



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, April 18, 2023, 3:00 PM
AGENDA

The Town Council meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers. The meeting can be viewed on the [Town's YouTube Channel](#), the [Beaufort County Channel](#), and Spectrum Channel 1304.

- 1. Call to Order**
- 2. FOIA Compliance:** Public notification of this workshop has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Roll Call**
- 4. Pledge to the Flag**
- 5. Invocation – Chaplin Glenn Neff – Hilton Head Regional Hospital**
- 6. Civility Pledge**
- 7. Approval of the Minutes**
 - a. Regular Meeting – April 4, 2023
 - b. Regular Meeting – April 6, 2023
- 8. Report of the Town Manager**
 - a. Items of Interest
 - b. Workforce Housing Program Monthly Update – Missy Luick, Assistant Community Development Director
 - c. Historic Mitchelville Freedom Park Biannual Update – Ahmad Ward, Executive Director
- 9. Reports from Members of Town Council**
 - a. General Reports from Town Council
 - b. Report of the Lowcountry Area Transportation Study – Glenn Stanford
 - c. Report of the Lowcountry Council of Governments – Tammy Becker
 - d. Report of the Beaufort County Airports Board – David Ames
 - e. Report of the Southern Lowcountry Regional Board – Glenn Stanford
 - f. Report of the Island Recreation Association Board – Alex Brown
 - g. Report of the Community Services and Public Safety Committee – Tammy Becker

- h. Report of the Public Planning Committee – David Ames
- i. Report of the Finance and Administrative Committee – Alex Brown

10. Appearance by Citizens: Citizens who wish to address Town Council on the matters being discussed during the meeting, may do so by contacting the Town Clerk at 843.341.4646 no later than 12:00 p.m. Tuesday, April 18, 2023. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).

11. New Business

- a. Consideration of a Resolution of the Town of Hilton Head Island Authorizing the Town to Enter into an Intergovernmental Agreement with Beaufort County for the Collection of Library and Transportation Impact Fees
- b. Consideration of a Resolution to Authorize Submittal of the Community Development Block Grant Entitlement Program Annual Action Plan for the Program Year 2023 to the United States Department of Housing and Urban Development
- c. Consideration of a Resolution Approving the Islander’s Beach Park Master Plan
- d. Consideration of a Resolution Approving the Shelter Cove Park Master Plan-Final Phase
- e. First Reading of Proposed Ordinance 2023-09 Amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance, to Remove Divisible Dwelling Units as an Accessory use and to Modify Multifamily and Single-Family Definitions

12. Executive Session

- a. Receipt of Legal Advice from the Town Attorney on Matters Covered Under the Attorney-Client Privilege [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Related to:
 - 1. Mount Calvary Missionary Baptist Church of HHI, et al vs Town of HHI, et al
 - 2. Mitchelville Road Dirt Road Paving
 - 3. Main Street Right of Way Acquisition
 - 4. Forest Beach Villas
 - 5. Public Comment & Rules of Decorum
 - 6. SWVP, LLC
 - 7. Town of Hilton Head Island v. Beaufort County (Law Enforcement Fee)

- b. Discussion of Negotiations Incident to Proposed Contractual Arrangements for the Northpoint Public-Private Partnership Workforce Housing Project [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)]
- c. Discussion of Personnel Matters [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1)] Related to:
 - 1. Town Council Appointments to Town Boards, Commissions, and Committees
 - i. Board of Zoning Appeals
 - ii. Planning Commission
 - iii. Beaufort County Airports Boards
- d. Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Related to:
 - 1. Pope Avenue Area
 - 2. Matthews Drive Area
 - 3. Chaplin Area
 - 4. Bryant Road Area
 - 5. Baygall Area
 - 6. SCDOT Toll Plaza Administrative Offices
- e. Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or a person regulated by a public body [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1)] Related to:
 - 1. Town Attorney Contract

13. Possible Action by Town Council Concerning Matters Discussed in Executive Session

14. Adjournment



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, April 4, 2023, 3:00 PM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*, Shawn Colin, *Assistant Town Manager – Community Development*; Chris Blankenship, *Fire Chief*; Brian McIlwee, *Assistant Community Development Director*; ; Ben Brown, *Sr. Advisor to the Town Manager*; John Troyer, *Finance Director*; Missy Luick, *Assistant Community Development Director*; Aaron Black, *Facilities Manager*; Carolyn Grant, *Communications Director*; Kelly Spinella, *Social Media and Marketing Manager*; Bob Bromage, *Public Safety Director*; Mac Deford, *General Counsel*; Natalie Harvey, *Director of Cultural Affairs*; Tommy Sunday, *Technology & Innovation Director*; Todd McNeil, *Community Code Enforcement Officer*; Cindaia Ervin, *Interim Town Clerk*

1. Call to Order

2. FOIA Compliance

Ms. Ervin affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Invocation – Pastor G. Eddie Patten, Sr. –St. James Baptist Church

Pastor Patten delivered the invocation.

5. Civility Pledge

6. Approval of the Minutes

a. Regular Meeting – February 21, 2023

b. Regular Meeting – March 7, 2023

c. Regular Meeting – March 21, 2023

Mr. Alfred moved to approve. Ms. Becker seconded. Motion carried 7-0.

7. Report of the Town Manager

a. Items of Interest

Mr. Orlando reported on various items of interest.

8. Reports from Members of Town Council

a. General Reports from Town Council

Ms. Brison reported on some upcoming events.

Ms. Becker requested a statement defining and explaining Executive Session be provided for utilization when Council members are questioned regarding such.

Mr. Ames thanked the Town Manager and staff for the level of care and details being shown to the community.

Mr. Brown encouraged moving forward regarding the relocation of St. James Baptist Church.

b. Report of the Finance and Administrative Committee

Mr. Brown reported the Committee met earlier in the day and the items discussed would be moving forward to Town Council soon.

9. Appearance by Citizens

Numerous citizens spoke on various subjects and can be viewed on our website through the link below.

10. New Business

a. Consideration of a Resolution Extending the Memorandum of Understanding Between the Town of Hilton Head Island and the Historic Mitchelville Freedom Park, Inc.

Missy Luick provided a brief overview of the memorandum of understanding. After discussion and public comment, Mr. Ames moved for approval. Ms. Brison seconded. Motion carried 7-0.

b. Consideration of a Resolution Adopting the Local Comprehensive Beach Management Plan for the Town of Hilton Head Island Pursuant to the Requirements of the South Carolina Beachfront Management Act

Shawn Colin provided background regarding the item. Mr. Ames moved to approve. Mr. Alfred seconded. Public comment was heard. Motion carried 7-0.

11. Executive Session

Mr. Ames moved to amend the agenda by adding Item 11.c. Ms. Becker seconded. Motion carried 7-0.

Mr. Ames moved that Town Council go into Executive Session for the purposes cited by the Town Manager. Mr. Alfred seconded. Motion carried 7-0.

a. Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Related to:

- Palmetto Bay Road Area
- b. Receipt of Legal Advice from the Town Attorney on Matters Covered Under the Attorney-Client Privilege [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Related to:
 - Wimbledon Court
- c. Receipt of Legal Advice from the Town Attorney on matters related to the Land Management Ordinance review procedures [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)]

Upon returning to the dais, Mr. Ames stated there was no action to be taken as a result of Executive Session.

12. Adjournment

The meeting was adjourned at 4:57 p.m.

Drafted and Submitted by:
Vicki L. Pfannenschmidt,
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
TOWN COUNCIL
Ad Hoc Committee Meeting
Tuesday, April 6, 2023, 3:00 PM

MINUTES

Present from Town Council: David Ames, *Mayor Pro-Tempore*; Tamara Becker, Glenn Stanford, *Town Council Members*

Present from Town Staff: Josh Gruber, Deputy Town Manager; Vicki Pfannenschmidt, Administrative Assistant

1. Call to Order

2. FOIA Compliance

Ms. Pfannenschmidt affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Executive Session

- a. Personnel Matters:** Conduct interviews with applicants for Town Boards and Commission [pursuant to S.C. Freedom of Information Act § 30-4-70(a)(1)].

Mr. Stanford moved to go into Executive Session for the reasons stated above. Ms. Becker seconded. Motion carried 3-0.

5. Possible Action by the Town Council Ad Hoc Committee Concerning Matters Discussed in Executive Session

Upon return from Executive Session Mr. Stanford moved to forward a recommendation to Town Council to appoint Brian Turrisi as the Hilton Head Island Town Council representative for the Beaufort County Airports Board. Ms. Becker seconded. Motion carried 3-0.

6. Adjournment

The meeting was adjourned at 3:10 p.m.

Drafted and Submitted by:
Vicki L. Pfannenschmidt,
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Joshua Gruber, Deputy Town Manager
CC: Marc Orlando, Town Manager
DATE: April 5, 2023
SUBJECT: Consideration of a Resolution of the Town of Hilton Head Island Authorizing the Town to Enter into an Intergovernmental Agreement with Beaufort County for the Collection of Library and Transportation Impact Fees

RECOMMENDATION:

The Finance and Administrative Committee recommends Town Council approve the proposed Intergovernmental Agreement (IGA) with Beaufort County for the continued collection of Library and Transportation Impact Fees, and if supported, recommend that the Town Council approve such Agreement.

Additionally, staff recommends that in lieu of continuing discussions with Beaufort County pertaining to the collection of parks and recreation impact fees, that the Committee recommend to Town Council that it focus its efforts on the transfer of certain parcels from Beaufort County to the Town that, if successfully accomplished, would eliminate the need for an IGA with Beaufort County for the collection of parks and recreation impact fees.

This matter was brought before the Finance and Administrative Committee at its March 21, 2023 meeting and was unanimously recommended for approval by Town Council.

BACKGROUND:

Beaufort County adopted Ordinance Number 2006-24 which provided for the imposition and collection of development impact fees in the areas of libraries, parks and recreation, and transportation. Because the service area for these impact fees included the incorporated areas of Hilton Head Island, it was necessary for the Town and the County to enter an IGA for the Town to collect these fees on the County's behalf and to describe how these collected funds would be distributed and/or utilized. This Agreement was memorialized by the County and the Town via its mutual adoption of Ordinance 2007-19.

The South Carolina Development Impact Fee Act requires that periodic updates be made to the calculation of a local government's development impact fees to remain compliant with the intent of the Act. Beaufort County undertook an update of its impact fees in 2019 and produced a report from Tischler Bise that reviewed the need for additional capacity

improvements relative to growth expectations and recalculated the various impacts for each of the County's different service areas.

For the County's impact fees to continue to be collected within the municipal limits of the Town, it is necessary that the County and the Town enter an IGA that will outline the roles and responsibilities of each entity as it pertains to the collection of these fees. An analysis of the recommendations in this regard pertaining to each of the development impact fees that are currently being collected are outlined further on within this Memorandum.

This matter was brought before the Town Council at its meeting on November 1, 2022. During that meeting several questions were raised regarding various aspects of the proposed IGA and a motion was adopted to remand this matter back to the Finance and Administrative Committee for further review and discussion. Those questions, and staff's responses thereto, are as follows:

1. **Question:** How will the Impact Fees be collected to ensure that local citizens and businesses can pay these fees in an easy and convenient manner?

Response: To ensure that local citizens and business will only need to go to one place in order to obtain their development permit fees as well as paying their requisite impact fees, the Town will continue to assess and collect the library and transportation impact fees on behalf of Beaufort County as is currently being performed. To expedite the transfer of the impact fees collected by the Town that are then remitted to the County, the County has established an online payment portal that allows for payments via credit and/or debit cards to be made directly to Beaufort County. This is a discretionary payment portal, and all forms of payment can continue to be processed by the Town as is current performed.

2. **Question:** How will the Capital Improvement Plan (CIP) projects identified within the proposed Facilities improvement list be prioritized for receiving impact fee funding?

3. **Response:** Pursuant to Section 6-1-1020 of the South Carolina Development Impact Fee Act, all impact fees must be allocated within three years of the date they were scheduled to be expended on a first-in, first-out basis or must refunded to the person who paid such impact fee. Because of this requirement, and because of the dynamic nature of capital improvement projects, the prioritization of impact fee improvements has been proposed to be done on a three-tier basis. The first tier would consist of those projects identified within the adopted CIP that have completed all necessary engineering and design work and would otherwise be considered as "shovel ready." The second tier would consist of those projects that are currently under development and have begun some level of design or engineering work. The third tier would consist of those projects that have not yet been undertaken in any manner. The use of this tiered system in determining

prioritization for impact fee funding will ensure that the funds that have been collected are expended within a timely manner as required by the Impact Fee Act.

4. **Question:** How will the continuation of collecting development impact fees effect workforce and affordable housing?

Response: Section 6-1-970 of the South Carolina Development Impact Fee Act states that all or a portion of new development for affordable housing can be exempted from having to pay an impact fee if the project does provide housing that is at or below 80% of the local area median income and the proportionate share of system improvements is funded from a revenue source other than development impact fees.

Beaufort County’s Ordinance adopting the development impact fees states that a discount for all single-family and “all other types of housing units” shall be based on the table below:

Area Medium Income	(AMI) Impact Fee Discount
Under 60%	100%
60% to 80%	60%
Over 80%	0%

Beaufort County’s Ordinance goes on to further state that all development impact fees may be subsidized by the County, as long as funds are available in the Beaufort County Affordable Housing Fund, up to the percentage outlined above based upon the application AMI ranges for that particular affordable housing project. If the project is under 60% AMI, it can have 100% of the calculated impact fees subsidized by Beaufort County. If the project is between 60% and 80% AMI, it can have 60% of the calculated impact fees subsidized. If the AMI range is above 80%, then the provisions of the South Carolina Development Impact Fee Act would prohibit any amount of credit from being authorized.

ANALYSIS:

Library Impact Fees

The Town collects library impacts fees on behalf of Beaufort County via its existing IGA. Currently, the amounts collected for library impact fees are \$553 per new single family residential housing unit and \$553 per new multifamily housing unit. Under the new calculations contained within the Tischler Bise study, the Town would collect a range of \$151 per new single family and multifamily residential housing unit of 1,000 square feet or less to \$417 per new single family and multifamily residential housing unit of 4,001

square feet or more. This would result in a reduced impact fee of between \$402 to \$136 respectively.

Parks and Recreation Impact Fees

Currently, the Town collects parks and recreation fees on behalf of Beaufort County in the amount of \$671 per each new single family and new multifamily unit. However, under the terms of its existing IGA, the County has authorized the Town to retain the funds that it collects in this area and to expend them directly for the capital improvement of parks located exclusively on Hilton Head Island. During our most recent rounds of discussions with the County, they expressed concern that this relationship may not be allowed under a strict interpretation of the language contained within the South Carolina Development Impact Fee Act. Because of this, the County indicated that an update of this Agreement would require that all parks and recreation impact fees that are collected within the “South of the Broad” service area, would need to be remitted to the County for expenditure on all parks and recreation capital improvement projects that are identified within that service area.

Staff identified potential concerns regarding the application of language in this manner in that it may be detrimental to ensuring funding for the improvement of parks that are located exclusively on Hilton Head Island. To potentially address this concern, Town staff has been discussing the possibility of obtaining ownership of all park properties located on Hilton Head Island that are currently owned by the County. These discussions have been met with favorable responses. Therefore, it is staff’s recommendation that the Town focus its efforts on achieving the transfer of these properties to the Town’s ownership. If the properties should be successfully transferred to the Town, then the Town would have the option of considering its own parks and recreation impact fee, exclusive of any involvement with Beaufort County, that could be dedicated to the support of only those park properties that are located on Hilton Head Island.

Transportation Impact Fees

Currently, the Town collects its own municipal transportation impact fee as well as collecting a transportation impact fee on behalf of Beaufort County. The fees that it collects on behalf of Beaufort County are outlined in a sliding scale that varies based upon the type of development that is occurring, and in terms of residential development, the size of a particular building that is being constructed. These amounts range from \$356 per 1,000 square feet of industrial space to \$4,314 per 1,000 square feet of retail space and from \$1,471 for single family and multifamily units of 1,500 square feet or less to \$2,095 for single family and multifamily units of 1,501 square feet or more.

Because the Town collected its own transportation impact fee to be used exclusively for projects located on Hilton Head Island, the existing IGA with the County allowed the Town to collect a reduced amount of the County’s calculated impact fee based upon the understanding that Hilton Head Island only generated 38% of the region’s road network trips. The County has indicated that it has the same concerns regarding this arrangement

as it does with the parks and recreation impact fees due to their interpretation of the South Carolina Development Impact Fee Act. Because of this, the County is not agreeable to continuing this discount within an updated IGA.

Additionally, the Town, as well as most other municipalities within Beaufort County, expressed concerns regarding the scope and number of projects that were contained within the capital improvement projects list that the County utilized when preparing the updated transportation impact fee study. These concerns caused the County to incorporate transportation capital improvement projects lists currently adopted by municipalities within their study and to recalculate the proposed impact fee as a result.

This recalculation resulted in a proposed adjustment to transportation impact fees from the amounts currently being collected. The Town of Hilton Head Island’s resulting impact fee schedule inclusive of library impact fees would be as follows:

Development Type	Parks & Recreation	Library	EMS	Solid Waste	Transportation	Fire [1]	Maximum Supportable Fee	Current Dev. Impact Fee Total	Increase/Decrease
Residential Fee by Housing Size (square feet)									
1,000 or less	\$0	\$151	\$0	\$0	\$1,551	\$0	\$1,702	\$3,176	-\$1,474
1,001 to 1,250	\$0	\$189	\$0	\$0	\$1,939	\$0	\$2,128	\$3,176	-\$1,048
1,251 to 1,500	\$0	\$227	\$0	\$0	\$2,284	\$0	\$2,511	\$3,176	-\$665
1,501 to 1,750	\$0	\$252	\$0	\$0	\$2,585	\$0	\$2,837	\$3,799	-\$962
1,751 to 2,000	\$0	\$278	\$0	\$0	\$2,844	\$0	\$3,122	\$3,799	-\$677
2,001 to 2,500	\$0	\$316	\$0	\$0	\$3,231	\$0	\$3,547	\$3,799	-\$252
2,501 to 3,000	\$0	\$353	\$0	\$0	\$3,576	\$0	\$3,929	\$3,799	\$130
3,001 to 3,500	\$0	\$379	\$0	\$0	\$3,835	\$0	\$4,214	\$3,799	\$415
3,501 to 4,000	\$0	\$404	\$0	\$0	\$4,093	\$0	\$4,497	\$3,799	\$698
4,001 or more	\$0	\$417	\$0	\$0	\$4,309	\$0	\$4,726	\$3,799	\$927
Nonresidential (per 1,000 square feet)									
Retail	\$0	\$0	\$0	\$0	\$5,024	\$0	\$5,024	\$4,795	\$229
Office/Services	\$0	\$0	\$0	\$0	\$2,497	\$0	\$2,497	\$2,834	-\$337
Industrial	\$0	\$0	\$0	\$0	\$1,007	\$0	\$1,007	\$837	\$170
Institutional	\$0	\$0	\$0	\$0	\$2,326	\$0	\$2,326	\$4,012	-\$1,686

Note: the current fee listed is the average of the fees for the current service areas South of the Broad River. Some existing fees are based on housing type, so for comparison, a multifamily unit is assumed to be 1,500 square feet and less. [1] The nonresidential Fire Development Impact Fee is based on the fire hazard level. The complexity of fire safety is determined case by case, so for illustrative purposes the nonresidential fee listed is based on EDUs per 1,000 square feet.

SUMMARY:

Based upon a substantial number of joint impact fee discussions that have occurred over the last several years, and the County’s need to update their impact fees or risk potentially losing the ability to lawfully collect them, the Town should consider entering an Intergovernmental Agreement with Beaufort County that would provide that the Town would agree not to issue any development permits until it has been provided with satisfactory proof that the County’s applicable library and transportation impact fees have been collected directly by Beaufort County. Additionally, the Town will focus its efforts on obtaining title to the parks and recreation properties owned by Beaufort County and

located on Hilton Head Island to eliminate the need for a Beaufort County parks and recreation impact fee agreement.

ATTACHMENTS:

1. Resolution Authorizing Execution of an Intergovernmental Agreement
2. Road Impact Fee CIP Prioritization Schedule
3. Draft Intergovernmental Agreement with Beaufort County for the Collection of the Development Impact Fees
4. Beaufort County Impact Fee Ordinance
5. Town of Hilton Head Island Impact Fee Request Letter for Adaptive Traffic Management System
6. Response Letter to Town of Hilton Head Island Request for Traffic Impact Fees

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO
AN INTERGOVERNMENTAL AGREEMENT WITH BEAUFORT COUNTY
RELATED TO CONTINUED COLLECTION OF LIBRARY AND
TRANSPORTATION IMPACT FEES**

WHEREAS, the South Carolina Legislature has adopted the South Carolina Development Impact Fee Act, codified at S.C. Code §§ 6-1-910 et seq. (hereinafter the “Act”), which enables local governments to enact and impose development impact fees for public facilities including Libraries and Public Roads, in accordance with the Act’s provisions, procedures, and requirements; and

WHEREAS, pursuant to the Act, Beaufort County (the “County”) directed the preparation of a technical support study entitled the Capital Improvement Plan and Development Impact Fee Study, prepared by Tischler Bise, dated July 18, 2020 (collectively, with all addendums, attachments and exhibits thereto, the “Study”), a copy of which has been reviewed and accepted by the Town and Beaufort County; and

WHEREAS, the Study demonstrates that as a result of projected land uses, densities, intensities, and population growth estimates over the next 10 years within the Southern portions of Beaufort County and the Town of Hilton Head Island (the “Service Area”), there will be a need for Libraries and Public Roads (the “Facilities”) to support such projected new growth and development within the Service Area and to maintain reasonable level of service standards; and

WHEREAS, the Study establishes a reasonable level of service standard, land

use assumptions, methodologies, affordable housing metrics, service units, system improvement costs, and formulas for determining the impacts of new residential development in the Service Area, and delineates the maximum amount of fees related to the Facilities to be imposed thereon; and

WHEREAS, pursuant to the Study, which includes a capital improvements plan (the “Capital Improvements Plan”), a copy of which has been attached as Exhibit A, significant improvements to the future Facilities have been identified as being needed due to continued growth and redevelopment; and

WHEREAS, in accordance with the Act, the County Council is expected to enact the proposed ordinance set forth in Exhibit B (the “Proposed Ordinance”), attached hereto, the provisions of which will authorize the imposition of development impact fees related to the Facilities (the “Development Impact Fee”); and

WHEREAS, pursuant to the Act, the County has adopted the Impact Fee Procedures Ordinance, which is now codified at Section 82-21 et seq. of the County’s code of ordinances (the “Procedures Ordinance”); and

WHEREAS, under the Proposed Ordinance and the Procedures Ordinance, the County desires and intends to uniformly impose and collect the Development Impact Fee within the Town and the Service Area for the benefit of the County and the Town in accordance with the terms set forth in the Intergovernmental Agreement between Beaufort County, attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Hilton Head Island, that the Town Manager shall be authorized to undertake

such actions as may be necessary to execute an Intergovernmental Agreement between Beaufort County and the Town of Hilton Head Island, attached hereto as Exhibit B, upon Beaufort County's adoption of the Proposed Ordinance.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____, 2023.

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Cindaia Ervin, Interim Town Clerk

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Exhibit A

Priority	Project	Type	Total Cost	Offset from other funding	County Contribution	Notes
1	US 278 Corridor (Moss Creek Dr to Cross Island Parkway)	Bridge Widening	\$290,000,000	\$290,000,000	\$0	
1	SC 170 (Okatie Center Blvd S to Tidewatch Dr)	Road Widening, Access Mgmt	\$40,000,000	\$30,000,000	\$10,000,000	Potential Sales Tax - adjusted other contribution,
1	SC 170 (Tidewatch Dr to SC 462)	Road Widening	\$40,000,000	\$30,000,000	\$10,000,000	Potential Sales Tax - adjusted other contribution
1	SC 46 Widening (Jasper County Line to SC 170)	Road Widening	\$35,000,000	\$0	\$8,750,000	
1	Burnt Church Road (Bluffton Parkway to Alljoy Rd)	Road Widening	\$15,000,000	\$0	\$12,750,000	Originally at 85% - increased to cover max budget
1	US 278 (Jasper County Line to SC 170)	6-lane Road Widening	\$45,000,000	\$33,750,000	\$11,250,000	Potential Sales Tax - adjusted other contribution
1	US 278 Corridor (Gum Tree Rd to Dillon Rd)	Road Widening/Access Management	\$45,000,000	\$0	\$22,500,000	
1	US 278 Frontage Road South (Squire Pope Road to Gum Tre New Road (2-lane/3-lane)		\$10,000,000	\$0	\$8,500,000	
1	US 278 Frontage Road North (Squire Pope Road to Wild Hor New Road (2-lane/3-lane)		\$5,000,000	\$0	\$4,250,000	
1	Sea Pines Circle	Conversion to a multi-lane roundabout	\$15,000,000	\$3,750,000	\$8,437,500	Potential Sales Tax - adjusted other contribution
2	Buckwalter Parkway	Access Management	\$36,000,000	\$0	\$18,000,000	
2	SC 46 Improvements (SC 170 to Buck Island Road)	Widening/Safety Improvements/alt. transportation - see description	\$94,000,000	\$0	\$34,780,000	
2	Bluffton Parkway 5B	New Road	\$50,000,000	\$0	\$42,500,000	Originally at 85% - increased to cover max budget
2	Bluffton Parkway	Access Management	\$45,000,000	\$0	\$22,500,000	
2	Bluffton Parkway Bicycle Facilities	Streetscaping, On-street bike lanes, resurfacing paths, etc	\$30,000,000	\$0	\$15,000,000	
2	Buckwalter Parkway Bicycle Facilities	Streetscaping, On-street bike lanes, resurfacing paths, etc	\$15,000,000	\$0	\$7,500,000	
2	H.E. McCracken	Road Widening	\$18,000,000	\$0	\$9,000,000	
2	Cherry Point Rd	Roadway Improvement	\$2,000,000	\$0	\$1,700,000	
2	Wild Horse Road (US 278 to Gum Tree Rd)	Road Widening + Roundabout	\$5,000,000	\$0	\$4,250,000	
2	Gum Tree Rd (US 278 to Squire Pope Rd)	Road Widening + Roundabout	\$7,500,000	\$0	\$6,375,000	
2	US 278 Bus (Pembroke Drive to Sea Pines Circle)	Access Management	\$25,000,000	\$0	\$12,500,000	Combine
2	Pope Avenue/Palmetto Bay Road with NW Connector	Access Management and new road	\$15,000,000		\$7,500,000	Combine
2	Main Street (Wilborn Road to Hospital Center Blvd)	2 new roundabouts	\$8,000,000		\$4,000,000	
2	New Orleans Road (Arrow Road to St. Augustine Place)	Road Widening	\$2,500,000		\$1,875,000	
3	Buck Island Road (US 278 to Bluffton Parkway)	Road Widening	\$11,000,000	\$0	\$9,350,000	
3	Lake Point Dr/ Old Miller Rd Connection	New Road	\$2,000,000	\$0	\$1,000,000	
3	Innovation Drive	New Road	\$2,500,000	\$0	\$625,000	
3	Bruin Road Extension (Burnt Church Rd to Malphrus Rd)	New Road	\$10,000,000	\$0	\$2,500,000	
3	Malphrus Rd (Bruin Rd Ext to Bluffton Parkway)	Road Widening	\$10,000,000		\$2,500,000	
3	Arrow Road (New Orleans Road to Palmetto Bay Road)	Road Widening + Roundabout	\$15,000,000		\$7,500,000	
3	Marshland Road - Leg O Mutton Road Roundabout	Intersection Improvement	\$2,000,000		\$1,500,000	
3	Dillon Road - Gateway Circle Roundabout	Intersection Improvement	\$2,000,000		\$1,500,000	
	16 Traffic Signal	Traffic Signal	\$16,000,000	\$0	\$13,600,000	
	Rose Hill Connection to Buck Island Rd	New Road	\$4,000,000	\$0	\$3,400,000	
Totals:						

Total Costs for Road Projects	\$327,392,500
2030 Vehicle Miles Traveled-South of the Broad	1,585,901
Cost per Vehicle Miles Traveled	\$206.44
Priority 1 & 2 Total Costs	\$283,917,500
2030 Vehicle Miles Traveled-South of the Broad	1,585,901
Capital Cost per Vehicle Miles Traveled	\$179.03
Priority 1 Total Costs	\$96,437,500
2030 Vehicle Miles Traveled-South of the Broad	1,585,901
Capital Cost per Vehicle Miles Traveled	\$60.81

EXHIBIT B

**INTERGOVERNMENTAL AGREEMENT BETWEEN
BEAUFORT COUNTY AND THE TOWN OF HILTON HEAD ISLAND**

(Library & Roads Development Impact Fee)

THIS AGREEMENT is made and entered into this ____ day of _____, 20__ , by and between BEAUFORT COUNTY, SOUTH CAROLINA (“County”), a political subdivision of the State of South Carolina, and the TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA (“Town”), a South Carolina municipal corporation, for the purpose of collecting certain development impact fees.

RECITALS

WHEREAS, the South Carolina Legislature has adopted the South Carolina Development Impact Fee Act, codified at S.C. Code §§ 6-1-910 et seq. (hereinafter the “Act”), which enables local governments to enact and impose development impact fees for public facilities including Libraries and Public Roads, in accordance with the Act’s provisions, procedures, and requirements; and

WHEREAS, pursuant to the Act, the County directed the preparation of a technical support study entitled the Capital Improvement Plan and Development Impact Fee Study, prepared by Tischler Bise, dated July 18, 2020 (collectively, with all addendums, attachments and exhibits thereto, the “Study”), a copy of which has been reviewed and accepted by the parties and is expressly incorporated herein by reference and made an integral part hereof; and

WHEREAS, the Study demonstrates that as a result of projected land uses, densities, intensities, and population growth estimates over the next 10 years within the Southern portions of Beaufort County and the Town of Hilton Head Island (the “Service Area”), there will be a need for Libraries and Public Roads (the “Facilities”) to support such projected new growth and development within the Service Area and to maintain reasonable level of service standards; and

WHEREAS, the Study establishes a reasonable level of service standard, land use assumptions, methodologies, affordable housing metrics, service units, system improvement costs, and formulas for determining the impacts of new residential development in the Service Area, and delineates the maximum amount of fees related to the Facilities to be imposed thereon; and

WHEREAS, pursuant to the Study, which includes a capital improvements plan (the “Capital Improvements Plan”), significant improvements to the Facilities have been identified; and

WHEREAS, in accordance with the Act, the Beaufort County Planning Commission recommended the acceptance of the Study, including the Capital Improvements Plan and impact fees by service unit, and prepared a draft impact fee ordinance for consideration by the Beaufort County Council, as the governing body of the County (the “County Council”); and

WHEREAS, in accordance with the Act, the County Council enacted the proposed ordinance (Ordinance 2022/___ dated _____, 2022) (the “2022 Ordinance”), the provisions of which authorized the imposition of development impact fees related to the Facilities (the “Development Impact Fee”); and

EXHIBIT B

WHEREAS, pursuant to the Act, the County has adopted the Impact Fee Procedures Ordinance, which is now codified at Section 82-21 et seq. of the County's code of ordinances (the "Procedures Ordinance"); and

WHEREAS, under the Ordinance and the Procedures Ordinance, the County desires and intends to uniformly impose and collect the Development Impact Fee within the Town and the Service Area for the benefit of the County and the Town; and

WHEREAS, the parties agree that this Agreement is authorized by and delivered in accordance with S.C. Code Ann. §§ 6-1-20, 4-9-40, and 4-9-41 and this Agreement shall serve as the Town's written consent to the County's imposition and collection of such Development Impact Fee within the corporate limits of the Town; and

WHEREAS, the Agreement, upon its execution by the parties, shall be on file with the Clerk to the County Council and the Town Clerk of the Town of Hilton Head Island.

NOW, THEREFORE, the parties to this Agreement do agree as follows:

SECTION 1. Title; Recitals.

(1) Title.

This Intergovernmental Agreement Between Beaufort County and the Town of Hilton Head Island for the collection of Library and Public Roads Development Impact Fees shall be referred to as the "Agreement" and references to "the Agreement" in the Recitals above shall mean this Agreement.

(2) Recitals.

The parties ratify and confirm the recitals set forth above, and determine that the above recitals, as well as any exhibits or attachments to this Agreement, are hereby incorporated herein and made an essential part hereof.

SECTION 2. Purpose and Intent

The purpose of this Agreement is to ensure:

(1) The Development Impact Fee is imposed and collected on all new residential and commercial development within the Service Area, including new development within the Town of Hilton Head Island in the same manner as the Development Impact Fee is collected within the Service Area, whether incorporated or unincorporated; and

(2) That upon the collection of any Development Impact Fee, the County deposits such Development Impact Fee into one or more segregated, interest-bearing Development Impact Fee trust account, in accordance with the Act, the Ordinance and Procedures Ordinance, and this Agreement; and

(3) The provisions of the Ordinance and Procedures Ordinance, as in effect as of the date of this Agreement, are fully incorporated herein. Any amendments or modifications to the Ordinance or the Procedures Ordinance occurring after the execution and delivery of this Agreement shall be inapplicable within the Town during the term of this Agreement unless otherwise agreed in writing through a supplement to this Agreement. Particularly, the County acknowledges its intention to conform to the procedures regarding affordable housing units in Section 82-33(b)(3) of the Procedures Ordinance and the

EXHIBIT B

County expressly manifests its intent to continue funding the Beaufort County Affordable Housing Fund under Section 82-33(b)(5) during the entire term of this Agreement; and

(4) If the County fails to expend the collected Development Impact Fees within the time limits established by state law and the impact fee procedures in Section 82-21 et seq. of the County Code, the unspent fees shall be refunded by the County in accordance with the Act.

SECTION 3. References to County Ordinances

This Agreement is in furtherance of the implementation of the Ordinance and the Procedures Ordinance. Any amendments to these aforementioned ordinances or to the Capital Improvement Plan shall not impact, affect, or operate as an amendment or modification of the terms of this Agreement absent the express written agreement of the Town. Notwithstanding the foregoing and as contemplated by the Act and the Study, the parties agree that the amount of the Development Impact Fee may be adjusted annually on July 1st of each year of this Agreement to reflect the effects of inflation on the system improvement costs using the Construction Cost Index calculated by the Engineering New Record (ENR) for the most recent month for which such figures are available.

SECTION 4. Duration, Extension, and Termination of Agreement

(1) Duration and Extension of Agreement

The Agreement shall remain effective from the date of its execution by the Parties for a period of not less than 10 years, unless it is earlier terminated in accordance with this Agreement. If not terminated prior to or at the end of the 10-year period, it shall continue in effect on a year-to-year basis. Upon termination of the Development Impact Fee, this Agreement shall automatically terminate.

(2) Termination of Agreement

(a) This Agreement shall automatically terminate upon the repeal of the Ordinance by the County Council or the invalidation of the Ordinance by a court of competent jurisdiction, save and except the provisions of Section 7(5) of this Agreement regarding the refund of any collected Development Impact Fees to the appropriate owner of record.

(b) The Agreement may be terminated prior to the expiration of the 10-year period set forth in (1) by written notice of either party hereto within 180 days of the end of the initial term of this Agreement or any subsequent annual renewal under Section 4(1).

(c) The Agreement may be terminated by either party in the event of a material breach of the terms of this Agreement; provided, however, that the defaulting party shall have the opportunity to cure any such default within ninety (90) calendar days after the non-defaulting party provides written notice of default to the defaulting party and the defaulting party is provided an opportunity to be heard at one public hearing to be held by the governing body of the non-defaulting party upon not less than 10 days public notice, as submitted to a newspaper of general circulation in the County and directly to the defaulting party. If such default is not cured (or substantial efforts are not undertaken to cure) within the ninety (90) day period, the non-defaulting Party shall have the right to immediately terminate this Agreement.

SECTION 5. Amendments to the Agreement

EXHIBIT B

The Agreement may be amended only by the mutual consent of the parties and in the same manner as its original adoption.

SECTION 6. Responsibilities of the Town

(1) The Town shall be responsible for the calculation, collection, receipt, and transfer of the Development Impact Fee from all new development to which a Development Impact Fee is applicable in accordance with the Act, the Ordinance, the Procedures Ordinance, and this Agreement, within the Town's municipal limits or as they may be changed from time to time by annexation or other action of the Town Council. The Town shall not issue a building permit for any new development to which a Development Impact Fee is applicable unless (i) all Development Impact Fees have been paid in full to the Town by the applicant, or (ii) the applicant has received from the County a credit or an allocation in accordance with the Procedures Ordinance or other allowable and approved reason under the Act, such as making an applicable "System Improvement" to areas under such terms as is defined in the Act.

(2) The County shall assist the Town, as needed and upon written request, in determining if a proposed development qualifies for a credit or an allocation pursuant to the Act, the Ordinance, the Procedures Ordinance, and/or the terms this Agreement.

(3) All Development Impact Fees collected by the Town on behalf of the County shall be remitted to the County on a quarterly basis unless otherwise agreed to between the parties.

SECTION 7. Responsibilities of the County

(1) The amount of the Development Impact Fee shall be based upon the fee schedule in effect at the time of building permit application, as established by the Ordinance.

(2) The County and the Town expressly agree that the Town assumes no responsibility for the usage or refunding of the Development Impact.

(3) All Development Impact Fee funds remitted to the County for the Facilities shall be deposited into a segregated interest-bearing account and subject to appropriate accounting controls and required reporting requirements under the Act. Such funds shall be restricted in their appropriation and used in accordance with the Ordinance, the Capital Improvements Plan, the Procedures Ordinance and the Act. All interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to Development Impact Fee funds under the Act.

(4) On an annual basis and no later than May 1st of each year, representatives of the County shall meet with representatives of the Town to discuss projects and prioritize expenditures under the Capital Improvement Plan for the upcoming fiscal year. Consistent with Section 2(4) above, the parties shall ensure that an appropriate amount of the Development Impact Fees are being applied toward Facilities and Capital improvements located within the incorporated limits of the Town.

(5) Within 180 days after the end of each prior fiscal year, the County shall prepare an annual financial report in accordance with the Act and the Procedures Ordinance and immediately provide the same to the Town upon completion.

EXHIBIT B

(6) Any and all Development Impact Fee collected by the County that are not expended on projects included within the Capital Improvement Plan and within the time limits established by the Act, shall be refunded directly to the appropriate owner of record by the County and the County will advise the Town of any such refunds contemporaneously with the taking such refunding action.

(7) Other than inflationary adjustments to the Development Impact Fee under the Ordinance and absent the mutual written agreement of both the Town and the County, any amendments, changes, modifications, or revisions to the Capital Improvement Plan or the amount of the Development Impact Fee shall not be applicable within the Town during the pendency of this Agreement.

SECTION 8. Governing Law

This Agreement, and its interpretation and performance, shall be governed and construed by the applicable laws of the State of South Carolina, expressly including the Act.

SECTION 9. Conflict

To the extent of any conflict between other County ordinances and this Agreement, this Agreement shall be deemed to be controlling. This Agreement is not intended to amend or repeal any existing County or Town ordinances, and, absent a written amendment to this Agreement or a separate agreement between the Town and the County, any amendments to the Ordinance or the Procedures Ordinance during the pendency of this Agreement shall not be applicable within the incorporated limits of the Town. However, to the extent of any conflict between this Agreement and the Act, the Act shall be controlling in all cases.

