COUNTY COUNCIL OF BEAUFORT COUNTY
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COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, September 8, 2014
4:00 p.m.
Council Chambers
Administration Building, Government Center
100 Ribaut Road, Beaufort

Citizens may participate in the public comment periods and public hearings from telecast sites at the Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 P.M.
   A. Discussion of Consent Agenda
   B. Discussion is not limited to agenda items
   C. Executive Session
      1. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
      2. Receipt of legal advice for pending or threatened claims

2. REGULAR MEETING - 5:00 P.M.

3. CALL TO ORDER

4. PLEDGE OF ALLEGIANCE

5. INVOCATION – Councilwoman Laura Von Harten

6. ADMINISTRATIVE CONSENT AGENDA
   A. Approval of Minutes
   B. Receipt of County Administrator's Two-Week Progress Report (backup)
   C. Committee Reports (next meeting)
      1. Community Services (September 22 at 2:00 p.m., Bluffton Branch Library)
      2. Executive (October 13 at 2:00 p.m., ECR)
      3. Finance (September 15 at 1:30 p.m., BIV #3)
         Compensation (September 15 at 12:30 p.m., BIV #3)
      4. Governmental (September 16 at 4:00 p.m., CC)
      5. Natural Resources (October 13 at 2:00 p.m., ECR)
      6. Public Facilities (September 15 at 4:00 p.m., BIV #3)
   D. Appointments to Boards and Commissions (backup)






7. PUBLIC COMMENT

8. CONSENT AGENDA

A. AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT (backup)
   1. Consideration of second reading to occur September 8, 2014
   2. Public Hearing Announcement – Monday, September 22, 2014 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
   3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
   4. Finance Committee discussion and recommendation to approve occurred August 25, 2014 / Vote 6:0
   5. Finance Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 6:0

B. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO ADJUST THE SCHOOL DISTRICT MILLAGE RATE FROM 101.70 TO 103.5 TO ACHIEVE THE SAME APPROPRIATED REVENUE AMOUNT OF $114,868,815 TO BE DERIVED FROM TAX COLLECTIONS (backup)
   1. Consideration of second reading to occur September 8, 2014
   2. Public Hearing Announcement – Monday, September 22, 2014 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
   3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
   4. Finance Committee discussion occurred August 25, 2014 / Vote 4:1
   5. Finance Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 6:0

C. AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES (backup)
   1. Consideration of second reading to occur September 8, 2014
   2. Public Hearing Announcement – Monday, September 22, 2014 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
   3. First reading approval occurred August 25, 2014 / Vote 10:0
   4. Public Facilities Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 7:0

D. AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS WITH THE BEAUFORT COUNTY SCHOOL DISTRICT (backup)
   1. Consideration of second reading to occur September 8, 2014
   2. Public Hearing Announcement – Monday, September 22, 2014 beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton
   3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
   4. Public Facilities Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 7:0

E. AUTHORIZATION TO APPROPRIATE $200,000 ($190,000 FINANCIAL CONTRIBUTION AND $10,000 MEMBERSHIP DUES) TO THE LOWCOUNTRY ECONOMIC ALLIANCE
   1. Governmental Committee discussion and recommendation to approve occurred September 2, 2014 / Vote 5:1

9. PUBLIC COMMENT

10. ADJOURNMENT

Memorandum

DATE: September 5, 2014

TO: County Council

FROM: Gary Kubic, County Administrator *Gary Kubic*

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place August 25, 2014 through September 5, 2014:

August 25, 2014

- Employee orientation
- Meeting with Josh Gruber, County Attorney, and Kim Statler, Executive Director of Lowcountry Economic Alliance
- Finance Committee meeting
- Caucus
- County Council meeting

August 26, 2014

- Conference call with Bryan Hill, Deputy County Administrator; Josh Gruber, County Attorney; Morris Campbell, Director of Community Services; and Tony Criscitiello, Division Director - Planning and Development re: Daufuskie Island Ferry private / public partnership
- Meeting with Josh Gruber, County Attorney, and Carolyn Smith of Alljoy Preservation Commission re: Alljoy Preservation zoning issues

