



Green Space Advisory Committee

Chair

MICHAEL McSHANE

Vice Chair

ALICE HOWARD

Committee Members

TOM DAVIS

LAUREL RHOTEN

CARMEN AVON MANNING

TIMOTHY EVANS

T. PETER KRISTIAN

County Administrator

MICHAEL MOORE

Administration Building

Beaufort County Government
Robert Smalls Complex
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Green Space Advisory Committee Agenda

Friday, November 15, 2024 at 10:30 AM

Executive Conference Room

County Administration Building, 100 Ribaut Road, Beaufort, SC

1. CALL TO ORDER
2. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES - JULY 26, 2024; AUGUST 16, 2024; SEPTEMBER 6, 2024

AGENDA ITEMS

5. UPDATE ON SUBMITTED CONSERVATION EASEMENT APPLICATIONS

EXECUTIVE SESSION

6. PURSUANT TO S.C. CODE SECTION 30-4-70 (A) (2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS FOR THE FOLLOWING PROPOSED GREEN SPACE APPLICATIONS: FEE SIMPLE APPLICATION, JONESVILLE ROAD; FEE SIMPLE APPLICATION, WILLIAM HILTON PARKWAY; FEE SIMPLE APPLICATION, BROAD CREEK MARINA; FEE SIMPLE APPLICATION, MITCHELVILLE ROAD

END OF EXECUTIVE SESSION

7. MATTERS ARISING OUT OF EXECUTIVE SESSION
8. OTHER BUSINESS
9. ADJOURNMENT

MINUTES

Green Space Advisory Committee

July 26, 2024, 10:30 AM, Executive Conference Room, Beaufort County Administration Building

CALL TO ORDER:

Vice-Chair Howard called the meeting to order at 10:32 AM. Vice-Chair Howard confirmed with Mark Davis that public notification of the meeting had been published, posted, and distributed in compliance with the SC Freedom of Information Act.

COMMITTEE MEMBERS PRESENT:

Timothy Evans
Alice Howard, Vice-Chair
T. Peter Kristian (virtual)
Carmen Avon Manning
Michael McShane, Chair
Laurel Rhoten

COMMITTEE MEMBERS ABSENT:

Senator Tom Davis

STAFF MEMBERS PRESENT:

Chuck Atkinson, Assistant County Administrator, Development/Recreation
Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department
Thomas Keaveny, County Attorney Elected Officials
Robert Merchant, Director, Beaufort County Planning and Zoning Department
Juliana Smith, Long-Range Planner, Beaufort County Planning and Zoning Department
Graeme Philp, Graybill, Lansche & Vinzani (virtual)
Jeff Vinzani, Graybill, Lansche & Vinzani (virtual)

GUESTS PRESENT:

Mary Ryan Krieger, Deputy Community Plans and Liaison Officer, MCAS; Caylor Romines, Director of Stewardship, Beaufort County Open Land Trust; Kate Schaefer, Director of Land Protection, Beaufort County Open Land Trust; and Kristin Williams, Executive Director, Beaufort County Open Land Trust.

APPROVAL OF AGENDA:

Carmen Avon Manning made a motion to approve the agenda. Laurel Rhoten seconded. The vote to approve the motion was unanimous.

APPROVAL OF MINUTES – JUNE 3 AND 7, 2024:

Tim Evans said on page 7 of the June 3 minutes, his name was spelled wrong. Carmen Avon Manning made a motion to approve the minutes as amended for the June 3 meeting and the minutes as submitted for the June 7 meeting. Laurel Rhoten seconded. The vote to approve the motion was unanimous.

ANNUAL ELECTION OF CHAIR AND VICE-CHAIR:

Vice-Chair Howard made a motion to elect Mike McShane as chair. Laurel Rhoten seconded. The vote to approve the motion was unanimous. Chair McShane abstained. Tim Evans made a motion to reelect Alice Howard as vice-chair. The motion was approved by acclamation.

Chair McShane said the purpose of today's meeting is to discuss a specific application, but before that, there are some announcements.

Kate Schaefer said the Open Land Trust (OLT), together with its partners, are pleased to announce that the first project for Green Space Program that was awarded funding, Gregorie Neck, has closed and the conservation easement was recorded yesterday. This protects 4,409 acres at the headwaters of the Port Royal Sound, including 13.5 miles of river frontage. The Nature Conservancy has granted an easement to be held by the OLT and the Department of the Navy. This is the first grant from the Green Space Program and the first out of county grant. This project secured the largest ever grant from the Department of Defense. The grant application would not have been as competitive without the Green Space pledge to the project. Matching funds matter so much. One of the great aspects of the project is that it involved so many partners. Kate thanked the Committee and staff for making the process predictable, efficient, and fair.

Kate said the other thing she wanted to share is that Jasper County has given third reading to a sales tax referendum that includes \$94 million for conservation. Kate said the Green Space Program helped encourage them. Chair McShane asked if Jasper County will establish a green space committee. Kate said we have encouraged them to do that, but it hasn't gotten to that detail yet. Eighty percent of the tax will go to transportation and 20 percent will go to conservation. Chair McShane said if the Jasper County referendum is successful, let's help them with their ordinance. Tom Keaveny said he has provided them with all our ordinances, applications, etc.

Kate Schaefer said the grant agreement between Beaufort County and the OLT and the grant agreement between the state Conservation Bank and OLT were recorded yesterday. These add additional layers of protection and public awareness that these grant monies were used on the property.

Chair McShane said we need to remember that the original landowner had multiple options and chose to take the option that produced less value to his family. This is generosity of the most genuine kind. This made the decision easier at the state level.

Tom Keaveny said he has asked the County public information officer to help get the word out of this important achievement.

EXECUTIVE SESSION:

Tim Evans made a motion to go into Executive Session pursuant to S.C. Code Section 30-4-70 (A) (2): discussion of negotiations incident to proposed contractual arrangements for fee simple application, Ulmer Road. Carmen Avon Manning seconded. The vote to approve the motion was unanimous. The Committee was in Executive Session from 10:50 AM to 11:19 AM.

MATTERS ARISING OUT OF EXECUTIVE SESSION:

There were no matters arising out of Executive Session to report.

OTHER BUSINESS:

Mark Davis provided an update on the Mitchelville property application. Mark reminded the Committee there had been a court action on the property. There had been a right of a minority party to exercise a 60-day due diligence. The Town of Hilton Head has been notified that the minority party is not going to pursue the purchase of the property. That means that Hilton Head is in their 30-day due diligence window and then will have 15 days to close. In an effort to be prepared if this occurred, staff has been doing a lot of work, including the necessary plat work to meet necessary deadlines. The Town as the purchaser would be the owner and secure fee simple title to the property. There will be a grant agreement and covenants and restrictions that will limit uses of the property and name the County as having an interest in the property.

It was agreed there would be a special called virtual meeting sometime in August so the Committee can review the final appraisal for the Mitchelville property.

The next regular meeting to review applications was set for Friday, September 6 at 10:30 AM.

Mark Davis said site visits were made to the Essex Farms and Trotters Loop properties. Tim Evans said that REPI funds have been approved for the Essex Farms property.

Tim Evans acknowledged that Chair McShane has been appointed as the Senior Advisory Vice President of Public Policy for Ducks Unlimited.

Chair McShane said the state Conservation Bank has gotten capital reserve dollars for the first time. Tim Evans said the value returned for the money spent is astounding. Chair McShane said for \$65 million invested, the state has protected ½ billion dollars in real estate.

ADJOURNMENT:

The meeting was adjourned at 11:47 AM.

Minutes compiled by Libby Anderson, Beaufort County Planning and Zoning Department

MINUTES

Green Space Advisory Committee

August 16, 2024, 2:00 PM, Virtual Only Public Meeting

CALL TO ORDER:

Chair McShane called the virtual only public meeting to order at 2:00 PM. Chair McShane confirmed with Mark Davis that public notification of the meeting had been published, posted, and distributed in compliance with the SC Freedom of Information Act.

