

COUNTY COUNCIL OF BEAUFORT COUNTY
 ADMINISTRATION BUILDING
 BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
 100 RIBAUT ROAD
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 BEAUFORT, SOUTH CAROLINA 29901-1228
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 INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
 COUNTY ATTORNEY

ASHLEY M. BENNETT
 CLERK TO COUNCIL

AGENDA
NATURAL RESOURCES COMMITTEE

Monday, October 16, 2017

3:00 p.m.

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

Committee Members:

Brian Flewelling, Chairman
 Roberts "Tabor" Vaux, Vice Chairman
 Rick Caporale
 Gerald Dawson
 Steve Fobes
 York Glover
 Alice Howard

Staff Support:

Anthony Criscitiello, Planning Director
 Gary James, Assessor
 Eric Larson, Division Director
 Environmental Engineering
 Dan Morgan, Division Director
 Mapping & Applications

1. CALL TO ORDER – **3:00 P.M.**
2. DISCUSSION / PREVIOUS PLANNING COMMISSION MEETING
3. DISCUSSION / PLASTIC BAG BAN ORDINANCE (backup)
 - A. USC-Beaufort Research
 - B. Changes to Ordinance
 - C. Intergovernmental Cooperation
 - D. Path Forward
4. CONSIDERATION OF CONTRACT AWARD
 - A. Lady's Island Area Plan Services for Beaufort County (backup)
5. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Planning Commission
 - B. Southern Beaufort County Corridor Beautification Board
6. ADJOURNMENT

2017 Strategic Plan Committee Assignments

Hilton Head National Rezoning/Development Agreement
 Priority Investment – Capital Projects Long-Term Prioritized Requirements
 Passive County Parks: Plan, Funding
 Comprehensive Countywide System/Stormwater Utility (Agreements with Municipalities)
 2018 Priority Projects: Immediate Opportunities
 Stormwater Management Program/Policy: Implementation
 Okatie River Restoration: Funding
 May River Action Plan
 Rivers and Creeks Water Quality: Evaluation
 Transfer of Development Rights
 Buckingham Plantation Community Development Plan: Amendment



Ordinance 2017/

AN ORDINANCE ADDING CHAPTER 38, ARTICLE 6: SINGLE-USE PLASTIC BAGS TO THE BEAUFORT COUNTY CODE OF ORDINANCES TO ENCOURAGE THE USE OF REUSABLE CHECKOUT BAGS AND RECYCLABLE PAPER CARRYOUT BAGS AND BANNING THE USE OF SINGLE-USE PLASTIC BAGS FOR RETAIL CHECKOUT OF PURCHASED GOODS IN THE UNINCORPORATED AREAS OF THE COUNTY

Section 38-161 Purpose.

This chapter is adopted to improve the environment of the county by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods. Business establishments are encouraged to make reusable bags available for sale and recyclable paper carryout bags available for distribution.

Section 38-162 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Business Establishment.** Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit.
- **Single-Use Plastic Carryout Bag.** A bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source. "Single-use plastic carryout bag" includes compostable and biodegradable bags, but does not include reusable carryout bags.
- **Reusable Carryout Bag.** A carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
 - (1) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
 - (2) Has a handle; except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches; and

- (3) Is constructed out of any of the following materials:
 - (a) Cloth, other washable fabric, or other durable materials, whether woven or non-woven; or
 - (b) Recyclable plastic, with a minimum thickness of 2.25 mils;

- **Customer.** A person who purchases merchandise from a business establishment.

Section 38-163 Regulations.

- (A) No person may provide single-use plastic carryout bags at any county facility, county-sponsored event, or any event held on county property.
- (B) No business establishment within the unincorporated county limits may provide single use plastic carryout bags to its customers.
- (C) Business establishments within the county limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.
- (D) All business establishments shall provide or make available to a customer reusable carryout bags or recyclable paper bags.

Section 38-164 Exemptions.

This chapter shall not apply to:

- (A) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (B) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- (C) Bags used by a customer inside a business establishment to:
 - (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
 - (4) Contain unwrapped prepared foods or bakery goods; and
- (D) Bags of any type that the customer bring to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

Section 38-165 Effective Date and Waivers.

