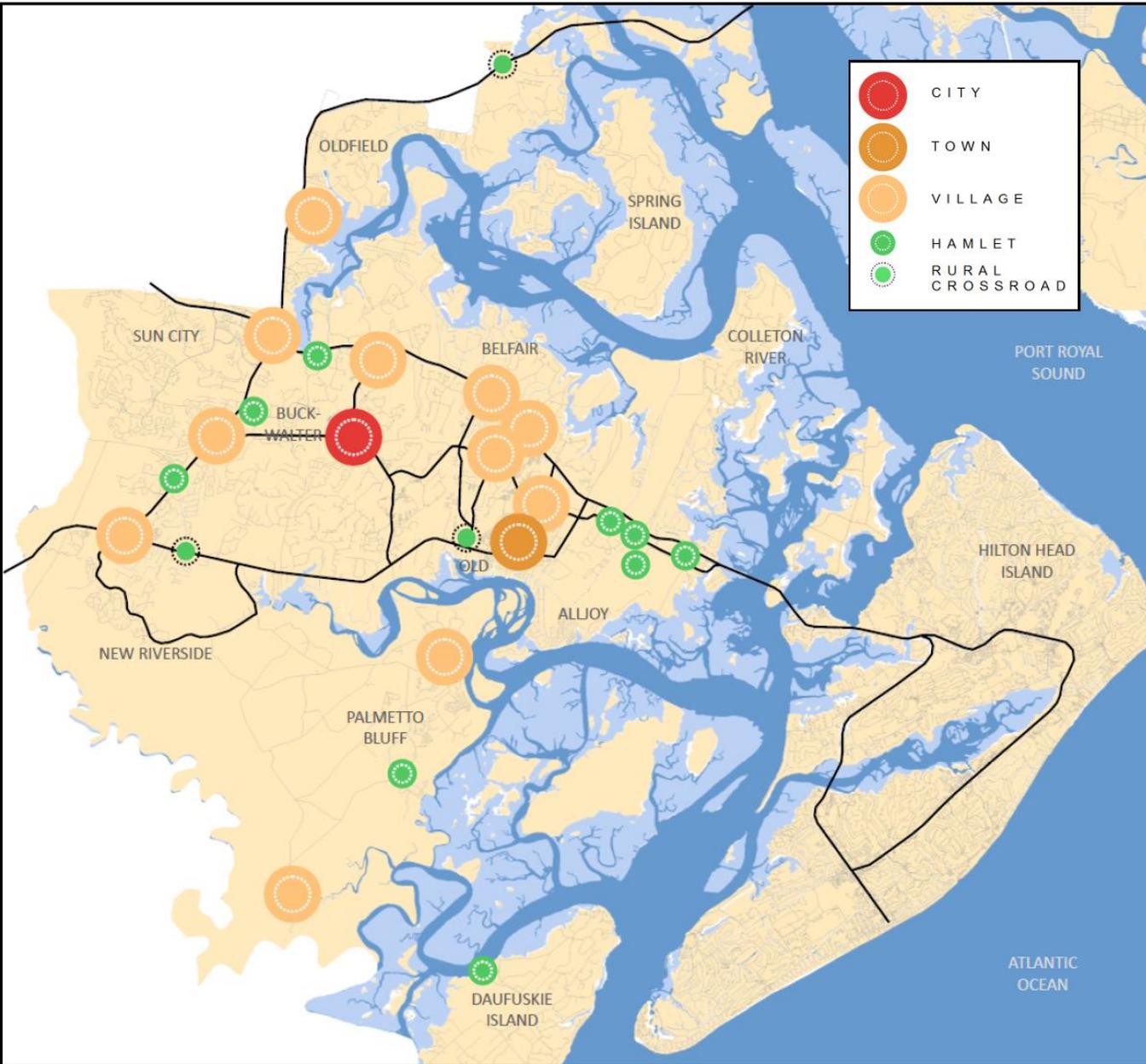


Chapter
4
Land Use

**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan

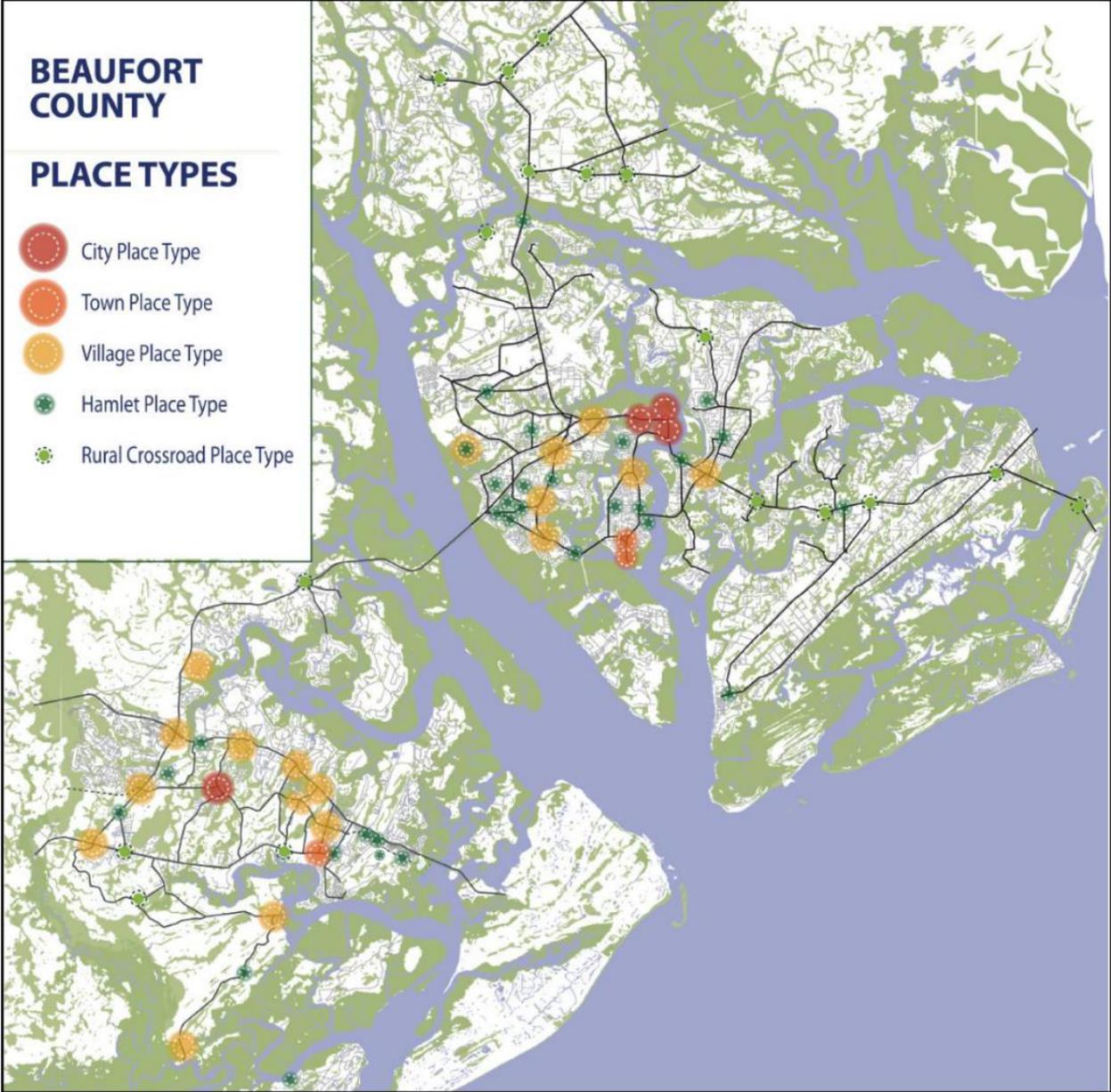


Chapter
4
Land Use

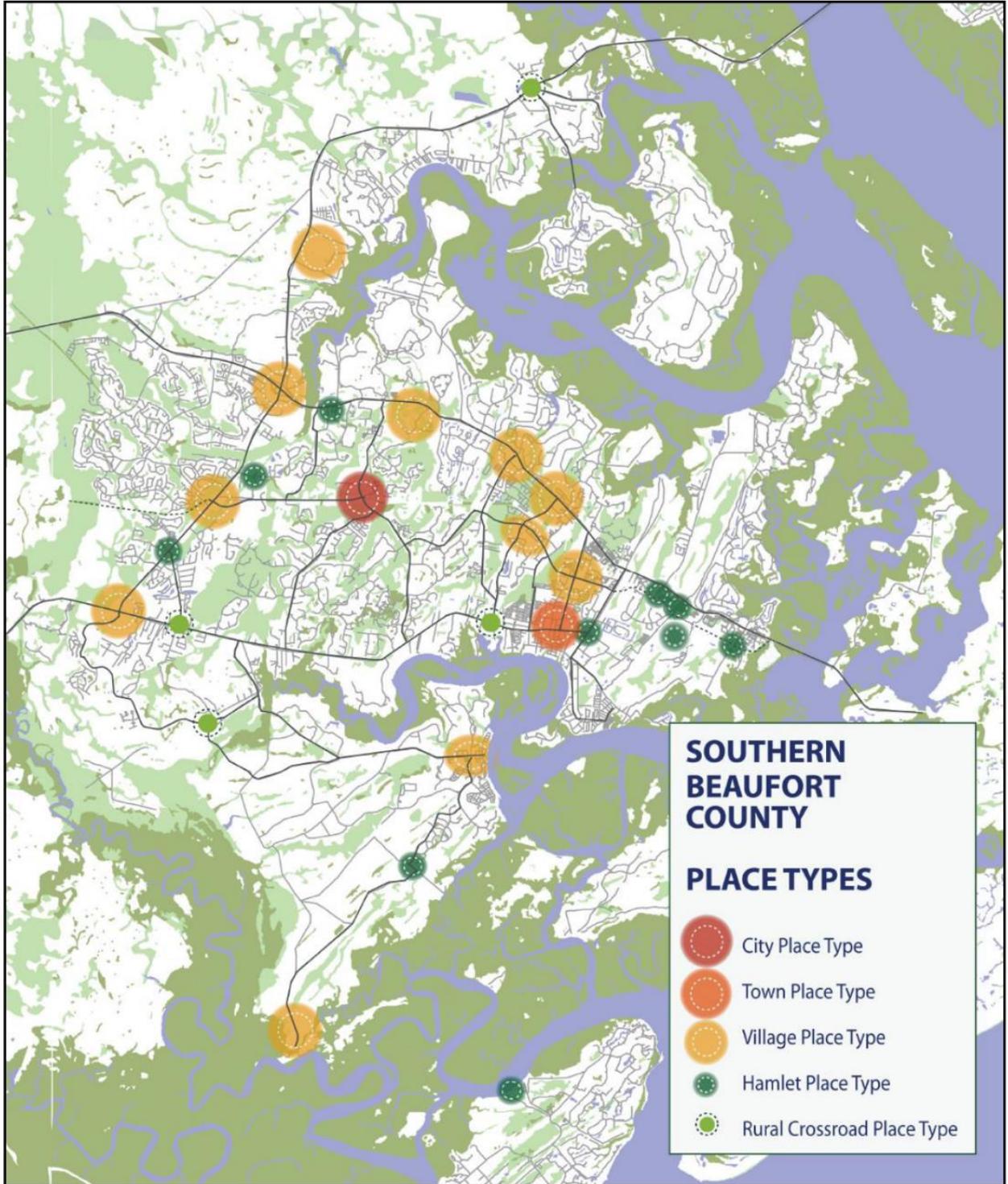
**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan



Places in Beaufort County





MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, Deputy Community Development Director
Date: June 4, 2018
Subject: Amendment to Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan, Map 4-9 Place Type Overlay District – Southern Beaufort County
--AND--
Amendment to the Preamble to the Community Development Code (pages P-10 and P-11)

Summary of the Proposed Amendment to the Comprehensive Plan: The Future Land Use chapter of the Comprehensive Plan contains a special land use designation called the Place Type Overlay. The purpose of the Place Type Overlay is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The overlay establishes five place types going from the most rural to the most urban – rural crossroad, hamlet, village, town, and city (the Town and City Place Types are directed into the municipalities). The Beaufort County Community Development Code assists in the implementation of these place types through the use of the Transect Zones found in Article 3 of the code.

Members of Beaufort County Council expressed concern that some of the place types may be promoting too much residential and commercial development, having the potential to overload the road network and negatively impact existing neighborhoods. County Council held two workshops (January 25 and February 26) earlier this year to conduct an in-depth analysis of land use policy in southern Beaufort County. At the March 19 Natural Resources Committee meeting, the Committee discussed the following changes to the Place Type Map:

- Remove the Hamlet that corresponds with the Buckingham Landing Community.
- Evaluate the appropriateness of the Village Place Type at Hilton Head National.

