

RECEIVED

Mar 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Erin D. Dean, Special Referee

CASE NO.: 2019-CP-07-00818
APPELLATE TRACKING NO.: 2021-00321

Mare Baracco,..... Appellant/Respondent,

v.

County of Beaufort,..... Respondent/Appellant.

RECORD ON APPEAL
VOLUME 2

Thomas R. Goldstein, S. C. Bar No. 2186
P. O. Box 71121
N. Charleston, S. C. 29415-1121
(843) 554 4291; (843) 554 5566 (fax)
tgoldstein@cobblaw.net
Attorneys for Appellant/Respondent

E. Richardson LaBruce, S. C. Bar No. 80106
P. O. Box 24005
Hilton Head, S. C. 29925-4005
(843) 681-7000
erlabruce@fingerlaw.com
Attorneys for Respondent/Appellant

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County's F.O.I.A. Productions

Production 1, Case 2019-231 (1 Bostick Circle, 429 Broad River Road)

Production 2, Case 2019-385 (emails)

Production 3, Case 2019-459 (revised request for emails)

Production 4, Case 2019-575 (Alice Howard emails) (none)

County's redacted e-mails Bate Stamped pages 220, 221, and 255

NOTE: Un-Redacted documents, County's 1-4, supplied by Respondent/Appellant in separate volume for *in camera* examination.

Date ; 8/29/2018 3:16:57 AM
From : "PSOMMERVILLE"
To : tkeaveny@bcgov.net
Cc : psommerville@bcgov.net
Subject : Draft Letter to Council
Attachment : Council.docx;

Please edit as you see fit and feel free to seek input from any of your staff members. Thanks. Paul

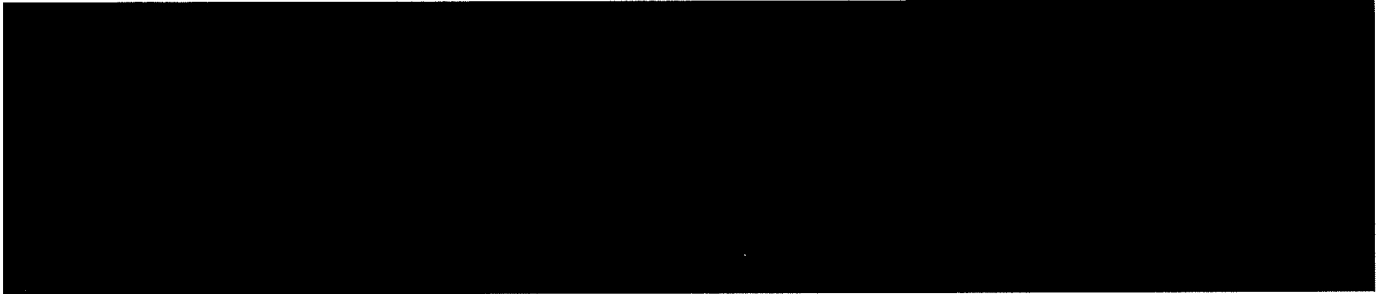


At our Council meeting on Monday I fully intended to remind all of us about a critical issue, but due to our heavy agenda, I was overtaken by other matters and failed to do so. Because of the type of government we have, our only employee, aside from our clerk, is the county administrator. This means that we are prohibited from directing staff. I understand that as a practical matter, there may be times where, in the interest of time, it is appropriate/acceptable to ask a staff member a simple question that can be answered immediately and that does not require research. Unfortunately, some of us are tasking staff with projects and questions that require research and considerable staff time. As a result, we have staff members who are overwhelmed with requests from individual council members and are unable to perform their normal responsibilities. Obviously, we cannot expect staff members to have 12 bosses. All of us need to be considerate of staff and follow our protocols which require that any task or question that is complex or requires research be initiated at a committee meeting. The committee can then charge the county administrator with bringing all of the appropriate information back to the committee where it can be shared and discussed with all committee members. This is consistent with FOIA laws.

Date : 3/11/2016 6:00:39 PM

From : "Rembold, Jon"

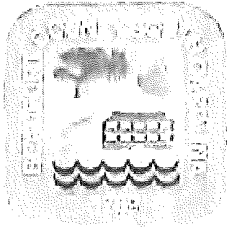
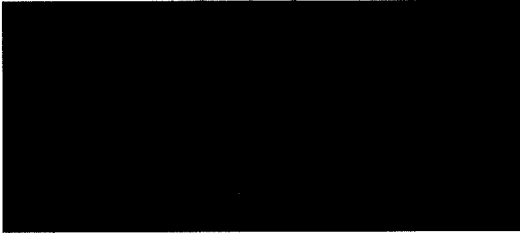
To : "Keaveny, Thomas" , "Jim Hicks" , "Paul Sommerville" , "Gruber, Joshua"



From: Keaveny, Thomas
Sent: Friday, March 11, 2016 12:19 PM
To: Jim Hicks; Paul Sommerville; Rembold, Jon; Gruber, Joshua



Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Jim Hicks [mailto:jbhicks@hargray.com]
Sent: Friday, March 11, 2016 11:59 AM
To: Paul Sommerville; Rembold, Jon; Keaveny, Thomas; Gruber, Joshua
Subject: LIBPA Article Regarding Tree Cutting @ Airport

To All,

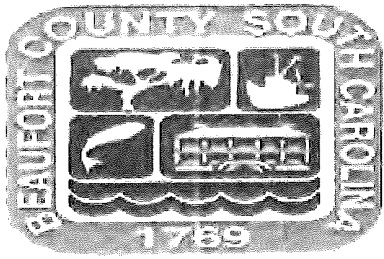
As discussed at the Wednesday meeting the attached draft of an article setting forth a public explanation of the tree cutting project presently being planned, along with a bit of history, is provided for your review and comment to ensure I am not passing erroneous information. I fully understand that I did not get into a great deal of detail regarding the exact wording of the law but after reading it a couple of times can understand how a bit of confusion could arise with the average layman (non lawyer).

I would like to have your comments/recommendations not later than March 21 to allow me to meet a publishing deadline for the Lady's Island Business and Professional Association newsletter and submission to the Island News.

Thanks,

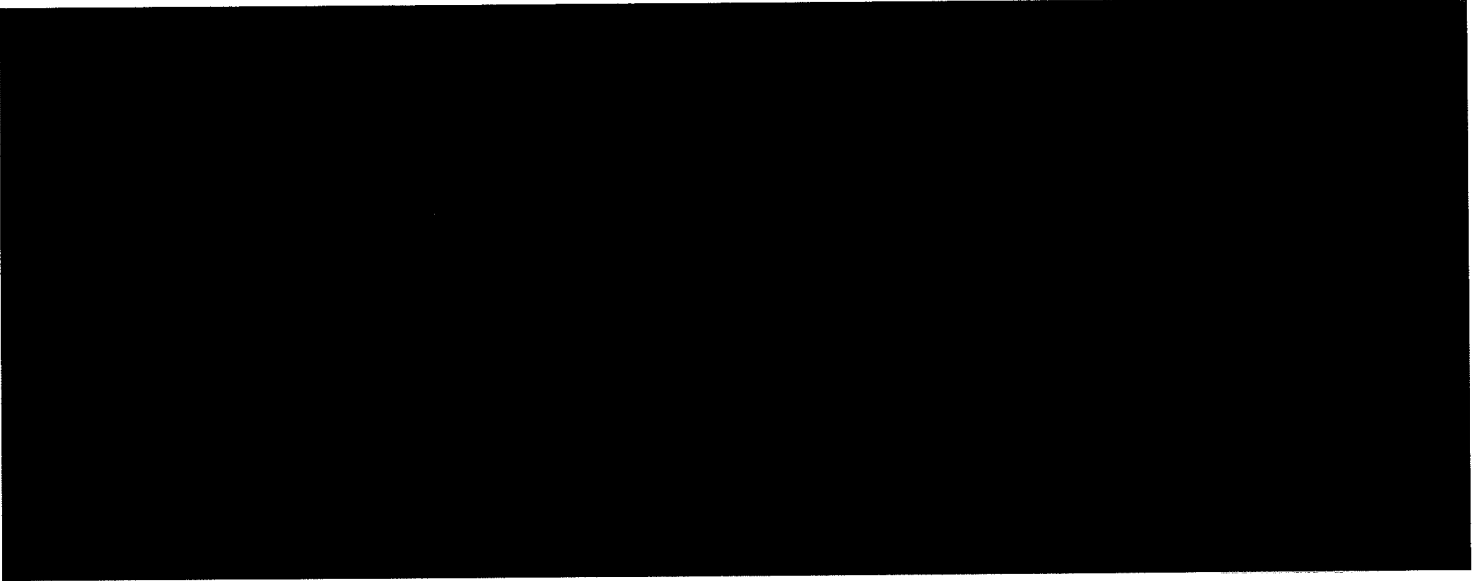
Jim

*Outside
Scope*

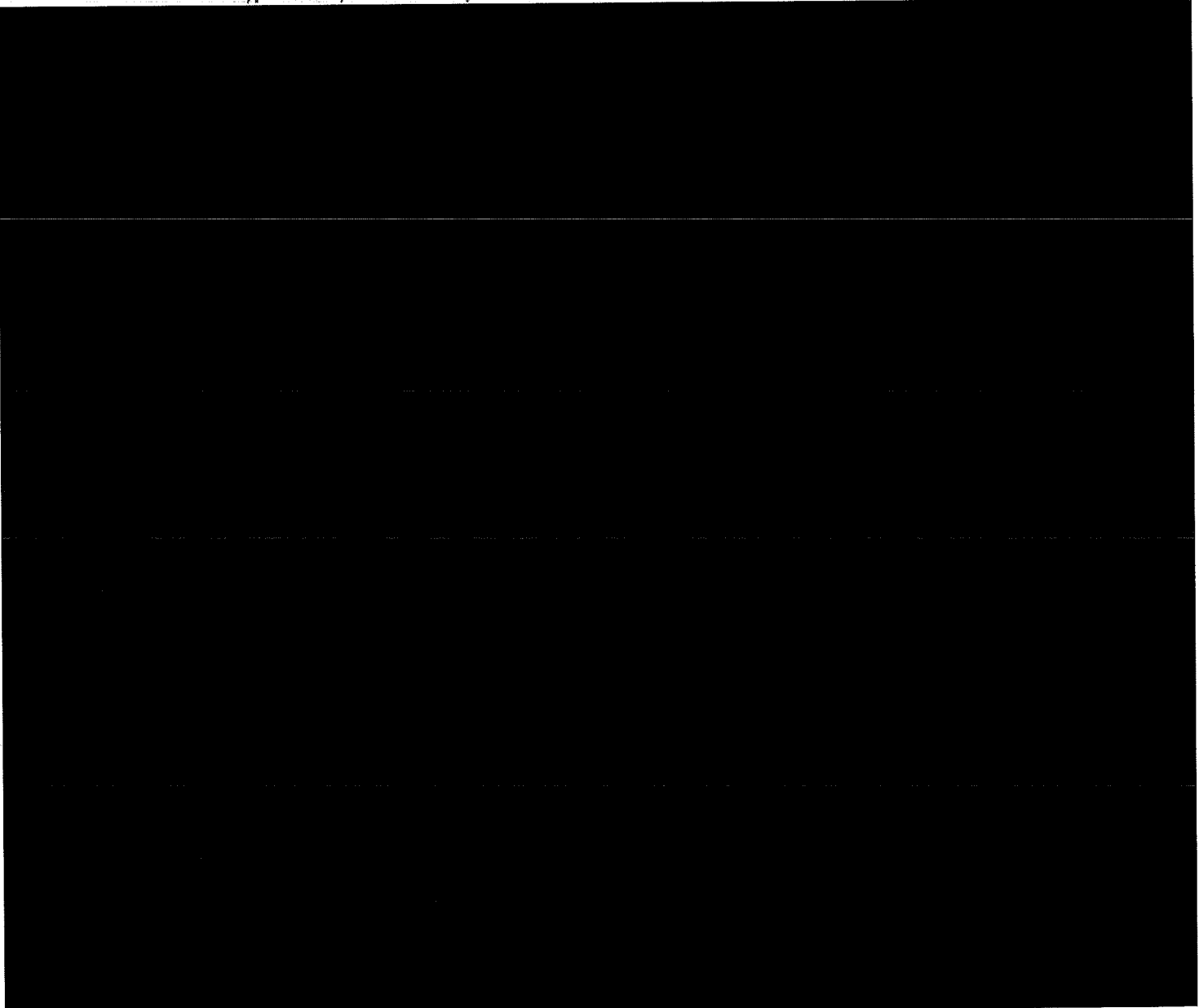


From: Covert, Michael
Sent: Wednesday, July 11, 2018 10:44 AM
To: Keaveny, Thomas

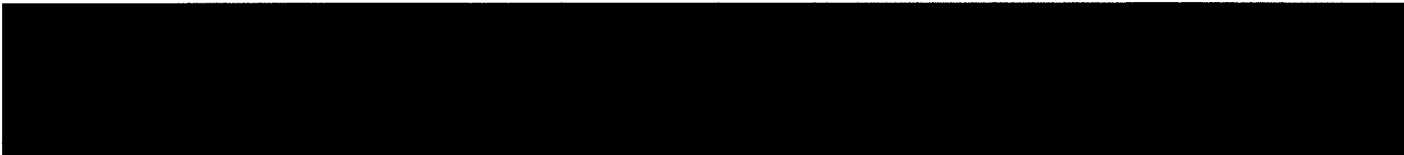




From: Covert, Michael
Sent: Tuesday, July 10, 2018 7:37 PM
To: Keaveny, Thomas; Sommerville, Paul




Date : 7/16/2018 10:09:34 PM
From : "Keaveny, Thomas"
To : "PSOMMERVILLE" , "Stu Rodman"
Cc : "Stewart, Jerry" , "Vaux, Tabor"




Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025

—Original Message—
From: Keaveny, Thomas
Sent: Monday, July 16, 2018 6:00 PM
To: 'PSOMMERVILLE'; Stu Rodman
Cc: Stewart, Jerry




Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025

—Original Message—
From: PSOMMERVILLE [<mailto:psommerville@hargray.com>]
Sent: Monday, July 16, 2018 5:14 PM
To: Keaveny, Thomas; Stu Rodman
Cc: Stewart, Jerry



On Mon, 16 Jul 2018 16:11:38 +0000
"Keaveny, Thomas" <tkeaveny@bcgov.net> wrote:



> Tom
> Thomas J. Keaveny, II
> Beaufort County Attorney
> P. O. Drawer 1228
> Beaufort, SC 29901-1228
> Tele: (843) 255-2025
>
> [cid:image003.png@01D41CFE.25B81940]
>

Date : 3/11/2016 6:00:39 PM

From : "Rembold, Jon"

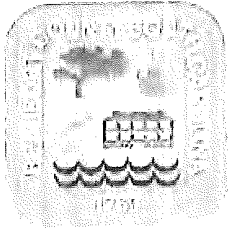
To : "Keaveny, Thomas" , "Jim Hicks" , "Paul Sommerville" , "Gruber, Joshua"

From: Keaveny, Thomas

Sent: Friday, March 11, 2016 12:19 PM

To: Jim Hicks; Paul Sommerville; Rembold, Jon; Gruber, Joshua

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Jim Hicks [mailto:jbhicks@hargray.com]

Sent: Friday, March 11, 2016 11:59 AM

To: Paul Sommerville; Rembold, Jon; Keaveny, Thomas; Gruber, Joshua

Subject: LIBPA Article Regarding Tree Cutting @ Airport

To All,

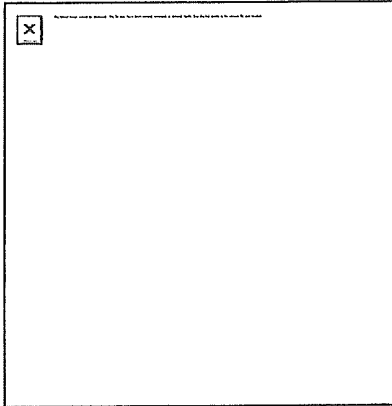
As discussed at the Wednesday meeting the attached draft of an article setting forth a public explanation of the tree cutting project presently being planned, along with a bit of history, is provided for your review and comment to ensure I am not passing erroneous information. I fully understand that I did not get into a great deal of detail regarding the exact wording of the law but after reading it a couple of times can understand how a bit of confusion could arise with the average layman (non lawyer).

I would like to have your comments/recommendations not later than March 21 to allow me to meet a publishing deadline for the Lady's Island Business and Professional Association newsletter and submission to the Island News.

Thanks,

Jim

P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Sarah McKee [<mailto:smckee@govhrusa.com>]
Sent: Tuesday, July 10, 2018 9:51 AM
To: Keaveny, Thomas; Rainey, Sue



<u>Date</u>	<u>Subject</u>	<u>Case Number</u>	<u>Response</u>
2/10/2019	1 Bostick Circle 429 Broad River	#2019-000231	<ol style="list-style-type: none"> 1) Email reply Feb 11 confirming receipt 2) Email of Feb 20 req. payment of \$124.66; paid 3) March 21 I p/up flashdrive; refund of \$53.66 4) March 24 I asked for reason for redactions 5) April 30 I again asked reason and all emails in their unredacted format 6) May 2 FOIA office claimed documents were exempt from production 7) May 2 reply from Monica Spells she was forwarded my email and was sending to legal for follow up
3/10/2019	County employees /officials emails	#2019-000385	<ol style="list-style-type: none"> 1) Reply March 11 confirming receipt 2) Reply March 18 - \$12,079, with 25% deposit required 3) March 18 I emailed for breakdown of fees 4) March 18 Reply that fee breakdown was for IT costs of \$72 hrly, and fees for filing, sorting and redacting
3/18/2019	Revised FOIA for County employees /officials emails	#2019-000459	<ol style="list-style-type: none"> 1) Reply March 18 confirming receipt 2) Reply March 25 - \$611.26, and 25% dep 3) March 25 I requested a breakdown of fees 4) Reply with fee breakdown of \$72 hrly for legal, IT cost of \$49.07 hrly, and fees filing sorting and redact
3/31/2019	County official Alice Howard emails from her personal email account to county employees/officials	#2019-000575	<ol style="list-style-type: none"> 1) Reply April 1 confirming receipt 2) Reply April 2 -\$1617.14 and 25% dep, with IT cost \$30.74 hrly, legal \$72 hrly, fees for filing, sorting, redacting

EXHIBIT 1

PURSUANT TO S.C. CODE §30-2-50

(A) A person or private entity shall not knowingly obtain or use Personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both."

New Freedom of Information Act Request

First Name: Mare

Last Name: Baracco

Company: n/a

Mailing Address: n/a

City: Beaufort

State: SC

Zip Code: 00000

Phone Number: 000-000-0000

Email Address: maremailmmm@yahoo.com

Pref. Method of Delivery: Email (less than 10mb)

Information Requested: Under the South Carolina Freedom of Information Act, 30-4-10, et seq., please provide copies of documents relative to the October 8, 2018 Community Services Meeting, attached.

Thank you, Mare Baracco

1. See page 4 of the attached, paragraph 4. Please provide any documents (a resolution/record of vote/other) denoting any approval by either the DSN Board or County Council approving the sale of the Broad River property referenced, and any documentation from County Council for approval for

the deputy county administrator, Joshua Gruber, to enter into contracts to sell real property.

2. See page 4 and 5 of the attached, paragraph 5. Please provide all documentation from the realtor search referenced, including, but not limited to, a summary and/or report of the eight lots referenced and how the lot selection process was conducted. And, copies of all emails to/from the realtor, Debra Regecz, to the following email addresses relative to this search for DSN lots/real property for these homes, and 1 Bostick Circle:

jgruber@bcgov.net
tkeveaney@bcgov.net
msutton@bcgov.net
bllove@bcgov.net
bcody@bcgov.net
dthomas@bcgov.net

3. See page 5 of the attached, paragraph 3. Please provide all emails to/from realtor Debra Regecz, to the following email addresses regarding drainage issues/fill/soil engineer discussions/soil testing for 1 Bostick Circle:

jgruber@bcgov.net
tkeveaney@bcgov.net
msutton@bcgov.net
bllove@bcgov.net
bcody@bcgov.net
dthomas@bcgov.net

(FOIA request originally received by Mary Ellen Keough on 2/10/19 at 12:23 a.m. via email. Form data input by Bill Lisbon, FOIA Specialist, Records Management Department, Beaufort County)

Attachments

October 8 2018 Community Services Meeting.pdf

EXHIBIT 2

Re: ^_Beaufort^ ^_County^ ^_FOIA^ ^_Request^ ^_2019^-^_000231^_

From: Mare Baracco (maremailmm@yahoo.com)

To: bcfoia@bcgov.net

Date: Monday, February 11, 2019, 2:48 PM EST

01/01/2017 - 08/06/2018

Sent from my iPhone

On Feb 11, 2019, at 2:10 PM, bcfoia <bcfoia@bcgov.net> wrote:

Dear Requester,

Thank you for submitting your Freedom of Information Act (FOIA) Request. This is to confirm that Beaufort County Government has received your request under the Freedom of Information Act. Your request will be researched in the order in which it was received and as expeditiously as possible.

When it has been determined, we will inform you if any or all of your request are matters exempt from disclosure* and/or if there is a cost associated with the preparation of your data**.

Because your FOIA request requires us to potentially search millions of archived emails, our Information Technology Department asks requesters to provide the specific date range you'd like us to search. Please let me know these parameters as soon as possible so we can begin processing your request.

Your Beaufort County Freedom of Information Act case number is: 2019-000231

Sincerely,

Bill Lisbon, FOIA Specialist

Mary Ellen Keough, Director

Beaufort County Records Management

PO Drawer 1228

Beaufort, SC 29901

843-255-7200

bcfoia@bcgov.net

<image001.jpg>

EXHIBIT 3

RE: Beaufort County FOIA Request ^_2019^_-^_000231^_

From: Spells, Monica (mspells@bcgov.net)
To: maremailmmm@yahoo.com
Cc: bcfoia@bcgov.net; maryellenk@bcgov.net
Date: Thursday, May 2, 2019, 5:01 PM EDT

Hi Mrs. Baracco,

Good afternoon. I just forwarded your correspondence to our Legal Department (843-255-2055) for follow up. My office was not involved in the redactions.

Thank you.

Monica N. Spells, ICMA-CM

Assistant County Administrator
Beaufort County Government, SC
843-255-2354 (Office)



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Beaufort County | Post Office Drawer 1228 | Beaufort, SC 29901

From: Mare Deckard <maremailmmm@yahoo.com>
Sent: Thursday, May 2, 2019 12:50 PM
To: bcfoia <bcfoia@bcgov.net>; Keough, MaryEllen <maryellenk@bcgov.net>; Spells, Monica <mspells@bcgov.net>
Subject: Re: Beaufort County FOIA Request 2019-000231

Dear Ms. Keough and Ms. Spells,

Please see the reply, below, from BCFOIA May 1st, re my question as to FOIA 2019-000231, specifically #2 and #3, and the redactions (attached). In an effort to amiably resolve my concern, what is the County claiming as their rationale under FOIA and the SC Records and Retention Act for the redactions?
I look forward to your reply, Mare B.

EXHIBIT 4

(A) A person or private entity shall not knowingly obtain or use Personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both."

New Freedom of Information Act Request

First Name: Mare

Last Name: Baracco

Company: n/a

Mailing Address: n/a

City: Beaufort

State: SC

Zip Code: 00000

Phone Number: 000-000-0000

Email Address: maremailmmm@yahoo.com

Pref. Method of Delivery: Email (less than 10mb)

Information Requested: Under the South Carolina Freedom of Information Act, 30-4-10, et seq., please provide copies of the following. Thank you, Mare Baracco

1. All Emails from January 1, 2013 - today:

sturodman@gmail.com to/from and between any of the following email addresses: gkubic@bcgov.net; igruber@bcgov.net; tkeveaney@bcgov.net; tvaux@bcgov.net; pjtanner@bcgov.net;

acoppage@bcgov.net; mhatfield@bcgov.net;
rbrooks@bcgov.net; lmcellyn@bcgov.net;
psommerville@hargray.com; mhatfield@bcgov.net;
vwillis@portroyal.org; brianb@bcgov.net

2. All Emails from January 1, 2013 - today:

psommerville@hargray.com to/from and between any of the following email addresses: gkubic@bcgov.net;
jgruber@bcgov.net; tkeveaney@bcgov.net;
tvaux@bcgov.net; pjtanner@bcgov.net;
acoppage@bcgov.net; mhatfield@bcgov.net;
rbrooks@bcgov.net; lmcellyn@bcgov.net;
srodman@gmail.com; mhatfield@bcgov.net;
vwillis@portroyal.org; brianb@bcgov.net

3. All Emails from January 1, 2013 - today:

bjhillster@gmail.com to/from and between any of the following email addresses: gkubic@bcgov.net;
jgruber@bcgov.net; pjtanner@bcgov.net;
acoppage@bcgov.net; mhatfield@bcgov.net;
srodman@gmail.com; mhatfield@bcgov.net;
psommerville@hargray.com; brianb@bcgov.net

(FOIA request originally received by bcfoia@bcgov.net on 3/10/19 at 10:35 p.m. via email. Form data input by Bill Lisbon, FOIA Specialist, Records Management Department, Beaufort County)

Subject: Re: Beaufort County FOIA Request 2019-000385
From: Mare Baracco (maremailmmm@yahoo.com)
To: bcfoia@bcgov.net;
Date: Monday, March 18, 2019 12:10 PM

Please send me a breakdown as to how this total fee was calculated. Thanks, Mare B

Sent from my iPhone

On Mar 18, 2019, at 12:07 PM, bcfoia <bcfoia@bcgov.net> wrote:

Dear Requester,

Thank you for submitting your Freedom of Information Act (FOIA) Request. Beaufort County is in receipt of your request for records pursuant to the South Carolina Freedom of Information Act. Your Case Number is 2019-000385.

Pursuant to Section 30-4-30 (b) of the South Carolina Code of Laws, Beaufort County is entitled to charge a fee for the actual costs incurred in producing public records pursuant to a South Carolina Freedom of Information Act request which is inclusive of both staff time and required materials/media.

The **estimated total** for this request is \$12,079.00.

167 hours estimated for I.T. to search and compile emails @ \$72.00/hour = \$12,024.00

3 hours estimated for Records Management to compile and redact emails @ \$16.00/hour = \$48.00
1 flash drive = \$7.00

Beaufort County requires a **deposit of 25%** of the estimated total to be collected before work will continue on this FOIA. Upon receipt of your check or money order in the amount of **\$3,019.75**, we will resume gathering your requested information and will subsequently forward to you a new fee response indicating the remaining balance once that process is complete. Upon Records Management receiving the full amount due, we will provide you with the information found in response to your request.

Please make check or money order payable to *Beaufort County Treasurer* mail to:

Beaufort County FOIA Services
c/o Records Management
Post Office Drawer 1228
Beaufort, SC 29901-1228

To expedite this process, *please include your case number on the check or money order.*

Please contact me if you have any questions.

Sincerely,

Whitney Snyder, FOIA Specialist
Mary Ellen Keough, Director
Beaufort County Records Management
PO Drawer 1228
Beaufort, SC 29901
843-255-7200
bcfoia@bcgov.net
<image001.jpg>

*p***URSUANT TO S.C. CODE §30-2-50**

EXHIBIT 5

p **URSUANT TO S.C. CODE §30-2-50**

(A) A person or private entity shall not knowingly obtain or use Personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both."

New Freedom of Information Act Request

First Name: Mare

Last Name: Baracco

Company: n/a

Mailing Address: n/a

City: Beaufort

State: SC

Zip Code: 00000

Phone Number: 000-000-0000

Email Address: maremailmmm@yahoo.com

Pref. Method of Delivery: Email (less than 10mb)

Information Requested: Any/all emails to/from or between psommerville@hargray.com and the following email addresses, from 1/1/2013 - today:

gkubic@bcgov.net; jgruber@bcgov.net;
tkeveaney@bcgov.net

(FOIA request originally received by bcfoia@bcgov.net on 3/18/19 at 12:25 p.m. via email. Form data input by Bill Lisbon, FOIA Specialist, Records Management Department, Beaufort County) ,

Attachments

- image001.jpg (9.55KB)

EXHIBIT 6

*p*URSUANT TO S.C. CODE §30-2-50

(A) A person or private entity shall not knowingly obtain or use Personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both."

From: Mare Baracco <maremailmmm@yahoo.com>
Sent: Monday, March 25, 2019 3:30 PM
To: bcfoia <bcfoia@bcgov.net>
Subject: Re: Beaufort County FOIA Request 2019-000459

How has this Fee been determined? Please provide a breakdown of the cost, thank you.

Mare Baracco

Sent from my iPhone

On Mar 25, 2019, at 3:14 PM, bcfoia <bcfoia@bcgov.net> wrote:

Dear Requester,

Thank you for submitting your Freedom of Information Act (FOIA) Request. Beaufort County is in receipt of your request for records pursuant to the South Carolina Freedom of Information Act. Your Case Number is 2019-000459.

Pursuant to Section 30-4-30 (b) of the South Carolina Code of Laws, Beaufort County is entitled to charge a fee for the actual costs incurred in producing public records pursuant to a South Carolina Freedom of Information Act request which is inclusive of both staff time and required materials/media.

The **estimated total** for this request is \$611.26.

Beaufort County requires a **deposit of 25%** of the estimated total to be collected before work will continue on this FOIA. Upon receipt of your check or money order in the amount of **\$152.82**, we will resume gathering your requested information and will subsequently forward to you a new fee response indicating the remaining balance once that process is complete. Upon Records Management receiving the full amount due, we will provide you with the information found in response to your request.

Please make check or money order payable to *Beaufort County Treasurer* mail to:

Beaufort County FOIA Services
c/o Records Management
Post Office Drawer 1228
Beaufort, SC 29901-1228

To expedite this process, *please include your case number on the check or money order.*

Please contact me if you have any questions.

Sincerely,

Whitney Snyder, FOIA Specialist

Mary Ellen Keough, Director

Beaufort County Records Management

PO Drawer 1228

Beaufort, SC 29901

843-255-7200

bcfoia@bcgov.net

<image001.jpg>

Subject: Beaufort County FOIA Request 2019-000459
From: bcfoia (bcfoia@bcgov.net)
To: maremailmmm@yahoo.com;
Date: Monday, March 25, 2019 3:35 PM

Dear Requester,

Provided below is a breakdown of the estimated fee.

0.25 hours estimated for I.T. to search and compile emails @ \$49.07/hour = \$12.26

8 hours estimated for Legal/Admin to sort emails @ \$72.00/hour = \$576.00

1 hour estimated for Records Management to redact emails and compile @ \$16.00/hour = \$16.00

1 flash drive = \$7.00

Sincerely,

Whitney Snyder, FOIA Specialist

Mary Ellen Keough, Director

Beaufort County Records Management

PO Drawer 1228

Beaufort, SC 29901

843-255-7200

bcfoia@bcgov.net



EXHIBIT 7

(A) A PERSON OR PRIVATE ENTITY SHALL NOT KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION OBTAINED FROM A STATE AGENCY, A LOCAL GOVERNMENT, OR OTHER POLITICAL SUBDIVISION OF THE STATE FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE.

(D) A PERSON KNOWINGLY VIOLATING THE PROVISIONS OF SUBSECTION (A) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A TERM NOT TO EXCEED ONE YEAR, OR BOTH."

New Freedom of Information Act Request

First Name: Mare
Last Name: Baracco
Company: n/a
Mailing Address: n/a
City: Beaufort
State: SC
Zip Code: 00000
Phone Number: 000-000-0000
Email Address: maremailmmm@yahoo.com
Pref. Method of Delivery: Email (less than 10mb)
Information Requested: Under the South Carolina Freedom of Information Act, 30-4-10, et seq . please provide copies of the following:
 All emails from howardag@hargray.com from January 1, 2015 - present, either to or between any or all these email addresses, below - Thank you, Mare Baracco

gkubic@bcgov.net
ignuber@bcgov.net
psommerville@bcgov.net
srodman@bcgov.net
tvaux@bcgov.net
tkeaveaney@bcgov.net

 (FOIA request originally received by Mary Ellen Keough on 3/31/19 at 11:52 p.m. via email. Form data input by Bill Lisbon, FOIA Specialist, Records Management Department, Beaufort County)

EXHIBIT 8

Beaufort County FOIA Request ^_2019^_-^_000575^_

From: bcfoia (bcfoia@bcgov.net)
To: maremailmmr@yahoo.com
Date: Tuesday, April 2, 2019, 9:37 AM EDT

Dear Requester:

Thank you for submitting your Freedom of Information Act (FOIA) Request. Beaufort County is in receipt of your request for records pursuant to the South Carolina Freedom of Information Act. Your Case Number is 2019-000575.

Pursuant to Section 30-4-30 (b) of the South Carolina Code of Laws, Beaufort County is entitled to charge a fee for the actual costs incurred in producing public records pursuant to a South Carolina Freedom of Information Act request which is inclusive of both staff time and required materials/media.

The estimated total for this request is \$1617.14.

0.33 hours estimated for IT to search and compile emails @ \$30.74/hour = \$10.14

22 hours estimated for Legal/Admin to sort emails @ \$72.00/hour = \$1584.00

1 hour estimated for Records Management to compile and redact emails (if necessary) @ \$16.00/hour = \$16.00
1 flash drive = \$7.00

Beaufort County requires a deposit of 25% of the estimated total to be collected before work will continue on this FOIA. Upon receipt of your check or money order in the amount of \$404.29, we will resume gathering your requested information and will subsequently forward to you a new fee response indicating the remaining balance once that process is complete. Upon Records Management receiving the full amount due, we will provide you with the information found in response to your request.

Please make check or money order payable to *Beaufort County Treasurer* mail to

Beaufort County FOIA Services
c/o Records Management
Post Office Drawer 1228
Beaufort, SC 29901-1228

To expedite this process, please include your case number on the check or money order.

Please contact me if you have any questions.

Sincerely,

Whitney Snyder, FOIA Specialist
Mary Ellen Keough, Director
Beaufort County Records Management
PO Drawer 1228
Beaufort, SC 29901
843-255-7200
bcfoia@bcgov.net



PURSUANT TO S.C. CODE §30-2-50

EXHIBIT 9

Date : 7/18/2018 9:34:09 PM
From : "Stu Rodman"
To : "Sommerville, Paul" , "Jerry Stewart" , "Howard, Alice G."
Cc : "Keaveny, Thomas"
Subject : Search

All,

My strategy for your consideration:

Starting assumptions:

1. 10 Members present
2. AO is the preferred candidate by dissenters
3. WS is weak and it is highly unlikely that he would be inadvertently hired

Action #1: Stu Motions (explaining that my intent is to disqualify him) that WS be hired, such that 6 votes would be required to hire him.

Expected outcome: WS is disqualified with perhaps only 2 or 3 Members voting to hire him.

I reject starting with hiring JG, as the likely outcome (with anything less than 6 confirmed votes) is that JG is disqualified, a position that would be difficult to reverse.

Action #2: Stu observes (laying out my previously arguments that JG is a candidate and having the Parliamentarian confirm such) that JG is a candidate, which might invite a contrary Motion, with one of two outcomes, namely:

1. Chair and the Parliamentarian rule it out of order, or
2. If voted on, it fails for the lack of 6 votes.

At that point we would have two candidates, JG & OS.

While a forced vote might elect one or the other, the more likely outcome is that both candidates go down 5-5 with hurt feeling.

Action #3: Jerry Motions to go into Executive Session and see if we can resolve this somewhat Mexican stand-off.

It might be well received by the dissenters not feeling they lost on parliamentary maneuvering.

We might agree that we unanimously support the candidate with 6 votes.

Action #4: Reconvene in public session taking one of two actions.

1. Unanimously support hiring the 6 vote candidate, or
2. Let it get messy.

Let's discuss.

Cheers,

Stu

EXHIBIT 10

Date : 9/21/2018 12:38:58 AM
From : "Stu Rodman"
To : "Sommerville, Paul" , "Jerry Stewart"
Cc : "Keaveny, Thomas"
Subject : Committee Members & Contentious issues

Paul,

I seldom get political but the pro and anti factions fall as follows with you voting:

	<u>Gang of 5</u>	<u>Gang of 6</u>
Executive Committee	4 (JS, AH, SR, & PS)	2 (BF & GD)
Finance Committee	3 (JS, SR, & PS)	5 (RC, MC, GD, BF, & SF)
Community Services	3 (AH, TV, & PS)	4 (RC, MC, SF, & YG)

As such, I strongly recommend that the DSN and Personal Services Contract issues be channeled through an Executive Session of the Executive Committee as these issues will most likely spin out of control at the Finance & Community Services Committees.

The public argument, if questioned, is that the issues span multiple committees.

Cheers,

Stu

EXHIBIT 11

Date : 9/25/2018 11:34:04 PM
From : "Stu Rodman"
To : "Somerville, Paul" , "Jerry Stewart"
BCC : tkeaveny@bcgov.net
Subject : Administrator

Paul and Jerry,

Observations:

1. Problems are opportunities.
2. The right solution is Josh for the County and his career.
3. He will come for say \$225K with the Towns's blessing, and the gang of 6 can be broken.
4. Jerry and I are both capable of running the County, I would support Jerry if he wanted it, I would do it only as a last, last resort, and we both have baggage with some members.
5. We need to work this through the Executive Committee where we have 4 of 6 votes, where GD will probably come along giving us 5, and BF is the most likely of the gang of 6 to break ranks giving us 6 of 6.
6. The best short term solution is Gary who can orchestrate bringing Josh back and is a master with the press and the public.

Recommendation: A meeting of the three of us with Gary and Tom to set a strategy for bringing Josh back.

Cheers,

Stu

EXHIBIT 12

From: McElynn, Lawrence P. <lmcelynn@bcgov.net>
Sent: Monday, March 09, 2015 12:40 PM
To: Brooks, Richard
Subject: Fwd: Mare Baracco

Regards.

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Kubic, Gary"
Date: 03/09/2015 12:35 PM (GMT-05:00)
To: "McElynn, Lawrence P."
Subject: Fwd: Mare Baracco

FYI, gkubic

Gary Kubic iPhone
Beaufort County Council

Begin forwarded message:

From: Gary Kubic <gkubic@bcgov.net>
Date: March 6, 2015 at 1:56:01 PM EST
To: Paul Sommerville <psommerville@bcgov.net>
Cc: Rick Caporale <rcaporale@bcgov.net>, Joshua Gruber <jgruber@bcgov.net>, "Coppage, Allison" <acoppage@bcgov.net>
Subject: Mare Baracco

I am writing in response to a series of recent opinions that my staff and I have received regarding the case of Mare Baracco.

Some of the recent opinions suggest that the county should not pursue this matter any further.

This suggestion is one suggestion that we cannot do.

The court has issued an order which cites both a State statute and a county ordinance that the defendant, Mare Baracco, is required to follow.

Our legal department has received sworn affidavits from the Port Royal Chief of Police and the Port Royal Town Manager stating that the defendant is not in compliance with the order of the court.

The county's fiduciary responsibility and duty to the court requires that these affidavits be forwarded to the court for their judicial review.

I expect that the court with these affidavits will schedule a hearing to assess Mare Baracco's compliance to original order.

It is my suggestion that any member of our community or any elected representative who wants to submit testimony or evidence about this case should do so at this hearing.

I hope this information helps in our understanding of what the county is required to do in this matter.

Thanks, gkubic

GARY KUBIC

Beaufort County Administrator

South Carolina

bcgov.net

843-255-2006 (Office)

843-812-7605 (Mobile)

843-255-9403 (Fax)

gkubic@bcgov.net

EXHIBIT 13

From: McElynn, Lawrence P. <lmcelynn@bcgov.net>
Sent: Wednesday, March 18, 2015 10:00 AM
To: Sproatt, Rod
Subject: RE: Hearing

For sure

Regards,

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Sproatt, Rod"
Date: 03/18/2015 9:45 AM (GMT-05:00)
To: "McElynn, Lawrence P."
Subject: RE: Hearing

"RC" should check the credibility of his source.

From: McElynn, Lawrence P.
Sent: Wednesday, March 18, 2015 8:57 AM
To: Sproatt, Rod
Subject: Fwd: Hearing

Regards,

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Caporale, Rick"
Date: 03/17/2015 9:23 PM (GMT-05:00)
To: Mare Baracco Deckard , "Sommerville, Paul"
Cc: "McBride, William" , "Dawson, Gerald" , "Fobes, Steve" , "Bensch, Cynthia" , "Stewart H. Rodman" , "Vaux, Tabor" , "Howard, Alice G." , "Stewart, Jerry" , "Rodman, Stewart" , Skip Hoagland , Ashley Landess , Lisa Kindwall , Cris Steele , "Brittany L. Shane" , Mark Lett , apcolumbia@ap.org , Weston Newton , Kristina Wetzel , "Flewelling, Brian" , "Gruber, Joshua" , "Coppage, Allison" , "Mary B. Lohr" , "Kubic, Gary" , "McElynn, Lawrence P."
Subject: RE: Hearing

Ms. Baracco:

What you may be seeing are two of the faces of government; in this case, one wearing the look of indifference and the other the mask of law.

RC

Rick Caporale
District 8
Beaufort County Council
Cell: (843) 683-1771

From: Mare Baracco Deckard [maremailmmm@yahoo.com]
Sent: Tuesday, March 17, 2015 2:53 AM
To: Sommerville, Paul
Cc: McBride, William; Dawson, Gerald; Fobes, Steve; Caporale, Rick; Bensch, Cynthia; Stewart H. Rodman; Vaux, Tabor; Howard, Alice G.; Stewart, Jerry; Rodman, Stewart; Skip Hoagland; Ashley Landess; Lisa Kindwall; Cris Steele; Brittany L. Shane; Mark Lett; apcolumbia@ap.org; Weston Newton; Kristina Wetzel; Flewelling, Brian; Gruber, Joshua; Coppage, Allison; Mary B. Lohr; Kubic, Gary
Subject: Hearing

Dear Chairman Sommerville,

We arrived home to more "doorknockers" and documents in the mail, relative to yet *another* hearing your county attorney scheduled.

As you may recall, I appeared before Council this past Monday May 9, and spoke briefly. I also asked a single question, and that was "Please provide proof this "Notice" is legitimate and that it was promulgated through the legal process".

To date, I have not received *any* documentation to substantiate the legality of this "Notice", which we contested, *for the very same reasons*, on July 9, 2012.

Before the County commits *one more penny* to what will be the *ninth* hearing on this matter, it would be prudent to substantiate this extremely questionable document. It's a more than reasonable request. Mare Baracco

From: McElynn, Lawrence P. <lmcelynn@bcgov.net>
Sent: Thursday, March 12, 2015 11:07 AM
To: Sproatt, Rod; Garst, Stephanie; Brooks, Richard
Subject: Fwd: Recent Paper

Fyi

Regards,

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Kubic, Gary"
Date: 03/12/2015 10:50 AM (GMT-05:00)
To: Mare Baracco Deckard
Cc: "Gruber, Joshua" ,"Coppage, Allison" ,"Bensch, Cynthia" ,"Caporale, Rick" ,"Fobes, Steve" ,"Rodman, Stewart" ,"Flewelling, Brian" ,"McBride, William" ,"Sommerville, Paul" ,"Stewart, Jerry" ,"Howard, Alice G." ,"Dawson, Gerald" ,psomerville@bcgov.net,"McElynn, Lawrence P."
Subject: Re: Recent Paper

Mare Baracco Deckard:

After reading your email, I feel it is necessary to advise you that your questions should be address to the Magistrate Court.

It is the Magistrate Court that manages and maintains the official court records.

It is also the Magistrate Court that determines whether a hearing on a judicial matter is necessary.

You should make a request to the Magistrate Court for copies of your file (your file includes the affidavits) and/or direct to the court any questions that you may have regarding the legal proceedings set by it.

The response that you receive from the Magistrate Court will then represent the official records of the court regarding your case.

I hope this helps you.

Thanks, gkubic

On Mar 12, 2015, at 8:56 AM, Mare Baracco Deckard <maremailmmm@yahoo.com> wrote:

Dear Mr. Gruber,

I'm hoping you can provide clarity to a few questions I have regarding a hearing I understand has been, or is being, scheduled.

First, is it possible for me to have a copy of the written Order this hearing is to be based upon? And, I would like to see any affidavits that support a complaint against me, in the interest of fairness.

Also, what kind of hearing is this, exactly? By that, I mean what type of judicial process or avenue of adjudication is this hearing classified as and also, what is my designation/role in this process?

I would appreciate a prompt response, so I may review these documents as soon as possible. If you are not available to answer, I'd be fine with Ms. Coppage responding. Given her participation in this matter to date, her reply is welcome.

Thank you, Mare B.

GARY KUBIC

Beaufort County Administrator

South Carolina

bcgov.net

843-255-2026 (Office)
843-812-7605 (Mobile)
843-255-9403 (Fax)
gkubic@bcgov.net



(A) A PERSON OR PRIVATE ENTITY SHALL NOT KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION OBTAINED FROM A STATE AGENCY, A LOCAL GOVERNMENT, OR OTHER POLITICAL SUBDIVISION OF THE STATE FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE.

(D) A PERSON KNOWINGLY VIOLATING THE PROVISIONS OF SUBSECTION (A) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A TERM NOT TO EXCEED ONE YEAR, OR BOTH."

New Freedom of Information Act Request

First Name: Mare
Last Name: Baracco
Company: n/a
Mailing Address: n/a
City: Beaufort
State: SC
Zip Code: 00000
Phone Number: 000-000-0000
Email Address: maremailmmm@yahoo.com
Pref. Method of Delivery: Email (less than 10mb)
Information Requested: Under the South Carolina Freedom of Information Act, 30-4-10, et seq., please provide copies of the following. Thank you, Mare Baracco

1. All Emails from January 1, 2013 - today:

sturodman@gmail.com to/from and between any of the following email addresses: gkubic@bcgov.net; jgruber@bcgov.net; tkeveaney@bcgov.net; lvoux@bcgov.net; pitanner@bcgov.net; acoppage@bcgov.net; mhatfield@bcgov.net; rbrooks@bcgov.net; lmcellyn@bcgov.net; psommerville@hargrav.com; mhatfield@bcgov.net; www.willis@portroyal.org; brianb@bcgov.net

2. All Emails from January 1, 2013 - today:

psommerville@hargrav.com to/from and between any of the following email addresses: gkubic@bcgov.net; jgruber@bcgov.net; tkeveaney@bcgov.net; lvoux@bcgov.net; pitanner@bcgov.net; acoppage@bcgov.net; mhatfield@bcgov.net; rbrooks@bcgov.net; lmcellyn@bcgov.net; sturodman@gmail.com; mhatfield@bcgov.net; www.willis@portroyal.org; brianb@bcgov.net

3. All Emails from January 1, 2013 - today:

bhillster@gmail.com to/from and between any of the following email addresses: gkubic@bcgov.net; jgruber@bcgov.net; pitanner@bcgov.net; acoppage@bcgov.net; mhatfield@bcgov.net; sturodman@gmail.com; mhatfield@bcgov.net; psommerville@hargrav.com; brianb@bcgov.net

(FOIA request originally received by bcfoia@bcgov.net on 3/10/19 at 10:35 p.m. via email Form data input by Bill Lisbon, FOIA Specialist, Records Management Department, Beaufort County)

ELECTRONICALLY FILED - 2019 Apr 10 2:01 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0700818

EXHIBIT 14




Memorandum

DATE: December 12, 2018

TO: John Weaver, Esq., Interim County Administrator

COPY: County Council Community Services Committee via Alice Howard, Chair
Monica N. Spells, Assistant County Administrator, Civic Engagement and
Outreach, William Love, Executive Director, Beaufort County Disabilities and
Special Needs

FROM: Christopher S. Inglese, Assistant County Attorney 

SUBJECT: Purchase of 1 Bostick Circle Parcel

SUMMARY OF FACTS

In recent years, the County's Disabilities and Special Needs Department (DSN) has been engaged in a fundamental shift in the way those in need are served by DSN due to state directives. Unfortunately, the process has revealed in some areas of Beaufort County, community resistance to placing DSN homes in certain neighborhoods. DSN staff have faced numerous challenges in locating new homes to better house those they serve.