All of the requirements set forth in this chapter shall take effect January 1, 2018. In the event that compliance with the effective date of this chapter is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, County Council may grant a waiver of not more than 12 months upon application of the business owner or owner's representative.

Section 38-166 Penalties.

- (A) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.
- (B) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.
- (C) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the county by restraining order, preliminary and permanent injunction, or other means provided for by law, and the county may take action to recover the costs of the nuisance abatement.

Adopted 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:



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353

TO:

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ:

DATE:

BACKGROUND:

Lady's Island is an area of Northern Beaufort County largely within the unincorporated area Beaufort County, but with areas of the Island also within the corporate limits of the City of Beaufort. The Town of Port Royal is affected and influenced by Lady's Island; and therefore, the Town was considered in the proposed study which is the subject of this RFP. While it is mostly residential, the population on Lady's Island strongly desires that the quality of life not deteriorate to the point that the atmosphere of the Island declines and becomes unlivable. Today with a population estimated at 14,589 people living in a suburban, auto-centric environment, "livability" is becoming a more challenging goal to achieve than ever before.

This RFP called the Lady's Island Area Plan, is designed to build on existing plans, policies and studies including the Beaufort County Comprehensive Plan, the Beaufort County Community Development Code, the City of Beaufort Civic Master Plan and the Lady's Island Transportation Study. The findings and policies of these documents that are relevant to Lady's Island will be compiled and integrated and used as a starting point for creating a coherent present day vision for the Island. While the plan includes all of Lady's Island, a majority of the work will focus on the Lady's Island business district and adjoining neighborhoods. Finally, the Plan will have transportation and urban design components; but it is not anticipated that specialist in these sub-disciplines of urban planning will be necessary to perform the project tasks.

VENDOR INFORMATION:

COST:

1. Dover, Kohl & Partners, Coral Gables, Florida *Estimated Expenses at \$25,000	\$270,000*
2. McBride Dale Clarion, Cincinnati, Ohio	\$80,000
3. Design Workshop, Ashville, North Carolina	\$196,500

FUNDING:

Dover, Kohl & Partners received the highest ranking from the committee, but exceeded the budget by \$170,000. McBride Dale Clarion, who was ranked second and within the project budget.

Beaufort County Community Development Department Comprehensive Plan line item # 1001132-51160 (Amount \$100,000).

Funding approved: By: Date:

FOR ACTION: Natural Resources Committee Meeting on October 16, 2017.

RECOMMENDATION:

The Natural Resources Committee approve the contract award to McBride Dale Clarion in the amount of \$80,000.

Attachment:  RFP 052917 Ladys Island Area Plan Services Summary Score Sheet.xlsx
12.59 KB

cc: Joshua Gruber, Interim County Administrator

Approved: Date:

Check to override approval: Overridden by: Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Date:

Eric Larson, Director, Environmental Engineering & Land Mar

Approved: Date:

Check to override approval: Overridden by: Override Date: ready for admin:

Tony Criscitiello, Director, Community Development Departm

Approved: Date:

Check to override approval: Overridden by: Override Date: ready for admin:

After Initial Submission, Use the Save and Close Buttons

Lady's Island Area Plan Services for Beaufort County

RFP 052917

Summary Score Sheet

Evaluators	Name of Company	Name of Company	Name of Company
	<u>Dover Kohl & Partners</u>	<u>Design Workshop</u>	<u>McBride Dale Clarion</u>
L. Bridges	91	71	74
P. Butare	77	78	74
T. Criscitiello	66	76	90
D. Frazier	60	77	93
J. Hincer	82	82	84
L. Kelly	100	80	46
R. Merchant	80	80	90
TOTALS:	556	544	551
1. Dover Kohl & Partners	556		
2. McBride Dale Clarion	551		
3. Design Workshop	544		

ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

Topic: Lady's Island Plan
Date Submitted: October 16, 2017
Submitted By: Charles Newton, Jr. and Rikki Parker
Venue: Natural Resources Committee