August 27, 2014

- Meeting with Josh Gruber, County Attorney, and Audra Antonacci, Director of Codes Enforcement re: 10 Chesterfield Lake Drive

August 28,, 2014

- Bluffton Office hours

August 29, 2014

- Personal leave

September 1, 2014

- Labor Day holiday

September 2, 2014

- Personal leave

September 3, 2014

- Agenda review with Chairman, Vice Chairman and Executive Staff re: Review draft agenda for Council meeting, September 8, 2014
- Conference call with Josh Gruber, County Attorney, Lori Lord and Ken Driggers, of Rural and Critical Lands Board
- Detention Center Director interviews

September 4, 2014

- Meeting with Drew Laughlin, Mayor, and Steve Riley, Town Manager, Town of Hilton Head Island re: Windmill Harbour

September 5, 2014

- Staff meeting re: Government Center campus pond improvements – next step

REAPPOINTMENTS AND APPOINTMENTS
TO
BOARDS AND COMMISSIONS

September 8, 2014

1. Natural Resources Committee

① Planning Commission

Nominate	*Name*	*Position/Area/Expertise*	*Reappoint/Appoint*	*Votes Required*
09.08.14	George Johnston	Comprehensive Plan Planning Area - Lady's Island	Appoint	6 of 11 (1st term)

ORDINANCE NO. _____

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT

WHEREAS, Section 4-9-195 of the South Carolina Code of Laws (Supp. 2013), as amended ("S.C. Code"), provides that counties may by ordinance grant special property tax assessments to real property which qualifies as "rehabilitated historic property"; and

WHEREAS, the City of Beaufort, South Carolina ("the City") contains a substantial amount of historic property, the preservation of which is beneficial for the economic development of the County and for its citizens; and

WHEREAS, Beaufort County Council (the "County Council") has determined that it is in the best interests of the County and its citizens to allow for a special property tax assessments available and as set forth in S.C. Code §4-9-195 to qualifying properties located within the municipal boundaries of the City of Beaufort; and

WHEREAS, the County Council finds that providing for this special property tax assessment will (1) encourage the restoration of historic properties, (2) promote community development and redevelopment, (3) encourage sound community planning, and (4) promote the general health, safety, and welfare of the community; and

WHEREAS, pursuant to S.C. Code §4-9-195, the County must specify the minimum investment threshold and the number of years in which the special assessment shall apply, and in the absence of a board of architectural review the County may name an appropriate reviewing authority to consider proposed rehabilitation plans and actual rehabilitation work.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Chapter 66, Article III of the Beaufort County Code of Ordinances is hereby amended as follows:

ITEMS THAT ARE <u>UNDERLINED</u> ARE ADDED, ITEMS THAT ~~STRIKE THROUGH~~ ARE REMOVED.

<u>Division 4. Special Assessment Ratio for Rehabilitated Historic Properties</u>

<u>Section 66-150. Special tax assessment created.</u>

<u>A special tax assessment is created for eligible rehabilitated historic properties located within the municipal boundaries of the City of Beaufort for 10 years equal to the appraised value of the property at the time of preliminary certification.</u>

Section 66-151. Purpose.

It is the purpose of this division to:

(a) Encourage the restoration of historic properties;
(b) Promote community development and redevelopment;
(c) Encourage sound community planning; and
(d) Promote the general health, safety, and welfare of the community.

Section 66-152. Eligible properties.

(a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) To receive preliminary certification a property must meet the following conditions:

a. The property has received historic designation from the City of Beaufort.
b. The proposed rehabilitation work receives approval from the City of Beaufort's Historic District Review Board (HRB); and
c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.

(2) To receive final certification, a property must have met the following conditions:

a. The property has received preliminary certification.
b. The minimum expenditures for rehabilitation were incurred and paid.
c. The completed rehabilitation receives approval from the City of Beaufort's Director of Planning and Development Services as being consistent with the plans approved by HRB as part of preliminary certification.