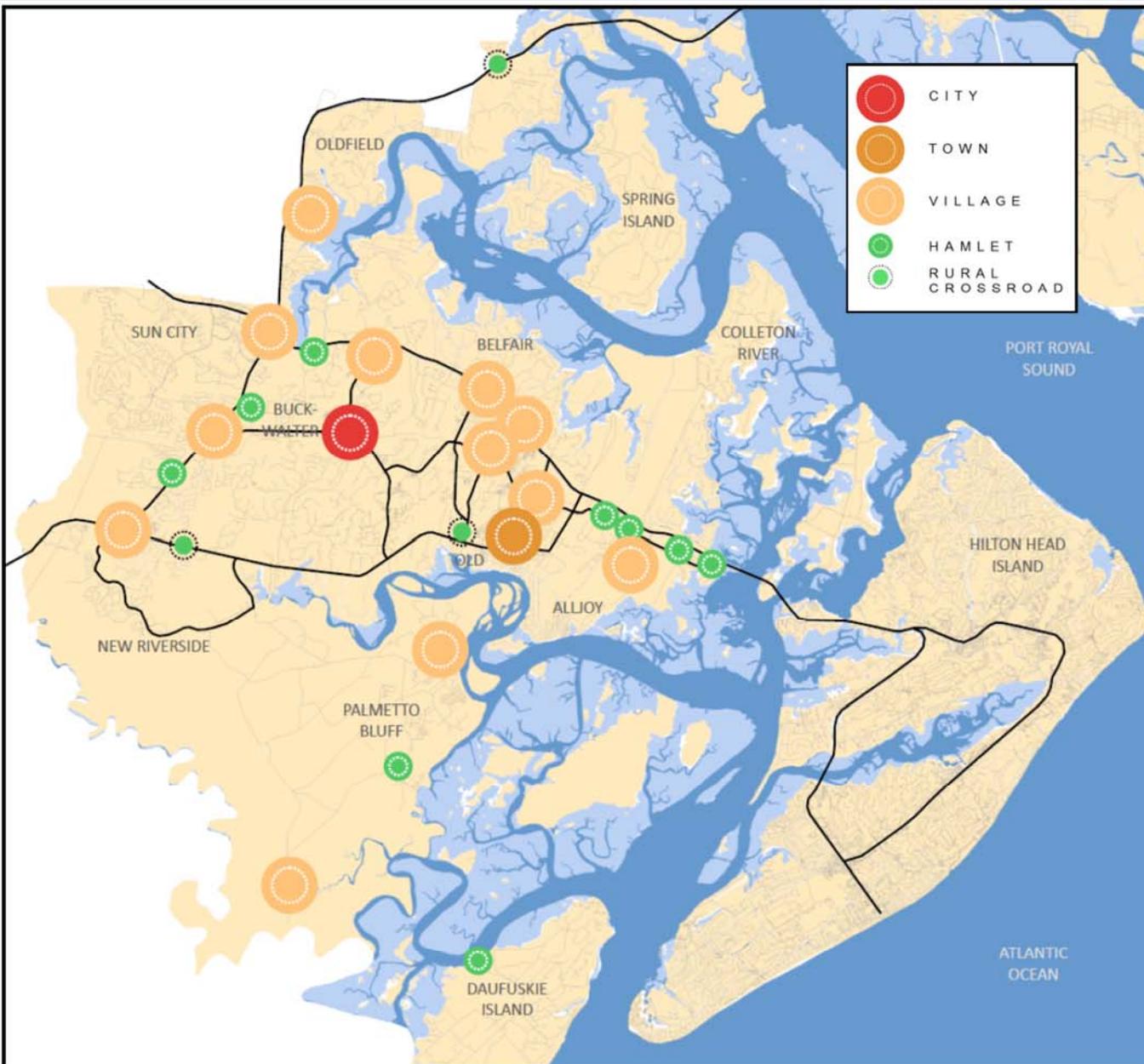
Recommendation: Community Development Staff analyzed the two discussion items from the Natural Resource Committee and has the following recommendations:

- Remove the Hamlet Place Type from the Buckingham Landing Community: The Buckingham Landing Community has many qualities that make it a good candidate to develop into a mixed-use walkable neighborhood, specifically its gridded street network and water front location. However, the neighborhood has poor access, it is very low in elevation, and its residents have expressed a desire to preserve it as a single family

neighborhood. For these reasons, Community Development Staff supports removing this place type from the Comprehensive Plan

- Change the place type at Bluffton Parkway and Malphrus Road from Village to Hamlet: During the review of the Hilton Head National development, many members of the public expressed concern about the magnitude and intensity of development that the village place type could potentially yield. In addition, the Hilton Head National development had the potential to create the need for \$12.6 million in offsite transportation improvements. Therefore, Community Development staff recommends changing the village to a hamlet place type.
- Amend pages P-10 and P-11 of the Preamble to the Community Development Code to match the revised maps from the Comprehensive Plan.