SECTION 10. Cooperation Between and Among the Parties

The County and Town agree to cooperate with each other in all respects regarding the matters addressed in this Agreement.

SECTION 11. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Agreement.

SECTION 12. Effective Date

This Agreement shall become effective immediately on the date of approval by both parties; provided, however, that collection of the Development Impact Fees for new development within the Town shall begin on the first of the month following a 60-day public notice of the date this Agreement is entered into or the date on which the County's Development Impact Fee Ordinance is adopted whichever is later.

{Remainder of Page Intentionally Omitted. Signature Page(s) and Exhibit(s) to Follow.}

EXHIBIT B

APPROVED this _____ day of _____, 20_____

BEAUFORT COUNTY

By: _____

Joseph F. Passiment, Chairman
Beaufort County Council

ATTEST:

Sarah Brock, Clerk to Council

EXHIBIT B

APPROVED this _____ day of _____, 20_____

TOWN OF HILTON HEAD ISLAND

By: _____

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

ORDINANCE 2023/ ____

TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 82: IMPACT FEES, ARTICLE I, IN GENERAL; ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES; ARTICLE III, PARKS AND RECREATION FACILITIES; ARTICLE IV, ROAD FACILIITES—SOUTHERN BEAUFORT COUNTY SERVICE AREA; ARTICLE V, LIBRARY FACILITIES; ARTICLE VI, FIRE FACILITIES; ARTICLE VII, ROAD FACILITIES—NORTHERN BEAUFORT COUNTY SERVICE AREA, AND EFFECTIVE DATES.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Beaufort County, South Carolina that:

SECTION 1. TEXT AMENDMENTS TO ARTICLE I, IN GENERAL

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article I, In General, is amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 2. TEXT AMENDMENTS TO ARITICLE II, DEVELOPMENT IMPACT FEE PROCEDURES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article II, Development Impact Fee Procedures, is amended as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 3. TEXT AMENDMENTS TO ARTICLE III, PARKS AND RECREATION FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article III, Parks and Recreation Facilities, is amended as set forth in Exhibit C, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 4. TEXT AMENDMENTS TO ARTICLE IV, ROAD FACILIITES—SOUTHERN BEAUFORT COUNTY SERVICE AREA

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article IV, Road Facilities—Southern Beaufort County Service Area, is amended as set forth in Exhibit D, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 5. TEXT AMENDMENTS TO ARTICLE V, LIBRARY FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article V, Library Facilities, is amended as set forth in Exhibit E, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 6. TEXT AMENDMENTS TO ARTICLE VI, FIRE FACILITIES

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article VI, Fire Facilities, is amended as set forth in Exhibit F, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 7. TEXT AMENDMENTS ARTICLE VII, ROAD FACILITIES—NORTHERN BEAUFORT COUNTY SERVICE AREA

The Beaufort County Code of Ordinances, Chapter 82: Impact Fees, Article VII, Road Facilities—Northern Beaufort County Service Area, is amended as set forth in Exhibit G, which is attached hereto and incorporated herein by reference. Added text is underscored and deleted text is ~~struck through~~.

SECTION 8. EFFECTIVE DATES

- (a) This Ordinance shall become effective on , 2023,
- (b) Applications for new development filed after the effective date as set forth in this section shall be subject to the parks and recreation development impact fee as amended by Section 3 of this Ordinance, the road facilities development impact fee as amended by Section 4 and 7 of this Ordinance, the fire development impact fee as amended by Section 6 of this Ordinance, and the library development impact fee as amended by Section 5 of this Ordinance.
- (c) Applications for new development filed between the date of adoption of this Ordinance and the effective date as set forth in this section shall be subject to the parks and recreation development impact fee, the road development impact fee, the fire development impact fee, and the library development impact fee in effect prior to the effective date.

ADOPTED this ___ day of _____ 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph F. Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council

EXHIBIT A

ARTICLE I. – IN GENERAL

Sec. 82-1. Adoption of Development Impact Fees

For the reasons set forth in this Chapter 82, the Beaufort County Council finds it appropriate to adopt certain development impact fees as permitted by and in accordance with the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.

Secs. 82-2—82-20. - Reserved.

EXHIBIT B**ARTICLE II. - DEVELOPMENT IMPACT FEE PROCEDURES****Sec. 82-21. - Adoption.**

The imposition, calculation, collection, expenditure and administration of all County development impact fees shall be consistent with, and administered pursuant to, the County Development Impact Fee Procedures Ordinance as set forth in this article.

Sec. 82-22. - Title.

This article shall be known and may be referred to as the County Development Impact Fee Procedures Ordinance.

Sec. 82-23. - Purpose and Intent.

The purpose and intent of this article are as follows:

- (a) To establish uniform and consistent procedures for the development, implementation, imposition, calculation, collection, deposit, expenditure and administration of all development impact fees adopted by the County, pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.
- (b) To be consistent with, and to facilitate the implementation of, the goals, objectives and policies of the adopted County Comprehensive Plan, and all elements thereof relating to the provision of public facilities needed to meet the demands created by new growth and development, and relating to appropriate, fair and equitable cost sharing of such public facilities.
- (c) To ensure that new development pays, at the time of development approval or issuance of a building permit or development permit, as appropriate, a proportionate share of the cost of system improvements needed to serve the projected new development.
- (d) To ensure that all applicable legal standards and criteria are properly incorporated and will be met by the County, with specific reference to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.

Sec. 82-24. - Definitions.

- (a) The words, terms and phrases used in this article shall have the meanings prescribed in the State Development Impact Fee Act, S.C. Code 1976, § 6-1-920.
- (b) To the extent that the definitions of such words, terms or phrases as prescribed in S.C. Code 1976, § 6-1-920, conflict with the definition of such words, terms or phrases as may be defined in this Code, the County land development regulations or other adopted County ordinances, plans or documents, the former shall control.
- (c) The following are applicable definitions pursuant to S.C. Code 1976, § 6-1-920:

Affordable Housing means housing affordable to families whose incomes do not exceed 80 percent of the median income for the service area or areas within the jurisdiction of the county.

Capital Improvements mean improvements with a useful life of five years or more, by new construction or other action, which increases or increased the service capacity of a public facility.

Capital Improvements Plan means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

Connection Charges and *Hookup Charges* mean charges for the actual cost of connecting a property to a public water or public sewer system, limited to labor and materials involved in making pipe connections, installation of water meters, and other actual costs.

Developer means an individual or corporation, partnership, or other entity undertaking development.

Development means construction or installation of a new building or structure, or a change in use of a building or structure, any of which creates additional demand and need for public facilities. A building or structure shall include, but not be limited to, modular buildings and manufactured housing. The term "development" does not include alterations made to existing single-family homes.

Development Approval means a document from a governmental entity which authorizes the commencement of a development.

Development Impact Fee or *Impact Fee* means a payment of money imposed as a condition of development approval to pay a proportionate share of the cost of system improvements needed to serve the people utilizing the improvements. The term does not include:

- (1) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.
- (2) Connection or hookup charges.
- (3) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements.
- (4) Fees authorized by S.C. Code 1976, § 6-1-300 et seq.

Development Permit means a permit issued for construction on or development of land when no subsequent building permit issued pursuant to S.C. Code 1976, title 6, ch. 9, is required.

Fee Payor means the individual or legal entity that pays or is required to pay a development impact fee.

Governmental Entity means a county, as provided in S.C. Code 1976, title 4, ch. 9, and a municipality, as defined in S.C. Code 1976, § 5-1-20.

Incidental Benefits are benefits which accrue to a property as a secondary result or as a minor consequence of the provision of public facilities to another property.

Land Use Assumptions mean a description of the service area and projections of land uses, densities, intensities and population in the service area over at least a ten-year period.

Level of Service means a measure of the relationship between service capacity and service demand for public facilities.

Local Planning Commission means the entity created pursuant to S.C. Code 1976, title 6, ch. 29, art. 1.

Project means a particular development on an identified parcel of land.

Proportionate Share means that portion of the cost of system improvements determined pursuant to S.C. Code 1976, § 6-1-990, which reasonably relates to the service demands and needs of the project.

Public Facilities means:

- (1) Water supply production, treatment, laboratory, engineering, administration, storage and transmission facilities;
- (2) Wastewater collection, treatment, laboratory, engineering, administration and disposal facilities;
- (3) Solid waste and recycling collection, treatment and disposal facilities;
- (4) Roads, streets and bridges, including, but not limited to, rights-of-way and traffic signals;
- (5) Stormwater transmission, retention, detention, treatment, and disposal facilities and flood control facilities;
- (6) Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities;

- (7) Capital equipment and vehicles, with an individual unit purchase price of not less than \$100,000.00 including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and stormwater management and control;
- (8) Parks, libraries and recreational facilities;
- (9) Public education facilities for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the state's children.

Service Area means, based on sound planning or engineering principles, or both, a defined geographic area in which specific public facilities provide service to development within the area defined. Provided, however, that no provision in this article may be interpreted to alter, enlarge, or reduce the service area or boundaries of a county or other political subdivision which is authorized or set by law.

Service Unit means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

System Improvements mean capital improvements to public facilities which are designed to provide service to a service area.

System Improvement Costs means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the costs of providing additional public facilities needed to serve new growth and development. System improvements do not include:

- (1) Construction, acquisition, or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- (2) Repair, operation, or maintenance of existing or new capital improvements;
- (3) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (4) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- (5) Administrative and operating costs of a county or a municipality participating in an impact fee program; and
- (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of a county or a non-county service provider pursuant to an intergovernmental agreement to finance capital improvements identified in the capital improvements plan.

Sec. 82-25. - Exclusive Method to Impose Fees; Other Methods of Requiring Capital Improvements;

Preexisting Fees.

- (a) Requirements for developers to pay, as a condition of development approval or issuance of a development permit or building permit, as appropriate, in whole or in part, for system improvements may be imposed by the County or a participating municipality only by way of development impact fees imposed pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, this article, and individual public facility development impact fee ordinances adopted by the County and participating municipalities.
- (b) Notwithstanding the provisions of the State Development Impact Fee Act or this article, the County retains its power, to the extent authorized, to impose fees, to require contributions and to require dedication of land for capital improvements.

- (c) A development impact fee adopted by the County pursuant to the law existing prior to enactment of the State Development Impact Fee Act and existing on the effective date of the Act shall not be affected by the Act until its termination. Provided, however, that any proposed change, revision to, or reenactment of such development impact fee subsequent to the effective date of the Act shall comply with the provisions of this article, any applicable individual public facility development impact fee ordinances, and the Act.

Sec. 82-26. - Conflict.

To the extent of any conflict between other County ordinances and this article, this article shall be deemed to be controlling; provided, however, that this article is not intended to amend or repeal any existing County ordinance, resolution or regulation, except as expressly set forth in the ordinance from which this article is derived.

Sec. 82-27. - Severability.

- (a) If any section, subsection, sentence, clause, phrase or portion of this article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this article shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this article nor impair or nullify the remainder of this article, which shall continue in full force and effect.
- (b) If the application of any provision of this article to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of County Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair or nullify this article as a whole or the application of any provision of this article to any other new development.

Sec. 82-28. - Term.

The development impact fee procedures set forth in this article shall remain in effect unless and until repealed, amended or modified by County Council in accordance with applicable state law and County ordinances and resolutions.

Sec. 82-29. - Amendment of Development Impact Fee Act.

Upon the amendment of any provision of the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, by the State Legislature, County Council shall initiate a review of this article to determine whether it remains in full compliance with the Act; and, upon the completion of such review, County Council shall introduce any changes deemed necessary and appropriate to ensure the continued compliance of this article with the Act.

Sec. 82-30. - Annual Review and Report.

The County shall prepare and publish an annual report describing the amount of all development impact fee funds collected, appropriated and spent, by public facility and by service area, during the preceding fiscal year.

Sec. 82-31. - Affordable Housing Report.

Before adopting a development impact fee for a public facility which imposes the fee on residential units, the County shall prepare a report which estimates the effect of recovering capital costs for the public facility through development impact fees on the availability of affordable housing within the County.

Sec. 82-32. - Applicability.

- (a) *Development Subject to Development Impact Fees.* All development, both residential and nonresidential, as defined in the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, and in Section 82-24, may be subject to the imposition of one or more development impact

fees for particular public facilities; provided, however, that the type and nature of the development project must create an additional demand and need for system improvements for the public facility in order to maintain the adopted level of service (LOS) standard, and is not otherwise exempt.

- (b) *Development not Subject to Development Impact Fees.* The following structures and activities, which might otherwise be construed as development as defined by the Act, are exempt from the imposition of development impact fees:
- (1) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;
 - (2) Remodeling or repairing a structure that does not result in an increase in the number of service units;
 - (3) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;
 - (4) Placing a construction trailer or office on a lot during the period of construction on the lot;
 - (5) Constructing an addition on a residential structure which does not increase the number of service units;
 - (6) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;
 - (7) All or part of a particular development project if:
 - a. The project is determined to create affordable housing; and
 - b. That portion of the project's proportionate share of system improvements is funded through a revenue source other than development impact fees;
 - (8) Any development project for which the developer has paid for the needed public facility in its entirety. However, this exemption applies only to a County development impact fees for the same category of public facility that has been provided;
 - (9) Any development project for which a valid building permit or certificate of occupancy has been issued or in which construction has commenced, before the effective date of the ordinance imposing the development impact fee, except as otherwise provided in Section 82-33(a).
- (c) *Effect of imposition and payment of development impact fees on County land development regulations.*
- (1) The payment of development impact fees shall not entitle the fee payor to development approval nor a development permit unless all other applicable requirements, standards, and conditions of the County land development regulations and all other applicable County codes, ordinances, and/or procedures have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of a development impact fee.
 - (2) Neither this article nor a specific development impact fee ordinance shall affect, in any manner, the permissible use of property, the permitted density/intensity of development, the applicable design and improvement standards, or any other applicable standards or requirements of this Code or land development regulations, which shall be operative and which shall remain in full force and effect without limitation.

Sec. 82-33. - Imposition, Calculation and Collection.

- (a) *Imposition.* A development impact fee may be imposed by the County or a participating municipality only upon development approval or issuance of a development permit or building permit, as applicable. Unless otherwise provided in a development impact fee ordinance for a particular public facility, imposition, calculation and collection of a development impact fee shall occur at building permit issuance; provided, however, that if a building permit is not required for the proposed development project, or for other valid reasons, County Council or the elected body of the participating municipality

may, at its discretion, impose, calculate and collect a development impact fee either at the time construction is authorized or at the time of issuance of a certificate of occupancy.

(b) *Calculation.*

- (1) Upon receipt of a request for development approval or issuance of a development permit which triggers imposition of a development impact fee, as set forth in subsection (a) of this section, the County or the participating municipality, as applicable, shall determine the following:
 - a. The applicable public facilities development impact fee or fees.
 - b. The appropriate service area.
 - c. The types of land use in the proposed development project.
 - d. The amount of development (i.e., for residential, the number of and if appropriate the type dwelling units; for nonresidential, the square footage of nonresidential development) in the proposed development project.
 - e. The number and type of affordable housing units in the proposed development project.
 - f. The total number of new or additional service units created by the proposed development project.
- (2) After making the determinations set forth in subsection (b)(1) of this section in a timely manner, the County or participating municipality, as applicable, shall multiply the number of new or additional service units by the cost per service unit as set forth in the specific public facility development impact fee ordinance, to derive a total development impact fee amount due.
- (3) The County or participating municipality, as applicable, in appropriate circumstances, shall deduct from the total development impact fee amount due:
 - a. Appropriate credits or offsets for developer contributions of money, dedication of land, construction of system improvements, or oversizing of system improvements used for, or having excess capacity to serve, other development projects;
 - b. A pro rata share of other (non-County) funding sources committed to financing system improvements for the applicable public facility, which are not required to be repaid by the County, and which were not previously considered in calculating the cost per service unit for the public facility;
 - c. A discount for affordable housing units based on the table below, , for "single-family units" and for "all other types of housing units":

Area Medium Income (AMI)	Impact Fee Discount
Under 60%	100%
60% to 80%	60%
Over 80%	0%

- (4) Development impact fees shall be calculated in accordance with generally accepted accounting principles.
- (5) Development impact fees may be subsidized, as long as funds are available in the Beaufort County Affordable Housing Fund, up to 100 percent for housing that a person or family earning that a person or family earning 80 percent or less of the County's median family income based on household size can afford by

spending not more than 35 percent of their gross income on a case-by-case basis. Criteria approved by County Council will be used to provide guidance.

- (6) If rehabilitated property for which the impact fees have been subsidized is sold within ten years, or owner acquired/occupied property for which the impact fees have been subsidized is sold within ten years, the development impact fees that would have been collected will be paid out of the proceeds of the sale and reimbursed into the Beaufort County Affordable Housing Fund. If rental property for which the development impact fees have been subsidized is sold, resulting in units being rented at rates above that which falls in the affordable range based upon household income and size, a fee will be paid out of the proceeds of the sale at a rate equal to the amount of subsidy increased at a rate equal to two times the Consumer Price Index (CPI) for the years between the time of subsidy and the time of sale for each applicable year up to 30 years. The fee will be reimbursed into the Beaufort County Affordable Housing Fund.
 - (7) For purposes of this section, the Consumer Price Index (CPI) is the U.S. Department of Labor, Bureau of Labor Statistics' index for "owners' equivalent rent of primary residence" for the South Urban Area, base period December, 1982 equal to 100 (Exhibit A, on file with the County Clerk).
 - (8) All impact fees shall be adjusted annually to reflect the effects of inflation on the costs for projects set forth in the impact fee study and CIP. Impact fee amounts shall be adjusted to account for inflationary increases in the costs of providing facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). For each such adjustment, the development impact fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.
- (c) *Collection.*
- (1) The County or a participating municipality, as applicable, shall collect all development impact fees imposed and due prior to, and as a condition of, issuance of the applicable development approval or development permit, as set forth in this section, unless:
 - a. The fee payor pays the development impact fee under protest; or
 - b. The fee payor files an administrative appeal and, at the fee payor's option, elects to post a bond or submit an irrevocable letter of credit, approved by the County, for the full amount of the development impact fees calculated to be due; or
 - c. The County and the fee payor agree to mediation by a qualified independent party.
 - (2) The County may, in its sole discretion, add to the development impact fee an additional amount for reasonable interest and penalties for nonpayment or late payment.
- (d) *Enforcement.*
- (1) The County or a participating municipality, as applicable, may withhold the requested development approval or development permit, including but not limited to a certificate of occupancy, or a building permit if no certificate of occupancy is required, until the development impact fee is paid in full.
 - (2) The County may impose a lien for failure of the developer to make timely payment of a development impact fee.

Sec. 82-34. - Accounts and Expenditures.

- (a) *Accounts.*
- (1) Revenues collected by the County or a participating municipality, as applicable, from all development impact fees, shall be deposited into, and maintained until transferred or expended in, a segregated, interest-bearing account.

- (2) Separate accounts, and appropriate accounting records, shall be maintained for each public facility development impact fee (i.e., for each category of system improvements), and for each service area in which the fees are collected.
 - (3) Interest earned on development impact fees shall be considered funds of the account on which it is earned, and must be subject to all restrictions otherwise placed on the use and expenditure of development impact fee revenues pursuant to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, and this article.
- (b) *Expenditures.*
- (1) Expenditure of development impact fees shall be made only for the category of system improvements, and within or for the benefit of the service area, for which the development impact fee was imposed as shown by the relevant capital improvements plan and as authorized in the State Development Impact Fee Act.
 - (2) Development impact fees may not be used for:
 - a. A purpose other than system improvement costs to create additional improvements to serve new growth;
 - b. A category of system improvements other than that for which they were collected; or
 - c. The benefit of service areas other than the area for which they were imposed.
 - (3) In accordance with all other applicable requirements as set forth in this article, development impact fees may be expended for the payment of principal, interest, and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County or other applicable service provider, to finance system improvements.
 - (4) Development impact fees may be expended only for system improvements and system improvement costs as defined in the State Development Impact Fee Act or in Section 82-24. Development impact fees may not be expended for personnel costs.
- (c) *Timing of Expenditures.*
- (1) Through the use of the annual review and report, the County shall monitor the collection and expenditure of development impact fee revenues in relation to the system improvements as specified in the public facility capital improvements plans.
 - (2) The County shall ensure that development impact fees will be expended within three years of the date they were scheduled in the capital improvements plan to be expended on a first-in, first-out basis.
 - (3) The County shall ensure that sufficient impact fee funds are, or will be available before proceeding with a system improvement project.

Sec. 82-35. - Refunds.

- (a) *Eligibility.* A development impact fee must be refunded to the owner of record of property on which a development impact fee has been paid if:
- (1) The impact fee revenues collected from that property have not been expended within three years of the date they were scheduled to be expended, pursuant to the capital improvements plan, on a first-in, first-out accounting basis; or
 - (2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.
- (b) *Payment.* When the right to a refund exists, as set forth in subsection (a) of this section, the County shall send the refund amount only to the owners of record of the subject property at the time the refund payment must be made.
- (c) *Timing.* The County shall send the refund amount to the owner of record of the subject property within 90 days after it is determined by the County that a refund is due.

- (d) *Amount.* All refund payments determined to be due shall include the pro rata portion of interest earned while on deposit in the interest-bearing development impact fee account.
- (e) *Standing.* A person entitled to a refund shall have standing to sue for payment of the refund by the County if there has not been a timely payment of the refund pursuant to this section and the State Development Impact Fee Act.

Sec. 82-36. - Remedies.

If the developer or fee payor disagrees with the County with respect to any aspect of a development impact fee, including, but not limited to, the amount of the fee due, the developer or fee payor shall have the following remedies:

- (a) *Administrative Appeal.* The developer or fee payor may file an administrative appeal with the County Administrator. Such appeal shall be filed with the County Clerk within 30 days of fee payment on a form made available by the County. The County Administrator shall render a decision on the appeal within 90 days after the filing of the appeal.
- (b) *Payment under Protest.*
 - (1) The developer or fee payor may pay a development impact fee under protest. Payment under protest does not preclude the developer or fee payor from filing an administrative appeal nor does it preclude receipt of a refund pursuant to Section 82-35, if applicable.
 - (2) In-lieu of paying the development impact fee under protest, the developer or fee payor may, at the developer's option, post a bond or submit an irrevocable letter of credit for the amount of the development impact fee due, pending the outcome of an appeal.
- (c) *Mediation.*
 - (1) In order to address any disagreement between the fee payor and the County relative to the imposition of a development impact fee, the County and the fee payor may, upon voluntary agreement, enter into mediation conducted by a qualified independent party.
 - (2) Participation in mediation does not preclude the fee payor from pursuing any other available remedies provided in this article, in the State Development Impact Fee Act, or otherwise available by law.
- (d) *Incidental Benefit.* The receipt of incidental benefit by a third party property owner or developer within the service area resulting from the payment of a development impact fee by a fee payor or developer shall not be considered grounds for exercising the remedies set forth in this article.

Sec. 82-37. - Development Agreements.

- (a) In-lieu of making development impact fee payments, the fee payor/developer and the County, by mutual agreement, may enter into an agreement for the provision, construction, and installation of system improvements pursuant to, and in accordance with, the requirements of the State Local Government Development Agreement Act.
- (b) The agreement may additionally provide for credits or reimbursement for costs incurred by a fee payor or developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project.
- (c) A development impact fee for system improvements for a specific public facility category may not be imposed on a fee payor or developer who has entered into a development agreement providing for the provision of system improvements for that same public facility category. Provided, however, that development impact fees may still be imposed on the fee payor or developer for system improvements for another public facility category.
- (d) The development agreement shall include a provision addressing increases in development impact fees over the life of the development agreement as well as the applicability of subsequently adopted development impact fees for other public facilities over the life of the development agreement and the development project.

Sec. 82-38. - System Improvements Provided by Another Service Provider.

- (a) *Non-County Service Provider.* If the proposed system improvements include a public facility or facilities under the jurisdiction of, and provided by, another unit of government as described in the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, the County and the other unit of government shall enter into an intergovernmental agreement providing for:
- (1) Determination of the development impact fee amount in the same manner and pursuant to the same procedures and limitations as provided in this article and the State Development Impact Fee Act for all other development impact fees.
 - (2) Collection of the development impact fee by the County or a participating municipality, as applicable.
 - (3) Transfer of the development impact fee funds collected within the service area of the service provider to the service provider for expenditure at reasonable times.
 - (4) Expenditure of the development impact fee revenues by the service provider in accordance with the capital improvements plan.
- (b) *Cost Sharing of Joint Improvements.* The intergovernmental agreement between the County and the service provider or the County and the participating municipality, shall specify the reasonable share of funding by each governmental unit for jointly funded improvements. The County shall not assume more than its reasonable share of funding of joint improvements; nor may the service provider, which is not authorized to impose development impact fees, assume more than its share of funding of joint improvements, unless the expenditure is being made pursuant to a development agreement.

Sec. 82-39. - Effects of Annexation.

A County Development Impact Fee Ordinance imposed in an unincorporated area which is subsequently annexed by a municipality shall remain in full force and effect pursuant to this article and the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010, until the development impact fee terminates, unless the annexing municipality:

- (1) Assumes responsibility for the provision of system improvements included in the capital improvements plan that are to be provided, in whole or in part, via payment of development impact fees from developers in the annexed area; and
- (2) Assumes any liability which is to be paid with the impact fee revenue.

If the annexing municipality agrees to assume responsibility and liability as set forth in this section, it shall enter into an intergovernmental agreement to such effect with the County.

Secs. 82-40—82-50. - Reserved.

EXHIBIT C**ARTICLE III. – PARKS AND RECREATION FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS****Sec. 82-51. - Adoption.**

Pursuant to the impact fee procedures in Section 82-21 *et seq.*, this parks and recreation development impact fee is adopted and imposed on all new residential development in the County, in accordance with the procedures and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating municipalities of _____.¹

Sec. 82-52. - Establishment of Service Area

There are two service areas for parks and recreation development impact fees. They are the South Beaufort County Parks and Recreation Service Area and the North Beaufort County Parks and Recreation Service Area. The South Beaufort County Parks and Recreation Service Area includes those parts of the County south of the Broad River. The North Beaufort County Parks and Recreation Service Area includes those parts of the County north of the Broad River. The boundaries of these services areas are identified in Figure 82-52: Beaufort County Parks and Recreation Service Areas.

¹ This amendment is drafted so that when it is determined which municipalities will participate in the parks and recreation development impact fee, they can be identified here and in other relevant places in the draft (potentially the cities of Beaufort and Hardeeville, and the towns of Hilton Head Island, Bluffton, Port Royal, and Yemassee).

FIGURE 82-52: BEAUFORT COUNTY PARKS AND RECREATION SERVICE AREAS



Sec. 82-53. - Incorporation of Support Study.

The County and the participating municipalities hereby rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for parks and recreation development impact fees for parks and recreation facility system improvements set out in *Capital Improvement Plan and Development Impact Fee Study* prepared by TischlerBise, dated July 27, 2020 (hereinafter “parks and recreation development impact fee study and CIP”). The parks and recreation development impact fee study and CIP are incorporated herein by reference. The parks and recreation development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new residential development on the recreation facility system improvement needs for the South Beaufort County Parks and Recreation Service Area and the North Beaufort County Parks and Recreation Service Area. .

Sec. 82-54. - Imposition of Parks and Recreation Development Impact Fees.

(a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 et seq. et seq., the State Development Impact Fee Act, and the support studies and the County adopted parks and recreation facilities capital improvements plan (CIP), incorporated in this article by reference, parks and recreation facilities development impact fees shall be imposed in the following service areas in the amounts identified in Table 82-55: Parks and Recreation Facilities Development

Impact Fee Schedule, by Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-56, Individual Assessment of Development Impact.

(b) The parks and recreation development impact fee shall be imposed on all new residential development (dwelling units) in the unincorporated County and within the participating municipalities, unless the residential development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c. A parks and recreation development impact fee shall only be imposed if a new dwelling unit is developed.

(c) The parks and recreation development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

Sec. 82-55. - Parks and Recreation Development Impact Fee Schedule and Facility Project List.

(a) The following general procedure shall be followed upon receipt of an application for a building permit for new development:

(1) Identify the applicable service area (South Beaufort County Parks and Recreation Service Area or North Beaufort County Parks and Recreation Service Area) based on the development’s location.

(2) Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33(b)(3)c, and if so the number of those dwelling units and the amount of the discount.

(3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-56,

(4) If an Individual Assessment of Development Impact is not approved, or not applied for, identify the number of dwelling units, and the square feet in size of each dwelling unit, and then apply the fee schedule in Table 82-55: Parks and Recreation Development Impact Fee Schedule, by Service Area, to each dwelling unit; or

(5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

TABLE 82-55: PARKS AND RECREATION DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA		
Housing Unit Size	North Beaufort County Parks and Recreation Service Area Impact Fee	South Beaufort County Parks and Recreation Service Area Impact Fee
1,000 sf or less	\$486	\$282
1,001 to 1,250 sf	\$590	\$353
1,251 to 1,500 sf	\$694	\$423
1,501 to 1,750 sf	\$798	\$470
1,751 to 2,000 sf	\$868	\$517
2,001 to 2,500 sf	\$1,006	\$588
2,501 to 3,000 sf	\$1,076	\$658
3,001 to 3,500 sf	\$1,180	\$705
3,501 to 4,000 sf	\$1,249	\$752
4,001 or more sf	\$1,319	\$776

TABLE 82-55a: PARKS AND RECREATION NORTHERN AND SOUTHERN FACILITY PROJECTS	
Northern Service Area Projects	Southern Service Area Projects
Burton Wells Park Expansion	Buckwalter Park Expansion
County Splash Pads and Aquatics Center/Park	M.C. Riley Complex Expansion
Passive Park Development and Construction	Daufuskie Island Park Improvements
Basal Green Complex Expansion	Outdoor Aquatics and Splash Pads Installation
Coursen-Tate Complex Expansion	Bluffton Center Expansion
Saint Helena Park Expansions	Passive Park Development and Construction
Community Center Expansions	Community Center Expansion
Small Park Expansion and Development	Recreation Field Development and Construction
Municipal Owned Park Facility Development and Expansions: Henry C Chamber's Park Spanish Moss Trail Port Royal Skate Park Washington Street Park Pigeon Point Park	

Sec. 82-56. - Individual Assessment of Development Impact.

(a) In-lieu of calculating the parks and recreation development impact fees by reference to the fee schedule in Table 82-55: Parks and Recreation Development Impact Fee Schedule, by Service Area, a fee payor may request that the amount of the required parks and recreation development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

(b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.

(c) Each Individual Assessment of Development Impact shall be based on the same level of service standard and system improvement costs for park and recreation facilities for the service areas used in the parks and recreation development impact fee study and CIP, shall use the formula for calculating the development impact fees used in the parks and recreation development impact fee study and CIP (no adjustments in the assumption of credits shall be made), and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the parks and recreation development impact fee study and CIP and reflected in Table 82-56: Parks and Recreation Development Impact Fee Schedule, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.

(d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee as the basis for calculating park and recreation development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a

designee as a more accurate measure of the demand for park and recreation facility system improvements created by the proposed development than the applicable fee in Table 82-56: Parks and Recreation Development Impact Fee Schedule, by Service Area, then the park and recreation development impact fees due under this Ordinance shall be calculated according to such assessment.

Sec. 82-57. - Credits.

(a) Any developer/fee payor which is obligated to pay a parks and recreation development impact fee under this section may apply for credit against parks and recreation development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for parks and recreation facility system improvements that are accepted by the County Council for parks and recreation facility systems improvements identified in the CIP.

(b) *Valuation of Credits*

(1) Credit for land dedication for park and recreation facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.

(2) Credit for construction of parks and recreation facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.

(3) Credit for a contribution for parks and recreation facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor. (c) *When Credits Become Effective*

(1) Credits for land dedication for parks and recreation facilities shall become effective after the credit is approved by County Council or applicable municipal legislative body pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County or applicable municipality in a form established by the County or applicable municipality at no cost to the County or applicable municipality, and (b) the dedication of land has been accepted by the County or applicable municipality.

(2) Credits for construction of parks and recreation facility system improvements shall become effective after the credit is approved by County Council or applicable municipal legislative body² pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council or applicable municipal legislative body, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements (or municipal requirements, as applicable).

(3) Credits for contributions shall become effective after the contribution is approved by the County Council or applicable municipal legislative body pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable municipal legislative body.

(4) Credits for land dedication, construction of parks and recreation facility system improvements, or contributions, shall be transferable within the same development for parks and recreation development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The

² NOTE TO STAFF: Please provide direction on whether land dedications, construction of buildings, or contributions for park and recreation facilities within a participating municipality will be dedicated or accepted by the municipality. We have drafted the provision as if that would be the case; if that is not the case, we can make a change.

instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council or applicable municipal legislative body for registration.

(5) The total amount of the credit shall not exceed the amount of the parks and recreation development impact fees due and payable for the project.

(6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council or applicable municipal legislative body. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for parks and recreation facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the parks and recreation development impact fees the fee payor shall receive.

(7) The County Council or applicable legislative body may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct parks and recreation facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those parks and recreation facility system improvements exceed the obligation to pay parks and recreation development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the parks and recreation facility system improvements constructed.

Sec. 82-58. - Trust Account for Parks and Recreation Development Impact Fees.

The County and the participating municipalities hereby establish segregated Parks and Recreation Development Impact Fee Trust Accounts. All parks and recreation development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Account. By November 1 of each year, the participating municipalities shall transfer the parks and recreation development impact fees they collect to the County. Upon receipt, the County shall then place the funds into its Parks and Recreation Development Impact Fee Trust Account. Each Trust Account shall be interest-bearing and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to parks and recreation development impact fee funds.

Sec. 82-59. - Expenditure of Fees for Parks and Recreation Facility System Improvements.

Parks and recreation development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 *et seq.*, solely and exclusively for parks and recreation facility system improvements as set forth in the parks and recreation development impact fee study and CIP. System improvements generally include the following: acquisition of land for development of new parks, expansions to existing parks, and park and recreation equipment.

Sec. 82-60. - Development Agreement Option.

(a) The developer may pay the parks and recreation development impact fee, as calculated pursuant to Section 82-56, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations. In the alternative, a developer may enter into an agreement with the County or a participating municipality pursuant to the State Local Government Development Agreement Act, and provide for dedication of land, park equipment, development of parks and recreation facilities, and/or for payments in-lieu of development impact fees for parks and recreation facilities, through a development agreement

(b) A parks and recreation development impact fee may not be imposed on a developer who has entered into a development agreement with the County that provides for the parks and recreation facility system improvement needs of the development project that is subject to the development agreement.

(c) A development agreement for parks and recreation facilities may only be entered into with the authorization and approval of both the County and the developer, or the participating municipality and developer, as appropriate.

Sec. 82-61. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 *et seq.*, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures in Section 82-21 *et seq.*

(a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing, or expenditure of a parks and recreation development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures set forth in Section 82-21 *et seq.* If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or a participating municipality to be due.

(b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fee under protest, pursuant to the County impact fee procedures set forth in Section 82-21 *et seq.* Payment under protest does not preclude the developer/applicant from filing an administrative appeal, from requesting a refund, or from posting a bond or submitting an irrevocable letter of credit for the full amount of the development impact fee due, all as set forth in the impact fee procedures in Section 82-21 *et seq.*

(c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, participating municipality) and only to address a disagreement related to the parks and recreation development impact fee, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 *et seq.* or other remedies available by law.

Sec. 82-62. - County Remedies.

(a) The County and a participating municipality (to the extent authorized in the intergovernmental agreement(s) with the County), pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 *et seq.*, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section 82-21 *et seq.*

(1) *Interest and Penalties.* The County or participating municipality may, in its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated parks and recreation development impact fee due, pursuant to the impact fee procedures in Section 82-21 *et seq.*

(2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the parks and recreation development impact fee due.

(3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures set forth in Section 82-21 *et seq.*, for failure of the developer/applicant to timely pay the required parks and recreation development impact fee in full.

(b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any remedy, at any time, shall not be deemed to be a waiver of County or municipal rights to pursue any remedy at such other time as may be deemed appropriate.

Sec. 82-63. – Refund of Fees.

(a) A collected parks and recreation development impact fee shall be refunded to the owner of record of property on which a parks and recreation development impact fee has been paid if:

(1) The parks and recreation development impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the parks and recreation development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of collected parks and recreation development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-64. - Intergovernmental Agreements.

Prior to collection of a parks and recreation development impact fee in a participating municipality, the County shall enter into an intergovernmental agreement with the participating municipality. Intergovernmental agreement shall:

(a) Specify the reasonable share of funding joint system improvements for parks and recreation facility system improvements by each governmental unit; and

(b) Provide for the collection of the parks and recreation development impact fee by the municipality within its corporate limits and by the County within the unincorporated area; and

(c) Provide for the timely transfer of parks and recreation development impact fee funds from the municipality to the County; and

(d) Provide for the timely expenditure of the parks and recreation development impact fee funds by the County, in accordance with the CIP.

Sec. 82-65. - Termination of the Parks and Recreation Development Impact Fee.

The parks and recreation development impact fee shall be terminated upon the completion/conclusion of all of the parks and recreation development impact fee-funded capital improvements, as set forth in the CIP, unless:

(a) The County adopts a CIP for a subsequent time period; or

(b) The County adopts an updated parks and recreation development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

Secs. 82-66—82-80. - Reserved

EXHIBIT D**ARTICLE IV. – ROAD FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS****Sec. 82-81. - Adoption.**

Pursuant to the impact fee procedures in Section 82-21 *et seq.*, this road facilities development impact fee is adopted and imposed on all new development in the County, in accordance with the procedures and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating municipalities of _____.³

Sec. 82-82. – Establishment of Service Areas.

There are two service areas for the road facilities development impact fee: the South Beaufort County Road Facilities Service Area and the North Beaufort County Road Facilities Service Area. The South Beaufort County Road Facilities Service Area includes those parts of the County south of the Broad River. The North Beaufort County Road Facilities Service Area includes those parts of the County north of the Broad River. The boundaries of these services areas are identified in Figure 82-82: Beaufort County Road Facilities Service Areas.

³ This amendment is drafted so that when it is determined which municipalities will participate in the road facilities development impact fee, they can be identified here and in other relevant places in the draft (potentially the cities of Beaufort and Hardeeville, and the towns of Hilton Head Island, Bluffton, Port Royal, and Yemassee).

FIGURE 82-82: BEAUFORT COUNTY ROAD FACILITIES SERVICE AREAS



Sec. 82-83. - Incorporation of Support Study.

The County and the participating municipalities hereby rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for the road facilities development impact fee set out in *Capital Improvement Plan and Development Impact Fee Study (Transportation Update)* prepared by TischlerBise, dated November 15, 2022 (hereinafter “road facilities development impact fee study and CIP”). The road facilities development impact fee study and CIP (the Beaufort County 2030 transportation improvement plan) are incorporated herein by reference. The road facilities development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on the South Beaufort County Road Facilities Service Area and the North Beaufort County Road Facilities Service Area.

Sec. 82-84. - Imposition of Road Facilities Development Impact Fees.

- (a) The road facilities development impact fee shall be imposed on all new development in the unincorporated County and within the participating municipalities, unless the development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c, of the County Code.

- (b) The road facilities development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required prior to construction, prior to issuance of a development permit.