(b) *Historic designation.* As used in this section, "Historic Designation" means:

(1) The structure is at least 50 years old and is located in the Historic District as designated by the City of Beaufort;
(2) The structure is located outside the Historic District and is listed on the National Register of Historic Places; or

(3) The structure is listed on the "1997 Beaufort County Above Ground Historic Sites Survey," and has been designated as "historic" according to Section 3.21 of the Unified Development Ordinance and its successors.

Section 66-153. Eligible rehabilitation.

(a) *Standards for rehabilitation work.* To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district. This is achieved through adherence to the standards set forth by the City of Beaufort.

(b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:

(1) Repairs to the exterior of the designated building.
(2) Alterations to the exterior of the designated building.
(3) New construction on the property on which the building is located.
(4) Alterations to interior primary public spaces.
(5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.

(c) *Minimum expenditures for rehabilitation* means the owner rehabilitates the building, with expenditures for rehabilitation exceeding 75 percent of the fair market value of the building. Fair market value means the appraised value as certified to the HRB by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Beaufort County Tax Assessor.

(d) Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:

(1) Improvements located on or within the historic building as designated.
(2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
(3) Architectural and engineering services attributable to the design of the improvements.
(4) Costs necessary to maintain the historic character or integrity of the building.

(e) *Scope.* The special tax assessment may apply to the following:

(1) Structure(s) rehabilitated.
(2) Real property on which the building is located.

(f) *Time limits.* To be eligible for the special tax assessment, rehabilitation must be completed within two years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

Section 66-154. Process.

(a) *Fee required.* A fee as set out in the City of Beaufort's Fee Schedule shall be required for final certification for each application.

(b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit an HRB application with supporting documentation and application fee prior to beginning work.

(c) *Preliminary certification.* Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the HRB to determine if the project is consistent with the standards for rehabilitation in subsection 10-1004(a). After the HRB makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:

(1) If the application is approved, begin rehabilitation;
(2) If the application is not approved, may revise such application in accordance with comments provided by the HRB;

(d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved by the HRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.

(e) *Final certification.* Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The City of Beaufort's Director of Planning and Development Services will inspect completed projects to determine if the work is consistent with the approval granted by the HRB pursuant to Section 10-1004 (a). Final

certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made in accordance with Section 10-004 (c) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the HRB of any additional work, other than ordinary maintenance. The HRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.

(g) *Decertification.* When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice from the owner to the HRB and the Beaufort County Auditor requesting removal of the preferential assessment; or

(2) Rescission of the approval of rehabilitation by the HRB because of alterations or renovation by the owner or the owner's estate, which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Beaufort County Assessor, Auditor, and Treasurer.

(h) *Notification.* The city shall, upon final certification of a property, notify the Beaufort County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

(i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(j) *Application.* Once the HRB has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Beaufort County Auditor for the special assessment provided for herein.

SECTIONS 66-155 through 66-160. Reserved.

This ordinance shall become effective immediately upon adoption.

DONE, this _____ of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:_____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

_____
Joshua A. Gruber, Staff Attorney

ATTEST:

_____
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014
Second Reading:
Public Hearing:
Third and Final Reading:

ORDINANCE NO. 2014 /

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO REFLECT AN INCREASE IN MILLAGE RATE.

WHEREAS, on June 23, 2014, Beaufort County Council adopted Ordinance No. 2014/15 establishing the fiscal year 2014 - 2015 budget for the Beaufort County School District; and

WHEREAS, Ordinance 2014/15 established a millage rate at 101.70 appropriating $114,868,815 in local tax revenue; and

WHEREAS, Beaufort County Council has determined that it is in the best interests of its citizens to amend the previously established millage rate.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Beaufort County Ordinance No. 2014/15 is hereby amended to reflect a millage rate increase from 101.70 to 103.5 to achieve the same appropriated revenue amount of $114,868,815 to be derived from tax collections.