Proposed Amendments: See attached.



Chapter
4
Land Use

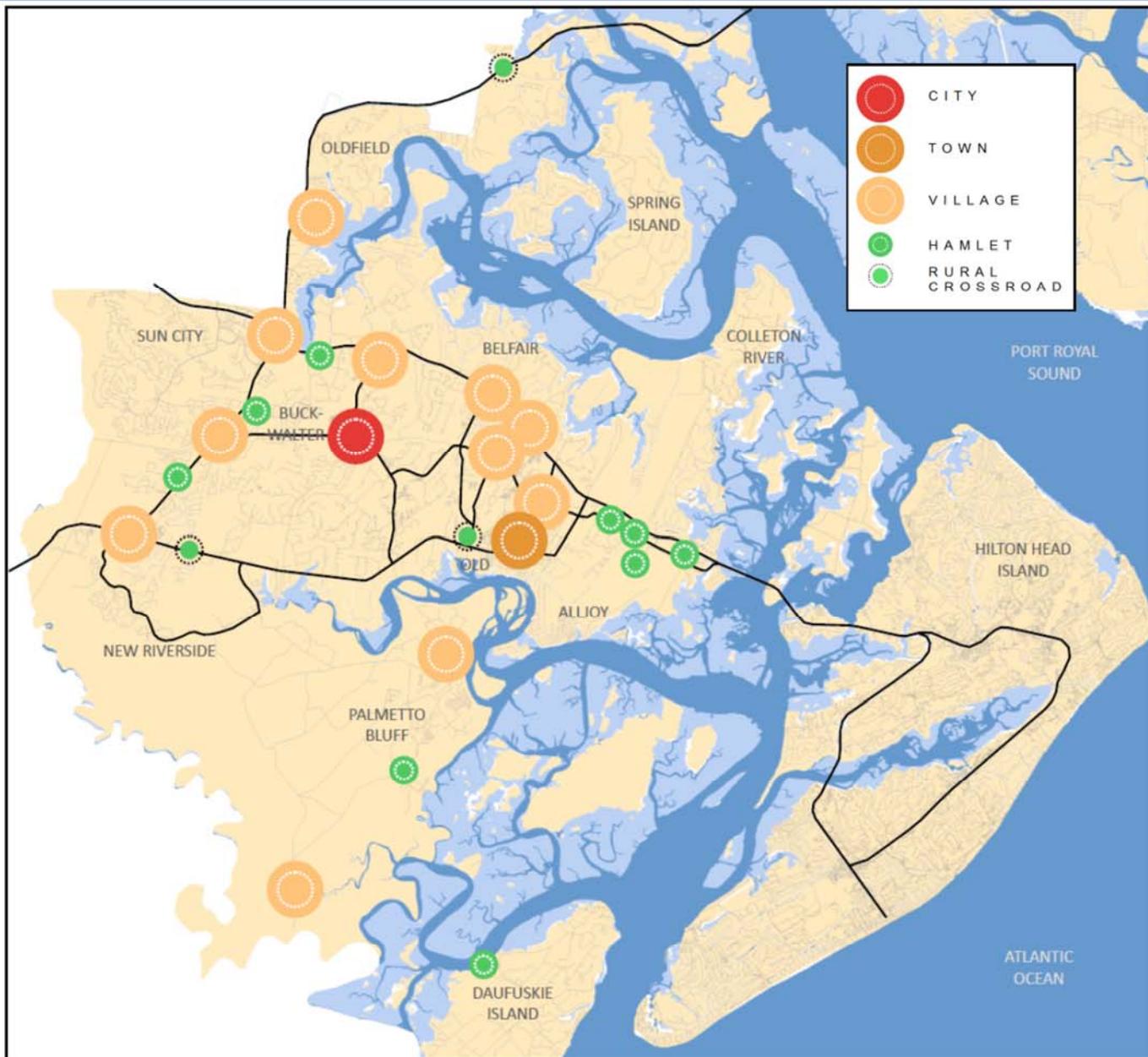
**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