Sec. 82-85. – Road Facilities Development Impact Fee Schedule.

- (a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and the participating municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 *et seq.*, the State Development Impact Fee Act, and the road facilities development impact fee study and CIP, road facilities development impact fees shall be imposed in the South Beaufort County Road Facilities Service Area and the North Beaufort County Road Facilities Service Area.
- (b) The following general procedure shall be followed upon receipt of an application for a building permit or development permit, whichever is applicable, for new development:
 - (1) Identify the applicable service area (South Beaufort County Road Facility Service Area or North Beaufort County Road Facility Service Area) based on the development’s location;
 - (2) Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33(b)(3)c, and if so the number of those dwelling units and the amount of the discount;
 - (3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-86.
 - (4) If an Individual Assessment of Development Impact is not approved, or not applied for, identify the number of dwelling units, and the square feet in size of each dwelling unit, and the type of nonresidential development and the square feet of the nonresidential development, then apply the fee schedule in Table 82-85: Road Facilities Development Impact Fee Schedule, by Service Area, to each dwelling unit or nonresidential development, as appropriate; or
 - (5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

TABLE 82-85: ROAD FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA		
Residential Development		
Housing Unit Size	North Beaufort County Road Facility Service Area Impact Fee	South Beaufort County Road Facility Service Area Impact Fee
1,000 sf or less	\$1,509	\$1,551
1,001 to 1,250 sf	\$1,896	\$1,939
1,251 to 1,500 sf	\$2,245	\$2,284
1,501 to 1,750 sf	\$2,516	\$2,585
1,751 to 2,000 sf	\$2,748	\$2,844
2,001 to 2,500 sf	\$3,135	\$3,231
2,501 to 3,000 sf	\$3,483	\$3,576
3,001 to 3,500 sf	\$3,754	\$3,835
3,501 to 4,000 sf	\$3,986	\$4,093
4,001 or more sf	\$4,180	\$4,309

Nonresidential Development		
Development Type	North Beaufort County Road Facility Service Area Impact Fee per 1,000 square feet	South Beaufort County Road Facility Service Area Impact Fee per 1,000 square feet
Retail	\$4,513	\$5,024
Office/Service	\$2,243	\$2,497
Industrial	\$905	\$1,007
Institutional	\$2,089	\$2,326

- (c) The road facilities development impact fee shall be adjusted annually to reflect the effects of inflation on the costs for road facilities set forth in the road facilities development impact fee study and CIP. Prior to December 1 of each year, beginning in 2021, the development impact fee amount set forth in Table 82-85: Road Facilities Development Impact Fee Schedule, by Service Area, shall be adjusted to account for inflationary increases in the costs of providing road facilities using the Construction Cost Index calculated by the Engineering News-Record (ENR). For each such adjustment, the road facilities development impact fees shown in Table 82-55 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

Sec. 82-86. - Individual Assessment of Development Impact.

- (a) In-lieu of calculating the road facilities development impact fees by reference to the fee schedule in Table 82-85: Road Facilities Development Impact Fee Schedule, by Service Area, a fee payor may request that the amount of the required road facilities development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standard and system improvement costs for road facilities used in the road facilities development impact fee study and CIP, shall use the formula for calculating the impact fee used in the road facilities development impact fee study and CIP (no adjustments in the assumption of credits shall be made), and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the road facilities development impact fee study and CIP and reflected in Table 82-85: Road Facilities Development Impact Fee Schedule, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.
- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in Section 82-86(c), as the basis for calculating road facilities development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for road facility system improvements created by the proposed development than the applicable fee in Table 82-56: Road Facilities Development Impact Fee Schedule, by Service Area, then the road facilities development impact fees due shall be calculated according to the assessment.

Sec. 82-87. - Credits.

- (a) Any developer/fee payor which is obligated to pay a road facilities development impact fee under this section may apply for credit against road facilities development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this article for any land dedication for right-of-way (ROW), construction, or contribution for road facilities system improvements that are identified in the Table 82-87a: Road Facility Projects, North of the Broad River, for development north of the Broad River, and Table 82-87b: Road Facility Projects, South of the Broad River, for development south of the Broad River. that are accepted by County Council.

TABLE 82-87a: ROAD FACILITY PROJECT NORTH OF THE BROAD RIVER	
Transportation Projects	Type of Improvement
US 21/SC 802 Connector SE (Hazel Farms Road)	New Road
US 21/SC 802 Connector NW (Sunset/Miller Road)	New Road
US 21/SC 802 Intersection Improvement (Sea Island Parkway/Sams Pt. Road)	Intersection Improvements
US 21/SC 128 Intersection Improvement (Ribault Road/Lady's Island Drive)	Intersection Improvements
Boundary Street Connectivity (Polk Street Parallel Road)	New Road
Joe Frazier Road Improvements	Access Management
US 21 Business (Woods Memorial Bridge ITS)	Intelligent Transportation Systems
Sea Island Parkway Improvements	Access Management/ Complete Streets
Spine Road – Port Royal Port	New Road
US 21 and Parker Drive Mast Arm Signal	Traffic Signal
9 Traffic Signals	Traffic Signal
Port Royal Road Interconnectivity	New Road

TABLE 82-87b: ROAD FACILITY PROJECT SOUTH OF THE BROAD RIVER	
Transportation Projects	Type of Improvement
US 278 at Jenkins Island Alternate 2A Super Street Plan	Superstreet Plan
US 278 Bridge Widening 6-lane widening from Bluffton 5A to Jenkins Island	Bridge Widening
US 278 Access Management	Access Management
US 278/SC 170 Interchange – ramp reconfiguration for added capacity	Interchange Improvements
SC 170 – US 278 to Tide Watch – widen to 6 lanes	Road Widening
SC 46/170 Widen to 6-lane divided from Argent Blvd. to SC 462	Road Widening

TABLE 82-87b: ROAD FACILITY PROJECT SOUTH OF THE BROAD RIVER	
Transportation Projects	Type of Improvement
Buckwalter Parkway access management – roadway connectivity	Access Management
May River Road access management (including bike/ped)	Access Management
Burnt Church Road from Bluffton Parkway to All Joy Turn access management (including bike/ped)	Access Management
Buck Island Rd. widening to 3 lanes from US 278 to Bluffton Parkway (including bike/ped)	Road Widening
Lake Point Drive/Old Miller Road Connection with (including bike/ped)	New Road
SC 170/SC 46 Widening to 4-lane from roundabout to Jasper County	Road Widening
Innovation Drive	New Road
Buckwalter Frontage Connector Road from Buckwalter Parkway through Willow Run	New Road
16 Traffic Signal	Traffic Signal

(b) Valuation of Credits.

- (1) Credit for land dedication for ROW, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.
- (2) Credit for construction of road facilities system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor . The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.
- (3) Credit for a contribution for road facilities system improvements shall be based on the value of the contribution at the time it is made by the fee payor.

(c) When Credits Become Effective.

- (1) Credits for land dedication for ROW shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) the land has been conveyed to the County in a form established by the County at no cost to the County, and (c) the dedication of land for ROW has been accepted by the County.
- (2) Credits for construction of road facility system improvements shall become effective after the credit is approved by the County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into,(b) a suitable maintenance and warranty bond has been received and approved by the County Council, and(c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements.

- (3) Credits for contributions shall become effective after the contribution is approved by the County Council, (a) a credit Agreement/Development Agreement has been entered into, and (b) the contribution is provided to and accepted by the County Council.
- (4) Credits for land dedication for ROW, construction of road facility system improvements, or contributions shall be transferable within the same development for road facilities development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this article are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County for registration.
- (5) The total amount of the credit shall not exceed the amount of the road facilities development impact fees due and payable for the project.
- (6) The Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for road facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the road facilities development impact fees the fee payor shall receive.
- (7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land for ROW, construct road facility system improvements, and/or make contributions, to the extent the fair market value of the land for ROW, the construction of road facility system improvements, and/or the contributions exceed the obligation to pay road facilities development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement.

Sec. 82-88. – Trust Account for Road Facilities Development Impact Fees.

The County and the participating municipalities hereby establish segregated Road Facilities Development Impact Fee Trust Accounts. All road facilities development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Account. By November 1 of each year, the participating municipality shall transfer the road facilities development impact fees they collect to the County. Upon receipt, the County shall place the funds in its Road Facilities Development Impact Fee Trust Account. Each Trust Account shall be interest-bearing and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to road facilities development impact fee funds.

Sec. 82-89. - Expenditure of Fees for Road Facilities System Improvements.

Road facilities development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 *et seq.*, solely and exclusively for road facilities system improvements in the CIP.

Sec. 82-90. - Development Agreement Option.

- (a) The developer may pay the road facilities development impact fee, as calculated pursuant to Section 82-85, as the proposed development project's proportionate share of road facilities system improvement costs and as full and complete payment of such obligations. In the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, providing for dedication of land for ROW, the construction of roads, and/or for payments in-lieu of development impact fees for road facilities, through a development agreement.

- (b) A road facilities development impact fee may not be imposed on a developer who has entered into a development agreement with the County that provides for the road facility system improvement needs of the developer's development project that is subject to the development agreement.
- (c) A development agreement for road facility system improvements may only be entered into with the authorization and approval of both the County and the developer, and after consultation with an affected municipality, if applicable.

Sec. 82-91. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures in Section 82-21 *et. seq.*, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures in Section 82-21 *et. seq.*

- (a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing, or expenditure of a road facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures set forth in Section 82-21 *et. seq.* If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or participating municipality to be due.
- (b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fees under protest, pursuant to the County impact fee procedures in Section 82-21 *et. seq.* Payment under protest does not preclude the developer/applicant from filing an administrative appeal, nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fees as calculated by the County or municipality to be due,
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the road facilities development impact fees, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 *et seq.*, or other remedies available by law.

Sec. 82-92. - County Remedies.

- (a) The County and the participating municipalities (to the extent authorized in the intergovernmental agreements with the County), and pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 *et seq.*, shall have all of the following remedies, which may be exercised individually or collectively.
 - (1) *Interest and Penalties.* The County or participating municipality may, in its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated road facilities development impact fees due, pursuant to the impact fee procedures in Section 82-21 *et seq.*
 - (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the County-calculated or municipality-calculated road facilities development impact fees due.
 - (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures set forth in Section 82-21 *et seq.*, for failure of the developer/applicant to timely pay

the required County-calculated or municipality-calculated road facilities development impact fees in full.

- (b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy, at any time, shall not be deemed to be a waiver of County or municipal rights to pursue any remedy at such other time as may be deemed appropriate.

Sec. 82-93. – Refund of Fees.

(a) A collected road facilities development impact fee shall be refunded to the owner of record of property on which a road facilities development impact fee has been paid if:

(1) The road facilities development impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the road facilities development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of collected road facilities development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-94. - Intergovernmental Agreement.

Prior to collection of a road facilities development impact fee pursuant to this article within a participating municipality, the County shall enter into an intergovernmental agreement with the participating municipality. Each intergovernmental agreement shall:

- (a) Specify the reasonable share of funding joint system improvements for road facility system improvements by each governmental unit or entity; and
- (b) Provide for the collection of the road facilities development impact fee by the municipality within its corporate limits, and by the County within the unincorporated County; and
- (c) Provide for the timely transfer of road facilities development impact fee funds from the municipality to the County; and
- (d) Provide for the timely expenditure of the road facilities development impact fee funds by the County, in accordance with the CIP.

Sec. 82-95. - Termination of the Road Facilities Development Fee.

The road facilities development impact fees shall be terminated upon the completion/conclusion of all of the road facilities development impact fee-funded capital improvements, as set forth in the CIP, unless:

- (a) The County adopts a CIP for a subsequent time period; or
- (b) The County adopts an updated road facilities development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

Secs. 82-96—82-110. - Reserved.

EXHIBIT E

ARTICLE V. – LIBRARY FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS

Sec. 82-111. - Adoption.

Pursuant to the impact fee procedures in Section 82-21 *et seq.*, the library development impact fee is adopted and imposed in accordance with the procedure and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating municipalities of _____.⁴

Sec. 82-112. – Establishment of Service Area.

There are two service areas for library development impact fees. They are the South Beaufort County Library Service Area and the North Beaufort County Library Service Area. The South Beaufort County Library Service Area includes those parts of the County south of the Broad River. The North Beaufort County Library Service Area includes those parts of the County north of the Broad River. The boundaries of these services areas are identified in Figure 82-112: Beaufort County Library Service Areas.

⁴ This amendment is drafted so that when it is determined which municipalities will participate in the library development impact fee, they can be identified here and in other relevant places in the draft (potentially the cities of Beaufort and Hardeeville, and the towns of Hilton Head Island, Bluffton, Port Royal, and Yemassee).

FIGURE 82-112: BEAUFORT COUNTY LIBRARY SERVICE AREAS



Sec. 82-113. - Incorporation of Support Study.

The County and the participating municipalities hereby rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for the library development impact fees for library facility system improvements set out in *Capital Improvement Plan and Development Impact Fee Study* prepared by TischlerBise, dated July 27, 2020 (hereinafter “library development impact fee study and CIP”). The library development impact fee study and CIP are incorporated herein by reference. The library development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new residential development on the South Beaufort County Library Service Area and the North Beaufort County Library Service Area.

Sec. 82-114. – Imposition of Library Development Impact Fees

- (a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and the participating municipalities, and in accordance with the impact fee procedures in Section 82-21 *et seq.*, the State Development Impact Fee Act, and the library development impact fee study and CIP, library development impact fees shall be imposed in the South Beaufort County Library Service Area and the North Beaufort County Library Service Area.
- (b) The library development impact fee shall be imposed on all new residential development (dwelling units) in the County, unless the residential development is exempted, or an exception or waiver is

granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c. A library development impact fee shall only be imposed if a new dwelling unit is developed.

- (c) The library development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

Sec. 82-115. – Library Impact Fee Schedule.

- (b) The following general procedure shall be followed upon receipt of an application for a building permit for new development:
- (1) Identify the applicable service area (South Beaufort County Library Service Area or North Beaufort County Library Service Area) based on the development's location;
 - (2) Determine if any of the dwelling units qualify for a discount as "affordable housing" in accordance with Sec. 82-33(b)(3)c, and if so the number of those dwelling units and the amount of the discount;
 - (3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-116,
 - (4) If an Individual Assessment of Development Impact is not approved, or not applied for, identify the number of dwelling units, and the square feet in size of each dwelling unit, and then apply the fee schedule in Table 82-115: Library Development Impact Fee Schedule, by Service Area, to each dwelling unit; or
 - (5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

TABLE 82-115: LIBRARY DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA		
Housing Unit Size	North Beaufort County Library Service Area Impact Fee	South Beaufort County Library Service Area Impact Fee
1,000 sf or less	\$225	\$151
1,001 to 1,250 sf	\$273	\$189
1,251 to 1,500 sf	\$321	\$227
1,501 to 1,750 sf	\$369	\$252
1,751 to 2,000 sf	\$401	\$278
2,001 to 2,500 sf	\$466	\$316
2,501 to 3,000 sf	\$498	\$353
3,001 to 3,500 sf	\$546	\$379
3,501 to 4,000 sf	\$578	\$404
4,001 or more sf	\$610	\$417

Sec. 82-116. - Individual Assessment of Development Impact.

- (a) In-lieu of calculating the library facilities development impact fees by reference to the fee schedule in Table 82-115, Library Development Impact Fee Schedule, by Service Area, a fee payor may request that the amount of the required library development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standard and system improvement costs for library facilities used in the library development impact fee study and CIP, shall use the formula for calculating the development impact fees used in the library development impact fee study and CIP, and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the appropriate support study and reflected in Table 82-115: Library Development Impact Fee Schedule, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.
- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee as the basis for calculating library development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for library facility system improvements created by the proposed development than the applicable fee in Table 82-115: Library Development Impact Fee Schedule, by Service Area, then library development impact fees due under this Ordinance shall be calculated according to such assessment.

Sec. 82-117. – Credits.

- (a) Any developer/fee payor which is obligated to pay a library development impact fee under this section may apply for credit against library development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for library facility system improvements that are accepted by the County Council for library facility system improvements identified in the CIP.
- (b) *Valuation of Credits*
 - (1) Credit for land dedication for library facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.
 - (2) Credit for construction of library facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.
 - (3) Credit for a contribution for library facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor.
- (c) *When Credits Become Effective*
 - (1) Credits for land dedication for library facility system improvements shall become effective after the credit is approved by the County Council pursuant to this section, a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

- (2) Credits for construction of library facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, a Credit Agreement/Development Agreement is entered into, a suitable maintenance and warranty bond has been received and approved by the County Council, and all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.
- (3) Credits for contributions shall become effective after the contribution is approved by the County Council or applicable municipal legislative body pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable municipal legislative body.
- (4) Credits for land dedication, construction of library facility system improvements, or contributions, shall be transferable within the same development for library development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council for registration.
- (5) The total amount of the credit shall not exceed the amount of the library development impact fees due and payable for the project.
- (6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction, or contribution for library facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the library development impact fees the fee payor shall receive.
- (7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct library facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those library facility system improvements exceed the obligation to pay library development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the library facility system improvements constructed.

Sec. 82-118. -Trust Account for Library Development Impact Fees.

The County and the participating municipalities hereby establish segregated Library Development Impact Fee Trust Accounts. All library development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Account. By November 1 of each year, the participating municipalities shall transfer the library development impact fees they collect to the County. Upon receipt, the County shall place these impact fee funds in its Library Development Impact Fee Trust Account. Each Trust Account shall be interest-bearing and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to library development impact fee funds.

Sec. 82-119. - Expenditure of Fees for Library Facility System Improvements.

Library development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Section 82-21 *et seq.*, solely and exclusively for library facility system improvements as set forth in the library development impact fee study and CIP. System improvements generally include the following: acquisition of land for libraries, expansion to existing library buildings and related facilities, and bookmobiles.

Sec. 82-120. - Development Agreement Option.

- (a) The developer may pay the library development impact fee, as calculated pursuant to Section 82-115, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations. In the alternative, a developer may enter into a development agreement with the County pursuant to the State Local Government Development Agreement Act and provide for dedication of land, construction of buildings and related facilities, bookmobiles, and/or for payments in-lieu of development impact fees for library facilities through a development agreement.
- (c) A library development impact fee may not be imposed on a developer who has entered into a development agreement with the County that provides for the library facility system improvement needs of the developer's development project that is subject to the development agreement.
- (d) A development agreement for library facility system improvements may only be entered into with the authorization and approval of both the County and the developer.

Sec. 82-121. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 *et seq.*, shall have the following rights.

- (a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a municipal or County decision related to the imposition, calculation, collection, processing, or expenditure of library development impact fees, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures set forth in Section 82-21 *et seq.* If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or participating municipality to be due.
- (b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fees under protest, pursuant to the County impact fee procedures in Section 82-21 *et seq.* Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures in Section 82-21 *et seq.*
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the library development impact fee, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 *et seq.*, or other remedies available by law

Sec. 82-122. - County Remedies.

- (a) The County and a participating municipality (to the extent authorized in the intergovernmental agreements with the County), pursuant to the State Development Impact Fee Act, and the County impact fee procedures as set forth in Section 82-21 *et seq.*, shall have all of the following remedies, which may be exercised individually or collectively:
 - (1) *Interest and Penalties.* The County or participating municipality may, in its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated library development impact fees due, pursuant to the impact fee procedures in Section 82-21 *et seq.*
 - (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a

building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the library development impact fee due.

- (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 82-21 *et seq.* for failure of the developer/applicant to timely pay the required library development impact fee in full.
- (b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipal rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

Sec. 82-123. – Refund of Fees.

(a) A collected library development impact fee shall be refunded to the owner of record of property on which a library development impact fee has been paid if:

(1) The library impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the library development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of collected library development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-124. - Intergovernmental Agreements.

Prior to collection of the library development impact fee in a participating municipality, the County shall enter into an intergovernmental agreement with the participating municipality. Each intergovernmental agreement shall:

- (a) Specify the reasonable share of funding joint system improvements for library facility system improvements by each governmental unit; and
- (b) Provide for the collection of the library development impact fee by the municipality within its corporate limits and by the County within the unincorporated area; and
- (c) Provide for the timely transfer of library development impact fee funds from the municipality to the County; and
- (d) Provide for the timely expenditure of the library development impact fee funds by the County, in accordance with the CIP.

Sec. 82-125. - Termination of the Library Development Fee.

The library development impact fee shall be terminated upon the completion/conclusion of all of the library development impact fee-funded capital improvements as set forth in the CIP, unless:

- (a) The County adopts a CIP for a subsequent time period; or
- (b) The County adopts an updated library development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

Secs. 82-126—82-130. – Reserved

EXHIBIT F**ARTICLE VI. – FIRE FACILITIES—NORTHERN AND SOUTHERN BEAUFORT COUNTY SERVICE AREAS****Sec. 82-131. - Adoption.**

Pursuant to the impact fee procedures in Section 82-21 et seq., the fire facilities development impact fee is adopted and imposed on all new development in the County in accordance with the procedures and requirements of this article and the intergovernmental agreement(s) the County has entered into with the participating fire districts (_____) ⁶ and the participating municipalities of _____.⁷

Sec. 82-132. - Establishment of Service Area.

There are two service areas for fire facilities development impact fees. They are the Bluffton Fire District Service Area and the North Beaufort County Fire District Service Area. The Bluffton Fire District Service Area includes the [redacted] fire districts. The North Beaufort County Fire Service Area includes the Burton, Lady's Island St. Helena, and Sheldon fire districts. The boundaries of these services areas are identified in Figure 82-132: Beaufort County Fire Facilities Service Areas.

[map needed]

Sec. 82-133. – Incorporation of Support Study.

The County and the participating municipalities hereby rely on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for fire facilities development impact fees for fire facility system improvements set out in *Capital Improvement Plan and Development Impact Fee Study* prepared by TischlerBise, dated July 27, 2020 (hereinafter “fire facilities development impact fee study and CIP”). The fire facilities development impact fee study and CIP are incorporated herein by reference. The fire facilities development impact fee study and CIP sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on the Bluffton Fire District Service Area and the North Beaufort County Fire Service Area.

Sec. 82-134. - Imposition of Fire Facilities Development Impact Fees.

- (a) The fire facilities development impact fees shall be imposed on all new development in the service areas, unless the development is exempted, or an exception or waiver is granted pursuant to Sec. 82-32(b), Development Not Subject to Development Impact Fees, or Sec. 82-33(b)(3)c.
- (b) The fire facilities development impact fee in the unincorporated County and within a participating municipality shall be paid prior to issuance of a building permit, or if a building permit is not required prior to construction, or prior to issuance of a development permit.

Sec. 82-135 – Fire Facilities Development Impact Fee Schedule.

- (a) Pursuant to this article and the appropriate intergovernmental agreement(s) between the County and the participating municipalities), and in accordance with the County impact fee procedures set forth in Section 82-21 et seq., the South Carolina Development Impact Fee Act, and the fire facilities

⁶ NOTE TO STAFF: The fire districts that are participating in the development impact fee program and which the County has entered into intergovernmental agreements will be identified here and be known as the “participating fire districts). In the North Beaufort County Fire District Service Area they include the Burton, Lady's Island St. Helena, and Sheldon fire districts. In the Bluffton Fire District Service Area they include the [redacted] fire districts.

⁷ This amendment is drafted so that when it is determined which municipalities will participate in the parks and recreation development impact fee, they can be identified here and in other relevant places in the draft (potentially the cities of Beaufort and Hardeeville, and the towns of Hilton Head Island, Bluffton, Port Royal, and Yemassee).

development impact fee study and CIP, fire facilities development impact fees shall be imposed in the Bluffton Fire District Service Area and the North Beaufort County Fire Service Area.

- (b) The following general procedure shall be followed upon receipt of an application for a building permit or development permit, whichever is applicable, for new development:
 - (1) Identify the applicable service area (Bluffton Fire District Service Area or North Beaufort County Fire Service Area) based on the development’s location;
 - (2) Determine if any of the dwelling units qualify for a discount as “affordable housing” in accordance with Sec. 82-33(b)(3)c and if so the number of those dwelling units and the amount of the discount;
 - (3) Determine if any of the nonresidential development qualifies for a waiver of the fire facilities development impact fee due to the inclusion of automatic sprinklers, where otherwise not required by the applicable County fire code or fire district codes and regulations.
 - (3) Determine whether the applicant has applied for an Individual Assessment of Development Impact in accordance with Sec. 82-136.
 - (4) If an Individual Assessment of Development Impact is not approved, or not applied for, calculate the fee as follows:
 - a. For residential development, identify the number of dwelling units, and the square feet in size of each dwelling unit, then apply the fee schedule in Table 82-135a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, to each dwelling unit; and

TABLE 82-135a: FIRE FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE FOR RESIDENTIAL DEVELOPMENT, BY SERVICE AREA		
Housing Unit Size	Bluffton Fire District Service Area	North Beaufort County Fire Service Area
1,000 sf or less	\$477	\$601
1,001 to 1,250 sf	\$600	\$742
1,251 to 1,500 sf	\$715	\$872
1,501 to 1,750 sf	\$791	\$1,001
1,751 to 2,000 sf	\$877	\$1,084
2,001 to 2,500 sf	\$991	\$1,260
2,501 to 3,000 sf	\$1,115	\$1,343
3,001 to 3,500 sf	\$1,191	\$1,473
3,501 to 4,000 sf	\$1,267	\$1,555
4,001 or more sf	\$1,315	\$1,649

- b. For nonresidential development, determine the fire hazard level of the development, and apply the fee schedule per 1,000 square foot of development in Table 82-135b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, assigning a fee of \$953 for each Equivalent Dwelling Unit (EDU) (or fraction thereof) in the Bluffton Fire District Service Area, and \$1,178 for each EDU (or fraction thereof) in the North Beaufort County Fire Service Area.. (For purposes of this article, fire hazard level means and refers to the extent to which a building or structure contributes to the demand for fire stations, facilities and apparatus, as set forth in the applicable capital improvements plan for the fire district,

based on a variety of factors as set forth in Table 10-4A of the Fire Protection Handbook (National Fire Protection Association, 1992).⁸ Fire hazard levels are defined as low hazard occupancies, medium hazard occupancies, or high hazard occupancies.

TABLE 82-135b: FIRE FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE FOR NONRESIDENTIAL DEVELOPMENT				
Fire Hazard Level	Up to 1,000 sq ft	1,001 to 5,000 sq ft	5,001 to 10,001 sq ft	10,000 sq ft and larger
	Base Minimum	Additional per 1,000 sq ft		
Low Hazard	1.0 EDU	0.8 EDU	0.5 EDU	0.1 EDU
Medium Hazard	1.5 EDU	1.2 EDU	0.75 EDU	0.15 EDU
High Hazard	2.0 EDU	1.6 EDU	1.0 EDU	0.2 EDU

- (5) If an Individual Assessment of Development Impact is accepted, pay the fee based on the approved Individual Assessment of Development Impact.

Sec. 82-136. - Individual Assessment of Development Impact.

- (a) In-lieu of calculating the fire facilities development impact fee by reference to the fee schedule in Table 82-135a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, or Table 82-135b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, a fee payor may request that the amount of the required fire facilities development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standard and system improvement costs for fire facilities for the service areas used in the fire facilities development impact fee study and CIP, shall use the formula for calculating the development impact fees used in the fire facilities development impact fee study and CIP (no adjustments in the assumption of credits shall be made), and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the fire facilities development impact fee study and CIP and reflected in Table 82-135a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, and/or Table 82-135b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, is less accurate than the results of the Individual Assessment of Development Impact.
- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee as the basis for calculating fire facilities development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for fire facility system improvements created by the proposed development than the applicable fee in Table 82-135a: Fire Facilities Development Impact Fee Schedule for Residential Development, by Service Area, and/or Table 82-135b: Fire Facilities Development Impact Fee Schedule for Nonresidential Development, by Service Area, then

⁸ This is the reference in the current ordinance. Is there an updated reference we should include?

the fire facilities development impact fees due under this article shall be calculated according to such assessment.

Sec. 82-137. - Credits.

- (a) Any developer/fee payor which is obligated to pay a fire facilities development impact fee under this section may apply for credit against fire facilities development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any land dedication, construction, or contribution for fire facility system improvements that are accepted by the County Council for fire facility systems improvements identified in the CIP.
- (b) *Valuation of Credits*
 - (1) Credit for land dedication for fire facility system improvements, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council in an appraisal paid for by the fee payor.
 - (2) Credit for construction of fire facility system improvements shall be valued by the County Council based on construction costs estimates submitted by the fee payor. The County Council shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council.
 - (3) Credit for a contribution for fire facility system improvements shall be based on the value of the contribution at the time it is made by the fee payor.
- (c) *When Credits Become Effective*
 - (1) Credits for land dedication for fire facilities shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County or applicable Fire District in a form established by the County or applicable Fire District at no cost to the County or applicable Fire District, and (b) the dedication of land has been accepted by the County or applicable Fire District.
 - (2) Credits for construction of fire facility system improvements shall become effective after the credit is approved by County Council or applicable Fire District pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council or applicable municipal legislative body, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements (or Fire District requirements, as applicable).
 - (3) Credits for contributions shall become effective after the contribution is approved by the County Council or applicable Fire District pursuant to this section, and the contribution is provided to and accepted by the County Council or applicable Fire District.
 - (4) Credits for land dedication, construction of fire facility system improvements, or contributions, shall be transferable within the same development for fire facilities development impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council for registration.
 - (5) The total amount of the credit shall not exceed the amount of the fire facilities development impact fees due and payable for the project.
 - (6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council or applicable Fire District. The Credit Agreement/Development Agreement shall specifically outline the land dedication, construction,

or contribution for fire facility system improvements, the time by which they shall be completed or dedicated and any extensions thereof, and the value (in dollars) of the credit against the fire facilities development impact fees the fee payor shall receive.

- (7) The County Council or applicable municipal legislative body may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to dedicate land or construct fire facility system improvements in the CIP, to the extent the fair market value of the land or the construction of those fire facility system improvements exceed the obligation to pay fire facilities development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the fire facility system improvements constructed.

Sec. 82-138. - Trust Account for Fire Facilities Development Impact Fees.

The County and the participating municipalities hereby establish segregated Fire Facilities Development Impact Fee Trust Accounts. All fire facilities development impact fees collected by the County and the participating municipalities shall be placed in their respective Trust Accounts. By November 1 of each year, the participating municipalities shall transfer the fire facilities development impact fees they collect to the County. Upon receipt, the County shall place these impact fee funds in its Fire Facilities Development Impact Fee Trust Account. Each Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to fire facilities development impact fee funds.

Sec. 82-139. - Expenditure of Fees for Fire Facility System Improvements.

Fire facilities development impact fees shall be used by the County in accordance with the development impact fee procedures in Section 82-21 *et seq.*, solely and exclusively for fire facility system improvements as set forth in the parks and recreation development impact fee study and CIP. System improvements generally include the following: new fire stations; fire station renovations that constitute fire station expansions; and major fire apparatus and equipment, such as pumper trucks, tanker trucks, telesquirt trucks, ladder trucks, and the like.

Sec. 82- 140. - Development Agreement Option.

- (a) The developer may pay the fire facilities development impact fee, as calculated pursuant to Section 82-134, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations. In the alternative, the developer may enter into an agreement with the County or a participating municipality pursuant to the South Carolina Local Government Development Agreement Act, and provide for dedication of land, construction of fire facility improvements (new or renovated fire stations that constitute expansions), contributions of major fire apparatus and equipment, or contributions for fire facility system improvements, through a development agreement.
- (b) A fire facilities development impact fee may not be imposed on a developer who has entered into a development agreement with the county who provides for the fire facility system improvement needs of the developer's development project that is subject to the development agreement.
- (c) A development agreement for fire facilities may only be entered into with the authorization and approval of both the county and the developer, or the participating municipality and developer, after consultation with the applicable Fire District and with the formal approval of its governing body.

Sec. 82-141. - Developer Rights.

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures in Section 82-21 *et seq.*, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures in Section 82-21 *et seq.*

- (a) *Administrative appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing, or expenditure of a fire facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures set forth in Section 82-21 *et seq.* The filing of an appeal will immediately halt the development approval process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or participating municipality to be due.
- (b) *Payment under protest.* The developer/applicant may pay the County-calculated or municipal-calculated development impact fee under protest, pursuant to the County impact fee procedures in Section 82-21 *et seq.* Payment under protest does not preclude the developer/applicant from filing an administrative appeal, from requesting a refund, or from posting a bond or submitting an irrevocable letter of credit for the full amount of the development impact fees as calculated by the County or municipality to be due.
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County (and, if applicable, municipality) and the applicable fire district, and only to address a disagreement related to the fire facilities development impact fee, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this article, the County impact fee procedures in Section 82-21 *et seq.*, or other remedies available by law.

Sec. 82-142. - County remedies.

- (a) The County and the participating municipalities (to the extent authorized in the intergovernmental agreements with the County), pursuant to the State Development Impact Fee Act and the County Impact Fee procedures in Section 82-21 *et seq.*, shall have all of the following remedies, which may be exercised individually or collectively.
 - (1) *Interest and Penalties.* The County or participating municipality may, in its sole discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated fire facilities development impact fee due, pursuant to the impact fee procedures in Section 82-21 *et seq.*
 - (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or participating municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the fire facilities development impact fee due.
 - (3) *Withholding of Utility Service.* The County or participating municipality may withhold the provision of utility services to a proposed development project until the required fire facilities development impact fee has been paid in full, in accordance with the procedures set forth in the impact fee procedures in Section 82-21 *et seq.*
 - (4) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 82-21 *et seq.*, for failure of the developer/applicant to timely pay the required fire facilities development impact fee in full.
- (b) The County or participating municipality may pursue any one or all of the remedies described in subsection (a) of this section, at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipal rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

Sec. 82-143. – Refund of Fees.

- (a) A collected fire facilities development impact fee shall be refunded to the owner of record of property on which a fire facilities development impact fee has been paid if:

(1) The fire facilities development impact fee revenues collected on the property have not been expended within three years of the date they were scheduled to be expended, pursuant to the fire facilities development impact fee study and CIP; or

(2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.

(b) The amount, timing, and recipient of any refund required by this article of fire facilities development impact fees shall comply with the standards of Sec. 82-35.

Sec. 82-144. - Intergovernmental Agreements.

Prior to collection of a fire facilities development impact fee in a fire district pursuant to this article, the County and the fire district shall enter into an intergovernmental agreement, and the County and the participating municipalities in the relevant fire district service area shall enter into intergovernmental agreements. Each intergovernmental agreement between the County and participating municipality shall:

- (a) Specify the reasonable share of funding of joint system improvements for fire facility system improvements by each governmental unit or entity; and
- (b) Provide for the collection of the fire facilities development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and
- (c) Provide for the timely transfer of fire facilities development impact fee revenues from the municipality to the County, and then the transfer of the fees collected by the participating municipalities and the County to the fire district; and
- (d) Provide for the timely expenditure of the fire facilities development impact fee revenues by the applicable fire district, in accordance with the CIP.

Sec. 82-145. - Termination of the Fire Facilities Development Impact Fee.

The fire facilities development impact fee shall terminate upon the completion of all of the fire facilities development impact fee-funded capital improvements, as set forth in the CIP, unless:

- (a) The County, in conjunction with the fire districts, adopts a CIP for a subsequent time period; and
- (b) The County adopts an updated fire facilities development impact fee for the fire district service areas, pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

Secs. 82-146—82-170. - Reserved.

EXHIBIT G (NOW COMBINED W EXHIBIT D)

ARTICLE VII. ROAD FACILITIES—NORTHERN BEAUFORT COUNTY

Sec. 82-151. Geographic application of road facility development impact fees.

The road facility development impact fees shall be applicable county-wide throughout the service area, including within all unincorporated areas of the county and, via intergovernmental agreements, within all incorporated municipalities in northern Beaufort County, those being the City of Beaufort and Town of Port Royal.

Sec. 82-152. Road facilities costs.

(a) Pursuant to this article, and in accordance with the Beaufort County impact fee procedures, the South Carolina Development Impact Fee Act and the Beaufort County adopted capital improvements plan for roads in northern Beaufort County, incorporated herein by reference, road facilities development impact fees shall be imposed and collected in northern Beaufort County, pursuant to appropriate intergovernmental agreements between the county and municipalities therein, as necessary, in accordance with the cost per vehicle trip/day (VT/D) as set forth below, and in accordance with the vehicle trips/day, by land use type, as published in the ITE trip generation manual and in accordance with the road facilities development impact fee calculation formula, incorporated herein.

Table 4

Road Facilities Cost Per VT/D by Service Area

Service Area	Cost Per Vehicle Trip End Per Day*
Northern Beaufort County	\$81.00**

*See Exhibit "A", on file with the City Clerk, which sets forth the formula for calculating the road facilities impact fee for northern Beaufort County.

**After application of a 50 percent discount rate.

(b) The developer of any proposed development project including nonresidential development, in whole or in part, may apply to the county for permission to perform an individual traffic impact assessment to determine the trip generation characteristics and rates specifically applicable to the nonresidential land uses included in the proposed development project. If the developer elects to perform an individual traffic impact assessment, it shall be performed by a qualified traffic engineering firm with experience in the performance of such analyses. The developer shall be responsible at his sole expense for preparing the analysis and submitting it to the county for review in a timely manner. The independent traffic impact analysis shall explain in detail the methodology used. It shall be supported by professionally acceptable data and assumptions and shall describe in detail why the VT/D schedule and calculation formula as described herein are not appropriate for the particular proposed development project. The independent traffic impact analysis shall be subject to review and approval by the county, acting through the county engineer who may, at his discretion, seek the advice of other county staff and officials, or outside consultants, if deemed necessary.

Sec. 82-153. Imposition and calculation of road facilities development impact fees.

(a) Upon the effective date of this article, the road facilities development impact fee for northern Beaufort County shall be imposed on and collected from all developers (fee payors) for which authorization of

PUBLIC FACILITIES/SAFETY COMMITTEE CONSIDERATION 01.23.2023

commencement of a development (building permit or, if no subsequent building permit is required, a development permit), is sought from the county, or from a municipality in northern Beaufort County pursuant to an intergovernmental agreement, in accordance with this article and the procedures set forth in the Beaufort County Impact Fee Procedures Ordinance.