Adopted this ____ day of September, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:_____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

_____
Joshua A. Gruber, Staff Attorney

ATTEST:

_____
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014
Second Reading:
Public Hearing:
Third and Final Reading:

ORDINANCE NO._____

AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES

WHEREAS, Beaufort County, South Carolina is establishing, developing and constructing multi – use recreational trails to include, but not be limited to the Spanish Moss Trail; and

WHEREAS, these multi – use trails are for the intended use of non-motorized activities such as walking, jogging, inline skating, roller blading, skate boarding and bicycling; and

WHEREAS, in order to provide for the safe use of these trails, it is necessary to adopt an ordinance regulating the use of same; and

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Part II, Chapter 90 of the Beaufort County Code of Ordinances by adding Article V thereto and to provide for additional terms to said Article; and

WHEREAS, all text that is underscored shall be added text;

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Article V of the Beaufort County Code is hereby amended as follows:

Sec. 90-100. Purpose

The Beaufort County Council recognizes that the multi-use recreational trails in Beaufort County, South Carolina are for the use and enjoyment of its citizens and that it is in the public's interest that laws be promulgated to protect the safety and welfare of its patrons while using these trails.

Sec. 90-101. Definitions

Multi – use trail means any trail or path designated by County Council to be used for pleasure or as an alternative mode of transportation for use by walking, jogging, inline skating, roller blading, skate boarding, bicycling, and other non-motorized recreation.

Motorized vehicle means any motorized conveyance including, but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four-by-four's, golf carts, motorized scooters, minibikes, dune buggies or ATV's. This shall not include motorized wheelchairs or other devices, which are necessary to facilitate movement due to a disability.

Sec. 90-102 Prohibitions

(1) Vehicles. No person shall operate a motorized vehicle of any kind or nature over, through, across or upon the multi-use trail, provided that county vehicles operated while cleaning or working on the trail and law enforcement and emergency vehicles shall be exempt from the application of this section.

(2) Hours of Use. No person shall be allowed access to or use a multi – use recreational trail from one hour after sunset to one hour before sunrise unless specially authorized by the Beaufort County Council.

(3) Alcoholic Beverages. The consumption and possession of alcoholic beverages shall be prohibited on any multi-use recreational trail.

(4) Litter. Throwing, depositing or causing or permitting to be thrown or deposited any glass, bottle, glassware, can or pieces thereof or any garbage, waste or refuse of any kind on the multi – use trail or the lands adjacent thereto shall be unlawful. All trash or litter shall be placed in designated trash receptacles.

(5) Animals. No person shall fail to exercise proper care and control of his animal while using the multi – use trail. All animals must be on a leash and properly restrained. All animal refuse shall be placed in designated trash receptacles.

Sec. 90-103 Penalties

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof shall pay such penalties as the court may decide, not to exceed $500.00 or 30 days imprisonment for each violation.

DONE this _____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:_____
D . Paul Sommerville, Chairman

APPROVED AS TO FORM:

_____
Joshua A. Gruber, Staff Attorney

First Reading: August 25, 2014
Second Reading:
Public Hearing:
Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS WITH THE BEAUFORT COUNTY SCHOOL DISTRICT

WHEREAS, the Bluffton Township Fire District, is the owner of real property adjacent to the Beaufort County School District; and

WHEREAS, the Bluffton Township Fire District, by and through its Fire District Board does hereby wish to give and receive mutual easements for ingress and egress with the Beaufort County School District to as to be to access their respective properties from the future Hampton Parkway; and

WHEREAS, a copy of the proposed access easement between the two parties is attached to this Ordinance and incorporated herein by reference; and

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

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

The Bluffton Township Fire District is hereby authorized to execute any and all documents necessary to effectuate the giving and receiving of mutual access easements with the Beaufort County School District for access to the future Hampton Parkway.

ADOPTED this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:_____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

_____
Joshua A. Gruber, Staff Attorney

ATTEST:

_____
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014
Second Reading:
Public Hearing:
Third and Final Reading: