

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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D. PAUL SOMMERVILLE
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STEWART H. RODMAN
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
EXECUTIVE COMMITTEE
Monday, February 5, 2018

3:30 p.m.

(or immediately following the Finance Committee meeting)

Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Committee Members:

Jerry Stewart, Chairman
Gerald Dawson
Brian Flewelling
Alice Howard
Stu Rodman

1. CALL TO ORDER – 3:30 P.M. OR IMMEDIATELY FOLLOWING THE FINANCE COMMITTEE MEETING
2. DISCUSSION / MULTI-COUNTY INDUSTRIAL PARK (MCIP) / WASTE MANAGEMENT
3. UPDATE / MUNICIPALITY RESPONSIBILITY OF ROADS (backup)
4. UPDATE / CHANGE COUNTY FORM OF GOVERNMENT (backup)
5. ADJOURNMENT

Lisa Sulka
Mayor
Larry Toomer
Mayor Pro Tempore
Marc Orlando
Town Manager



Council Members
Dan Wood
Fred Hamilton
Harry Lutz
Kimberly Chapman
Town Clerk

January 16, 2018

Joshua Gruber, Esquire
Interim County Administrator
P. O. Drawer 1228
Beaufort, SC 29901-1228

Re: Transfer of Maintenance Responsibilities for County Roadways and Associated Infrastructure within the Incorporated Limits of the Town of Bluffton

Dear Josh:

We are in receipt of your letter of November 16, 2017 requesting the transfer of maintenance responsibilities for County roadways and associated stormwater ditches located within the incorporated boundaries of the Town of Bluffton, to the Town of Bluffton. This issue was recently discussed by the Bluffton Town Council in Executive Session with the Town Attorney, Terry A. Finger.

After careful consideration, it is the will of Town Council to politely decline the County's offer for the Town to assume maintenance responsibilities for County roadways and associated stormwater ditches in the Town of Bluffton. The Attorney General's Opinion upon which the County is basing its offer does not carry the force of law and, in The Town of Bluffton's assessment, has a number of significant flaws in its analysis.

Sincerely,


Marc Orlando, ICMA-CM
Town Manager

cc: Mayor and Council
Terry Finger, Town Attorney

Theodore D. Washington Municipal Building
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910
Telephone (843) 706-4500 Fax (843) 757-6720
www.townofbluffton.sc.gov

Should the present form of government receive a majority favorable vote of those qualified electors voting, the present form shall continue without further action by the Beaufort County Council. Should the Council-Manager form of government receive a majority favorable vote of those qualified electors voting, then, and only in such event, the Beaufort County Council shall enact an Ordinance establishing the new form of government in accordance with the provisions of applicable law.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

EXECUTIVE COMMITTEE

October 9, 2017

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

The Executive Committee met Monday, October 9, 2017 beginning at 3:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling, Alice Howard and Stu Rodman. Member Gerald Dawson absent. Non-Committee members Rick Caporale, York Glover, Steven Fobes, Paul Sommerville and Tabor Vaux present. Mike Covert (participated telephonically) absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Joshua Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Rob McFee, Division Director–Facilities and Construction Engineering; Monica Spells, Assistant County Administrator–Civic Outreach and Engagement; and Dave Thomas, Purchasing Director.

Public: Scott Marshall, Deputy Town Manager, Town of Bluffton.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Jerry Stewart chaired the meeting.

ACTION ITEM

1. Consideration of Contract Award / Smartnet-Cisco Software to Support Voice Over Internet Protocol (VOIP) Phone System for Information Technology Division

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

Discussion: Ms. Monica Spells, Assistant County Administrator–Civic Engagement and Outreach, reviewed this item with the Committee. The Information Technology Systems Management Department seeks to secure Smartnet licensing and support for the countywide Voice over Internet Protocol (VoIP) system for the period of September 1, 2017 to August 31, 2018 from the state contract vendor NWN Corporation of Greenville, South Carolina. This purchase will allow for continuity of telephony communications in support of County operations.

The contract renewal amount is \$156,383.17 and would come from Account 10001150-51110, Information Technology Systems Management Department, and Maintenance Contracts.

Motion: It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Committee approve and recommend Council award a contract renewal to NWN Corporation of Greenville, South Carolina (via State contract pricing) in the amount of \$156,383.17 for Voice over Internet Protocol (VoIP) licensing and support. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mrs. Howard, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council award a contract renewal to NWN Corporation of Greenville, South Carolina (via State contract pricing) in the amount of \$156,383.17 for Voice over Internet Protocol (VoIP) licensing and support.