- ~~(b) When an application for such building permit is received by the appropriate county or municipal staff/official, the staff/official shall determine:

 - ~~(1) The number and type of residential dwelling units proposed;~~
 - ~~(2) Whether any of the proposed residential dwelling units qualify for a discount as "affordable housing" and, if so, the number and type of such units;~~
 - ~~(3) The type and square footage of nonresidential development proposed;~~
 - ~~(4) The number of vehicle trips/day generated by the proposed residential or nonresidential development pursuant to the ITE Trip Generation Manual; and~~
 - ~~(5) Whether the applicant has applied for the preparation of an independent traffic impact analysis pursuant to section 82-152(b), above, to be submitted to the county for review.~~~~
- ~~(c) The appropriate county or municipal staff/officials shall then multiply the vehicle trips/day generated by the proposed amount and type of residential or nonresidential land use pursuant to ITE trip generation rates by the applicable cost per vehicle trip/day in northern Beaufort County service area to derive a total road facility development impact fee cost due for the proposed development pursuant to the calculation formula set forth in exhibit "A", on file with the city clerk.~~
- ~~(d) The procedure for timely processing of building permit subject to the road facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the county's (or municipality's) required plans review process and to cause no additional delay, unless developer rights (see section 82-156) and/or county remedies (see section 82-157) are triggered, or unless a development agreement is sought by the applicant (see section 82-155), or unless an independent traffic impact analysis is performed by the developer (see section 82-152(b) and subsection (b), above).~~

Step Order	Major Steps	Responsible Party	Time
1.	Filing of application for development permit or development approval	Developer/applicant	Initiates process
2.	Determination of applicable service area	Building official	Concurrent with plans review
3.	Determination of amount and type of residential development (number of DU's) and nonresidential development (square feet of GFA by type of development); see classification in ITE Trip Generation Manual for conversion to VT/D	Building official	Concurrent with plans review

4.	Determination of the number and type of affordable housing units, if any	Referral to planning department	Concurrent with plans review
5.	Multiply number of DU'S/EDU's by applicable VT/D conversion rate ITE rates to derive total number of VT/D generated by the proposed development project	Building official	Concurrent with plan review
5A.	Alternative: Independent traffic generation impact analysis	Applicant; review by county engineer and other county departments as needed	Extension of time, as may be necessary
5B.	Alternative: Development agreement, if sought by applicant	Planning department	Extension of time, as may be necessary
6.	Multiply total number of VT/D by applicable cost per VTID, by appropriate service area, per Table 1 in section 82-152(a) to derive total road facilities development impact fee due	Building official	Concurrent with plan review
7.	Payment of total road facilities development impact fee for development project	Developer/applicant	Upon issuance of building/development permit
8.	Issue receipt for road facilities development	Building official	Upon issuance of impact fee paid building/development permit
9.	Transfer of road facilities development impact fee revenues collected to county finance department for placement in appropriate account	Building official	Following issuance of building/development permit

~~(e) If the proposed residential development includes affordable housing, the road facilities development impact fee shall be reduced in accordance with the discount schedule set forth in section 6.B.(3)(c) of the Impact Fee Procedures Ordinance; provided, however, that "time share" dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.~~

PUBLIC FACILITIES/SAFETY COMMITTEE CONSIDERATION 01.23.2023

- (f) ~~Proposed change of use of building or structure; or renovation or rehabilitation which adds residential dwelling units and/or nonresidential square footage: determine only the additional road facilities demand resulting from the change of use or the additional residential DU's and/or nonresidential EDU's and calculate the road facilities development impact fee due as above, but only for such additional demand, not for existing demand.~~
- (g) ~~Increase in service units or change in type of development: the county (or municipalities) may not charge a road facilities development impact fee at a higher rate, nor may it charge additional road facilities development impact fees for a proposed development project, as determined above, unless the number of service units increases or the change in the type or characteristics of the proposed development project changes, thereby increasing the road facilities demand. In that event, the additional road facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of development or scope of the proposed development project.~~
- (h) ~~The provisions herein shall be applicable to all development, residential, and nonresidential, as of the effective date herein, except for residential projects that have submitted complete applications for building permits along with complete plans and specifications as of January 1, 2005, and except for nonresidential projects that have received all final approvals from the Beaufort County Development Review Team as of January 1, 2005, and for which complete plans have been submitted and are under review by the Building Inspection Department as of January 1, 2005.~~

Sec. 82-154. Expenditure of fees for system improvements.

All road facilities development impact fees collected pursuant to this article shall be used for system improvements as set forth in the county's adopted capital improvements plan for roads in northern Beaufort County. System improvements generally include, but are not limited to, the following: acquisition of land for, and construction of, new roads, road improvements, new intersection and intersection improvements, traffic signals and related facilities designed to expand the road system capacity, longevity and durability.

Sec. 82-155. Development agreement option.

- (a) ~~The developer may pay the road facilities development impact fee, as calculated pursuant to section 82-153, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations.~~
- (b) ~~In the alternative, the developer may pursue an agreement with the county pursuant to the South Carolina Local Government Development Agreement Act, providing for dedication of land, construction of facilities and improvements and/or for payments in lieu of development impact fees for road facilities.~~
- (c) ~~The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.~~
- (d) ~~A development impact fee may not be imposed on a developer who has entered into a development agreement with the county and/or municipality if the land dedications, system improvements or the like undertaken by the developer per the agreement equates to the impact fees that would have been payable by the developer.~~
- (e) ~~A development agreement for road facilities may only be entered into with the authorization and approval of both the county and the developer, and after consultation with an affected municipality, if applicable.~~

Sec. 82-156. Developer rights.

The developer, pursuant to the act and the Beaufort County Impact Fee Procedures Ordinance, shall have the following rights any or all of which may be exercised only in accordance with the Impact Fee Procedures Ordinance:

PUBLIC FACILITIES/SAFETY COMMITTEE CONSIDERATION 01.23.2023

- (a) ~~Administrative appeal.~~ The developer/applicant may file an administrative appeal with the county administrator or city manager or town administrator as may be applicable with respect to a municipal or county decision related to the imposition, calculation, collection, processing or expenditure of a road facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the Beaufort County Impact Fee Procedures Ordinance. If the appeal follows payment of the development impact fee, it must be made within thirty (30) days of the date of fee payment. The filing of an appeal will immediately halt the application process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or municipality to be due.
- (b) ~~Payment under protest.~~ The developer/applicant may pay the county or municipality-calculated development impact fee under protest, pursuant to the Beaufort County Impact Fee Procedures Ordinance. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the Impact Fee Procedures Ordinance.
- (c) ~~Mediation.~~ The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payer) as well as the county and only to address a disagreement related to the road facilities development impact fee, as calculated by the county or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payer) from pursuing other developer rights and/or remedies, as set forth herein, or other remedies available by law.

Sec. 82-157. County remedies.

The county, pursuant to the Act and the Beaufort County Impact Fee Procedures Ordinance, and municipalities, to the extent authorized pursuant to intergovernmental agreements with the county, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the Impact Fee Procedures Ordinance.

- (a) ~~Interest and penalties.~~ The county may, at its discretion, add to the amount of the calculated road facilities development impact fee due, reasonable interest and penalties for non-payment or late payment pursuant to the Impact Fee Procedures Ordinance.
- (b) ~~Withholding building or development permit or development approval or certificate of occupancy.~~ The county (or municipality) may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the road facilities development impact fee due.
- (c) ~~Withholding of utility service.~~ The county (or municipality) may withhold the provision of utility services to a proposed development project until the required road facilities development impact fee has been paid in full, in accordance with the procedures set forth in the Impact Fee Procedures Ordinance.
- (d) ~~Lien.~~ The county may impose a lien on the developer's property, pursuant to the Impact Fee Procedures Ordinance, for failure of the developer/applicant to timely pay the required road facilities development impact fee in full.
- (e) ~~The county (or municipality) may pursue anyone or all of the remedies described above at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of county (or municipality) rights to pursue any remedy or remedies at such other time as may be deemed appropriate.~~

Sec. 82-158. Intergovernmental agreement.

Prior to imposition of this road facilities development impact fee within a municipality, the municipality shall have entered into an intergovernmental agreement with the county, as specified herein, which intergovernmental agreement shall, inter alia:

PUBLIC FACILITIES/SAFETY COMMITTEE CONSIDERATION 01.23.2023

- (a) ~~Specify the system improvement to be made in the municipality, the municipality's consent thereto and acknowledgement of its not currently providing the service or function, or having budgeted for the same, that is to be provided by the county with the road impact fee;~~
- (b) ~~Provide for the collection of the road facilities development impact fee by the municipality within its corporate limits and by the county within the unincorporated area;~~
- (c) ~~Provide for the timely transfer of road development impact fee revenues from the municipality to the county; and~~
- (d) ~~Provide for the timely expenditure of the road facilities development impact fee revenues by the county, in accordance with the adopted capital improvements plan for roads in northern Beaufort County.~~

~~Sec. 82-159. Termination of the fee.~~

~~The road development impact fees shall be terminated at the earlier of twenty (20) years after the effective date of this ordinance, or when sufficient fees have been collected to fund the identified projects, unless:~~

- (a) ~~The county adopts a capital improvements plan for a subsequent time period; or~~
- (b) ~~The county adopts an updated road facilities development impact fee pursuant to the substantive and procedural requirements of the act.~~

~~Sec. 82-160. Liberal construction.~~

~~The provisions of this article shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.~~

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Alan R. Perry
Mayor

David Ames
Mayor Pro-Tem

Council Members

Alexander Brown, Jr.
Patsy Brison
Tamara Becker
Steve Alfred
Glenn Stanford

Marc Orlando
Town Manager

Eric Greenway
County Administrator
Beaufort County Administration Building
100 Ribaut Road,
Beaufort, SC 29902

January 13, 2023

RE: Appropriation of Beaufort County Traffic Impact Fees to The Town of Hilton Head Island

Dear Eric,

We understand there exists approximately \$3.1 million dollars in traffic impact fees designated for Hilton Head Island-Daufuskie Island Benefit District. The Town respectfully requests that the County consider the appropriation and transfer of these fees to the Town, to fund the installation of an Adaptive Traffic Signal Management (ATSM) system on Hilton Head Island. Town and County staffs have been working together on the procurement of a contractor to design and install the system. We intend to execute a contract in the coming weeks. Thus, we respectfully request the full allocation of designated funds (approximately \$3.1 million dollars).

If this is amenable to the County, then I recommend we develop and execute an agreement which stipulates the terms, conditions, and schedule for the County to reimburse the Town those funds to support this very important project. We appreciate your continued cooperation and support of this mutually beneficial project.

Kindest Regards,



Marc Orlando
Town Manager

RECEIVED MAR 07 2022

COUNTY COUNCIL OF BEAUFORT COUNTY
OFFICE OF THE COUNTY ADMINISTRATOR
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD

CHERYL H. HARRIS
EXECUTIVE ASSISTANT

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ERIC L. GREENWAY
COUNTY ADMINISTRATOR
WHITNEY RICHLAND
DEPUTY COUNTY ADMINISTRATOR

March 2, 2023

Mr. Marc Orlando, Town Manager
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

RE: Appropriation of Beaufort County Traffic Impact Fees to the Town of Hilton Head Island

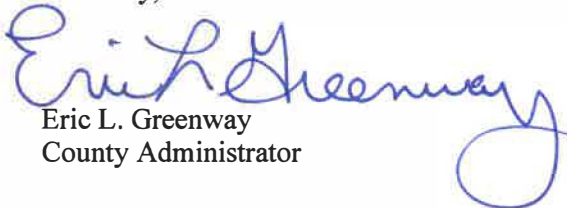
Dear Mr. Orlando:

Thank you for your recent project request for the use of Traffic Impact Fees to fund the installation of an Adaptive Traffic Signal Management (ATSM) system on Hilton Head Island. We have reviewed and confirmed that this project meets the eligibility and use of the funds per the governing County ordinance.

As you are aware, we have been working on developing new impact fees in order to continue supporting infrastructure improvements and services that our communities need to thrive. In that regard, we are willing to approve the \$3.1M project request pending your approval of the intergovernmental agreements for the new impact fees. Once the Town has approved the intergovernmental agreements for the new impact fees, we will be more than happy to develop and execute an agreement that stipulates the terms and conditions of the disbursement of funds for the requested project.

We look forward to working with the Town and continuing to strengthen our partnership for the benefit of our community.

Sincerely,


Eric L. Greenway
County Administrator

ELG:jf



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Marc Orlando, ICMA-CM, Town Manager
FROM: Marcy Benson, Senior Grants Administrator
VIA: Jeff Herriman, Treasurer
CC: John Troyer, Finance Director
DATE: April 4, 2023
SUBJECT: Consideration of a Resolution to Authorize Submittal of the CDBG Entitlement Program Annual Action Plan for Program Year 2023 to the U.S. Department of Housing and Urban Development

RECOMMENDATION:

The Finance & Administrative Committee recommends Town Council approve a resolution to authorize submittal of the Annual Action Plan for the program year 2023, as required by the U.S. Department of Housing and Urban Development (HUD) for participation in the Community Development Block Grant (CDBG) Entitlement Program.

The Finance & Administrative Committee met on April 4, 2023, and voted unanimously to recommend approval authorizing submittal of the Annual Action Plan for program year 2023.

BACKGROUND:

To meet HUD requirements an Annual Action Plan must be prepared each year of program participation and public input must be solicited during the Plan development process. Public engagement was conducted January 18 - 27, 2023, after which the draft Plan was completed. The Plan details 2023 CDBG funds to be used for program administration and a park project located at the Town owned Ford Shell Ring Park property, situated in a Census tract meeting LMI eligibility requirement. The draft Plan was released to the public on February 27, 2023, for a 30-day public comment period. The public comment period ended March 29, 2023, and one comment was received during this time period. A comment summary is included as an attachment to the plan document.

SUMMARY:

Approval of the 2023 CDBG Annual Action Plan will meet a HUD requirement for participation in the CDBG Entitlement Program. The attached Plan must be approved by HUD prior to execution of a CDBG Entitlement Program grant agreement. Inclusion

of the Ford Shell Ring Park as the 2023 CDBG project in the Town's Annual Action Plan will allow the 2023 funding allocation of \$185,250 to be used for this project.

Approval of the Ford Shell Ring Park project is consistent with the current Five-Year Consolidated Plan for CDBG funding as well as several Our Plan goals, strategies, and tactics including Connected – Strategy 4.5 and Tactic 4.5.1; Inclusive – Goal 8 and Strategy 8.5; Priority Investment – Strategy 4.5; and Parks & Recreation – Goal 2, and Strategy 7.2. The CDBG program has been identified in the Our Plan Capital Improvement Program (CIP) section as a funding source for Town CIP projects.

ATTACHMENTS:

1. Resolution
2. Program Year 2023 Annual Action Plan

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA TO APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM 2023 ANNUAL ACTION PLAN

WHEREAS, in July, 2020 the Town of Hilton Head Island CDBG Five Year Consolidated Plan for program years 2020-2024 detailing goals and objectives to be implemented to address community needs of low and moderate income residents within the Town's jurisdiction was approved by the United States Department of Housing and Urban Development (HUD); and

WHEREAS, in October 2020, January 2021, and August 2022 the Town of Hilton Head Island CDBG Five Year Consolidated Plan for program years 2020-2024 was amended and approved by the United States Department of Housing and Urban Development (HUD); and

WHEREAS, as an entitlement community, the Town must prepare and submit an Annual Action Plan detailing activities to be undertaken during the program year 2023 to address goals and objectives outlined in the amended Five-Year Consolidated Plan; and

WHEREAS, for program year 2023 the Town will receive a CDBG award totaling \$185,250 to carry out activities that meet one of three National Objectives, as described by HUD; and

WHEREAS, the program year 2023 Annual Action Plan is compatible with the HUD approved amended Five Year Consolidated Plan for program years 2020 - 2024; and

WHEREAS, the Town has adhered to the public participation requirements set forth in the Citizen Participation Plan in the development of the program year 2023 Annual Action Plan; and

WHEREAS, a public engagement and 30 day public comment period for the program year 2023 Annual Action Plan were conducted for citizen input and review; and

WHEREAS, the Town Manager is authorized to submit this program year 2023 Annual Action Plan to HUD for their review and acceptance;

NOW, THEREFORE BE IT, AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT The Community Development Block Grant Entitlement Program 2023 Annual Action Plan as submitted in the attachment to this resolution be approved and submitted to HUD.

MOVED, APPROVED, AND ADOPTED ON THIS ___ DAY OF _____ 2023.

Alan R. Perry, Mayor

ATTEST:

Cindaia L. Ervin, Interim Town Clerk

APPROVED AS TO FORM:

Curtis Coltrane, Town Attorney

Introduced by Council Member: _____

Town of Hilton Head Island

Program Year 2023

Annual Action Plan

For the
U.S. Department of Housing and Urban Development
Community Development Block Grant Program



~DRAFT~

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DRAFT

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The program year 2023 Annual Action Plan represents the fourth year of the Town of Hilton Head Island's Consolidated Plan for the program years 2020 – 2024 (Con Plan) as amended and approved by Town Council and accepted by the U.S. Department of Housing and Urban Development (HUD). The Annual Action Plan is the Town of Hilton Head Island's application for the HUD Community Development Block Grant (CDBG) Entitlement Program and identifies the proposed project or projects to be funded during the 2023 program year.

The purpose of the Town of Hilton Head Island Annual Action Plan is to preserve and revitalize primarily low and moderate income (LMI) neighborhoods, support LMI activities which enhance the quality of life for Hilton Head Island residents, and address priority community development or redevelopment needs within applicable local, state, and federal statutes and regulations. According to CDBG program guidelines, an activity using the LMI area benefit must meet the minimum threshold of 51% LMI qualified residents. However, according to the HUD issued program year 2022 exception grantee list, the Town of Hilton Head Island has been designated an exception grantee. This designation resulted in a LMI area percentage of 49.56% and is applied to Census tracts and blocks to determine activity eligibility on an area basis.

This Annual Action Plan outlines the priorities by which the Town of Hilton Head Island's CDBG program funds will be invested over the program year 2023 to achieve specific HUD objectives. It is important to note the 2020 – 2024 Con Plan identified public facilities and improvements, public services, housing activities and economic development benefitting LMI persons as high priorities.

2. Summarize the objectives and outcomes identified in the Plan

The Town's goals for the program year 2023 period focus on neighborhood revitalization efforts by providing a new neighborhood park on the Town owned Ford Shell Ring property located on Squire Pope Road in census tract 105. This census tract meets the 49.56% or higher LMI requirement. This Annual Action Plan provides a guide for the Town of Hilton Head Island's allocation of CDBG program funding for the program year 2023 planning period. The goals focus on priority needs and targets available resources designed to meet those needs. The needs include public improvements and facilities for LMI persons. The primary emphasis of the goals is the continuance of maintaining and improving the quality of life of LMI residents. The

project selected for CDBG funding in this Action Plan will be managed efficiently and in compliance with program requirements.

3. Evaluation of past performance

The Town of Hilton Head Island has participated in the HUD CDBG Entitlement Program since 2015 and continues to monitor and evaluate the performance of the program while ensuring regulatory compliance. The Town recognizes the evaluation of past performance is critical to ensuring CDBG funded activities are implemented in an effective manner and align with established strategies and goals.

During the eight years of program participation the Town met required program deadlines. Notifications of acceptable levels of program accomplishment were received from the HUD Columbia, South Carolina field office during seven years of program participation. In May 2022 the Town received a warning notice related to noncompliance with timely expenditure requirements from HUD. An untimely expenditure notice is given when a grantee has more than 1.5 times its most recent entitlement grant. In 2022 the Town had 1.84 times its most recent entitlement grant. Due to the COVID-19 pandemic in 2020 HUD allowed for flexibilities related to the timely expenditure of CDBG funds and a warning letter was issued to the Town. In 2023 the timeliness flexibilities will no longer be in place and the standard corrective action policies will be reinstated.

In April 2021 a fiscal year 2021 remote monitoring session was conducted by the Columbia, South Carolina field office Community Planning and Development representative. No findings were reported during this monitoring; however, two concerns were cited. The first concern identified the need for a local written policies and procedures manual for administration of the CDBG award. Town staff completed this manual and submitted to HUD in June 2022. The second concern identified the need for an oversight process for subrecipients of 2020 CDBG and CDBG-CV funds. Town staff immediately conducted seven monitoring reviews of randomly selected subrecipients of 2020 CDBG and CDBG-CV funds. All subrecipient monitoring reviews resulted in no findings or concerns. In 2019 a ‘No Findings or Concerns’ report was issued by the Regional Environmental Officer during an onsite Environmental Review Procedures monitoring visit.

The Town intends to continue to report its progress in meeting the five-year goals in the Consolidated Annual Performance Evaluation Report (CAPER). The CAPER will be submitted in compliance with program deadlines.

4. Summary of Citizen Participation Process and consultation process

The Town of Hilton Head Island conducted a public meeting on January 25, 2023, to solicit input from citizens on community development needs. A public meeting notice was published in the

local newspaper, The Island Packet, seven days preceding the public meeting. The meeting notice was also posted on the Town of Hilton Head Island website and distributed via email blast to all email addresses listed on the Town's E-subscription service list, which reached 3,315 subscribers. Included in the public meeting notice was a link to a community needs survey posted on the Open Town Hall portal seeking input from citizens on needs and funding priorities for the 2023 Annual Action Plan. The Open Town Hall portal survey was open from January 18 through January 27, 2023.

At the January 25, 2023, public meeting a presentation including an overview of the CDBG Entitlement Program, purpose of the Action Plan, anticipated funding allocation amount, and a staff recommended project was presented to the meeting attendee. One member of the public attended this meeting.

A draft 2023 Annual Action Plan was released to the public on February 27, 2023, for a 30-day public comment period, which ended on March 29, 2023. At the conclusion of the comment period there was one comment received. This comment was reviewed and included in the comment summary in the attachment section of this Annual Action Plan.

The staff proposed project listed in the 2023 Annual Action Plan is scheduled as an item of discussion at the April 4, 2023 Town Council Finance and Administrative Committee meeting. The staff proposed project listed in the 2023 Annual Action Plan was an item of discussion at the April 4, 2023 Town Council Finance and Administrative Committee meeting. The committee discussed the CDBG program and the proposed project for submittal in the Annual Action Plan. The committee voted unanimously to recommend Town Council approve a resolution to authorize the submittal of the Town's 2023 CDBG Annual Action Plan for program year 2023.

5. Summary of public comments

In preparation for the January 25, 2023, public meeting to solicit input for the program year 2023 Annual Action Plan Town staff developed a presentation describing the CDBG Entitlement program, the purpose of the Annual Action Plan, the anticipated funding allocation amount for program year 2023 and staff recommended project. One member of the public attended the January 25, 2023, public meeting and there was discussion on the CDBG program, anticipated funding allocation and types of projects eligible CDBG funding. No comments were submitted at this meeting.

There were four public comments received via the community needs survey posted on the Open Town Hall portal seeking input from citizens on needs and funding priorities for the 2023 Annual Action Plan. The survey commenters ranked housing activities as the highest priority followed by other real property improvements receiving the second highest ranking and public

improvements, public facilities, and public services tied for third highest ranking. Project suggestions from commenters included a dog park, safety signage at crosswalks, alligator management, deer control, and attainable housing and childcare. One comment was received via email from the public meeting attendee after the meeting adjourned recommending funding a public service activity to develop education tool kits and workshops for food pantry clients on the importance of safety in relation to major weather events.

A draft 2023 Annual Action Plan was released to the public on February 27, 2023, for a 30-day public comment period, which ended on March 29, 2023. At the conclusion of the comment period there was one comment received pertaining to stopping overdevelopment and controlling building.

The 2023 Annual Action Plan was an item of discussion at the April 4, 2023, Town Council Finance and Administrative Committee meeting. The committee members voted unanimously to recommend Town Council approve a resolution to authorize the submittal of the Town's CDBG Annual Action Plan for program year 2023. No comments were made from the public in attendance at this meeting. A summary of all comments received is attached to this plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were taken into consideration in preparing this Annual Action Plan.

7. Summary

The Town of Hilton Head Island Annual Action Plan outlines priorities by which the Town's CDBG program funds will be invested over the program year 2023 to achieve specific HUD objectives. The Town may use CDBG funds to leverage other public investment to address the Town's priority need to provide public improvements for primarily LMI neighborhoods.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Town of Hilton Head Island	
CDBG Administrator	Town of Hilton Head Island	Finance Department

Table 1 – Responsible Agencies

Narrative (optional)

The Town of Hilton Head Island incorporated as a municipality in 1983 and has a Council-Manager form of government. The Town of Hilton Head Island is comprised of Executive, Administration/Legal Division, Community Development, Finance, Fire Rescue, Human Resources, and Information Technology departments.

The Town of Hilton Head Island Finance Department will be the lead department for the preparation, submission, and administration of this Annual Action Plan and the Town's CDBG program. Town staff has been an integral part of development of this Annual Action Plan by assessing the CDBG program, reviewing materials, regulations, and documentation of the Annual Action Plan process. The Town Manager, Finance Director and Treasurer will oversee the preparation and administration of the Annual Action Plan.

Consolidated Plan Public Contact Information

Town of Hilton Head Island Finance Department
 Marcy Benson, Senior Grants Administrator
 1 Town Center Court
 Hilton Head Island, SC 29928
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AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The Beaufort Housing Authority services all of Beaufort County, South Carolina, including the Town of Hilton Head Island. Within the jurisdiction of the Town of Hilton Head Island the Beaufort Housing Authority operates one public housing apartment facility containing 80 units which provide housing to 187 family members.

The Town of Hilton Head Island is a member of the Beaufort County Human Services Alliance, which is an informal group whose purpose is to promote and sustain activities that improve the quality of life for all Beaufort County residents. This group provides organizational framework that contributes to our community’s capacity to address societal needs. Through the Beaufort County Human Services Alliance resources are pooled and community needs are addressed in the areas of economy, education, poverty, and health and environmental issues.

In 2022 the Town of Hilton Head Island approved a resolution establishing the Beaufort-Jasper Regional Housing Trust Fund (RHTF). This regional organization was created to address the need for affordable housing in Beaufort and Jasper Counties. Participating jurisdictions include the Town of Hilton Head Island, Beaufort County, Jasper County, the Town of Bluffton, the City of Beaufort, the Town of Port Royal, the City of Hardeeville, and the Town of Yemassee. Goals of the Regional Housing Trust Fund are to: create new housing units, or rehabilitate or preserve existing housing units for households at or below 120 percent of Area Median Income with a strong focus on households at or below 60 percent of Area Median Income; provide workforce housing for the growing Beaufort-Jasper economy; help households maintain financial stability and build wealth by reducing the amount of money spent on housing and transportation; strengthen relationships, build trust and engage partners and stakeholders, ensuring an organized and collaborative approach to regional housing challenges; increase awareness of existing and new financial products that serve the Beaufort-Jasper community; and leverage outside funding from banks, corporations, philanthropic institutions, and federal, state, and local governments.

In November 2022 the Town Council of the Town of Hilton Head Island adopted a Workforce Housing Framework, which commits the Town to work with the community to plan, manage, and fund home initiatives. The resolution approving the Framework authorizes the Town manager to take necessary steps to develop, implement and carry out strategies identified in

the Workforce Housing Framework. The resolution also directs the Town manager to make an annual allocation of \$1 million for workforce housing beginning in the current fiscal year. The Workforce Housing Framework consists of four pillars, each with specific goals, strategies, and critical first steps necessary to accomplish the mission of the Framework. The four pillars include:

- **Community:** the goal is to engage, collaborate, and inform the community on housing challenges and to identify community-led housing program solutions. Strategies include developing partnerships and relationships with community organizations and establishing a housing action committee.
- **Planning:** the goal is to create a social, political, and economic environment that stimulates workforce housing through planning, policymaking, and programming.
- **Management:** the goal is to establish a management program and policies to advance workforce housing opportunities. This includes adding dedicated Town staff for planning and coordination and exploring the creation of a professionally managed housing organization.
- **Revenue:** the goal is to provide a consistent, sustainable, and multi-sourced revenue model for funding workforce housing initiatives and partnerships. Through this goal the Town commits to a funding plan that meets the needs of a multi-year workforce housing action plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Lowcountry Continuum of Care, based in Charleston, South Carolina is the Continuum of Care working to address the needs of the homeless in a seven-county region of the South Carolina lowcountry. Annual point in time counts are conducted in the area; however, due to no homeless shelters operating in the Town of Hilton Head Island, there is no homeless data specific to the Town of Hilton Head Island.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS.

The Town of Hilton Head Island program year 2023 Annual Action Plan intends to use HUD resources to fund only CDBG program projects and will not fund Emergency Solutions Grants (ESG) program projects; therefore, no consultation related to the allocation of ESG funds was conducted.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

1	Agency/Group/Organization	Beaufort Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Regional organization
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Beaufort Housing Authority was consulted on housing needs via email correspondence.
2	Agency/Group/Organization	Lowcountry Continuum of Care
	Agency/Group/Organization Type	Services-homeless Regional organization
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lowcountry Continuum of Care was consulted on homeless needs via website research.

3	Agency/Group/Organization	Beaufort County Human Services Alliance
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Other government - County Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Beaufort County Human Services Alliance was consulted on homeless needs via online data gathering.
4	Agency/Group/Organization	Lowcountry Council of Governments
	Agency/Group/Organization Type	Regional organization Planning organization

<p>What section of the Plan was addressed by Consultation?</p>	<p>Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Economic Development Non-housing Community Development Needs</p>
<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The Lowcountry Council of Governments was consulted on housing, homeless and non-housing community development needs via online data gathering.</p>

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting.

Efforts were made to consult as broadly as possible with community stakeholders. No particular agency types were excluded from participation. Those that did not participate did so of their own volition.

Other local/regional/state/federal planning efforts considered when preparing the Plan.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Lowcountry Continuum of Care	The Lowcountry Continuum of Care, based in Charleston, South Carolina is the Continuum of Care working to address the needs of the homeless in a seven-county region of the South Carolina lowcountry. Annual point in time counts are conducted in the area; however, due to no homeless shelters operating in the Town of Hilton Head Island, there is no homeless data specific to the Town of Hilton Head Island.
Town of Hilton Head Island Comprehensive Plan	Town of Hilton Head Island	Developed Consolidated Plan goals in conjunction with elements of the Town of Hilton Head Island Comprehensive Plan.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The Town of Hilton Head Island coordinates with public entities and other bodies of government to develop the Annual Action Plan. Town of Hilton Head Island Finance department staff works closely with the Town's Capital Improvement Projects department to collaborate on improvement projects. These efforts include but are not limited to plans for infrastructure and other improvements in the community through CDBG funded activities.

When necessary, the Town of Hilton Head Island will establish collaborative efforts and partnerships with state and local government entities such as Beaufort County, the Lowcountry Council of Governments, and various State of South Carolina offices to ensure complete implementation of the Annual Action Plan.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting.

The Town of Hilton Head Island conducted a public meeting on January 25, 2023, to solicit input from citizens on community development needs. A public meeting notice was published in the local newspaper, The Island Packet, seven days preceding the public meeting. The meeting notice was also posted on the Town of Hilton Head Island website and distributed via email blast to all email addresses listed on the Town's E-subscription service list, which reached 3,315 subscribers. Included in the public meeting notice was a link to a community needs survey posted on the Open Town Hall portal seeking input from citizens on needs and funding priorities for the 2023 Annual Action Plan. The Open Town Hall portal survey was open from January 18 through January 27, 2023.

At the January 25, 2023, public meeting a presentation including an overview of the CDBG Entitlement Program, purpose of the Action Plan, anticipated funding allocation amount, and a staff recommended project was presented to the meeting attendee. One member of the public attended this meeting.

A draft 2023 Annual Action Plan was released to the public on February 27, 2023, for a 30-day public comment period, which ended on March 29, 2023. At the conclusion of the comment period there was one comment received. This comment was reviewed and included in the comment summary in the attachment section of this Annual Action Plan.

The 2023 Annual Action Plan was an item of discussion at the April 4, 2023, Town Council Finance and Administrative Committee meeting. The committee members voted unanimously to recommend Town Council approve a resolution to authorize the submittal of the Town's CDBG Annual Action Plan for program year 2023. No comments were made from the public in attendance at this meeting. A summary of all comments received is attached to this plan.

Citizen Participation Outreach

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Internet Outreach	Non-targeted/ broad community	<p>The Open Town Hall Portal survey was announced via posting on the Town of Hilton Head Island website and via email blast to all email addresses listed on the Town E-subscription service list on Jan. 18, 2023. Comments were accepted until Jan. 27, 2023. There were four responses to the survey.</p>	<p>Commenters ranked housing activities as the highest priority followed by other real property improvements receiving the second highest ranking and public improvements, public facilities, and public services tied for third highest ranking. Project suggestions from commenters included dog park, safety signage at crosswalks, alligator management, deer control, and attainable housing and childcare.</p>	<p>All comments were accepted.</p>	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Non-targeted/ broad community	At the January 25, 2023 Annual Action Plan public meeting one member of the public attended.	No comments on the Annual Action Plan were given during the meeting. Discussion of CDBG program requirements occurred. A comment received from meeting attendee via email after the meeting recommended funding a public service activity to develop education tool kits and workshops for food pantry clients on the importance of safety in relation to major weather events.	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Internet Outreach	Non-targeted/ broad community	The draft 2023 Annual Action Plan was posted on the Town of Hilton Head Island website from Feb. 27, 2023, through March 29, 2023. A dedicated public comment link was posted on the front page of the website where the public could directly submit comments. A notification of the Annual Action Plan 30-day public comment period was sent via email blast to all email addresses listed on the Town E-subscription service list. There was one comment received.	The one comment received stated: Please stop all of the overdevelopment. Building needs to be controlled. Things are looking ugly!	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Meeting	Non-targeted/ broad community	The 2023 Annual Action Plan was an item of discussion at the April 4, 2023, Town Council Finance & Administrative Committee meeting.	No comments on the Annual Action Plan were given during the meeting.	No comments were given.	
5	Public Meeting	Non-targeted/ broad community	The draft 2023 Annual Action Plan and resolution to approve plan and authorize submittal to HUD appeared on the agenda of the regular Town of Hilton Head Island Town Council meeting on April 18, 2023.	Summary of comments received will appear here after the April 18 th Town Council meeting.	All comments will be accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The following table outlines the expected estimated resources from the HUD Community Development Block Grant (CDBG) program the Town of Hilton Head Island expects having available during the 2023 program year covered by this Annual Action Plan. The annual allocation column reflects the 2023 funding amount of \$185,250. Distribution of allocated funds will be in the following two use categories: program administration will be allocated \$5,000 and public improvements and facilities will be allocated all remaining funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public - Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$185,250	\$0.00	\$0.00	\$185,250	\$185,250	The HUD/CDBG funding amount authorized in the 2023 program year was used to estimate the allocation amount for the remaining year 5 of the Con Plan.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied.

It is anticipated the federal funding listed above will be received annually to support activities outlined in the Annual Action Plan and Consolidated Plan. While the CDBG program does not require leveraging, other Town of Hilton Head Island resources may be used in combination with these funds to complete the project listed in this Annual Action Plan. Leveraging is a way to increase project efficiencies which often come with combining sources of funding. Funds may be considered leveraged if financial commitments to the cost of a project from a source other than Community Development Block Grant funds are documented. Town staff may identify and explore additional leveraging opportunities such as other federal, state, and local resources.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan.

The Town of Hilton Head Island owns the Ford Shell Ring Park property located on Squire Pope Road, which is currently an undeveloped parcel. The neighborhood park identified as a public improvement need in this plan will be developed on this property. This property is located in Census Tract 105 which has a LMI household percentage above 49.56%. One of the community needs identified during a previous needs assessment meeting was public improvements and facilities. It is anticipated a portion of the remaining funds in the 2018 CDBG allocation, which were not used for public facilities and improvements coupled with the 2023 CDBG allocation will provide leverage for project completion.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Facilities, Housing, Public Svcs., Econ Dev. Yr. 4	2023	2024	Non-Housing Community Development or Affordable Housing	Census Tract 105	Public Facilities & Improvements	\$185,250	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 4,364

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Facilities, Housing, Public Svcs., Econ Dev. Yr.4
	Goal Description	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.

Table 7 – Goal Description

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

In November 2022 the Town of Hilton Head Island established a Workforce Housing Framework to address the provision of housing units for households at or below 120 percent of Area Median Income with a strong focus on households at or below 60 percent of Area Median Income.

This framework commits the Town to work with the community to plan, manage, and fund home initiatives. The resolution approving the Framework authorizes the Town manager to take necessary steps to develop, implement and carry out strategies identified in the Workforce Housing Framework. The resolution also directs the Town manager to make an annual allocation of \$1 million for workforce housing beginning in the current fiscal year.

The Workforce Housing Framework consists of four pillars, each with specific goals, strategies, and critical first steps necessary to accomplish the mission of the Framework. The four pillars include:

- **Community:** the goal is to engage, collaborate, and inform the community on housing challenges and to identify community-led housing program solutions. Strategies include developing partnerships and relationships with community organizations and establishing a housing action committee.
- **Planning:** the goal is to create a social, political, and economic environment that stimulates workforce housing through planning, policymaking, and programming.
- **Management:** the goal is to establish a management program and policies to advance workforce housing opportunities. This includes adding dedicated Town staff for planning and coordination and exploring the creation of a professionally managed housing organization.
- **Revenue:** the goal is to provide a consistent, sustainable, and multi-sourced revenue model for funding workforce housing initiatives and partnerships. Through this goal the Town commits to a funding plan that meets the needs of a multi-year workforce housing action plan.

Projects

AP-35 Projects – 91.220(d)

Introduction

Town of Hilton Head Island activities funded by the 2023 CDBG program are designed to benefit LMI persons. The following table outlines the projects to be carried out by the Town of Hilton Head Island during the 2023 program year covered by this Action Plan.

Projects

#	Project Name
1	Ford Shell Ring Park
2	Program Administration

Table 8 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.

The primary objective of Community Development Block Grant (CDBG) funds received by the Town of Hilton Head Island is to preserve and revitalize neighborhoods, enhance quality of life for residents and address priority community public services, community development, economic development, and redevelopment needs within applicable local, state, and federal statutes and regulations. For the 2023 program year, CDBG funds were allocated based on project readiness in census tracts with low- and moderate-income households comprising 49.56% or more of the population.

AP-38 Project Summary

Project Summary Information

1	Project Name	Ford Shell Ring Park
	Target Area	Census Tract 105
	Goals Supported	Facilities, Housing, Public Svcs., Econ Dev. Yr. 4
	Needs Addressed	Public Facilities & Improvements
	Funding	CDBG: \$180,250
	Description	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated approximately 4,364 persons living in Census tract 105 will benefit from the proposed activity.
	Location Description	Town owned property at 273 Squire Pope Road, Hilton Head Island, SC (Ford Shell Ring property).
	Planned Activities	Neighborhood Park
2	Project Name	Program Administration
	Target Area	Town-Wide
	Goals Supported	Facilities, Housing, Public Svcs., Econ Dev. Yr. 4
	Needs Addressed	Administrative and Planning
	Funding	CDBG: \$5,000
	Description	Program Administration
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	All town residents and families will benefit from the proposed activity.

	Location Description	Town of Hilton Head Island Town Hall.
	Planned Activities	Drafting and submitting the Annual Action Plan, CAPER, related reports, and program administration.

Table 9 - Project Summary Information

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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed.

The geographic area within the Town of Hilton Head Island where assistance will be directed is Census Tract 105. Community development activities may include infrastructure improvements, new or improved public facilities, housing activities, economic development or public services in LMI neighborhoods.

Geographic Distribution

Target Area	Percentage of Funds
Census Tract 105	98
Census Tract 108	0
Census Tract 110	0
Census Tract 111	0
Census Tract 113	0
Town-Wide	2

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically.

Community Development Block Grant (CDBG) funds will be used to address the needs of low- and moderate-income areas. These areas are determined using Census Tracts which have a low- and moderate-income population of 49.56% or higher. CDBG funds will be designated for use on a project located in the low- and moderate-income Census Tract 105 within the boundaries of the Town of Hilton Head Island.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The Housing Choice Voucher Program, commonly known as Section 8 housing, is subsidized by the Federal government and provides Federal assistance to families and individuals in the private rental market. The Beaufort Housing Authority program is tenant-based therefore eligible families receive assistance based on income for housing units meeting general program requirements. There are currently eight (8) units within the Town of Hilton Head Island participating in the voucher program which are scattered throughout the Town. Tenants identify and choose their own units and the landlord agrees to participate in the housing choice voucher program.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	8
Special-Needs	0
Total	8

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	8
The Production of New Units	0
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	8

Table 12 - One Year Goals for Affordable Housing by Support Type

AP-60 Public Housing – 91.220(h)

Introduction

Actions planned during the next year to address the needs to public housing.