COMMITTEE MEMBERS PRESENT:

Senator Tom Davis
Timothy Evans
Alice Howard, Vice-Chair
T. Peter Kristian
Carmen Avon Manning
Michael McShane, Chair

COMMITTEE MEMBERS ABSENT:

Laurel Rhoten

STAFF MEMBERS PRESENT:

Chuck Atkinson, Assistant County Administrator, Development/Recreation
Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department
Thomas Keaveny, County Attorney Elected Officials
Graeme Philp, Graybill, Lansche & Vinzani
Jeff Vinzani, Graybill, Lansche & Vinzani

GUESTS PRESENT:

Lawrence McElynn, Council Member, District 10

APPROVAL OF AGENDA:

The agenda was approved by acclamation.

FEE SIMPLE APPLICATON: MITCHELVILLE ROAD, HILTON HEAD ISLAND:

Chair McShane said this application has been presented through County Council. Chair McShane reminded the Committee of their recommendation to Council on the application which was to pay no more than the new appraised value. Mark Davis said a new appraisal had been conducted and an updated plat has been prepared. That appraisal, which provides the

value through the Green Space program's evaluation and due diligence, came in at \$9,887,000.

Chair McShane said based on that information, our recommendation is that we apply \$9.887 million of Green Space funds to the Town of Hilton Head. On the shortfall for them, Senator Davis has commented that he may facilitate helping the Town at some point.

In response to a question by Chair McShane, Chuck Atkinson said he sent the appraisal to Josh Gruber, Deputy Town Manager, Town of Hilton Head, about 45 minutes before the meeting.

Chair McShane asked the Committee members if they had any comments. Vice-Chair Howard said the County Administrator had shared the appraisal with County Council about 20 minutes ago.

Council Member McElynn said he is happy you are making this kind of progress. This is going to be a very exciting time for us as it moves through the process; congratulations to all.

Graeme Philp reminded the group that the resolution passed by County Council provides that if any funds come from grants from the state, they are to come back to the Green Space program. Senator Davis said he confirms and agrees with this statement.

Chuck Atkinson said the next step is to complete the grant agreement and include the required deed restrictions. Once it is signed by the County and the Town of Hilton Head, we will work with the Finance Department and Treasurer's Office to wire funds to the closing attorney. This should happen in short order.

In response to a question from Senator Davis, Chuck Atkinson recapped the costs:

Appraised Value: \$9,887,000

Purchase Agreement Hilton Head has with the property owners: \$11,750,000

Difference to be paid by Hilton Head: \$1,863,000

Chair McShane said he would be attending Monday's Community Services and Land Use Committee meeting where he can give an update.

In response to a question from Peter Kristian, Mark Davis recommended for the purposes of safety that the closing be completed before the end of August. Tom Keaveny said he believes the contract deadline is September 2.

In response to a question by Peter Kristian, Chuck Atkinson confirmed there is no additional action needed from the Green Space Advisory Committee; the ball is in the Town's court.

Tim Evans said throughout this process, we have been concerned with getting quality projects, and this effort, along with Gregorie Neck, are really quality projects for this program. Tim said the Town of Hilton Head is getting a heck of a bargain given the amount of money and due diligence support the Green Space Committee has put into it.

Carmen Avon Manning said she echoed Tim's comments; this is a great project. We should take every opportunity to let our citizens know that we are working hard.

Senator Davis said he echoes Carmen's comments. Senator Davis said these first two acquisitions—Mitchelville and Gregorie Neck—are illustrative as to what the Green Space Program is all about. We ought to capitalize on that with the public so they can see how these tax dollars are being put to use.

Vice-Chair Howard said this is outstanding and I am glad this is all working out.

ADJOURNMENT:

The meeting was adjourned at 2:20 PM.

Minutes compiled by Libby Anderson, Beaufort County Planning and Zoning Department

MINUTES

Green Space Advisory Committee

September 6, 2024, 10:00 AM, County Council Chamber, Beaufort County Administration Building

CALL TO ORDER:

Chair McShane called the meeting to order at 10:04 AM. Public notification of the meeting has been published, posted, and distributed in compliance with the SC Freedom of Information Act.

COMMITTEE MEMBERS PRESENT:

Senator Tom Davis
Timothy Evans
Alice Howard, Vice-Chair
T. Peter Kristian
Carmen Avon Manning (virtual)
Michael McShane, Chair
Laurel Rhoten

COMMITTEE MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Chuck Atkinson, Assistant County Administrator, Development/Recreation
Mark Davis, Deputy Director, Beaufort County Planning and Zoning Department
Brian Hulbert, Deputy County Attorney
Thomas Keaveny, County Attorney Elected Officials
Rob Merchant, Director, Beaufort County Planning and Zoning Department
Michael Moore, County Administrator
Hannah Nichols, Beaufort County Public Information Officer
Graeme Philp, Attorney, Graybill, Lansche & Vinzani
Jeff Vinzani, Attorney, Graybill, Lansche & Vinzani

APPROVAL OF AGENDA:

Laurel Rhoten made a motion to approve the agenda. Tim Evans seconded. The vote to approve the motion was unanimous.

DISCUSSION WITH THE BEAUFORT COUNTY MUNICIPALITIES AND OTHERS REGARDING THE GREEN SPACE PROGRAM:

Chair McShane said this is an input session for the Green Space Committee. Chair McShane

invited the representatives of the municipalities and others to make comments, starting with the Town of Hilton Head.

Alan Perry, Mayor of the Town of Hilton Head, addressed the Committee. Mayor Perry said he appreciates this time to get together today. There seemed to have been a lot of questions regarding the program. First, I want to thank the taxpayers for voting this in.

Mayor Perry said, there's been a question right off the bat as to the matching component with this program. It is our understanding through reading through the referendum, that there was no mention of a match that was going to be required or requested outside of the county purchases, and we want to make certain that there is clarity to this, as to how the program is going to operate. If there is a matching tax for properties within the county, that is not what the taxpayers voted for; that would imply double taxation. We know that matches from Hilton Head can be done. We also know that the other municipalities do not have the funds to match. We are here to protect our properties, our quality of life, and what we have in our communities. If we don't know how the program is operating efficiently, timely, accurately, we can't do that. We have one that's under contract now. We're trying to bring it to closing. We appreciate the taxpayers funding this \$11.745 million purchase. It's not the Green Space that's paying for it. It's not for the County that's paying for it. It is the taxpayers that are paying for this. So, we've got to protect that. We don't appreciate the fact that there was an appraisal done on this property and that appraisal was sent to the realtor and the parties involved to determine the purchase price. We also don't appreciate that a second appraisal was done, and it came in \$1.8 million under, from a different appraiser and it was not a like-for-like appraisal. That is something that we will challenge with the County. We will move forward with that purchase because the value of that property is huge for our community. The process, the procedures; we have not had a conversation with all the municipalities, even with the Green Tax Committee and the County, as to how it's supposed to work. We have been filtered in here and there along the way. That's not right. There is a huge and tremendous trust issue with the County, the municipalities, and the state. This is a program that needs to work well.

Mayor Perry said we need to show the success of this program, for the taxpayers, for our local residents, and for everybody else that's watching. We know that there's been a lot of issues with the County. The municipalities; we are working hard to build relationships, to be strong working partners with everybody. I will tell you that when we met for this meeting, it was asked that the municipalities and the County and a couple members from the Green Space, sit down and have an unfettered conversation. That's not the way it happened. This was a meeting that was called by Mr. Orlando and myself, and we said we need to do this with all the municipalities. We're taking the lead on this to make it happen. \$100 million; great. The majority of the funds are coming from Hilton Head. There are other programs that are coming into place, and you want us to support that. Let's fix this, get it working correctly, so that we're not taking a tremendous amount of time and battling back and forth, but let's work together so that we can make it a successful program. It has to happen. And this is a perfect

time for it to happen.

Mayor Perry asked Senator Davis to address what the intent was from his standpoint, of bringing this forward to the referendum, the expectation of match or no match. What has happened through the different ordinances that have been placed by the County afterwards; they've changed. The rules have changed; the qualifications have changed. So, I want to understand what the voters voted on. So, I think it's imperative that we hear from you on that.

Marc Orlando, Town of Hilton Head Town Manager, addressed the Committee. Mr. Orlando said he echoes and appreciates where Mayor Perry is coming from. I know he's speaking on his behalf. I know he's speaking on behalf of the entire town council. I think that time is of the essence. We know that the property development risk is now. I know that \$100 million will go a long way for our region and our residents to see results. I know that when a match is needed, it takes out of the sidewalk, stormwater operating account to try to find the match and I would just ask County Council to truly consider the initial goal, as well as what we're trying to accomplish in the region.

Josh Gruber, Deputy Town Manager, Town of Hilton Head, addressed the Committee. Mr. Gruber said he appreciates all that you've done in your capacity as members of this committee to take the time out of your days to vet these proposals that are coming. We know that you are volunteers. We know that you're giving up your time. You're not getting paid to do this, and so we appreciate what it is that you're doing to contribute. I think one of the things that we're really here to emphasize today is, based upon the referendum that was put before the public, the intent of this program has been, let's raise \$100 million; let's take that \$100 million and spread it out evenly north, south, east, west and celebrate the wins that are going to come from spending that money in those areas. We've already got the Gregorie Neck property. That's a win. Everybody knows it's a win. Everybody's seen it's a win. When Mitchelville closes, that's going to be seen as a win. And so, we appreciate what you're doing and continuing to generate these wins. Our concern is, if we're going to have to contribute matching funds as a condition of participating in this program, we're not going to be able to achieve the wins that are out there, at least not in a timely manner. And so what we're proposing to you is from a philosophical standpoint, we believe that you should be looking at prioritizing applications that are coming in, helping to spend that money that was raised by the taxpayers, and as soon as we've got enough wins under our belt, let's start talking about going back and putting another referendum in place and continue the program and continue those wins going forward in the future. And so that's really what we're here to discuss with you today.

Chair McShane said he would like to get one thing on the record, because I keep hearing about the original appraisal. I just want the fact to be known that the appraisal was done in October of 2022. I made a gift to Open Land Trust to show good faith to the family that they would order that appraisal to do that. So, my personal commitment, because I've heard this

expressed, that Mike McShane has got some agenda here; the agenda was to show good faith to that family that we were serious about making this work. This was done before County Council had approved the program. So, I just want to be clear, because I'm not sure everybody understood that. So that's me putting skin in the game personally to see to it that an appraisal was done. Had you not made the contract offer what you did, we wouldn't even be having this discussion, because another party had that.

Mayor Perry said he would disagree with that; we had the conversation.

Chair McShane said the conversation was specifically on Mitchelville. Chair McShane said the only project that we have brought to County Council is Mitchelville. The Town does have other applications in, but we have not even gotten to the second part, through the due diligence from staff yet.

Senator Davis said it's important to answer your question, Mayor Perry, on the purpose of the program. A few years ago, I realized, or I've worked with GIS and County Planning and asked them, if all of the densities that had been approved in southern Beaufort County and southern Jasper County tangentially, either through planning and development and development agreements or even by right zoning, if they came to fruition as they rapidly were--I mean, anybody who travels US 278 can see that--what would southern Beaufort County look like? The answer horrified me. It would double the number of rooftops. Imagine what a doubling of rooftops would mean in terms of runoff into our estuaries, stress on our already overtaxed roads. You know, the burden that would fall on taxpayers to pay for schools, police, fire, and a number of things. This led me to believe we had to act. I could not, in my mind, in good conscience, could not sit back and watch Beaufort County become, quite frankly, Mount Pleasant. I did not want that to happen. So I drafted a bill that would authorize a County, subject to voter approval by referendum at a regularly scheduled election, not a special election, a penny sales tax for the purpose of raising funds solely for taking tracts of real property off the development books, and then putting covenants on them so that in perpetuity, as a matter of law, they could not be developed. That was passed by the Senate, passed by the House, signed by the governor.

Senator Davis said immediately upon that, having passed in May of 2022, I came before County Council, because I wanted it on the referendum in November of 2022 and time was very short. I made the case to them, a summary of what I just said to you I said to them. They agreed to put it on the ballot. I then went out and campaigned for it. It passed; I think 53 to 47. It's very difficult to pass penny sales taxes, but I think the people of Beaufort County saw the need for this. So that's the purpose overall of the program. The second point I'll make is we're a beta program. We're the first ones to do this in South Carolina, so what's happening right now is a healthy thing. We're having a conversation locally about how can this program work so that everybody supports it. Whether it's the county, the municipalities, private citizens, conservation groups, developers, anybody. I want this thing to be something that people feel ownership of because to your point, I want to replicate this. \$100 million sounds

like a lot of money, but it's a drop in the bucket compared to what we're going to have to do if we want to turn the ship around here. I mean, I was out all day yesterday on SC 170 and US 278 finding locations for political signs. It just shocked me that the amount of clear cutting and the amount of lots that are being staked. So, time is of the essence. To your point Mayor and Marc, we need to be nimble and quick and efficient, and we can't afford to delay, because things are happening before our eyes.

Senator Davis said, as part of the implementing ordinance--and I served on that committee, along with everybody else on this dais here--I can tell you what our objectives were at that time. We wanted there to be objective criteria. We wanted there to be a scoring process. We wanted the public to be able to see that this was a transparent process that was being adjudicated on the merits and that there wasn't preference being given to any particular developer. It was very important that there be objective analysis, objective criteria, complete transparency, scoring. And then on top of all that, County Council having to approve it in regular meetings, after a couple of meetings and readings with public comment. So, the idea was to put in place a process that instilled public confidence, and I hope what comes out of this today and the input we receive will build up and instill that public confidence.

Senator Davis said another purpose of the meeting, and it was a conscious decision I think by everybody here, and we can think about whether or not its merits are outweighed by other things, was the prospect of leveraging money. One of the things about raising local dollars is it allows you to go to the state or to go to the federal government or to go to private NGOs or conservation organizations and leverage up that money into something much greater. Mike McShane has been an absolute wizard at doing that at the state level, and I wanted to publicly acknowledge the fact that Chairman McShane has run this statewide very successfully. So, there was a preference to try to maximize this \$100 million. There were open meetings to discuss this. I understand that municipalities have other things going on, and maybe we should have done more in terms of hearing from the constituent members of the municipalities, but that was the purpose. The overall objective is to have something transparent, objective that instills public confidence and then leverages the money to maximize the protections. I think the Mitchelville purchase revealed that sometimes something in theory may not work out the way in practice that you anticipated. So, I think that an honest conversation and a good conversation about matching funds from municipalities is appropriate. I want to have, and I think everybody on this dais just wants to have, the municipalities fully embracing this program and supportive of it, so that when we do go back to the voters in the future, you're enthusiastic participants and advocates, as opposed to simply saying, well, that's a county program and we have other things to do. So, I think this is the way it's supposed to work. In fact, I would have been amazed if something we conceived in theory didn't have some hiccups in practice that we had to address. So, I see this as being something constructive now.

Senator Davis said lastly, in terms of process, once this issue with Mitchelville and the disparate appraisals came up—and let me make this observation, I think the equities in this

matter are strongly on the Town's side. I know as a practical matter, because Josh Gruber was at the meeting, that when the Town had a deadline to submit a bid on this because of the court ordered bidding process, you were there wanting to know if Green Space would commit dollars up to the full appraisal. The appraisal we had on hand at the time was around 11.75 (million dollars); I don't know the exact amount. And so that is what you relied upon in entering into a contract. I think that the equities there are strongly in the Town's favor. Moreover, I think that Chairman McShane and Council Chairman Passiment recognize that. But I think in terms of that one-off incident, I think that that's going to be made right. Speaking more generally, I think that Mitchelville transaction, again as part of this beta process, has revealed some issues we need to thresh out, so I'm confident that we can get there. I'm confident that we can end up with a work product that everybody feels proud of, and I appreciate the chairman's leadership in bringing everybody here today, so we can hear about this in public.