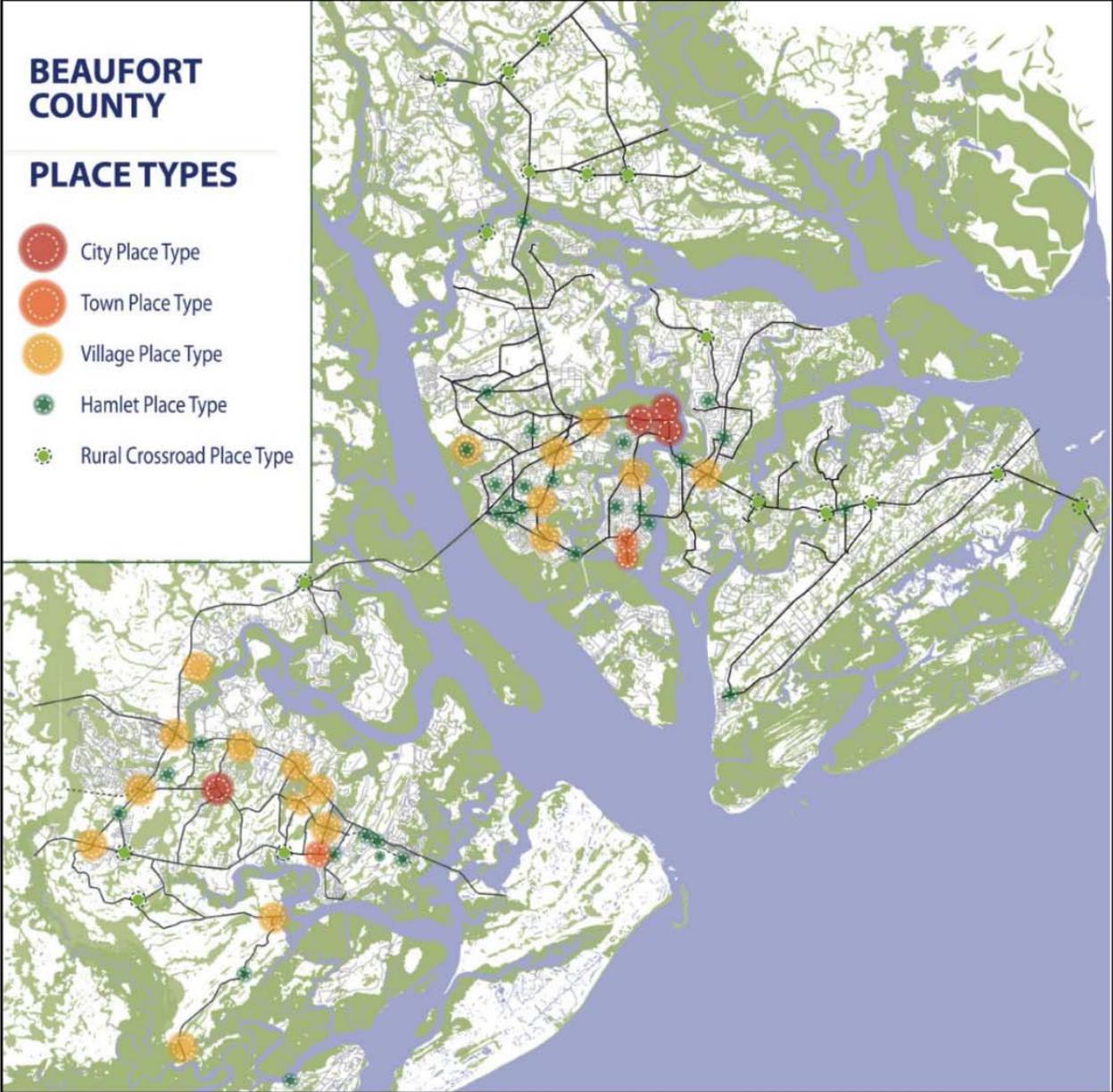
2010 Beaufort County
Comprehensive Plan

Chapter
4
Land Use

Map 4-9:
Place Type
Overlay
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan



Places in Beaufort County