The Town of Hilton Head Island does not own or operate any public housing developments or units. The Beaufort Housing Authority is the agency providing public housing and Section 8 vouchers to approximately 2,408 residents in Beaufort County, South Carolina and there are 293 public housing units located throughout the county. In the Town of Hilton Head Island, the Beaufort Housing Authority operates 80 public housing units at the Sandalwood Terrace Apartments.

Actions to encourage public housing residents to become more involved in management and participate in homeownership.

The Beaufort Housing Authority provides resident councils at every public housing development they operate. There is also a Resident Advisory Board that is comprised of resident leaders from each development and Housing Choice Voucher (Section 8) representatives. The Housing Authority works with resident services at each of the public housing developments and through this collaboration promote programs and activities for residents. Some of the programs offered include: the Family Self-Sufficiency Program, which is a five-year homeownership education program, Sandalwood Terrace Resident Council, free budgeting classes, community garden clubs, and college scholarships for graduating high school student through the Housing Authority's professional associations.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance.

Not applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The Lowcountry Continuum of Care, based in Charleston, South Carolina, is the continuum of care working to address the needs of homeless in a seven-county region of the South Carolina lowcountry. Annual point in time counts are conducted in the Beaufort County area; however, due to no homeless shelters operating in the Town of Hilton Head Island, there is no homeless data for the Town. Anecdotal evidence indicates there is a homeless population within the jurisdiction, however, no definite statistics are available on the total homeless population in the Town of Hilton Head Island.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including.

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Covid-19 Pandemic influenced the collection of data in 2021 and HUD provided a waiver permitting Continuums of Care across the country to modify or eliminate the 2021 point in time count due to health and safety concerns. This resulted in no consistency in data collection and reporting implemented by the Continuums of Care statewide in 2021.

The most current South Carolina Interagency Council on Homelessness (SCICH) State of Homelessness Report available is from January 2022. The SCICH released the state-wide report that focused on Homeless Management Information System (HMIS) data. The South Carolina 2022 State of Homelessness Report indicated while the statewide count for 2022 shows a 15% reduction in persons counted on a single night (point in time count), when compared to 2020, the annual data shows an increase in individuals receiving homeless services in fiscal year 2021. Overall, males remained the dominate gender receiving homeless services across the state. More than 50% of those receiving services reported as Black or African American. Of the 13,399 persons receiving homelessness services three percent reported Hispanic/Latino ethnicity. Adults ages 55 to 64 made up 19% of those served, ages 45 to 54 made up 17% of those served, and ages 35 to 44 made up 17% of those served. The average age of adults receiving services was 45 and the average age of children receiving services was eight.

Results of the 2020 point in time count indicated 12 persons experiencing homelessness interviewed in Beaufort County. Of the 12 persons interviewed in January 2020, there was one (1) living unsheltered and 11 living in shelters. Of the 12 persons none were veterans and one (1) was chronically homeless. It is important to note, since the Town of Hilton Head Island does not have any homeless shelters, the figures reflected in the point in time count data pertain to

homeless persons counted in Beaufort County, South Carolina, and are not specific to the Town of Hilton Head Island.

Addressing the emergency shelter and transitional housing needs of homeless persons

Currently there are no emergency and transitional housing shelters operating in the Town of Hilton Head Island. At this time there is no future plan to own or operate emergency shelters or transitional housing in the Town of Hilton Head Island.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

There are no homeless shelters located within the jurisdiction of the Town of Hilton Head Island and no homeless population count data available from the Lowcountry Continuum of Care, the regional continuum of care servicing the Town. There is a non-profit organization, Family Promise of Beaufort, located in neighboring Bluffton, South Carolina, which is a coalition of Beaufort County churches assisting homeless families through a 60–90-day program. The program provides evening accommodations for program participants at host churches and daytime transportation to school for children and educational programs for parents.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The Town of Hilton Head Island anticipates continued collaboration with the Beaufort County Human Services Alliance, which is an informal group whose purpose is to promote and sustain activities that improve the quality of life for all Beaufort County residents. This group provides organizational framework that contributes to our community's capacity to address societal needs. Through the Beaufort County Human Services Alliance resources are pooled and community needs are addressed in the areas of economy, education, poverty, and health and environmental issues.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

A variety of barriers exist which make increasing affordable housing stock in the Town of Hilton Head Island difficult. The following list highlights some affordable housing issues; however, this list should not be considered exhaustive. Many other circumstances may occur which prevent the market from providing affordable housing.

- Land costs are a limiting factor in the construction of affordable housing units.
- Land supply is a finite resource as the Town approaches build-out.
- Construction costs which continue to increase are a factor in development of affordable housing.
- Much of the housing located in the Town of Hilton Head Island and land available for housing is subject to floodplain insurance requirements in addition to other insurance requirements, such as wind and hail.
- Marketability and potential profit is a factor for developers because of the challenges faced with construction in a coastal area.
- The “NIMBY” syndrome, “Not in My Backyard”, is a common sentiment toward affordable housing within the Town of Hilton Head Island.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

In 2017 the Town Council Public Planning Committee began studying various aspects of affordable housing on Hilton Head Island. During 2017 the committee met with local developers, business owners, employers, and service organizations for discussions on providing affordable housing to the local workforce. In 2018 strategies were developed to further address fostering affordable housing within the Town of Hilton Head Island. In 2019 the Town’s housing consultant presented a workforce housing strategic plan. Town staff prepared an approach to implement the recommendations included in the strategic plan and the Town Council Public Planning Committee made a recommendation to Town Council to adopt the strategic plan. In 2020 Town staff developed workforce housing amendments for the Town of Hilton Head Island Land Management Ordinance (LMO). The amendments created a policy which uses incentives to promote conversion of commercial space into workforce housing units. These amendments moved through the approval process and the commercial conversion LMO amendment was adopted by Town Council on November 17, 2020. On February 16, 2021, a second set of LMO amendments related to work force housing were adopted by Town Council

allowing bonus density for work force housing units under certain conditions.

In 2022 the Town of Hilton Head Island approved a resolution establishing the Beaufort-Jasper Regional Housing Trust Fund (RHTF). This regional organization was created to address the need for affordable housing in Beaufort and Jasper Counties. Goals of the RHTF are to: create new housing units, or rehabilitate or preserve existing housing units for households at or below 120 percent of Area Median Income with a strong focus on households at or below 60 percent of Area Median Income; provide workforce housing for the growing Beaufort-Jasper economy; help households maintain financial stability and build wealth by reducing the amount of money spent on housing and transportation; strengthen relationships, build trust and engage partners and stakeholders, ensuring an organized and collaborative approach to regional housing challenges; increase awareness of existing and new financial products that serve the Beaufort-Jasper community; and leverage outside funding from banks, corporations, philanthropic institutions, and federal, state, and local governments.

In November 2022 the Town Council of the Town of Hilton Head Island adopted a Workforce Housing Framework, which commits the Town to work with the community to plan, manage, and fund home initiatives. The resolution approving the Framework authorizes the Town manager to take necessary steps to develop, implement and carry out strategies identified in the Workforce Housing Framework. The resolution also directs the Town manager to make an annual allocation of \$1 million for workforce housing beginning in the current fiscal year. The Workforce Housing Framework consists of four pillars, each with specific goals, strategies, and critical first steps necessary to accomplish the mission of the Framework. The four pillars include:

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- **Revenue:** the goal is to provide a consistent, sustainable, and multi-sourced revenue model for funding workforce housing initiatives and partnerships. Through this goal the Town commits to a funding plan that meets the needs of a multi-year workforce housing action plan.

AP-85 Other Actions – 91.220(k)

Introduction:

The Town of Hilton Head Island anticipates taking the following actions throughout the program year 2023 to address the challenges listed below.

Actions planned to address obstacles to meeting underserved needs.

As part of the 2023 program year, the Town of Hilton Head Island will determine where underserved populations are located through analysis of Census data and community input. To reduce the number of obstacles in meeting the needs of the underserved populations Town staff may assist with facilitating collaborations with area service organizations which spearhead community-wide solutions to local needs.

Actions planned to foster and maintain affordable housing.

In 2022 the Town of Hilton Head Island approved a resolution establishing the Beaufort-Jasper Regional Housing Trust Fund (RHTF). This regional organization was created to address the need for affordable housing in Beaufort and Jasper Counties. Goals of the RHTF are to: create new housing units, or rehabilitate or preserve existing housing units for households at or below 120 percent of Area Median Income with a strong focus on households at or below 60 percent of Area Median Income; provide workforce housing for the growing Beaufort-Jasper economy; help households maintain financial stability and build wealth by reducing the amount of money spent on housing and transportation; strengthen relationships, build trust and engage partners and stakeholders, ensuring an organized and collaborative approach to regional housing challenges; increase awareness of existing and new financial products that serve the Beaufort-Jasper community; and leverage outside funding from banks, corporations, philanthropic institutions, and federal, state, and local governments.

In November 2022 the Town Council of the Town of Hilton Head Island adopted a Workforce Housing Framework, which commits the Town to work with the community to plan, manage, and fund home initiatives. The resolution approving the Framework authorizes the Town manager to take necessary steps to develop, implement and carry out strategies identified in the Workforce Housing Framework. The resolution also directs the Town manager to make an annual allocation of \$1 million for workforce housing beginning in the current fiscal year.

The Workforce Housing Framework consists of four pillars, each with specific goals, strategies, and critical first steps necessary to accomplish the mission of the Framework. The four pillars include:

- **Community:** the goal is to engage, collaborate, and inform the community on housing challenges and to identify community-led housing program solutions. Strategies include developing partnerships and relationships with community organizations and establishing a housing action committee.
- **Planning:** the goal is to create a social, political, and economic environment that stimulates workforce housing through planning, policymaking, and programming.
- **Management:** the goal is to establish a management program and policies to advance workforce housing opportunities. This includes adding dedicated Town staff for planning and coordination and exploring the creation of a professionally managed housing organization.
- **Revenue:** the goal is to provide a consistent, sustainable, and multi-sourced revenue model for funding workforce housing initiatives and partnerships. Through this goal the Town commits to a funding plan that meets the needs of a multi-year workforce housing action plan.

Actions planned to reduce lead-based paint hazards.

Specific data for lead-based paint hazards in the Town of Hilton Head Island is unavailable. The number of units built before 1980 may be used to represent a baseline for the number of units which may pose a lead-based paint threat. At this time action to address lead-based paint hazards have not been identified.

Actions planned to reduce the number of poverty-level families.

The Beaufort Housing Authority operates a Family Self Sufficiency Program which promotes independence for its residents. Participants in the program work toward setting and obtaining future life and career goals by accomplishing activities and objectives. The Beaufort Housing Authority also operates a homeownership program, which assists residents in their programs pay a mortgage rather than a rental payment.

The Town of Hilton Head Island anticipates continued collaboration with the Beaufort County Human Services Alliance, which is an informal group whose purpose is to promote and sustain activities that improve the quality of life for all Beaufort County residents. This group provides organizational framework that contributes to our community's capacity to address societal needs. Through the Beaufort County Human Services Alliance resources are pooled and community needs are addressed in the areas of economy, education, poverty, and health and environmental issues.

Actions planned to develop institutional structure.

The Town of Hilton Head Island has participated in the HUD CDBG Entitlement Program since 2015 and continues to monitor and evaluate the performance of the program while ensuring

regulatory compliance. The Town recognizes the evaluation of past performance is critical to ensuring CDBG funded activities are implemented in an effective manner and align with established strategies and goals.

During the eight years of program participation the Town met required program deadlines. Notifications of acceptable levels of program accomplishment were received from the HUD Columbia, South Carolina field office during seven years of program participation. In May 2022 the Town received a warning notice related to noncompliance with timely expenditure requirements from HUD. An untimely expenditure notice is given when a grantee has more than 1.5 times its most recent entitlement grant. In 2022 the Town had 1.84 times its most recent entitlement grant. Due to the COVID-19 pandemic in 2020 HUD allowed for flexibilities related to the timely expenditure of CDBG funds and a warning letter was issued to the Town. In 2023 the timeliness flexibilities will no longer be in place and the standard corrective action policies will be reinstated.

In April 2021 a fiscal year 2021 remote monitoring session was conducted by the Columbia, South Carolina field office Community Planning and Development representative. No findings were reported during this monitoring; however, two concerns were cited. The first concern identified the need for a local written policies and procedures manual for administration of the CDBG award. Town staff completed this manual and submitted to HUD in June 2022. The second concern identified the need for an oversight process for subrecipients of 2020 CDBG and CDBG-CV funds. Town staff immediately conducted seven monitoring reviews of randomly selected subrecipients of 2020 CDBG and CDBG-CV funds. All subrecipient monitoring reviews resulted in no findings or concerns. In 2019 a ‘No Findings or Concerns’ report was issued by the Regional Environmental Officer during an onsite Environmental Review Procedures monitoring visit.

The Town intends to continue to report its progress in meeting the five-year goals in the Consolidated Annual Performance Evaluation Report (CAPER). The CAPER will be submitted in compliance with program deadlines.

Strategies for overcoming gaps in capacity issues in the service delivery system may require more findings or changes in public policy. The Town of Hilton Head Island will continue to coordinate efforts and partnerships with state and local government entities such as Beaufort County, the Lowcountry Council of Governments, and various State of South Carolina offices when necessary to carry out the priority needs listed in this Annual Action Plan.

Actions planned to enhance coordination between public and private housing and social service agencies.

The Town of Hilton Head Island anticipates continued collaboration with the Beaufort County Human Services Alliance, which is an informal group whose purpose is to promote and sustain

activities that improve the quality of life for all Beaufort County residents. This group provides organizational framework that contributes to our community's capacity to address societal needs. Through the Beaufort County Human Services Alliance resources are pooled and community needs are addressed in the areas of economy, education, poverty, and health and environmental issues.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities	0
Total Program Income	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	98%

ATTACHMENTS

**NOTICE OF PUBLIC MEETING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FISCAL YEAR 2023-24 ANNUAL ACTION PLAN**

Notice is hereby given that on **JANUARY 25, 2023, at 5:15 p.m.**, the Town of Hilton Head Island will hold a public meeting at the Town of Hilton Head Island Town Hall, Benjamin M. Racusin Council Chambers at 1 Town Center Court, to solicit input on needs and funding priorities related to the Community Development Block Grant (CDBG) program year 2023 Annual Action Plan. On January 18, 2023, a CDBG Annual Action Plan questionnaire for program year 2023 will be available via the Town's Open Town Hall portal at <https://hiltonheadislandsc.gov/opentownhall/>. As required by the U.S. Department of Housing and Urban Development (HUD), the Town of Hilton Head Island is developing its Annual Action Plan for the period of 2023-2024. The Annual Action Plan outlines community development needs and provides a one-year action plan for how the Town of Hilton Head Island intends to use its federal funds to address those needs.

The Town of Hilton Head Island does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Assistance will be provided to accommodate the special needs of disabled persons and persons with limited English language proficiency. If auxiliary aids are required, please make arrangements 72 hours prior to the meeting by contacting Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island, 1 Town Center Court, Hilton Head Island, S.C. 29928 via e-mail at marcyb@hiltonheadislandsc.gov or phone at (843) 341-4689.

Program Year 2023 CDBG Annual Action Plan Open Town Hall Question

As a Community Development Block Grant (CDBG) Entitlement Community the Town of Hilton Head Island receives an annual allocation from the U.S. Department of Housing and Urban Development (HUD) to fund projects which benefit the community needs of low- and moderate-income residents. The 2023 -2024 funding allocation is estimated to be approximately \$200,000. The Town is accepting comments on needs and funding priorities for the CDBG program year 2023-2024 Annual Action Plan.

1. Please rank the following types of project categories from 1 – 5 (1 as highest priority and 5 as lowest priority)

Public Improvements such as streets, sidewalks, water and sewer infrastructure, parks, or drainage improvements.

Select Rank: __ 1 __ 2 __ 3 __ 4 __ 5

Public Facilities such as neighborhood or community facilities or facilities for persons with special needs.

Select Rank: __ 1 __ 2 __ 3 __ 4 __ 5

Housing Activities such as rehabilitation of owner-occupied homes for energy improvements, water and sewer efficiency improvements, or lead-based paint testing and abatement.

Select Rank: __ 1 __ 2 __ 3 __ 4 __ 5

Other Real Property Improvements such as acquisition, clearance/demolition, code enforcement, historic preservation, renovation of closed buildings, or handicapped accessibility.

Select Rank: __ 1 __ 2 __ 3 __ 4 __ 5

Public Services such as employment services, crime prevention and public safety, childcare, health services, fair housing counseling, education programs, or services for senior citizens.

Select Rank: __ 1 __ 2 __ 3 __ 4 __ 5

2. Please tell us a specific project you would like to see in the three highest ranking categories you selected

3. Please tell us why you selected the ranking order of the above project categories

4. Tell us how you would allocate \$200,000 in any of the project categories?

Public Improvements \$ _____

Public Facilities \$ _____

Housing Activities \$ _____

Other Real Property Improvements \$ _____

Public Services \$ _____

5. Additional Comments

Police say Grays Hill man attacked woman with pocketknife after she rejected sexual advances

BY EVAN MCKENNA
emckenna@islandpacket.com

A man from Grays Hill faces felony assault charges for allegedly attacking a woman with a pocketknife in his home after she rejected his requests for sex, according to the Beaufort County Sheriff's Office.

Ronnie Fripp, 65, was charged early Tuesday morning with assault and battery in the first degree, jail records show.

Deputies were called around 2 a.m. Tuesday to Fripp's home on Paradise Lane in Grays Hill, just north of Beaufort's city limits. Fripp told officers

he had invited a woman over to help her "stay out of the cold," but while the two were in bed, the woman suddenly began attacking him. He claimed he hit the woman with a "hard object" to stop her, according to Maj. Angela Viens, a spokesperson for the Beaufort County Sheriff's Office.

But the woman had a different story. She told police that after she declined Fripp's sexual advances, he became violent and attacked her with a pocketknife, according to Viens.

The woman's injuries corroborated her story: Officers found a five-inch

laceration on her back, which police believe came from the pocketknife. Fripp did not appear to have any physical injuries, Viens said.

In South Carolina, first-degree assault and battery is a felony punishable by up to 10 years in prison. Fripp's usage of the pocketknife to assault the woman elevated the crime to a first-degree charge.

Fripp was released Tuesday on a \$5,000 surety bond from the Beaufort County Detention Center, court records show.

Evan McKenna: (843) 321-8375, evanjmckenna

Coroner names pedestrian killed Sunday while crossing the street on Hilton Head

BY SOFIA SANCHEZ
ssanchez@islandpacket.com

The Beaufort County Coroner's Office has released the name of a pedestrian who died Sunday following a crash on Hilton Head, marking at least the third such death in Beaufort County this month.

Steven Younce, 59, of Grand Blanc, Michigan, died Sunday from blunt force trauma following the crash, Beaufort County Chief Deputy Coroner

Debbie Youmans said.

The crash, according to Highway Patrol spokesman Tyler Tidwell, happened around 11:03 p.m. on William Hilton Parkway near Mathews Drive. A 2007 Saturn carrying three people was headed west on U.S. 278 while the pedestrian, Younce, was walking south across the road. The Saturn then hit the pedestrian, Tidwell said.

None of the people in the car were hurt.

This is the third pedestrian death in Beaufort

County this month. In the previous incidents, two Beaufort men — Robert McCoy, 59, and 58-year-old Bruce Singleton — were killed.

In 2022, at least 22 people died in Beaufort County crashes and 19 were killed in Jasper County, according to the latest available data from the Department of Public Safety.

Sofia Sanchez: (843) 781-6130, @islandpacket

FROM PAGE 1A

RAVENEL

served one term.

Years later, Ravenel was elected to the Charleston County School Board.

Ravenel's name is attached to one of Charleston's most iconic structures, the bridge that crosses the Cooper River and connects Charleston with Mount Pleasant.

When the bridge was deemed unsafe by inspectors, Ravenel, who spearheaded a push to start the State Infrastructure Bank, fought for funding to replace the bridge, later named in his honor. It now hosts one of the state's largest foot races, the Cooper River Bridge Run.

His public life was not without some controversy.

While in Congress, Ravenel made an inappropriate remark about Black people and was reported to have made another inappropriate comment made during the debate over removing the Confederate flag from atop the State House dome in

2000 about the NAACP and people with disabilities.

Asked about his comments, Ravenel told his hometown newspaper, the Charleston Post and Courier, that he misspoke, calling it was "a slip of the tongue."

"I made a rhetorical slip, and they want to lynch me for it," he told the paper then.

Known as "Cousin Arthur," Ravenel, "loved Charleston in his bones, and Charleston loved him back," current Charleston Mayor John Tecklenburg said.

"Over the course of 95 remarkable years, he was a Marine, a business leader, a family man, and a distinguished public servant at every level of government," Tecklenburg said of his passing in a statement. "Put simply, his was a life in full — a life of joy and meaning and consequence — and he will be much missed." U.S. Rep. Nancy Mace,

the current Republican holding Ravenel's former seat in the 1st District, shared condolences on social media Monday evening.

"Today we lost a great friend of the Lowcountry and former Representative of SC-01 - Arthur Ravenel Jr. Our prayers are with the Ravenel family this evening," Mace tweeted.

Ravenel had six children, including Thomas, who, like his father, ran for and held political office.

Thomas Ravenel was elected S.C. treasurer in 2006, but not a year later resigned after he was indicted on federal drug charges.

He's been a mainstay on Bravo's hit TV show "Southern Charm."

"Rest in Peace Dad 3/29/27-1/16/23," Thomas Ravenel tweeted of his father's death.

The Associated Press contributed to this report.

Maayan Schechter: [@MaayanSchechter](https://twitter.com/MaayanSchechter)

FROM PAGE 1A

POPULATION

world, comparable only to Taiwan and South Korea, he said.

That means China's "real demographic crisis is beyond imagination and that all of China's past economic, social, defense and foreign policies were based on faulty demographic data," Yi told The Associated Press.

The last time China is believed to have experienced a population decline was during the Great Leap Forward, a disastrous drive for collective farming and industrialization launched by then-leader Mao Zedong at the end of the 1950s that produced a

massive famine that killed tens of millions of people.

China's statistics bureau said the working-age population between 16 and 59 years old totaled 875.56 million, accounting for 62% of the national population, while those aged 65 and older totaled 209.78 million, accounting for 14.9% of the total.

According to the data from the statistics bureau, men outnumbered women by 722.06 million to 689.69 million, the bureau reported, a result of the one-child policy and a traditional preference for male offspring to carry on the family name.

The numbers also showed increasing urbanization in a country that traditionally had been largely rural. Over 2022, the permanent urban population increased by 6.46 million to reach 920.71 million, or 65.22%.

The United Nations estimated last year that the world's population reached 8 billion on Nov. 15 and that India will replace China as the world's most populous nation in 2023. India's last census was scheduled for 2022 but was postponed amid the pandemic.

In a report released on World Population Day, the U.N. also said global population growth fell below 1% in 2020 for the first time since 1950.



ANDREEA ALEXANDRU AP

NATO RAISES ITS VIGILANCE TOWARD RUSSIA

Military personnel stand by workstations inside a NATO AWACS aircraft Tuesday at the Baza 90 Romanian air force base in Otopeni, Romania. Two of three NATO surveillance planes arrived there Tuesday and will soon undertake regional reconnaissance missions to "monitor Russian military activity." According to the Allied Air Command Public Affairs Office, the AWACS will fly solely over alliance territory. The mission is scheduled to last several weeks. The aircraft belong to a fleet of 14 NATO surveillance aircraft usually

based in Geilenkirchen, Germany. Around 180 military personnel will deploy to Otopeni near Bucharest in support of the aircraft. "As Russia's illegal war in Ukraine continues to threaten peace and security in Europe, there must be no doubt about NATO's resolve to protect and defend every inch of Allied territory," NATO spokesperson Oana Lungescu said in a statement. "Our AWACS can detect aircraft hundreds of kilometres away, making them a key capability for NATO's deterrence and defence posture."



WILSON MCELVEEN Submitted

The Beaufort National Cemetery is shown decorated with Wreaths Across America remembrance wreaths, which were placed on veterans' headstones in December.

FROM PAGE 1A

WREATHS

too."

Residents with trucks and trailers began showing up and started loading. "Holy guacamole!" the group said on Facebook. "Our family and friends never stop surprising us!"

The robust response forestalled a launch of a GoFundMe campaign to cover the estimated \$3,000 cost of disposal, which had been considered.

"We've had a lot of people," Edwards said, "jumping on board since we put the plea out."

Edwards said Tuesday he was in discussions with waste hauling companies about removing the remaining wreaths, but the cost remained up on the air.

Edwards was hoping that the wreaths will be removed without a significant cost to the all-volunteer organization. Details

still were being worked out.

In 1992, Morrill Worcester, owner of Worcester Wreath Company of Harrington, Maine, made arrangements for a surplus of wreaths to be placed at Arlington National Cemetery in Washington, D.C., in one of the older sections of the cemetery that had been receiving fewer visitors.

Wreaths Across America, a non-profit, started in 2007 to expand the effort around the country.

Today, each December on National Wreaths Across America Day, wreath-laying ceremonies are conducted at more than 3,700 additional locations including Beaufort National Cemetery. Groups organize wreath sponsorships, with each wreath costing \$15.

Wreaths Across America Beaufort coordinates the

wreath-laying and retirement ceremonies with 44-acre Beaufort National Cemetery, which is operated by the Veterans Administration's National Cemetery Administration.

For the past two years, Edwards said, enough wreaths have been sponsored to place one on each of the 26,000 interments at the cemetery. In some instances, wreaths are placed on both sides of the markers. That's up from 8,640 in 2017, which at the time was a record.

"With the help of Beaufort, Beaufort County and families throughout the United States," Edwards said, "we've been able to accomplish it."

Edwards has been the coordinator for the Beaufort National Cemetery wreath laying for the past 14 years. He loves the job, describing it as a bit like organizing a music concert, with a lot of logistics to handle, including the disposal of the wreaths.

In a perfect world, said Michael Brophy, the Cemetery Administration's assistant director-in-charge at Beaufort National Cemetery, all of the dumpsters needed to dispose of the wreaths would have been on hand Saturday. Brophy described the oversight as a "minor inconvenience." "Just a little hiccup," he said.

Additional dumpsters, Brophy said, are expected to arrive Thursday to deal with the overflow.

Karl Puckett: 843-256-3420, @k_puckett406

NOTICE OF PUBLIC MEETING FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 2023-24 ANNUAL ACTION PLAN

Notice is hereby given that on **JANUARY 25, 2023, at 5:15 p.m.**, the Town of Hilton Head Island will hold a public meeting at the Town of Hilton Head Island Town Hall, Benjamin M. Racusin Council Chambers at 1 Town Center Court, to solicit input on needs and funding priorities related to the Community Development Block Grant (CDBG) program year 2023 Annual Action Plan. On January 18, 2023, a CDBG Annual Action Plan questionnaire for program year 2023 will be available via the Town's Open Town Hall portal at <https://hiltonheadislandsc.gov/opentownhall/>. As required by the U.S. Department of Housing and Urban Development (HUD), the Town of Hilton Head Island is developing its Annual Action Plan for the period of 2023-2024. The Annual Action Plan outlines community development needs and provides a one-year action plan for how the Town of Hilton Head Island intends to use its federal funds to address those needs.

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**NOTICE OF PUBLIC MEETING FOR
COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM
FISCAL YEAR 2023-24 ANNUAL ACTION PLAN**




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Town of Hilton Head Island Website - Main Page
January 18, 2023
2023 – 2024 CDBG Annual Action Plan
Public Meeting Notice

The screenshot shows the Hilton Head Island website's main page. The header features the town's logo and navigation links for Government, Business & Development, Our Island, Public Safety, and How Do I... There is also a search bar and a 'Subscribe' button. A large banner image of a coastal landscape is displayed below the header. The main content area is titled 'News and Announcements' and contains three news items, each with a thumbnail image and a brief description. To the right of the news items is a 'Contact Info' section for Carolyn Grant, Communications Director, and a 'Connect with Us' section listing social media handles and the town's website. A vertical social media sharing bar is visible on the right side of the page.

News and Announcements

-  **Public Meeting for Community Development Block Grant Program Fiscal Year 2023-2024 Annual Action Plan**
January 18, 2023
-  **Hilton Head Island Town Council to Hold Annual Strategic Planning Workshop on January 24th & 25th**
January 13, 2023
-  **Town Offices Closed Monday, January 16, in Observance of Martin Luther King Jr. Day**
January 12, 2023

Contact Info

Carolyn Grant
Communications Director
1 Town Center Court
Hilton Head Island, SC 29928
843-341-4618
CarolynG@hiltonheadislandsc.gov

Connect with Us

www.hiltonheadislandsc.gov
E-Subscription Service
@TownofHHI
@TownofHiltonHeadIslandMeetings
@TownofHHI
@TownofHiltonHeadIslandSC

Town of Hilton Head Island Website
January 18, 2023
2023 – 2024 CDBG Annual Action Plan
Public Meeting Notice Page

The screenshot shows a web browser window displaying the Hilton Head Island website. The page features a blue header with the town's logo and navigation links. Below the header is a large image of a coastal landscape. The main content area is titled "Public Notice" and contains a section for a "Public Meeting for Community Development Block Grant Program Fiscal Year 2023-2024 Annual Action Plan" held on January 18, 2023. The text details the meeting's purpose, the availability of a questionnaire, and contact information for Marcy Benson, the Senior Grants Administrator. A button for submitting the questionnaire is visible. The footer includes contact information, a "Stay Connected" section with social media icons, and the town's address and hours.

Public Notice - Public Meeting | x | +
https://hiltonheadislandsc.gov/news/news.cfm?NewsID=2976
Google | HHinet - Town of HL... | Intranet | Suggested Sites | Employee Self Serv... | Home | Grants Portal

Sito en Español | Jobs | Contact Us | Select Language
Government | Business & Development | Our Island | Public Safety | How Do I... | Subscribe

Home / News

Public Notice

Public Meeting for Community Development Block Grant Program Fiscal Year 2023-2024 Annual Action Plan

January 18, 2023

On **January 25, 2023, at 6:15 pm**, the Town will hold a public meeting at the Town of Hilton Head Island Town Hall, Benjamin M. Racusin Council Chambers at 1 Town Center Court, to solicit input on needs and funding priorities related to the Community Development Block Grant (CDBG) program year 2023 Annual Action Plan.

On January 18, 2023, a CDBG Annual Action Plan questionnaire for program year 2023 will be available via the Town's Open Town Hall portal at <https://hiltonheadislandsc.gov/opentownhall/>. As required by the U.S. Department of Housing and Urban Development (HUD), the Town of Hilton Head Island is developing its Annual Action Plan for the period of 2023-2024. The Annual Action Plan outlines community development needs and provides a one-year action plan for how the Town of Hilton Head Island intends to use its federal funds to address those needs.

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[Submit a Program Year 2023 CDBG Annual Action Plan Questionnaire](#)

Contact
Marcy Benson, Senior Grants Administrator
843-341-4689
MarcyB@hiltonheadislandsc.gov

[View More News](#)

Sito en Español
Website Policy
Social Media Use Policy
Employee Portal
Contact Webmaster

Hilton Head Island

1 Town Center Court
Hilton Head Island, SC 29928
843-341-4600
8 am - 4:30 pm Monday - Friday

Stay Connected
f | @ | t | v | in
| | |

Town of Hilton Head Island Website
January 18, 2023
2023 – 2024 CDBG Annual Action Plan
Open Town Hall Portal

The screenshot shows a web browser window displaying the Hilton Head Island website. The page title is "Open Town Hall HHI". The main content area features a survey announcement: "The Town is accepting comments on needs and funding priorities for the CDBG program year 2023-2024 Annual Action Plan." Below the title, it states "9 days left before deadline". There are four tabs: "Introduction", "Feedback", "Your Comment", and "Outcome". The "Your Comment" tab is active, showing a "Take the Survey" button and a deadline of "4:30 PM on January 27, 2023". The page also includes a "Comments" section indicating 4 visitors and 0 comments. At the bottom, there is a footer with copyright information for OpenGov, Inc. and social media sharing options.

Open Town Hall HHI

Home Info Help Sign in

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023-2024 Annual Action Plan.

9 days left before deadline

Introduction Feedback Your Comment Outcome

As a Community Development Block Grant (CDBG) Entitlement Community the Town of Hilton Head Island receives an annual allocation from the U.S. Department of Housing and Urban Development (HUD) to fund projects which benefit the community needs of low- and moderate-income residents. The 2023 -2024 funding allocation is estimated to be approximately \$200,000.

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023-2024 Annual Action Plan.

Please take a moment to rank the types of project categories from 1 – 5 in our brief survey.
(1 as highest priority and 5 as lowest priority)

Your Comment

[Take the Survey](#)

Deadline: 4:30 PM on January 27, 2023

Comments

This topic has 4 visitors and 0 comments.

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From: [Rene Phillips](#)
To: [Marcy Benson](#)
Subject: FW: Courtesy Copy: Public Meeting for CDBG Program Year 2023-2023 Annual Action Plan
Date: Wednesday, January 18, 2023 12:39:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)



René Tuttle, CGDSP

WEBSITE DEVELOPER

Office: (843) 341-4792

Website: hiltonheadislandsc.gov

Address: Town of Hilton Head Island
1 Town Center Court,
Hilton Head Island, SC 29928

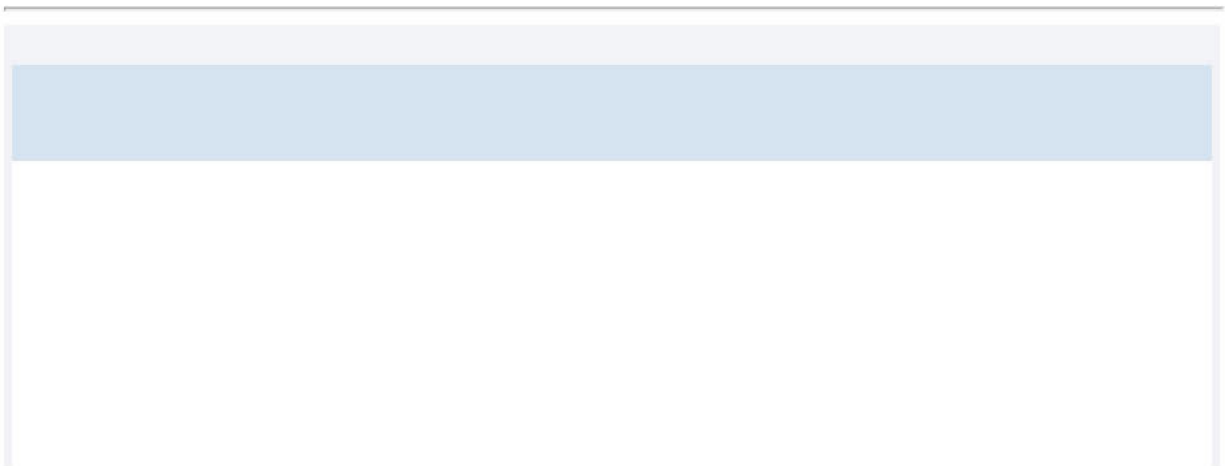
From: Town of Hilton Head Island <updates@secure.hiltonheadislandsc.gov>
Sent: Wednesday, January 18, 2023 12:38 PM
To: Rene Phillips <reneh@hiltonheadislandsc.gov>; Kelly Spinella <kellys@hiltonheadislandsc.gov>; Carolyn Grant <carolyng@hiltonheadislandsc.gov>
Subject: Courtesy Copy: Public Meeting for CDBG Program Year 2023-2023 Annual Action Plan

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

This is a courtesy copy of an email bulletin sent by Rene Tuttle.

This bulletin was sent to the following groups of people:

Subscribers of Legal Notices (3315 recipients)





Public Meeting for Community Development Block Grant Program Fiscal Year 2023-2024 Annual Action Plan

January 18, 2023

On **January 25, 2023, at 5:15 pm**, the Town will hold a public meeting at the Town of Hilton Head Island Town Hall, Benjamin M. Racusin Council Chambers at 1 Town Center Court, to solicit input on needs and funding priorities related to the Community Development Block Grant (CDBG) program year 2023 Annual Action Plan.

On January 18, 2023, a CDBG Annual Action Plan questionnaire for program year 2023 will be available via the Town's Open Town Hall portal at

<https://hiltonheadislandsc.gov/opentownhall/>. As required by the U.S. Department of Housing and Urban Development (HUD), the Town of Hilton Head Island is developing its Annual Action Plan for the period of 2023-2024. The Annual Action Plan outlines community development needs and provides a one-year action plan for how the Town of Hilton Head Island intends to use its federal funds to address those needs.

The Town of Hilton Head Island does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Assistance will be provided to accommodate the special needs of disabled persons and persons with limited English language proficiency. If auxiliary aids are required, please make arrangements 72 hours prior to the meeting by contacting Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island, 1 Town Center Court, Hilton Head Island, SC 29928 via e-mail at MarcyB@hiltonheadislandsc.gov or phone at 843-341-4689.

[Submit a Program Year 2023 CDBG Annual Action Plan Questionnaire Online](#)

View the public notice at

<https://hiltonheadislandsc.gov/news/news.cfm?NewsID=2976>



For additional information, contact our Senior Grants Administrator
Marcy Benson at 843-341-4689 or MarcyB@hiltonheadislandsc.gov

Hilton Head Island Logo



STAY CONNECTED:



Questions for the Town of Hilton Head Island? [Contact Us](#)

SUBSCRIBER SERVICES:

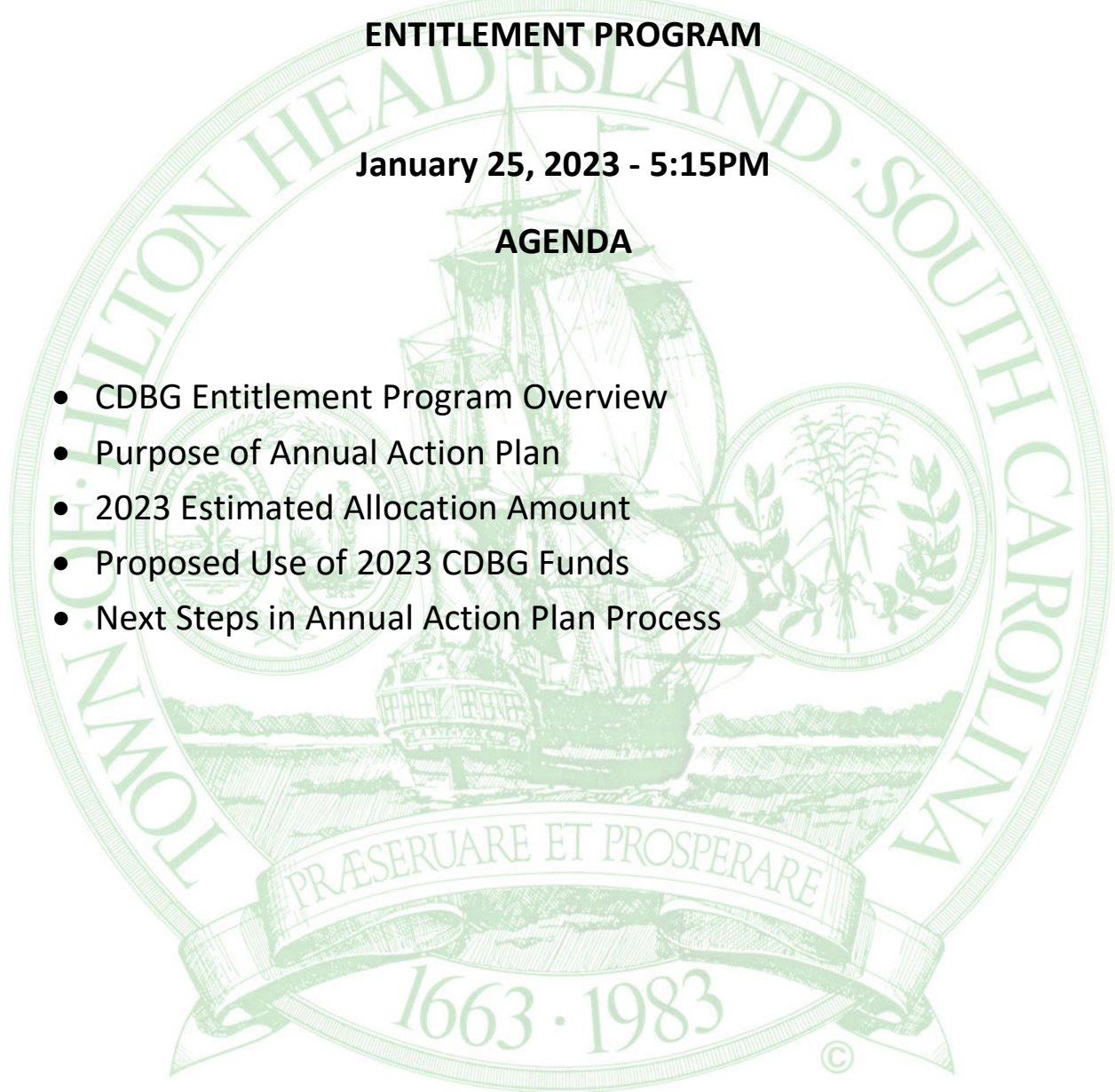
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TOWN OF HILTON HEAD ISLAND
ANNUAL ACTION PLAN PROGRAM YEAR 2023-2024
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ENTITLEMENT PROGRAM

January 25, 2023 - 5:15PM

AGENDA

- CDBG Entitlement Program Overview
- Purpose of Annual Action Plan
- 2023 Estimated Allocation Amount
- Proposed Use of 2023 CDBG Funds
- Next Steps in Annual Action Plan Process



PLEASE SIGN IN:

NAME	MAILING ADDRESS	EMAIL ADDRESS
Nannette Pierson	[REDACTED]	[REDACTED]



Town of Hilton Head Island

Community Development Block Grant (CDBG)

2023 – 2024 Annual Action Plan

Public Meeting

Wednesday, January 25, 2023

Marcy Benson
Senior Grants Administrator

Agenda

- CDBG Entitlement Program Overview
- Purpose of Annual Action Plan
- 2023 Allocation Amount
- Proposed Use of 2023 CDBG Funds
- Next Steps in Annual Action Plan Process



Community Development Block Grant Entitlement Program (CDBG)

- Federal grant program administered by HUD
- Provides annual grants on a formula basis
- Anticipated allocation is \$200,000
- Annual amount fluctuates each year
- Benefit low- and moderate-income persons
- Next Annual Action Plan is due in May



Low and Moderate Income (LMI) Definitions

- Low- and moderate-income households = less than 80% of the area median income
- Low Income = equal to or less than 50% of the area median income
- Moderate Income = equal to or less than 80% of area median income



LMI Example

FY2022 Income Limit Summary

FY 2022 Income Limit Area	Median Family Income	Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Beaufort County, SC HUD Metro FMR Area	\$95,600	50% Income Limit (Low)	\$30,350	\$34,700	\$39,050	\$43,350	\$46,850	\$50,300	\$53,800	\$57,250
		80% Income Limit (Moderate)	\$48,550	\$55,500	\$62,450	\$69,350	\$74,900	\$80,450	\$86,000	\$91,550

Source: HUD User Website, Office of Policy Development and Research (PD&R)
<https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn>

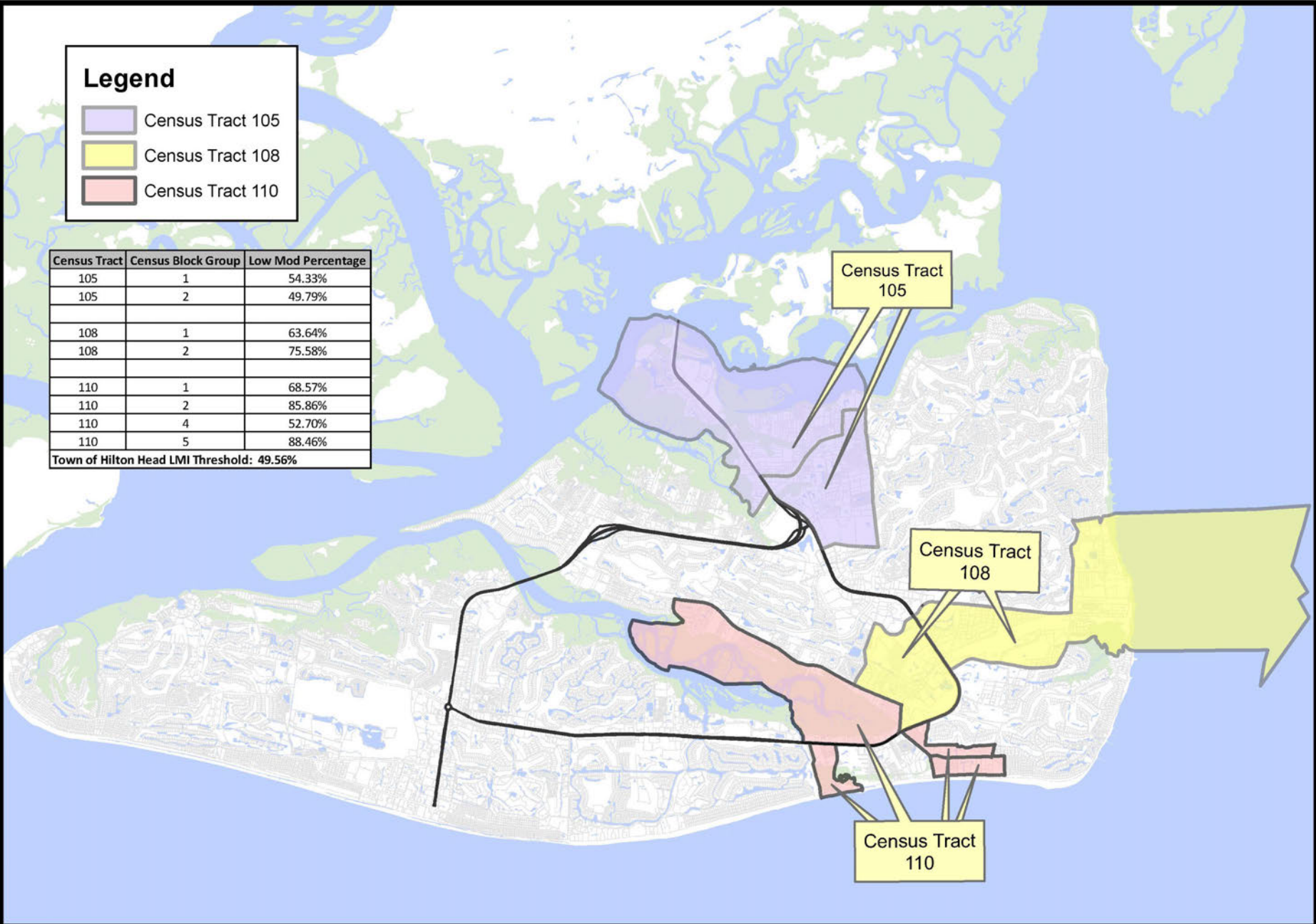


Legend

- Census Tract 105
- Census Tract 108
- Census Tract 110

Census Tract	Census Block Group	Low Mod Percentage
105	1	54.33%
105	2	49.79%
108	1	63.64%
108	2	75.58%
110	1	68.57%
110	2	85.86%
110	4	52.70%
110	5	88.46%

Town of Hilton Head LMI Threshold: 49.56%



Town of Hilton Head Island

LMI Census Tracts and Blocks



Annual Action Plan Purpose

- Provides summary to HUD
- 1 Year Plan with Goals & Objectives
- Allocates Funds for Program Year 2023
- Improve quality of life



2020 – 2024 Consolidated Plan Projects List

#	Program Year	Project Name	Project Description	Estimated Amount	Annual Goals Supported	Target Area	Priority Need Addressed	Goal Outcome Indicator
1	2020	COVID-19 Response and Recovery	Provide grant funding for the purchase of equipment, or supplies, or materials necessary to carry-out response and recovery due to COVID-19.	\$770,401	COVID-19 Response & Recovery	Town-Wide	Non- Housing Community Development – Public Services; and Administration & Planning	Public service activities other than low/moderate-income housing benefit.
2	2021	Facilities, Housing, Public Services, Economic Development Year 2	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.	\$238,313	Facilities, Housing, Public Services, Economic Development Year 2	Census Tract 105, 108, 110, 111, or 113	Non- Housing Community Development – Public Improvements; Public Services; Housing Activities; Economic Development; Administration & Planning	Public facility or infrastructure activities other than low/moderate-income housing benefit.
3	2022	Facilities, Housing, Public Services, Economic Development Year 3	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.	\$238,313	Facilities, Housing, Public Services, Economic Development Year 3	Census Tract 105, 108, 110, 111, or 113	Non- Housing Community Development – Public Improvements; Public Services; Housing Activities; Economic Development; Administration & Planning	Public facility or infrastructure activities other than low/moderate-income housing benefit.
4	2023	Facilities, Housing, Public Services, Economic Development Year 4	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.	\$238,313	Facilities, Housing, Public Services, Economic Development Year 4	Census Tract 105, 108, 110, 111, or 113	Non- Housing Community Development – Public Improvements; Public Services; Housing Activities; Economic Development; Administration & Planning	Public facility or infrastructure activities other than low/moderate-income housing benefit.
5	2024	Facilities, Housing, Public Services, Economic Development Year 5	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.	\$238,313	Facilities, Housing, Public Services, Economic Development Year 5	Census Tract 105, 108, 110, 111, or 113	Non- Housing Community Development – Public Improvements; Public Services; Housing Activities; Economic Development; Administration & Planning	Public facility or infrastructure activities other than low/moderate-income housing benefit.



2020 – 2024 Consolidated Plan

Program Year 2 Project

#	Program Year	Project Name	Project Description	Estimated Amount	Annual Goals Supported	Target Area	Priority Need Addressed	Goal Outcome Indicator
4	2023	Facilities, Housing, Public Services, Economic Development Year 3	Provide funding for public facilities & improvements, or housing activities or economic development initiative, or public services in LMI neighborhoods or to LMI clientele.	\$232,565	Facilities, Housing, Public Services, Economic Development Year 3	Census Tract 105, 108, 110, 111, or 113	Non- Housing Community Development – Public Improvements; Public Services; Housing Activities; Economic Development; Administration & Planning	Public facility or infrastructure activities other than low/moderate-income housing benefit



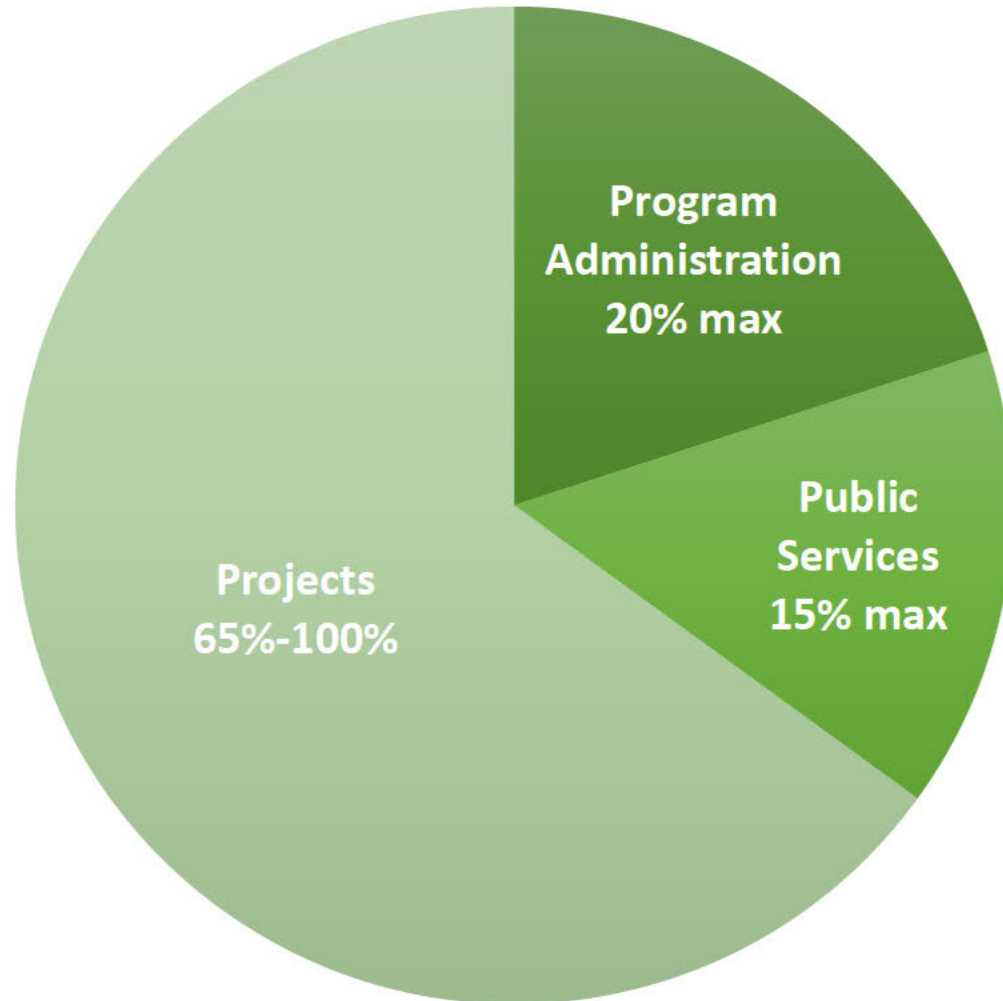
What We've Done 2015 - 2022

- Two dirt road paving projects
- Two playground installation projects
- One parking expansion project
- One pavilion construction project
- 17 public services organizations
- Two park construction projects



2023 Allocation

Approximately \$200,000



Proposed Use of 2023 CDBG Funds

- Public Improvement Project
 - Neighborhood park at the Ford Shell Ring
Town owned property



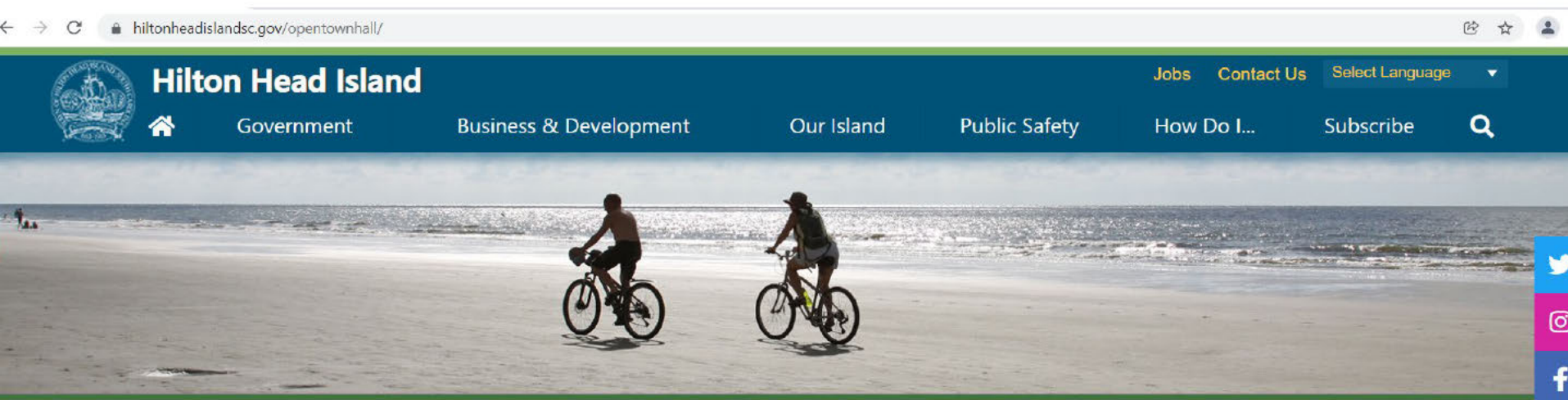
We Want to Hear From You

- Public Improvements?
- Public Facilities?
- Housing Activities?
- Other Real Property Improvements?
- Public Services?



We Want to Hear From You Survey on Open Town Hall

<https://hiltonheadislandsc.gov/opentownhall/>



Open Town Hall HHI

A screenshot of the 'Open Town Hall HHI' page. The page has a light blue header with 'Home', 'Info', 'Help', and 'Sign in' links, and a search icon. The main content area features a large image of a beach with many people and umbrellas. On the left side of this image is the Hilton Head Island seal, which includes the text 'JOHN OF HILTON HEAD ISLAND - SOUTH CAROLINA' and '1663 - 1983'. To the right of the image, the text reads 'Open Town Hall HHI' followed by 'Join the discussion! Participate and contribute feedback on topics being considered by Hilton Head Island officials through Open Town Hall HHI.' Below this text is a blue button with the text 'READ MORE'.

Next Steps

- Annual Action Plan will be drafted
- 30-day public comment period
- Finance and Administrative Committee
- Town Council approval to submit Plan
- Submittal to HUD





Thank you!

Marcy Benson
Senior Grants Administrator

Marcyb@hiltonheadislandsc.gov

Public Meeting Minutes
Public Meeting to Solicit Input and Discuss
Community Development Block Grant (CDBG) Entitlement Program
Annual Action Plan Fiscal Year 2023-2024 (Program Year 2023)

Wednesday, January 25, 2023 – 5:15pm
Town of Hilton Head Island Town Hall
Benjamin M. Racusin Council Chambers
1 Town Center Court, Hilton Head Island, SC

Present

Town Staff: Marcy Benson, Senior Grants Administrator
Jeff Herriman, Treasurer

Public Attendees: One member of the public attended.
See attached sign-in sheet.

Marcy Benson, Senior Town Grants Administrator, began the public meeting at 5:15pm in the Benjamin M. Racusin, Council Chambers of the Town of Hilton Head Island Town Hall. A PowerPoint presentation was given describing the Community Development Block Grant (CDBG) Entitlement Program, the anticipated CDBG funding allocation amount available for program year 2023 and staff recommended project for the fiscal year 2023-2024 annual action plan.

There was public discussion on the CDBG program, anticipated funding allocation and types of projects eligible for CDBG funding.

The meeting concluded with Town staff stating the next steps for the program year 2023-2024 annual action plan will include a 30-day public comment period and recommended comments be submitted via the Open Town Hall Portal on the Town website by January 27, 2023. The attendee was thanked for participating and the public meeting adjourned at approximately 5:50pm.



Program Year 2023 CDBG Annual Action Plan Questionnaire

January 27, 2023, 4:31 PM

Contents

i.	Introduction	2
ii.	Summary of comments	3
iii.	Survey questions	7
iv.	Individual comments	9

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Introduction

As a Community Development Block Grant (CDBG) Entitlement Community the Town of Hilton Head Island receives an annual allocation from the U.S. Department of Housing and Urban Development (HUD) to fund projects which benefit the community needs of low and moderate income residents. The 2023 2024 funding allocation is estimated to be approximately \$200,000.

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Please take a moment to rank the types of project categories from 1 – 5 in our brief survey.

(1 as highest priority and 5 as lowest priority)

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Summary Of Comments

As of January 27, 2023, 4:31 PM, this forum had:	Topic Start	Topic End
Attendees: 16	January 18, 2023, 8:00 AM	January 27, 2023, 4:30 PM
Comments: 4		
Minutes of Public Comment: 12		

QUESTION 1

Name

Answered	3
Skipped	1

QUESTION 2

Public Improvements such as streets, sidewalks, water and sewer infrastructure, parks, or drainage improvements.

(1=highest priority, 5=lowest priority)

Public Improvements

		%	Count
3		50.0%	2
5		50.0%	2

QUESTION 3

Public Facilities such as neighborhood or community facilities or facilities for persons with special needs.
(1=highest priority, 5=lowest priority)

Public Facilities

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

		%	Count
3		25.0%	1
4		25.0%	1
5		50.0%	2

QUESTION 4

Housing Activities such as rehabilitation of owner-occupied homes for energy improvements, water and sewer efficiency improvements, or lead-based paint testing and abatement.

Housing Activities

		%	Count
2		25.0%	1
3		25.0%	1
4		50.0%	2

QUESTION 5

Other Real Property Improvements such as acquisition, clearance/demolition, code enforcement, historic preservation, renovation of closed buildings, or handicapped accessibility.

(1=highest priority, 5=lowest priority)

Other Real Property Improvements

		%	Count
1		50.0%	2
4		50.0%	2





Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

QUESTION 6

Public Services such as employment services, crime prevention and public safety, childcare, health services, fair housing counseling, education programs, or services for senior citizens.
(1=highest priority, 5=lowest priority)

Public Services

		%	Count
1		25.0%	1
2		25.0%	1
4		25.0%	1
5		25.0%	1

QUESTION 7

Please tell us a specific project you would like to see in the three highest ranking categories you selected.

Answered	3
Skipped	1

QUESTION 8

Please tell us why you selected the ranking order of the above project categories.

Answered	2
Skipped	2

QUESTION 9

Tell us how you would allocate \$200,000 in any of the project categories.
You have 8 dots to 'allocate'. Each dot represents \$25,000.

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

		%	Count
Public Improvements		15.6%	5
Public Facilities		15.6%	5
Housing Activities		28.1%	9
Other Real Property Improvements		18.8%	6
Public Services		15.6%	5

QUESTION 10

Additional Comments?

No response

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Survey Questions

QUEST ON 1

Name

- 2
- 3
- 4
- 5

QUEST ON 2

Public Improvements such as streets, sidewalks, water and sewer infrastructure, parks, or drainage improvements.

(1=highest priority, 5=lowest priority)

Row choices

- Public Improvements

Column choices

- 1
- 2
- 3
- 4
- 5

QUEST ON 3

Public Facilities such as neighborhood or community facilities or facilities for persons with special needs.

(1=highest priority, 5=lowest priority)

Row choices

- Public Facilities

Column choices

- 1
- 2
- 3
- 4
- 5

QUEST ON 4

Housing Activities such as rehabilitation of owner-occupied homes for energy improvements, water and sewer efficiency improvements, or lead-based paint testing and abatement.

Row choices

- Housing Activities

Column choices

- 1

QUEST ON 5

Other Real Property Improvements such as acquisition, clearance/demolition, code enforcement, historic preservation, renovation of closed buildings, or handicapped accessibility.

(1=highest priority, 5=lowest priority)

Row choices

- Other Real Property Improvements

Column choices

- 1
- 2
- 3
- 4
- 5

QUEST ON 6

Public Services such as employment services, crime prevention and public safety, childcare, health services, fair housing counseling, education programs, or services for senior citizens.

(1=highest priority, 5=lowest priority)

Row choices

- Public Services

Column choices

- 1
- 2
- 3
- 4
- 5

QUEST ON 7

Please tell us a specific project you would like to see in the three highest ranking categories you selected.

QUEST ON 8

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Please tell us why you selected the ranking order of the above project categories.

QUEST ON 9

Tell us how you would allocate \$200,000 in any of the project categories.

You have 8 dots to 'allocate'. Each dot represents \$25,000.

- Public Improvements
- Public Facilities
- Housing Activities
- Other Real Property Improvements
- Public Services

QUEST ON 10

Additional Comments?

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Individual Comments

Name not available

January 18, 2023, 1:14 PM

Question 1

L nda Labarreare

Question 2

Pub c Improvements: 3

Question 3

Pub c Fac t es: 3

Question 4

Hous ng Act v t es: 4

Question 5

Other Rea Property Improvements: 4

Question 6

Pub c Serv ces: 4

Question 7

No response

Question 8

No response

Question 9

- Pub c Improvements (2)
- Pub c Fac t es (2)
- Hous ng Act v t es (2)
- Other Rea Property Improvments (2)

Question 10

No response

Name not available

January 18, 2023, 7:25 PM

Question 1

No response

Question 2

Pub c Improvements: 5

Question 3

Pub c Fac t es: 5

Question 4

Hous ng Act v t es: 4

Question 5

Other Rea Property Improvements: 4

Question 6

Pub c Serv ces: 5

Question 7

- 1) Dog Park created for residence w th green space
- 2) Safety s gnage for crosswa ks-to many peop e are gett ng run over
- 3) A gator management
- 4) Deer contro

Question 8

- 1) Dogs and homes are not a owed fences n the p antat ons, th s creates a rea need for a space for dogs to run and be treated humane y
- 2) s gns that are current y hung are wordy and unc ear for trave ors
- 3) Large a gators have k ed too many peop e
- 4) My daughter was h t by a deer runn ng across the parkway, t cou d have been fata

Question 9

- Pub c Improvements (2)
- Pub c Fac t es (2)
- Hous ng Act v t es (1)
- Pub c Serv ces (1)

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

Question 10

No response

Name not shown

inside Town Limits

January 25, 2023, 12:55 PM

Question 1

K m L k ns

Question 2

Pub c Improvements: 3

Question 3

Pub c Fac t es: 5

Question 4

Hous ng Act v t es: 2

Question 5

Other Rea Property Improvements: 1

Question 6

Pub c Serv ces: 1

Question 7

Issues surround ng emp oyment, spec f ca y the ack of an adequate work force are the most mportant ssues that shou d be addressed w th CDBG funds. Hous ng and ch dcare shou d be at the top of the st. W thout these resources we w cont nue to see a dec ne n our ls and work force.

Question 8

We must use every ava ab e qua f ed fund ng source to he p so ve our work force ssues.

Question 9

- Hous ng Act v t es (3)
- Other Rea Property Improvements (3)
- Pub c Serv ces (2)

Question 10

No response

Cary Welker

inside Town Limits

January 25, 2023, 1:59 PM

Question 1

Cary We ker

Question 2

Pub c Improvements: 5

Question 3

Pub c Fac t es: 4

Question 4

Hous ng Act v t es: 3

Question 5

Other Rea Property Improvements: 1

Question 6

Pub c Serv ces: 2

Question 7

The dec ne n ava ab ty and atta nab ty of both hous ng and ch dcare opt ons are detr menta to the cont nued growth of the s and. Both shou d be addressed as top pr or ty n order to enhance the appea of the s and to the current and potent a ct zens who keep the s and s economy mov ng.

Question 8

No response

Question 9

- Pub c Improvements (1)
- Pub c Fac t es (1)
- Hous ng Act v t es (3)
- Other Rea Property Improvements (1)

Program Year 2023 CDBG Annual Action Plan Questionnaire

The Town is accepting comments on needs and funding priorities for the CDBG program year 2023 2024 Annual Action Plan.

• Public Services (2)

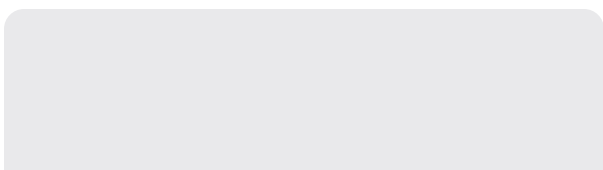
Question 10

No response

From: [Nannette Pierson](#)
To: [Marcy Benson](#)
Subject: Dr. Pierson. Sandalwood Community Food Pantry
Date: Thursday, January 26, 2023 3:41:33 PM
Attachments: [albertgeorge_teaser_640x360.png](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Marcy, Thank you for a wonderfully clear and comprehensive understanding of the 2023 allocated funding for the Community Development Block Grant. You always do an excellent job no matter if the room is full, or as last evening's meeting, with only myself present, as Founder and Joyful Servant of Sandalwood Community Food Pantry. This singular presence allowed me to be comfortable asking questions I may not have asked in my desire to respect the time for others with questions and concerns. I was very pleased in making your meeting a priority to be considered for CDBG funding. Please add this to my previous request as I have narrowed the scope, as you so kindly offered me the option to send directly to you via email. The CDBG could provide funding in the Public Service Area to train at risk community members. Presently, we are serving over 100 families every Tuesday at Sandalwood Community Food Pantry. These Grant funds would be used to develop education tool-kits and holding workshops in an effort to proactively educate HHI residents living below the poverty level who lack access to important safety information in relation to major weather events such as hurricanes and rain bombs. One of my board members (See enclosed link for board member Albert George) who has experience in this area will assist with developing and executing the proposed training. You might remember Mr. George from the CDBG annual meetings he often attended along with me years prior.





Learning and teaching about climate change:
Albert George MPP 2001, HKSEE 2004
hks.harvard.edu

Many thanks for all you do in serving our Beloved Community,
Rev. Dr. Nannette Pierson
Sandalwood Community Food Pantry
Because Hunger's Hurts!

Sent from my iPad

**NOTICE OF 30-DAY PUBLIC COMMENT PERIOD
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
YEAR 2023-2024 ANNUAL ACTION PLAN**

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its program year 2023 – 2024 Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding. The Plan will be available for review and comment for 30 days beginning Monday, February 27, 2023, through Wednesday, March 29, 2023, via the Town of Hilton Head Island website at www.hiltonheadislandsc.gov. Written comments on the Plan are encouraged and may be submitted via the website link, or email to Marcyb@hiltonheadislandsc.gov or by mail to Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island Finance Department, 1 Town Center Court, Hilton Head Island, SC 29928.

The Town of Hilton Head Island does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Marcy Benson, Senior Grants Administrator, has been designated to coordinate compliance with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations. She may be reached at the email address listed above or by phone at (843) 341-4689.



Kathleen Harper

Artist Beverly Baynes' depiction of the Cherry Hill School for the Hilton Head Island Middle School history gallery.

FROM PAGE 1A

STUDENTS

"Some of them didn't even know this," she said. "Having them have this realization, this pride of place, of how important this was. I just think that's hugely important."

The process started in 2019, and the gallery had a private opening in April 2022. Now, the school is opening up student tours to the public.

Community members who want students to take them through the gallery, and the Hilton Head area's history, can reach out to Kathleen Harper at kathleen.harper@beaufort.k12.sc.us

Here are abbreviated versions of the 10 historical facts and events, and their illustrations, that students can tell you about through the gallery:

1. HILTON HEAD ISLAND HAS SEVERAL-THOUSAND-YEAR-OLD SHELL RINGS

Made up of hundreds of thousands of oysters, clams and mussels the Sea Pines Shell ring dates back almost 4,000 years and is the oldest archaeological site on Hilton Head Island. Archaeologists believe the rings were either where Native Americans came together for large religious gatherings or the remains of circular villages. There are about 50 found along the Florida, Georgia and South Carolina coasts dating back 3,000 to 5,000 years.

2. THE YAMASEE WAR SHAPED HILTON HEAD'S DEMOGRAPHICS

The Yamasee was a war between South Carolina's British settlers, the Yamasee and other Native Americans that broke out in 1715 over the British's unfair trading practices, including in Hilton Head. It lasted until 1717, though raids continued until around 1728. The settlers won and largely collapsed Native American power in the area.

3. SLAVERY IS PART OF HILTON HEAD HISTORY

In the early 1700s West Africans sold as slaves begin being brought to Hilton Head to tend the rice and cotton fields. Up to 60% of all African slaves entering American colonies during the 1700s were brought to South Carolina.

4. ONE OF THE FIRST BATTLES OF THE CIVIL WAR WAS NEARBY

Fought in November 1861, the Battle of Port Royal was one of the first battles in during the Civil War. The Union won and created a navy base of operations that would work to isolate the South throughout the war.

5. HARRIET TUBMAN CAME TO HILTON HEAD DURING THE CIVIL WAR

In 1862, Tubman served the Union army as a scout, spy and nurse and assisted in the recruitment of Black soldiers in Hilton Head.

6. HILTON HEAD HAS THE FIRST SELF-GOVERNED TOWN OF FORMERLY ENSLAVED PEOPLE IN THE U.S.

In 1862, three years before slavery was abolished nationally, Union Gen. Ormsby M. Mitchel worked with the community to establish the town of Mitchelville on what was previously a plantation. Some 3,000 formerly enslaved people lived in freedom on what is now a historic park.

7. THE ISLAND IS HOME TO THE GULLAH GEECHEE PEOPLE

The Gullah Geechee people are descendants of Africans enslaved on plantations of the lower Atlantic coast. Since they were enslaved on isolated islands and coast, they retained many of their African traditions to create a unique culture, which can be seen today in their arts, crafts, food, music and language.

8. HILTON HEAD'S FIRST SCHOOL FOR AFRICAN-AMERICAN CHILDREN IS STILL STANDING

Mitchelville made education mandatory for students even before white children were required to go to school. The Cherry Hill School was built in 1937 and operated until all African-American children attended the new consolidated elementary school in 1954.

9. A HUGE TROPICAL CYCLONE BROUGHT CLARA BARTON TO HILTON HEAD

In 1893, what would today be classified as a Category 3 storm made landfall just east of Savannah with gusts as high as 120 mph and a storm surge up to 12 feet. The worst part of the storm struck St. Helena, Hilton Head, Daufuskie, Parris and the smaller Sea islands. Clara Barton and the American Red Cross launched a massive relief effort.

10. HILTON HEAD IS GROWING FAST

In 1950 there were a little under 300 Hilton Head residents. Today, there are about 40,000 permanent residents.

Mary Dimitrov: (843) 940-8964, @mary_dimitrov

FROM PAGE 1A

HEADQUARTERS

A 'ONE-STOP-SHOP' FOR COUNTY SERVICES

Sheriff P.J. Tanner described the benefits of a relocated headquarters using two main words: centralization and consolidation.

The new headquarters wouldn't fill the entire 97 acres of land immediately. Tanner said his ideal vision for the Cooler tract is a "one-stop-shop" for county services, with possible additions including a magistrate court building, a juvenile detention facility, an EMS office and a Solicitor's Office substation. The only option that's off the table is a prison — "because no one wants a prison in their backyard," Tanner said, referring to residents of the nearby Oldfield neighborhood.

The county Detention Center would stay where it is in Beaufort, for now.

Perhaps most obvious, the new headquarters would move county law enforcement's hub across the Broad River, closer to Bluffton and Hilton Head — Beaufort County's most populous municipalities. Tanner said the proposed location is much closer to the center of the county, which would allow easier access to law enforcement services for a larger number of citizens.

The new building would also allow police to merge its many locations into a smaller, more efficient set of facilities. Tanner said the Sheriff's Office currently uses 12 properties scattered across the county to keep operations steady. Maintaining that spread is critical in a county spanning 923 square

miles, he added.

If the Cooler tract is approved for purchase, Tanner hopes to condense operations into only three buildings: the new headquarters in Okatie, the current headquarters in Beaufort and the Hilton Head Island substation, the latter two currently acting as the department's northern and southern division substations, respectively.

Tanner emphasized that the new location wouldn't be an attempt to "move away" from communities in northern Beaufort County. Instead, a centralized headquarters operating in tandem with two substations would allow for equal and efficient policing of the entire county, he said.

"I don't want people in northern Beaufort County, especially in St. Helena, Lady's Island, Seabrook or Sheldon, to think that we're moving away from them," Tanner told the Island Packet and Beaufort Gazette. "In reality, we're just moving to the center of the county, and utilizing the substations ... keeps us in the communities throughout Beaufort County."

The proposed Okatie facility also includes what Tanner calls a "consolidated communication center," a dispatch office encompassing all emergency services for Beaufort, Jasper and Colleton counties. Under the combined system, calls would no longer need to be transferred between separate offices, allowing for quicker responses across all three counties' law enforcement and first

responder crews. The new dispatch center would be especially helpful in organizing hurricane evacuation across the greater coastal area, Tanner said.

While the current Sheriff's Office headquarters in Beaufort would still be used as a northern-end substation, Tanner said a new headquarters would free up about 19,000 square feet of the 20,000 square-foot building on Duke Street, providing new space for other county government services.

Tanner hopes the eventual reorganization efforts could include an expansion of the Beaufort County Detention Center, a facility he says the community has "outgrown to some extent." Since the construction of the prison in 1992, the county's population has more than doubled, skyrocketing from about 90,000 to almost 200,000 residents today, according to U.S. Census data.

A HISTORICAL DEAL IN THE MAKING

With approval from the Beaufort County Council, the county's purchase of the Cooler tract would bring an end to decades of deliberation and over a century of family ownership. Joe Cooler says the property has been in his family for more than 130 years.

Using the land as a site for law enforcement facilities is hardly a new idea. Tanner recalled a proposal he made to the County Council over 20 years ago, one of his many attempts to acquire the Cooler tract for the Sheriff's Office. Until this year, the county made no advancements to purchase the land.

The decision is long overdue, Tanner said. Approval of the proposal

would mark the first major expansion of Beaufort County office space since 1989, he said, when the county constructed its office complex in Beaufort.

Greenway added that the land acquisition would block any further attempts of development on the Cooler tract, which has been under "development pressure" for years.

The city of Hardeeville applied to annex the land in 2020, planning to use the property for residential and commercial developments, but was quickly met with backlash from Beaufort County residents. A petition against the annexation garnered nearly 500 signatures, citing density concerns and the health of the nearby Okatie River.

Although the Cooler tract is zoned as "rural" land, which typically bars construction of office space, Greenway said a provision of the Community Development Code allows the county to use any land for "public service use" as long as a public meeting is held allowing community members to discuss whether the usage is permissible.

Citizens will be able to review project plans for the Cooler tract and ask questions during the meeting, although a date has not yet been announced, according to a press release.

"In a nutshell, I think it's a great opportunity for the county to create a campus of consolidated resources in the form of public safety," Tanner said. "And I think it's a great location for us to do it."

Evan McKenna: (843) 321-8375, evanjmckenna

FROM PAGE 1A

MURDAUGH

deceased's body temperature by sticking his fingers in their armpits.

"The only other choice is to use a rectal thermometer, and I'm not going to pull someone's pants down with all those people around," Harvey said.

The state has argued Murdaugh killed his wife and son sometime after 8:49 p.m., when both of their cellphones went silent, and 9:07 p.m., when Murdaugh left to visit his mother. Harvey's estimate could push the time of death as late as 10 p.m., well after Murdaugh left the house. He called 911 to report finding their dead bodies by the home's dog kennels at 10:06 p.m.

Prosecutors point at that Harvey's touch method is less accurate than measuring body temperature with a thermometer.

The second witness, Tindal, was called to testify about a statement her office put out the day after the murder, saying there was "no danger to the public." Tindal said she coordinated that statement with the S.C. Law Enforcement Division, but said subsequent state-

ments did not revise the initial assessment of the public danger.

The defense has questioned investigators about whether they ever seriously considered suspects other than the disbarred Lowcountry attorney, and have pointed to the quick statement as proof.

Friday's witnesses were the beginning of the defense's last-ditch effort to convince jurors Murdaugh is innocent of the crime. Harpootlian estimated at the end of proceedings Friday that his next witness would require a lengthy questioning and potential cross-examination, and would be better delayed until next week.

Court will resume Tuesday after the President's Day holiday, the fifth week of the double-murder trial at the Colleton County Courthouse.

Bristow Marchant: 803-771-8405, @BristowatHome



GRACE BEAHM ALFORD GBEAHM@POSTAN

Defense attorney Dick Harpootlian and Prosecutor Creighton Waters address Judge Clifton Newman during the Alex Murdaugh trial on Friday at the Colleton County Courthouse in Walterboro.



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NOTICE OF 30-DAY PUBLIC COMMENT PERIOD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2023-2024 ANNUAL ACTION PLAN

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its program year 2023 – 2024 Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding. The Plan will be available for review and comment for 30 days beginning Monday, February 27, 2023, through Wednesday, March 29, 2023, via the Town of Hilton Head Island website at www.hiltonheadislandsc.gov. Written comments on the Plan are encouraged and may be submitted via the website link, or email to Marcyb@hiltonheadislandsc.gov or by mail to Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island Finance Department, 1 Town Center Court, Hilton Head Island, SC 29928.

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**Closed Monday,
February 20th
in observance of
Presidents' Day**

CLASSIFIED AND OBIT DEADLINES

CLASSIFIED ADS

PUBLICATION	DEADLINE
Monday, Feb. 20th	Friday, Feb. 17 at 11:30 AM
Tuesday, Feb. 21st	Friday, Feb. 17 at 5:00 PM

OBIT

PUBLICATION	DEADLINE
Monday, Feb. 20th	Sunday, Feb. 19 at 11:30 AM
Tuesday, Feb. 21st	Sunday, Feb. 19 at 12:00 PM

THE ISLAND PACKET The Beaufort Gazette

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No extra charge.**

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NOTICE OF 30-DAY PUBLIC COMMENT PERIOD
COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM
YEAR 2023-2024 ANNUAL ACTION PLAN

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its program year 2023 – 2024 Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding. The Plan will be available for review and comment for 30 days beginning Monday, February 27, 2023, through Wednesday, March 29, 2023, via the Town of Hilton Head Island website at www.hiltonheadislandsc.gov. Written comments on the Plan are encouraged and may be submitted via the website link, or email to Marcyb@hiltonheadislandsc.gov or by mail to Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island Finance Department, 1 Town Center Court, Hilton Head Island, SC 29928.

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From: [Jeff Herriman](#)
To: [Marcy Benson](#)
Subject: FW: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan
Date: Tuesday, February 21, 2023 8:10:04 AM

Marcy,

I saw that the Public Notice was emailed out.

Thank you,

Jeff

From: Jeff Herriman
Sent: Monday, February 20, 2023 7:54 PM
To: Jeff Herriman
Subject: FW: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

From: Town of Hilton Head Island <updates@secure.hiltonheadislandsc.gov>
Sent: Monday, February 20, 2023 7:14 PM
To: [Jeff Herriman](#)
Subject: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan

--- PUBLIC NOTICE ---



**NOTICE OF 30-DAY PUBLIC COMMENT PERIOD
COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM YEAR
2023-2024 ANNUAL ACTION PLAN**

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Hilton Head Island Logo



STAY CONNECTED:



Questions for the Town of Hilton Head Island? [Contact Us](#)

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This email was sent to herrimanjhi@gmail.com using GovDelivery Communications Cloud on behalf of the Town of Hilton Head Island - One Town Center Court, Hilton Head Island, SC 29928 - 843-341-4600

From: [Carolyn Grant](#)
To: [Marcy Benson](#)
Subject: Fw: Bulletin Detail Report: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan
Date: Tuesday, February 21, 2023 1:50:19 AM
Attachments: [Outlook-wzw121ku.png](#)
[Outlook-facebook i.png](#)
[Outlook-twitter ic.png](#)
[Outlook-w5cwn2y.png](#)
[Outlook-linkedin i.png](#)

Hi Marcy
Here is the report related to the e-public notice for the CDBG grant program.

<!--[if !vml]-->  <!--[endif]-->
Carolyn Grant
COMMUNICATIONS DIRECTOR
Office: (843) 341-4618
Mobile: (843) 715-1393
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

<!--[if !vml]-->
 <!--[endif]--> <!--[if !vml]-->
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 <!--[endif]--> <!--[if !vml]-->
 <!--[endif]-->

From: Town of Hilton Head Island <updates@secure.hiltonheadislandsc.gov>
Sent: Monday, February 20, 2023 11:12 PM
To: Carolyn Grant <carolyng@hiltonheadislandsc.gov>
Subject: Bulletin Detail Report: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan
THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Having trouble viewing this email? [View this report in your account.](#)



Report Generated: 02/20/2023 11:12 PM EST

This report automatically generates after a bulletin is sent. [View the Bulletin Detail Report online](#) to






see the most recent performance metrics for this bulletin.

Subject: Public Notice I Notice of 30-Day Public Comment Period Community Development Block Grant Program Year 2023-2024 Annual Action Plan

Sent: 02/20/2023 07:12 PM EST

Sent By: carolyng@hiltonheadislandsc.gov

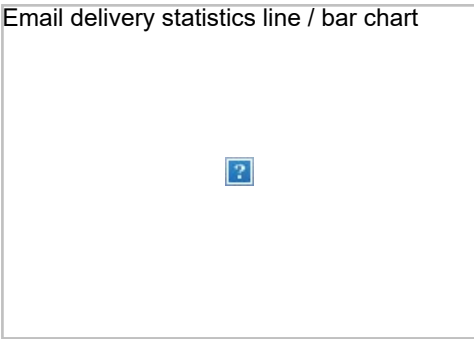
Sent To: Subscribers of General Announcements or Legal Notices

 Email
 SMS
 Facebook
 Twitter
 RSS

7,743
Recipients

98.0%
Delivered

0% Pending
2% Bounced
30% Open Rate
1% Click Rate

Email Delivery Stats		
Email delivery statistics line / bar chart 	Minutes	Cumulative Attempted
	3	99%
	5	99%
	10	99%
	30	99%
	60	99%
	120	99%

Delivery Metrics - Details
7,743 Total Sent
7,588 (98%) Delivered
34 (0%) Pending
121 (2%) Bounced
0 (0%) Unsubscribed

Bulletin Analytics
2,869 Total Opens
2,285 (30%) Unique Opens
47 Total Clicks
44 (1%) Unique Clicks
11 # of Links

Delivery and Performance							
Channel	Progress	Percent Delivered	Number of Recipients	Number Delivered	Opened / Unique	Bounced / Failed	Unsubscribed
Email Bulletin	Sending...	97.7%	6,793	6,638	2285 / 34.4%	121	0
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

Bulletin Link Overview

Link URL	Unique Clicks	Total Clicks
https://hiltonheadislandsc.gov/CDBG/?utm_medium=email&utm_source=govdeli...	18	21
https://public.govdelivery.com/accounts/SCHILTONHEAD/subscriber/edit?pre...	4	4
https://hiltonheadislandsc.gov?utm_medium=email&utm_source=govdelivery	3	3
https://twitter.com/townofhhi?utm_medium=email&utm_source=govdelivery	3	3
http://public.govdelivery.com/accounts/SCHILTONHEAD/subscribers/new?pref...	3	3
https://www.youtube.com/c/TownofHiltonHeadIslandSC?utm_medium=email&utm_...	3	3
https://www.facebook.com/townofhiltonheadislandsc?utm_medium=email&utm_s...	2	2
https://content.govdelivery.com/accounts/SCHILTONHEAD/bulletins/348793e?...	2	2
https://hiltonheadislandsc.gov/contactus/?utm_medium=email&utm_source=go...	2	2
https://www.flickr.com/photos/townofhiltonheadisland/?utm_medium=email&u...	2	2
https://subscriberhelp.govdelivery.com/	2	2

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Want to learn more about these metrics and the best practices for improving results? Contact your dedicated Client Success Consultant! Not sure who that is? Send us an email at support@granicus.com and we'll help you find out.



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Town of Hilton Head Island Website – News and Announcements - Main Page
February 22, 2023
2023 – 2024 CDBG Annual Action Plan
30 Day Public Comment Period Notice

The screenshot shows the Hilton Head Island website's news and announcements page. The browser address bar displays the URL <https://www.hiltonheadislandsc.gov/news/>. The website header features the Hilton Head Island logo and navigation links: Government, Business & Development, Our Island, Public Safety, How Do I..., and Subscribe. A secondary navigation bar includes "Sitio en Español", "Jobs", "Contact Us", and "Select Language". A large banner image of a coastal landscape is visible below the header. The main content area is titled "News and Announcements" and lists three items: "CDBG Program Year 2023-2024 Annual Action Plan Notice of 30-Day Public Comment Period" (February 22, 2023), "Black History Month Spotlight: Gullah Geechee Land & Cultural Preservation Task Force" (February 22, 2023), and "Share Your Thoughts About Town Communication Efforts" (February 17, 2023). A "Contact Info" sidebar on the right identifies Carolyn Grant as the Communications Director, providing her address, phone number (843-341-4618), and email (CarolynG@hiltonheadislandsc.gov). Below this is a "Connect with Us" section listing the website and social media handles for E-Subscription Service, Facebook (@TownofHHI), Twitter (@TownofHHI), and YouTube (@TownofHiltonHeadIslandSC).

News and Announcements

- CDBG Program Year 2023-2024 Annual Action Plan Notice of 30-Day Public Comment Period**
February 22, 2023
- Black History Month Spotlight: Gullah Geechee Land & Cultural Preservation Task Force**
February 22, 2023
- Share Your Thoughts About Town Communication Efforts**
February 17, 2023

Contact Info

Carolyn Grant
Communications Director
1 Town Center Court
Hilton Head Island, SC 29928
843-341-4618
CarolynG@hiltonheadislandsc.gov

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@TownofHiltonHeadIslandMeetings
@TownofHHI
@TownofHiltonHeadIslandSC

Town of Hilton Head Island Website
February 22, 2023
2023 – 2024 CDBG Annual Action Plan
30 Day Public Comment Period Notice Page

The screenshot shows a web browser window displaying the Hilton Head Island website. The browser's address bar shows the URL: <https://www.hiltonheadislandsc.gov/news/news.cfm?NewsID=2989>. The website header features the Hilton Head Island logo and navigation links: "Government", "Business & Development", "Our Island", "Public Safety", "How Do L...", and "Subscribe". There are also links for "Sito en Español", "Jobs", "Contact Us", and "Select Language". A vertical social media sidebar on the right includes icons for Twitter, Instagram, Facebook, YouTube, LinkedIn, and Nextdoor.

Public Notice

CDBG Program Year 2023-2024 Annual Action Plan

Notice of 30-Day Public Comment Period

February 22, 2023

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its program year 2023 - 2024 Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding.

The Plan will be available for review and comment for 30 days beginning Monday, February 27, 2023, through Wednesday, March 29, 2023, via the Town of Hilton Head Island website at www.hiltonheadislandsc.gov.

Written comments on the Plan are encouraged and may be submitted via the website link, or email to Marcyb@hiltonheadislandsc.gov or by mail to Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island Finance Department, 1 Town Center Court, Hilton Head Island, SC 29928.

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Contact
Marcy Benson, Senior Grants Administrator
843-341-4689
MarcyB@hiltonheadislandsc.gov

[View More News](#)

Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928
843-341-4600
8 am - 4:30 pm Monday - Friday

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Footer links: [Sito en Español](#), [Website Policy](#), [Social Media Use Policy](#), [Employee Portal](#), [Contact Webmaster](#)

Town of Hilton Head Island Website
February 27, 2023
2023 – 2024 CDBG Annual Action Plan
30 Day Public Comment Period Notice Page

The screenshot shows a web browser window displaying the Hilton Head Island website. The page features a blue header with the town's logo and navigation links. Below the header is a large image of a beach at sunset. The main content area is titled "Public Notice" and "CDBG Program Year 2023-2024 Annual Action Plan". It includes a "Notice of 30-Day Public Comment Period" dated February 22, 2023. The notice text states that a draft of the annual action plan has been prepared and is available for review and comment for 30 days, from February 27, 2023, to March 29, 2023. It provides contact information for Marcy Benson, Senior Grants Administrator, and includes buttons for "View the Draft CDBG Program Year 2023 Annual Action Plan" and "Submit Program Year 2023 CDBG Annual Action Plan Comments". A "Contact" section lists Marcy Benson's name, title, phone number (843-341-4689), and email address (MarcyB@hiltonheadislandsc.gov). A "View More News" button is also present. The footer contains the town's name, address (1 Town Center Court, Hilton Head Island, SC 29928), phone number (843-341-4600), hours (8 am - 4:30 pm Monday - Friday), and social media links.

Strategic Action Plan | Design p... x CDBG Program Year 2023-2024 x +
https://hiltonheadislandsc.gov/news/news.cfm?NewsID=2989
Import favorites | Google | Hinet - Town of Hi... | Instant | Suggested Sites | Employee Self Servi... | Home | Grants Portal

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Public Notice

CDBG Program Year 2023-2024 Annual Action Plan

Notice of 30-Day Public Comment Period

February 22, 2023

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its program year 2023 - 2024 Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding.

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[View the Draft CDBG Program Year 2023 Annual Action Plan](#)

[Submit Program Year 2023 CDBG Annual Action Plan Comments](#)

Contact
Marcy Benson, Senior Grants Administrator
843-341-4689
MarcyB@hiltonheadislandsc.gov

[View More News](#)

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Website Policy
Social Media Use Policy
Employee Portal
Contact Webmaster

Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928
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8 am - 4:30 pm Monday - Friday

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Program Year 2023 Annual Action Plan

March 30, 2023, 8:08 AM

Contents

i.	Introduction	2
ii.	Summary of comments	3
iii.	Survey questions	4
iv.	Individual comments	5

Program Year 2023 Annual Action Plan

The Town is accepting comments for the CDBG Program Year 2023 Annual Action Plan.

Introduction

Notice of 30-Day Public Comment Period Community Development Block Grant Program Fiscal Year 2022-23 Annual Action Plan

Notice is hereby given that the Town of Hilton Head Island has prepared a draft of its fiscal year 2023 - 2024 (program year 2023) Annual Action Plan required by the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant Entitlement Program funding.

The Plan will be available for review and comment for 30 days beginning Monday, February 27, 2023, through March 29, 2023, via the Town of Hilton Head Island website at www.hiltonheadislandsc.gov. Written comments on the Plan are encouraged and may be submitted via the website link, or email to marcyb@hiltonheadislandsc.gov or by mail to Marcy Benson, Senior Grants Administrator, Town of Hilton Head Island Executive Department, 1 Town Center Court, Hilton Head Island, SC 29928.

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Program Year 2023 Annual Action Plan

The Town is accepting comments for the CDBG Program Year 2023 Annual Action Plan.

Summary Of Comments

As of March 30, 2023, 8:08 AM, this forum had:		Topic Start	Topic End
Attendees:	39	February 24, 2023, 4:00 PM	March 29, 2023, 11:30 PM
Comments:	1		
Minutes of Public Comment:	3		

QUESTION 1

Name

Answered	1
Skipped	0

QUESTION 2

Do you have comments regarding the draft Town of Hilton Head Island Program Year 2023 Annual Action Plan for the HUD CDBG program?

Answered	1
Skipped	0

Program Year 2023 Annual Action Plan

The Town is accepting comments for the CDBG Program Year 2023 Annual Action Plan.

Survey Questions

QUESTION 1

Name

QUESTION 2

Do you have comments regarding the draft Town of Hilton Head Island Program Year 2023 Annual Action Plan for the HUD CDBG program?

Program Year 2023 Annual Action Plan

The Town is accepting comments for the CDBG Program Year 2023 Annual Action Plan.

Individual Comments

Name not available

March 28, 2023, 7:59 PM

Question 1

Linda Farrenkopf

Question 2

Please stop all of the overdevelopment. Building needs to be controlled.
Things are looking ugly!

Public Comment Summary
For the Town of Hilton Head Island
Community Development Block Grant (CDBG)
2023 Annual Action Plan

Public comments received from Open Town Hall Portal CDBG survey (January 18 - 27, 2023)

Comment #1: Dog park created for residence with green space, dogs and homes are not allowed fences in plantations, this creates a need for a space for dogs to run and be treated humanely. Safety signage for crosswalks-to many people are getting run over, signs that are currently hung are wordy and unclear for travelers. Alligator management, large alligators have killed too many people. Deer control, my daughter was hit by a deer running across the parkway, it could have been fatal.

Comment #2: Issues surrounding employment, specifically the lack of an adequate work force are the most important issues that should be addressed with CDBG funds. Housing and childcare should be at the top of the list. Without these resources we will continue to see a decline in our Island work force. We must use every available qualified funding source to help solve our work force issues.

Comment #3: The decline in availability and attainability of both housing and childcare options are detrimental to the continued growth of the island. Both should be addressed as top priority in order to enhance the appeal of the island to the current and potential citizens who keep the island's economy moving.

Public Comments Received at Public Meeting (January 25, 2023)

- There was public discussion on the CDBG program, anticipated funding allocation and types of projects eligible for CDBG funding. General CDBG program questions were asked and answered by Town staff. No comments were made during the meeting.

Comment #1: Comment received from meeting attendee via email after the meeting recommended funding a public service activity to develop education tool kits and workshops for food pantry clients on the importance of safety in relation to major weather events.

Public Comments Received during 30 Day Public Comment Period (February 27, 2023 – Mar. 29, 2023)

Comment #1: Please stop all of the overdevelopment. Building needs to be controlled. Things are looking ugly!

Public Comments Received at Town Council Finance and Administrative Committee Meeting
(April 4, 2023)

- No public comments were received.





TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Taylor Ladd, Project Manager
VIA: Shawn Colin, Assistant Town Manager-Community Development
VIA: Bryan McIlwee, Assistant Community Development Director
VIA: Jennifer Ray, Capital Program Manager
CC: Marc Orlando, Town Manager
DATE: April 18th, 2023
SUBJECT: Consideration of a Resolution Approving the Islander's Beach Park Master Plan

RECOMMENDATION:

The Parks and Recreation Commission recommends Town Council adopt a Resolution approving the Islander's Beach Park Master Plan with considerations.

The Parks and Recreation Commission met on April 6, 2023, and voted unanimously to recommended Town Council approve the Islander's Beach Park Master Plan with the following considerations:

1. Remove on-street parking.
2. Table crosswalks on Folly Field Road.

BACKGROUND:

In March 2022 Town Council passed Resolution 2022-05 pertaining to parking at Town-owned beach parks with specific policy aimed to improve access and parking at Islander's Beach Park.

In April 2022 staff and their consultant team initiated a planning process to address concerns identified for Islander's Beach Park, which has been open and used as a public beach access park since 1999. Early in the process, the scope of work for park improvements was to address drainage issues, parking, and pedestrian access into the park. This led to the identification of other opportunities to improve overall park amenities including bike parking, vehicular circulation, and the playground area. The Islander's Beach Park Master Plan includes the following improvements:

- Improved crosswalks on Folly Field Road to provide safe crossings for bikes and pedestrians entering the park,
- Three pathways into and through the park for beach access,
- Improved stormwater management and drainage,

- Additional bike parking areas,
- A new playground,
- Additional vehicular parking with circulation improvements,
- New parking for golf carts,
- On-street parking for non-beach pass holders, and
- Improved beach access road with storage area.

SUMMARY:

Based on recommendations approved through the Parks and Recreation Master Plan and Our Plan, Town Council approved funding in the FY22 and FY23 Capital Budget for an effort to implement improvements for Islander's Beach Park. Further consideration for the park has been granted through Resolution 2022-05 which was passed to address community concerns with regards to beach park parking, access, and passes.

ATTACHMENTS:

1. Resolution
2. Islander's Beach Park Master Plan
3. Public Comments Received by Parks and Recreation Commission

**A RESOLUTION BY THE HILTON HEAD ISLAND TOWN COUNCIL
APPROVING THE ISLANDER’S BEACH PARK MASTER PLAN**

WHEREAS, the Town of Hilton Head Island (the “Town”) owns an approximate 15 acre park for public beach access known as Islander’s Beach Park; and

WHEREAS, the Town desires to improve pedestrian access and parking at Islander’s Beach Park; and

WHEREAS, other opportunities for park improvements include addressing drainage issues, vehicular circulation, and the playground area; and

WHEREAS, the Town staff presented a draft master plan (“Master Plan”) before the Parks and Recreation Commission on April 6, 2023; and

WHEREAS, the Parks and Recreation Commission voted 5-0 to recommend approval of the Islander’s Beach Park Master Plan with considerations that on-street parking be removed and crosswalks on Folly Field Road be tabled; and

WHEREAS, the Hilton Head Island Town Council now desires to approve the Islander’s Beach Park Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of the Town of Hilton Head Island, in Council assembled, that the Town approves the Islander’s Beach Park Master Plan.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____, 2023.

**TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA**

Alan R. Perry, Mayor

ATTEST:

Cindaia L. Ervin, Interim, Town Clerk

APPROVED AS TO FORM

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

EXHIBIT A
MASTER PLAN
DRAFT



- KEY**
- A - ANGLED METERED ON-STREET PARKING
 - B - PERVIOUS PAVERS AT DROP-OFF
 - C - PEDESTRIAN PROMENADE
 - D - POND EXPANSION/ELIMINATE DRIVE AISLE
 - E - ATTENDANT STATION
 - F - SPECIALTY PAVING/TURNAROUND
 - G - GOLF CART PARKING (PLANTATION MIX W/STEEL EDGE)
 - H - PARKING SPOT ADDITIONS, TYP.
 - I - NATURAL STORMWATER INFILTRATION AREA
 - J - RAISED CONCRETE PICNIC PATIO (POTENTIAL FUTURE PAVILION)
 - K - NEW COVERED STORAGE
 - L - BIKE CORRAL
 - M - NEW STORMWATER DRAINAGE, TYP.
 - N - FENCE, TYP.
 - O - SELECTIVELY THIN AND UNDERBRUSH AREA
 - P - FILL CULVERT FOR PROMENADE
 - Q - POND MAINTENANCE ACCESS
 - R - LIFT STATION AND ACCESS
 - S - CELL TOWER
 - T - RESTROOMS
 - U - EXISTING PAVILION
 - V - PEDESTRIAN CROSSWALK WITH SIGN AND CONNECTION TO MULTI-USE TRAIL
 - W - RAISED CROSSWALK AND CONNECTION TO EXISTING MULTI-USE TRAIL
 - X - NEW PLAYGROUND
 - Y - HEAVY DUTY RATED WALK

PARKING SUMMARY

METERED PARKING	26 SPACES
VEHICULAR PARKING	193 SPACES
GOLF CART PARKING	24 SPACES
TOTAL PROPOSED PARKING	243 SPACES
TOTAL EXISTING PARKING	166 SPACES
NET GAIN	+77 SPACES

April 2023

PROJECT NO: 22062.02
 Witmer Jones Keefer Ltd. / 23 Promenade St., Suite 201, Bluffton, SC. 29910 / ph: (843) 757.7411 / www.wjktd.com

ISLANDERS BEACH PARK

TOWN OF HILTON HEAD ISLAND
 92 FOLLY FIELD ROAD
 HILTON HEAD ISLAND, SOUTH CAROLINA

© 2022 WJK LTD.
 PLAN IS CONCEPTUAL IN NATURE
 AND IS SUBJECT TO CHANGE.
 THIS SHEET TO SCALE AT 3/8"=1'



Attachment 3

From: [Nancy Sammis](#)
To: [Taylor Ladd](#)
Cc: [Tamara Becker](#); [Hope Entwistle](#); [Kenneth Yeatman](#); [Jennifer Ray](#); [Shawn Colin](#); [Bryan McIlwee](#); [Marc Orlando](#); [Brian Eber](#)
Subject: Re: Islander's Beach Park Parking
Date: Monday, April 3, 2023 9:18:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Thank you Taylor for getting back to me.

I was at the park again this morning as I do live directly across the street. I do love the natural beauty of the trees and plants and the barrier we get from the beach traffic. It will be an environmental disaster to remove the trees etc at the Islanders Beach Park. We are destroying our Island.

I am sure you are aware of the numerous animals that call "the woods" their home. There were deer present this morning as well as our rabbits, squirrels, armadillos and numerous birds. They congregate by the two culverts. It would be a shame to tamper with the environment. In fact, I believe those culverts must remain as is.

Once again there was a "near miss" between a family walking to the beach and a car speeding off of Folly Field Rd as they approached the park entrance.

If you place angled parking on Folly Field Road it will be a disaster waiting to happen. Families with children can easily run from their car into the road. There must be a much better alternative.

I am hoping this correspondence as well as others will be heavily considered in the final decision.

I am not sure if I see sidewalks at the beach entrance?

Please keep in mind that Folly Field Rd. is a minor corridor road with many trucks and all different kinds of vehicles.

We are ruining the natural beauty of our beloved Island.

I am looking forward to attending the meeting this week.

Nancy Sammis-The Lyons president [REDACTED]

On Sat, Apr 1, 2023 at 10:14 AM Taylor Ladd <taylorl@hiltonheadislandsc.gov> wrote:

Good morning Ms. Sammis,

Thank you for providing your input. I will be sure your comments are included in the materials for this park when it goes before Town Council.

Kind regards,

Taylor Ladd, ASLA
INTERIM COMMUNITY PLANNING MANAGER
Office: (843) 341-4607



Mobile: (843) 816-5093
Website: hiltonheadislandsc.gov
Address: Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928



From: Nancy Sammis [REDACTED]
Sent: Friday, March 31, 2023 1:04 PM
To: Tamara Becker <tamarab@hiltonheadislandsc.gov>; Taylor Ladd <taylorl@hiltonheadislandsc.gov>
Cc: Hope Entwistle [REDACTED]; Kenneth Yeatman [REDACTED]
Subject: Islander's Beach Park Parking

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Good afternoon Tamara,

My husband and I are so upset that looking at the plans for parking at The Islanders Beach, there is going to be angled, metered parking directly across from our house on Folly Field Road for non-residents.

Don't the residents ever have a say in something like this.

Can you imagine the line of cars waiting to get into the park, no less find a parking place on Folly Field Road near the road? We are shocked. I NEVER would have thought the Town would turn a coveted beach parking area into a public parking lot by our homes!

Then what happens when the traffic backs up on Folly Field and no one will be able to access their villas and homes. No less the TIMESHARES!

This is turning into Coligny.

I CANNOT BELIEVE THIS WILL HAPPEN!.

What can we do to prevent this?

Is the metered parking 24/7? Would you want this in your backyard?

What happens to families who park their cars with young children abutting Folly Field Road?

Please let me know what I can do to prevent this abomination!

Thank you very much,

Nancy Sammis

President of The Lyons. [REDACTED]

Disclaimer

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From: roni kincaid [REDACTED]
Sent: Wednesday, April 5, 2023 2:00 PM
To: Karen Knox <KarenK@hiltonheadislandsc.gov>
Subject: Please tell the commission "no" on parking off Folly Field Rd.

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Please! There's no stopping people's stupidity and all it will do is create a safety hazard.
Tell them to please leave us alone. Please!
Thank you!

Roni Kincaid
[REDACTED]
Berkshire Hathaway Home Services
Hilton Head Realty

[REDACTED]
Hilton Head Island, SC
29928



Parks & Recreation Commission April 6, 2023 Agenda

April 5, 2023, 4:32 PM

Contents

i.	Introduction	2
ii.	Summary of registered comments	3
iii.	Survey questions	4
iv.	Individual registered comments	5

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Introduction

Welcome. Thank you for joining the Town of Hilton Head Island's Virtual Open Town Hall comment portal.

The Hilton Head Island Parks & Recreation Commission will be conducting an in-person meeting on April 6, 2023 at 3:30 pm, in the Benjamin M. Racusin Council Chambers at Town Hall.

The April 6, 2023, Parks & Recreation Commission meeting agenda is available at <https://hiltonheadislandsc.gov/boards/parks/>.

Citizens may submit written comments via the Town's Open Town Hall Portal at <https://hiltonheadislandsc.gov/opentownhall/>. The Portal will close at 4:30 pm am the day prior to the meeting. Comments submitted through the portal will be shared with the Commission and made part of the official record.

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Summary Of Registered Comments

As of April 5, 2023, 4:32 PM, this forum had:	Topic Start	Topic End
Attendees: 57	March 30, 2023, 4:30 PM	April 5, 2023, 4:30 PM
Registered Comments: 24		
Hours of Public Comment: 1.9		

QUESTION 1

Name

Answered	24
Skipped	0

QUESTION 2

Do you have any comments regarding the Islander's Beach Park Master Plan?

Answered	24
Skipped	0

QUESTION 3

Do you have any comments regarding the Patterson Family Park Master Plan?

Answered	3
Skipped	21

QUESTION 4

Do you have any comments regarding the Shelter Cove Expansion Master Plan?

Answered	2
Skipped	22

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Survey Questions

QUESTION 1

Name

QUESTION 2

Do you have any comments regarding the Islander's Beach Park Master Plan?

QUESTION 3

Do you have any comments regarding the Patterson Family Park Master Plan?

QUESTION 4

Do you have any comments regarding the Shelter Cove Expansion Master Plan?

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Individual Registered Comments

Name not shown

inside Town Limits

April 5, 2023, 11:29 AM

Question 1

Garrett Ferreiro

Question 2

Trying to add parking for Islander's Beach Park on Folly Field Road sounds like a non-starter to me. Folly Field Road is already narrow and people speed on the road as it is, and the Town doesn't seem to have any interest in slowing it. Given the current construction projects planned, vehicle traffic will increase while narrowing the road and adding additional pedestrian traffic to the mix. That sounds like a recipe for disaster to me, especially if the result is only adding 26 additional spaces. I haven't surveyed the current parking, but I would think you could add additional parking inside the park without putting pedestrians at risk.

Question 3

No response

Question 4

No response

Dan Mackall

inside Town Limits

April 5, 2023, 11:32 AM

Question 1

Dan Mackall

Question 2

Good morning, we are very concerned with this extra beach parking in Folly Field. I believe it will cause serious traffic and safety issues with the extra spots. We own a home in Folly Field and are part of the HOA. This is the same type of parking that was removed from Bradley Beach Road due to safety concerns. I don't think it makes sense to transfer potential safety issues from one area to another. Please reconsider this plan

Question 3

No response

Question 4

No response

Ciaran Storan

inside Town Limits

April 5, 2023, 11:37 AM

Question 1

Ciaran Storan

Question 2

I would ask that you do not approve parking spaces on Folly Field Road. This will be a disaster and a major safety issue. If cars park along Folly Field Road, it's going to be like a Publix parking lot where people see someone walking to their car with groceries and they sit there and wait until the person loads the groceries in their trunk, gets in the car, and then backs out, holding up a line of cars behind them. Only it's worse, because at Publix, if there is no parking space, you can just go down the next parking isle to find one. On FF Rd, if there's no parking place, where are they going to turn around to come back and try again? it's not going to just slow down traffic, it's going to bring it to a complete stop and cause a lot of impatient, angry people.

What will happen is, they will be unloading all their beach stuff from the back of their cars on FF Rd while trying to hold on to small children and dogs to keep them from running into traffic. If this didn't work for Burke's Beach Rd which is not a thru-way, how do you possibly think it will work for FF Rd, which is a much busier road? Before you consider approving this, travel down Folly Field Road on a Saturday a few times and experience first hand the traffic and try to imagine reversing out of a parking spot.

Thank you for reading and considering my comment.

Question 3

No response

Question 4

No response

Name not shown

inside Town Limits

April 5, 2023, 11:50 AM

Question 1

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Debbie Joslin

Question 2

Proposed parking along Folly Field Rd. will be a total disaster and I hope that you do not vote to approve it. It will be very dangerous as well. To try and have people wait for a parking space and having cars backing out onto an already busy road will be disastrous. Having people loading and unloading the cars with beach chairs, wagons, etc. and walking back and forth behind vehicles will be very dangerous. Cars will also be stopped waiting for a parking space when they see someone walking towards their cars. This will back up traffic on Folly Field Rd. which is already a busy road. Trying to keep small children from running/walking into the street could prove to be deadly. A very very bad idea in my opinion

Question 3

No response

Question 4

No response

Marty Muscatello

outside Town Limits

April 5, 2023, 11:57 AM

Question 1

Marty Muscatello

Question 2

I am extremely concerned about the proposed 26 parking spaces on Folly Field Road. My home is located on Folly Field road. I am concerned about traffic backing up as the people parked will need to back out to get back on the road. There must be a better solution than having the cars park directly on the road. Folly Filed Road is extremely busy and I think this will make the situation must worse.

Question 3

No

Question 4

No

Name not shown

outside Town Limits

April 5, 2023, 12:01 PM

Question 1

Joe Brown

Question 2

This will be a unmitigated mistake and will produce the most hazardous situation you could have thought of. Have you no brains? Let them park out on 278. Just as safe as your idea. You created this situation so don't make it worse. Require Islander's to make room for parking internally and cut down on their profit margin. Don't make everyone else have to suffer and pay for their lack of planning.

Question 3

No response

Question 4

No response

Name not shown

outside Town Limits

April 5, 2023, 12:03 PM

Question 1

Debra Yager

Question 2

I am against having parking on Folly Field Rd. I believe it will cause more problems such as increase traffic and safety of others.

Question 3

No response

Question 4

No response

Name not shown

inside Town Limits

April 5, 2023, 12:12 PM

Question 1

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Joseph Bozzuto

Question 2

Safety is a major concern with on street parking which always and in this case will create dangerous bottleneck issues with traffic and in addition will become a major safety issue. While we all enjoy open free beach recreation areas, Hilton Head Island is HOME to the majority of the high tax paying property owners and I know that we all are hoping that our beautiful island does not turn into a high traffic, loud and boisterous vacation land in our own backyards! Sharing our beautiful island and beaches is one thing, but over running our beaches, parks and places of entertainment, which comes with very heavy traffic concerns, can become very unappealing to many of us that established a new home here years ago!

Question 3

See comments above

Question 4

Not at this time

Name not shown

outside Town Limits
April 5, 2023, 12:24 PM

Question 1

Michael & Marsha Jaroch

Question 2

With the proposed development at 15 Wimbledon Court on Folly Field Road, and now this plan to allow on street parking along Folly Field road for the Islander's Beach there, it's beginning to feel like Folly Field Road and all the Communities along it are under assault! Do you not understand the traffic problems that Already Are There!!! We have been owners at the Island Club for 36 years and we are seeing more and more people coming and going by way of Port Royal Plantation. This needs to stop NOW!

Question 3

No response

Question 4

No response

Remy Kenney

inside Town Limits
April 5, 2023, 12:33 PM

Question 1

Remy Kenney

Question 2

As a Folly Field resident I strongly oppose this plan. This will increase traffic on an already busy street. Didn't we just remove this parking on Bradley Beach Road due to safety concerns? People already drive too fast on Folly Field Road and it not safe to have families unloading beach equipment on the street. Do not let this move forward!

Question 3

No response

Question 4

No response

Jeff Greene

inside Town Limits
April 5, 2023, 12:42 PM

Question 1

Jeff greene

Question 2

After looking at the plans for the Islanders Beach Park I do have concerns about the on street parking. I understand the need to provide more access to the public beach. My concern is with the on street parking. Without a doubt this will become a safety issue. There is currently traffic of many forms: cars, trucks, buses, bikes and people walking. With this parking being used for beach users, over 90% of the users will need to unload things from the rear of their vehicles and most of the time it will be 2, 3, or more people. This will involve being close to and in most cases in the lane of traffic. It is only a matter of time before someone gets hit or an accident is caused.

Creating these parking spaces in the park will eliminate the safety issue. The off street parking at the public beach access on Sand Dollar is the best way to expand the access. I understand this will cost more money to construct and will use green space. Both of these are important things to our town. But in this case

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Safety should be the most important concern. Safety should be the concern that takes on more importance than expanding the access to the beach. We shouldn't put people in harms way, when there is another way to design the master plan.

Thanks
Jeff

Question 3

No response

Question 4

No response

Name not shown

inside Town Limits
April 5, 2023, 12:43 PM

Question 1

C Sal

Question 2

We are not in favor of parking on Folly Field Road. This would make it more dangerous for bikers and walkers in the area. There is already adequate parking!

Question 3

No response

Question 4

No response

dolores gruszka

inside Town Limits
April 5, 2023, 12:46 PM

Question 1

d. gruszka

Question 2

i oppose the addition of street parking on folly field road. the traffic on that road is surprisingly heavy and travels at a high rate of speed. i have had trouble turning onto the road from cross streets. drivers pulling into and backing out of parking spaces on folly field road will endanger themselves and others. this type of parking has been removed from other beach access roads because of the danger it poses. please do not allow it from the outset rather than waiting for an accident to happen -- and rest assured accidents would occur. thank you.

Question 3

No response

Question 4

No response

Name not shown

inside Town Limits
April 5, 2023, 12:47 PM

Question 1

Jeffrey Joslin

Question 2

This is disaster in the making. Folly Field road is a two lane , very busy road all year long and during peak months, is a hazardous roadway. Without a legitimate traffic study (how did this get skipped???) a proposal for on street parking, let alone the proposed timeshare additions with inadequate parking provided for guests, this is a terrible idea. There is not even a shoulder on this road that would accommodate parking. Even if one is added, exiting vehicles will create a true hazard to pedestrians and drivers. Think this through ... an open space that is in contention for someone to parallel park into that space will create further traffic backups as well as additional hazard into both lanes. Any potential upside would be greatly overshadowed by risk to life and property . STRONGLY OPPOSE!

Question 3

No response

Question 4

No response

Name not shown

inside Town Limits

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

April 5, 2023, 12:48 PM

Question 1

Karen Beagle

Question 2

Adding angled on-street parking for Islander's Beach Park will not only increase traffic and congestion on Folly Field Rd, it is dangerous! There is already too much traffic on Folly Field Rd. Cars get backed up just trying to turn into Island Club. The proposed development on Wimbledon will add more traffic as will adding more parking for Islander's Beach Park. The fact the additional proposed parking is on-street is even worse. Traffic will be totally backed up as individuals stop and wait for someone to leave or drive up & down the street looking for a parking place. Individuals are going to be stepping into the road and stopping traffic as they try to load & unload their cars. Cars are going to have to stop as other cars try to back out and hopefully not hit pedestrians walking towards the beach. This is a disaster waiting to happen. Even if the town is doesn't care about liability when someone is hurt or killed, all the residents who reside along Folly Field should not have to endure all this congestion. The number of available parking places isn't what is going to determine how many extra cars there end up being on Folly Field. Countless individuals are going to be hoping they "get lucky" and find a spot. Please do NOT approve on-street parking along Folly Field.

Question 3

No response

Question 4

No response

John Surles

inside Town Limits

April 5, 2023, 1:01 PM

Question 1

John Surles

Question 2

I strongly urge you to NOT APPROVE that portion of the plan to allow for angular on-street parking on Folly Field Road. Anyone with any sense can see that this is a bad idea. Cars going northbound will be stopped in Folly Field Road waiting for a space to open up and will block traffic. Southbound cars will try to turn across traffic to get into an angular parking spot that is angled the wrong way. THERE WILL BE MORE ACCIDENTS as speeding traffic collides with cars attempting to back out

onto this now-busy road. You had to remove angular parking from Bradley Beach Road because of safety issues, don't do the same thing on Folly Field Road - that would be stupid!