Peter Kristian said he couldn't agree with Senator Davis more. In fact, Senator Davis called me before going to the County Council to advocate for the Town, and he explained to me why he was doing this, and I believe he spoke with Chairman McShane as well. I welcome this conversation. As Senator Davis pointed out, and having served on a Planning Commission and as members of the Town of Hilton well know, when you change something in a land management ordinance or any ordinance, you do that in a public way and then all of a sudden people find out about it and there's hiccups. And this is one of those times where there might be a hiccup. I would have welcomed the input during that process, but I didn't hear any, and maybe that was my fault for not reaching out and saying to them, hey, this is direction that they're going in with these matching contributions, is this something that that the Town supports, that the Town could live with, so I can bring that back; unfortunately, that didn't happen.

Senator Davis said he has one more point to make today. As a matter of law, the County was authorized to do the ordinance the way they did; as a matter of policy, I think it's an open question as to whether or not we should have that as a policy. So, if you're asking in terms of the legislation, does it allow the ordinance to be adopted the way that it does? It's my opinion that it does. But a separate question is whether or not that is equitable, and whether or not that has all of the towns' buy-in, which to me is the overriding question.

Mayor Perry said all the taxpayers' buy-in.

Marc Orlando said to Peter Kristian, that with all due respect, as an appointment of Town Council, you and I have talked about the fact that from the beginning of this program, a matching fund of any sort from the municipality is not favorable. I respect greatly if the funds can be found other places and Mr. McShane, to your credit, I know that you have that experience and that leverage and that knowledge. We're simply letting you know that the position of Hilton Head Island is that a matching fund coming from our funds will only delay the project; will only delay the acquisitions. There's \$100 million. We drove by many trees that

were cut today, lots of clear-cutting. The risk is now in property. While it might go up and down a little bit, I just know that if we keep trying to find matching funds, it will delay our acquisition. It will delay the time. We talked about Mitchelville. The teamwork was phenomenal. It took all of us to figure out how to remove the risk of overdevelopment, maybe 300 multifamily units on land where there is Gullah/Geechee artifacts dating back to the beginning of Mitchelville as a village. And so, whether this program is working or not; that's the true testament. That property is under contract. We're almost ready to close; what a great win and a great win not just for Hilton Head Island, but a great win for Beaufort County, for the Committee. So, I appreciate that. I appreciate all of you prioritizing that. When we say time is of the essence, land deals have to move fast. We put it under contract because we knew the program couldn't put it under contract as fast as we could. And so, your municipalities to a degree, have to be your quick acting eye-level partner. And this time we were. I want to really make sure, with all due respect to the issue at hand, we do not appreciate that we have to come out of pocket \$1.8 million to close. It's unfair to the program when there's \$100 million in a bank account. But besides that, had we not worked together, had Josh not mobilized Mayor Perry, all of Town Council, Mr. Kristian, Senator Davis, and the Chair, had we not all come together, we wouldn't be sitting here a little upset about Mitchelville being \$1.8 million, we would be reviewing a development proposal for 300 plus multifamily units from somebody that doesn't really understand or appreciate the history, the artifacts of culture that's being lost and taken away. So that's a win. I will say that to Mr. Kristian's point, we have been clear from day one, as Town Council appointed a committee member, there was never an expectation or an understanding or a conversation that we would match money. And I want to move forward positively, but time is of the essence. We have three applications sitting in the program right now that we've made; we're ready to make a fourth. If you add everything up, those are more than 600 multifamily units in the wrong place. We're open for business in Hilton Head Island, but development in the wrong place is simply going to keep putting us backwards. Please understand what we're coming from--it's a place of respect. It's a place of regard, but it is a place where time is of the essence.

Chair McShane said I don't think there's a bigger champion than this committee to support your objectives.

Tim Evans made a clarification in terms of how we as a committee interpret this and how we move ahead. Tim said, a statement was made about how the money comes in and it's evenly spread. It's not; it's equitably distributed. Evenly and equal are not the same as equitable. I understand, being from the farthest extreme in the county (I represent the Northern District), that an acre in Lobecko is not an acre on Hilton Head when you start digging into your pocket. And so, the ability to move money on Hilton Head; suddenly, small acreages turn into big dollars. And that's equitable when you look between the two regions of the county. I respect that reality. But as a committee, when we do get into a position where every application for a fee purchase is 100% and there is no ability to negotiate, suddenly it's a yes or no. We either support it as a committee, or we can't. We can't say well, we don't see the level of value, but

we might offer 75% of what's being asked, and we see that value to the County. Whereas if there is no ability to negotiate some percentage, we either fully support 100% or we can't offer anything less than that, so it's just off the table. And understanding that, if that's how this is going to work, we need to understand that as a committee. Right now our understanding, or my understanding, is that we can look at these applications, we can evaluate them based on their value, and then we can say, I see the value, but maybe I don't see 100%, maybe I see 50%; and can we make an offer that we will support this, but not to that level and is that an acceptable opportunity for a municipality or is it not. So that brings up that issue in my mind.

Laurel Rhoten said I represent the eastern portion and City of Beaufort itself. As the intent for this property, there's no question the importance of protecting it. But as far as this committee goes, I do want to agree with Tim where you've mentioned we've accomplished a lot of wins. I want to reiterate that input from the municipalities, input from grants, other funding sources and matches, not just create a win, but a win-win, where everyone is participating and involved, so that's what I think the importance of this committee is.

Vice-chair Howard said that usually it doesn't take five years to get other matching dollars. In my experience on this committee and my experience with Rural and Critical, and my experience in my past life with military, I think it's one of those things that it's almost like a reimbursement for taking a risk. Hilton Head did take a risk, but I think we need to pursue other matching dollars as quickly as possible. Who that "we" is, is to be determined.

Chair McShane said he wanted to add a couple comments for context. In the ordinance that we've made a recommendation to Council which they approved; it simply said the extent in which matching funds will be available for applications is a consideration of the score. It didn't say it had to be. And so, in this case, in Mitchelville, the recommendation to Council was 100% up to the appraised value. I don't think anybody in this room thought there was going to be that kind of delta on a new appraisal. The (original) appraisal was done at a time period that was old enough that we felt very strongly, unanimously, as did Council, that a new appraisal needed to be done. So, there's great support for the transaction. I think the question comes down to is the actual appraisal, and under the time frame--under the court order--didn't really allow what I've experienced elsewhere--opportunities to actually do some reviews etc. So that was the recommendation we made, was 100% (up to) which is frankly not necessarily what we would always, I think consistently do. As was pointed out, that is up to the committee and who sits on the committee at that time and their recommendation to Council.

Mayor Perry said he doesn't want to make this about Mitchelville; I'm just putting up an example of issues that we are facing. This is about procedural aspects; this is about what the taxpayer has bought into. And I don't disagree. Let's get more for our money. But what did we buy into? And it was not a match system. If it is the recommendation that we go out and find additional grants, you all start helping us with that. I mean, so if we can turn \$100 million into \$200 million, OK; but that's not what was put on the table. That changed after the vote, after

the referendum. And that's the issue that we have. We are fortunate that we have funds--and I have no problem that our \$50 million, whatever dollars it is that we're putting into this program, gets spread out. That's what a community does, supports each other and so I'm all for that. But it's also what did the tax folks buy into.

Chair McShane asked for clarification on what was meant by your \$50 million. Mayor Perry said the referendum generates \$100 million; 40 to 60% of that is coming from Hilton Head. That's where the majority of the cash is coming from. We are the largest contributor. And I'm not saying that we need to get the majority of the share. But I'm also saying that what the taxpayers bought into is not what is being represented.

Chair McShane addressed the Committee. We made a diligent effort to provide 100% for the application, up to a new appraisal. That was our recommendation to Council. Council accepted that. Council is free to do what they want to do. At the state level, it's against statute to pay more than appraised value. Can there be things done to look at an appraisal? To do a review? Possibly and that might be something that we can consider here. The sentiment was, the urgency on this specific case, and I realize your conversation is not specific to Mitchelville, but Mitchelville right now is the elephant in the room, to get that one closed and work diligently through.

Mayor Perry said we're making certain that it is going to close. Chair McShane said I think everybody in this room is relieved to hear that. And I know our legal counsel is supportive in helping do so.

Chair McShane said we will look at the due diligence on the other projects. Mark Davis said the appraisers are backed up right now. Marc Orlando said if you need help from Hilton Head Island, we're here to help. If County staff needs some help and time is of the essence and appraisals need to be ordered, we can get an appraisal pretty quick. If we could perhaps agree with Beaufort County on what appraisers we're working with and how it's procured; it's the same procurement. We're happy to help, because we're happy to speed things up and may perhaps even take some responsibility off. My goal isn't to come here and say this is how we're going to do it. My goal today was to see how we can make this program work in a way that we all understand, and in a way that the properties that are there today can be acquired today, because the risk is right now.

Carmen Avon Manning said she has a couple of points from a citizen and an environmental person. One, my understanding for this project right from the get go was it was very expensive; we were talking about 10% of the total budget for only about 25 acres. And I understand the great historical and cultural significance of the property, and that's wonderful. That's a nice add-on, but quite frankly, Green Space funding is to protect for flooding, protect farmland, and reduce runoff. And I do support the project. But it was my understanding that we were going with the new appraisal; that was what the Green Space funds were for. And in fact, if I remember correctly from our outside counsel, when Senator Davis said he's going to

be looking for additional funds--funding from other sources--it was actually coming back to Green Space.

Carmen said second, for the municipalities, all the ordinance work, all the work for the applications, that has all been public knowledge and you could have provided input if you didn't like the scoring system or the matching funds. I hate to be blunt, but I just lost my brother yesterday and I care so much about this I'm on this phone call. When people come through your municipal meetings and town hall meetings and talk about development and why are you adding on all these things and why are you cutting down all these trees, your answer to all of us citizens is there's nothing we can do. It was agreed to; there's nothing we can do. Well, I really feel like some of you, especially Hilton Head, this was very clear that Green Space would only pay based on what the new appraisal would say; it was very clear.

Carmen said, I also would like anyone who makes statements that the tax money is coming from Hilton Head 50 and 60%; that the tax money is coming from tourists at 30. I've heard all kinds from 30 to 50%; please come with the data. Don't just make statements. Bring me the data. I always had to provide data when I had to go in front of the town council to get site plans approved, to get people to prove when their groundwater was contaminated. I had to bring truckloads of data; so, I ask you for that same information.

Mayor Perry said we'll be happy to provide that data to the Committee.

Chair McShane said he was sorry for Carmen's loss and thanked her for participating today. Chair McShane said, just for the record, Carmen is the Western appointee.

Phil Cromer, Mayor of the City of Beaufort, addressed the Committee. I agree with what Mayor Perry and Marc Orlando have already said regarding the matching funds. Beaufort is now the smallest municipality in the county population-wise. We have several major projects coming up that are going to take every bit of effort we can, to find matching funds. We have several stormwater projects in the works, in design and engineering, and we also have to replace the Waterfront Park. So, when you're looking at us, a small town, which a large percentage of our real property in corporate limits is not taxable - nonprofits, churches, and schools. So, it puts a real burden on us to try to find those matching funds. And right now, we need them for Waterfront Park, and we need them for our stormwater projects.

Senator Davis asked Mayor Cromer if the City of Beaufort had projects or things that it has identified that it would like to have preserved as green space. Mayor Cromer said they have one right now behind Publix they are working on.

Kevin Phillips, Mayor of the Town of Port Royal, addressed the Committee. Mayor Phillips thanked the group; this is great. We are here working out the kinks; that's to be expected with anything new. I'm really excited about this program and its leadership on it. I think we're really setting an example for the whole state, which is really cool to be a part of. We're dealing with

some of these issues too in the Town. We've been doing things with our tree ordinance and moratoriums on certain uses and looking at that growth and trying to manage it in the right way. So, we're struggling with that. We have not put an application in yet for Green Space, but I was just talking with Town Manager Van Willis and there's a couple spots that we're identifying, and I think we'll get an application submitted here soon and we'll go from there. We're here just trying to learn and see what everybody else is working on. We haven't submitted anything yet, but we will get something in. So again, thank you all for your openness and willingness to work out those kinks.

Larry Toomer, Mayor of the Town of Bluffton, addressed the Committee. Mayor Toomer said he is not here to throw rocks. I know how thankless these jobs that we all do are and can be sometimes. I do want to say that Mayor Perry pretty much expressed what I had in mind to express to you. I was an advocate when Tom (Davis) came to me and asked for support for this. I spent a lot of my own time and talked it up and fortunately it passed. It was my understanding that there were no matching funds from the municipalities. That was never told to the voters; it was never told to me. And I'm not here fussing about any of that. If we could just find clarity and put the cards on the table so that we know; we swung three times I think at assistance on three different places, and struck out all three times. So, whatever the rules are, let's just make it easy to understand. If it's 100% of an appraisal and it meets the other criteria, that's fine; I have no problem with that. But the unknowns; it's just kind of aggravating and actually it's just adding more layers of bureaucracy than needed in my opinion. Hilton Head is the cash cow on this whole penny, I guarantee you. The people that I represent as well as the merchants, as well as my own businesses, we've been writing a check every 30 days for the penny, along with the other sales tax. I would like to know where we are with the \$100 million; that's what a lot of people ask me. Are we getting close? Are we on schedule? Are we ahead of schedule like we were with the last road tax?

Mayor Toomer said what he is here for is clarity; and a reminder, as Alan Perry said, we never discussed, it was not a part of the referendum, about any of the municipalities matching fees. I would like to ask the question, does Beaufort County, if Beaufort County decides to use some of this money, do they have to have a matching fee as well, even though they're making the decision.

Senator Davis said he has a couple of observations. There is no municipal matching requirement.

Mayor Toomer said we've been told that.

Senator Davis said, but what we have in the ordinance, because we're stewards of taxpayer dollars and we are responsible for making recommendations to council on wise expenditure of the dollars, is that as you evaluate applications and as you make recommendations to County Council, you look whether or not there are matching funds involved, whether it's from philanthropic organizations, conservation groups, the state government, federal grant

programs. So, it is a factor, because if we're going to spend money wisely, it doesn't intuitively make sense that if you've got matching dollars that are lined up that you can leverage, that is something that's material that you want to report to the County Council, because it's important. But I want to be clear, it is not a requirement that the town or municipalities put up matching funds. It is a weighting factor for us to consider when making recommendations.

Senator Davis said, another weighting factor, at least in my mind is, if it is the Town of Hilton Head or Bluffton or the City of Beaufort (speaking for myself as one person who makes recommendations), I'm going to give great deference, because you guys are the ones on the ground; you're the ones that see the immediate need. And so, when you come to me and say this is important, that carries weight with me. And I think that's the reason why when the Town of Hilton Head came in and talked about the importance of Mitchelville; it's why this committee recommended that Council pay 100% of the appraised value. So, I want to be clear here, there is nothing in this ordinance that says to a municipality, in order to have your recommendation or your application approved, you have to have matching dollars; that's not the case. But as a matter of stewardship on tax dollars, and as a matter of us making informed recommendations to County Council, if there's private money that can be matched, if there is state money that's available for a match, if there's federal money, that ought to be something we could consider, and that ought to be something that we pass along to County Council. But I want to emphasize, a big factor for me in making a recommendation in terms of funding the entire thing is if someone like you or the other mayors says the town needs this, that carries great weight with me. So, I just want to be clear about what the ordinance actually says. I'll close my comment by saying this is a healthy process. I mean, we had something that was done in theory. The one thing that I've learned as a legislator is, certain assumptions you make when you pass a bill and you think certain things are going to happen, it is critical that you look a year or so later to see whether or not your assumptions were correct and whether or not the bill is accomplishing what you hoped it did. So, this I think, is a very good part of the process, is to hear these things from the Towns.

Chair McShane said, just to clarify, the word match seems to be what is hooking everybody in this. The ordinance that we proposed to Council said match was a consideration of score, but never said it was an ultimate requirement, and the Mitchelville application is an example of that--we didn't ask for match. The issue of paying above appraised value is a decision Council will have to make; but in good faith, the state says we cannot do that. There may be ways to remedy that. In the Mitchelville example, time was running against the Town having to do so; that does not mean that we can't go back and review that. But please understand, match plays a weight as it is part of the scoring system, but I have never seen it be demanded and Mitchelville is that example. I want to be clear there.

Chair McShane asked the Committee if they were clear on that. The Committee agreed. Vice-chair Howard said absolutely.

Mayor Toomer said Beaufort County could make that decision, but state law says you can't.

The state law should override their can or can't, right?

Chair McShane said he was sorry if he wasn't clear on that. Under the State Conservation Bank, which every municipality here is a qualified applicant, that would bring match dollars to what Green Space has--potentially. By state law, we cannot pay over an appraised value. In the Mitchelville case, Beaufort County was willing to put 100% of the appraised value into the project. Chair McShane addressed Josh Gruber and said, I'm not throwing rocks out there, but you were in the room when we said that, and I said to you, you understand that there is a little risk. No one in that room thought it would be 1.8 (million dollars) or whatever the delta was/is. But you accepted that there was going to be some risk there. Even if we do a review, I doubt it's going to necessarily get it back to what expectation is. That's just being practical.

Marc Orlando said we knew there was risk. We knew that when Josh came here there was risk, and we appreciate that. My motto is time is of the essence. We took that risk because without it, a multifamily development would be in our program right now. The surprise was receiving the appraisal about a week before the court ordered closing and from a different appraiser. So, I think that if we figure out the logistics and the process, then we won't have so much risk on the table.

Stephen Steese, Town Manager for the Town of Bluffton, addressed the Committee. I'm glad to hear you all say that it is not a requirement for a match. I will say that every application we've submitted and had the pre-hearing for, we've been directly told that if there's not a match, or if there's not some give by the owner of the property, that the board is not willing to usually vote to accept that. I don't know what's being told to other municipalities when they have those pre-meetings, but that's what we're being told, so I'm glad to hear that directly from the board.

Chair McShane said let me help you clarify that. This committee reserves the right to make its independent decision based on whatever the staff recommendation may be. We can accept staff recommendations, we can reject staff recommendations, or we can amend it, just as County Council can do the same thing to our recommendations. It does help scores when there are other dollars being brought in, whatever they may be--bargain sales, state, federal philanthropy, whatever those cases may be, will help score it heavily.

Stephen Steese said he just wanted to make sure that we know that it is going to go all the way through, that if we submit an application and we say there's no match, and we come and present it, that it's going to be considered just like any others. Chair McShane said you will be in the room when you hear the committee take an action on that.

Senator Davis said to Mayor Toomer's point about clarity, I just said, and I think other committee members would agree, that if the municipality is an applicant and brings it forward, there's weight given to that. Maybe we could be more explicit in terms of acknowledging that as a material factor. I can tell you from my standpoint and the Town of

Hilton Head or Bluffton or Beaufort or Port Royal or whatever; when they come in and say this is important, that carries a lot of weight with me, because you're the ones in the community.

Chair McShane said we do that, because in our scoring system that could mean there is public access. Public access scores very heavily in favor of the application. Differentiated from public benefit, which might be private property that is protected under other management. But public access enhances the score in the whole process. So, the fact that a governmental entity is making an application is declaring that there is public access. That public access can be defined; it might be limited. However, it is structured, it's still public access, and that plays a big weight in a positive score on that application.

Harry Williams, Mayor of the City of Hardeeville, addressed the Committee. First, I want to thank the Committee in Beaufort County for looking at a big picture, a regional picture, with the Gregorie Neck decision. That benefits the region and that's the kind of thinking that I think we should do. I just want to give one example, because I hear all the clear cutting. That's probably because they passed through Hardeeville this morning and that's where a lot of that is taking place. So, I take that very much to heart. A couple of years ago, we dealt with a very environmentally sensitive area that Ms. Schaefer warned me about years ago, and sure enough, it came up. It was a very difficult decision, and we invited all the people to come in. We ended up approving it and I ended that meeting by saying, that if I had \$40 million, I wouldn't touch a blade of grass on that property. But we didn't have \$40 million to prevent that from happening. But we do have, and we talk about matches here, we have two referendums in both counties, \$50 million of it is for green space in Beaufort. \$94 million is in Jasper. There's a lot more money matching this \$100 million at stake. If we don't all come out of here with everybody feeling good, we are putting at risk the passage of that next hunk of money, that \$144 million. So, I just encourage everybody to come away feeling good, so that we can go out and get another \$144 million to Green Space. So, I'm encouraged that we'll all come to a good decision.

Tim Evans said the three applications from Bluffton never came before the Committee. Mark Davis confirmed they did not. Stephen Steese said we never made it past the pre-application because of the match requirement that was relayed to us. Mark Davis said, just for the record, there was nothing said that there had to be one; it gets them in the door; but there is a scoring system. Chair McShane said with those applications, if we need to clarify the process, we will do that today, but the Committee reserves the right to know if staff is recommending to us that we don't need to proceed with it. We may adopt that, or we may amend that. Mark Davis said staff always represents that. Chair McShane said, but we require that they be complete applications.

Peter Kristian said he wanted to go back to the Town of Hilton Head situation, because in my mind there's a similar situation just around the corner. I, along with members of the town staff, walked half a dozen properties. The most recent one was the Marshland Road project, and on my way here, I was called by a representative of that Marshland Road property and was very

concerned that they have buyers ready to purchase that property and develop it. It is a waterfront property, mixed-use, and it is ready to go. In fact, there is infrastructure in place already for the development. So, expediency is a consideration, and this is going to be another one of those properties that expediency is going to be necessary to make that purchase without it going forward. So, I want to lay that on the table in support of what the Mayor and Josh and Marc are saying. And obviously the other mayors who are also here will run into a situation where there is a development buyer that wants the property and if we don't act quickly on it, it's going to be developed and it's going to cause a problem.

Carmen Avon Manning said, given that the municipalities are here, the other mayors, I would just offer this to you. I'm not a government person. I have never worked for the government. I've always been in private practice and consulting and in industry. But I have had to work with municipalities many, many times. In my retirement, I made the decision to move here, thinking how beautiful it was and not realizing that we didn't have real appreciation for the kinds of things that are in place in other places--because they've learned what happens when there's too much development. And unfortunately, we need to get at the root cause of all of this. And the root cause is that there's not proper review when things are brought forward for review. And by that I mean, not just looking at some very basic tree cutting and maybe some very basic noise ordinance, but at the full spectrum of environmental issues, including social issues, including whether you have enough sewer capacity, including, is there enough volume at the landfill; do we have enough schools. As a town and as a municipality, those are the kinds of things that need to be reviewed, and you need your developers to come forward with a very concise facility plan. And I haven't seen it here. And until we get at the root cause, we're going to be spending the \$100 million to try to rectify the problems.

Joe Passiment, Chairman of Beaufort County Council, addressed the Committee. One of the things that we do on an annual basis, is there are programs that we are doling out large sums of money, and we bring (in) those individuals who are going to be making applications so that they understand the process. It seems to me that somehow or other, we missed that here. That our municipalities don't understand the rules and regulations--the application process. I could be wrong, but I suggest that we're going to have to bring in key elements from our municipalities to go over exactly, when you put an application together, there are some things you can or cannot do. Do you want a conservation easement? Is it going to become a public park? Those things weigh factors as to what is going on. And then there's that one final key element, and that is an appraisal. Because if you are leveraging funds, you can't go above what the appraisal is. So that's got to be known. That's got to be understood. That's got to be done as quickly as possible so that the municipality or the entity that's purchasing or trying to use Green Space money knows there may be some sort of funding that they have to come up with.

Vice-chair Howard said I know our staff has tried very hard to educate everyone that comes in with applications, not only the municipalities, but also open land trusts too. It's a continuing process and we'll keep working on that. The appraised value is a very hard, fast number in my opinion.

Tim Evans said, I appreciate Joe Passiment bringing out that there may have been a misunderstanding. As a group, we've never seen that in a fee acquisition, that match was a requirement. It's nice. It's something we are looking for. It's something we grade on. It's not a requirement. So, if there is an understanding or a thought that it is a requirement that you have to match, you do not. At the same time, we do not have to give 100%; that's a give and take and it's all part of the negotiation. We clearly stated that in some cases—easements—that there are; that we do require match in some applications. From a municipality, as the chairman said, public access really weighs heavily; that's an important thing. This is a very important part of this program. So matching was always nice to have; it's not a requirement.

Chair McShane said we've done this fully in the public process here. There's been no agenda to hide anything at all. This program not only was public through the Green Space Program development, it was public through County Council review. It was put through a committee and full Council. At no time did I hear an objection or even the question brought up about that. So, I'm glad that we wanted this today to occur.

Senator Davis asked, if there is a need for clarification; if there is a need to incorporate some of the things we've learned today to make things clear, what is the next step, and what is Council's expectation from us in regard to objectives?

Chair McShane said my suggestion is that we take the input we received today--review that. I think we're going to find that our process has that; we may need to articulate that in a stronger method, but we will take that. And if we do need any changes, we would be obligated to come back to County Council with recommendations. But at the very least, we'll go back to Council and affirm that we've got everything like we should.

Chairman Passiment said one of the things that came out of here, was the willingness on the part of appraisals that maybe, like we've done in the past, we have a listing of qualified firms that we can use when we do certain things. This may be one of those opportunities that you make a recommendation to County Council.

Mark Davis said we're just waiting for the new Procurement Code.

Chair McShane said that to my knowledge, this is the first time that's been offered and I think the Committee would accept that type of support from the municipalities on those projects specifically. This committee does not have any pride in who the appraiser is if it meets the qualifications that makes it defensible for County Council to make that decision.

Michael Moore, Beaufort County Administrator, said he appreciates all the comments. When this issue came up, Marc Orlando reached out to me and we had the meeting with the Town of Hilton Head, and we're having this meeting today. I appreciate that communication, and my pledge is that we want to keep the lines of communication open so we can help if there's any

misunderstanding of putting in an application or if there's a match; we're going to work to resolve those issues. We'll keep those lines open; that's my commitment to you all.

Kate Schaefer, Director of Land Protection, Beaufort County Open Land Trust, addressed the Committee. Ms. Schaefer said this has been a helpful and interesting conversation. Our niche in the Green Space program is on the conservation easement side, typically the private side. What I'd love to reaffirm, is that we really believe in our conservation work and that we can't afford to buy it all; and we don't want it all to be privatized either. So, it's a patchwork of public and private, of fee and easement, that is going to make a connected, protected greenbelt, that is going to protect our water quality, that is going to buy down development rights and is going to do the things that this program wants to accomplish. For this patchwork of public and private, and the fee and easement, it is essential, and the match, especially on the easement side, is really important. Regarding the matching requirements, if there needs to be a look for models or templates, the model that the Conservation Bank uses, the model that Rural and Critical has used for years, may offer some helpful paths forward. We look at the precedent and best models for success. Rural and Critical by way of example, has had over \$165 million invested from the voters through five bond referendums and over \$50 million in partner funds. And so that's outside money that adds to the \$165 million that has come in. That's an important thing to keep in mind when you think about the effectiveness of the program.

Kate Schaefer said, The Open Land Trust has had the pleasure of serving as a consultant for that program for 12 years. One thing I promised our Rural and Critical Board and County Council, is that as that program passes the baton to Green Space, we continue to celebrate the best aspects of Rural and Critical, and certainly that ability to attract partner funds has been a best aspect. And also offer that the Open Land Trust is available to brainstorm grant and matching opportunities. It is the fun strategy of what we do every day and certainly from a conservation and a conservation easement perspective, we may have different interests than from a strictly municipal perspective, but where there is alignment, we're pleased and proud to be a thought partner.

Kate thanked the Committee for the kind comments that were offered about Gregorie Neck. We're really proud of that project because the County invested \$1 million in the \$35 million piece of property. And so, when you think about how we take \$100 million from the Green Space and make it \$400 million, which I think was your charge to Council a few years ago, that's how we're going to do it. So, thank you for the kind comments about that project. We hope to deliver more and hope to be that complementary force to the investments that the municipalities can make downstream.

Chair McShane said he wanted to affirm Ms. Schaefer's willingness, representing non-governmental entities, to help our municipal partners, because you're in an area that frankly has more accessibility to other dollars than just Green Space. Because you're in the coastal plain, you're eligible for far more federal programs than the rest of the state, as well as the fact that I think the pressures that we see in this area are so great from recreational use of land, to

working lands, timber, agricultural uses, that the state has made a huge commitment to conservation. And so I encourage the municipalities on their projects, don't be afraid to use sources like Kate or even myself to look at other funds that we can tap into, and all that does is provide greater longevity of that \$100 million, because as much as I'd like to see the County do it again, we don't have certainty on that at this point.

Mark Davis, in response to a question from Chair McShane, said we are on path to generate the full \$100 million and we're ahead of schedule based on the accrual of the penny to date. If everything continues, the penny will generate \$100 million by the end of this year, maybe by January of the following year.

Chuck Atkinson said although the last month is not posted, we currently have \$66 million in the account.

Chair McShane confirmed that collection started in May of 2023 and would go through May of 2025, but the referendum caps at \$100 million. You do have a commitment from the Chairman to give thought to what they may do with any additional dollars that are provided.

Mayor Toomer said, speaking as a merchant and resident, that it's very important when the penny has reached its destination, meaning the \$100 million, that it's stopped, instead of running over like our last one did; that puts a sour taste in taxpayers' mouths.

Senator Davis said that's the way the referendum is framed--it expires upon earlier of two events: two years or when \$100 million is raised. So, it will sunset earlier if it's raised before two years.

In response to a question from Mayor Toomer, Chuck Atkinson said the money is an interest-bearing account. Senator Davis said it's also an escrow account. It cannot be used for other purposes; it can only be used in connection with Green Space Program purposes. It's not lumped in as part of the General Fund; it is segregated.

Peter Kristian asked about the expenditure on funds. Mark Davis said money has been wired from the account to close two properties--Gregorie Neck and Mitchelville. Chair McShane said around \$11 million of the total \$100 million has been committed.

Senator Davis said this has been a great discussion and we're going to look at the ordinance as a whole, but we still have a one-off situation to deal with in regard to Mitchelville. The Town of Hilton Head, to its credit, is going to go forward and close and be out of pocket \$1.8 million or close to that. For the equitable reasons that I identified earlier, I think it would be appropriate for there to be a review of those appraisals and in the event that review indicates that the appraised value should be plussed, that it be plussed up through Green Space money or through County funds, or some other mechanism to make the Town of Hilton Head whole, because I do think in this particular instance, there was a degree of reliance upon the older

appraisal by the Town. And so, as a one-off incidence, I don't know if the right approach is to have a review of those two appraisals. But I do think while we're all gathered here today, we ought to give the County Council the benefit of our thoughts in that regard, so they will be the one to decide what to do.

Chair McShane said logistically, before we take the motion, we would need to go to the Community Services and Land Use Committee with a recommendation to do the review, because there's an expense involved. If the Town of Hilton Head wants to cover the expense, that might shorten the time, but I'll let them think about that one for a moment. Then it goes from the Community Services and Land Use Committee to full Council just to get approval. We've got to think about it logistically. We're not talking about a new appraisal. We're talking about a review of the two appraisals. Your resolution, as I recall Mr. Chairman, was to pay 100% of the appraised value. So, I think it would be a simple action on Council's part to accept if the review shows the differential increasing (Josh, there is some risk as you know with reviews) that we could just simply amend that and then come back with a recommendation to fund whatever that differential is.

Chairman Passiment said it would be his understanding if it went to the Community Services and Land Use Committee and if the Committee was of the mindset to say we're going to spend money for either another appraisal or an appraisal company to look at both of those, that's a small expenditure that could be taken up by the Committee and not have to go to Council.

Chair McShane said, then we can do that, it would come back as a report to Green Space. Green Space would review it. Based on that review, go back to Community Services and then go to full Council, assuming that there is additional funds. Chairman Passiment said right.

Senator Davis made a motion that we recommend to Community Services for further consideration by County Council, that there be a full review of the two appraisals, not a new appraisal, but a full review of the two appraisals, and a determination of whether or not the newer appraisal needs to be plussed up to be more reflective of what the property value is. Peter Kristian seconded the motion. The Vote - Voting Yes: Chair McShane, Vice-Chair Howard, Senator Davis, Laurel Rhoten, Tim Evans, and Peter Kristian. Voting No: Carmen Avon Manning. The motion passed 6:1.

Josh Gruber said that he's been a part of over two dozen condemnation actions, all of which deal with competing appraisals. There are objective components to an appraisal such as the acreage of land. But there's a lot of subjective components to appraisals as well. I've never seen a situation where a landowner's appraisal matched the condemning entities appraisal; they're always typically apart. We would ask that you allow us to have participation in selecting that third party who's going to take a look at this, because an understanding is going to be, we're trying to find somebody who's not trying to swing the pendulum one way or the other; somebody who's going to really take a look at this and say if we're trying to understand what fair market value is, this is the best way to go about doing that.

Chair McShane said by policy, the committee members are not putting their hand into selection. We follow the County's procurement process to do that. Josh Gruber said he understood. We're just asking to have a seat at the table to select that entity. Chair McShane said please understand I keep my hands off any of that, as do my colleagues here on the committee. Josh said, we would ask that the legal counsels working for the County and the Committee work with us to select that firm that everybody's going to have that level of comfortability with, and then when that number comes back, that's what we're all going to accept going forward. Tom Keaveny said the law firm signs the contract, and they can work with the Town as they deem appropriate.

Carmen Avon Manning said just for clarification, you're saying that supposedly what if the third party says it's even less money now; so then we're going to go with that?

Chair McShane said yes, that is a risk that I'm looking at the applicants today and understand that risk exists.

Carmen said I'm sorry we're delaying this process. I think it was very clear, and unfortunately not everybody was paying attention. Sorry that we have to keep talking about this.

Senator Davis said he appreciates what Carmen said, but we're not talking about delaying closing. We're not talking about delaying the process. There are certain time constraints that have to be complied with. It's my understanding that on the buyer's side, we've done whatever we have to do to meet those deadlines; so that is not being held up. We're talking about a process that's going to take place post-closing.

Jeff Vinzani, Green Space attorney, Graybill, Lansche & Vinzani, said Mitchelville was unique. You were forced to put in a contract, probably at a price that you were gulping on, but like you said, you didn't want conservation to be the victim. So, we applaud that whole process. I'm a commercial real estate attorney. You have to put together what we call capital stack. The developer is not going to put all the equity in and be able to go to a bank and get a loan. So, there are things like tax credits. There are grants. There are different things like that. But what happens is the developer goes and puts that property under contract. Then they have a period of time. There are contingencies that say that they have to be able to get those grants and they have an inspection period that's a free look. There's no risk. I would say a lot of times you could make them put a very small amount down for the earnest money. I've heard lots of people talking about projects that are extremely important and there are developers lined up to buy them. Is it not possible for these municipalities to put a contract in with a lengthy inspection period that then takes the property off the market, and then causes that developer to say, well, I'm not going to wait around for 180 days to try to buy this property? He's just going to move on to the next project, because he's going to buy what he can develop and make money on. He's got a proforma; he's got a timeline; he's got to get it done. So, I'm just thinking, if there's

one that's so important, is there a way that the municipality or whoever it is, put that property under contract with contingencies in there saying it's contingent on getting grants, etc.

Senator Davis said, the problem would be though, is that the municipality has got to work with the landowner and the landowner has got to commit to doing that. And if on the one hand, the landowner has a developer that is willing to close with no contingencies, there's going to be reluctance.

Jeff Vinzani said, I agree with you, but don't be reactive. If you know a piece of property out there would be a good one, you go to the landowner directly before a developer. I hate to say well, there's a developer here already, and now all of a sudden, we want to jump in and try to stop it. There are instances; Gregorie Neck is a perfect example. They could have sold that for a whole lot. But I think the landowner there saw the value of preserving the property. All I'm saying is, go out and actually identify properties. You can put them under contract and then you come to this committee. Then you go to people like the Open Land Trust, and you say help us find some other money and then you've got what we call a capital stack--75% of the money has come from Green Space, we found some more money here, the state, here and there. Then you've got everything you need, and you go to closing. Mitchelville was just completely different. It was under a court order, and you had to put in your contract immediately. All I'm saying is, if you have projects that you can put a contract in and have a long enough inspection period and contingencies. I've seen people put in there that they don't have to close until they get all their contingencies done and it could stretch out to a year. I've got a client who has a property that's been five years under contract. Unfortunately, his contract says they don't have to close until they get all their approvals, and they just haven't gotten their approval yet.

Graeme Philp, Green Space attorney, Graybill, Lansche & Vinzani, addressed the group. Graeme said Mitchelville was a little unique because it was subject to a partition action, and it was well on its way. And so, there was a court order. There'll be a lot of other landowners that might be interested similar to Gregorie Neck; there was a bargain sale component. As an example, if a property is worth \$50 million and the current landowner needs to get some money, but they also are interested in some conservation. So, they're willing to give up something in order to protect the land. So maybe they're willing to sell it for \$40 million instead of \$50 million, and that's that bargain sale component. That wasn't available for Mitchelville because of the court process. It did occur for Gregorie Neck. You've got \$10 million in that case that the Committee can look at as matching funds, because there's that bargain component. I'll also point out that on Gregorie Neck, that bargain component created an income tax deduction for the original seller. And so they got cash, and similar to a conservation easement, they also got an income tax deduction for selling it less than appraised value. And so that's something else to look at. Again, you get more bang for the buck if you could find some landowners that would be willing to sell for a little bit less than they would to a developer, but they'll get that income tax deduction, and they are also maybe protecting family land. And so, there's a lot of flexibility in the program to do these things.

Chair McShane said, Mitchelville was the unique Super Bowl of projects. These other ones, let's be strategic and proactive, not just reactive. And frankly as was pointed out, it's not going to be less expensive tomorrow. I don't care what the markets do; it is not going to be any less expensive.

Chair McShane addressed Chairman Passiment and said, I offered to you in the beginning when you asked me to be a participant, at what I said is an objective, was to take \$100 million and have a \$400 million impact. We took \$1 million, and you had a \$35 million impact. The \$1 million in Beaufort County money protected a \$35 million value, actually a higher value because it was discounted. So sometimes when we talk about that, people don't understand the vernacular of what we're talking about. It is not a mandate. Let's just find the most that we can to make the \$100 million have the biggest impact you can have in your county. I live in a county that has spent hundreds of million on greenbelt funds, and it's still not enough money for Charleston. So, I think that's the mission.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

Senator Davis made a motion to adjourn the meeting. Peter Kristian seconded. The vote to approve the motion was unanimous. The meeting was adjourned at 11:42 AM