Topic: Lady's Island Plan
Date Submitted: October 16, 2017
Submitted By: Charles Newton, Jr. and Rikki Parker
Venue: Natural Resources Committee



Sea Island Corridor Coalition
PO Box 533
St. Helena SC 29920
843.838.1888
seaislandcoalition@gmail.com

March 24, 2017

Mr. Robert Semmler
Chairman
Northern Beaufort County Regional Plan Implementation Committee
Beaufort County Robert Smalls Complex
100 Ribaut Road
Beaufort SC 29902

Dear Mr. Chairman:

As you are aware, Lady's Island is at a crossroads. Increasing growth pressures and multiple jurisdictions' inadequate zoning and development regulations have led to haphazard development. It is an understatement to say that residents are frustrated. The good news is that although disgruntled, they are also galvanized to work together with the County and City to develop a better vision and plan for the island.

With that in mind, we are pleased that the Beaufort County Planning Department has taken the initiative to draft a request for proposals (RFP) "from qualified planning firms or land use consultants to facilitate and oversee the development of the Lady's Island Area Plan."

While there are positive elements to the RFP, it unfortunately falls very short of the necessary level of planning, community involvement, and detail to ensure that future development on the island is inviting, functional and sustainable.

As we read the RFP, Beaufort County is requesting that an outside consultant review and combine existing plans, policies and studies. This review of the existing stable of studies and plans is indeed necessary, but it is but a first step.

As related to Lady's Island, the existing plans, policies and studies all have shortcomings, and those shortcomings are apparent across the Island. The recent scramble to address traffic issues, the shortage of options available in planning decisions, and the standing-room-only turnout of concerned residents at the February 23 community forum are all byproducts of the failure of existing plans, policies and studies to effectively cope with new growth on the island.

What is needed is a fresh and comprehensive look at Lady's Island, and the creation of a true Master Plan to guide development on the Island moving forward. There are challenges; a significant percentage of Lady's Island is already earmarked for specific development. But this should not be used as an excuse to refuse to consider the

remaining public assets on the island and to consider opportunities for redevelopment in the future.

We recognize that the development of a Master Plan is an economic issue as much as a policy issue. The draft RFP allocates just \$75,000 for its existing-studies review, and if other examples are indicative, an amount on the order of \$400,000 is more likely to be required if we are serious about this endeavor.

Lady's Island is in dire need of a substantive re-look of its land use patterns, traffic management, transportation and utility infrastructure, and protected environmental assets. The Sea Island Corridor Coalition and the Coastal Conservation League are fully supportive of such an initiative. But given the option of a "plan of plans" with minimal funding versus a more fully-funded comprehensive review and development of a workable Master Plan, we believe Lady's Island residents would, within limits, support waiting for the latter until required funds can be identified rather than jumping at the former.

What should also be eminently clear is that the County alone cannot undertake planning for Lady's Island given the significant number of properties that are now part of the City of Beaufort. To be successful, the City of Beaufort, Beaufort County, the Lady's Island community, and the Northern Beaufort County Regional Plan Implementation Committee all must work together. It cannot be "same bed, different dreams," but instead must be a process built on a common vision and a single-minded commitment to adjust to changing circumstances. Absent this, no planning regimen will be successful.

In short, the requirements set forth in the current RFP draft will not result in a sufficiently articulated or detailed plan. We look forward to working with you and all stakeholders to ensure the final RFP is adequate, and the planning effort that follows it successful. The future of Lady's Island depends on its success.

Sincerely,

Charles G. Newton, Jr.
Chairman
Sea Island Corridor Coalition

Rikki Parker
Project Manager
South Carolina Coastal Conservation League

Cc: Jerry Cook, Mayor, Town of Yemassee
Gerald Dawson, Beaufort County Council
Joe DeVito, Chairman, Metropolitan Planning Commission
Patricia Felton-Montgomery, Beaufort County School Board Chair
Brian Flewelling, Beaufort County Council

Alice Howard, Beaufort County Council
Billy Keyserling, Mayor, City of Beaufort
Tom Klein, Town of Port Royal Council
Mike McFee, City of Beaufort Council
Samuel Murray, Mayor, Town of Port Royal

Attachment