Question 3

No response

Question 4

No response

Mitchell Arion

inside Town Limits

April 5, 2023, 1:27 PM

Question 1

Mitchell Arion

Question 2

I own a home at the corner of Folly Field Road and Ghost Crab Way. It has come to my understanding that this plan includes 26 angled parking spaces along Folly Field Road in the vicinity of Islander Beach Park. These spaces would be for the general public and not specifically for island residents. Folly Field Road is a very busy, narrow road and soon will be even busier when seven high rise apartments are built at 15 Wimbledon. There is only one primary way to get in and out of the neighborhood on Folly Field Road (except for a circuitous route through Port Royal). These parking spaces will result in a very unsafe environment along the road as traffic will continue to flow while pedestrians cross the street, cars pull in and out of the parking spaces, and people load and unload their cars with beach paraphernalia. This is a residential neighborhood, not a tourist attraction. Islander's Beach Park was established as a way for Island residents to reach the beach, not to draw in hundreds of additional tourists. For the safety of all concerned, do not put in these parking spaces. It is a bad idea.

Question 3

.

Question 4

No response

Vicki Arion

inside Town Limits

April 5, 2023, 1:30 PM

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Question 1

Vicki Arion

Question 2

I am against the 26 additional parking spaces that are to be built on Folly Field Road. This is a very narrow road, one lane each direction no shoulder. To add 26 parking spaces to the side of this road near Islanders Beach parking entrance will make this a dangerous situation for drivers as well as pedestrians and bicyclists. This road, Folly Field Road, is already very busy with the timeshare renters as well as people going to the public beaches. Please don't increase the burden by adding even more parking for non-resident visitors.

Question 3

No response

Question 4

No response

Ann Swain

inside Town Limits

April 5, 2023, 1:31 PM

Question 1

Ann Swain

Question 2

As a resident of the Fiddlers Cove Beach and Racquet condo complex, I would like to voice my strong opposition to the addition of parking spaces on Folly Field Road. Traffic on this road is already increasing at an alarming rate and to impose beach parking spaces on an already overcrowded road would not only inconvenience those who must use the road on a daily basis but more importantly would create a safety hazard for those attempting to use the vertical parking spaces. I urge the Board to vote no on this aspect of the Islander's Beach Park Master Plan.

Question 3

No response

Question 4

No response

John Clasen

inside Town Limits

April 5, 2023, 2:19 PM

Question 1

John Clasen

Question 2

The idea of putting in angular parking along Folly Field Road is ludicrous. That idea is an accident just waiting to happen. A much better idea would be to buy the property at 15 Wimbledon and convert that to a park with some additional parking.

Question 3

No response

Question 4

No response

Gerard Finelli

inside Town Limits

April 5, 2023, 2:40 PM

Question 1

Gerard Finelli

Question 2

I oppose allowing angle parking on Folly Field Road. It will cause hazardous conditions for both pedestrians and drivers. Folly Field Road is narrow and well traveled. Angel parking will exacerbate traffic problems.

Question 3

No response

Question 4

No response

Allison Rhodes

inside Town Limits

April 5, 2023, 3:09 PM

Question 1

Parks & Recreation Commission April 6, 2023 Agenda

We are seeking public comment for the Parks & Recreation Commission April 6, 2023, 3:30 pm, Agenda.

Allison Rhodes

April 5, 2023, 3:43 PM

Question 2

My family has owned a home in Folly Field since the 1950's. We are very much opposed to the additional parking that is being considered. We feel that it will cause danger by adding much additional traffic to the area. We thank you in advance for voting against this additional development!

Question 1

Carol Tirbaso

Question 2

We oppose parking on Folly Field Road at Islander's Beach Park due to unsafe conditions and increased traffic.

Question 3

No response

Question 3

No response

Question 4

No response

Question 4

No response

Christy Marsden

inside Town Limits

April 5, 2023, 3:33 PM

Question 1

Christy and Lee Marsden

Question 2

We are long-term residents of Folly Field and we are adamantly opposed to the proposal for on-road parking along Folly Field Road. The road is already busy and IF the proposed timeshare development at 15 Wimbledon becomes a reality, it will be a lot busier and even more dangerous. There is a lot of pedestrian and bicycle traffic in that area and the increase in automobile traffic will be significant. Think about the reality of beachgoers parking along FF Road, unpacking beach gear from the rear of their cars while trying to keep young children from running out into traffic. The proposal is a plan for disaster and would be a total waste of taxpayer money because we all know it would have to be abandoned soon after implementation due to accidents and complaints about safety and traffic.

Question 3

No response

Question 4

No response

Name not shown

outside Town Limits



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Erik Ladd, Project Manager
VIA: Shawn Colin, Assistant Town Manager-Community Development
VIA: Bryan McIlwee, Assistant Community Development Director
VIA: Jennifer Ray, Capital Program Manager
CC: Marc Orlando, Town Manager
DATE: April 18, 2023
SUBJECT: Consideration of a Resolution Approving the Shelter Cove Park Master Plan – Final Phase

RECOMMENDATION:

The Parks and Recreation Commission recommends Town Council adopt a Resolution approving the Shelter Cove Park Master Plan-Final Phase.

The Parks and Recreation Commission met on April 6, 2023, and voted unanimously to recommended Town Council approve the Shelter Cove Park Master Plan-Final Phase.

BACKGROUND:

In April 2022, staff and their consultant team developed a project scope for the expansion of Shelter Cove Park, which has been open to the public since 2015. The scope of work identified opportunities for enhancements to park amenities including vehicular parking, the playground expansion, and views to Broad Creek. The Shelter Cove Park Master Plan-Final Phase includes the following improvements:

- Expansion of the existing park's Promenade,
- Pathway network through an existing forested area,
- Expanded passive open lawn spaces with public art,
- A larger, more inclusive playground,
- Additional vehicular parking, and
- Iconic overlook structure with views of Broad Creek.

SUMMARY:

Based on recommendations approved through the Parks and Recreation Master Plan and Our Plan, Town Council approved funding in the FY22 and FY23 Capital Budget for an effort to expand the Shelter Cove Park onto an adjacent, undeveloped Town-owned parcel.

ATTACHMENTS:

1. Resolution
2. Shelter Cove Park Master Plan-Final Phase

**A RESOLUTION BY THE HILTON HEAD ISLAND TOWN COUNCIL
APPROVING THE
SHELTER COVE PARK MASTER PLAN – FINAL PHASE**

WHEREAS, the Town of Hilton Head Island (the “Town”) owns an approximate 21 acre park known as Shelter Cove Park; and

WHEREAS, the Town desires to expand amenities onto approximately 4.5 acres of undeveloped area within Shelter Cove Park; and

WHEREAS, opportunities for park improvements include pedestrian and bicycle connectivity, vehicular parking, a playground area and overlook structure; and

WHEREAS, the Town staff presented a draft master plan (“Master Plan”) before the Parks and Recreation Commission on April 6, 2023; and

WHEREAS, the Parks and Recreation Commission voted 4-0 to recommend approval of the Shelter Cove Park Master Plan-Final Phase; and

WHEREAS, the Hilton Head Island Town Council agrees with the Parks and Recreation Commission’s recommendation and now desires to approve the Shelter Cove Park Master Plan-Final Phase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of the Town of Hilton Head Island, in Council assembled, that the Town approves the Shelter Cove Park Master Plan-Final Phase.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____, 2023.

**TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA**

Alan R. Perry, Mayor

ATTEST:

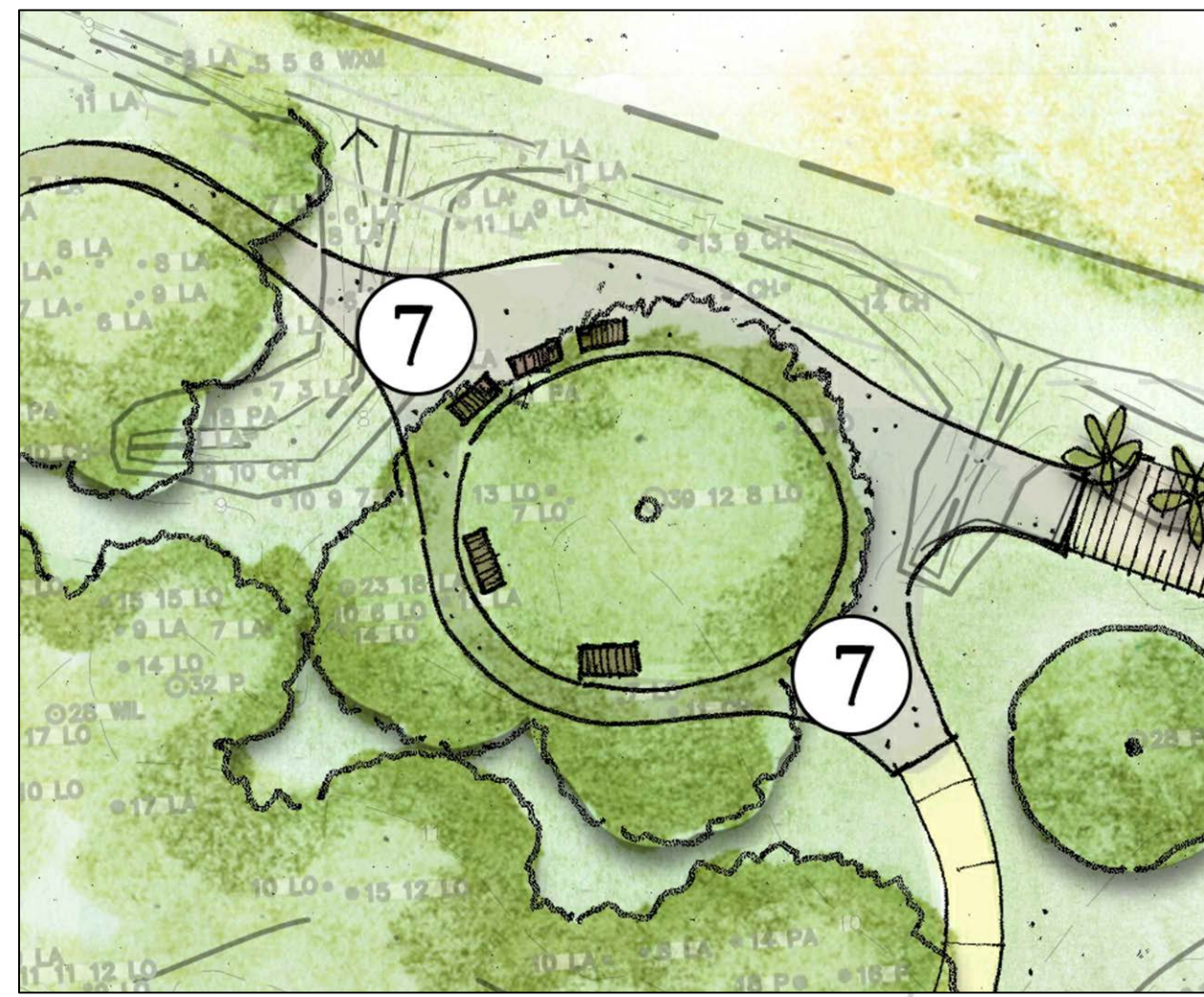
Cindaia L. Ervin, Interim, Town Clerk

APPROVED AS TO FORM

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

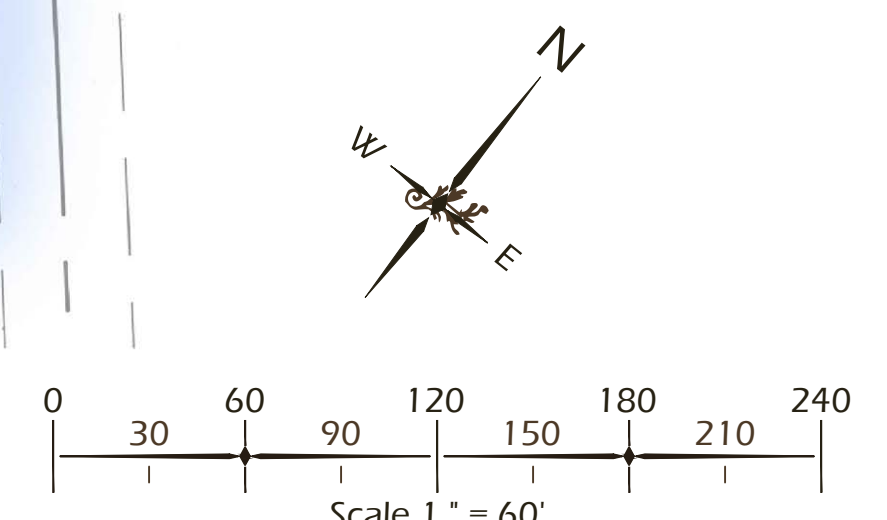
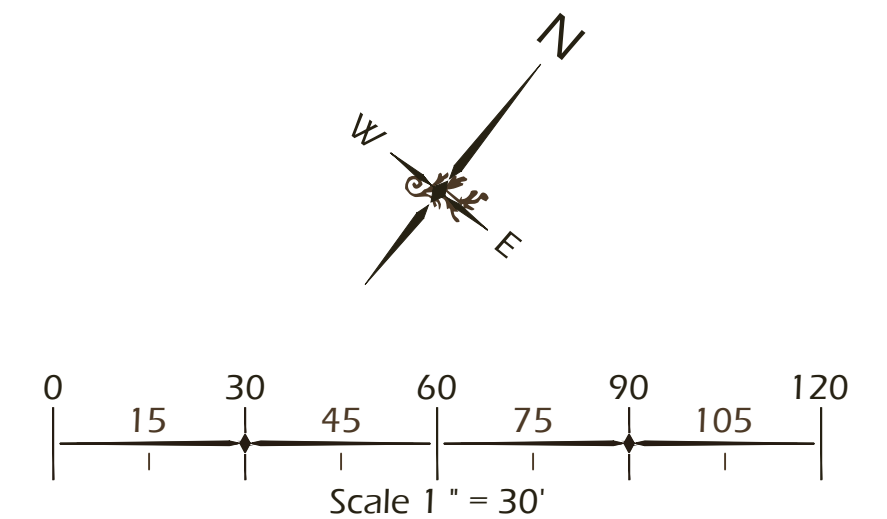
OVERALL PLAN



8: PHASE ONE
SCALE: 1:30

KEY

- 1 - LAWN
- 2 - 50 PERVIOUS PARKING SPACES
- 3 - ASPHALT DRIVE
- 4 - WATER FRONT PROMENADE
- 5 - NEW PLAYGROUND
- 6 - CONNECTION TO PHASE ONE
- 7 - PERVIOUS WALK
- 8 - BROAD CREEK OBSERVATION PLATFORM
- 9 - TRAIL TO NEWPORT CONDOS
- 10 - THIN & UNDERBRUSH, OPEN UNDER OAK CANOPY
- 11 - FUTURE RESTROOM LOCATION, STUB OUT UTILITIES
- 12 - FENCING
- 13 - PLAYGROUND LAWN
- 14 - S.T.E.A.M. PLAY
- 15 - PUBLIC ART DISPLAY
- 16 - EXISTING RESTROOMS





TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Ashley Goodrich, Principal Planner
VIA: Shawn Colin, Assistant Town Manager- Community Development
VIA: Missy Luick, Assistant Community Development Director
CC: Marc Orlando, Town Manager
DATE: April 10, 2023
SUBJECT: First Reading of Proposed Ordinance 2023-09 Amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance (LMO), to Remove Divisible Dwelling Units as an Accessory use and to Modify Multifamily and Single-Family Definitions

RECOMMENDATION:

That the Town Council review a proposed amendment amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance (LMO), and adopt an ordinance revising the language of LMO Sections 16-4-103.D.2, 16-4-103.E.2, 16-10-103.A.2, AND 16-10-105.

BACKGROUND:

This Ordinance (Attachment 1) includes the amendment set for Phase 3 of the five phase LMO Amendment Plan, Attachment 2. The content presented in this phase correlates directly with input received from the Island community and neighborhoods. In this phased approach to adapting the LMO to address present-day concerns and challenges, these amendments will create efficiencies and deliver practical expectations for staff and applicants.

On April 10, 2023, the Public Planning Committee held a public meeting to review the proposed amendments and voted unanimously to forward to Town Council for adoption.

On March 29, 2023, the Planning Commission held a special meeting to review the proposed amendments with staff's research and voted unanimously to recommend that Town Council approve the proposed amendments. Attachments 3, 4 and 5 summarize research conducted by staff for the Planning Commission.

SUMMARY:

The definitions for multifamily and single-family are outdated and modifications are proposed to align the definitions with community expectations. The current definitions have been in place since 2014 and are as follows:

Multifamily- A building, parcel, or development containing three or more dwelling units. This use includes townhouse developments, if all units are on one lot, and manufactured housing parks.

Single-Family- A freestanding structure containing not more than two single-family dwelling units. Two single-family homes may be located on the same lot if the applicable density standard is met. More than two single-family dwellings on a single lot constitute a multifamily dwelling.

Prior to the 2014 LMO rewrite, the definitions were:

Multifamily Residence: A building or parcel containing three or more dwelling units.

Single Family Attached Residence: A structure containing more than one single family dwelling unit in which the units are physically attached, and each has its own separate exterior entrance way and a separately owned lot.

Single Family Detached Residence: A structure containing one dwelling unit that is free standing.

In 1998, the definition for multifamily was:

Multifamily residence- A building containing three or more dwelling units.

The proposed amendment language is:

Multifamily- A building, parcel, or development containing two or more dwelling units. This use includes townhouse developments, if all units are on one lot, and manufactured housing parks.

Single-Family- A freestanding structure containing one single-family dwelling unit. More than one single-family dwelling on a single lot constitutes a multifamily dwelling.

CONSIDERATIONS:

The proposed change does not prohibit more than one single-family home on a lot if the density allows it, but the multifamily development design standards will be considered when a second home is added.

It is estimated that there are approximately 146 properties that this change could impact. Approximately 95 of these properties have density to develop 3 or more

dwelling units and would have had to meet the current multifamily setbacks and buffers. Approximately 50 have density for 2 dwelling units and would be impacted by this change. A majority of these properties are in a Historic Neighborhood.

Attachment 3 provides a summary of the impacts on setbacks and buffers. The majority of changes result in more flexibility for most sites; approximately 10 properties could have impacts to how wetland buffers are now applied.

Due to the resulting buffer differences, this change will result in legal nonconformities. For instance, Residential Single-Family-3 (RSF-3), Residential Single-Family-5 (RSF-5), Residential Single-Family-6 (RSF-6) are zoned for single-family; but not multifamily. Family Compounds & Subdivisions are not affected by the proposed change, LMO Section 16-2-103.X.IV considers Family Compounds to be a single-family use.

Divisible dwelling units (or commonly referred to as lock-out rooms) are an accessory use that is permitted with conditions in the Coligny Resort (CR) and Resort Development (RD) Districts. They are only allowed in multifamily or interval occupancy developments. This accessory use is no longer desirable and is recommended to be struck from the LMO. All existing divisible dwelling units would become legal nonconformities per LMO Chapter 16-7, Nonconformities, Attachment 4.

Based on the Town's data limitations, the number of existing divisible dwellings units could not be determined. There are approximately 3,000 timeshares. Staff research showed that some approved lockout developments have been converted back to whole dwelling units.

While the Town recognizes the continued existence of nonconformities is generally inconsistent with the purpose and intent of the LMO, it also recognizes the need to provide flexibility to encourage redevelopment of nonconforming sites, which lessen the degree of the nonconformity and is consistent with the goals of the comprehensive plan "Our Plan".

A presentation will be provided at the Town Council first reading.

ATTACHMENTS:

1. Proposed Ordinance 2023-09
2. LMO Amendment Plan Details by Phase and Critical Path
3. Existing Setback to Buffer Summary
4. LMO Chapter 16-7, Nonconformities

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO.2023-09

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), SECTIONS 16-4-103.D.2, 16-4-103.E.2, 16-10-103.A.2, AND 16-10-105; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, from time to time it is necessary to amend the LMO; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2023 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO Amendments; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 6-0 to remand the proposed LMO amendments back to staff; and

WHEREAS, the Planning Commission held a special public meeting on March 29, 2023 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 7-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on April 10, 2023 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 4-0 to recommend approval of the proposed LMO amendments; and

WHEREAS, on April 18, 2023, Town Council **xx** on first reading a proposed Ordinance outlining LMO amendments; and

WHEREAS, after due consideration of said LMO amendment, the Town Council, upon further review, finds it is in the public interest to approve the proposed LMO Amendments.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the LMO Amendment is adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2023.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Cindaia L. Ervin, Assistant, Town Clerk

Public Hearing: March 15, 2023

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

EXHIBIT “A”

Sec.16-4-103.D.2. Accessory Use/Structure Table

TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE																						
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																						
Blank Cell = Prohibited																						
ACCESSORY USE/ STRUCTURE	SPE CIA L DIST RICT S	RESIDENTIAL DISTRICTS							MIXED-USE AND BUSINESS DISTRICTS											USE- SPECIFIC CONDITIONS		
		CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC		RD	MED
Amateur radio antenna			P C	P C	P C	P C	P C	P C					P C	P C		P C	P C					Sec. 16-4-103.E.1
Automatic teller machine (ATM)									P	P	P	P	P	P	P				P	P	P	
Crematory (as accessory to funeral homes)											P										P	
Divisible Dwelling Unit									P C										P C			Sec. 16-4-103.E.2
Home Occupation			P C	P C	P C	P C	P C	P C	P C	P C		P C	P C	P C	P C	P C	P C	P C	P C	P C		Sec. 16-4-103.E.3
<i>Outdoor display and sale of merchandise</i>									P C	P C	P C	P C	P C	P C			P C	P C				Sec. 16-4-103.E.4
<i>Outdoor storage (as an accessory use)</i>									P C	P C	P C			P C				P C		P C	P C	Sec. 16-4-103.E.5
<i>Satellite dish</i>	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-103.E.6
Small wind energy conversion system (WEC)	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-103.E.7
Solar collection device			P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-103.E.8
Telecommunications Facility, Collocated	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	Sec. 16-4-103.E.9

Sec 16-4-103.E. Use-Specific Conditions for Accessory Uses and Structures

2. Divisible Dwelling Unit

A divisible dwelling unit incorporating lock-out rooms is allowed as an accessory use to a multifamily dwelling or interval occupancy unit if it complies with the following conditions:

- a.** ~~The unit shall have a separate outside entrance serving the lock-out rooms.~~

- ~~b. The *lock-out rooms* may not exceed 75 percent of the *gross floor area* of the entire *dwelling*.~~
- ~~e. Each lock-out room in a *divisible dwelling unit* shall count as ½ *dwelling unit* in addition to the one *dwelling unit* counted for the entire divisible *dwelling*.~~

Sec.16-10-103.A.2. Use Types and Definitions

Multifamily

A *building, parcel, or development* containing ~~three~~ two or more *dwelling units*. This use includes townhouse developments, if all units are on one *lot*, and manufactured housing parks.

Single-Family

A freestanding *structure* containing one ~~not more than two~~ *single-family dwelling units*. ~~Two~~ *single-family* homes may be located on the same *lot* if the applicable *density* standard is met. More than one ~~two~~ *single-family dwellings* on a single *lot* constitutes a *multifamily dwelling*.

Sec.16-10-105. General Definitions-

Divisible Dwelling Unit

~~A *dwelling unit* in a *multifamily* residential or *interval occupancy development* that includes one or more lock-out bedrooms that can be physically closed or locked off from the remainder of the *dwelling*. Such units must have a bathroom. Size is limited to 75 percent of the *gross floor area* of the entire *dwelling*.~~

Land Management Ordinance (LMO) Amendment Plan: Details by Phase

Phase Details

1

PHASE 1

- Remove staff granted waivers and amend some standards.
- Allow variances from all sections of the LMO other than use, density or height.
- Allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening.
- Provide clarification in the Manufacturing use classification as it relates to the size of a brewery.
- Replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards.
- Change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance.
- Amend the definition of changeable copy to allow signs to be changed electronically with limitations on frequency and timing.
- Amend the measurement for height calculation.
- Add that owners' consent is required for minor subdivisions as it is currently listed as being exempt.
- Require a public hearing for subdivision amendments.

2

PHASE 2

- Section 16-2-103.F: Provide standards for deviations from previously platted subdivisions.

3

PHASE 3

- Definition for single-family.
- Definition for multifamily.
- Eliminate divisible dwelling units.

4

PHASE 4

- Administrative application and procedural changes for Major Subdivision and Major Development Plan review processes.
- Adding a construction management plan requirement.
- Adding a named storm requirement.
- Updated residential site design standards including open space standards, pedestrian connectivity, subdivision and zero lot line standards, lot size and layout requirements, and residential setback angles.
- Modified traffic impact analysis methodology.
- Parking standards and signage standard updates.
- Revising stormwater provisions and recommending best-practice amendments.
- Strengthening of tree regulations.

5

PHASE 5

- Review of all LMO chapters and content.
- Review of overall organization.
- Review of user-friendliness of the code.
- Alignment with Our Plan.
- Integration of outcomes from Growth Framework and District Plan initiative.

LMO Amendment Plan: Critical Path

04/06/2023

Phase	2022			2023												2024					
	Q4			Q1			Q2			Q3			Q4			Q1			Q2		
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
1		11/1: LMO of PC	12/21: PC-PH	01/26: PPC	02/14: TC WKSP 02/21: TC1	03/07: TC2															
2		11/1: LMO of PC	12/21: PC-PH	01/26: PPC	02/14: TC WKSP	03/07: TC1 03/08: PC 03/21: TC2															
3						03/15: PC 03/29: PC	04/10: PPC 04/18: TC1	05/02: TC2													
4								PC	PPC	TC1	TC2										
5										GROWTH FRAMEWORK AND DISTRICT PLAN INITIATIVE				TCW					PC-PH	PPC	TC1 TC2

Dates for future meetings are subject to change.

**MEETING
KEY**

- LMO of PC** Planning Commission LMO Committee
- PC-PH** Planning Commission Public Hearing
- PC** Planning Commission
- PPC** Public Planning Committee of Town Council
- TCW** Town Council Workshop
- TC1** Town Council First Reading
- TC2** Town Council Second Reading

Summary of Setbacks and Buffers – Change in Single Family & Multifamily Definition:

LMO 16-5-102.C, 16-5-102.D, 16-5-103.D, 16-6-102.D.2

Adjacent Street Setback (Structure) – Based on the type of street, not use.

- Major Arterial – No Change
- Minor Arterial- No Change
- Other- No Change

Adjacent Use Setback – Based on the use of developed property and zoning of undeveloped property.

- Developed – In all cases, same or reduced
- Undeveloped - In all cases, same or reduced

Adjacent Street Buffer– Based on the type of street, not use.

- Major Arterial – No Change
- Minor Arterial- No Change
- Other- No Change

Adjacent Use Buffer - Based on the use of developed property and zoning of undeveloped property.

- Developed – No change
- Undeveloped – No change

Wetland Buffers – Based on freshwater and tidal wetlands.

- Tidal – Introduces an average buffer for pervious surfaces, structures and impervious surfaces.
 - Pervious – Existing 20' Minimum
 - Increased buffer to meet both average 35' and 15' minimum
 - Structures – Existing 20' Minimum
 - Increased buffer to meet both average 40' and 20' minimum
 - Impervious – Existing 20; Minimum
 - Increased buffer to meet both average 50' and 25' minimum
- Freshwater – Introduces new buffer.
 - Pervious – Existing n/a
 - Increased buffer to meet both average 35' and 10' minimum
 - Structures – Existing n/a
 - Increased buffer to meet both average 35' and 10' minimum
 - Impervious – Existing n/a
 - Increased buffer to meet both average 40' and 20' minimum

Attachment 4

Chapter 16-7: Nonconformities

Sec.16-7-101. General Provisions

A. Purpose

The zoning regulations and **development** standards established by this **Ordinance** are designed to guide the future **development** and redevelopment of **land** within the **Town** by encouraging and regulating **site development** and appropriate groupings of compatible and related **uses** that promote and protect the public health, safety, and general welfare. While the **Town** recognizes the continued existence of nonconformities is generally inconsistent with the purpose and intent of this **Ordinance**, it also recognizes this **Ordinance** needs to provide flexibility to encourage redevelopment of nonconforming **development** if it lessens the degree of the nonconformity and if redevelopment is consistent with the goals of the **Comprehensive Plan** and the district in which the **development** is located. This Chapter provides for the regulation of **nonconforming uses, structures, signs, and site** features, and specifies those circumstances and conditions under which such nonconformities are allowed to continue and redevelop.

B. Applicability

This Chapter applies to **uses, structures, signs, and site** features that were made nonconforming by initial adoption of this **Ordinance** or a subsequent amendment to this **Ordinance**. It also applies to **uses, structures, signs, and site** features that were a lawful nonconformity under a provision of a previously applicable **ordinance** of the **Town** and that remain nonconforming with one or more provisions of this **Ordinance**, even if the type or extent of nonconformity is different.

C. Authority to Continue

Legal nonconformities are allowed to continue in accordance with the regulations of this Chapter.

D. Burden of Proof

The burden of establishing that any nonconformity is a legal nonconformity as defined by this Title shall, in all cases, be upon the owner of such nonconformity and not upon the Town or any other person.

E. Repairs and Maintenance

1. **Repairs** and normal **maintenance** required to keep legal **nonconforming uses, structures, or site** features in a safe condition are permitted, provided that no alterations may be made except those allowed by this Chapter, or as may be required by other law or **ordinance**.
2. This Chapter shall not be construed to prevent strengthening or **repair** of a **structure** in compliance with the order of a public official whose duties include protecting the public safety.

F. Substitution of Nonconformities for Redevelopment

To provide flexibility and encourage redevelopment of **sites** with nonconforming features or **structures**, the **Official** is authorized to approve a Development Plan for such **sites** if the proposed **development**:

1. Will not include any new **development** that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the **impervious cover** on the **site** over the maximum allowed for the district or the existing **impervious cover**, whichever is greater;
3. Will not result in a **density** in excess of what is allowed under this **Ordinance**, or the existing **density**, whichever is greater;
4. Will lessen the extent of existing **nonconforming site features** to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing **nonconforming structure** on the **site** to the greatest extent possible.

G. Discontinuance or Abandonment

1. A legal **nonconforming use** which has been discontinued for a period of 18 consecutive months shall not be re-established. Any **structure** or **land**, or **structure** and **land** in combination which was formerly devoted to a legal **nonconforming use** which has been discontinued for a period of 18 consecutive months, shall not again be devoted to any **use** other than a **use** that is allowed in the zoning district in which the **land** is located. A conforming **use** shall not be permitted to revert back to a **nonconforming use**.
2. A legal **nonconforming use** shall be considered discontinued immediately if it is replaced by a conforming **use** on the **land** and thereafter the **nonconforming use** shall not be re-established.
3. A legal **nonconforming structure** shall be considered abandoned immediately if it is replaced by a conforming **structure**. Thereafter the **nonconforming structure** shall not be re-established.
4. Discontinuance of a legal **nonconforming use** or abandonment of a legal **nonconforming structure** shall be deemed to exist upon the occurrence of any one or more of the following, for a period of 18 consecutive months:
 - a. Failure to obtain permits or take all other necessary steps to resume a legal **nonconforming use**;
or
 - b. Utility services, such as water and electricity, to the property are disconnected; or
 - c. Removal of equipment or fixtures which are necessary for the operation of a legal **nonconforming use**; or
 - d. **Structures** that have fallen into disrepair as defined by Section 9-8-10 of the **Municipal Code**; or
 - e. Signs advertising a legal **nonconforming use** are removed.

H. Expansion, Enlargement, or Extension

For purposes of this Chapter only, the terms "expansion", "enlargement" or "extension" refer to any increase in the size of a legal **nonconforming structure**, or **site** feature. The footprint of any existing **nonconforming site feature** or **structure** may be maintained or expanded as long as the **applicant** receives an approval as provided in Sec. 16-7-101.F, Substitution of Nonconformities for Redevelopment, unless one of the following is involved:

-
1. **Expansion**, enlargement, or extension associated with a **nonconforming use**; and
 2. Replacement of a nonconforming **site** feature with a **nonconforming structure**; and
 3. The demolition or modification of an existing **nonconforming structure** with the intent to rebuild or remodel the **structure** in accordance with an approved Zoning Map Amendment for the Redevelopment Overlay (R-O) District (see Sec. 16-3-106.K); and
 4. **Nonconforming signs**.

Sec.16-7-102. Nonconforming Uses

A. Expansion

A legal **nonconforming use** shall not be enlarged, expanded, or extended to occupy a greater area of **land** or **gross floor area** than was occupied on the date it became a legal **nonconforming use**. No new **accessory use** or **structure** shall be established on the **site** of a **nonconforming use**.

B. Relocation

A legal **nonconforming use** may not be moved, in whole or in part, to any other portion of the **parcel** of **land** on which it is located, or to another **parcel** of **land**, unless the **use** will be in conformance with the **use** regulations of the district into which it is moved.

C. Change in Use

A **nonconforming use**, if changed to a conforming **use**, may not thereafter be changed back to any **nonconforming use**.

D. Accessory Use

A **use** that is accessory to a legal **nonconforming use** shall not continue after the legal **nonconforming use** has ceased or been abandoned or discontinued, unless it conforms to all provisions of this **Ordinance**.

Sec.16-7-103. Nonconforming Structures

The following provisions apply to all **nonconforming structures** unless approved in accordance with Sec. 16-7-101.F, Substitution of Nonconformities for Redevelopment.

A. Expansion, Relocation or Redevelopment

A legal **nonconforming structure** shall not be expanded, enlarged, relocated, or redeveloped, in whole or in part, unless the **structure** is made conforming in accordance with the provisions of this **Ordinance** or is otherwise allowed by the provisions in this Chapter or Chapter 16-9: Disaster Recovery.

B. Damage or Destruction of Nonconforming Structure

A legal **nonconforming structure** that is damaged or destroyed by means not covered by Chapter 16-9: Disaster Recovery (including intentional human destruction), may be repaired, reconstructed, or rebuilt only in accordance with the following requirements.

1. Single-Family Exception

- a. A **single-family dwelling unit** existing within the **Town** that is damaged or destroyed, and is either permitted in the district in which it is located, or is a **legally established nonconforming use** in that district, may be rebuilt, restored or repaired consistent with the requirements of Title 15 of the **Municipal Code**.
- b. If any such **dwelling unit** is a **legally established nonconforming structure** as to a **development** standard under this **Ordinance**, then the rebuilding, restoration or **repair** shall comply with the **development** standards of this **Ordinance** to the extent deemed reasonably practical by the **Official**. In such circumstances, the **applicant** shall make every effort to eliminate the nonconformities and lessen the extent of the nonconformity.

2. Structure Less Than 50 Percent Destroyed

- a. A **building** permit may be issued to rebuild, restore, or **repair** a legal **nonconforming structure** within 18 months of damage or destruction of not more than 50 percent of its appraised fair market value immediately prior to the damage.
- b. Such appraisal, undertaken and submitted to the **Town** at the owner's expense, may be challenged by the **Town** on the basis of its own appraisal. The **Town** shall notify the **applicant** within 15 days of its intent to obtain another appraisal. The **Board of Zoning Appeals** shall have final determination authority in the case of any dispute.
- c. If the reconstruction is delayed through litigation or other cause beyond the control of the owner, the time of such delay shall not be considered when computing the 18-month period.

3. Structure More Than 50 Percent Destroyed

- a. A legal **nonconforming structure** damaged or destroyed to the extent of 50 percent or more of its appraised fair market value immediately prior to the damage shall not be repaired or replaced except in accordance with the requirements of this **Ordinance**.
- b. Such appraisal, undertaken and submitted to the **Town** at the owner's expense, may be challenged by the **Town** on the basis of its own appraisal. The **Town** shall notify the **applicant** within 15 days of its intent to obtain another appraisal. The **Board of Zoning Appeals** shall have final determination authority in the case of any dispute.
- c. This provision shall not be construed or enforced to deprive a unit owner in a horizontal property regime from rebuilding in the event the members of the regime vote for and fully fund, through insurance or otherwise, the total restoration of the project. The **Town** shall require a surety to insure full performance of the restoration project when regime insurance is not sufficient to fully cover the costs of reconstruction.

Sec.16-7-104. Nonconforming Signs

A. Enlargement or Expansion

A legal **nonconforming sign** shall not be enlarged or structurally altered in any way that increases the extent of the nonconformity.

B. Maintained in Good Condition

A legal **nonconforming sign** shall be maintained in good and working condition in accordance with Sec. 16-5-114.C.2.f. Painting, **repair**, and refinishing of the **sign face** or **sign structure** is permitted, as long as the appearance of the sign complies with Sec. 16-5-114, Sign Standards.

(Revised 1-7-2020 - Ordinance2020-02)

C. Change to Nonconforming Sign Shall Comply with this Ordinance

If a legal **nonconforming sign** is changed in any way (its dimensional standards, message, or any other element) because of a change in **use**, change in business name, or for any other reason, the sign shall comply with Sec. 16-5-114, Sign Standards with the exception of location. An **off-premises sign** may remain **off-premises** as long as it remains in the same location. Any modification that fails to comply with Sec. 16-5-114 shall render the prior Sign Permit void and shall result in the sign being in violation of this **Ordinance**.

(Revised 1-7-2020 - Ordinance2020-02)

D. Repair, Reconstruction, or Replacement After Damage or Destruction

Repair, reconstruction, or replacement of a damaged or destroyed legal **nonconforming sign** shall be subject to the same provisions applicable to the **repair**, reconstruction, or replacement of a damaged or destroyed legal **nonconforming structure** in Sec. 16-7-103.B, Damage or Destruction of Nonconforming Structure.

Sec.16-7-105. Nonconforming Site Features

A. Purpose

The purpose of this section is to cause certain legal **nonconforming site features** to be brought into compliance with the standards of this **Ordinance** as part of remodeling or **expansion** of an existing **development**.

B. Applicability

1. Examples of Nonconforming Site Features

For the purposes of this Chapter and section, the term "**nonconforming site features**" includes **site features** to the extent they fail to comply with the standards in the referenced sections.

Nonconforming site features include, but are not limited to, the following:

- a. Lack of or inadequate adjacent street or use buffer width or screening (Sec. 16-5-103);
- b. Lack of or inadequate number or dimensions of parking spaces (Sec. 16-5-107.D-E);
- c. Lack of or inadequate parking lot landscaping (Sec. 16-5-107.G);
- d. Fence or wall **height** (Sec. 16-5-113.C);
- e. Lack of or inadequate screening for particular **uses**;
- f. Use-Specific Conditions for Principal Uses; Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures; and Sec. 16-4-104.D, Use-Specific Conditions for Temporary Uses and Structures.

2. Applicability

If an ***application*** is filed for a ***development*** approval or permit that proposes or would result in alteration of a ***nonconforming site feature*** on the ***development site***, such ***nonconforming site feature(s)*** shall be brought into conformance with the standards of this ***Ordinance*** to the ***maximum extent practicable***, except for disaster recovery situations covered by the provisions in Chapter 16-9: Disaster Recovery.