2. Discussion / Change County Form of Government

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

Discussion: Mr. Tom Keaveny, County Attorney, provided the Committee several handouts: (i) a proposed ordinance calling for a referendum to vote on the form of government for Beaufort County, (ii) a copy of the S.C. Code of Laws outlining two of the forms of government – Council Administrator (Section 4-9-620) and Council Manager (Section 4-9-820), and (iii) a side-by-side comparison of Council-Administrator form of government versus Council-Manager form of government. He informed the Committee that under the Council-Manager form of government, the positions of Treasurer and Auditor can be appointed or elected.

Questions and concerns of the Committee included the following:

- Is there any rationale to switch forms of government if the official positions of treasurer and auditor were elected?
 - Mr. Keaveny is not aware of and restrictions.
- Are there restrictions bifurcating the positions, *i.e.*, appointing the Auditor and electing the Treasurer?
 - Mr. Keaveny replied there are no restrictions in the statute.
- Supportive of having the Auditor an appointed official.
- The last time this issue was before the voters, it failed 63%:39%. Unless there is a clear change of circumstances, we should wait ten years before bringing this back before the voters.
- We cannot wait delay this issue if County Auditor's demonstrated behavior continues.
- State statute provides no requirements for the positions of Treasurer and Auditor. We need professional people in those positions.
- If the voters approve the Council-Manager referendum question, we should not bifurcate between the two positions. We need to appoint both.
- The desire to hold a work session for receipt of public comment.

Motion: It was moved by Mr. Rodman, seconded by Mr. Sommerville, that Committee approve and recommend Council approve on first reading an ordinance calling for a referendum to allow the electors of Beaufort County, South Carolina to vote in 2018 General Election to either retain the Council-Administrator form of government or change to the Council-Manager form of government, contingent upon the Executive Committee holding two work sessions (one north of the Broad River and one south of the Broad River) to receive public input regarding this referendum question. The vote: YEAS – Mr. Dawson, Mrs. Howard, Mr. Rodman, Mr. Stewart and Mr. Sommerville. NAYS – Mr. Flewelling. The motion passed.

Recommendation: Council approve on first reading an ordinance calling for a referendum to allow the electors of Beaufort County, South Carolina to vote in the 2018 General Election to either retain the Council-Administrator form of government or change to the Council-Manager form of government, contingent upon the Executive Committee holding two work sessions (one north and one south of the Broad River) to receive public input regarding this referendum question.

INFORMATION ITEMS

3. Update / Municipality Responsibility of Roads

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

Discussion: Mr. Joshua Gruber, Interim County Administrator, provided the Committee an update on the status of pursuing transferring to municipalities the responsibilities of roadways within their jurisdiction. Administration has met with the Town of Bluffton and the Town of Hilton Head Island, and has had informal communications with the City of Beaufort, in regards to this matter. The level of responsibility has been discussed and County staff is currently compiling a list of services included in the transfer of responsibilities and a historical overview of dollars expended. That list should be complete by the end of the week, and then can be presented before their councils. Their councils' can then provide a response to Beaufort County. The Town of Hilton Head believes it is only an opinion from the Attorney General's Office and that there are additional statues in play that according to their interpretation it would remain the responsibility of the County to provide those services. Our meeting with the Town of Bluffton went well. Beaufort County got acknowledgement that while they may not agree to take on those responsibilities; but, given the direction these discussions are headed, they will have to assume more responsibility for services occurring within their jurisdiction.

Mr. Gruber reviewed another topic that has come to light and would need direction of County Council -- if the municipalities are taking on the responsibility of roads, is the County going to cease or relinquish the control and management of things like access points if we are turning them over to the municipality. With the responsibility to pay for it, should be the responsibility to control. That is something this body needs to develop a response to what this body feels regarding the control and authority within those areas.

Mr. Stewart stated this will take cooperation between the municipalities and the County. There are streets that are totally within the municipality, but many of the arterial roads go through many jurisdictions. In those cases we need continuity. There needs to be some level of cooperation and understanding that the municipality does have a responsibility.

Mr. Sommerville informed the Committee that Lancaster County has an agreement that the City of Lancaster is responsible for the roads within the municipal boundaries. He asked that staff find out the details of such.

Mr. Fobes wanted to know if any counties, since the Attorney General Opinion, reacted forcefully to get a municipality to assume the responsibility.

Mr. Gruber replied in the negative. There have been many conversations with staff at the S.C. Association of Counties and they kicked the idea around, but no counties are actively taking steps to compel the entities to take on responsibility.

Status: Information only.

4. Discussion / Boards and Commissions Appointment Process

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

Discussion: Mr. Rodman presented a proposal regarding the appointment process to County boards and commissions to the Committee. He wants to short cut the process and forward nominations directly to Council, rather to Council committees for recommendation to Council. His proposal would streamline the process. The three groups that could fall under that process are district-specific positions, geographic-specific positions, and organization-specific positions. The Clerk to Council would be notified of the desired nomination, which would then be included on the next Council agenda, under Administrator's Agenda. In addition, if we allow the Council member to make the approval of the appointment, should that Council member also has the authority to withdraw the nomination at such time that they feel the individual is not fully representing the district of that Council member.

Motion: It was moved by Mr. Rodman, that Committee approve and recommend Council approve the text amendments to the Beaufort County Code of Ordinances to change the appointment process to boards and commissions as outlined: appointment and reappointment of district- specific positions, geographic-specific positions and organization-specific positions would be sent directly to County Council for nomination and appointment/reappointment. The motion died for lack of a second.

Mr. Flewelling stated he likes the process as proposed. He wanted to know if the Template Ordinance for Boards and Commissions is the only ordinance that would need to be changed, or if multiple ordinances would need to be revised (including each board or commission's enabling legislation). He asked staff to research this. In addition, he would not

want to change the process for only a few boards and commissions. If we do this, we need to do this for all. This will meet many of our needs and addresses many of our concerns.

Mr. Dawson feels the process needs to be left as is. It works relatively well. If there is a gap in a position being filled, it is mostly due to finding someone to fill such position. This Council has made a decision that if one of us has any issues finding an applicant, we give way to another Council member to bring forth a nomination.

Mrs. Howard stated part of this is a good idea. However, coordination is needed with either the committee or the committee chairman. She likes the idea for district-specific positions.

Mr. Sommerville had concerns relative to the notification process.

Mr. Stewart stated his concerns relative to the geographic-specific positions. We have had instances where there has been more than one nominee. That discussion is typically handled at committee level. If that were to occur, his preference is to hash it out at committee. By doing this at Council, it would then lie on the table for two weeks. That only leaves one meeting to nominate another individual, if desired, before that appointment is voted on.

Motion: It was moved by Mr. Flewelling, that Committee approve text amendments to the Beaufort County Code of Ordinances to change the appointment process to boards and commissions as outlined: appointment and reappointment of district-specific positions, geographic-specific positions and organization-specific positions would be sent directly to County Council for nomination and appointment/reappointment, but postpone action for one month. Mr. Flewelling withdrew his motion.

Status: Committee agreed to delay action for a month in order to provide Council and the opportunity to consider this thoroughly and to allow staff to review the Boards and Commissions Template Ordinance, as well as any other ordinances that outline the appointment process.

5. Discussion / Ordinance Approval Process

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

Discussion: Mr. Rodman presented to the Committee various proposals regarding the approval process of ordinances. He stated there are three different options. (1) The approval process to remain the same, with the item going to committee for discussion and recommendation, then Council for three readings and a public hearing. (2) Ordinances to go to Council for first reading, by title only, to the committee for discussion and recommendation, and then back to Council for second and third reading, and a public hearing. (3) Ordinances be noticed and discussed at Council, then item goes to the committee for discussion and recommendation, then to Council for three readings and a public hearing. Mr. Rodman feels

Option 2 provides more transparency. If we send an item to Council first, we need to consider if we are voting on first reading, by title only, for consideration by Council.

Mr. Stewart stated this proposed process basically eliminates one reading. He recommended the alternative: ordinances come forward to committee for discussion only, and then brought back before the committee for consideration. This would allow more public notice.

Mr. Sommerville discouraged approving items by title only. We are constantly being accused for lack of transparency.

Mr. Rodman stated there is also the possibility of bringing forth upcoming items for future committee meetings during committee reports.

Mr. Flewelling views committee meetings as formal work sessions. Council can discuss the details with staff to make sure the proposed ordinance meets the criteria, meets the parameters of reasonable government, and meets our personal understanding of our goals. Allowing public debate or public comment before we have answered all of the questions as a technical body is premature as well as to expect the public to intelligently talk about the proposal of the ordinance. The technical details need to be worked out before we allow public input. Council is the perfect place for that public input. If you have an ordinance that might be excitable, why would we want to take up committee time by requesting public input? He wants to keep the current process. When Council suggests it is a good idea for the public to submit input on a proposed ordinance, we can facilitate such. The chairman can request the committee to accept public comment.

Mr. Stewart, when he first was elected to County Council, one of the biggest complaints was Council voting on ordinances without the language in writing. At times what they voted on and what ended up in the ordinance, were not necessarily the same. He does not see any problem with the current process. His only regret is moving things through committee without receiving enough information from staff.

Mr. Rodman stated a possible solution is having the committee chairman's speak to what is on their upcoming committee agenda during the Administrative consent agenda.

Mr. Stewart said agendas could also be posted a week in advance.

Status: Committee chairpersons will provide upcoming committee items during the Administrative Consent Agenda at Council regular session.

6. Off Agenda Update / Impact Fees

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

Discussion: Mr. Gruber informed the Committee that staff has been working on meeting with various vendors that we will hire to assist in preparing the necessary studies required to update impact fees. The vendor would not be able to provide enough information to bring this item forward at this time.

Status: Information only.