The shift led to the proposed sale of the Port Royal Community Residential Facility ("the Port Royal property") via Beaufort County Council Resolution 2017-1 (attached as Exhibit A). This facility, which averages fourteen (14) DSN consumers, is aging and no longer meets the needs of those it serves. The State had the facility constructed more than 20 years ago as an Intermediate Care Facility. The facility is institutional in nature and contrary to current state program standards.

Under current state directives, DSN typically houses no more than four (4) consumers per home. Therefore, the County determined that three (3) new homes were needed to accommodate the individuals currently residing at the Port Royal property. Prior to discussion of these three (3) homes, DSN had identified the need for one (1) home based on its growing waiting list for residential services, for a total of four (4) homes needed.

DSN utilized the County's Purchasing Department for assistance in identifying the new home sites. This process led to the procurement and approval for construction of three (3) new DSN homes.

DSN staff next began the search for a site for a fourth home and ultimately pursued the purchase of an undeveloped lot at 1 Bostick Circle. The DSN budget had funds available for a site in its Building Acquisitions line and ultimately the Interim County Administrator at the time of the lot purchase did execute the necessary documents for the purchase of 1 Bostick Circle.

The purchase is memorialized by a deed filed in the Beaufort County Register of Deeds at Book 3645 and Page 1772, filed February 20, 2018 and executed February 3, 2018 (attached as Exhibit B). The County purchased the property for \$34,000. The former Interim County Administrator, who also served as "Special Counsel" executed the necessary documents for the purchase and stamped the deed as "Approved for Recording" on behalf of the Beaufort County Attorney. Neither the Purchasing Director, nor staff in the Legal Department, were notified of the purchase in advance. The Finance Department wired the necessary purchasing funds based on Code Section 2-509 which authorizes the Administrator's spending authority up to \$50,000.

On October 8, 2018, Community Services Committee discussed the purchase and ultimately asked for a legal opinion regarding the purchase of 1 Bostick Circle. On November 13, 2018, the Committee went into Executive Session for the purpose of receiving legal advice regarding the referenced purchase.

ISSUES

1. At issue, is a provision of the Beaufort County Code of Ordinances Section 2-514 Exemption for real Property which states in pertinent part, "(b) [W]ith prior approval of the county council, the purchase of real property for governmental use shall be negotiated by the county administrator" (**emphasis added**). Additionally, Section 2-509 states "[U]pon request of the county council and subject to its approval of each transaction, perform all delegable functions in connection with acquisition and disposal of real property" (**emphasis added**).

After thoroughly reviewing the record of council meetings, and inquiring of appropriate staff members, I concluded that nothing in the record demonstrates council's *prior approval* for, nor knowledge of, the specific purchase of 1 Bostick Circle as required by County Code Sections 2-514 and 2-509.

2. Beaufort Code Section 2-510 articulates the remaining issues. In summary, the Code acknowledges ratification of an unauthorized contract at the time the Administrator executes the contract. I imagine this provision exists to protect innocent third parties from being damaged because of technical, procurement errors. Additionally, the Code requires the following in the instance of an unauthorized contract:
 - a. The department head shall prepare a written statement of facts; and
 - b. What corrective action is being taken to prevent another occurrence; and
 - c. What action is being taken against the individual responsible for committing the act; and
 - d. Document that the price paid is fair and reasonable.

Taking these in the order listed, the statement of facts is provided herein pursuant to the request of the committee and on behalf of the Department Head. I have prepared the statement of

facts, because it is unclear from the Code, which Department Head is to prepare the statement of facts. Furthermore, the Community Services Committee requested that I make written findings pursuant to the Code Section 2-510.

Next, the corrective action needed is to pursue a full time, real estate professional on staff to assist all departments with their real estate and property management needs. A professional, staff position will help to ensure that County code requirements are met, because the licensed real estate professional will be subject to principal/agent loyalty as well as the employer/employee loyalty, thus always acting in the County's best interest. Furthermore, a real estate professional can assist the County in numerous ways beyond compliance with County codes, including but not limited to purchases such as those made through the Rural and Critical Lands Program, real estate sales/purchases for the Facilities Department and elected officials, negotiating and drafting leases, managing property management logistics/work orders and more.

Third, there is no available disciplinary action to be taken against the former Interim County Administrator for failing to follow County procedures, as he is no longer employed by Beaufort County.

Fourth, the appraisal is attached as Exhibit C. The appraisal values the property at \$35,000 and demonstrates that "the price paid is fair and reasonable."

CONCLUSION

The property is owned by the County. The controversy surrounding the property has two elements. First, the unauthorized purchase by the former Interim County Administrator. The County should provide a staff position for a licensed real estate professional that can assist all departments with their real estate purchases and property management needs. There is no available disciplinary action available against the former Interim County Administrator because he is no longer employed by the County. The price paid for the property is fair and reasonable as demonstrated by the independent appraisal.

The second element is the apparent resistance from the Battery Creek neighborhood to a DSN home at 1 Bostick Circle. County Council should make a decision to either sell the property or move forward with construction of the DSN home. County Council should be cautioned against selling the property because of the perception of discrimination and probable violation of Federal laws that will most certainly be attached to such an action. Staff's recommendation is to move forward with the proposed DSN home, which we are confident will stand as another exemplary property serving DSN consumers.

EXHIBIT 15

----- Forwarded Message -----

From: Weaver, John <jweaver@bcgov.net>
To: maremailmmm@yahoo.com <maremailmmm@yahoo.com>
Sent: Wednesday, March 27, 2019, 4:51:31 PM EDT
Subject: FW: FOIA 2019-000385

My apology, I intended the Md. to be **Ms.**

From: Weaver, John
Sent: Wednesday, March 27, 2019 4:50 PM
To: 'maremailmmm@yahoo.com' <maremailmmm@yahoo.com>
Subject: FW: FOIA 2019-000385

Md. Baracco - As you may/may not know, Beaufort County perhaps has the most sophisticated FOIA system of any county or municipality in South Carolina, including both manpower and electronic capabilities. I have complete confidence in that department and in the management oversight provided by Ms. Spells. I provide you with a response as to your inquiry of last Monday and find it to be satisfactory. Certainly you are free to contact Council with your concern, which you have done; although I tell you that neither Council nor county staff nor I have any significant impact on what can and cannot be done with FOIA inasmuch as the requirements are dictated by South Carolina statutory law. John Weaver

From: Spells, Monica <mspell@bcgov.net>
Sent: Monday, March 25, 2019 11:10 PM
To: Weaver, John <jweaver@bcgov.net>
Subject: FOIA 2019-000385

Sir,

EXHIBIT 16

From: Howard, Alice G. <ahoward@bcgov.net>
Sent: Thursday, March 12, 2015 2:15 PM
To: Van Willis
Subject: FW: island packet letters
Attachments: barrocco island packet ltrs 03.2015.pdf

Van
You might find this interesting just for your intel.
Thank you
Alice

Alice G. Howard
Beaufort County Council
District 4 - Beaufort/Town of Port Royal/Shell Point/Parris Island
Vice Chairman-Natural Resources Committee
Email: ahoward@bcgov.net
Office Phone: (843) 255-2202

From: Kubic, Gary
Sent: Thursday, March 12, 2015 9:01 AM
To: #COUNCIL
Cc: Gruber, Joshua; Coppage, Allison
Subject: island packet letters

A few days ago, I received this information which I believe was intended for members of council. It is a series of five published letters by the Island Packet authored by Mare Deckard (Baracco).

gkubic

GARY KUBIC

Beaufort County Administrator

South Carolina

bcgov.net

843-255-2026 (Office)
843-812-7605 (Mobile)
843-255-9403 (Fax)
gkubic@bcgov.net

EXHIBIT 17

From: William B. Harvey III <bharvey@harveyandbattey.com>
Sent: Wednesday, June 11, 2014 10:59 AM
To: Coppage, Allison
Subject: RE: Mare Barraco FOIA Request

Hi Allison. I don't see anything in this letter directed to the City of Beaufort that would require response. Please correct if I am mistaken. Sounds like a mess, and I don't care to volunteer involvement LOL.

William B. Harvey, III
HARVEY & BATTEY, PA
1001 Craven Street
Post Office Drawer 1107
Beaufort, South Carolina 29901
843-524-3109
843-524-6973 fax

Confidentiality Notice: This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (843-524-3109) or reply to this e-mail and delete all copies of this message.

CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR (II) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN. THIS ADVICE MAY NOT BE FORWARDED (OTHER THAN WITHIN THE TAXPAYER TO WHICH IT HAS BEEN SENT) WITHOUT OUR EXPRESS WRITTEN CONSENT.

From: Coppage, Allison [<mailto:acoppage@bcgov.net>]
Sent: Wednesday, June 11, 2014 8:34 AM
To: mlohr@hghpa.com; William B. Harvey III; tfinger@fingerlaw.com
Subject: Mare Barraco FOIA Request

Dear all –

I hope this finds you doing well. I am writing in reference to the attached FOIA request from Mare Barraco. It is my understanding that each of your respective municipalities has received a similar request. We currently have our PIO looking at what is readily available online and what will take staff time & resources to gather. Based on the extensive nature of the request we are considering requiring a 50% deposit before processing the entire response. What I would like to know is whether the municipalities may be thinking about taking a similar approach. The County would like to respond similarly to the other parties so that there can be no issues later on about us not providing an adequate response.

For anyone that is not familiar with this matter or the requester feel free call me or send questions my direction. We have been in litigation with Ms. Barraco regarding the dangerous dog determination for a couple years and currently the matter is pending before the court of appeals.

Again, I appreciate your time and if I can be of any assistance please do not hesitate to contact me.

Allison C. Coppage
Assistant County Attorney
Beaufort County Legal Department

From: Coppage, Allison <acoppage@bcgov.net>
Sent: Monday, June 23, 2014 8:40 AM
To: William B. Harvey III
Cc: Scott Dadson (sdadson@cityofbeaufort.org); Ivette Burgess (iburgess@cityofbeaufort.org); Kathy Todd
Subject: RE: Mare Barraco FOIA Request

We have contacted each of our department heads and the employees that would have the information requested in this request. I am currently finalizing our response. We are directing her to online resources where we can, but because of the number of emails, staff time and resources etc involved the request could run close to \$35,000 according to our PIO.

I will be happy to share our response once finalized, but I wanted to give you an update.

Allison C. Coppage
Assistant County Attorney
Beaufort County Legal Department

From: William B. Harvey III [mailto:bharvey@harveyandbattey.com]
Sent: Wednesday, June 11, 2014 3:42 PM
To: Coppage, Allison
Cc: Scott Dadson (sdadson@cityofbeaufort.org); Ivette Burgess (iburgess@cityofbeaufort.org); Kathy Todd
Subject: RE: Mare Barraco FOIA Request

You are correct. The city manager sent me the letter directed to the City. Generally, we charge \$35 per hour for staff research time. I have no idea how much staff time it would take to compile the information requested, but we generally estimate the amount and ask for an advance check before responding to a request like this. Let me know how the County is proceeding.

William B. Harvey, III
HARVEY & BATTEY, PA
1001 Craven Street
Post Office Drawer 1107
Beaufort, South Carolina 29901
843-524-3109
843-524-6973 fax

Confidentiality Notice: This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (843-524-3109) or reply to this e-mail and delete all copies of this message.

CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR (II) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN. THIS ADVICE MAY NOT BE FORWARDED (OTHER THAN WITHIN THE TAXPAYER TO WHICH IT HAS BEEN SENT) WITHOUT OUR EXPRESS WRITTEN CONSENT.

From: Coppage, Allison [mailto:acoppage@bcgov.net]
Sent: Wednesday, June 11, 2014 1:11 PM
To: William B. Harvey III
Subject: RE: Mare Barraco FOIA Request

I definitely understand not wanting to get involved as dealing with this has been about as much fun as chasing one's own tail. However, it does look like you all may be requested to respond. The attached letter was included in our packet which consisted multiple copies of the same request we got to every municipality and surrounding County. (she makes the same request of everyone in the cc).

Let me know if you have any questions.

EXHIBIT 18

I will keep you (and the others copied) apprised of the situation from our perspective.
Thanks

Anthony W. Barrett
Town of Bluffton
Town Manager
843.706.4500
abarrett@townofbluffton.com



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

From: Barrett, Anthony
Sent: Tuesday, June 10, 2014 4:35 PM
To: Terry Finger (tfinger@fingerlaw.com)
Cc: Reynolds, Joey (jreynolds@townofbluffton.com); Joe Manning (jmanning@townofbluffton.com)
Subject: FW: FOIA Request from Mare Baracco

Chief: This is the FOIA request I was speaking of. Anyone we may have arrested?

Anthony W. Barrett
Town of Bluffton
Town Manager
843.706.4500
abarrett@townofbluffton.com



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Any views expressed in this message are those of the individual sender.

From: Barrett, Anthony
Sent: Tuesday, June 10, 2014 3:27 PM
To: Terry Finger (tfinger@fingerlaw.com)
Cc: Mayor & Council; morlando@townofbluffton.com; Chapman, Kim; Lunceford, Sandra
Subject: FOIA Request from Mare Baracco

FOR YOUR INFORMATION AND REVIEW: Mayor and Council Members: Today we received in a US Priority Mail envelope a FOIA request that is certainly a fishing expedition. Fishing for what I do not know but it so broad. And look at who was copied on the last page.

Terry will review and let us all know what steps will need to be taken about this matter.

Anthony W. Barrett
Town of Bluffton
Town Manager

EXHIBIT 19

From: Caporale, Rick <rcaporale@bcgov.net>
Sent: Sunday, March 29, 2015 7:09 PM
To: Tom Davis
Subject: RE: Dangerous Animal Notice

Tom:

I wanted to add a reminder that no official has fought harder than I have to save animal lives in Beaufort County. When we were killing 6,000 of them a year at our "shelter," it wasn't an issue on anyone's radar -- except mine.

Although the persecution of the Baracco-Deckard family has been characterized and defended as a matter of public safety, there does not appear to be any logical or legal reason to perpetuate or prolong the current abuse of power.

In any event, I continue to seek some opinion or insight from you as to the merits or the issues in this matter. Thanks.

RC

Rick Caporale
District 8
Beaufort County Council
Cell: (843) 683-1771

From: Caporale, Rick
Sent: Tuesday, March 24, 2015 9:21 PM
To: Tom Davis
Subject: Dangerous Animal Notice

<http://www.scstatehouse.gov/code/t47c003.php>

Tom:

I have a problem. I am trying to track down the state statute to justify what County has perpetrated against two otherwise decent citizens of the Town of Port Royal. My take is these folks are not especially popular and, perhaps, don't have the connections to ensure their rights are not being trampled by an over-zealous County government.

What I am being told (by Josh Gruber) is that the "simple fact that their dog killed another dog" justifies the "Dangerous Animal Notice" with which they were served by Beaufort County. It has caused them no end of trouble, expense and aggravation. My honest take on this is that their adversaries are using bogus legal strategies to harass and intimidate them.

All I would ask is that you would review the statute I have attached. I cannot find anything in it that would justify Gruber's interpretations or the strictures that have been placed on the defendants via the magistrate's courts. I am also attaching a FOIA'd document that, from my perspective, further supports my contention that this whole scenario smells like a put-up job. Somebody called somebody.

In my judgment, this is exactly the kind of over-reaching, oppressive government behavior that you have always railed against. Thanks.

Rick

EXHIBIT 20

RE: Information Request

Covert, Michael

Sent: Wednesday, March 27, 2019 4:34 PM

To: Weaver, John; Covert, Michael

Importance: High

Thank you John for reaching back out to me.

~ Mic Rebuttal ~

I must say, that this is the first set of FOIA charges I have EVER seen that were this magnanimous. It begs the question— "How is, or are, the general ordinary "John and Jane Doe" supposed to be able to afford to ask for and receive FOIA information? Under these constraints, I think it suffices to say not-that-many. If as a government body of the people, we are to be able or responsible to provide equitable and fair information for the have's and the have not's, I would respectfully request we look into the charging system we have in place, to ensure we aren't discriminating against any "body" of people based upon their financial ability or lack thereof.

Thank you again John....

Michael E Covert
Beaufort County Councilman
District 7

From: Weaver, John

Sent: Wednesday, March 27, 2019 2:18 PM

To: Covert, Michael

Subject: Information Request

~ His Response ~

Mike – based on your inquiry, I have researched the issue and provide you with the following responses. JOHN

1. In the attachments, and the email itself, there are several differing FOIA "fees" laid out here for what appears to be the same thing (IT) and those fees seem to be rather excessive. It is my understanding that we are to charge the "lowest hourly rate that applies to preparing FOIA documents"— correct?

As part of recommendations from SLED to tighten all controls over all of our information technology systems, especially those that tie to criminal justice information, the County has restricted the email search permission to only the IT Director and another senior manager in that department. A previous staff member no longer employed with the County previously searched emails at an hourly rate of \$25. Staff did not update this information on their end. I have handled that botch from a managerial standpoint. The current hourly rate of the IT Director is \$49.07 and the hourly rate of the other manager is \$30.74. The primary email searcher is the senior manager and the IT Director is the secondary email searcher. Their availability coupled with FOIA response deadlines determines who conducts the search.

If requested emails involve elected and appointed officials, historically, the Legal Department/County Attorney reviews these emails prior to release to ensure that privileged information is not released inadvertently.

Staff currently uses an estimated minimum time of one minute per email for the County Attorney to review these emails. The current hourly rate of the County Attorney is \$72.

2. In one set of documents, the redaction seems to be the totality of the emails and I am not understanding the "why's" of this. The sender of the email references there being third party and non-governmental emails which— I tend to agree— should not be redactable under FOIA regulations.

The Legal Department/County Attorney determines redactions and will have to address this question. My understanding is that some elected officials use a combination of personal email accounts and an account provide by Beaufort County in the course of conducting business with other individuals using Beaufort County accounts.

EXHIBIT 21

From: McElynn, Lawrence P. <lmcelynn@bcgov.net>
Sent: Wednesday, March 18, 2015 10:00 AM
To: Sproatt, Rod
Subject: RE: Hearing

For sure

Regards,

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Sproatt, Rod"
Date: 03/18/2015 9:45 AM (GMT-05:00)
To: "McElynn, Lawrence P."
Subject: RE: Hearing

"RC" should check the credibility of his source.

From: McElynn, Lawrence P.
Sent: Wednesday, March 18, 2015 8:57 AM
To: Sproatt, Rod
Subject: Fwd: Hearing

Regards,

Lawrence P McElynn
Chief Judge
The Summary Court of South Carolina
Beaufort County

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Caporale, Rick"
Date: 03/17/2015 9:23 PM (GMT-05:00)
To: Mare Baracco Deckard , "Sommerville, Paul"
Cc: "McBride, William" , "Dawson, Gerald" , "Fobes, Steve" , "Bensch, Cynthia" , "Stewart H. Rodman" , "Vaux, Tabor" , "Howard, Alice G." , "Stewart, Jerry" , "Rodman, Stewart" , Skip Hoagland , Ashley Landess , Lisa Kindwall , Cris Steele , "Brittany L. Shane" , Mark Lett , apcolumbia@ap.org , Weston Newton , Kristina Wetzel , "Flewelling, Brian" , "Gruber, Joshua" , "Coppage, Allison" , "Mary B. Lohr" , "Kubic, Gary" , "McElynn, Lawrence P."
Subject: RE: Hearing

Ms. Baracco:

What you may be seeing are two of the faces of government; in this case, one wearing the look of indifference and the other the mask of law.

RC

Rick Caporale
District 8
Beaufort County Council
Cell: (843) 683-1771

From: Mare Baracco Deckard [maremailmmm@yahoo.com]

Sent: Tuesday, March 17, 2015 2:53 AM

To: Sommerville, Paul

Cc: McBride, William; Dawson, Gerald; Fobes, Steve; Caporale, Rick; Bensch, Cynthia; Stewart H. Rodman; Vaux, Tabor; Howard, Alice G.; Stewart, Jerry; Rodman, Stewart; Skip Hoagland; Ashley Landess; Lisa Kindwall; Cris Steele; Brittany L. Shane; Mark Lett; apcolumbia@ap.org; Weston Newton; Kristina Wetzel; Flewelling, Brian; Gruber, Joshua; Coppage, Allison; Mary B. Lohr; Kubic, Gary

Subject: Hearing

Dear Chairman Sommerville,

We arrived home to more "doorknockers" and documents in the mail, relative to yet *another* hearing your county attorney scheduled.

As you may recall, I appeared before Council this past Monday May 9, and spoke briefly. I also asked a single question, and that was "Please provide proof this "Notice" is legitimate and that it was promulgated through the legal process".

To date, I have not received *any* documentation to substantiate the legality of this "Notice", which we contested, *for the very same reasons*, on July 9, 2012.

Before the County commits *one more penny* to what will be the *ninth* hearing on this matter, it would be prudent to substantiate this extremely questionable document. It's a more than reasonable request. Mare Baracco

EXHIBIT 22

RECEIPT No. 32

Date: 4/1/2019

Amount Received: \$ _____
 | | Money Order, No. _____

For: FOIA # 2019-000529

Money Received by: Walter Davis

MAFECORP INC
 PH. 843-321-1101
 1006 MADRID AVE
 PORT ROYAL, SC 29836

4864
 53-84487631
 027
 CHECK NUMBER

Date: 4/1/2019

Pay to the Order of: Georgetown County \$ 2083
Two Hundred Eight 3/10 Dollars

For: FOIA

FIRST FEDERAL BANK
 Port Royal, South Carolina 29836

⑆ 263 184 4881 ⑆ 00121041⑆ 4864

MP

MARECORP INC
PH. 843-321-1101
1006 MADRID AVE
PORT ROYAL, SC 29895

4801
63 94482631
020

Pay to the Order of Beaufort County
Two Hundred forty four 3/100 \$ 144.66
Dollars



FIRST FEDERAL BANK
Beaufort, South Carolina 29901
FOIA'S

For _____
⑆ 253184488⑆ 0012104⑆ 4801

RECEIPT No. 27

Date: 2-21-19

Amount Received: \$ 144.66

IM Check, No. 4801
[] Money Order, No. _____

For: FOIA'S 2019-000231 + 2019-000220

Money Received by: Walter J. Smith

MARECORP INC
 PH. 843-321-1101
 1006 MADRID AVE
 PORT ROYAL, SC 29935

4799
 63-8448/2631
 020
 CHECK NUMBER

Date 2/19/2019 Dollars \$ 99.01

Pay to the Order of Budget Entry
Empty Entry 3/2017

FIRST FEDERAL BANK
 Member FDIC

For FOIA

MICR: ⑆ 253 184488⑆ 0012101⑆ 4799

PHOTO STATE ID REQUIRED

CASH RECEIPT

From Mare Baracco Number 026

Amount \$ 99.01 Dollars

Purpose FOIA 2019-000189

Cash

Check / Money Order

Signed William L

Date 2/19/2019

MARECORP INC
 PH. 843-321-1101
 1008 MADRID AVE
 PORT ROYAL, SC 29935

4792
 63-8482631
 020
 CHECK NUMBER

Pay to the Order of Cathy Conroy Date 2/13/19 Dollars \$ 99.66

Andy Oprie

FIRST FEDERAL BANK
 Member FDIC

For FOIA

⑆ 253184488⑆ 001210410 4792

AP

CASH RECEIPT

From Mare Baracco Number 025

Amount \$99.66 - full estimate Date 2-13-19 Dollars

Purpose FOIA Request 2019-000203

Cash Check / Money Order Signed Lobby Bar

CASH RECEIPT

Number 024

From Mare Baracco Date 2/6/19

Amount \$181.66 Dollars

Purpose FOIA 2017-0000817 - \$7.00 ✓

FOIA 2019-000136

Cash / Money Order Signed William [Signature]

Cash

These are the same / I paid the same 7.00

MARECORP INC
 PH. 843-321-1101
 1006 MADRID AVE
 PORT ROYAL, SC 29935

4782
 63-9448/2831
 020
 CHECK ARMED
 & DANGEROUS

Pay to the Order of Blair County Date 2/6/19

One Hundred Seventy Four, 66/100 Dollars \$ 174.66

FIRST FEDERAL BANK
 Member FDIC
 Equal Housing Opportunity

For [Signature] RF

⑆ 263181488⑆ 0012104⑆ 4782

Date : 3/11/2016 5:18:32 PM
From : "Keaveny, Thomas"
To : "Jim Hicks" , "Paul Sommerville" , "Rembold, Jon" , "Gruber, Joshua"

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Jim Hicks [mailto:jbhicks@hargray.com]
Sent: Friday, March 11, 2016 11:59 AM
To: Paul Sommerville; Rembold, Jon; Keaveny, Thomas; Gruber, Joshua
Subject: LIBPA Article Regarding Tree Cutting @ Airport

To All,

As discussed at the Wednesday meeting the attached draft of an article setting forth a public explanation of the tree cutting project presently being planned, along with a bit of history, is provided for your review and comment to ensure I am not passing erroneous information. I fully understand that I did not get into a great deal of detail regarding the exact wording of the law but after reading it a couple of times can understand how a bit of confusion could arise with the average layman (non lawyer).

I would like to have your comments/recommendations not later than March 21 to allow me to meet a publishing deadline for the Lady's Island Business and Professional Association newsletter and submission to the Island News.

Thanks,

Jim

PRIVATE PROPERTY RIGHTS, AIRPLANES AND TREES

The Lady's Island Airport (officially named the Beaufort County Airport) arrived on Lady's Island in the latter part of the 1950's as a result of being evicted in 1955 from what is today the Marine Corps Air Station. The airport has served the community well for over 50 years. During this time trees on the private property located near the runway grew taller until they reach a height which posed a hazard to the safe operation of the airport. The solution was to either remove the trees or at a minimum reduce their height to a safe elevation. This was not a problem unique to the Lady's Island Airport for many other airports throughout the state and the nation are faced with similar problems. To provide local governments the authority to resolve this challenge to safe operation of airports in South Carolina the legislature passed Title 55- Aeronautics, Chapter 9 commonly known as the South Carolina Airports Act. Without going into great detail this law states that if a tree or trees or anything else pose a hazard to the safe operation of the airport that in the interest of public health and safety the hazard should be prevented (eliminated) and this should be accomplished, to the extent legally possible, by proper exercise of the police power. According to Wikipedia, in United States constitutional law, police power is the capacity of the states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals, and general welfare of their inhabitants. In other words, the local government has a legal right and moral obligation to insure that trees (or buildings) near the airport do not pose a hazard to safe flight operations. Individual property rights do not extend to the right to maintain a safety hazard on your property which poses a public safety threat to flight operations.

In 1998, under the authority of the Airports' Act, those trees in the approach flight path of the Lady's Island Airport which were deemed a hazard were removed. Considering that a pine tree is capable of growing from 1 to 2 feet a year it should surprise no one that many trees which were not a threat in 1998 have reached a dangerous height today. To prepare for another removal of those trees posing a present hazard to the safe operation of the Airport an informational meeting was held by Airport Director Jon Rembold with those property owners on which trees posed a current hazard. The removal of trees on private property by the local government is obviously a touchy and complicated subject. Following the initial meeting the property owners requested District 2 Councilman Paul Sommerville and District 3 Councilman Bill McBride meet with them, listen to their concerns and provide them additional information regarding the proposed tree removal. Following are some of the questions posed to the Councilmen by the property owners and the answers provided at a subsequent meeting:

- Is there an alternative to cutting down my tree(s)?

Yes. They may be reduced to an acceptable height by trimming but as a property owner you must accept all future responsibility and cost to keep such trees at an acceptable height. The government will remove them or trim them one time and all future necessary trimming will be at the cost of the property owner.

- Is an Environmental Impact Study required for the tree removal/reduction project"?

No

- Who pays for the trees to be removed?

The Federal Aviation Administration pays 90% of the cost and the County pays for the remaining 10%

- If I sign an easement allowing the removal of the trees in question will I be reimbursed for the value of the trees?

NEED HELP ON THIS ONE!

- If I sign the proposed easement do I forfeit my right to take legal action if I am the victim of a plane crash.

No

To date there has been four public meetings held and many additional meetings with individual property owners in an effort to insure the safety of airport operations while, to the maximum extent possible, recognizing individual property owner's concerns. The majority of the property owners involved in this project have signed easements granting their approval for the trees in question to be removed. This is not the last time that the subject of tree removal near the Lady's Island Airport will have to be addressed and it will continue to be a challenge to insure public safety while respecting private property rights to the maximum extent possible. Sometimes, there are no easy answers.

PLEASE FEEL FREE TO MAKE ANY CHANGES NEEDED TO IMPROVE THE ACCURACY OR BENIFIT TO THE READER BUT PLEASE REMEMBER I HAVE A SPACE LIMITATION. ALSO PLEASE ADD ANY ADDITIONAL QUESTIONS AND ANSWERS NEEDED.

Date : 3/11/2016 6:00:39 PM

From : "Rembold, Jon"

To : "Keaveny, Thomas" , "Jim Hicks" , "Paul Sommerville" , "Gruber, Joshua"

From: Keaveny, Thomas

Sent: Friday, March 11, 2016 12:19 PM

To: Jim Hicks; Paul Sommerville; Rembold, Jon; Gruber, Joshua

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Jim Hicks [mailto:jbhicks@hargray.com]

Sent: Friday, March 11, 2016 11:59 AM

To: Paul Sommerville; Rembold, Jon; Keaveny, Thomas; Gruber, Joshua

Subject: LIBPA Article Regarding Tree Cutting @ Airport

To All,

As discussed at the Wednesday meeting the attached draft of an article setting forth a public explanation of the tree cutting project presently being planned, along with a bit of history, is provided for your review and comment to ensure I am not passing erroneous information. I fully understand that I did not get into a great deal of detail regarding the exact wording of the law but after reading it a couple of times can understand how a bit of confusion could arise with the average layman (non lawyer).

I would like to have your comments/recommendations not later than March 21 to allow me to meet a publishing deadline for the Lady's Island Business and Professional Association newsletter and submission to the Island News.

Thanks,

Jim

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The Lady's Island Airport (officially named the Beaufort County Airport) arrived on Lady's Island in the latter part of the 1950's as a result of being evicted in 1955 from what is today the Marine Corps Air Station. The airport has served the community well for over 50 years. During this time trees on the private property located near the runway grew taller until they reached a height which posed a hazard to the safe operation of the airport. The solution was to either remove the trees or at a minimum reduce their heights to a safe elevation. This was not a problem unique to the Lady's Island Airport for many nearly every other airports throughout the state and the nation are-is faced with the same issues similar problems. To provide local governments the authority to resolve this challenge to safe operation of airports in South Carolina the legislature passed Title 55- Aeronautics, Chapter 9 commonly known as the South Carolina Airports Act. Without going into great detail this law states that if a tree or trees or anything else pose a hazard to the safe operation of the airport that in the interest of public health and safety the hazard should be prevented (eliminated) and this should be accomplished, to the extent legally possible, by proper exercise of the police power. According to Wikipedia, in United States constitutional law, police power is the capacity of the states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals, and general welfare of their inhabitants. In other words, the local government has a legal right and moral obligation to insure that trees (or buildings) near the airport do not pose a hazard to safe flight operations. Individual property rights do not extend to the right to maintain a safety hazard on your property which poses a public safety threat to flight operations.

In 1998, under the authority of the Airports' Act, those trees in the approach flight-path of the Lady's Island Airport which were deemed a hazard were removed. Considering that a pine tree is capable of growing from 1 to 2 feet a year it should surprise no one that many trees which were not a threat in 1998 have reached a dangerous height today. To prepare for another removal of those trees posing a present hazard to the safe operation of the Airport an informational meeting was held by Airport Director Jon Rembold with those property owners on which trees posed a current hazard. The removal of trees on private property by the local government is obviously a touchy and complicated subject. Following the initial meeting the property owners requested District 2 Councilman Paul Sommerville and District 3 Councilman Bill McBride meet with them, listen to their concerns and provide them additional information regarding the proposed tree removal. Following are some of the questions posed to the Councilmen by the property owners and the answers provided at a subsequent meeting:

- Is there an alternative to cutting down my tree(s)?

Yes. They may be reduced to an acceptable height by trimming but as a property owner you must accept all future responsibility and cost to keep such trees at an acceptable height. The government will remove them or trim them one time and all future necessary trimming will be at the cost of the property owner.

- Is an Environmental Impact Study required for the tree removal/reduction project?"?

No

- Who pays for the trees to be removed?

The Federal Aviation Administration pays 90% of the cost, the SC Aeronautics Commission pays for 5%, and the County pays for the remaining 510%

- If I sign an easement allowing the removal of the trees in question will I be reimbursed for the value of the trees?

NEED HELP ON THIS ONE! Not exactly. A property owner can be paid for the easement through an appraisal process. Keep in mind that it is the AIRSPACE that is being appraised, not the land, so compensation is typically minimal.

- If I sign the proposed easement do I forfeit my right to take legal action if I am the victim of a plane crash.

No

To date there has been ~~four~~ three public meetings held and many additional meetings with individual property owners in an effort to insure the safety of airport operations while, to the maximum extent possible, recognizing individual property owner's concerns. The majority of the property owners involved in this project have signed easements granting their approval for the trees in question to be removed from the approach. This is not the last time that the subject of tree removal near the Lady's Island Airport will have to be addressed and it will continue to be a challenge to insure public safety while respecting private property rights to the maximum extent possible. Sometimes, there are no easy answers.

PLEASE FEEL FREE TO MAKE ANY CHANGES NEEDED TO IMPROVE THE ACCURACY OR BENIFIT TO THE READER BUT PLEASE REMEMBER I HAVE A SPACE LIMITATION. ALSO PLEASE ADD ANY ADDITIONAL QUESTIONS AND ANSWERS NEEDED.

Date : 6/30/2016 2:32:21 PM

From : "Ben Gecy"

To : jrembold@bcgov.net, Rusty.Nealis@faa.gov, "Stephens, James" , "Keaveny, Thomas"

Cc : "Paul Sommerville" , "Chuck Newton" , lhigh@islandpacket.com, rmathlaw@aol.com

Subject : 2nd Notice

Attachment : 20160630.pdf;

Jon

Thank you for the recent letter requesting permission to enter our property for a tour associated with 34 to 1 obstruction removal on July 7, 2016. I have enclosed a letter sent to you and other Beaufort County officials several weeks ago strictly prohibiting anyone from entering our property.

Unfortunately we are unable to accommodate you and your contractors at this time. Please do not enter the property. This is your 2nd notice! Beaufort County does not have an easement recorded on this property.

Sincerely

River City Developers
Palmetto Place HOA



County Council of Beaufort County
Beaufort County Airport
39 Airport Circle
Beaufort, South Carolina 29907



June 24, 2016

From: Jon Rembold, Beaufort County Airports Director

To: River City Developers, LLC
1857 Ribaut Road
Port Royal, SC 29935

SUBJ: Runway 7 Tree Project; Pre-Bid Site Tour

The Runway 7 Approach Tree Obstruction Removal Project is currently out for bidding. In order to provide potential contractors the best opportunity to understand the scope of work, we have scheduled a pre-bid site tour.

The tour will take place on July 7 from 4:00pm until 6:00pm. Contractors will be escorted by County personnel during the tour. If property owners would like to be present on their property in order to explain important items such as septic tanks, drain field locations, etc., we encourage you to plan for that.

If you have questions, please contact me at 843.441.5871 or at jrembold@bcgov.net.

Kindest Regards,

Jon Rembold
Airports Director

River City

DEVELOPERS

05/06/16
County Council of Beaufort
Beaufort County Airport
39 Airport circle
Beaufort SC 29907

Dear Mr. Rembold,

Please accept this letter as notice that Palmetto Place Subdivision formerly known as Tradewinds Plantation does not authorize any tree cutting and or removal of trees on the following described property:

See attached exhibit and parcel numbers

Any attempt to enter the property for any reason will be considered trespassing. Please accept this letter as formal notice. It has come to our attention the Avigation Easement previously recorded is not valid or recorded properly and incomplete.

Sincerely



Benjamin Geoy
River City Developers

cc Paul Somerville
cc Tom Keaveney
cc Gary Kubic

Exhibit

1/1

LEGAL DESCRIPTION:

ALL that certain parcel of land, with improvements thereon, situate on Lady's Island, Beaufort County, South Carolina, containing 10.81 acres, more or less and being shown and described on a plat prepared by David E. Gasque, SCRLS dated June 7, 1999 last revised on April 26, 2002 and recorded in Plat Book 86 at Page 149 in the Office of the Register of Deeds for Beaufort County, South Carolina. For a more complete description as to metes, courses, distances and bounds of said property, reference may be had to the aforementioned plat of record.

Lot	TMS Number
1	200 018 000 0678 00
2	200 018 000 0679 00
3	200 018 000 0681 00
4	200 018 000 0682 00
5	200 018 000 0683 00
6	200 018 000 0684 00
7	200 018 000 0685 00
8	200 018 000 0686 00
9	200 018 000 0687 00
10	200 018 000 0688 00
11	200 018 000 0689 00
12	200 018 000 0690 00
13	200 018 000 0691 00
14	200 018 000 0692 00
15	200 018 000 0693 00
16	200 018 000 0694 00
17	200 018 000 0695 00
18	200 018 000 0696 00
19	200 018 000 0697 00
20	200 018 000 0698 00
21	200 018 000 0699 00
23	200 018 000 0701 00
25	200 018 000 0703 00
26	200 018 000 0704 00
28	200 018 000 0706 00
29	200 018 000 0707 00
30	200 018 000 0708 00
31	200 018 000 0709 00
32	200 018 000 0710 00
33	200 018 000 0711 00
34	200 018 000 0712 00
35	200 018 000 0713 00
36	200 018 000 0714 00
37	200 018 000 0715 00

Exhibit

2/2

Lot	TMS Number
38	200 018 000 0716 00
39	200 018 000 0717 00
40	200 018 000 0718 00
41	200 018 000 0719 00
42	200 018 000 0720 00
43	200 018 000 0721 00
44	200 018 000 0722 00
45	200 018 000 0723 00
46	200 018 000 0724 00
47	200 018 000 0725 00
48*	200 018 000 0726 00
48*	200 018 000 0727 00
50	200 018 000 0728 00
51	200 018 000 0729 00
52	200 018 000 0730 00
53	200 018 000 0731 00
54	200 018 000 0732 00
55	200 018 000 0733 00
56	200 018 000 0734 00
57	200 018 000 0735 00
58	200 018 000 0736 00
59	200 018 000 0737 00
60	200 018 000 0738 00
61	200 018 000 0739 00
62	200 018 000 0740 00
63	200 018 000 0741 00
64	200 018 000 0742 00
65	200 018 000 0743 00
66	200 018 000 0744 00
67	200 018 000 0745 00
68	200 018 000 0746 00
69	200 018 000 0747 00
70	200 018 000 0748 00
71	200 018 000 0749 00
72	200 018 000 0750 00
73	200 018 000 0751 00
74	200 018 000 0752 00
75	200 018 000 0753 00
76	200 018 000 0754 00
77	200 018 000 0755 00
78	200 018 000 0756 00
79	200 018 000 0757 00

Exhibit

3/3

Lot	TMS Number
Open space .210 acres	200 018 000 0764 00 00
Right of way 2.65 acres	200 018 000 0050 00 00
Open space 2.06 acres	200 018 000 050a 00 00
Open space .10 acres	200 018 000 0758 00 00
Open Space .40 acres	200 018 000 0759 00 00

** Lot 48 is listed twice on PB 129 p 85 - No Lot 49 shown on plat.

Less and Except:

All those certain parcels or lots of land, with improvements thereon, situate on Lady's Island, Beaufort County, South Carolina being shown as Lots 22, 24 & 27 of Tradewinds Plantation on a subdivision plat prepared for The O'Neal Development Group, Inc. by David E. Gasque, dated January 12, 2006 and recorded in Plat Book 129 at Page 85.

This being a portion of the same property conveyed to Mortgagor by deed of O'Neal Development, Inc., dated February 23, 2006 and recorded March 3, 2006, in Book 2329, at Page 1398.

Parcel Two:

ALL that certain parcel of land, situate on Lady's Island, Beaufort County, South Carolina containing 2.30 acres, more or less as shown and designated on a plat or map surveyed and drawn by David E. Gasque, SCRLS dated February 4th, 2003 as recorded in Plat Book 1883 at Page 711 having the following metes and bounds, starting on the Northeast corner and running South for a distance of 299.50', then turning West and running for a distance of 252.91', then turning North and running for distance of 299.54', then turning East and running for a distance of 339.72' back to the Northeast corner. This being a portion of property formerly known as Lots 4, 5, and 6 as shown on a Plat by H.F. Wilson Jr. dated November 30, 1962 and recorded in Plat Book 14 at page 13.

TMS# R200-018-0050A.

Date : 3/18/2019 4:07:02 PM
From : "Stu Rodman"
To : "Sommerville, Paul"
Cc : "Weaver, John" , "Keaveny, Thomas"
Subject : Fwd: 1501 Bay Street Building
Attachment : Letter .docx;MOU with.pdf;2019 Sig.pdf;Collabo.docx;image003.jpg;

Paul,

I would appreciate it if you would handle this sub-lease issue even though it is directed to me as I serve on the Board. I accept the blame if this was not being handled correctly and trust that it can be cured in a straightforward and timely manner.

Thanks and cheers,

Stu

----- Forwarded message -----

From: **Andy Beall** <abeall@santa-elena.org>
Date: Mon, Mar 18, 2019 at 10:48 AM
Subject: 1501 Bay Street Building
To: Stu Rodman <sturodman@gmail.com>, <psommerville@bcgov.net>
Cc: Megan T. Morris <mmorris@santa-elena.org>

Please see the attached letter and enclosures. A hard copy will be mailed.

Thank you very much.

Andrew J. Beall, MBA, DBA

Chairman

Santa Elena Foundation





SANTA ELENA
FOUNDATION

Board of Directors:

COL US Army (RET) Christopher Allen
 Dr. Andrew J. Beall, Chairman
 Deborah Dykes
 COL US Army (RET) Gregory Dyson
 Lieutenant General Jack Klump, U.S. Marine Corps (Ret.)
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 Richard Thomas
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MEMORANDUM OF UNDERSTANDING

The Santa Elena Foundation (SEF), a non-profit public charity, operates the Santa Elena History Center within the Beaufort County-owned building located at 1501 Bay Street, Beaufort, South Carolina. Reconstruction Beaufort Inc. (RBI), also a non-profit public charity, seeks to share space within the building at 1501 Bay Street.

The building at 1501 Bay Street includes display space for interpretation, a lecture hall, meeting rooms, event space, reception areas, retail space, offices and storage. Both the Santa Elena Foundation and Reconstruction Beaufort Inc. have need for space configured as is available within the Bay Street building. The two organizations operate through a combination of paid-staff, contractors, and volunteers.

Each entity has a unique charter and therefore require private offices and areas for workspace. The two entities are able to share the use of the lecture room, meeting room, storage, reception, break room, and restrooms.

Operations for SEF in the facility on Bay Street include: public interpretation of history (on the first and second floors), research and preservation of culture and history, lectures and presentations, limited retail of books and memorabilia, and private office space. Hours of public operation are Tuesday through Saturday, 10am to 4:30pm, and for other events as scheduled.

Operations for RBI in the facility on Bay Street include: meeting space and presentation area, workspace for research and exhibit design, storage space and private office space. RBI and SEF will coordinate and share the responsibility of greeting the public at the front desk.

Given the alignment of operational models and activities for the organizations, the two entities wish to share use and operational costs for the building. RBI will occupy two private offices on the first floor, the rear wing of the main corridor, and the basement of the 1501 Bay Street building, as specified and agreed by SEF Executive Director. With usage of these areas, RBI will make a monthly donation in the amount of \$2,500.00 by the 10th of each month to the Santa Elena Foundation to assist with operational costs for the location. Desired cosmetic upgrades in the areas RBI occupies must be approved by the SEF Executive Director and are the responsibility of RBI.

The Santa Elena Foundation operates the physical plant for the building, provides utilities and supplies landscape maintenance, trash collection, Wi-fi and Internet access, cleaning service, required inspections, and administration for the facility. The building has security, fire alarm, and sprinkler systems operated by SEF. Use of building outside of the scheduled hours will be

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- Professor Larry Rowland
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- Richard Thomas
- John Trask III
- Megan T. Morris, Executive Director

agreed to by both parties. Any event not directly associated with RBI will be contracted and managed by SEF.

The Santa Elena Foundation is a party to a lease agreement granting use of the 1501 Bay Street building by Beaufort County through October 2020, and for the unpaved parking lot across North Street. SEF is the host organization and lessee of the building; all communication and coordination with Beaufort County, the lessor, will be by SEF. Shared use of the building by the RBI is not a sub-lease. Both parties may choose to work together to secure use of the facility beyond the current lease term, which concludes in October 2020.

Reconstruction Beaufort Inc. must provide commercial liability insurance and property insurance for assets, inventory, and other property located within the building.

RBI may apply for and place City-approved signage on the grounds of the building that is complementary to the existing Santa Elena History Center sign.

This MOU is agreed to by both parties for the duration of the Santa Elena Foundation lease, ending in October 2020. Every six months, or as needed, a review of facility usage will allow expansion of space allotment. Renegotiation of the value and terms of this agreement is required by September 30, 2019 or sooner. A minimum of 2-month notice of termination by either party is required. Failure by RBI to make the monthly donation within 10 business days of the due date will result in termination of this agreement.

The terms and timeframe detailed in this agreement provide opportunity for the organizations' needs to be re-evaluated to determine the next phase of facility usage.

Agreed to:

Billy Keyserling
Executive Director
Reconstruction Beaufort Inc

Date: 2-6-2019

Megan Thibault Morris
Executive Director
Santa Elena Foundation

Date: 2/6/19

1501 Bay Street is successfully established as the Santa Elena History Center and flourishing as a cultural institution for our community. While developing the interpretation of Santa Elena history and archaeology is the priority, the Foundation operates as a leader of Heritage Tourism to positively benefit Beaufort County.

The Santa Elena History Center has received more than 22,000 visitors through the front door since opening in 2016. Approximately 60% are from outside of the County. Several organizations and groups in the community have utilized and benefitted from the renovated facility, to include:

- BAHA, Beaufort Accommodations and Restaurant Assoc.
- Beaufort Art Association
- Beaufort County Water Festival
- Beaufort Sail and Power Squadron
- Heritage Groups, ie DAR, Colonial Dames
- Heritage Library of Hilton Head (Draft MOU attached)
- Historical Society of Beaufort County
- Leadership Beaufort, Sr. Leadership
- NPS Reconstruction Staff
- OLLI, Osher Lifelong Institute
- Pat Conroy Literary Center
- Reconstruction Beaufort Inc. (MOU attached)
- USC-Beaufort meetings, events and student projects

Facility sharing often extends beyond our walls to the courtyard and the adjacent lot to host:

- Farmer's Market
- Festival support: Shrimp Festival, Taste of Beaufort, Dragonboat Beaufort, TCL Graduations, Lowcountry Jaycees
- Food Truck location by City ordinance
- Hub for Cultural District Free Shuttle

Programming collaboration at the History Center and special events include:

- Friends of Fort Freemont
- Coastal Discovery Museum
- Heritage Library
- South Carolina Institute of Archaeology
- Mitchelville
- Parris Island Historical Society
- Port Royal Sound Foundation
- Experience Beaufort History Packages with Beaufort History Museum and Verdier House.

Frequent hosting of travel writers, tour planners, and special guests of the Beaufort/Port Royal CVB, Lowcountry and Resort Islands Tourism Commission, SC Parks Recreation and Tourism to support the promotion of Beaufort County. Santa Elena Representatives have given several talks – an underestimate of 100 - to groups around the State, and as far up as Washington DC in the past 4 years.

Thousands of local students visit the History Center on Field Trips and participate in "Student Day" at the Lowcountry Fair. While the majority of 5,000+ students are within Beaufort County, some out of County are included.

The Santa Elena Foundation events outside of facility have drawn about 15,000 to the Lowcountry Fairs, Scholars Conference, and Replica ship Ports of Call. An April 2019 Shipwreck Scholars Conference and Santa Maria replica ship are upcoming. A Spring 2020 Lowcountry Fair is being planned.



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Operations for HLF in the facility on Bay Street include workspace for research, storage space for materials, and meeting space and presentation area. HLF and SEF will coordinate and share the responsibility of greeting the public at the front desk.

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With usage of these areas, HLF will make a monthly donation of the program fees it receives for special programs held at Santa Elena History Center; this is to assist with operational costs for the location. Desired cosmetic upgrades in the areas HLF occupies must be approved by the SEF Executive Director and are the responsibility of HLF.

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HLF must provide commercial liability insurance and property insurance for assets, inventory, and other property located within the building.

This MOU is agreed to by both parties for a twelve month term, ending February 1, 2020, at which point this agreement will continue on a month-to-month basis. A minimum of 2-month notice of termination by either party is required. Failure by HLF to make the monthly donation within 10 business days of the due date will result in termination of this agreement.

The opportunities to collaborate and strengthen their organizations through this collaboration in an ideal destination/facility, with free parking and a free shuttle, are the driving reasons of this fair and equitable partnership.

Agreed to:

 Barbara Catenaci

Executive Director
 Heritage Library Foundation

Date: _____

 Megan Thibault Morris

Executive Director
 Santa Elena Foundation

Date: _____

Date : 1/8/2016 11:43:11 AM
From : "Stu Rodman"
To : "Josh G" , "Keaveny, Thomas"
Cc : "Sommerville, Paul" , "Jerry Stewart"
Subject : Alliance Motion
Attachment : Allianc.docx;

All,

Attached is a simplified version as you consider the draft motion.

Cheers,

Stu

Beaufort County Economic Development

Motion: That Beaufort County join an alliance contingent upon a minimum of eight Member of County Council affirmatively:

- 1. Nominating an alliance no later than February 8, 2016**
- 2. Voting for the negotiated contract with that alliance**

Process

Step 1: Motion, requiring a simple majority, to be considered Monday, January 11th, at Government Committee and Council.

Step 2: If passed, Members will advise Paul and Stu of their nomination of a specific alliance. If no alliance receives 8 nominations by February 8th, the Motion dies.

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Step 4: The negotiated contract to be considered by Council and executed upon receiving the approval of 8 Members.

Chairman Stu Rodman
Councilman Paul Sommerville
Beaufort County Council
PO Drawer 1228
Beaufort, South Carolina 29901-1228



SANTA ELENA
FOUNDATION

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Chairman Stu Rodman
 Councilman Paul Sommerville
 Beaufort County Council
 PO Drawer 1228
 Beaufort, South Carolina 29901-1228

March 18, 2019

Ref: 1501 Bay Street Building

Chairman Rodman and Councilman Sommerville:

We understand Beaufort County may view joint occupancy of the 1501 Bay Street building by organizations other than the Santa Elena Foundation to require County approval. Enclosed are two Memorandum of Understandings (MOUs), one signed and one in process: Reconstruction Beaufort and the Beaufort Branch of the Hilton Head Heritage Library. They occupy four unused rooms.

Reconstruction Beaufort made donations totaling \$9,000. No financial donations have been made by the Heritage Library; yet now that the organization has an established presence in Northern Beaufort County, the organization wishes to make donations based on revenues they collect in the Beaufort Branch.

Enclosed also is a report of the numerous organizations with which the Santa Elena collaborates. A listing of the events within the 1501 Bay Street and at other sites across the Lowcountry is included. Generous assistance from Beaufort County helped make possible extensive progress made to discover and share the unique history and culture of this region.

Shared use of common areas—conference room, reception area, lecture hall, event room—and specific space assigned to each organization increases efficient utilization of the facility and enhances service to the public. Donations made by partner organizations help cover operating costs.

Other organizations made donations or paid event-specific use fees to the Santa Elena Foundation for events, tours, programs, and meetings. Activities at the building help make the History Center a vibrant location, and financial support received helps cover operating costs.

Please approve use of the building under the supervision of the Santa Elena Foundation as described in the MOUs. Both organizations are history-focused, not-for-profit groups that rely on volunteers to conduct activities serving the public.

Once again, thank you for helping bring the remarkable history of Beaufort County to life!

Sincerely,

Dr. Andrew J. Beall, Chairman, Santa Elena Foundation

PO Box 1005 · Beaufort, South Carolina 29901 · www.Santa-Elena.org

Santa Elena Foundation is a registered non-profit 501(c)(3) charitable organization

CountyFOIA#3_000059



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 Executive Director
 Heritage Library Foundation

 Megan Thibault Morris
 Executive Director
 Santa Elena Foundation

Date: _____

Date: _____

Date : 1/8/2016 11:43:11 AM
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Subject : Alliance Motion
Attachment : Allianc.docx;

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Stu

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Motion: That Beaufort County join an alliance contingent upon a minimum of eight Member of County Council affirmatively:

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Date : 6/6/2018 4:22:56 PM
From : "Kenny Zentner"
To : tkeaveny@bcgov.net, psommerville@hargray.com
Subject : Vacant Land
Attachment : Vacant L.pdf;image001.jpg;image004.jpg;

See attached answer will suffice.
He came through after being a bit of a jerk first.
This concludes the matter.

Kenny Zentner
Zentner Insurance Services, LLC

2 Merchants Lane, Suite 112
Beaufort, SC. 29907
Phone: 843-322-0224
Fax: 843-322-0913
wireless: 843-812-8881
email: zentner@hargray.com
Like us on facebook! <https://www.facebook.com/ZentnerInsuranceServicesLlc?ref=hl>

**WANT TO PROTECT YOUR MORTGAGE OR PROVIDE FOR YOUR SPOUSE AND CHILDREN?
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From: James, Gary [mailto:gjames@bcgov.net]
Sent: Wednesday, June 06, 2018 12:20 PM
To: Kenny Zentner (zentner@hargray.com)
Cc: Keaveny, Thomas; Sommerville, Paul
Subject: Vacant Land

See Attached.

Gary N. James
Beaufort County Assessor
Beaufort County Government Robert Smalls Complex
Post Office Box 1228, Beaufort, SC 29901-1228
gjames@bcgov.net
(843) 255-2394





COUNTY COUNCIL OF BEAUFORT COUNTY
Office of the Assessor
Beaufort County Government Robert Smalls Complex
Post Office Box 1228, Beaufort, South Carolina 29901-1228
Phone: (843) 255-2400 Fax: (843) 255-9404
Web Site: www.bcgov.net

Vacant Land Definition

Reference: The Dictionary of Real Estate Appraisal

vacant land. See unimproved land.

unimproved land. Vacant land or land that lacks the essential, appurtenant improvements required to make it useful

Reference: The Real Estate Dictionary, Fifth Edition. John Talamo, J.D.

Vacant Land – Land without buildings. May or may not have improvements such as grading, sewers, etc.

NOTE: Typically, we consider land "Vacant" as being any land that has no "man-made" improvements; or has all improvements removed from it through demolition of the improvements located on the land.

Date : 7/1/2018 5:56:49 PM
From : "Keaveny, Thomas"
To : "Sommerville, Paul" , "Sommerville, Paul"

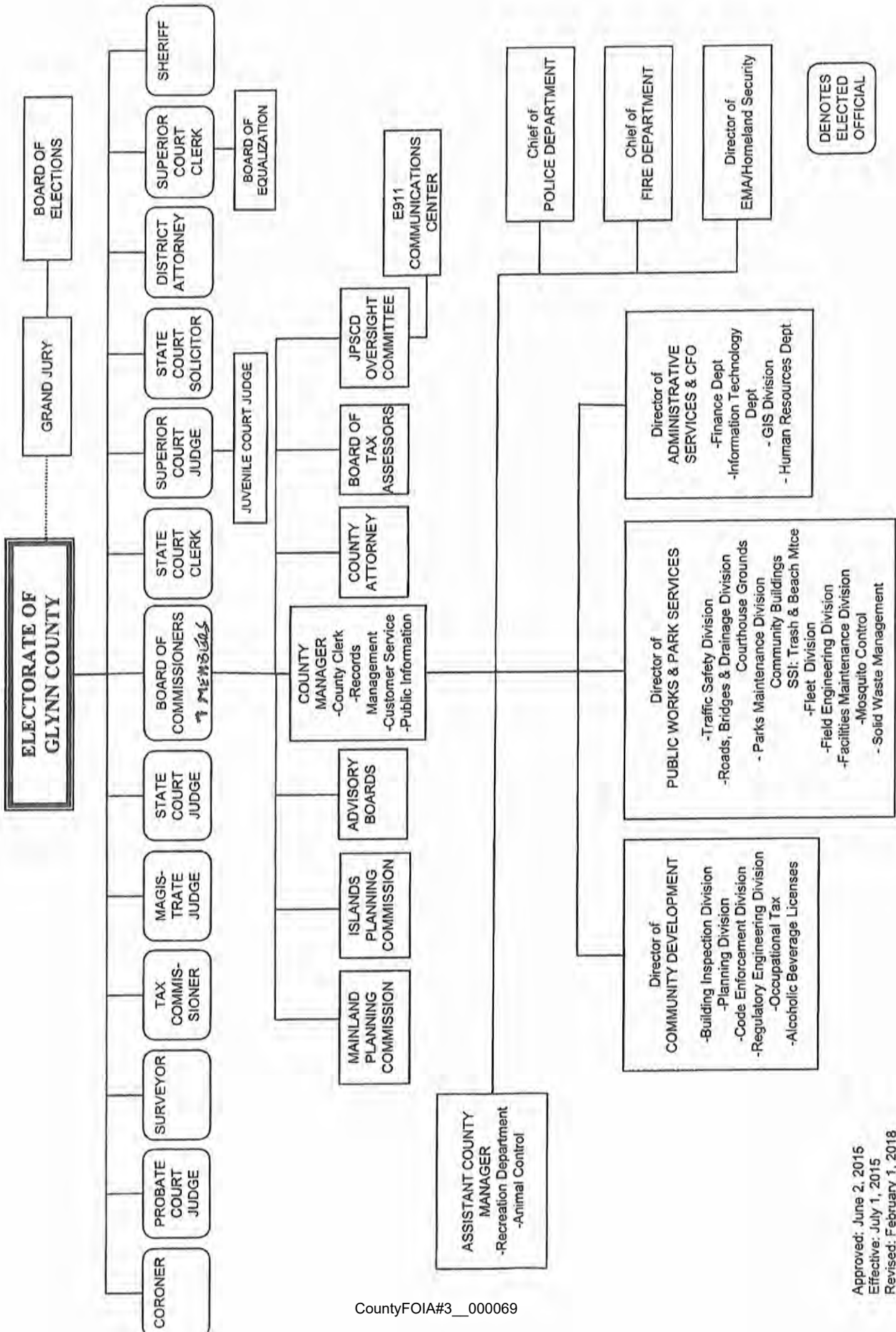
Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: bcattorneykon@bcgov.net [mailto:bcattorneykon@bcgov.net]
Sent: Sunday, July 1, 2018 3:00 PM
To: Keaveny, Thomas

ALAN OURS

GLYNN COUNTY GOVERNMENT ORGANIZATIONAL CHART



Approved: June 2, 2015
 Effective: July 1, 2015
 Revised: February 1, 2018

Glynn County hires new administrator

By Carole Hawkins

Posted Jul 6, 2010 at 10:31 PM

BRUNSWICK - The Glynn County Commission voted Tuesday to hire Alan Ours as county administrator.

He will begin work Aug. 9, replacing Charles Stewart, who retired this month.

"I think he was pretty much everyone's choice and all around the best candidate for the position," County Commissioner Tony Thaw said after the vote. "He has a good vision, a lot of enthusiasm and experience in working with different counties."

In public service for nearly 30 years, Ours has worked as an administrator for Lowndes County and Pickens County, S.C., and currently serves as the Lee County administrator.

Commissioner Jerome Clark said Ours struck him as someone with a cooperative spirit who could unify the community. Commissioner Don Hogan was impressed that Ours, a family man with 10 children, was so enthusiastic about wanting to live in Glynn County.

Commissioner Tom Sublett said Ours has the expertise needed for the job and appeared to have a thoughtful and professional management style.

"He came across as someone who would do the analysis and work and then refer the decision to all seven commissioners," Sublett said.

The commissioners adopted a compensation plan in which Ours will be paid more than Stewart.

Ours will receive a salary of \$135,000, a \$6,000 vehicle allowance, a \$540 cell phone allowance and benefits equal to those enjoyed by other county employees. The county will also pay Ours a housing allowance of \$1,200 a month for up to a

year or until his house in Albany sells. The county will also pay moving expenses.

Stewart's annual salary had been \$115,337, with a \$4,800 annual vehicle allowance and \$540 cell phone allowance.

While Glynn County leaders were busy praising Ours, in Lee County folks were already saying he would be missed.

Reached by telephone while on vacation, Ours said he felt honored to be chosen as Glynn's new county administrator.

"Glynn has a well-educated workforce. There's a commitment by the board of commissioners to do things well, things that add value to the citizens who live here and people seeking to locate their businesses here," he said.

Ours said one way Glynn County is similar to Lee County is both will again face growth issues once the economy recovers.

In Pickens County, Ours ran a government that was close in size to Glynn, with 650 employees and a \$50 million budget.

But facing issues particular to the coast will be new to him, and he's already begun researching that.

Though Glynn will be the eighth government he's worked for, Ours said he'd like for it to be his last. His family has vacationed here for years and Ours said it seems like a great place to live.

"I hope I'm able to retire in Glynn County. I still have small children, so that's going to be a long time," he said.

ALBERT PENSKA

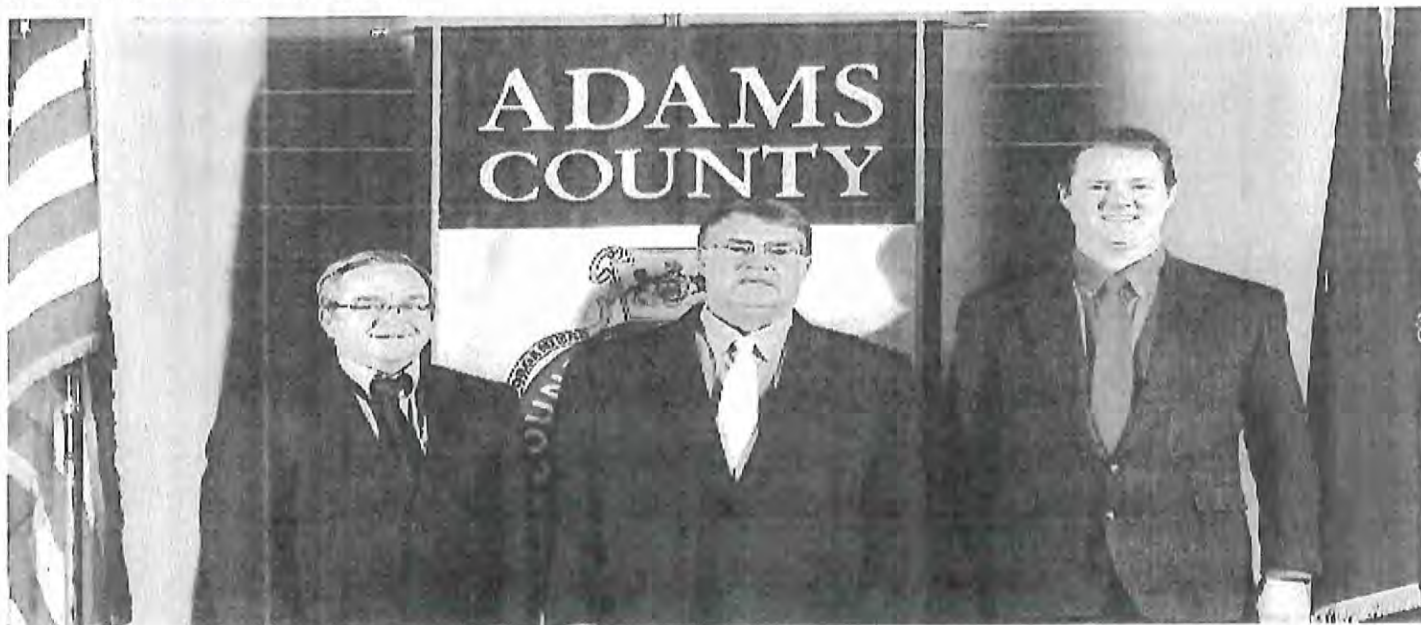


ADAMS COUNTY
Pennsylvania

(/) (/)

You are here: Adams County (/Pages/default.aspx) > Departments (/Dept/Pages/default.aspx) > Commissioners (/Dept/Commissioners/Pages/default.aspx)

Commissioners Office



About Us

The County of Adams is a unitary governmental entity of the Commonwealth of Pennsylvania. The County acts as an agent for the Commonwealth on various functions as specified by Pennsylvania State law. These functions include the delivery of numerous human services and the administrative oversight of various health and public safety programs and the maintenance of various County bridges. In addition to these functions, the County of Adams is responsible for maintaining the Court of Common Pleas, the Minor Judiciary System, and specific offices charged with keeping records of legal and judicial proceedings. The services of the county commissioners began with the maintenance of the local judicial system and the local prison.

Contact Information

County Of Adams

Commissioners

117 Baltimore Street
Room 201
Gettysburg, PA 17325
Phone: 717-337-9820

Hours:

8:00a.m. - 4:30p.m.
Monday - Friday

Meet Your Commissioners

Randy Phiel, Chairman (</Dept/Commissioners/Pages/CommissionerRandyPhiel.aspx>)

Jim Martin, Vice Chairman (</Dept/Commissioners/Pages/CommissionerJimMartin.aspx>)

Marty Karsteter Qually, Commissioner (</Dept/Commissioners/Pages/Commissioner-Marty-Karsteter-Qually.aspx>)

Commissioners Staff

County Manager (</Dept/Commissioners/Pages/County-Manager.aspx>)

Chief Clerk (</Dept/Commissioners/Pages/Chief-Clerk.aspx>)

County Clicks

Calendar (</Pages/Calendar.aspx>)

TGIF Newsletter (</Dept/Commissioners/Pages/TGIFNewsletter.aspx>)

Photo Gallery (</Dept/Commissioners/Pages/Photo Gallery.aspx>)

County Profile (<http://adamsgis.maps.arcgis.com/apps/Cascade/index.html?appid=2344c4425e1543f4aa631e373ca991dd>)

County Plans (</Dept/Planning/Pages/CountyPlans.aspx>)

Organizational Chart (</Dept/Commissioners/PublishingImages/AC Organizational Chart.png>)

County of Adams

.17 Baltimore Street

Gettysburg, PA 17325

Phone: 717-334-6781

Fax: 717-334-2091

Hours: 8:00am - 4:30pm

Monday thru Friday

Quick Navigation

Resources



ADAMS COUNTY
Gettysburg

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County Manager

About Us

The County Manager, is appointed by the Board of Commissioners. The County Manager is Albert Penksa, who, in his position as the County Manager, is charged with carrying out the policies established by the County Commissioners and provides general management of County government. Adams County is a value driven organization dedicated to providing responsive, respectful and excellent service to a vibrant community in a cost effective manner. To deliver excellent public service that enhances quality of life and addresses our community's needs, now and in the future. The County Manager's Office provides professional recommendations to the Adams County Board of Commissioners, in Financial Operations, Economic Development, Emergency Services, Administrative and Human Resource matters for the County. Responsibilities are, Implementing the Vision and Policies of the Board. Ensuring high quality services, with outstanding customer service, at a good value to taxpayers. Fostering economic growth and fiscal sustainability. Enhancing the County's reputation as a high performing, learning, caring organization that operates in a manner consistent with its mission and values, making Adams County an employer of choice. The County Manager is the principal administrative officer of the County and is responsible for carrying out policies determined by the Board of Commissioners, and for the day-to-day operations and management of a broad range of county services.

The CCAP Academy of Excellence Award

Advanced Certification (/Dept/Commissioners/Documents/ccapaward.pdf)

County Manager Receives Professional Certification

Credentialed Manager (/Dept/Commissioners/Documents/icmacm.pdf)

Contact Information:

Albert M. Penksa, Jr.

ICMA-CM,CGFM

County Manager (/Dept/Commissioners/Documents/icmacm.pdf)

County of Adams Commissioners

117 Baltimore Street
Room 201
Gettysburg, PA 17325

Phone: 717-337-9820

Fax: 717-334-2091

apenksa@adamscounty.us (mailto:apenksa@adamscounty.us)

Hours

8:00a.m. - 4:30p.m.
Monday - Friday

Albert M. Penksa Jr., CGFM, ICMA-CM
P.O. Box 4350
814-242-6281(cell), email: amp5599@gmail.com

Gettysburg, PA 17325

October 22, 2015

County Commissioners
601 SE 25th Ave.
Ocala, FL 34471

MARION COUNTY
THEN
APPLIED TO
WINTER HAVEN
(ATTACHED)

Dear Commissioners:

This letter is requesting consideration for the position of County Administrator listed with GovHR. Marion County has similar traits to the county I manage with its challenges of balancing agriculture and economic development. As Marion County grows it will experience the pressures of tourism, a national forest, maintaining parks and natural resources along with desires of the citizens to maintain a positive outlook for economic development. All of these issues excite me and encourage me to attain my goal of working, living and enjoying a growing community.

Having been a leader throughout my career, you will find that my leadership skill will enable me to follow the mission of the county and engage the dynamics that make up the communities within the county. All said these experiences will be of value in the performance of duties and implementation of policies to meet the goals by engaging the issues, assessing approaches, collaborating with departments and striving to meet the goals and objectives desired by the Commissioners to maintain a sound financial position.

My resume demonstrates to you my varied experiences in management, financial operations, budgeting, governmental relations, business and economic development in a tourist area. Being an effective manager I have been able to balance budgets, add to fund balance, maintain positive relationships with the financial sector and improve upon the credit rating.

Specifically, my administration will address the challenge of growing revenue, identify areas to reduce expenditures and also approach the challenge of enhancing the economic development as outlined in the comprehensive plan 2035. Development will require a measured approach to lead a team effort of all contributing entities to seek and encourage the right businesses to partner with the county and its partners for the most effective benefit to enhance the desires of the whole county community.

The employees of Marion County are a valued asset and I will strive to mentor, coach and lead by example to ensure their growth and convey appreciation for the service that they provide on behalf of the Commissioners and administration. You will find that I am an administrator that enjoys being in the departments in order to get to know staff and to see how operations perform but not to micro manage. As a collaborative leader, my management experiences and direction will allow the staff to meet objectives and mandates as they partner with me to exceed expectations as the needs of the citizens are met. This will allow for engaging of the initiatives

envisioned with determination to ensure their completion effectively and on target while allowing for the County to grow in the manner desired.

I have the ability to advise and foster an effective Commission decision making process and hopefully you will trust that my visionary and futuristic approaches to address the needs of the Board will add value to your objectives. Information will always be forthcoming so that decision making is based on all available information that can be acquired. Information submitted to the Board will be in the manner prescribed - with or without a recommendation as would be preferred.

Under my management there will be a critical and analytical approach to the budget, a relentless effort to improve efficiencies and the evaluation of programs to ensure their effectiveness in their current structure. Successfully negotiating union contracts in my role has provided for stability and improved working conditions for our collective bargaining unit staff.

I welcome the opportunity to be a contributor to the mission of Marion County and to augment the leadership of the Board as you desire to have the County maintain the quality of life desired for the residents while preserving the healthy financial position the County has attained.

I look forward to meeting with you to discuss the prospects of my contribution to Marion County.

Sincerely,

Albert M. Penksa Jr

Albert M. Penksa Jr.

Albert M. Penksa, Jr.

Contact Information

Address: 620 Coon Ridge Rd.
Johnstown, Pennsylvania 15905

Cell: 814-242-6281
Work: 717-337-9815

Email: amp5599@gmail.com

Education

- Bachelor of Arts – Economics
University of Pittsburgh, Pittsburgh, Pennsylvania

Work History

2010 to Present

Adams County, Pennsylvania (102,000)

County Manager

July 2010 to December 2010

Antis Township, Pennsylvania (population 6,500)

Township Manager

2009

Self-Employed Business Consultant

2000 to 2009

Commonwealth of Pennsylvania

Western Regional Director/Supervisor-Bureau of Invest-
PA Department of Treasury

January 2000 to August 2000

CBIZ Services

Senior Manager Business Development

1988 to 2000

Cambria County, Pennsylvania (population 152,200)

Controller

1984 to 1988

Records Management Consultant

1979 to 1984

Deputy Register of Wills

Work History – cont'd

1973 to 1979

Quaker Sales Corporation

Lead Worker & Equipment Operator

Data Summary:

Candidate:	Albert M. Penksa
Organization:	Adams County, Pennsylvania
Position:	County Manager
Budget:	\$71 million
Total Number of Employees:	535
Current Salary:	\$96,600
Expected Salary:	\$180,000
Reporting Relationship:	Reports to the County Commission
Years of Experience:	36

Professional Affiliations:

- International City/County Management Association
- Government Finance Officers Association
- Pennsylvania Economic Development Association
- Association of Government Accountants

Section 9

Albert M. Penksa Jr. CGFM
County Manager ICMA-CM
Gettysburg, PA 17325
814-242-6281(cell), email: amp5599@gmail.com

November 15, 2016

City Council
City of ~~Winter Haven~~
451 Third St. NW
Winter Haven, FL 33881

Dear Council Members

This letter is requesting consideration for the position of City Manager posted with the Colin Baenziger & Associates. Being a manager that likes to engage people face to face with a gracious smile and firm hand shake' Doing so is to express my willingness to listen to the residents, business community and government leaders.

Having displayed leadership throughout my career which is illustrated in my resume, it is that leadership skill that will enable me to engage the mission of the city and objectives of city council. Furthermore, under your direction the objective is to become an integral part of the community, engage the departments, maintain an eye to finances, development and to be aware of the dynamics that make up the community.

My resume will demonstrate to you my varied experiences in management, financial operations, budgeting, governmental relations, business and economic development. These experiences will be of value in the performance of policies set forth to achieve the Council's goals. Then to develop the strategic plan and enhance the efforts to expand on the redevelopment of the downtown and capital projects. Additionally, while forging lasting relationships to grow the city's economic development which will improve the financial ability of the city to meet its obligations.

The experiences garnered through my positions as an official in the State and as County Manager in Adams County, Gettysburg Pennsylvania will allow me to provide the leadership and direction required by Council. Furthermore, having served under the watchful eye of the public, holding press conferences, addressing large groups and making presentations to executives will allow me to handle the needs of the position in a professional and confident manner. Having the ability to develop and maintain relationships with business owners, community leaders and public officials on both sides of the aisle will hopefully augment the objectives of Council.

Section 9

As your city manager my day will be to diligently engage each department, the management team and the citizens to address each issue whether it is simple, complex or challenging. In governing there is reality and then there is the perception of the issue, being very cognizant of reality verses perceptions of issues, my actions will be quickly to convey them as I become aware or understand them.

My management experiences in the supervision of staff to meet objectives and mandates will allow for effective continuity of the programs in place while allowing for the breaking of new ground for growth ahead. I believe that the employees of the city are its greatest asset which coincides with the public opinion results. As the manager I will strive to mentor, coach and lead by example to ensure their growth and share our appreciation for the service that they provide on behalf of the administration and the Council.

I have the ability to advise and foster an effective decision making process and hopefully you will trust that my visionary and futuristic approaches to address the needs of the City will add value to your objectives. Information will be forthcoming in a manner prescribed by council and timely. Under my management there will be a prudent eye on the finances, a daily effort to improve efficiencies and ongoing analysis of programs to ensure their effectiveness. That has been accomplished in the County of Adams while improving fund balance and having built a solid financial position for the future.

Winter Haven will afford me the opportunity to operate in an arena that is suited to my skills, my visioning and my progressive approach to governing and advising. I look forward to meeting with you to discuss the prospects of my contribution to your administration. Winter Haven is a very appealing vibrant growing city to which I desire to contribute to the high levels of service in a cost effective manner of a dynamic city on the move.

Sincerely,

Albert M. Penksa Jr

Albert M. Penksa Jr.



Winter Haven residents to have chance to meet city manager candidates

By **Mike Ferguson**

Posted Jan 18, 2017 at 8:20 PM

The event, sponsored by the city and Greater Winter Haven Chamber of Commerce, will introduce the three remaining candidates for city manager Friday night.

WINTER HAVEN — Residents will get a chance to meet the man who could be the city's next top appointed official at a meet-and-greet Friday night.

The event, sponsored by the city and Greater Winter Haven Chamber of Commerce, will introduce the three remaining candidates for city manager. Earlier this month, the City Commission narrowed a field of eight semifinalists to four, but Caryn Gardner-Young withdrew her name from consideration Tuesday in an email to City Clerk Vanessa Castillo.

"I very much appreciate your consideration of me as the City Manager of Winter Haven," she wrote. "After further thought my family and I believe Winter Haven is not the right fit for me so I have decided to withdraw my application for this position in order for you to move forward with someone who would be a better fit."

Gardner-Young was the only candidate from Florida. She was most recently city manager in Parkland before resigning in October.

The city of Winter Haven has been without a city manager since Sept. 12 when the commission voted 3-2 to fire Deric Feacher, citing a lack of communication. Feacher's final annual salary was about \$133,000.

The remaining candidates are:

n Al Penska, county manager of Adams County, Pa.

n John Shepherd, township manager of Township of North Huntingdon, Pa.

n Thomas Thomas, former city manager of Rock Island, Ill.

"I'm looking forward to the opportunity to speak to each candidate on the collaborative effort of the city," Chamber President and CEO Katie Worthington said.

"The secret sauce for Winter Haven the last three to five years has been the collaboration of the community," she said. "Positivity and collaboration have been important over the last five years in creating momentum and I want to see how (the candidates) would work to keep that going."

PENSKA

Penska, 61, said he was attracted to Winter Haven because it's pro-growth and caters to all facets of the community, including businesses and families. Penska said he was excited the chamber was willing to sponsor the event Friday, because it shows its involvement.

"I have a broad range of experience in government," Penska said. "I hope to show my expertise and experience to the citizens and the commission."

Penska hasn't worked in Florida, but considers it an "exciting challenge."

He said he would make a good fit because he understands the importance of growth, economic development and relationship building.

"These things are what I like to do and what I'm all about," he said. "I'm excited to lend my time and my expertise."

SHEPHERD

Shepherd, 49, hasn't worked in Florida, but said he and his family frequently visit Central Florida and the Gulf Coast.

"I think it's a good location for me and my background," Shepherd said. "Winter Haven is a really good fit — the size, their goals."

Shepherd said he was looking forward to meeting the residents and the commission.

"I think I would bring a lot of experience and I think I would bring a fresh perspective," he said. "I think I would bring a lot of energy to the job as well."

THOMAS

Though Thomas, 49, most recently worked in Illinois, he has previously worked in Tallahassee, Largo and Pinellas Park.

"I'm definitely looking forward to meeting the mayor and (commission) and just getting a feel for the community," Thomas said. "I was looking for a city that was that size and was progressive. I was looking forward to a community that had diversity, which was really important to me and my family."

Thomas said he's well-rounded and could bring new perspective and ideas to the city.

"I've worked in several states and I've worked at just about every level of government," he said. "I like to think that I can be an asset to the organization. I'm looking forward to meeting everyone."

DETAILS

Friday's event is to begin at 5 p.m. and last until about 6:30 p.m. on the second floor of the chamber, 401 Ave. B NW.

Each of the three candidates will make a brief introduction. Admission is free and open to the public. Light refreshments will be served.

The City Commission will conduct interviews of the candidates at 8:15 a.m. Saturday at City Hall. Each of the five commissioners will then individually talk with the candidates in a forum closed to the public.

Commissioners will reconvene in the afternoon at which time a decision could be made.

"It's an opportunity for the citizens and business owners to provide their feedback (on the candidates) to the commissioners," Worthington said. "This is one of the only opportunities to meet with the candidates before the commission makes a decision."

— *Mike Ferguson can be reached at Mike.Ferguson@theledger.com or 863-401-6981.*

Follow Mike on Twitter [@MikeWFerguson](https://twitter.com/MikeWFerguson).

ROGER RENLEMAN

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County Commission

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[Commission District Map](#)

A county is a political subdivision of the State of Alabama. Among the principal governmental functions vested in Alabama counties are law enforcement; tax assessment, levy and collection; administration of decedent's estates and probate matters; maintenance of real and personal property title records; construction and maintenance of public roads and bridges; and maintenance of the county courthouse, which provides office space for various county officials and departments.

Lee County is governed by a six-member County Commission, composed of a Chairman and five Commissioners. The Probate Judge, who serves as Chairman of the County Commission, is elected countywide for a six-year term. The other five members of the County Commission are elected from single-member districts for four-year terms. Each Commissioner must be a registered voter and live within the district they represent. Commissioners are not all elected at the same time. Three commissioners are elected in one election cycle, and the other two members are elected in the next election cycle two years later, so that the terms are staggered for continuity.

Three members of the Commission constitute a quorum for the conduct of business. A simple majority vote of those present and voting determines county policies. The Chairman is authorized to vote only in case of a tie. The Chairman presides over the meetings and is responsible for keeping the minutes of the meetings of the County Commission.

NOTHING MORE
AND WEBSITE
RE
COUNTY ADMINISTRATOR

The County Commission employs a County Administrator, who serves as its chief administrative officer. It is the responsibility of the County Administrator to carry out the policies and directives of the Commission, and for the development and management of the County's annual operating budget. The Administrator serves as the budgetary agent for all county offices. The County Administrator is also responsible for the supervision and management of various department heads, and for ensuring that all agreements, leases and other contractual obligations of the Commission are properly performed. The County Administrator works with Lee County Commissioners and other elected county officials to facilitate the delivery of quality and effective services to the citizens of Lee County.



Date : 7/3/2018 12:38:56 PM
From : "Keaveny, Thomas"
To : "Sommerville, Paul" , "Sommerville, Paul"
Cc : "Gregory, Suzanne"

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



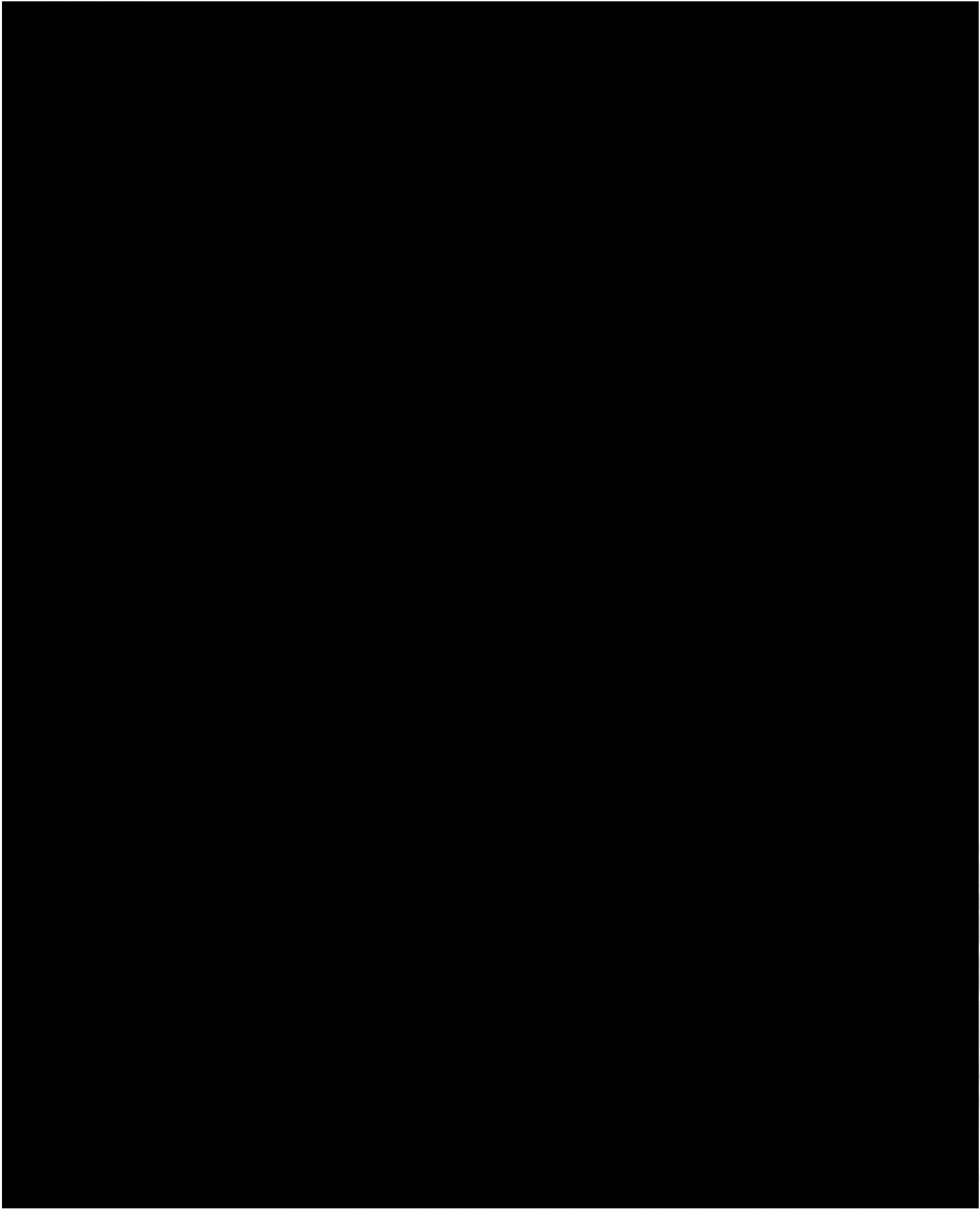
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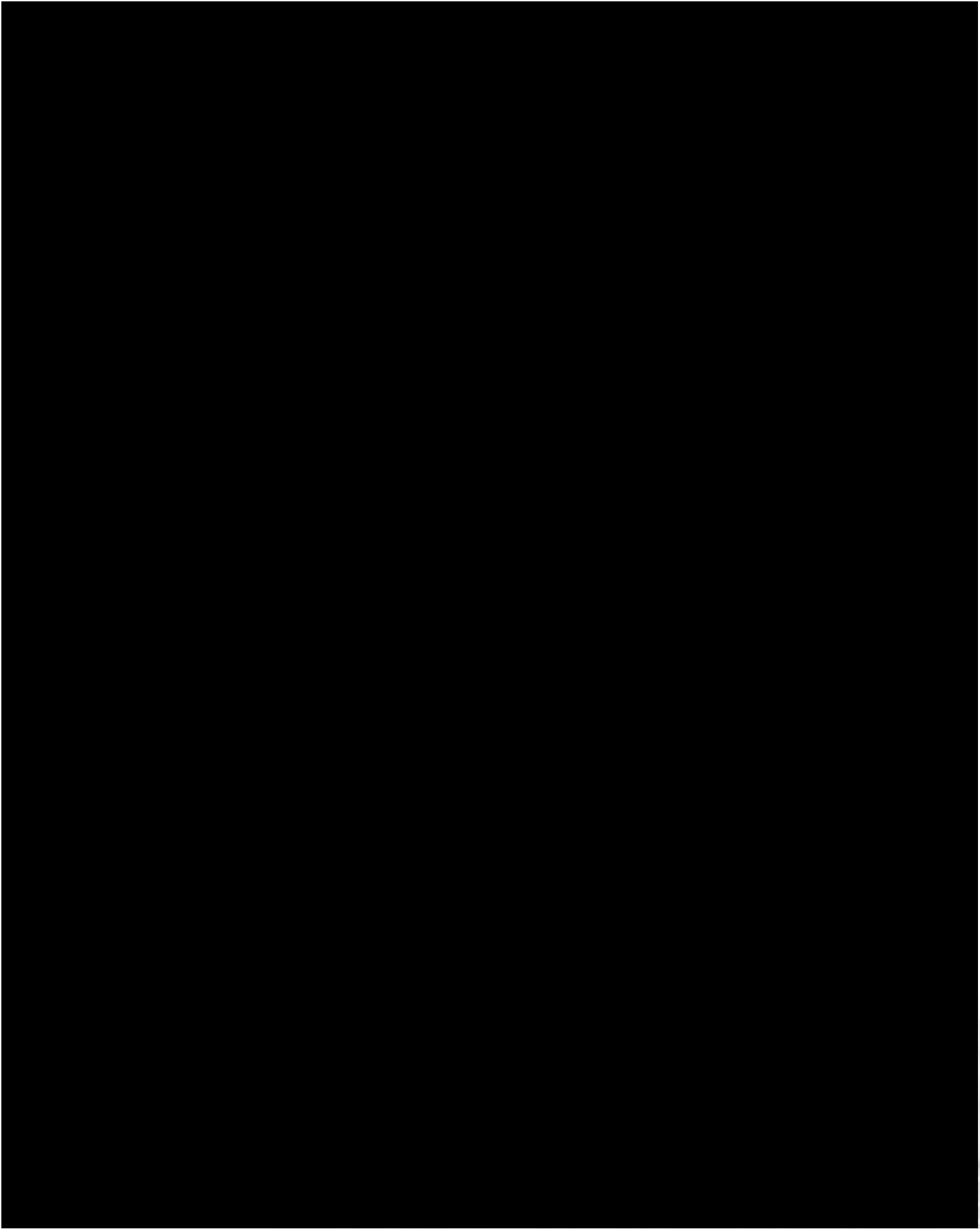
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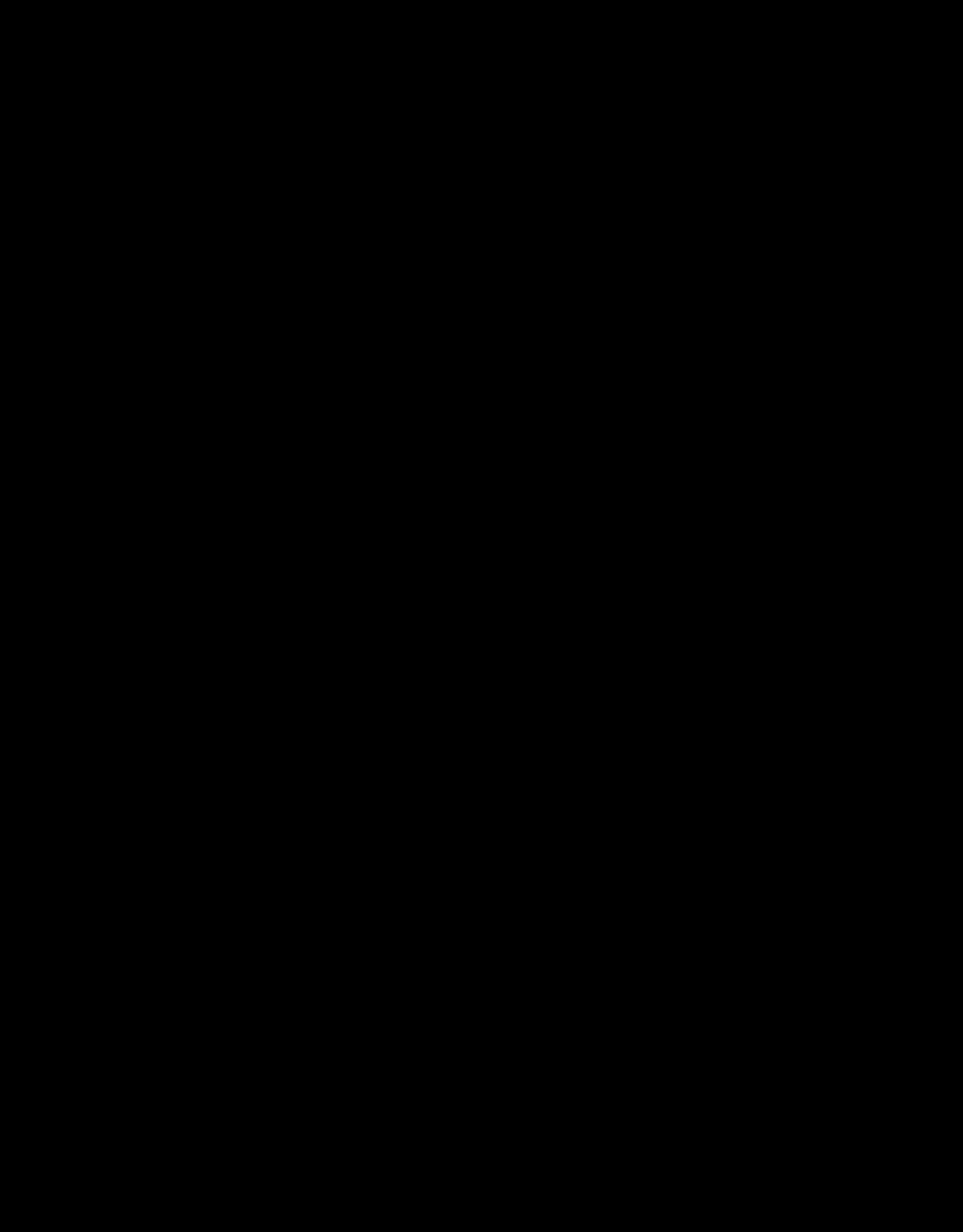
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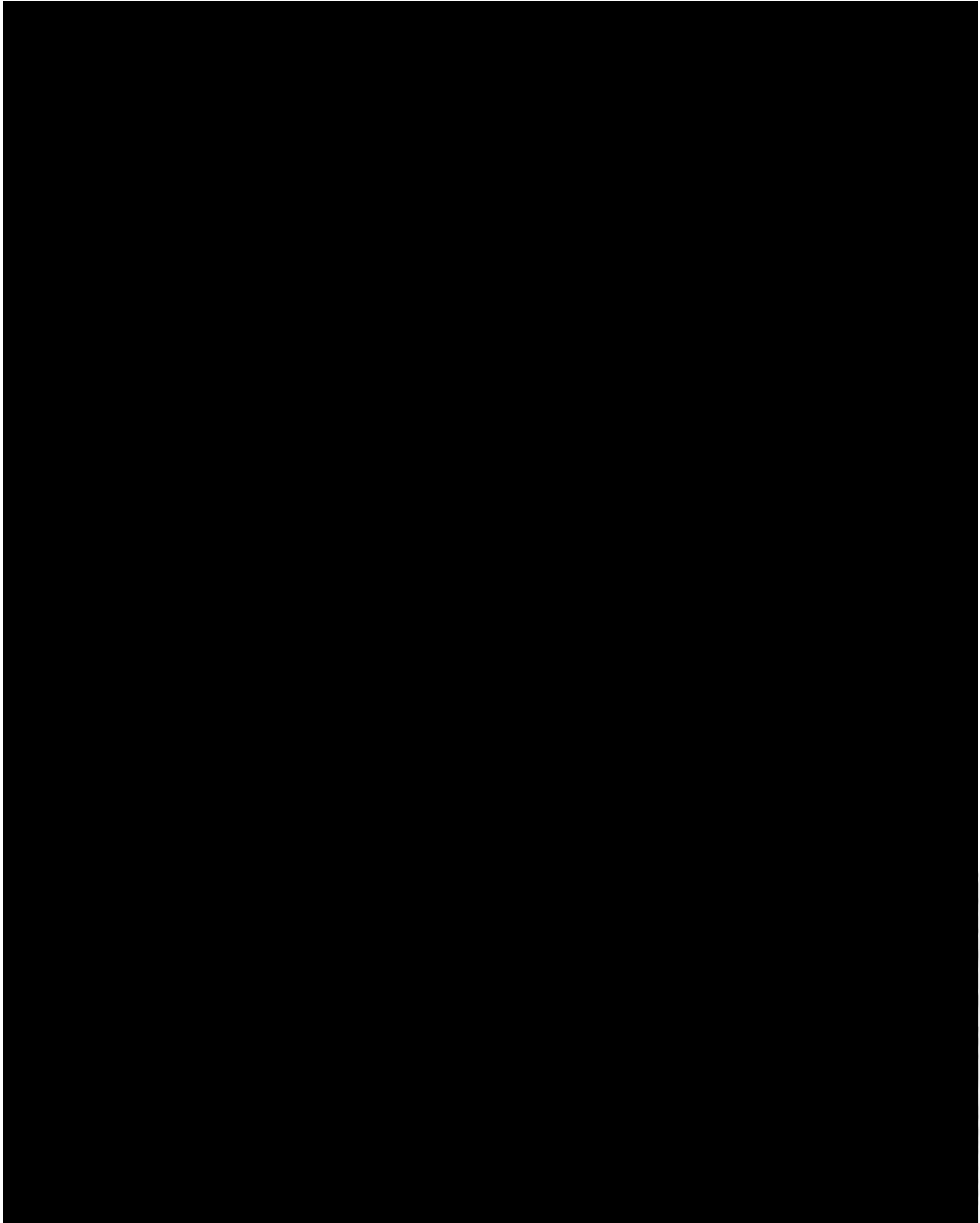
Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414

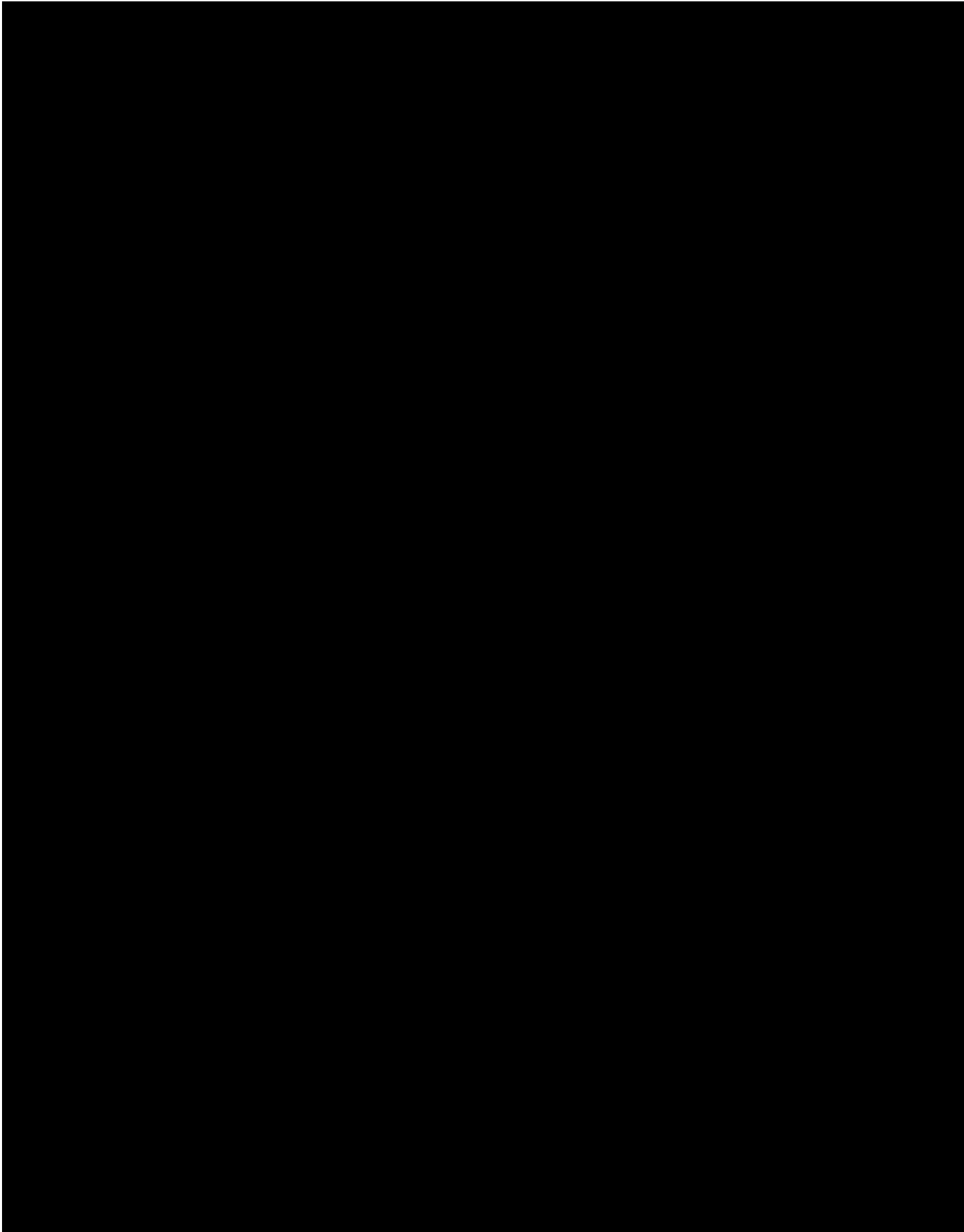


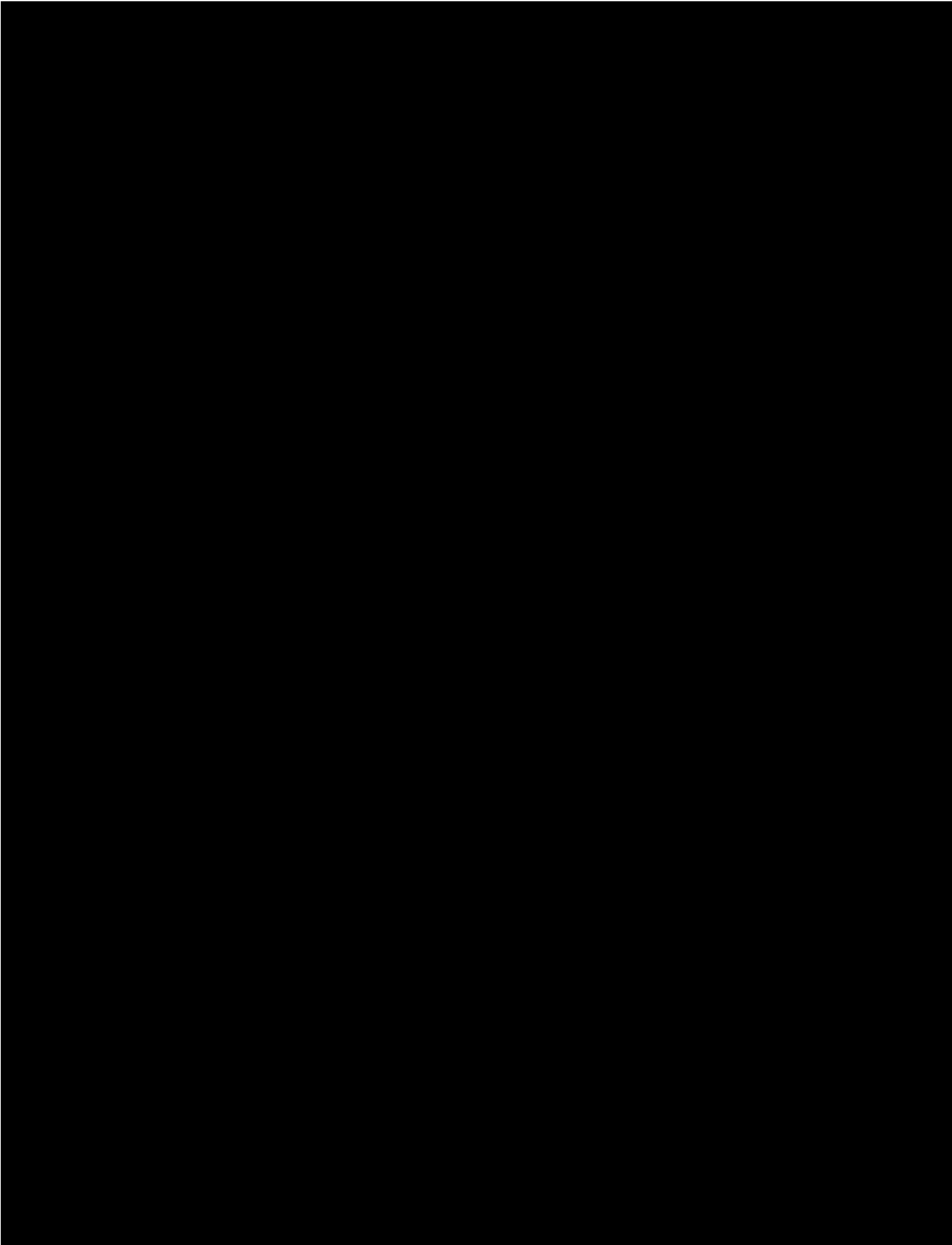


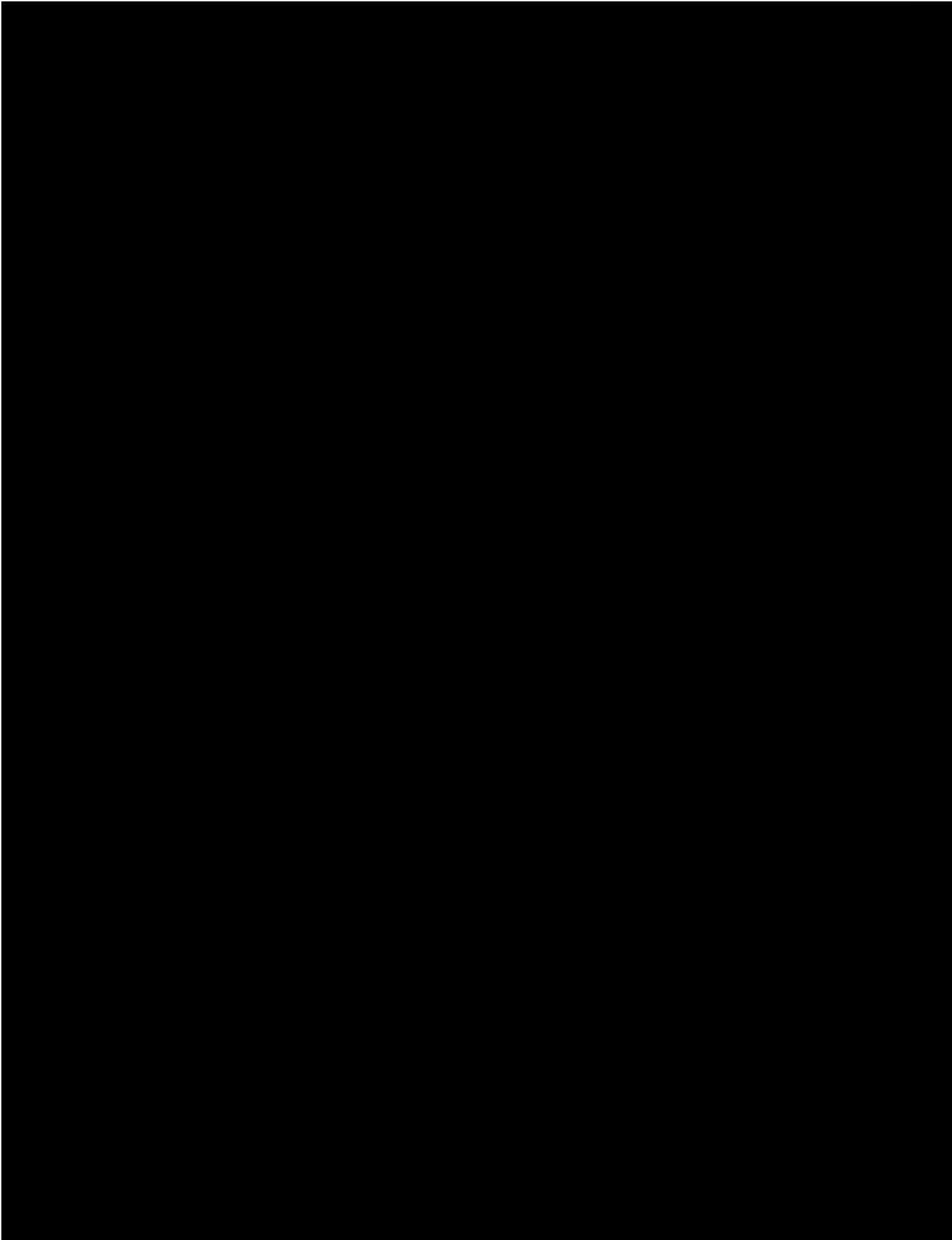


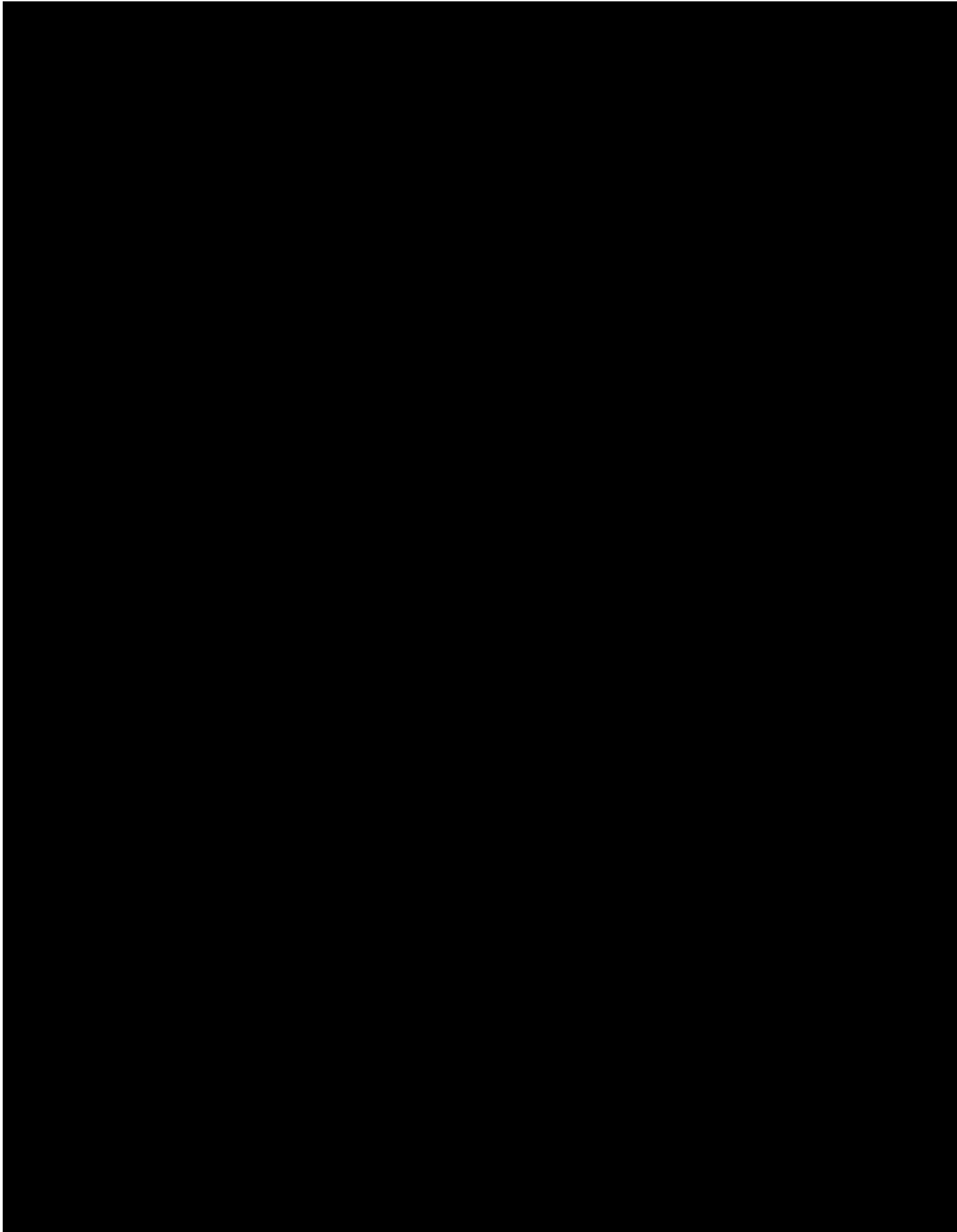


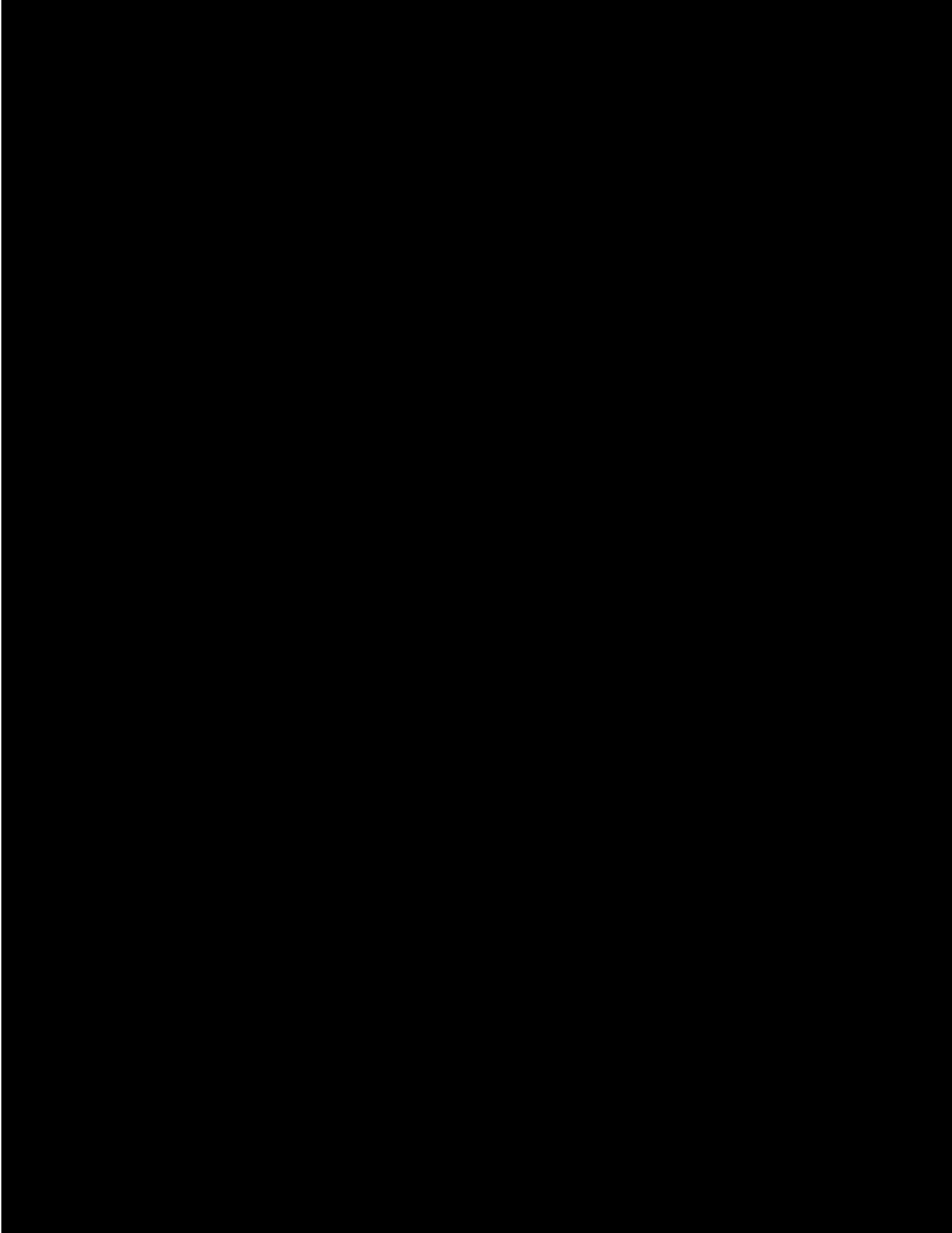


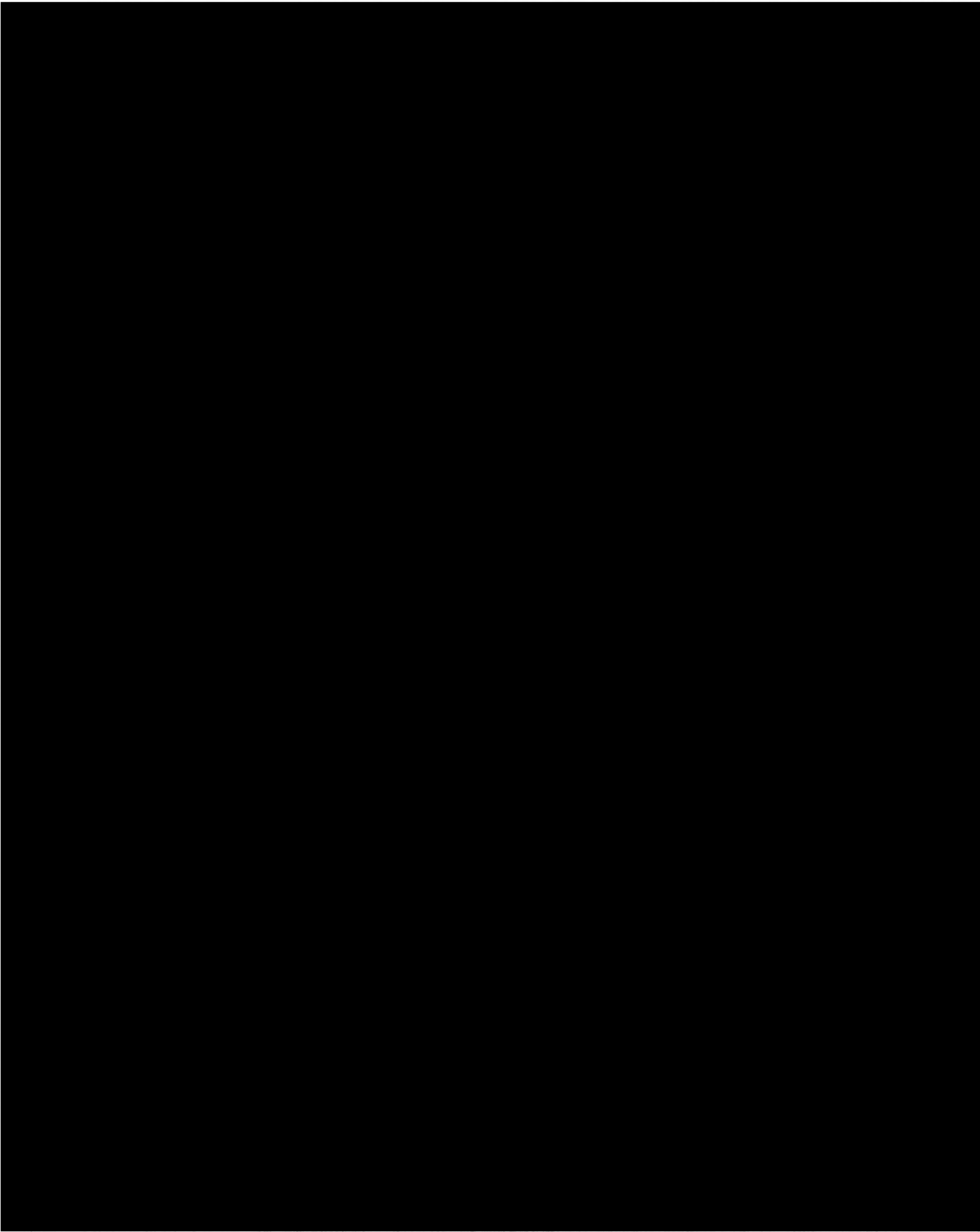


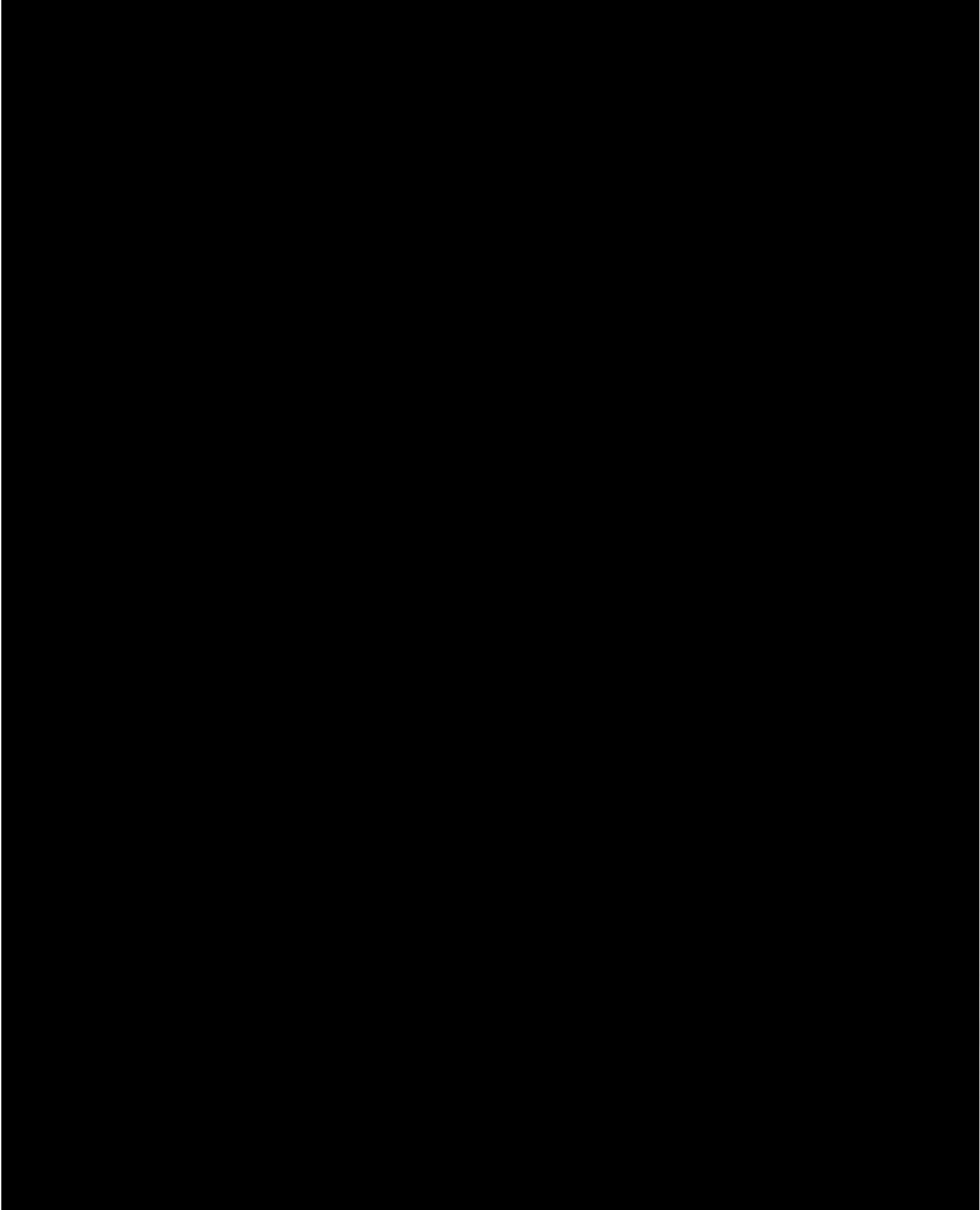


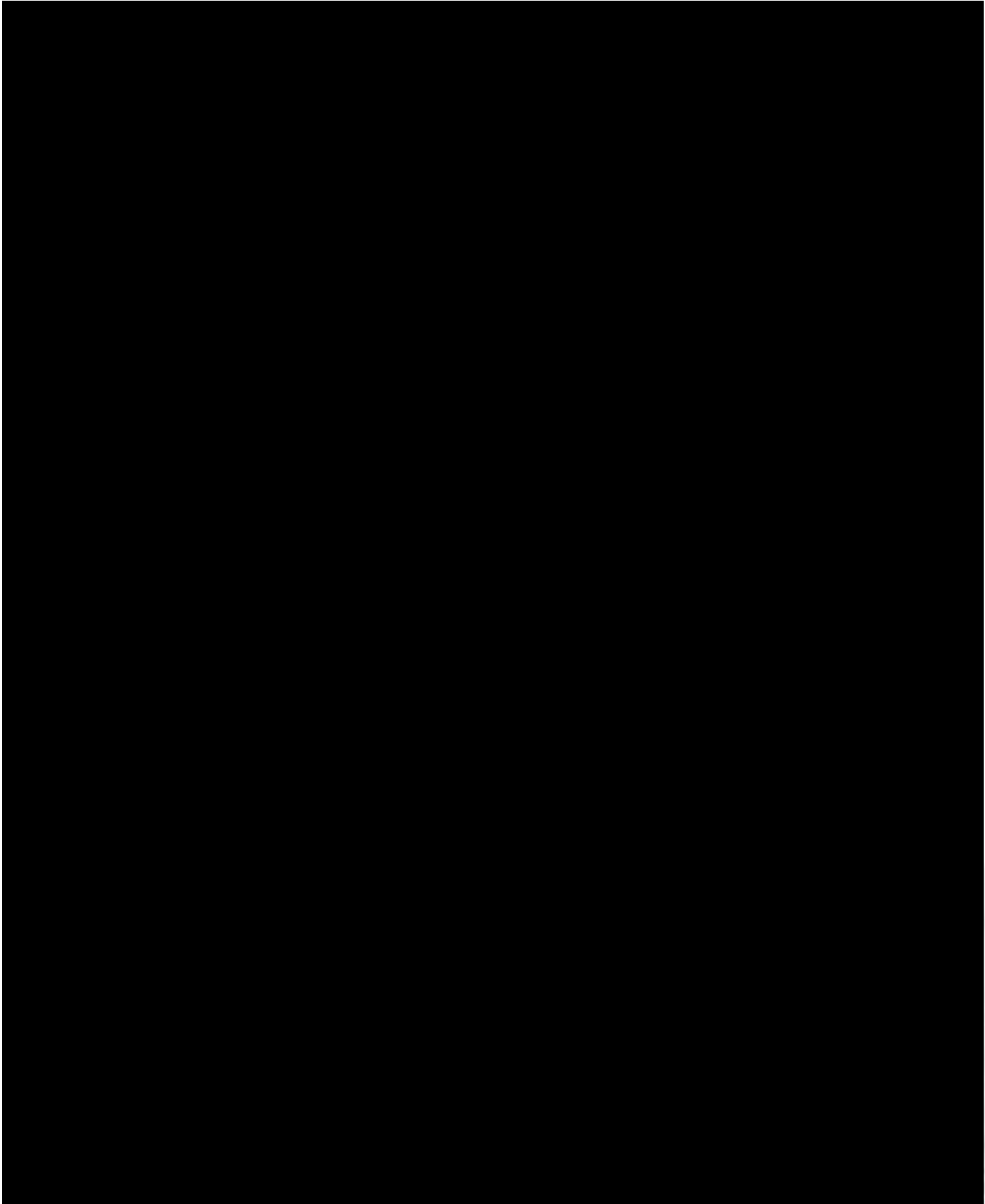


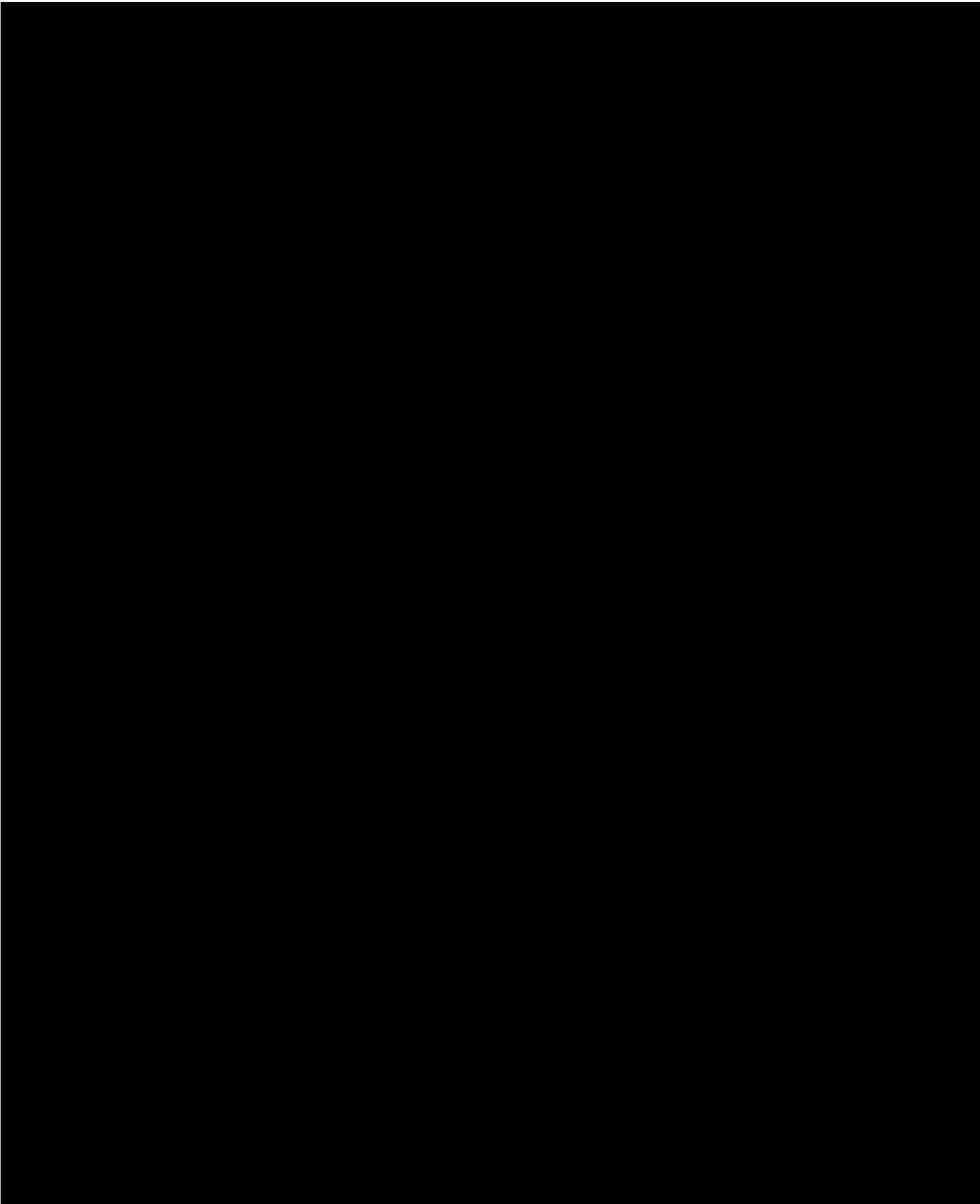


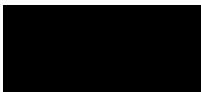
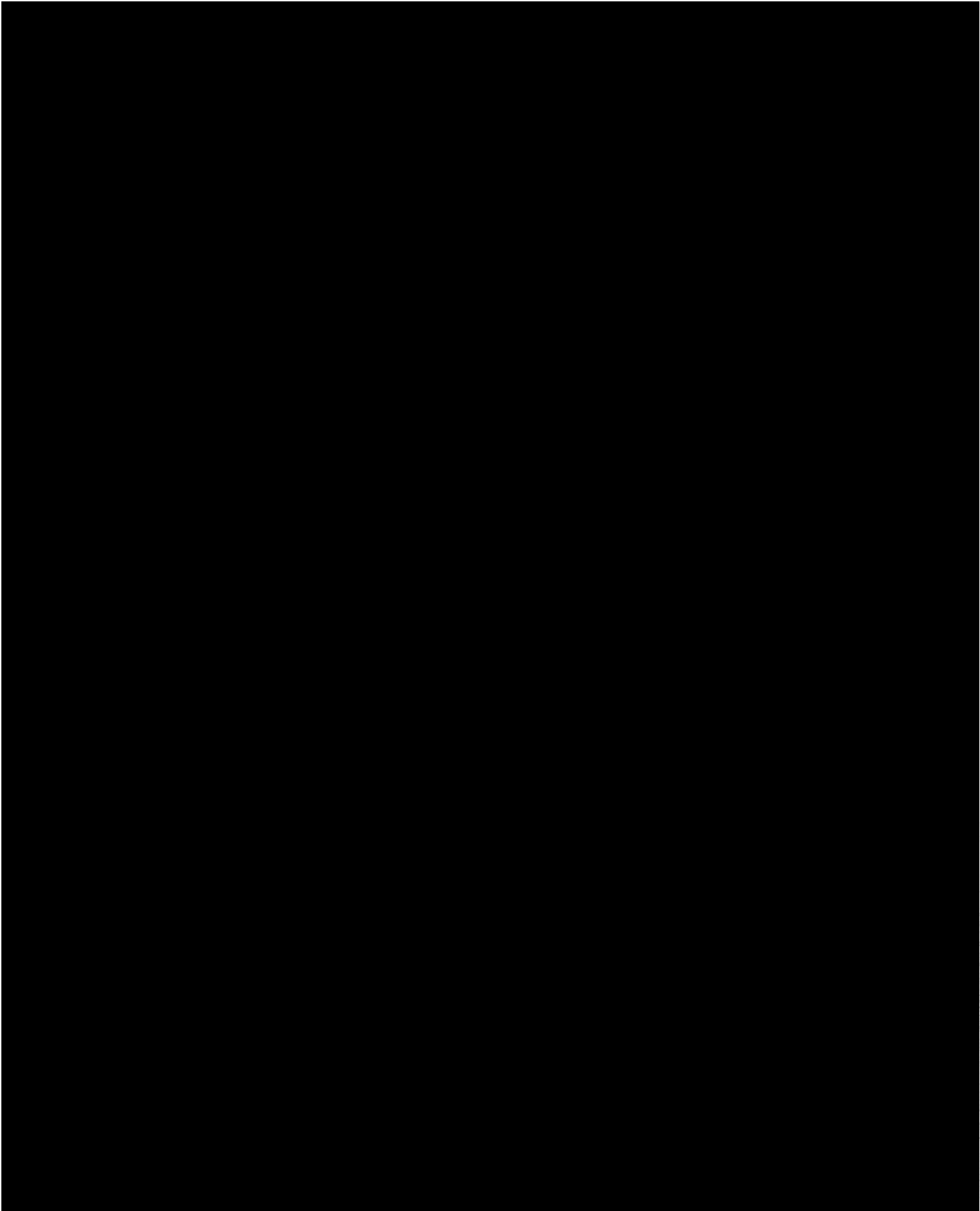


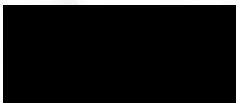
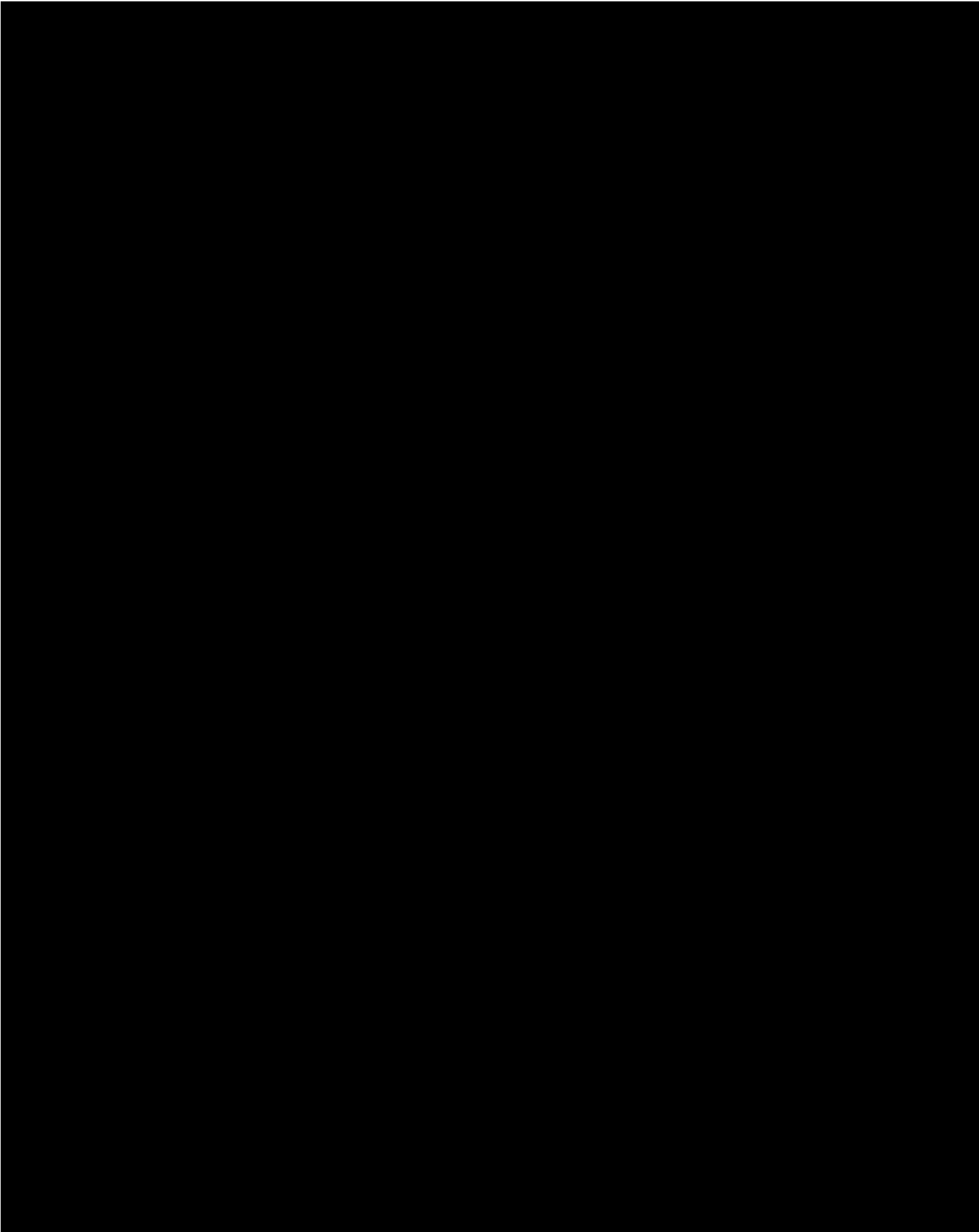


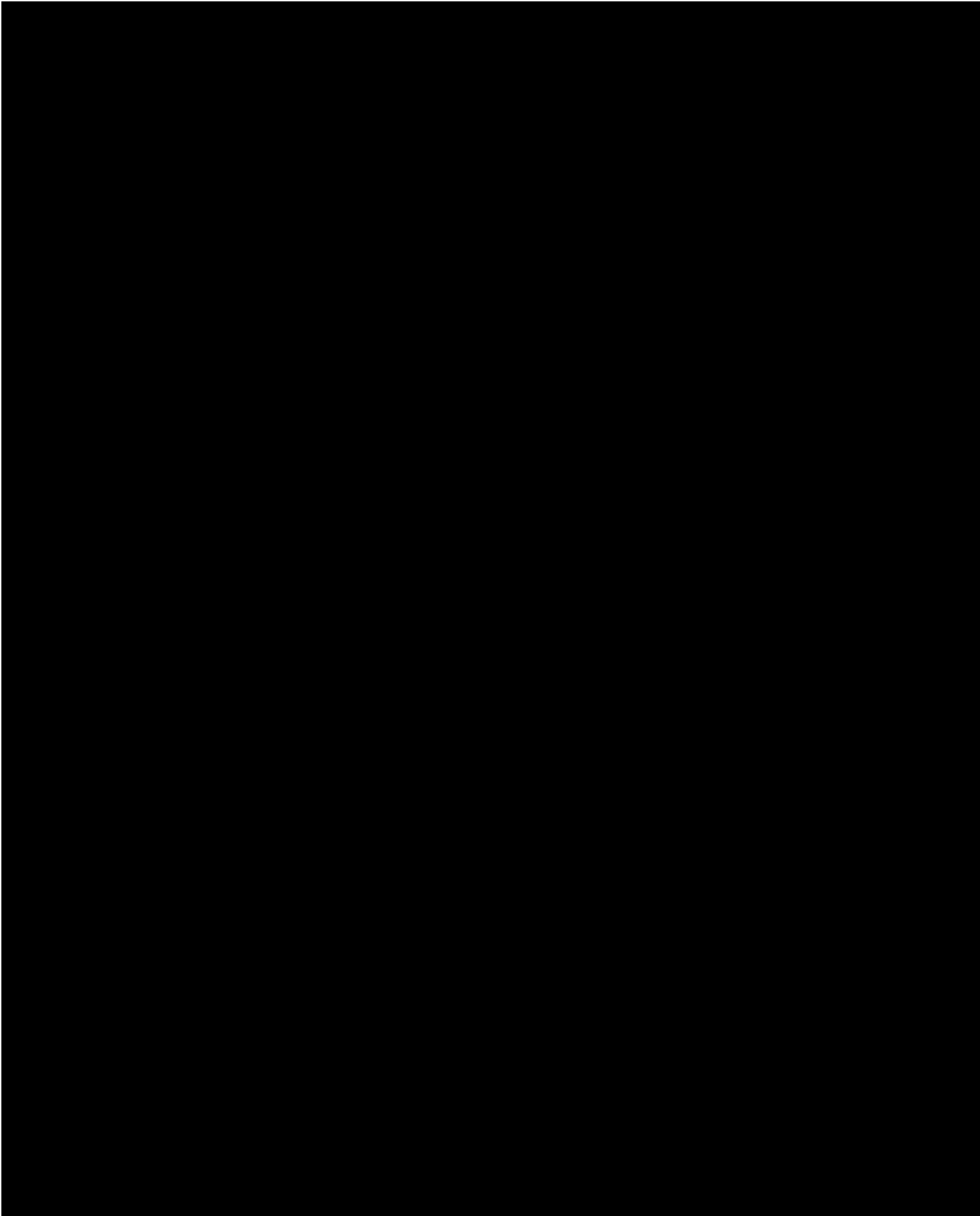


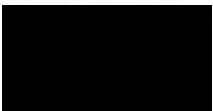
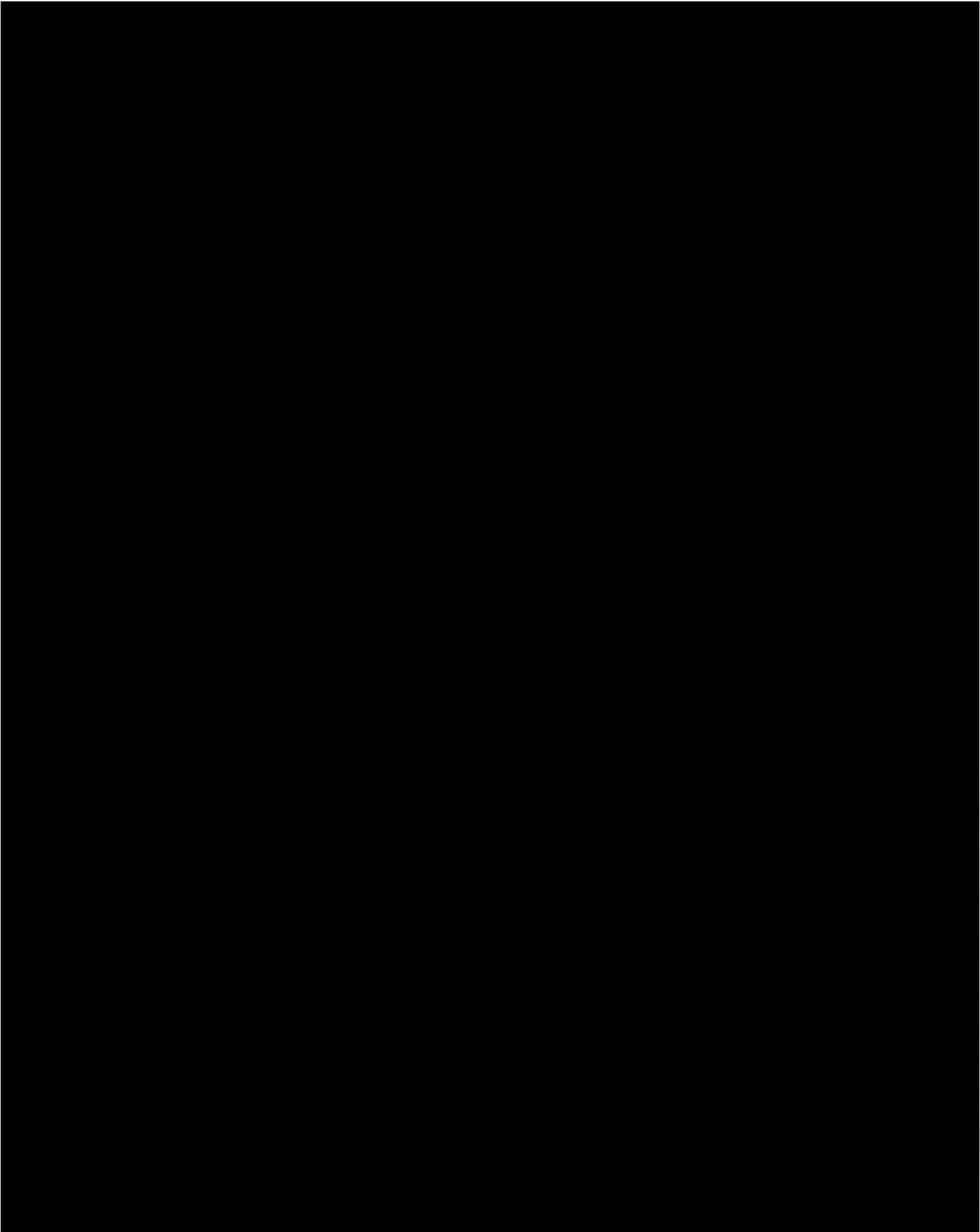


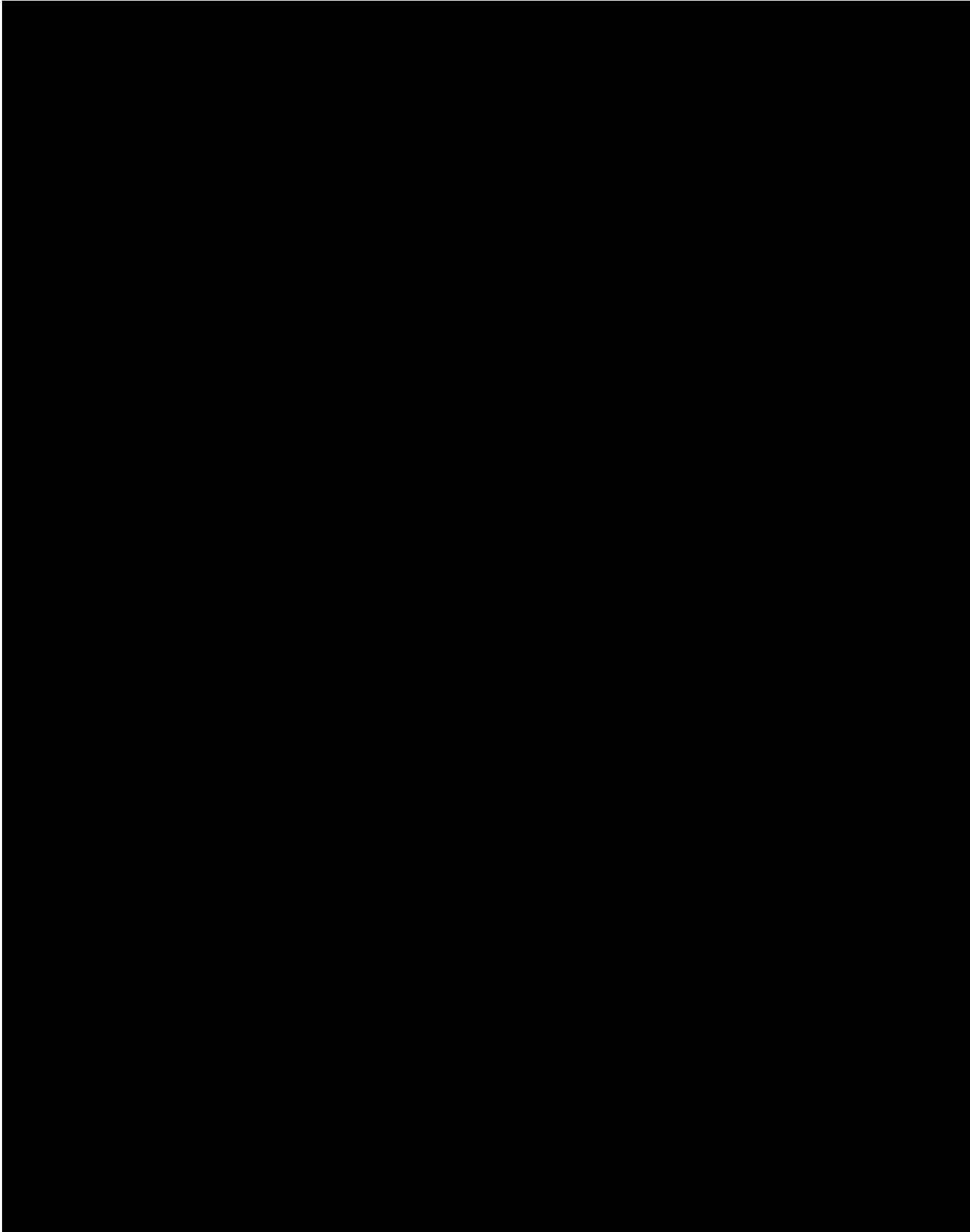


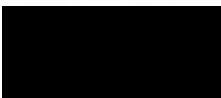
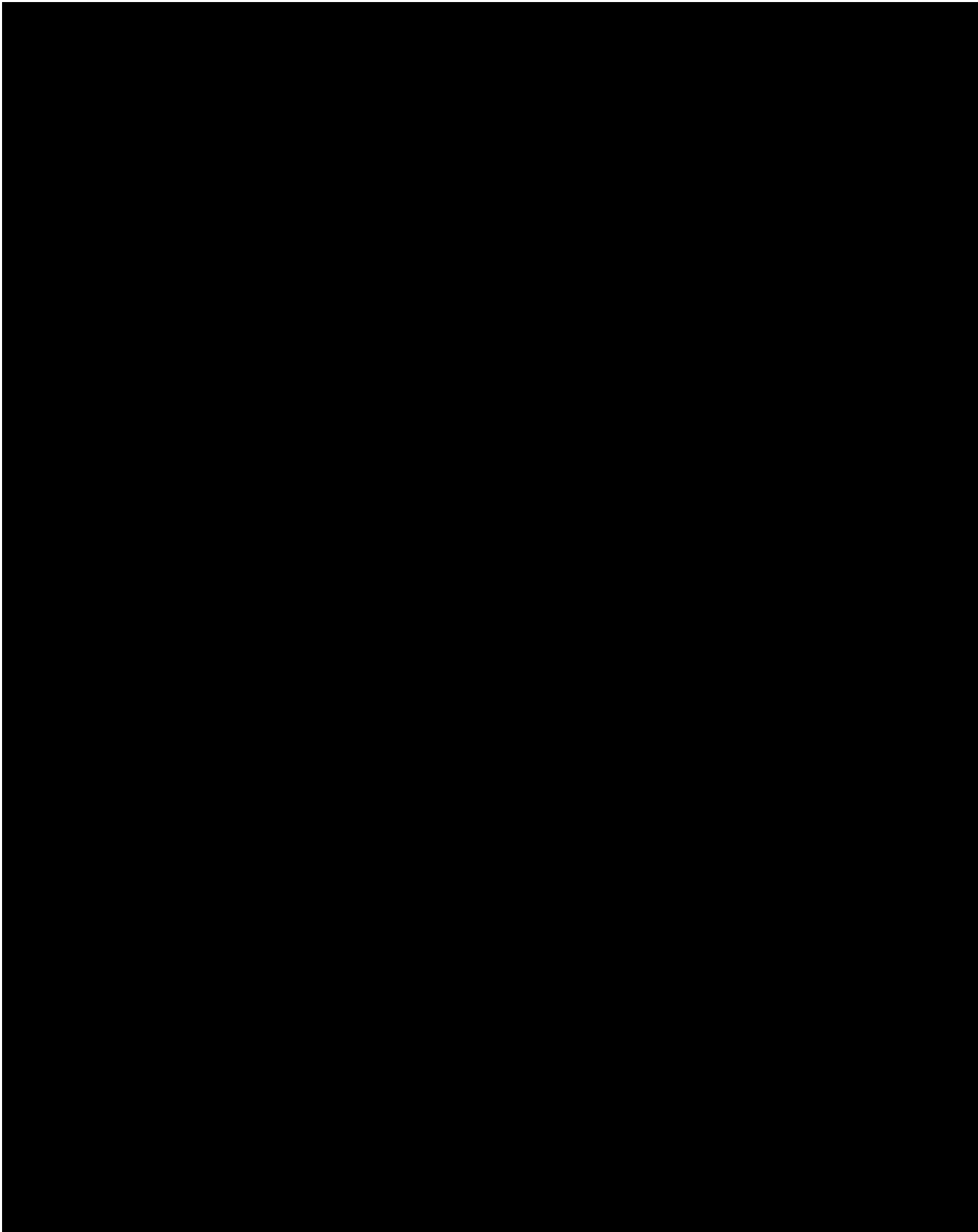


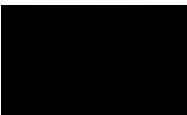
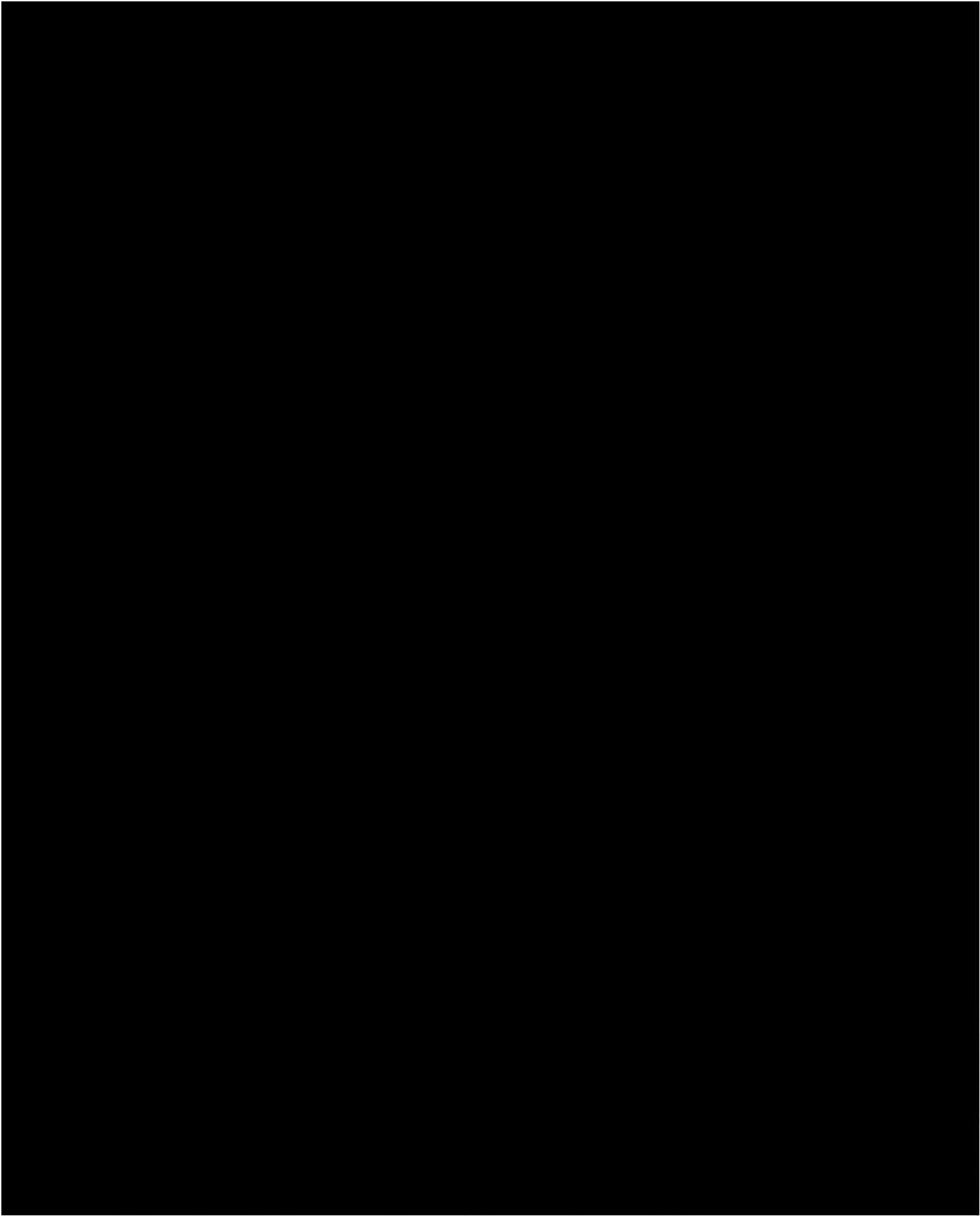


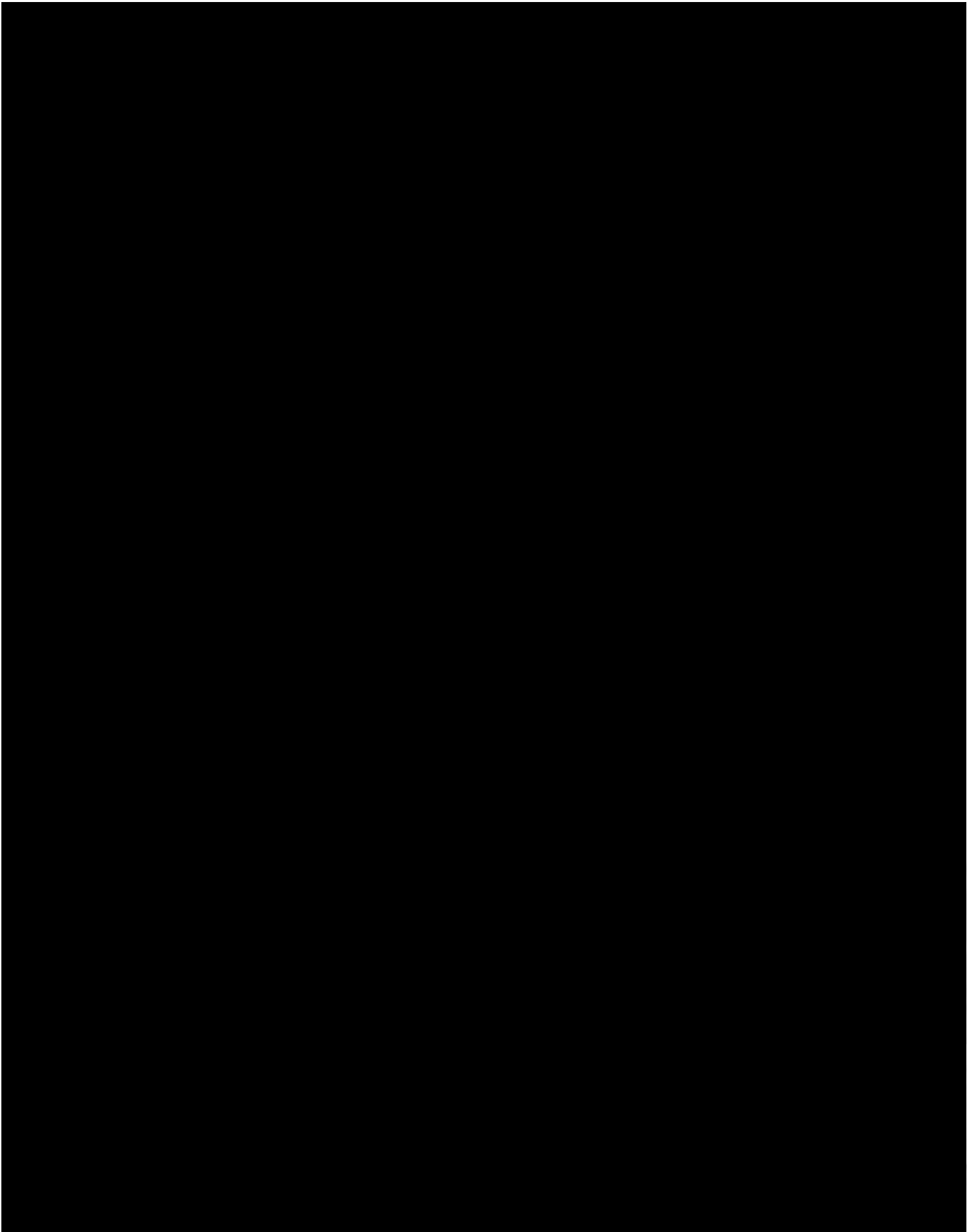


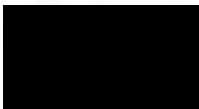
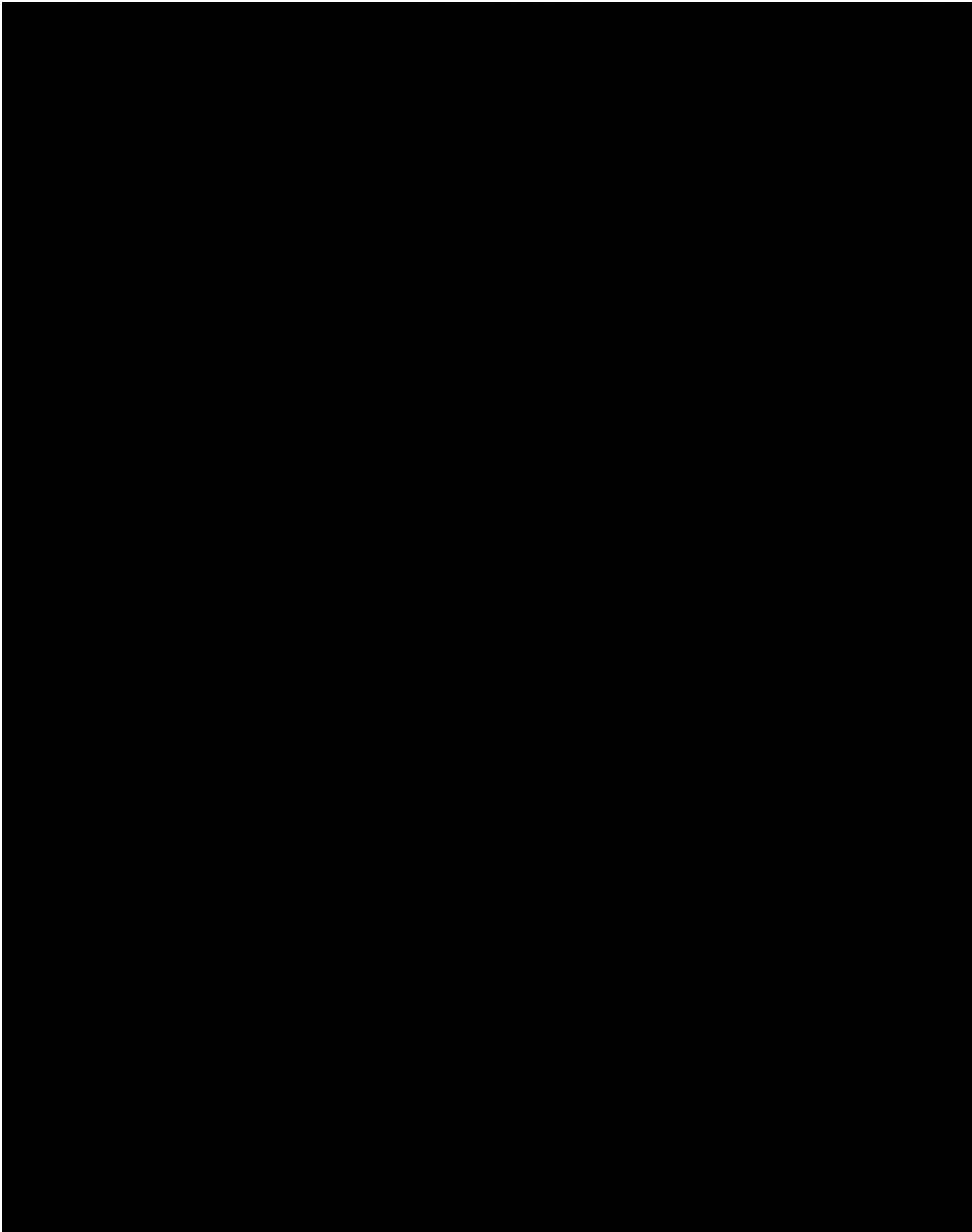


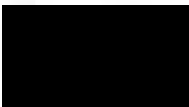
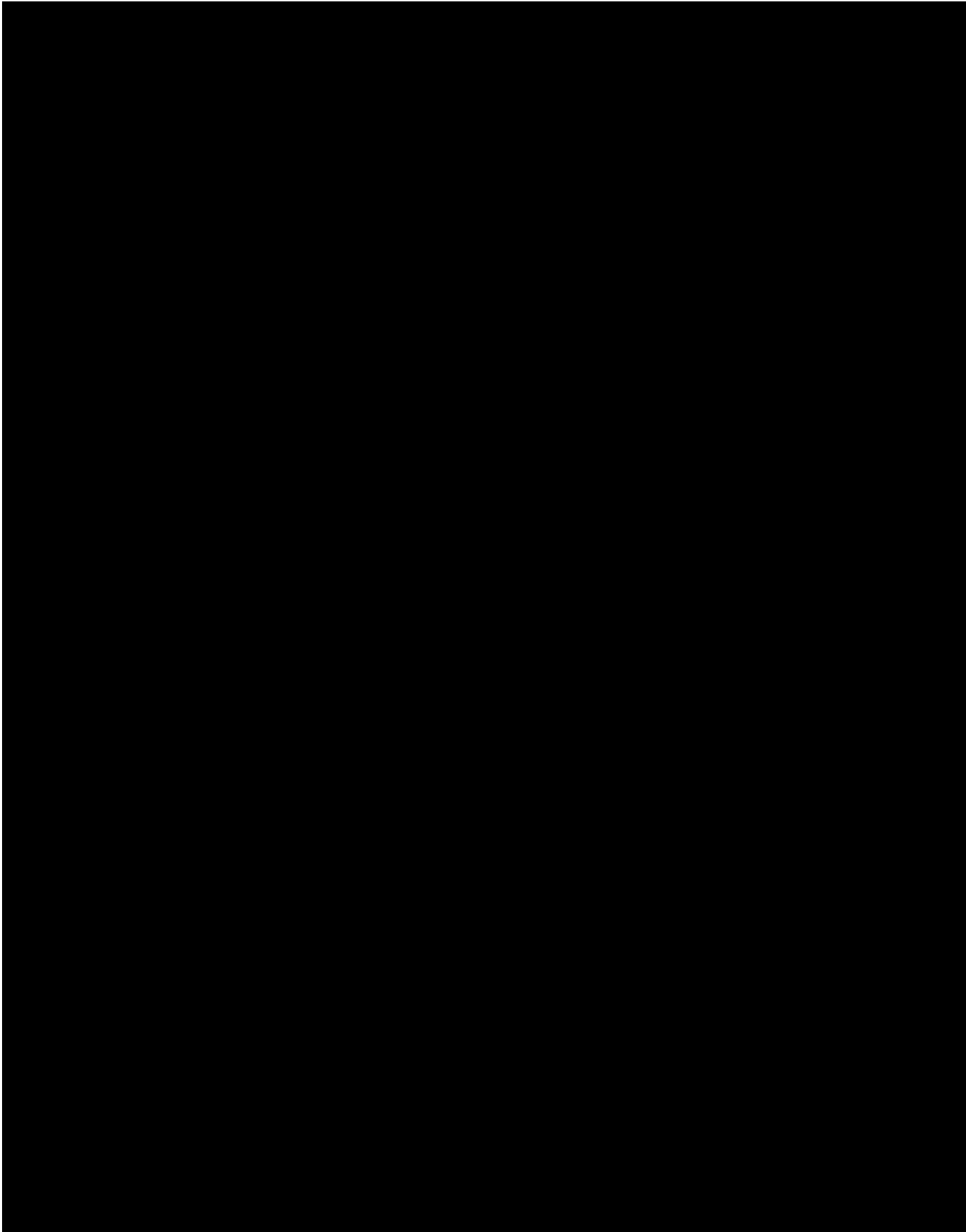


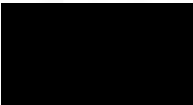
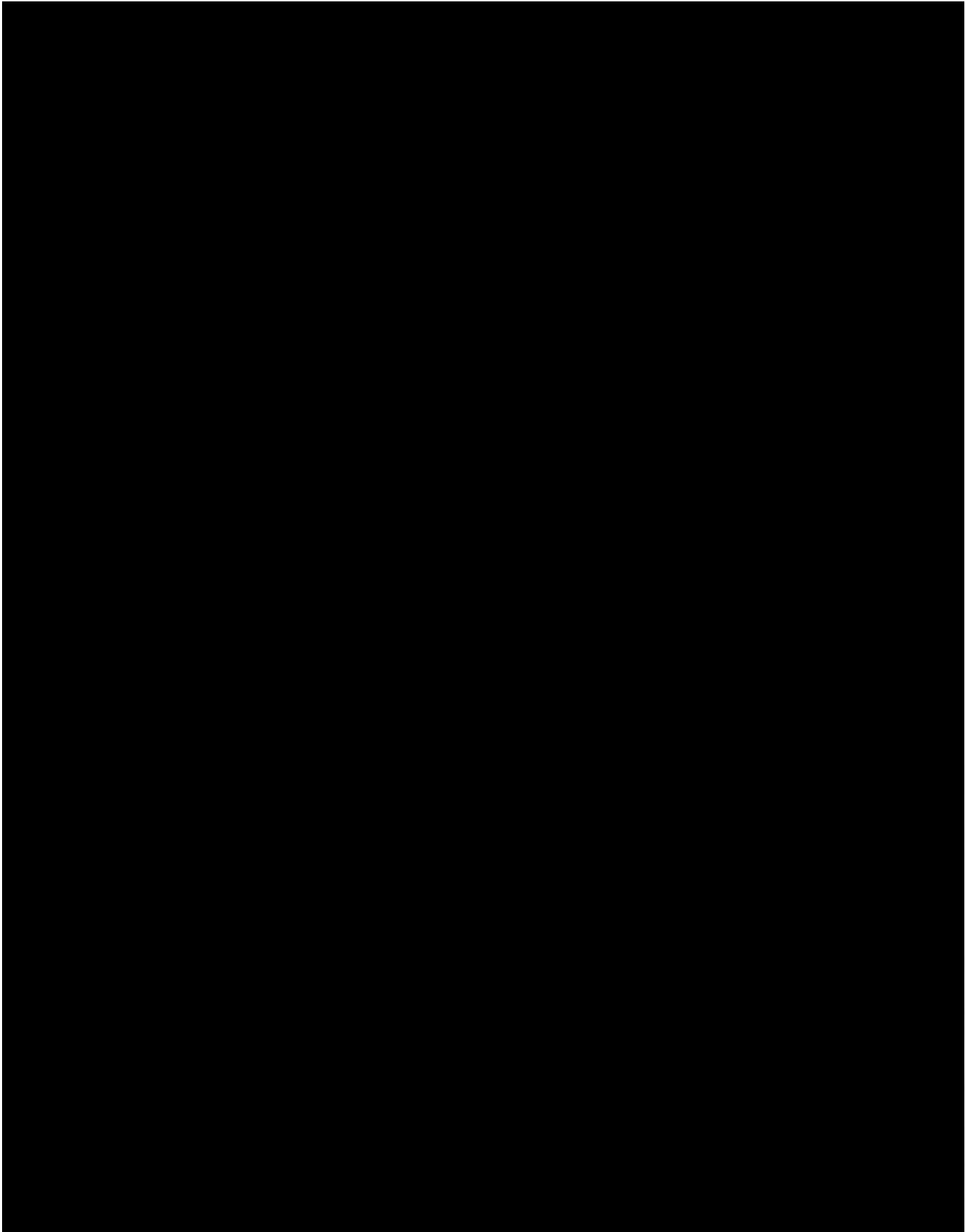


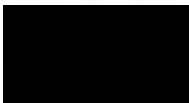
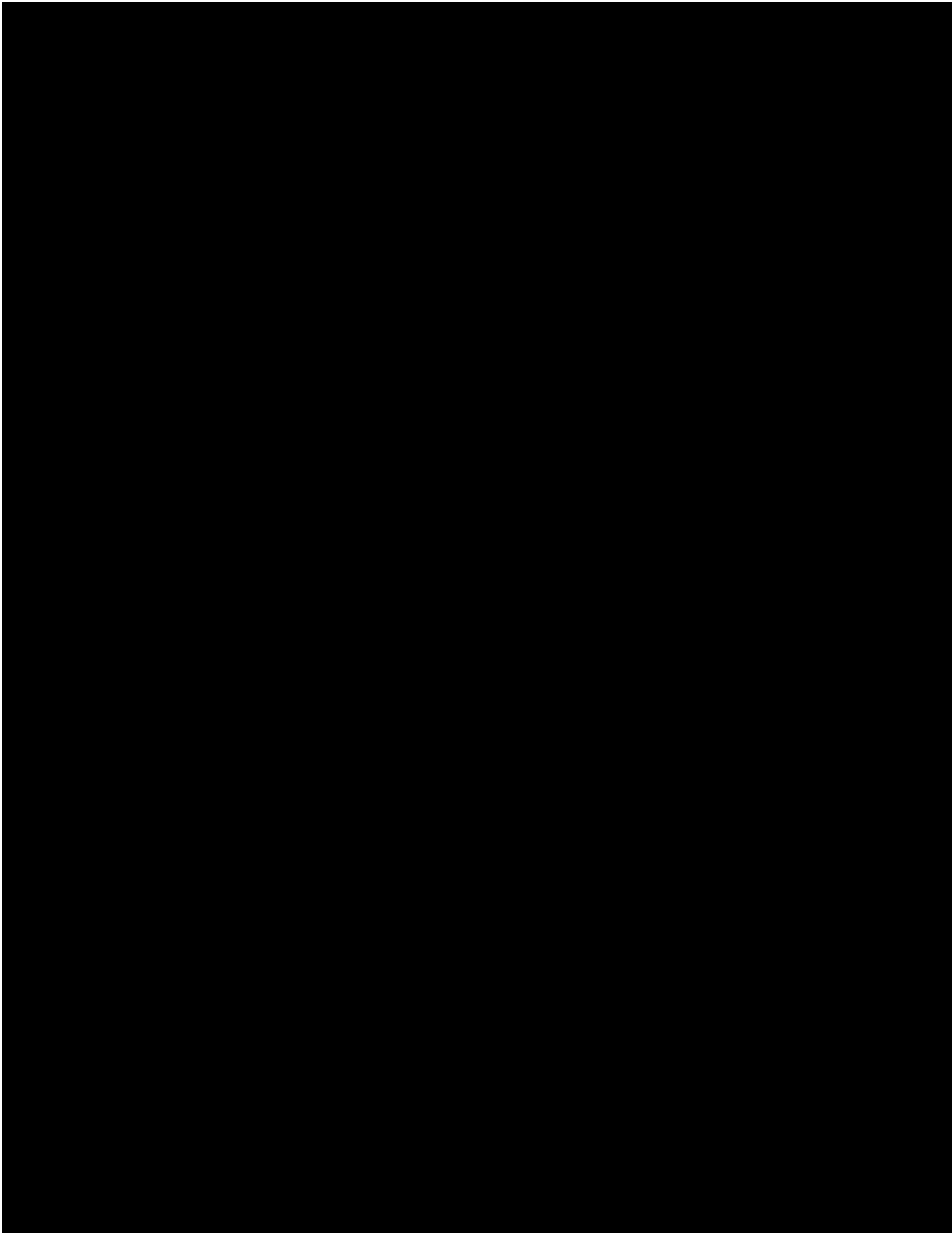


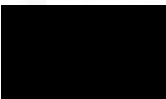
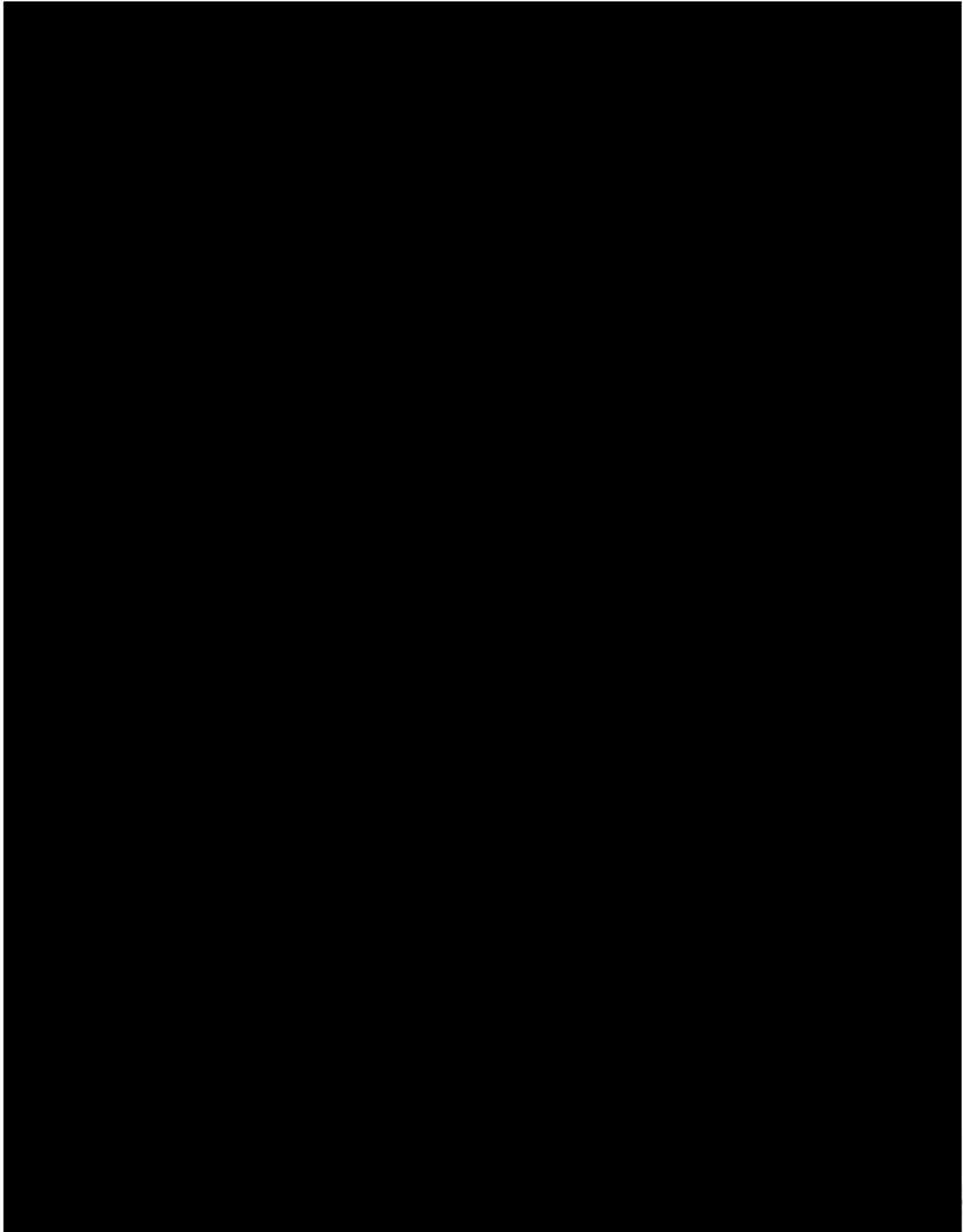


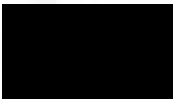
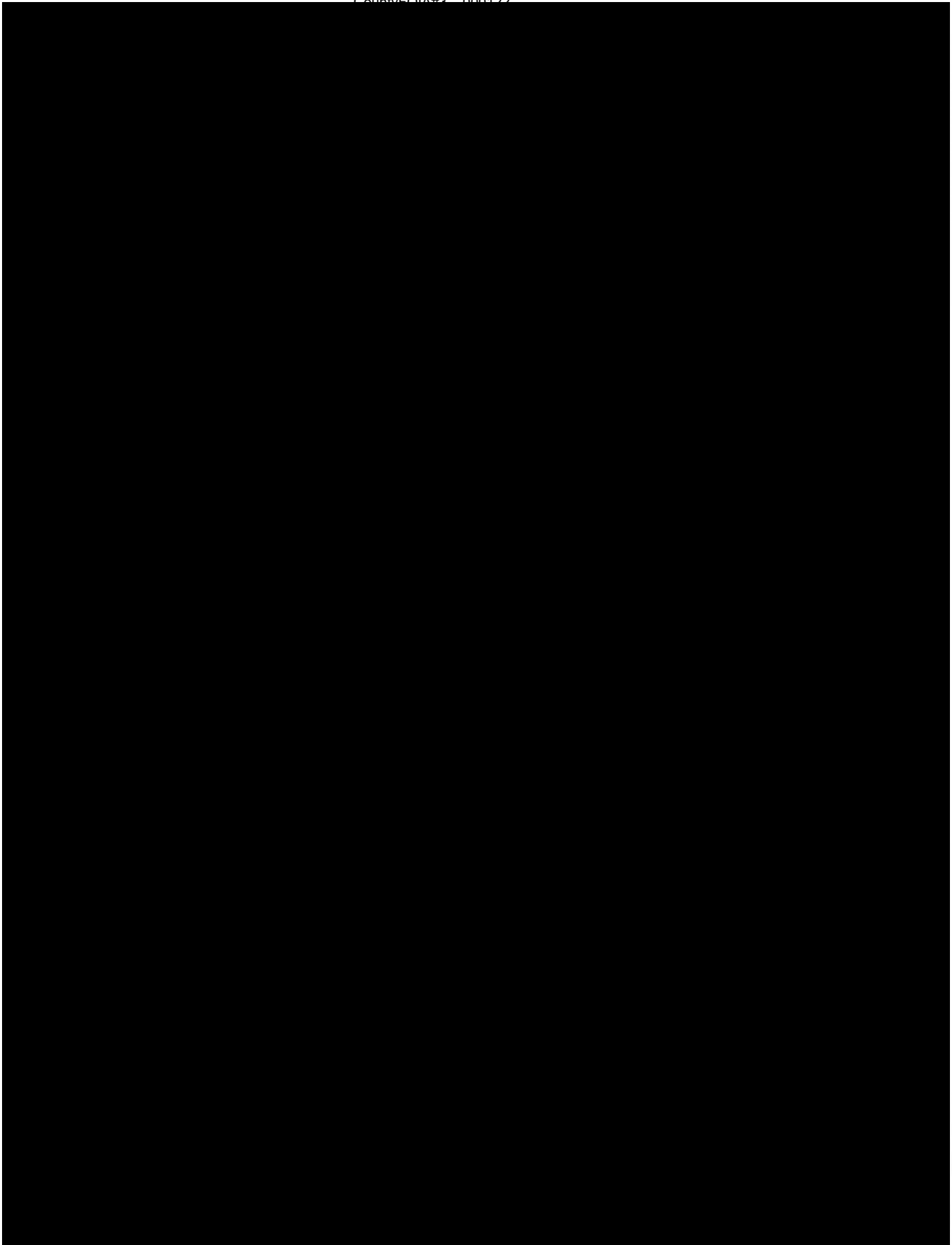


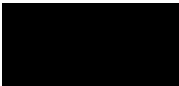
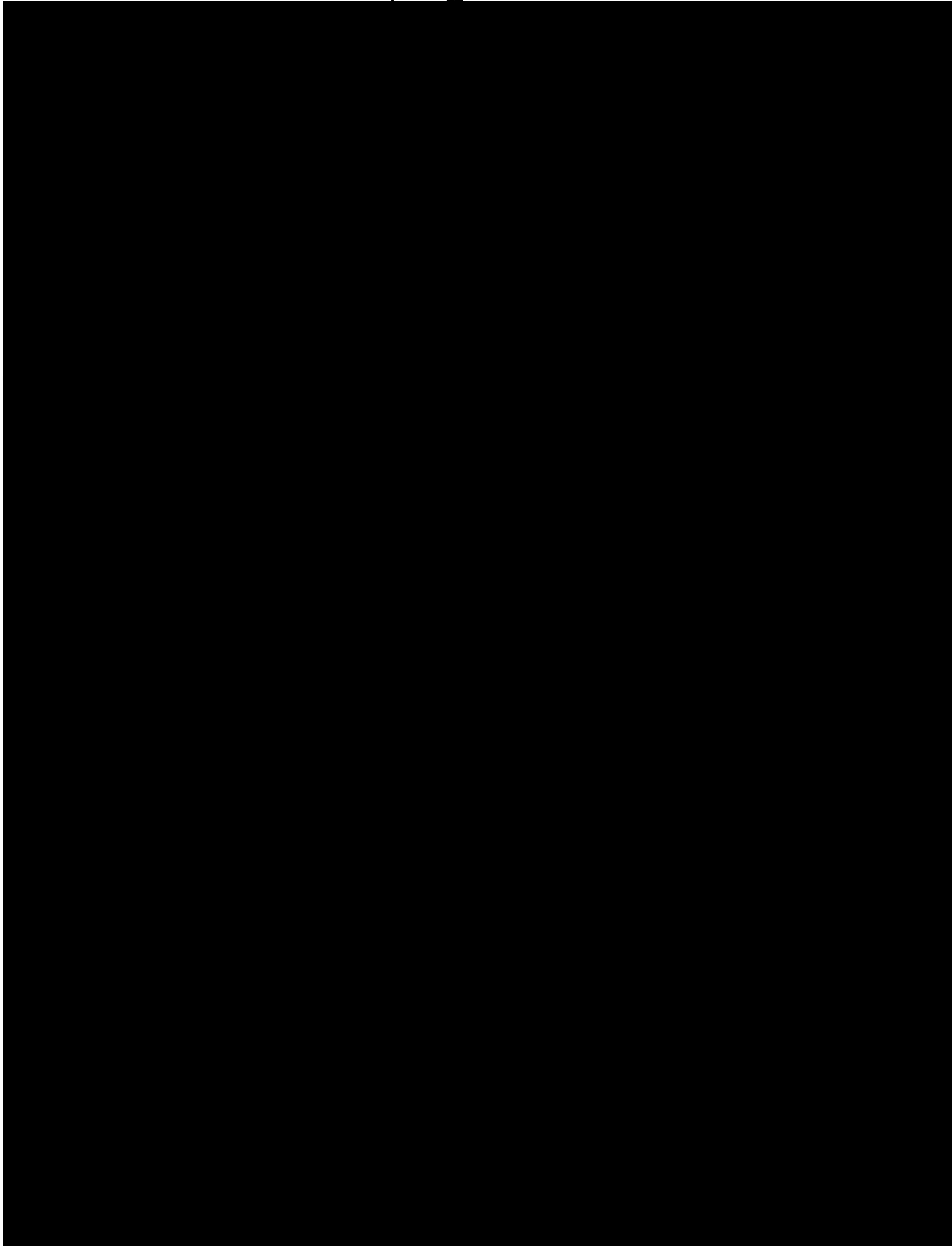


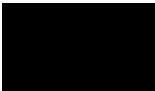
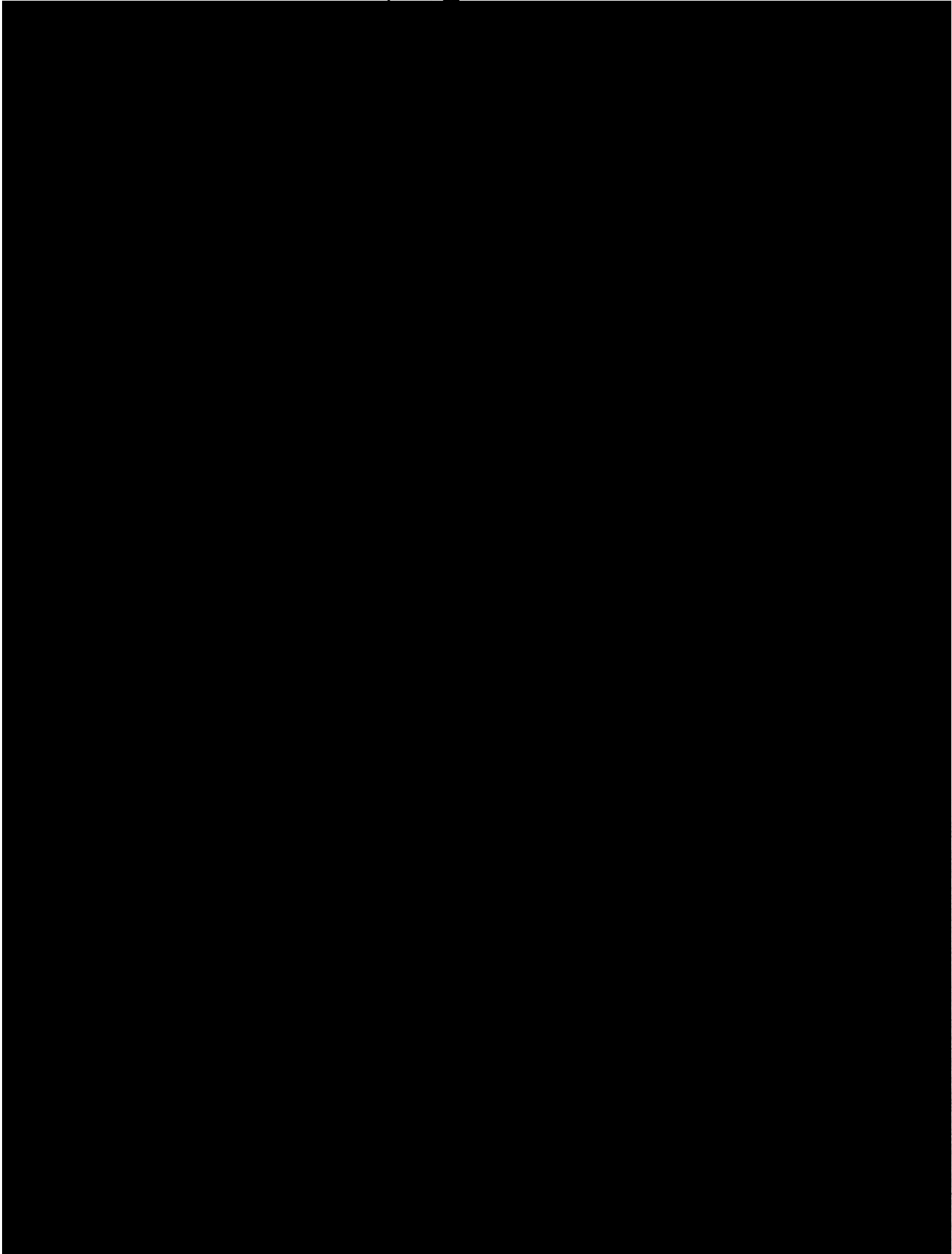


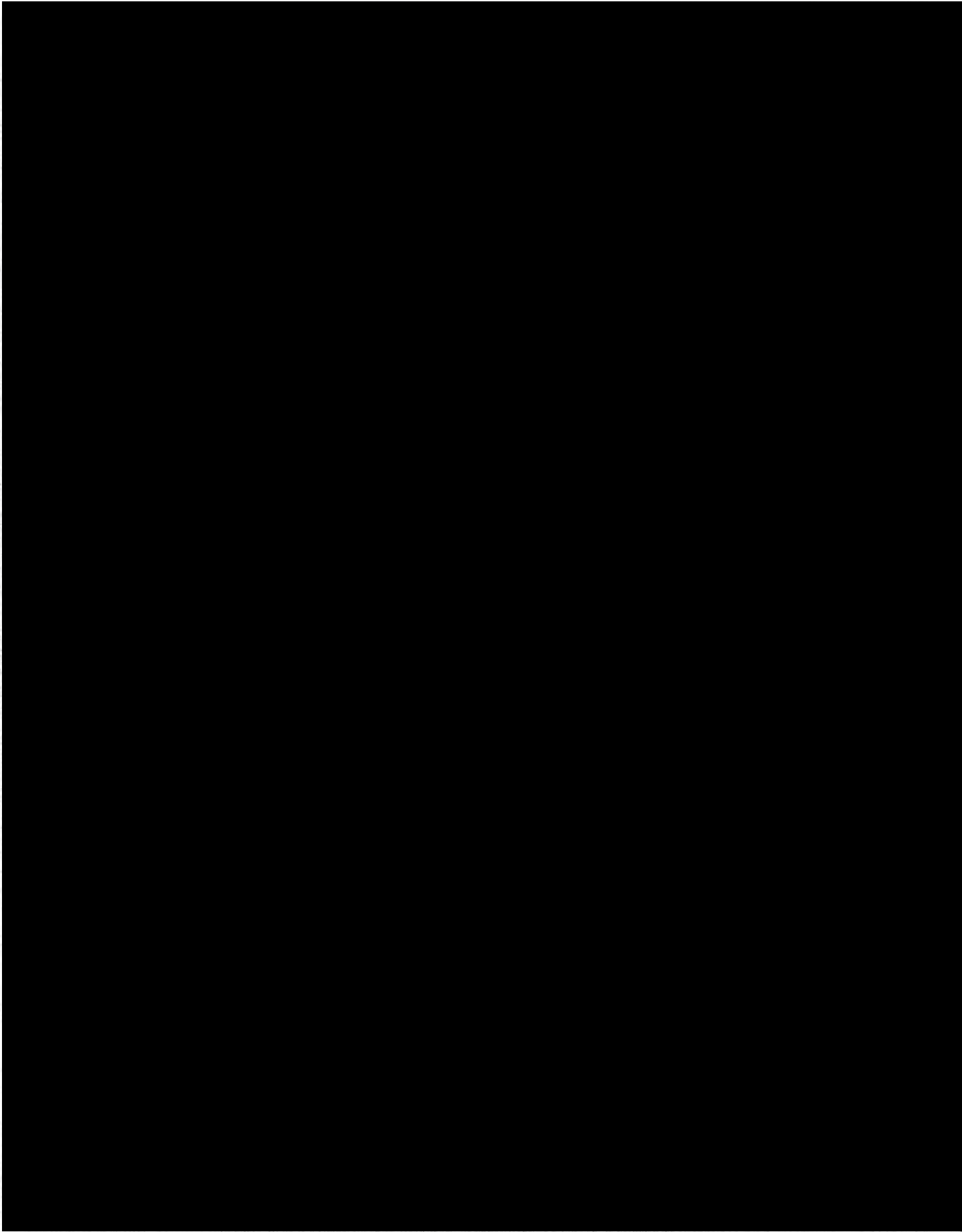


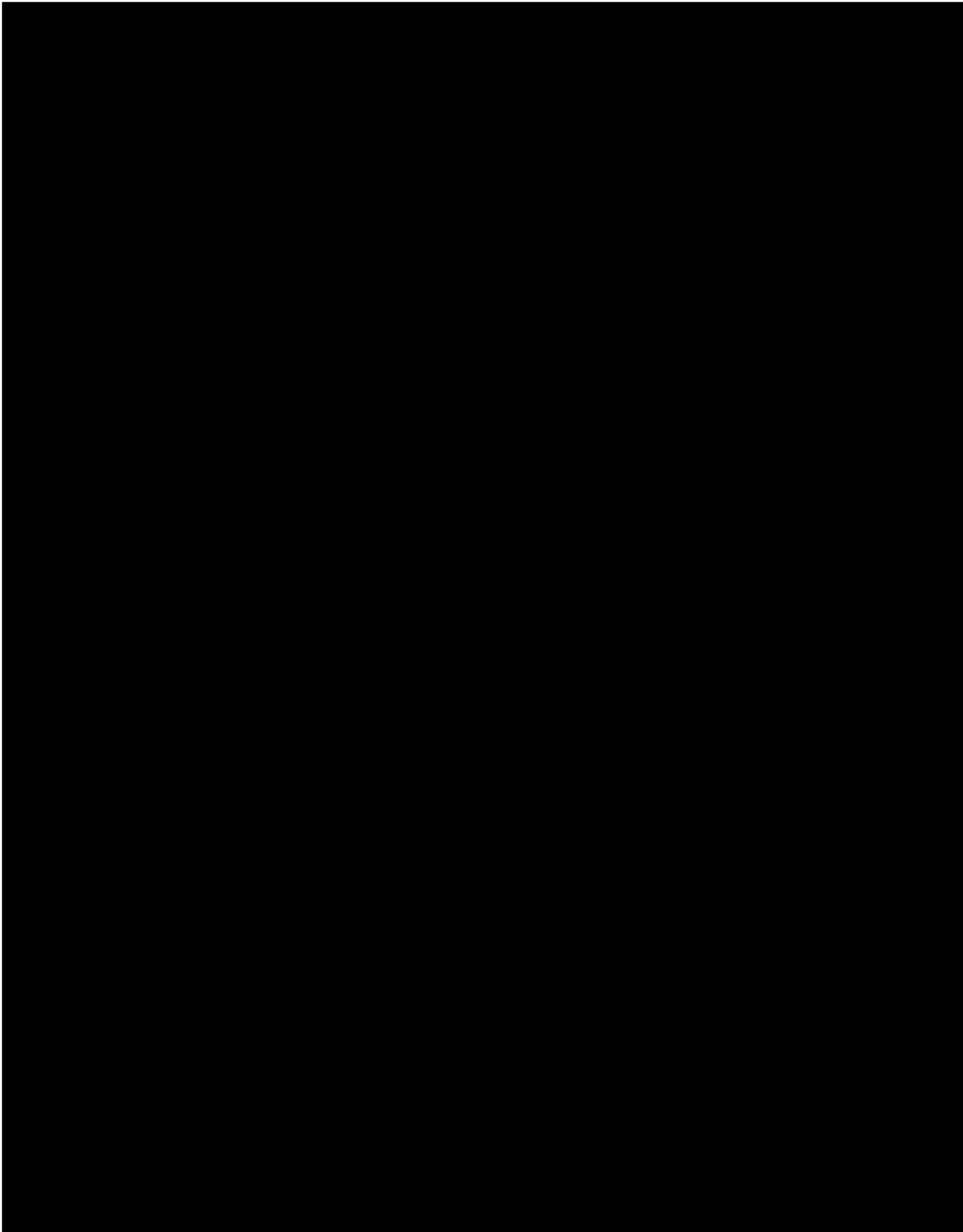


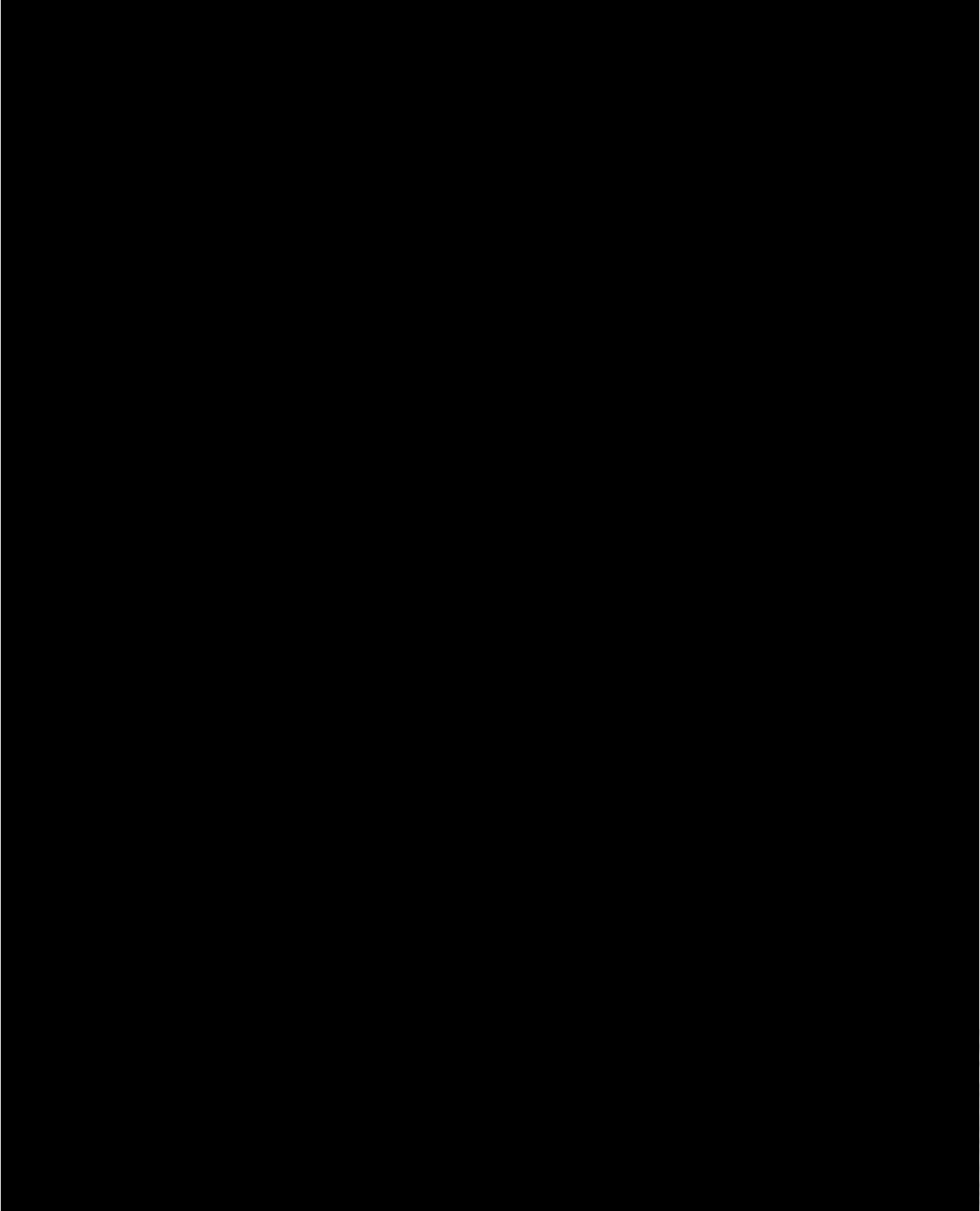


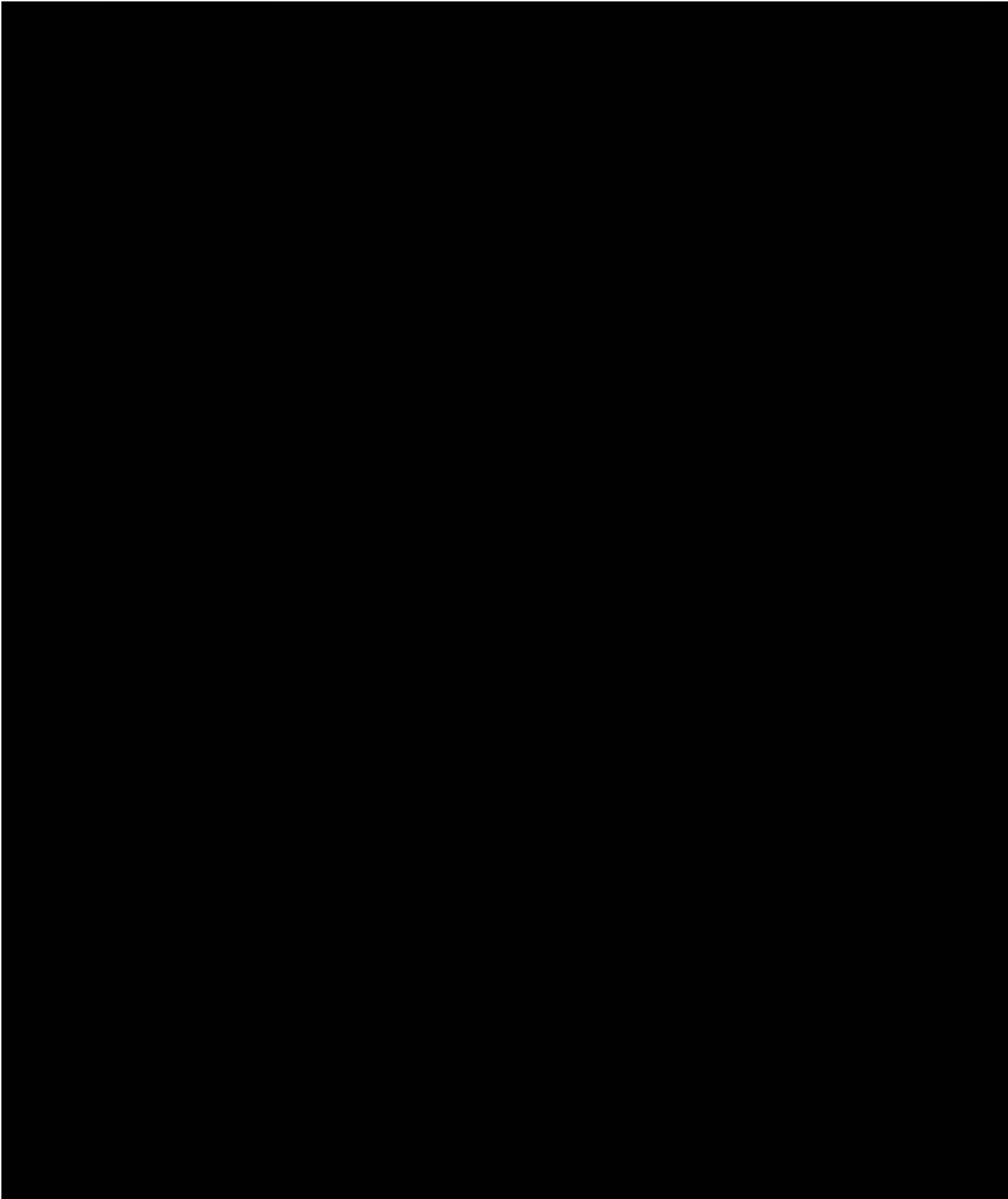


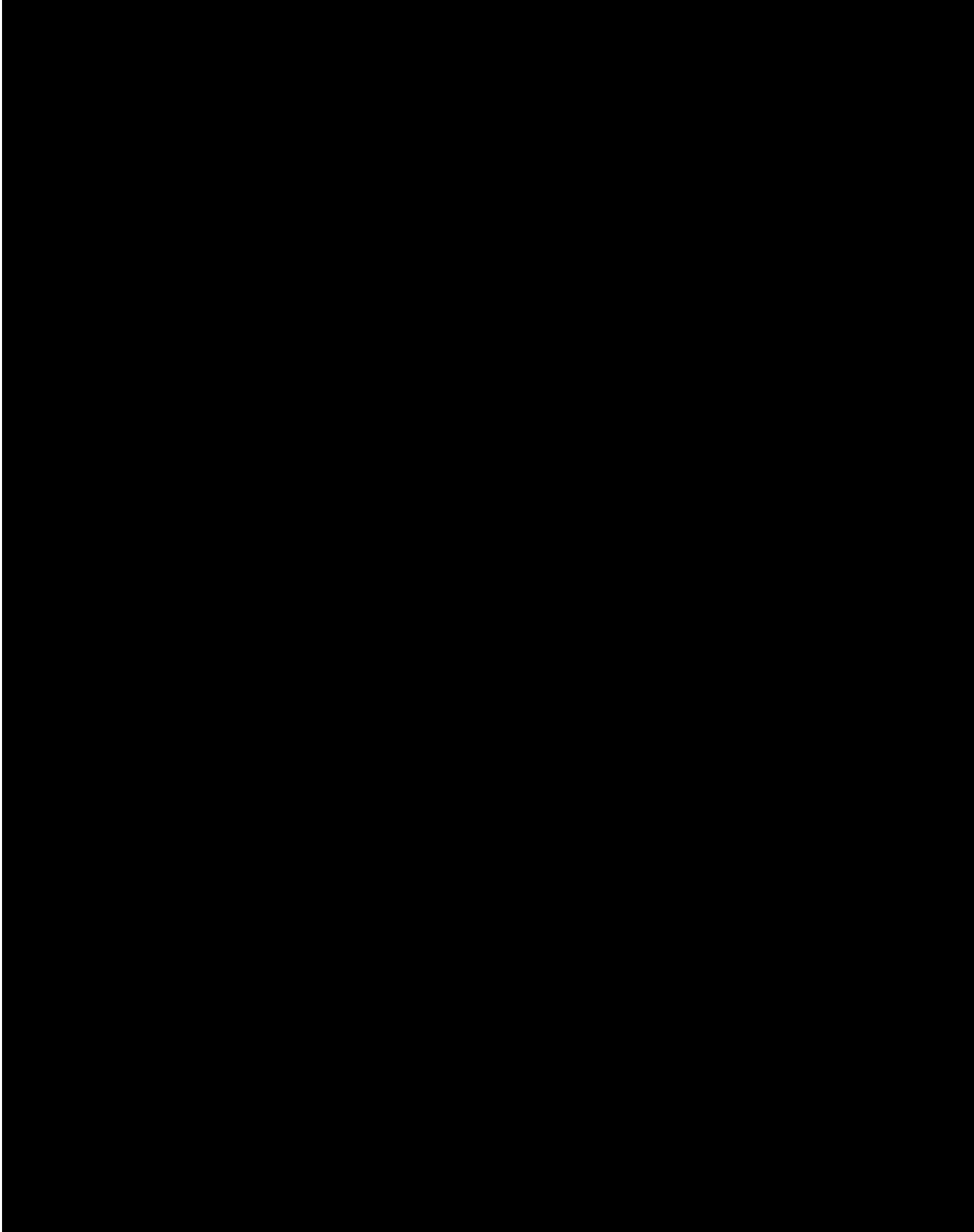


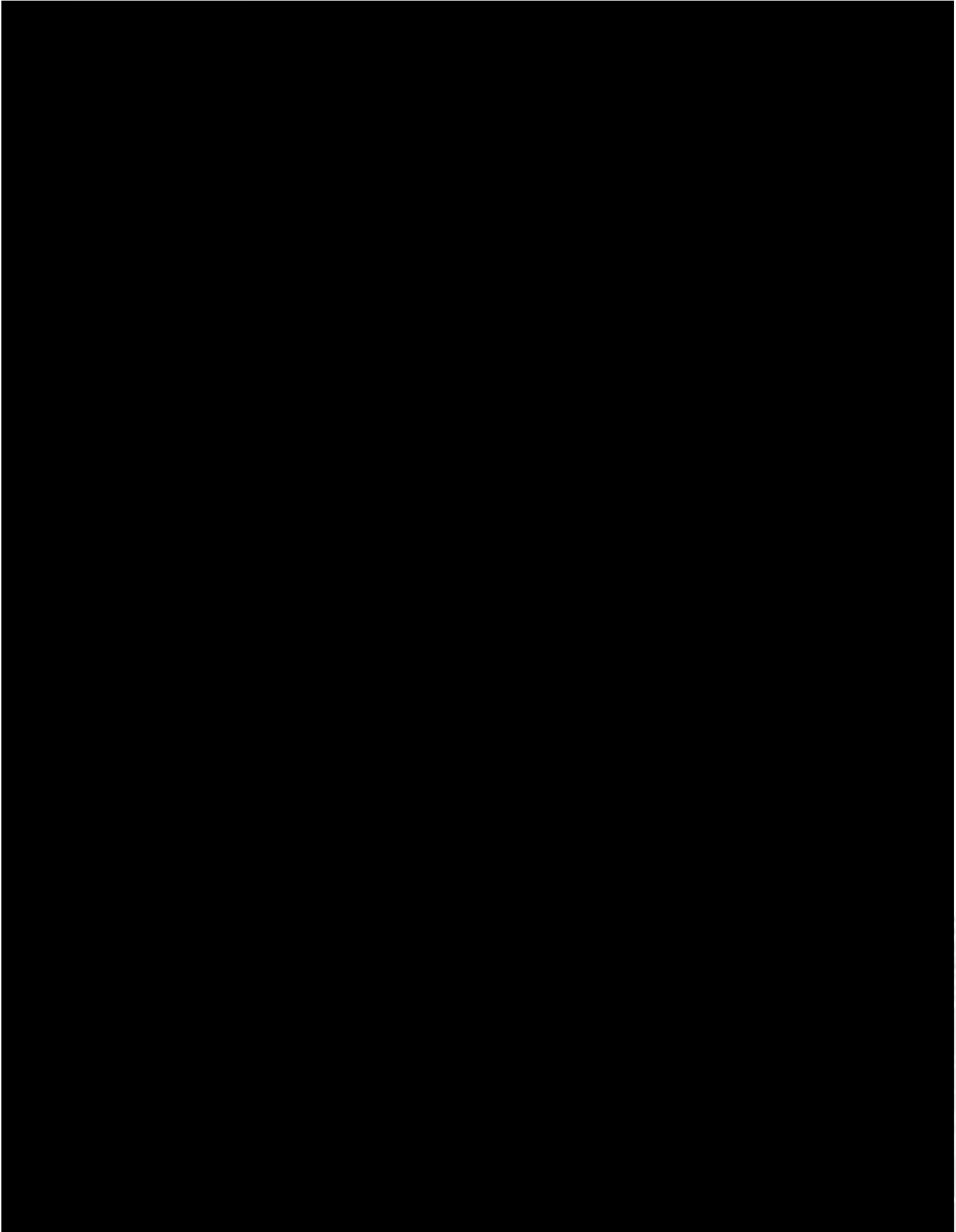


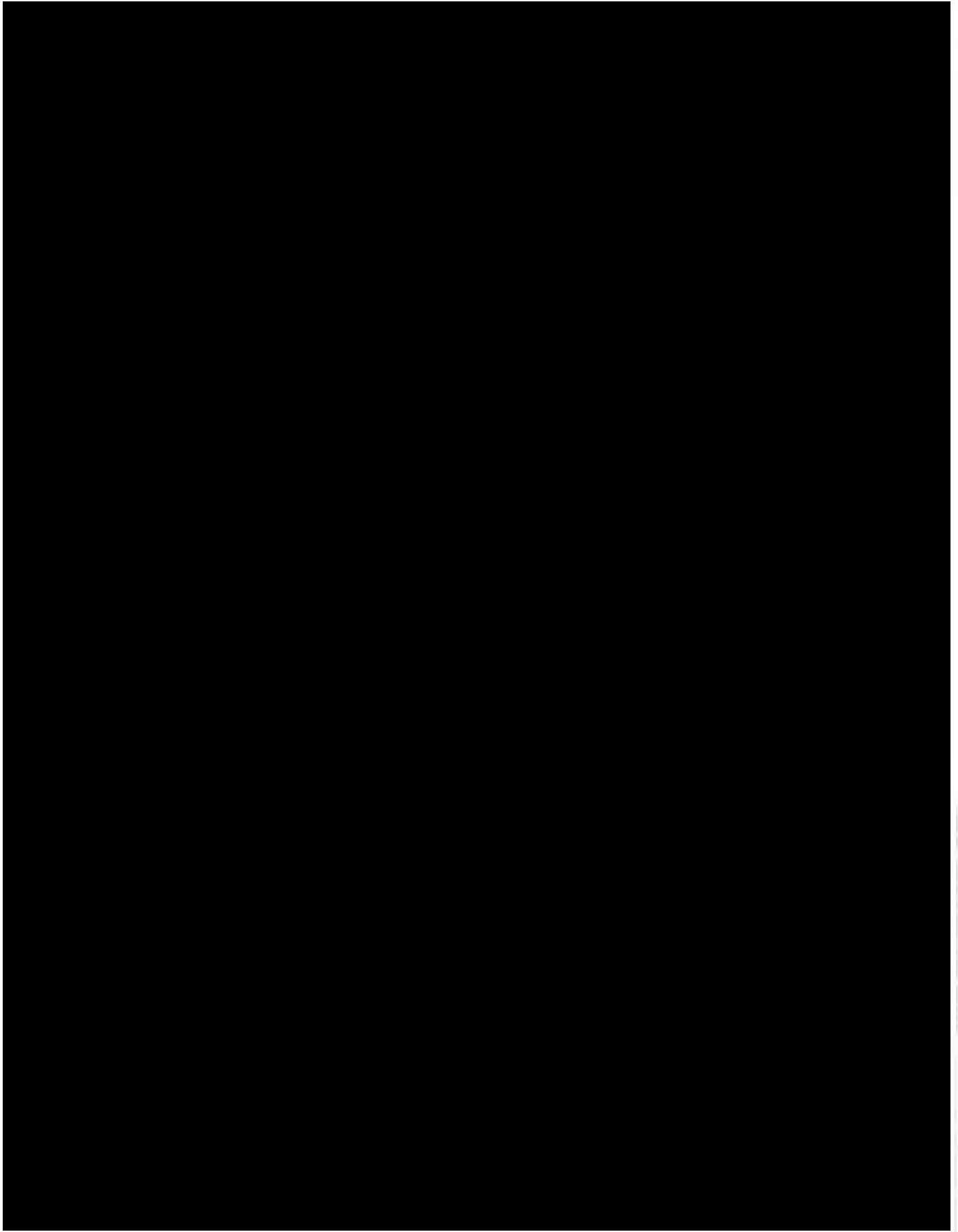


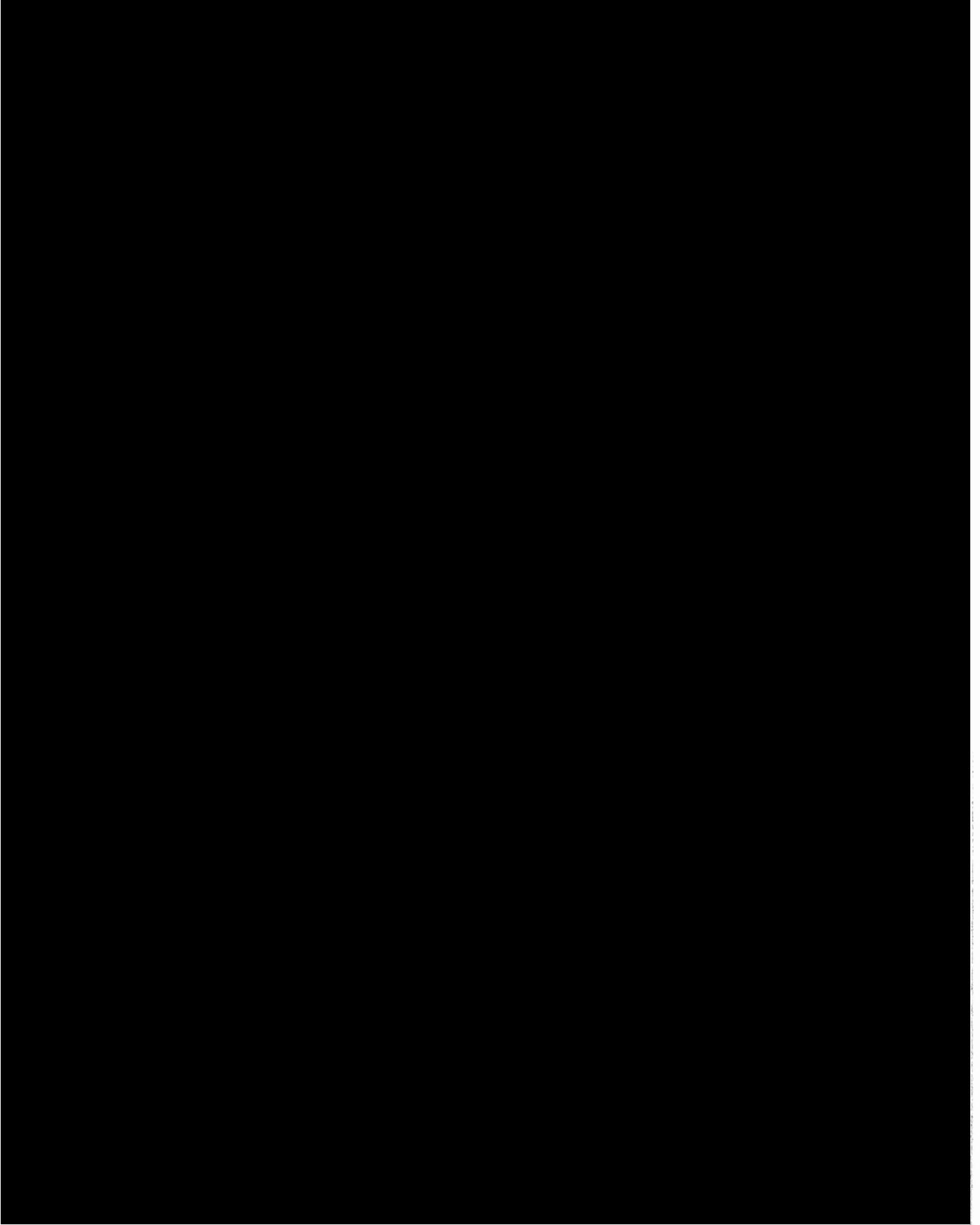


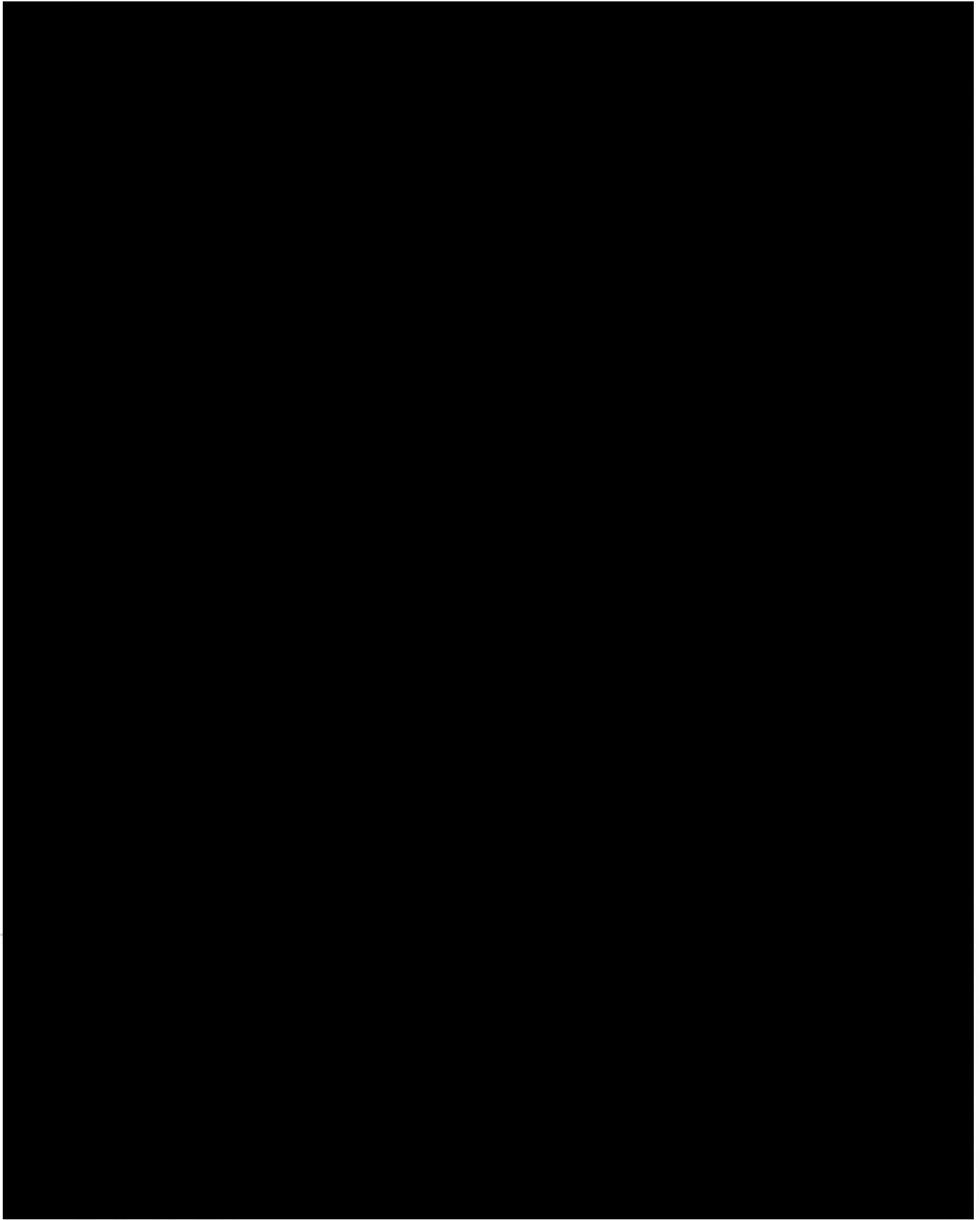


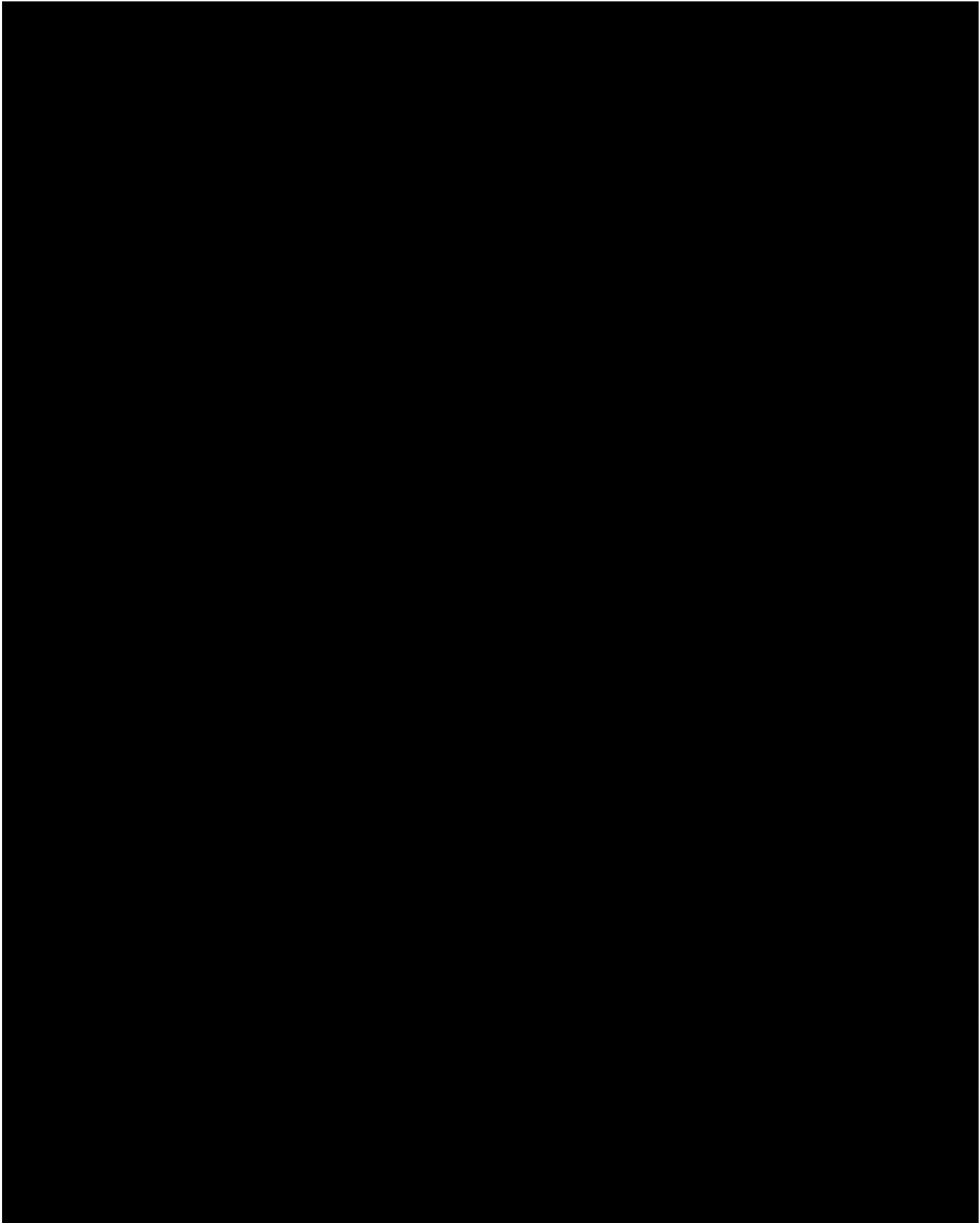


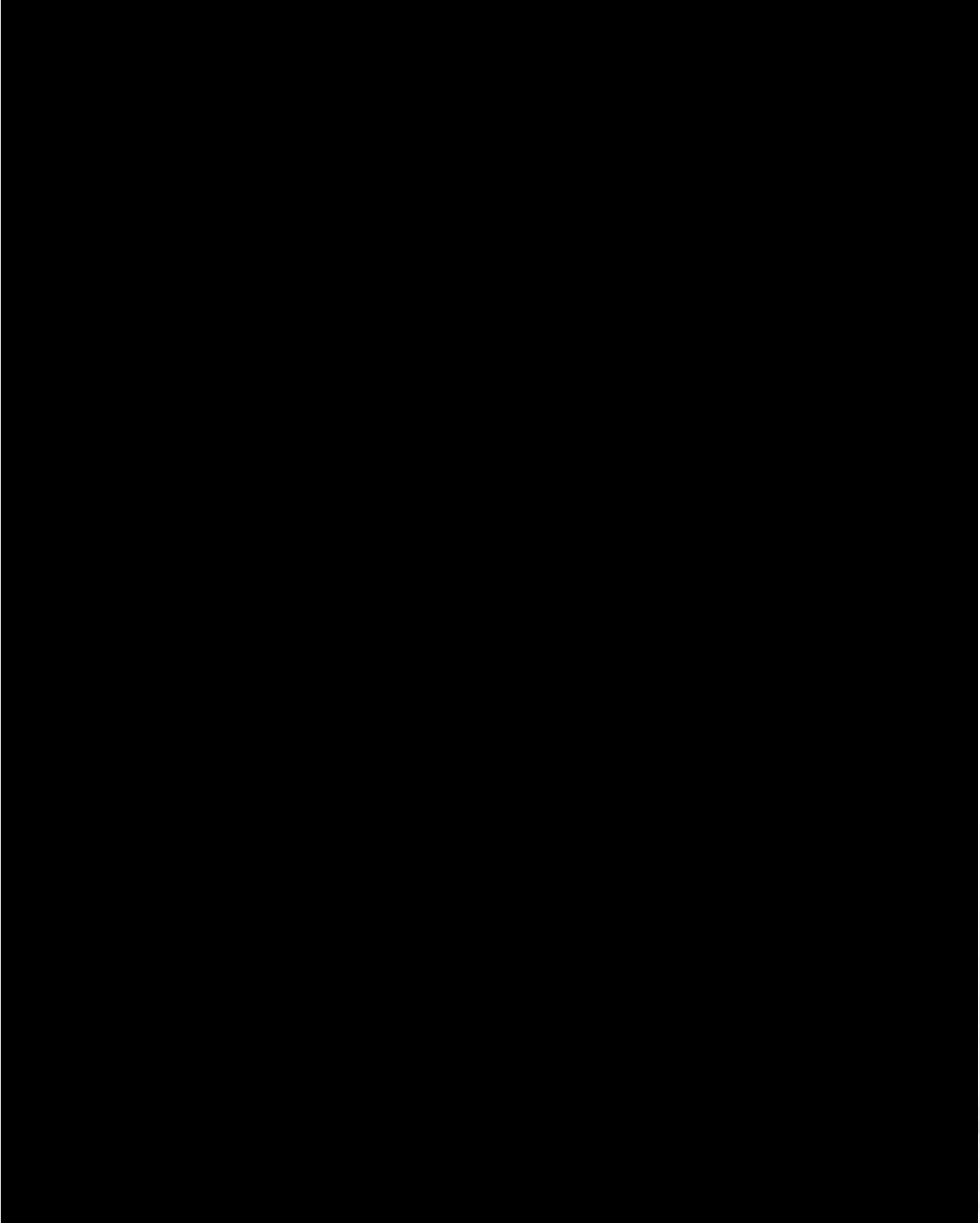


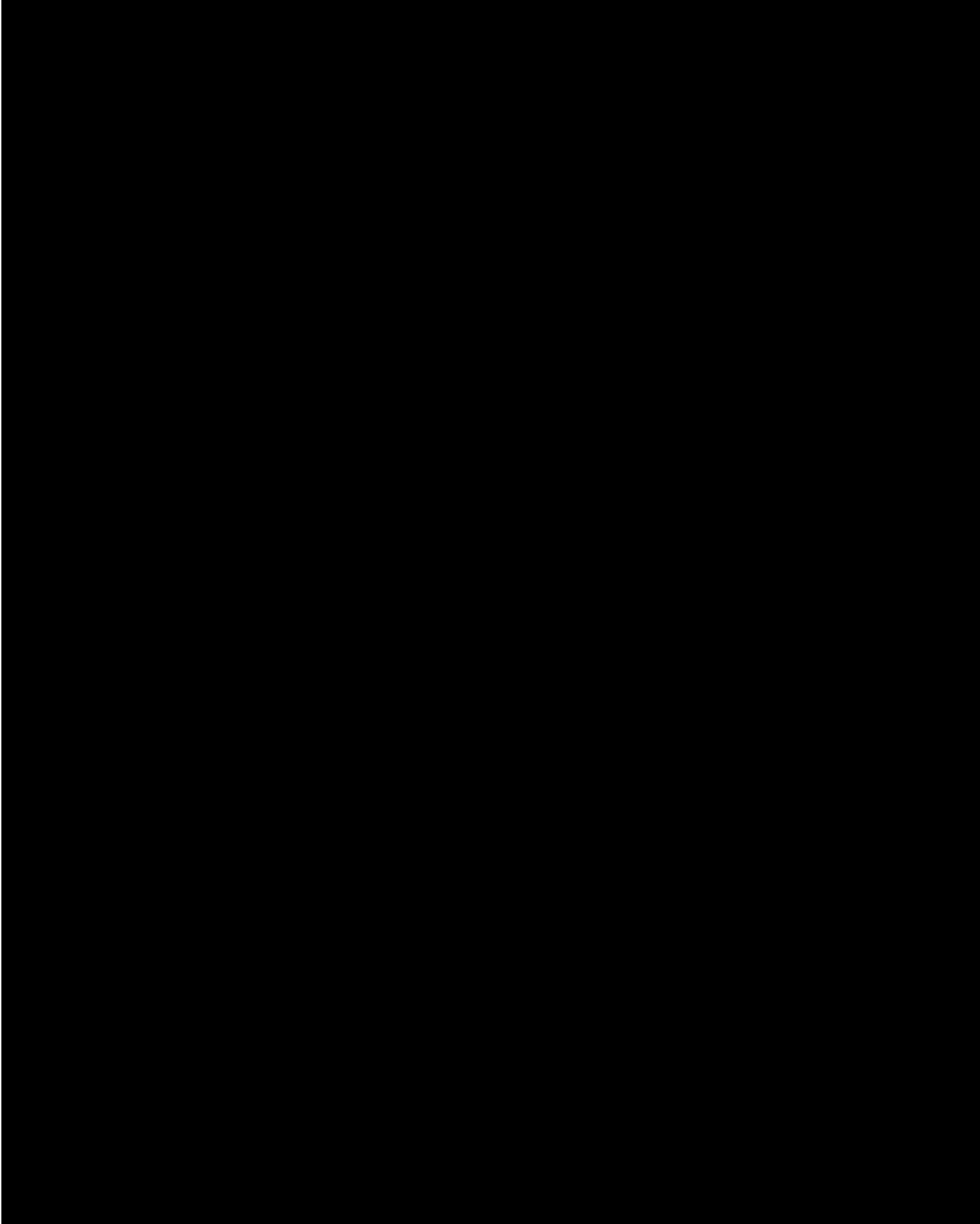


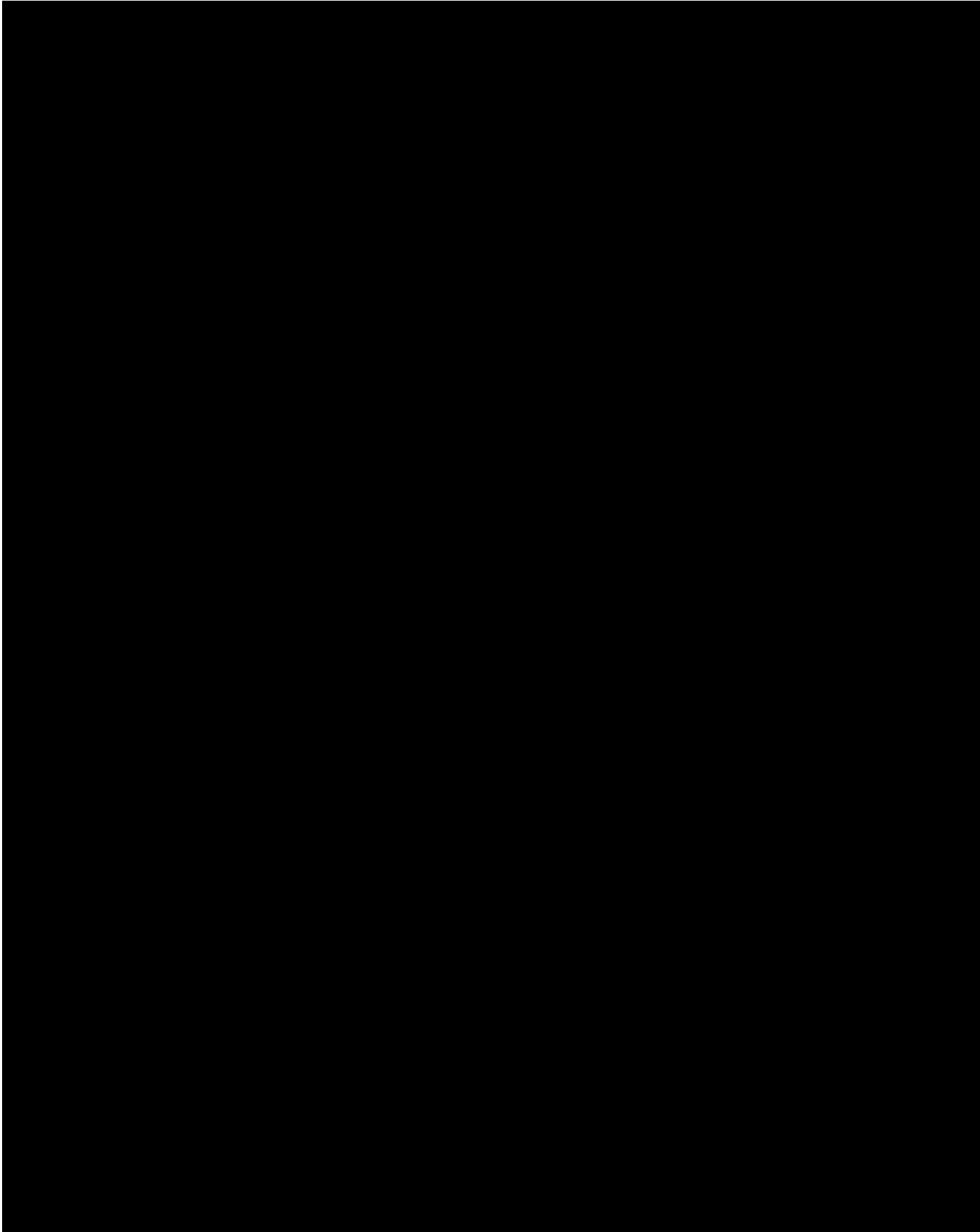


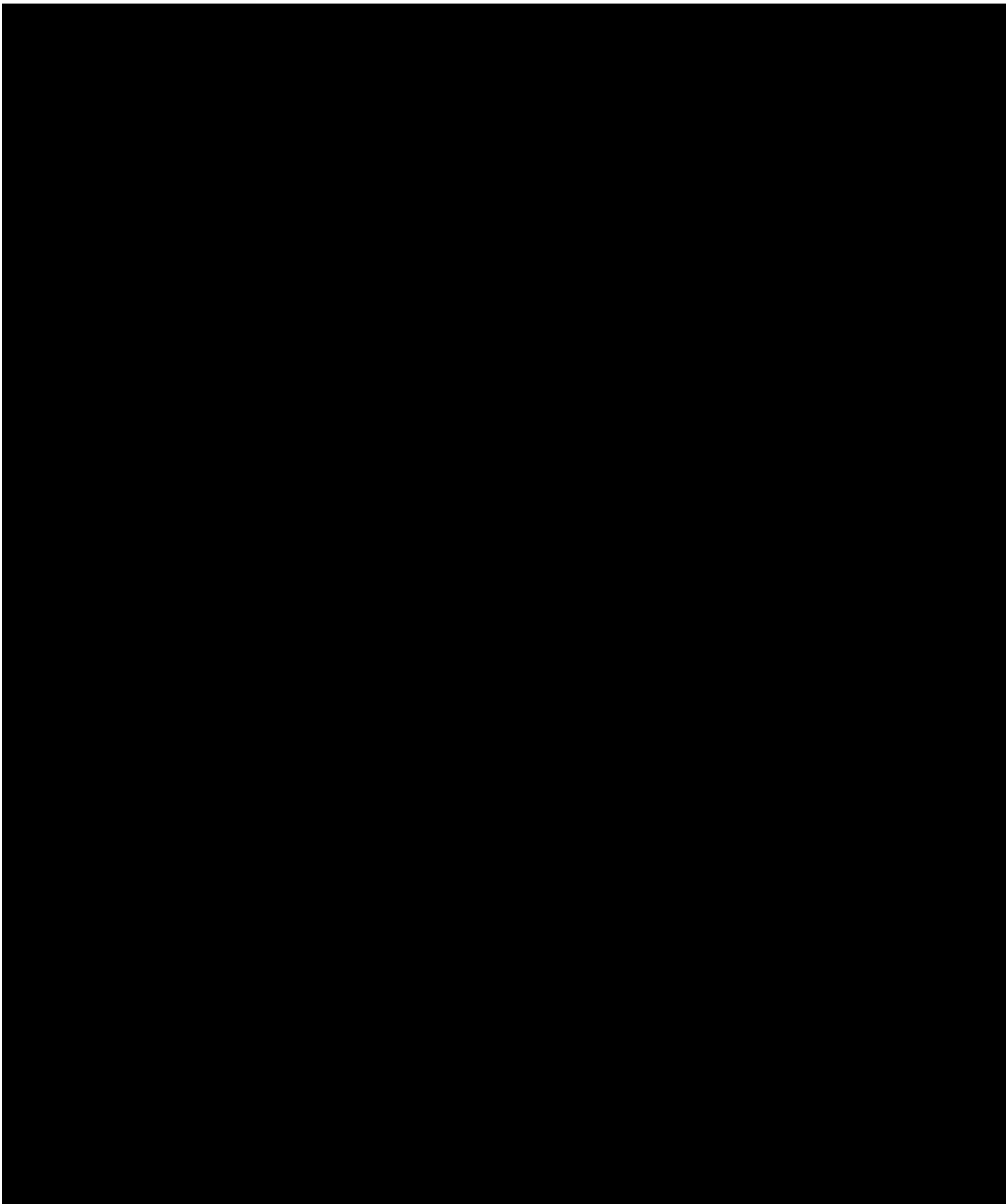












Date : 7/9/2018 1:20:41 AM
From : "Keaveny, Thomas"
To : "Sommerville, Paul", "psommerville@hargray.com"
Cc : "Rainey, Sue", "Gregory, Suzanne"

From: Sarah McKee <smckee@govhrusa.com>
Date: July 8, 2018 at 8:37:57 PM EDT
To: "Keaveny, Thomas" <ikeaveny@bcgov.net>
Subject: FW: Release Form

See attached.

GovHR USA
630 Dundee Road, Suite 130
Northbrook, IL 60062
Direct Line: 847-867-5151
Main Line: 847-380-3240
Fax: 866-401-3100
Email: smckee@govHRusa.com
www.GovHRusa.com

From: alanmours@bellsouth.net
Sent: Sunday, July 8, 2018 5:45 PM
To: [Sarah M. McKee](mailto:Sarah.M.McKee)
Cc: [Marshall Ours](mailto:Marshall.Ours)
Subject: Release Form

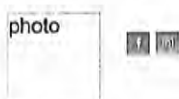
Sarah,
Good evening. Please find attached release form for Beaufort County.

Thanks

Alan

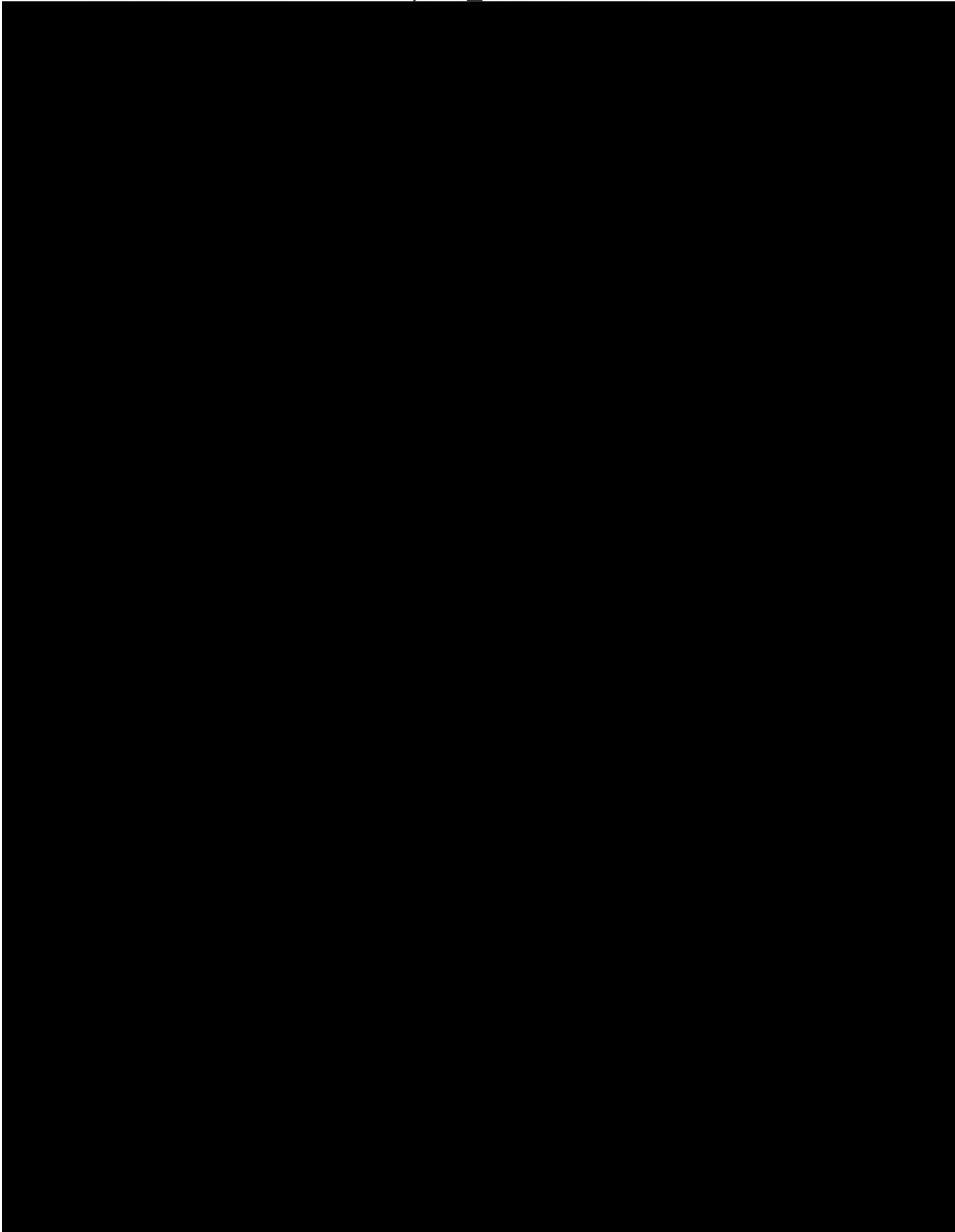
Sent from my iPhone

sending scanned document



[Get your own email signature](#)

----- Forwarded message -----
From: <eprintcenter@hp.com>



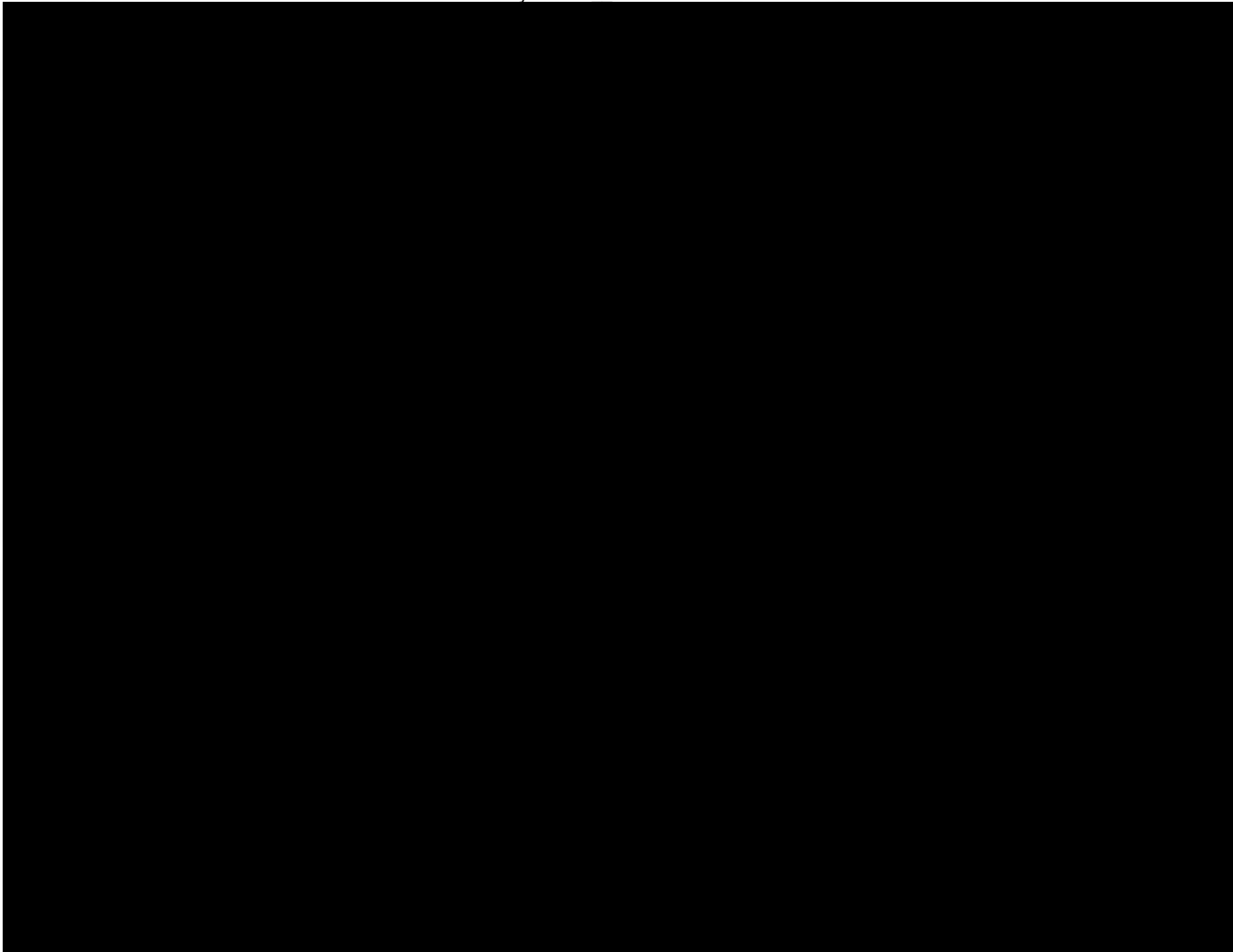
Date : 7/10/2018 2:33:49 PM
From : "Keaveny, Thomas"
To : "Sommerville, Paul" , "Sommerville, Paul"

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414

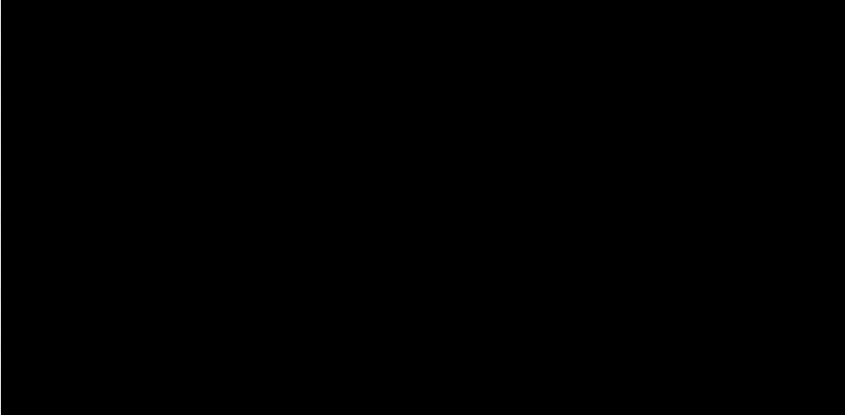
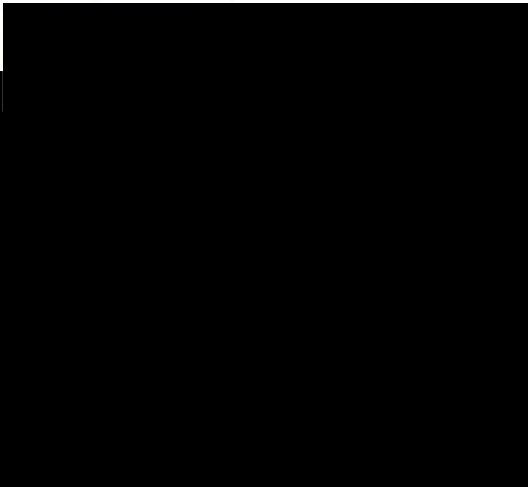


From: Sarah McKee [mailto:smckee@govhrrusa.com]
Sent: Tuesday, July 10, 2018 9:47 AM
To: Keaveny, Thomas
Cc: Rainey, Sue

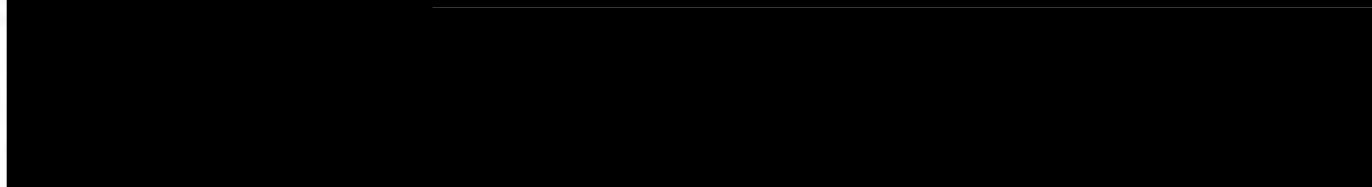
From: [Keaveny, Thomas](#)
Sent: Tuesday, July 10, 2018 8:38 AM
To: [Sarah McKee](#)
Cc: [Rainey, Sue](#)



From: Sarah McKee [mailto:smckee@govhrusa.com]
Sent: Monday, July 9, 2018 12:54 PM
To: Keaveny, Thomas



From: Keaveny, Thomas
Sent: Monday, July 9, 2018 12:44 PM
To: Bills12342@Yahoo.com
Cc: Sarah McKee; Gregory, Suzanne





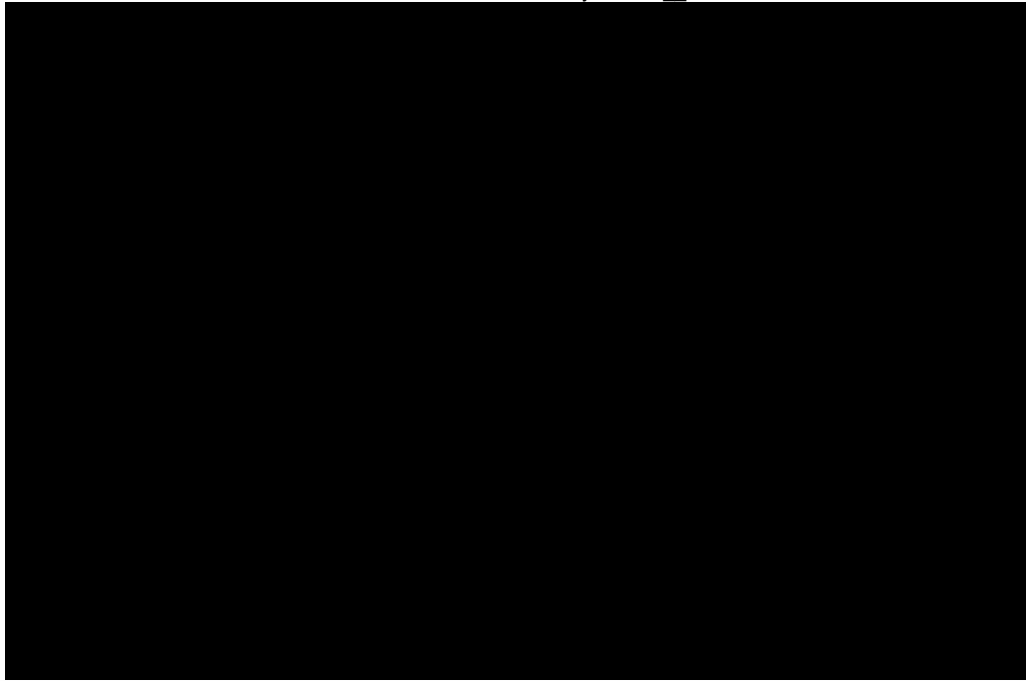
Date : 7/16/2018 10:00:14 PM
From : "Keaveny, Thomas"
To : "PSOMMERVILLE" , "Stu Rodman"
Cc : "Stewart, Jerry"

Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025

—Original Message—
From: PSOMMERVILLE [mailto:psommerville@hargmy.com]
Sent: Monday, July 16, 2018 5:14 PM
To: Keaveny, Thomas; Stu Rodman
Cc: Stewart, Jerry

> Tom
> Thomas J. Keaveny, II
> Beaufort County Attorney
> P. O. Drawer 1228
> Beaufort, SC 29901-1228
> Tele: (843) 255-2025

> Sent: Monday, July 16, 2018 7:36 AM
> To: Keaveny, Thomas
> Cc: Somerville, Paul; Stewart, Jerry



From: Keaveny, Thomas <tkeaveny@bcgov.net>
Sent: Monday, July 16, 2018 5:57 PM
To: Vaux, Tabor; Sommerville, Paul
Cc: Keaveny, Thomas

Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025



From: Vaux, Tabor
Sent: Tuesday, July 10, 2018 12:24 PM
To: Keaveny, Thomas; Sommerville, Paul

From: "Keaveny, Thomas" <tkeaveny@bcgov.net>
Date: Tuesday, July 10, 2018 at 12:14 PM
To: "psommerville@bcgov.net" <psommerville@bcgov.net>, "tvaux@bcgov.net" <tvaux@bcgov.net>

Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025



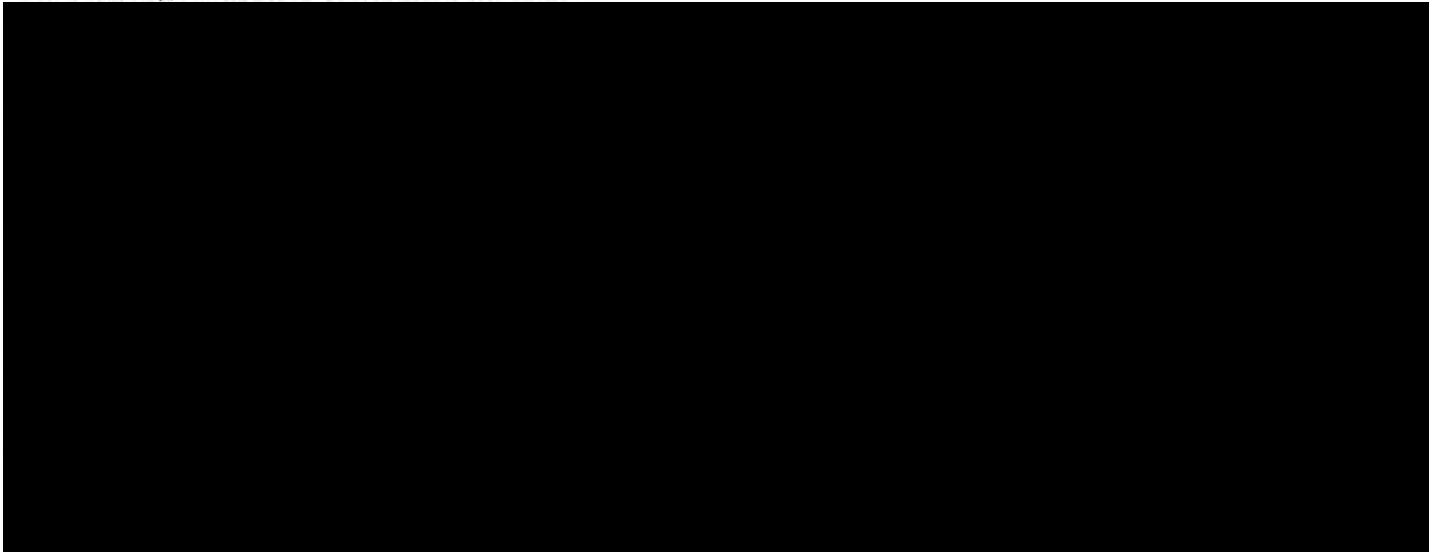
From: Sommerville, Paul
Sent: Tuesday, July 10, 2018 12:11 PM
To: Keaveny, Thomas

From: "Vaux, Tabor" <tvaux@bcgov.net>
Date: July 10, 2018 at 12:09:03 PM EDT
To: "Sommerville, Paul" <psommerville@bcgov.net>, "Covert, Michael" <mcovert@bcgov.net>

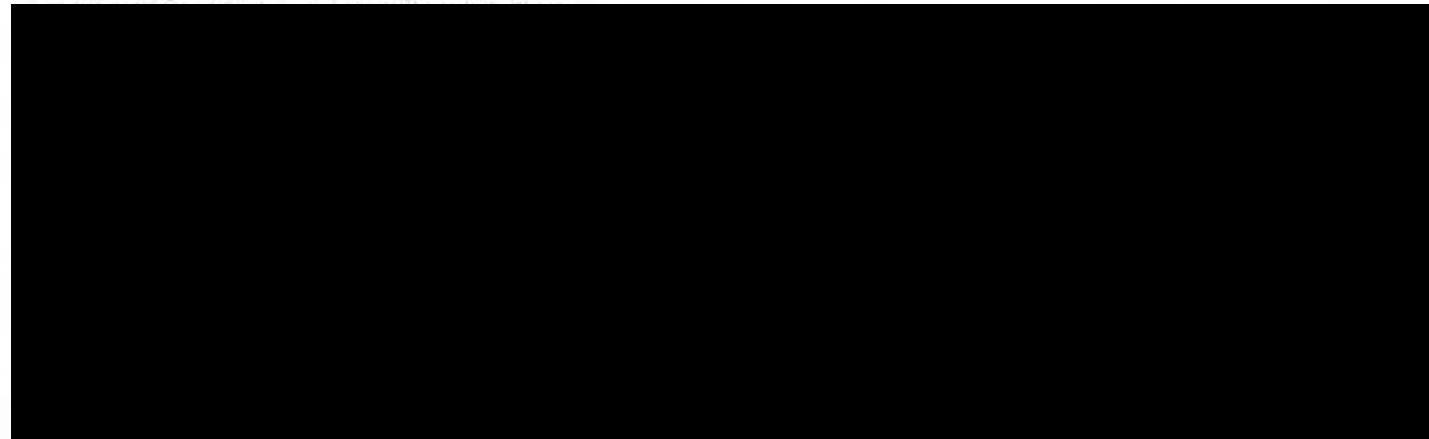
From: "psommerville@bcgov.net" <psommerville@bcgov.net>
Date: Tuesday, July 10, 2018 at 12:05 PM
To: "Covert, Michael" <mcovert@bcgov.net>
Cc: "tvaux@bcgov.net" <tvaux@bcgov.net>

From: Covert, Michael
Sent: Tuesday, July 10, 2018 11:59 AM
To: Vaux, Tabor; Keaveny, Thomas; Sommerville, Paul; Stewart, Jerry; Caporale, Rick; Dawson, Gerald; Flewelling, Brian; Fobes, Steve; Glover, York; Howard, Alice G.; Rodman, Stewart

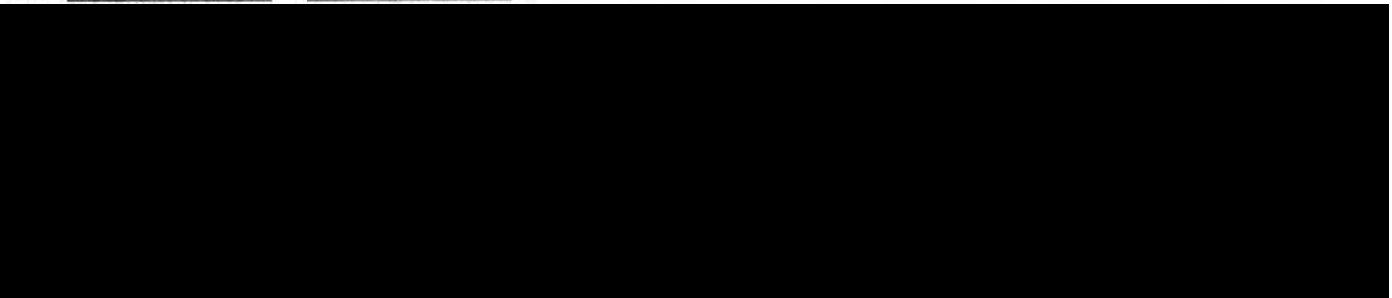
CountyFOIA#3__000147



From: Vaux, Tabor
Sent: Tuesday, July 10, 2018 11:32 AM
To: Keaveny, Thomas; Sommerville, Paul; Stewart, Jerry; Caporale, Rick; Covert, Michael; Dawson, Gerald; Flewelling, Brian; Fobes, Steve; Glover, York; Howard, Alice G.; Rodman, Stewart
Cc: Rainey, Sue

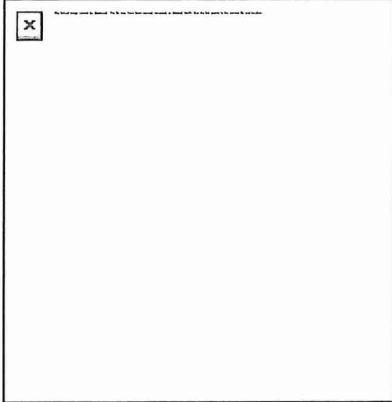


From: "Keaveny, Thomas" <tkeaveny@bcgov.net>
Date: Tuesday, July 10, 2018 at 10:29 AM
To: "psommerville@bcgov.net" <psommerville@bcgov.net>, "jstewart@bcgov.net" <jstewart@bcgov.net>, "rcaporale@bcgov.net" <rcaporale@bcgov.net>, "Covert, Michael" <mcovert@bcgov.net>, "gdawson@bcgov.net" <gdawson@bcgov.net>, "brianf@bcgov.net" <brianf@bcgov.net>, "sfobes@bcgov.net" <sfobes@bcgov.net>, "Glover, York" <ygllover@bcgov.net>, "Howard, Alice G." <ahoward@bcgov.net>, "srodman@bcgov.net" <srodman@bcgov.net>, "tvaux@bcgov.net" <tvaux@bcgov.net>
Cc: "suer@bcgov.net" <suer@bcgov.net>

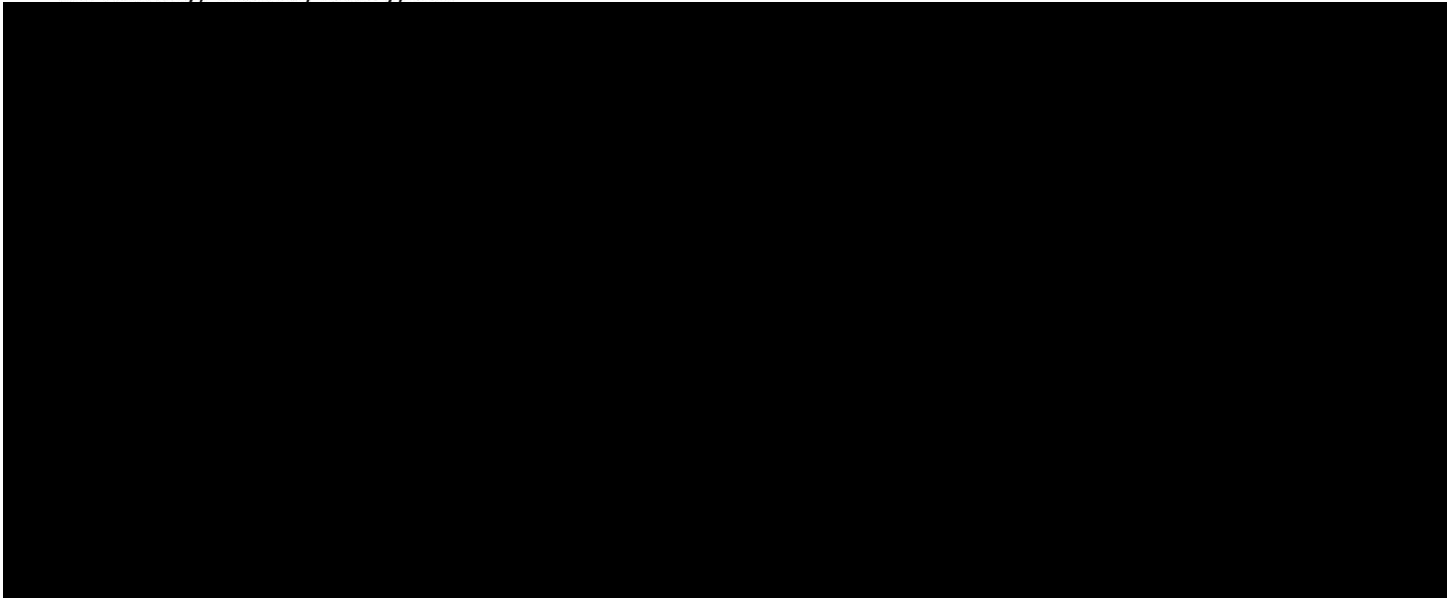


Thomas J. Keaveny II
Beaufort County Attorney


P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Sarah McKee [<mailto:smckee@govhrusa.com>]
Sent: Tuesday, July 10, 2018 9:51 AM
To: Keaveny, Thomas; Rainey, Sue

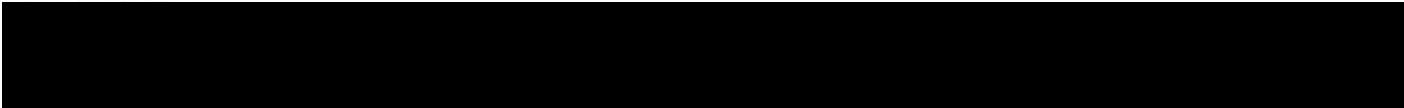


Date : 7/16/2018 10:09:34 PM
From : "Keaveny, Thomas"
To : "PSOMMERVILLE" , "Stu Rodman"
Cc : "Stewart, Jerry" , "Vaux, Tabor"




Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025

—Original Message—
From: Keaveny, Thomas
Sent: Monday, July 16, 2018 6:00 PM
To: 'PSOMMERVILLE'; Stu Rodman
Cc: Stewart, Jerry

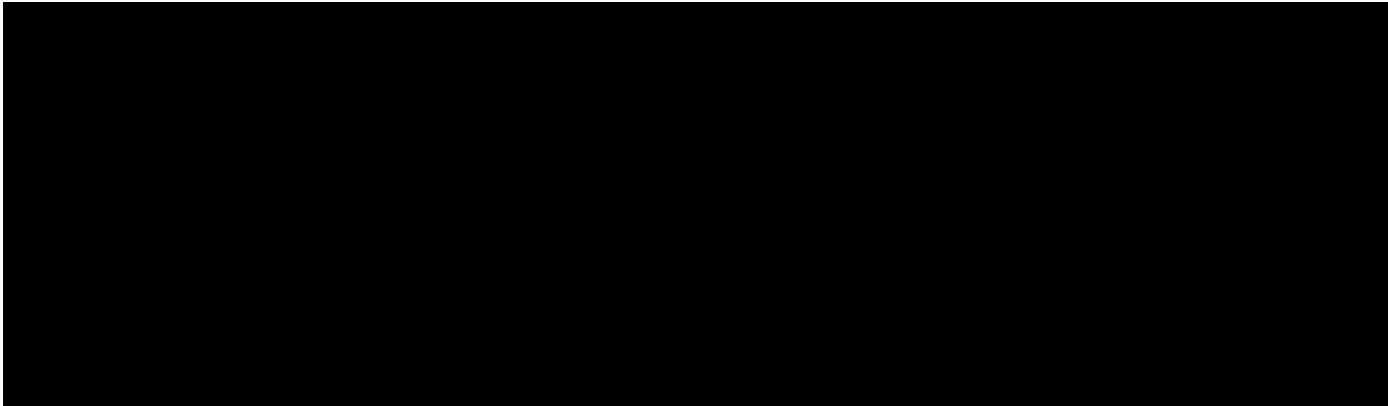


Tom
Thomas J. Keaveny, II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tele: (843) 255-2025

—Original Message—
From: PSOMMERVILLE [mailto:psommerville@hargray.com]
Sent: Monday, July 16, 2018 5:14 PM
To: Keaveny, Thomas; Stu Rodman
Cc: Stewart, Jerry

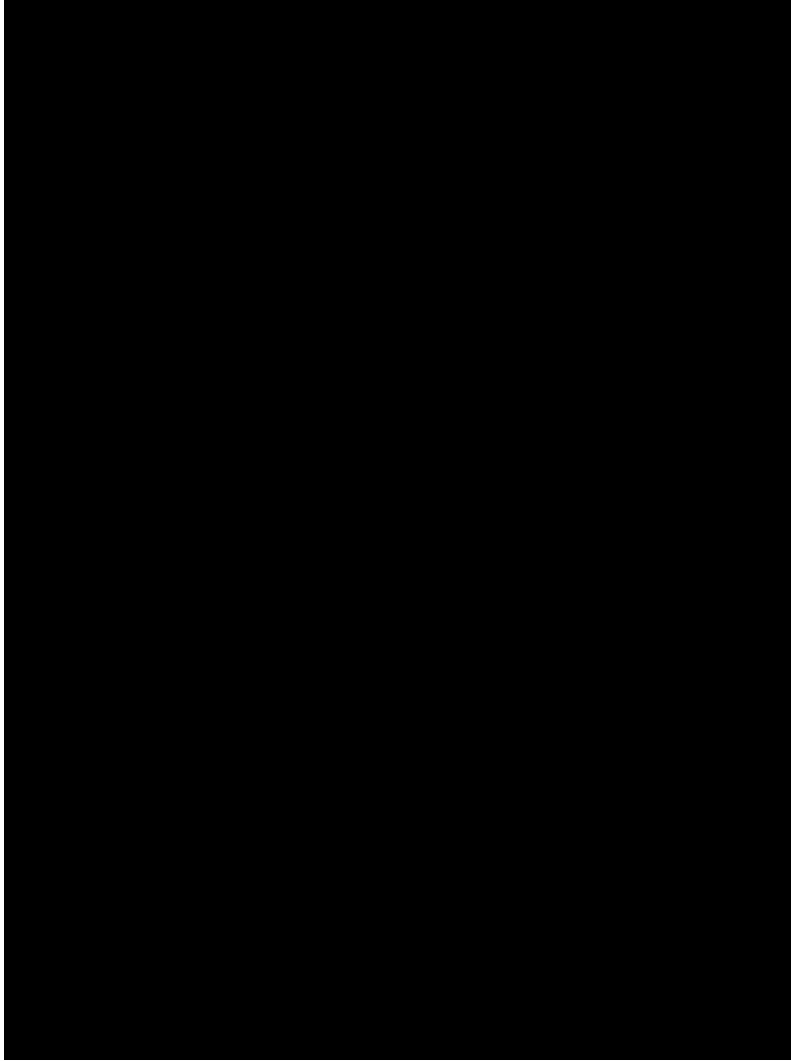


On Mon, 16 Jul 2018 16:11:38 +0000
"Keaveny, Thomas" <keaveny@bcgov.net> wrote:

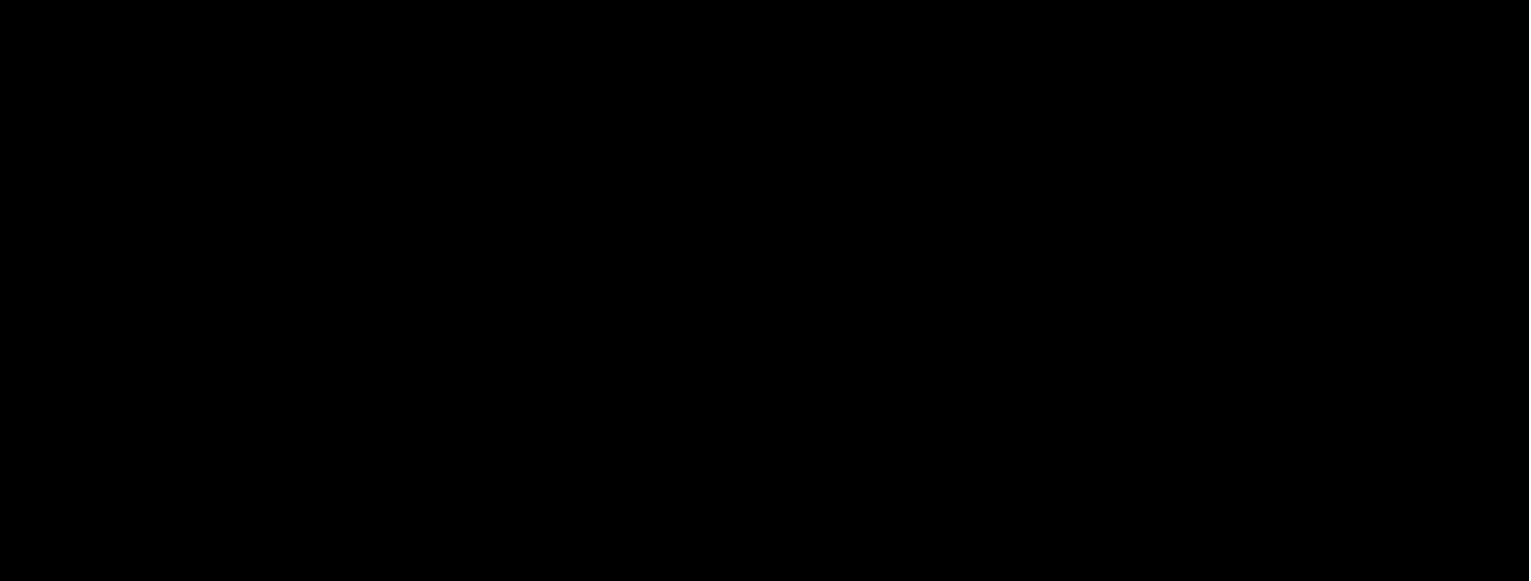


> Tom
> Thomas J. Keaveny, II
> Beaufort County Attorney
> P. O. Drawer 1228
> Beaufort, SC 29901-1228
> Tele: (843) 255-2025
>
> [cid:image003.png@01D41CFE.25B81940]
>

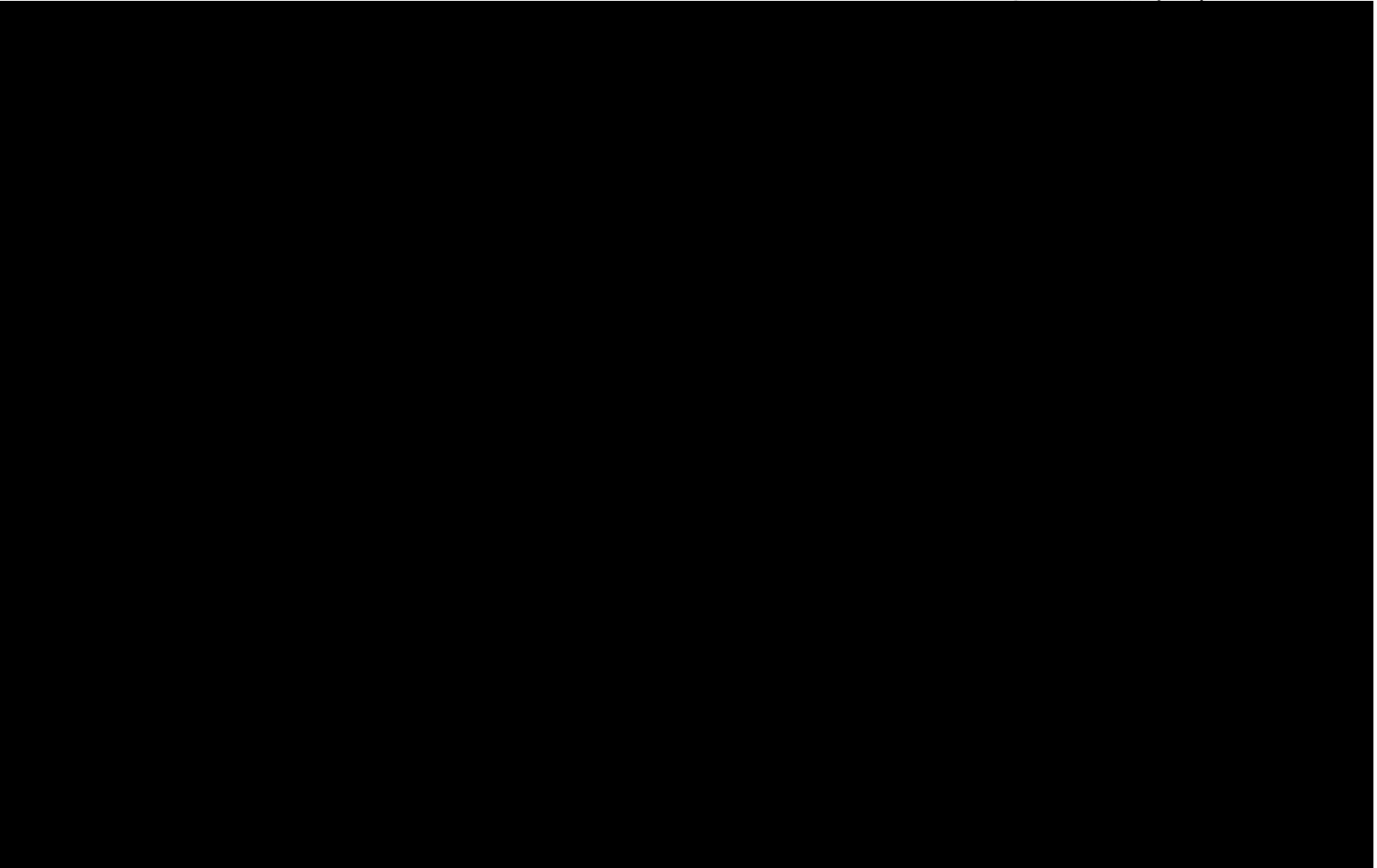
> Sent: Monday, July 16, 2018 7:36 AM
> To: Keaveny, Thomas
> Cc: Sommerville, Paul; Stewart, Jerry



From: Linda Edwards <lpedwards@gsblaw.net>
Sent: Monday, July 16, 2018 12:21 PM
To: Keaveny, Thomas
Cc: Kathy McGrath

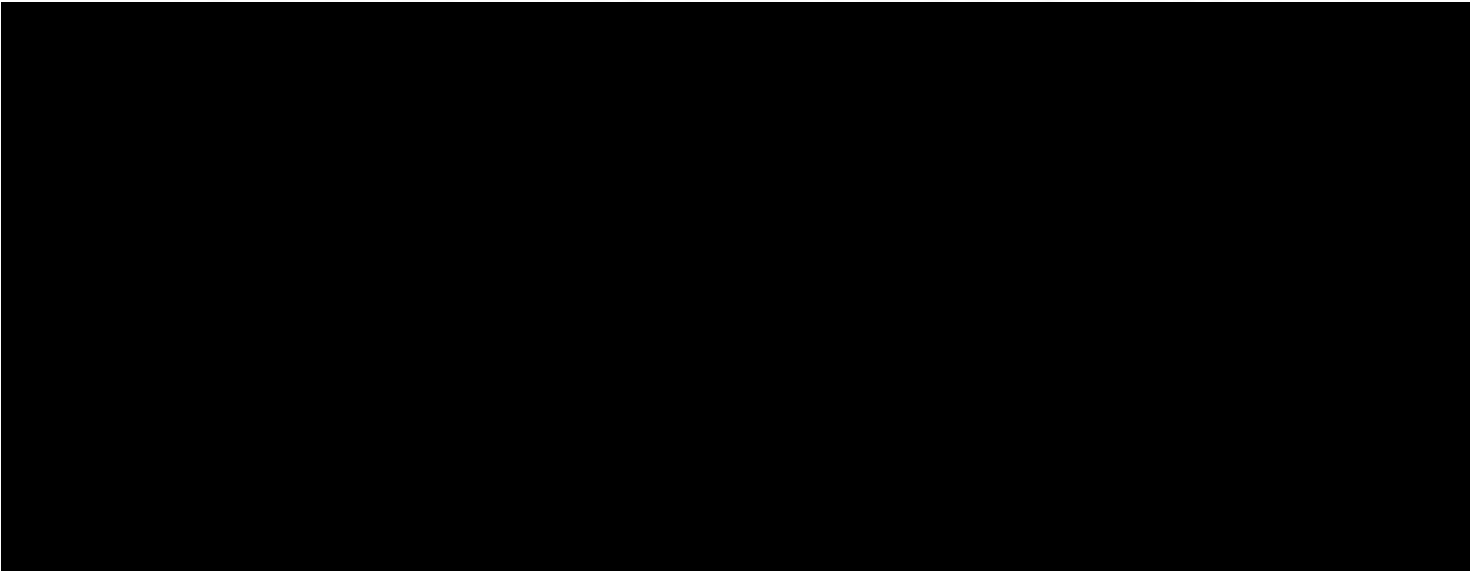


From: Keaveny, Thomas <tkeaveny@bcgov.net>
Sent: Monday, July 16, 2018 11:53 AM
To: Linda Edwards <lpedwards@gsblaw.net>

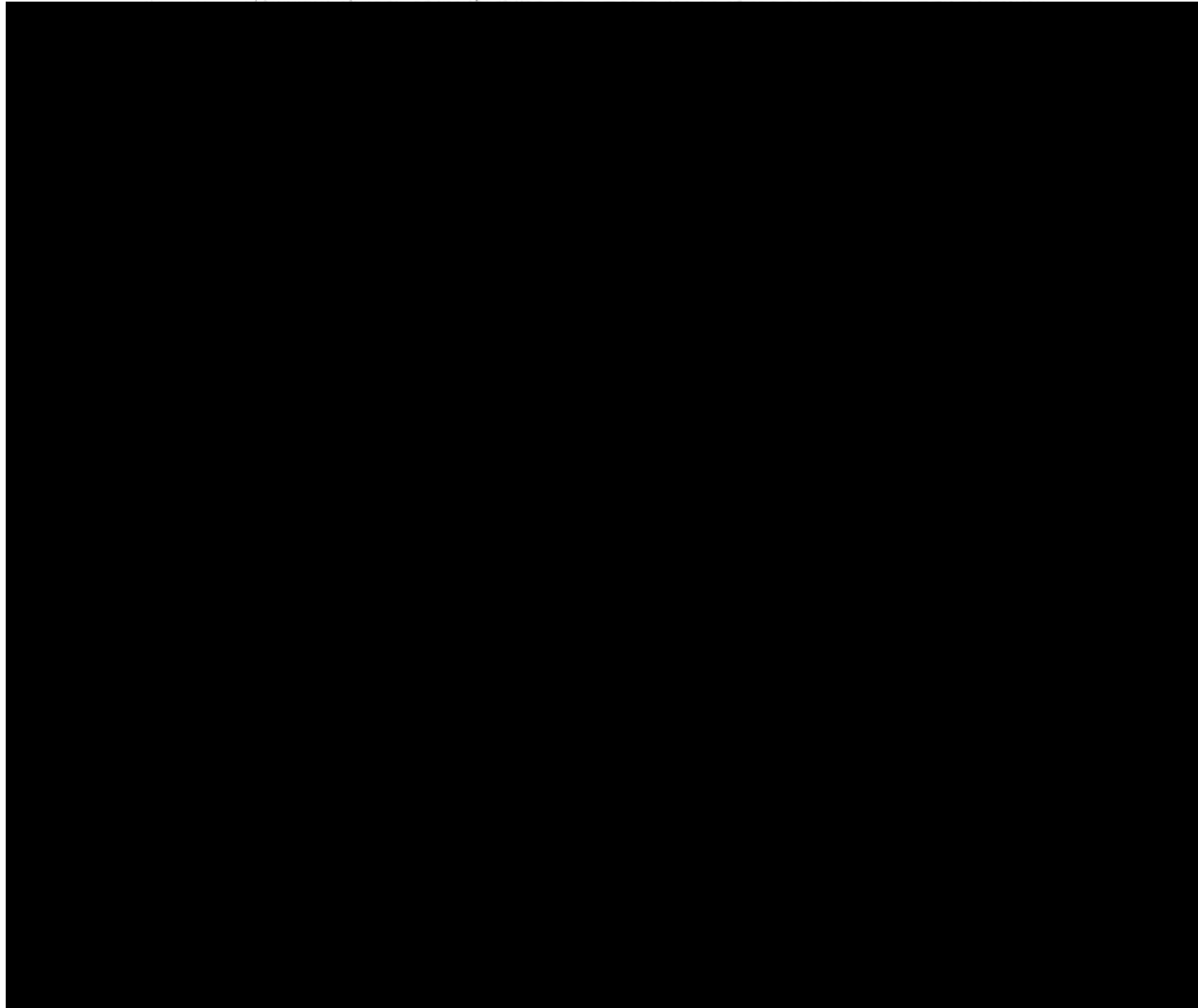




From: Covert, Michael
Sent: Wednesday, July 11, 2018 10:44 AM
To: Keaveny, Thomas

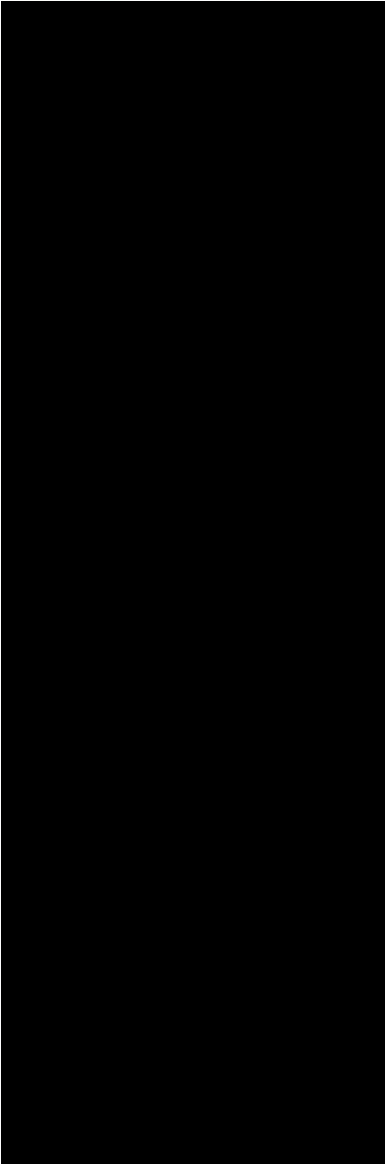


From: Covert, Michael
Sent: Tuesday, July 10, 2018 7:37 PM
To: Keaveny, Thomas; Sommerville, Paul



Date : 8/29/2018 3:16:57 AM
From : "PSOMMERVILLE"
To : tkeaveny@bcgov.net
Cc : psommerville@bcgov.net
Subject : Draft Letter to Council
Attachment : Council.docx;

Please edit as you see fit and feel free to seek input from any of your staff members. Thanks. Paul



At our Council meeting on Monday I fully intended to remind all of us about a critical issue, but due to our heavy agenda, I was overtaken by other matters and failed to do so. Because of the type of government we have, our only employee, aside from our clerk, is the county administrator. This means that we are prohibited from directing staff. I understand that as a practical matter, there may be times where, in the interest of time, it is appropriate/acceptable to ask a staff member a simple question that can be answered immediately and that does not require research. Unfortunately, some of us are tasking staff with projects and questions that require research and considerable staff time. As a result, we have staff members who are overwhelmed with requests from individual council members and are unable to perform their normal responsibilities. Obviously, we cannot expect staff members to have 12 bosses. All of us need to be considerate of staff and follow our protocols which require that any task or question that is complex or requires research be initiated at a committee meeting. The committee can then charge the county administrator with bringing all of the appropriate information back to the committee where it can be shared and discussed with all committee members. This is consistent with FOIA laws.

Date : 8/29/2018 12:14:58 PM
From : "Stu Rodman"
To : "Sommerville, Paul" , "Jerry Stewart"
Cc : "Keaveny, Thomas" , "Holland, Alicia"
Subject : Work Session Sept
Attachment : Draft F.docx;

Paul and Jerry,

1. York raised the issue that the Referendum has 2 questions the second being authorization to bond additional money if there is sales tax shortfall. I totally missed that there was a second question. Bad on me. It is unnecessary as the sales tax will generate probably \$35, not \$30 million per year and, more importantly, it will confuse the voters and perhaps sink the Referendum. Tom is going to review whether it is practical to remove the second question, which would be an Ordinance change. I raise the issue as the Work Session could serve for a Reading were we to consider deleting the second question.
2. Attached is my comments that I was prepared to make at Finance Committee on the Financial Policies. I gave a copy to Alicia, who suggested that it might be a good work session discussion. I am good with doing the Finance Policy (and for that matter Pooled Cash) at a work session or at Finance.
3. The work session might be a good place on close on my suggestion that courtesy nominations (where we defer to specific members and organizations) by-pass Committee and go directly to Council through the Clerk. Monday was a good example at both Committee and Council of why these nominations are so cumbersome and delay filling open positions.

Cheers,

Stu

Draft Financial Policy Comments

- 2.7 (p3) substitute “expected” for “conservative” as the combination of expected with adequate reserves to cover swings is more financially prudent.
- 2.11 (p4) substitute “three-year” for “five-year” forecast is more practical for operating budgets. Five-year for capital (3.2) is appropriate.
- 3.3 (p5) replace “at least every two years” with “every year” as capital should be reviewed every year.
- 3.11 (p6) words missing?
- 4A (p7) define two Reserves:
 1. Reserve to be defined and exclude encumbered assets.
 2. Readily Available Cash Reserve to include unencumbered cash and equivalents and immediately available borrowing.
- 4.A.1 (p7) set the General Fund Reserve to be a minimum of 2 months (17%) throughout the year. Refer to the Reserve rather than a number in subsequent paragraphs. Eliminate the maximum as it serves no purpose and may be counterproductive.
- 4.A.7 (p7) Require that the Readily Available Cash Reserve be a minimum of 3 months during hurricane season.

- **A.B.6&7 (p8) Probably needs some explanation for the average citizen and me.**

Date : 9/8/2018 6:04:22 PM

From : "Keaveny, Thomas"

To : "psonmerville@hargray.com", "Stewart, Jerry", "Caporale, Rick", "Covert, Michael", "Dawson, Gerald", "Flewelling, Brian", "Fobes, Steve", "Glover, York", "Howard, Alice G.", "sturodman@gmail.com", "Vaux, Tabor"

Cc : "Larson, Eric", "McFee, Robert", "Kinton, Colin", "Holland, Alicia", "Spells, Monica", "Foot, Philip", "McBride, Ray"

Subject : Fwd: Hurricane Florence Update #2 9.8.18

Attachment : Florence.pdf;ATT00001.htm;

Members of Council,

I am forwarding a Hurricane Florence Update which I received from Col. Baxley a few minutes ago. I will keep you informed of all developments. If you have any questions, please call my cell: (843) 709-3721.

Please be advised I have provided you with the latest information I have at this time. I will update you after our 5:30 conference with EMD.

Tom

Thomas J. Keaveny II
Interim County Administrator
Beaufort County Attorney

This message is being sent from my iPhone. Please excuse typographical errors.

Begin forwarded message:

From : "Baxley, Neil" <neilb@bcgov.net>

Date: September 8, 2018 at 1:14:01 PM EDT

To : "Baxley, Neil" <neilb@bcgov.net>, "Allen, Ed" <eda@bcgov.net>, "Amber Bryson" <bluecrab1981@gmail.com>, "Bill Rouse" <williamrouse@scdps.gov>, "Chad Sitz" <chad.sitz@usmc.mil>, "Charles Huggins" <huggins@palmettobluffonline.com>, "Kinton, Colin" <ckinton@bcgov.net>, "debbie szpanka" <dszpanka@townofbluffton.com>, "Dennis Boniecki" <dboniecki@scdps.gov>, "Wilhelm, David" <dwillhelm@bcgov.net>, "Larson, Eric" <elarson@bcgov.net>, "Gretchen Birt" <gbirt@emd.sc.gov>, "jlake@charlestoncounty.org" <jlake@charlestoncounty.org>, "Justin Baxley@yorkcountygov.com" <justin.baxley@yorkcountygov.com>, "Major E.J. Pinales USMC" <eduardo.pinales@usmc.mil>, "Murray, Louise" <louisem@bcgov.net>, "Neal Pugliese" <nealpugliese@gmail.com>, "Ownby, Dorna" <downby@bcgov.net>, "Cobb, Pamela" <pcobb@bcgov.net>, "pambaxley@yahoo.com" <pambaxley@yahoo.com>, "Baxley, Pam" <pbaxley@bcgov.net>, "Rep Shannon Erickson" <repshannonerickson@gmail.com>, "Roland Gardner" <rgardner@BIHCHS.org>, "Cook, Suzanne" <suszanne@bcgov.net>, "Tom Dunn" <thomds@hiltonheadislandsc.gov>, "Van Willis" <vwillis@portroyal.org>, "Wells Morrison" <datawsecurity@islc.net>, "William Winn" <WWINN@uscb.edu>, "bradt@hiltonheadislandsc.gov" <bradt@hiltonheadislandsc.gov>, "Kline, Bruce" <chiefkline@lshfd.org>, "Eddie Boys" <mboys@hargray.com>, "harry roundtree" <chief@burtonfd.org>, "John Thompson" <jthompson@blufftonFD.com>, "Jones, Buddy" <bjones@bcgov.net>, "Josh Horton" <joshhorton@fipsd.org>, "Reece Bertholf" <rbertholf@cityofbeaufort.org>, "Tom Webb" <webbt@burtonfd.org>, "Viens, Angela" <angelav@bcgov.net>, "Angelo, William" <wangelo@bcgov.net>, "Baird, Brian" <brianb@bcgov.net>, "Neill, William" <wneill@bcgov.net>, "Bromage, Robert" <robertb@bcgov.net>, "Tuten, Robert" <robbyt@bcgov.net>, "Sankowski, Chris" <chris@bcgov.net>, "Runnion, Charles" <crunnion@bcgov.net>, "Covington, Jason" <jcovington@bcgov.net>, "Zeoli, David" <dzeoli@bcgov.net>, "Givens, Alfredo" <agivens@bcgov.net>, "Zanelotti, Glenn" <gzanelotti@bcgov.net>, "Bukofsky, Jim" <jimbu@bcgov.net>, "Walton, Jimmy" <jimw@bcgov.net>, "Johnson, Scott" <scottj@bcgov.net>, "Blackmon, Kyle" <kblackmon@bcgov.net>, "Legree, Jackie" <jackiew@bcgov.net>, "Mattox, Mark" <markm@bcgov.net>, "Averill, Matt" <mattav@bcgov.net>, "Purdy, Jeff" <jpurdy@bcgov.net>, "Berry, Renita" <rberry@bcgov.net>, "Roper, Richard" <rickyr@bcgov.net>, "Arbelo, Robert" <rabelo@bcgov.net>, "Avery, Tammy" <tavery@bcgov.net>, "McLellan, Eric" <EMcLellan@bcgov.net>, "Washington, Ilexia" <iwashington@bcgov.net>, "Marks, Jacqueline" <jmarks@bcgov.net>, "Flack, Kyle" <kflack@bcgov.net>, "Akins, Malasia" <makins@bcgov.net>, "Wells, Lacey" <lwilburn@bcgov.net>, "Metcalf, Barbara" <bmecalf@bcgov.net>, "Davis, Felisa" <fdavis@bcgov.net>, "Jefferson, LaShawn" <lshawnj@bcgov.net>, "Charlton, Marshina" <mcharlton@bcgov.net>, "Mowery, Erin" <emowery@bcgov.net>, "Smith, Melanie" <melanies@bcgov.net>, "Nix, Dennis" <dnix@bcgov.net>, "Mowery, Erin" <emowery@bcgov.net>, "Lallemont, Jessica" <jlallemont@bcgov.net>, "Bristow, Keisha" <kbristow@bcgov.net>, "Christian, LaSundra" <lchristian@bcgov.net>, "Mervin, Ankanette" <amervin@bcgov.net>, "Charlton, Marshina" <mcharlton@bcgov.net>, "Helfin, Jessica" <jhelfin@bcgov.net>, "Neill, William" <wneill@bcgov.net>, "alan beach" <abeach@portroyal.org>, "Daniel Gambrell" <dgambrell@scprt.com>, "Henry Garbade" <hgarbade@mailbox.sc.edu>, "matt clancy" <mclancy@cityofbeaufort.org>, "Michael Paul Thomas" <ThomasM@dnr.sc.gov>, "Peter G. Lawson" <peter.g.lawson@navy.mil>, "Ray Stevens" <rstevens@scprt.com>, "Robb Carson" <rcaison@cityofbeaufort.org>, "SA George French" <george.french@ic.fbi.gov>, "SA George Graves" <george.graves@ic.fbi.gov>, "SA Mike Pierce" <michael.j.pierce1@navy.mil>, "Horton, Allen" <allenh@bcgov.net>, "Hatfield, Michael" <mikeh@bcgov.net>, "Bonner, Patricia" <pbonner@bcgov.net>, "Chaplin, Amy" <achaplin@bcgov.net>, "Cooler, Bonnie" <bonniec@bcgov.net>, "Givens, Elaine" <egivens@bcgov.net>, "McCarthy, Felicia" <feliciam@bcgov.net>, "Bishop, Hope" <hopec@bcgov.net>, "Hughes, Diana" <dihughes@bcgov.net>, "Rodriguez, Jaycee" <jrodriguez@bcgov.net>, "Morris, Kiera" <kieram@bcgov.net>, "Seder, Lisa" <lseder@bcgov.net>, "Tuten, Lori" <lutent@bcgov.net>, "Allen, Daniel" <daniela@bcgov.net>, "Bilcz, Aaron" <aaronb@bcgov.net>, "Cajigas, Hector" <hcajigas@bcgov.net>, "Seronka, Chelsea" <ChelseaS@bcgov.net>, "david randall" <davidr29910@hotmail.com>, "Ferguson,

John" <jferguson@bcgov.net>, "DiFalko, John" <jdifalko@bcgov.net>, "Simpson, Joseph" <jsimpson@bcgov.net>, "Gregg, Keith" <kgregg@bcgov.net>, "Korinek, Kurt" <kkorinek@bcgov.net>, "Merrill, Jeffery" <jmerrill@bcgov.net>, "Williams, Paul" <paulw@bcgov.net>, "Herlong, Robert" <rherlong@bcgov.net>, "Tanzuzzi, Michael" <mtanzuzzi@bcgov.net>, "Ferguson, Todd" <tferguson@bcgov.net>, "Winston, Michael" <mwinston@bcgov.net>, "Paul, Adam" <apaul@bcgov.net>, "Abell, Brian" <babell@bcgov.net>, "Disbrow, Brandon" <bdisbrow@bcgov.net>, "Garcia, Craig" <cgarcia@bcgov.net>, "Watts, Caleb" <cwatts@bcgov.net>, "Seronka, Chad" <chads@bcgov.net>, "Boone, Danel" <dboone@bcgov.net>, "Kline, Dustin" <dkline@bcgov.net>, "Robbins, Derek" <d Robbins@bcgov.net>, "Tafoya, David" <dtafoya@bcgov.net>, "Saunders, Justin" <jsaunders@bcgov.net>, "Tunis, James" <jtunis@bcgov.net>, "Webb, Jeremiah" <jwebb@bcgov.net>, "Keener, John" <jkeener@bcgov.net>, "Scott, Jacob" <jacobs@bcgov.net>, "Guise, Jon" <jguise@bcgov.net>, "Breland, Kyle" <kBreland@bcgov.net>, "Riccobene, Matthew" <mriccobene@bcgov.net>, "Moore, Mabrena" <mmore@bcgov.net>, "Perkins, Michael" <mperkins@bcgov.net>, "Thomas, Nicholas" <nthomas@bcgov.net>, "Myers, Nichole" <nmyers@bcgov.net>, "O'Neal, Patrick" <poneal@bcgov.net>, "Byrd, Robert" <rbyrd@bcgov.net>, "Logan, Scott" <slogan@bcgov.net>, "Mowery, Steven" <smowery@bcgov.net>, "Mattox, Thomas" <tmattox@bcgov.net>, "Krapf, Troy" <troyk@bcgov.net>, "Breighner, William" <wbreighner@bcgov.net>, "Andrew Calore" <andrewc@bcgov.net>, "Kaase, Brian" <bkaase@bcgov.net>, "Burns, Brent" <bburns@bcgov.net>, "Gibson, Corey" <cgibson@bcgov.net>, "Cleveland, Kevin" <kcleveland@bcgov.net>, "Collier, Jonathan" <jcollier@bcgov.net>, "Dickman, Jeremy" <jdickman@bcgov.net>, "Hansen, Gary" <ghansen@bcgov.net>, "Greninger, Justin" <justing@bcgov.net>, "Hardy, Matthew" <mhardy@bcgov.net>, "Huggins, Matthew" <mhuggins@bcgov.net>, "Whitton, Jeremy" <jwhitton@bcgov.net>, "Meza, Krysta" <kmeza@bcgov.net>, "Klein, John" <jklein@bcgov.net>, "Lear, Joseph" <jlear@bcgov.net>, "Malonis, Michael" <mMalonis@bcgov.net>, "Mankin, Stuart" <smankin@bcgov.net>, "Murphy, William" <wmurphy@bcgov.net>, "Aroneck, Robert" <raroneck@bcgov.net>, "Carter, Ryan" <rcarter@bcgov.net>, "Meehan, Robert" <rmeehan@bcgov.net>, "Hunt, Stephen" <shunt@bcgov.net>, "Scheemaker, Joshua" <jscheemaker@bcgov.net>, "Slauson, Paul" <pslauson@bcgov.net>, "Snyder, Ryan" <rsnyder@bcgov.net>, "Stuckey, Jason" <jstuckey@bcgov.net>, "Toomey, Sean" <stoomey@bcgov.net>, "Crowley, Wallace" <wcrowley@bcgov.net>, "Musser, William" <wmusser@bcgov.net>, "Weich, William" <wwweich@bcgov.net>, "Welsh, Jennifer" <jwelsh@bcgov.net>, "Williamson, Richard" <rwilliamson@bcgov.net>, "Cushman, Zachariah" <zecushman@bcgov.net>, "Zeman, Jesse" <jzeman@bcgov.net>, "Zsamar, Adam" <adzamar@bcgov.net>, "Townsend, Brian" <btownsend@bcgov.net>, "Calandra, Joel" <jcalandra@bcgov.net>, "Denham, Karen" <kdenham@bcgov.net>, "Fripp, Isaac" <ifripp@bcgov.net>, "Hall, Richard" <rhall@bcgov.net>, "Hoyt, James" <jhoyt@bcgov.net>, "Malphrus, Darryl" <dmalphrus@bcgov.net>, "Moberly, Mike" <mmoberly@bcgov.net>, "Rowell, Patrick" <patrickr@bcgov.net>, "Stettmier, Mike" <mstettmier@bcgov.net>, "Vaughn, Anthony" <avaughn@bcgov.net>, "Washington, Craig" <cWashington@bcgov.net>, "Wilson, Jason" <jwilson@bcgov.net>, "Capps, Christopher" <ccapps@bcgov.net>, "Angstadt, Eric" <eangstadt@bcgov.net>, "Garst, Ryan" <rgarst@bcgov.net>, "Hovest, Travis" <thovest@bcgov.net>, "Stuckey, Jason" <jstuckey@bcgov.net>, "Bush, Kevin" <kbush@bcgov.net>, "Lamb, Owen" <olamb@bcgov.net>, "Mooney, Daniel" <dmooney@bcgov.net>, "Prusinowski, James" <jamesp@bcgov.net>, "Parnell, Rhett" <rparnell@bcgov.net>, "Ricker, Eric" <ericker@bcgov.net>, "Thomas, Martin" <mthomas@bcgov.net>, "Cooler, Brandon" <bcooler@bcgov.net>, "Washington, Craig" <cWashington@bcgov.net>, "DiCarlo, Robert" <rdiCarlo@bcgov.net>, "Hardy, Erik" <ehardy@bcgov.net>, "Collier, Jonathan" <jcollier@bcgov.net>, "Klein, John" <jklein@bcgov.net>, "Albertin, Laurel" <lalbertin@bcgov.net>, "Lauer, Jeff" <jlauer@bcgov.net>, "Morris, Erin" <emorris@bcgov.net>, "Heroux, Raymond" <rheroux@bcgov.net>, "Bailey, Paul" <pbailey@bcgov.net>, "Gilbert, Arnold" <agilbert@bcgov.net>, "Mossburg, Dale" <dMossburg@bcgov.net>, "Griffin, Keith" <kgriffin@bcgov.net>, "Hook, Erin" <ehook@bcgov.net>, "Weller, Justin" <jweller@bcgov.net>, "Thompson, Brandy" <bthompson@bcgov.net>, "Faucett, Andrew" <afaucett@bcgov.net>, "Calhoun, Todd" <tcalthoun@bcgov.net>, "Chapman, Brian" <bchapman@bcgov.net>, "Langford, Alan" <alangford@bcgov.net>, "Flores, Andres" <andresf@bcgov.net>, "Jennings, Mike" <mjennings@bcgov.net>, "Fraser, Jeremiah" <jfraser@bcgov.net>, "Light, Jeff" <jlight@bcgov.net>, "Moreno, George" <gmoreno@bcgov.net>, "Tuten, Robert" <rbobbyt@bcgov.net>, "Vido, Thomas" <tvido@bcgov.net>, "Butters Maj William G" <williambutters@usmc.mil>, "jbabkiewicz@townofbluffton.com" <jbabkiewicz@townofbluffton.com>, "e911cef@hargray.com" <e911cef@hargray.com>, "Spencer, Jerry" <jspencer@bcgov.net>, "wickenhost@scdot.org" <wickenhost@scdot.org>, "Bowers, Angelica" <abowers@bcgov.net>, "pamelaf@bjwsa.org" <pamelaf@bjwsa.org>, "stevel@bjwsa.org" <stevel@bjwsa.org>, "William Bettis" <WilliamB@bjwsa.org>, "Turner, Michael K." <TurnerMK@scdot.org>, "sepstein@townofbluffton.com" <sepstein@townofbluffton.com>, "Harris, Cheryl" <cherylh@bcgov.net>, "thelm@oldfieldsc.com" <thelm@oldfieldsc.com>, "Hunt, Gregg" <ghunt@bcgov.net>, "wsaleeby@palmetto.coop" <wsaleeby@palmetto.coop>, "pbrown@montagehotels.com" <pbrown@montagehotels.com>, "Shea, Danielle" <dShea@bcgov.net>, "denver.edick@usmc.mil" <denver.edick@usmc.mil>, "French, Stephanie" <stephanief@bcgov.net>, "Frazier, Marquise" <mfrazier@bcgov.net>, "Becker, Garrett" <gbecker@bcgov.net>, "Hinson, Cassandra" <chinson@bcgov.net>, "Smith, Brittany" <bchaplin@bcgov.net>, "Anderson, Christian" <christiana@bcgov.net>, "Cochenour, Alex" <acochenour@bcgov.net>, "Harris, Lyle" <lharris@bcgov.net>, "Whaling, Nicholas" <nwhaling@bcgov.net>, "Breland, Kyle" <kBreland@bcgov.net>, "DeMars, James" <jdemars@bcgov.net>, "Ireland, Daniel" <direland@bcgov.net>, "Adams, Gabe" <gadams@bcgov.net>, "Laudato, Courtney" <claudato@bcgov.net>, "Hewitt, Jonathan" <jhewitt@bcgov.net>, "Madison, Izac" <imadison@bcgov.net>, "Mendicino, James" <jmendicino@bcgov.net>, "Swalm, Taryn" <tswalm@bcgov.net>, "Green, Brandon" <bgreen@bcgov.net>, "Lynn, Erin" <elynn@bcgov.net>, "Madison, Izac" <imadison@bcgov.net>, "Hewitt, Jonathan" <jhewitt@bcgov.net>, "Johnston, Natalie" <njohnston@bcgov.net>, "Arcuri, Melissa" <marcuri@bcgov.net>, "Kaiser, Shawn" <skaiser@bcgov.net>, "mlanyov@townofbluffton.com" <mlanyov@townofbluffton.com>, "Averill, Matt" <matav@bcgov.net>, "Trout, Chylah" <ctrout@bcgov.net>, "Bryson, Amber" <abryson@bcgov.net>, "Armstead, Arthur" <aarmstead@bcgov.net>, "Light, Heidi" <hligh1@bcgov.net>, "Stevens, Ray" <rstevens2@bcgov.net>, "Swank, Julie" <jswank1@bcgov.net>, "Lachelle Funk" <lfunk@pruithealth.com>, "King, Kimberley" <kking@bcgov.net>, "dchandler@townofbluffton.com" <dchandler@townofbluffton.com>, "Israel, Princess" <pisrael@bcgov.net>, "Russell, Deja" <drussell@bcgov.net>, "Emmis, Michael" <memis@bcgov.net>, "aaron.beck@securitasinc.com" <aaron.beck@securitasinc.com>, "Caparulo, Amy" <acaparulo@bcgov.net>, "Williams, Phillip"

<pwilliams1@bcgov.net>, "Polillo, Edward" <epolillo@bcgov.net>, "Johnson, Kerry" <kjohnson2@bcgov.net>, "Ahrens, Korey" <kahrens@bcgov.net>, "Lewis, Russell" <rlewis1@bcgov.net>, "Prusinowski, Jason" <Jasonp@bcgov.net>, Zoe Voulgarelis <Zoe@itsoftware.com>, "Reynolds, Penny" <preynolds@bcgov.net>, "Heyward, Jermaine" <jheyward@bcgov.net>, "Keaveny, Thomas" <tkeaveny@bcgov.net>, "Able, Hope" <hable@bcgov.net>, "chuggins@palmettobluff.com" <chuggins@palmettobluff.com>, "Draisen, Adam" <adraisen@bcgov.net>, "bcb@bcob.org" <bcb@bcob.org>
Subject: Hurricane Florence Update #2 9.8.18

Good afternoon,

Please find the latest information from the SC Department of Natural Resources.

The potential of this storm is very serious. Everyone is encouraged to monitor the situation closely. Citizens should be making and reviewing their family plans now before the storm directly threatens Beaufort County.

Beaufort County Emergency Management is in constant contact with South Carolina Emergency Management, the National Weather Service and our response partners.

Everyone is encouraged to obtain their information from trusted sources and to avoid misinformation spread through social media.

Recommended Sources

NIXLE Alerts: <https://local.nixle.com/beaufort-county-sheriffs-office/>

BCSO Facebook: <https://www.facebook.com/BeaufortCoSO/>

BCSO PIO Twitter: <https://twitter.com/bcsopio>

BCSO Emergency Management Facebook:

<https://www.facebook.com/BeaufortCoEmergencyManagement/>

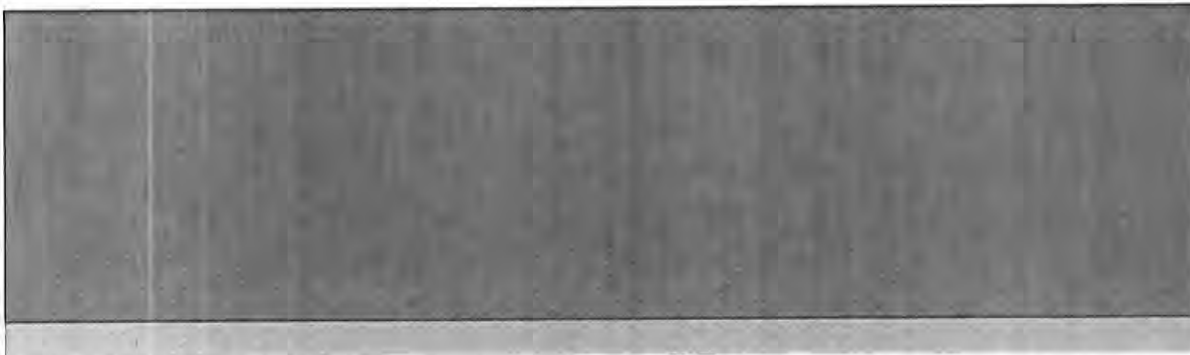
BCSO Emergency Management Twitter: <https://twitter.com/BCSOTraffic>

Beaufort County Sheriff's Office website: <http://www.bcsos.net/>

SC Emergency Management: <https://www.scemd.org>

National Hurricane Center: <https://www.nhc.noaa.gov>

National Weather Service Charleston: www.weather.gov/chs



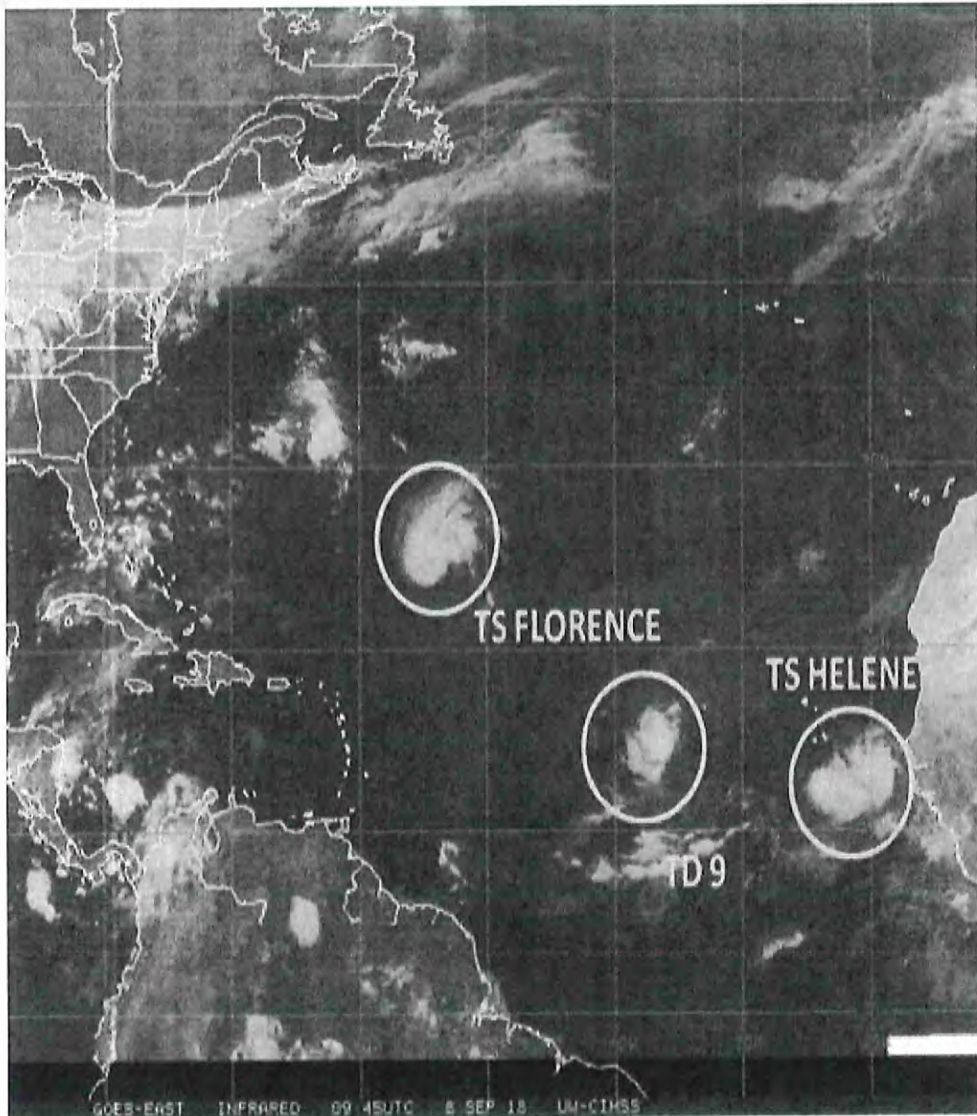
Good Morning,

At 5 AM, Tropical Storm Florence was 1650 mile ESE of Charleston tracking west at 9 mph. This slow westward track continues until Monday morning. Maximum estimated sustained winds are still 65 mph, ...for now. Shear has lessened and Florence has become better organized

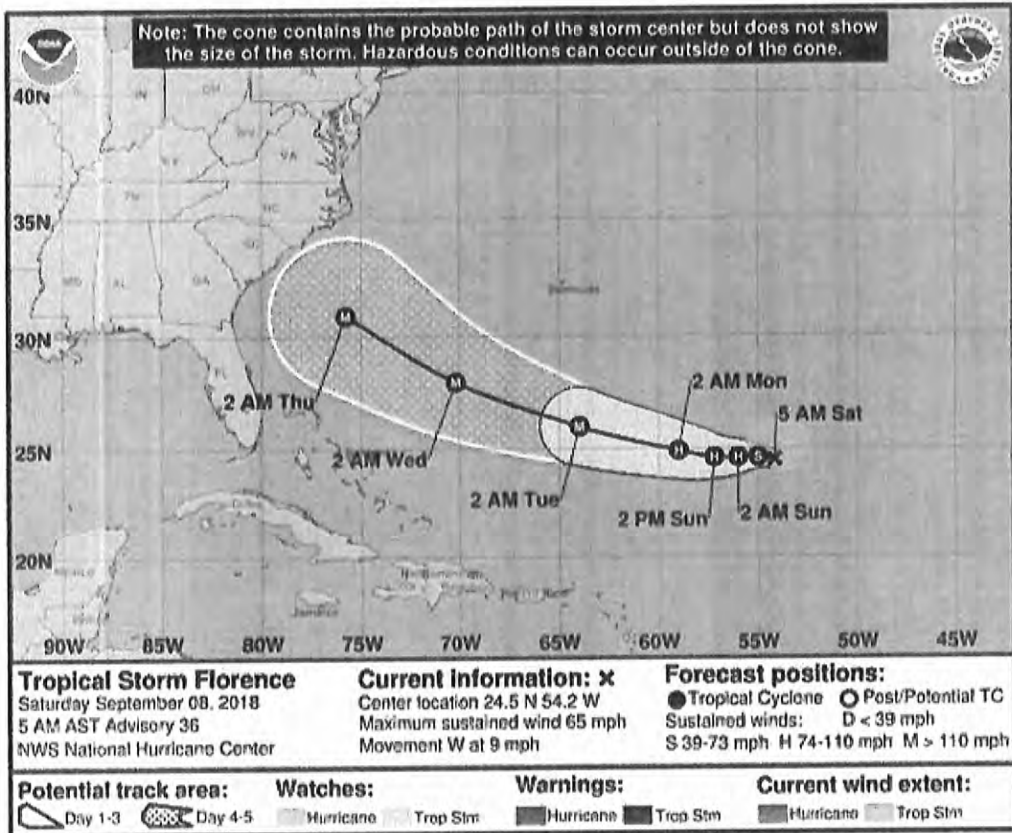
overnight. Symmetry has improved with hints of an eye and cloud tops have cooled to -80 degrees C. Florence will begin to track over abnormally warm sea surface temperatures and deep heat content during the next 36-48 hours. The official NHC forecast calls for Florence to become a 145 mph hurricane by Wednesday night, 270 miles ESE of Myrtle Beach.

The forecast reasoning remains the same with Florence steered westward by a persistent ridge to the north for the next 5-7 days. Models, consensus and deterministic have shifted the track solutions southwards. This a rare storm where the intensity forecast has been consistent out to five days with a murkier track forecast for the same period. A NOAA WP-3 is scheduled to intercept Florence this morning and data from that flight may help tighten up the 5-day track forecast.

TD 9 tracks west into the Caribbean in 8-9 days. TS Helene recurves over the central Atlantic as a strong hurricane.



NHC's 5 AM, 5-day track forecast:



Mark Malsick
 SC State Climate Office

Date : 9/8/2018 9:48:46 PM
From : "PSOMMERVILLE"
To : tkeaveny@bcgov.net
Subject : Fwd: Hurricane
Attachment : Re: Hurricane;

— the forwarded message follows —

From: Stu Rodman <sturodman@gmail.com>
Sent: Saturday, September 08, 2018 4:32 PM
To: Sommerville, Paul
Cc: Jerry Stewart
Subject: Re: Hurricane

Paul,

1. We have to assume the worst and delaying action until Monday evening when an evacuation might already be underway would be irresponsible in the eyes of the public.
2. This is a golden opportunity to demonstrate the childish foolishness of some on Council that has put us in a dangerous position and then stand up as adults and hire Josh.

Cheers,

Stu

On Sat, Sep 8, 2018 at 4:19 PM PSOMMERVILLE <psommerville@hargray.com> wrote:
Emergency Management is hosting a conference call this evening. This will give us more direction. Josh will be in the EOC (Emergency Operations center), the same as he would if he still worked for Beaufort County.

On Sat, 8 Sep 2018 15:37:23 -0400

Stu Rodman <sturodman@gmail.com> wrote:

> Paul and Jerry,

>

> The Governor has called a state of emergency.

>

> The only prudent action for Beaufort County Council is to ask the Town of

> Hilton Head Island to temporarily loan Josh to Beaufort County for the

> duration of the emergency to re-assume his duties as intern County

> Administration.

>

> To that end and time being of the essence, I strongly recommend that an

> emergency meeting of County Council or its Executive Committee be called

> for no later than early tomorrow afternoon.

>

> Cheers,

>

> Stu

Date : 10/26/2016 3:31:17 PM
From : "Keaveny, Thomas"
To : "Sommerville, Paul" , "'Paul Sommerville'"
Cc : "Kubic, Gary" , "Gruber, Joshua"

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Keaveny, Thomas
Sent: Tuesday, October 25, 2016 2:54 PM
To: 'Ryan, Elizabeth'

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414

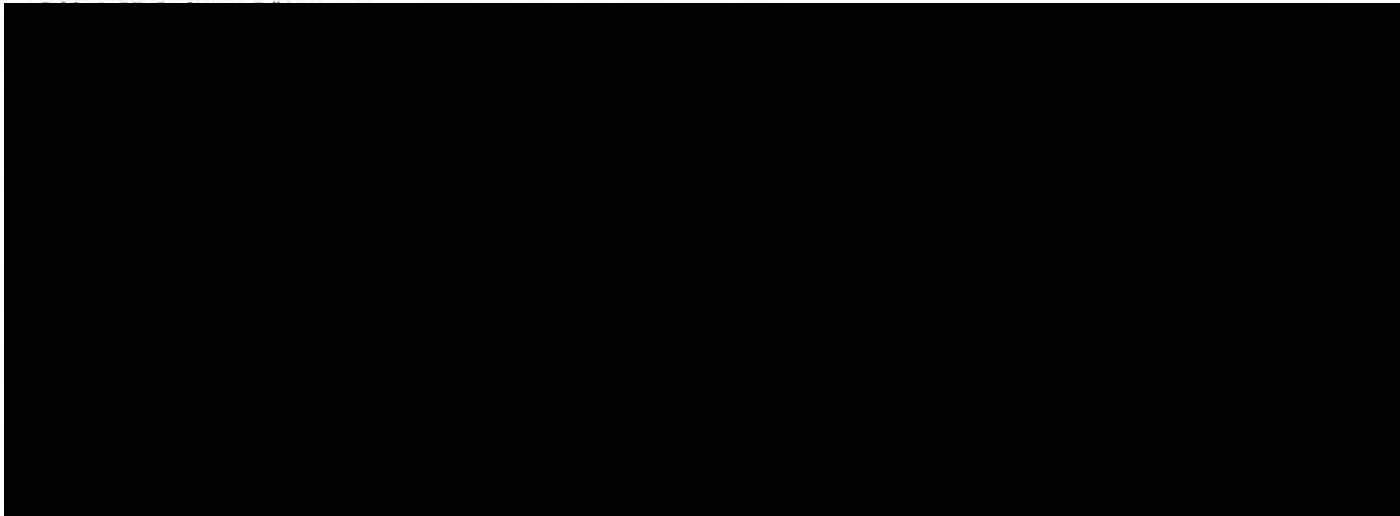


From: Keaveny, Thomas
Sent: Tuesday, October 25, 2016 2:50 PM
To: 'Ryan, Elizabeth'
Subject: Beaufort County Ordinance and Proclamation

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Ryan, Elizabeth [<mailto:eryan@emd.sc.gov>]
Sent: Tuesday, October 25, 2016 1:36 PM
To: Keaveny, Thomas



Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025

Fax: (843) 255-9414



From: Ryan, Elizabeth [mailto:eryan@emd.sc.gov]
Sent: Sunday, October 23, 2016 12:43 PM
To: Taylor, Matthew; Keaveny, Thomas; richard.krikava@fema.dhs.gov
Subject: Re: Conference Call tomorrow...

Matthew,
Thanks for the invitation. I will be happy to be on the call and may ask a few of the state Public Assistance team to join me as well. 10:00 works great for us if that works for you all.
Thanks,
Elizabeth

Get [Outlook for iOS](#)

On Sun, Oct 23, 2016 at 12:33 PM -0400, "Taylor, Matthew" <Matthew.Taylor@mail.house.gov> wrote:

Richard, Elizabeth & Tom:

I spoke with each of you individually on Friday about facilitating a conference call Monday (tomorrow) morning between the appropriate contacts for Beaufort County, SCEMD, and FEMA. I know I have contributed a lot of confusion over the course of the last week with regards to the waiver request for debris removal on private property and the purpose of the call tomorrow would simply be to make sure that we are all on the same page moving forward.

Additionally, I would like to make sure our office is doing all we can to help Beaufort County's application for FEMA assistance move along as smoothly and quickly as possible.

I think the three of us should most certainly be on the call but I would also ask your suggestions on who else should join as well... Please let me know by replying all to this message and perhaps Richard can help us with a conference call in number.

Also, please advise what time works best... I suggest something between 10-11 AM tomorrow.

Thanks, matthew*****

From: Keaveny, Thomas <tkeaveny@bcgov.net>
Sent: Tuesday, October 25, 2016 2:50 PM
To: 'Ryan, Elizabeth'

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Ryan, Elizabeth [<mailto:eryan@emd.sc.gov>]
Sent: Tuesday, October 25, 2016 1:36 PM
To: Keaveny, Thomas
Subject: RE: Conference Call tomorrow...

Thanks! And feel free to send the documentation you have whenever you are ready!
Thanks,
Elizabeth

Elizabeth Ryan
803-201-3739

From: Keaveny, Thomas [<mailto:tkeaveny@bcgov.net>]
Sent: Tuesday, October 25, 2016 1:22 PM
To: Ryan, Elizabeth <eryan@emd.sc.gov>

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Ryan, Elizabeth [<mailto:eryan@emd.sc.gov>]
Sent: Sunday, October 23, 2016 12:43 PM
To: Taylor, Matthew; Keaveny, Thomas; richard.krikava@fema.dhs.gov
Subject: Re: Conference Call tomorrow...

Matthew,
Thanks for the invitation. I will be happy to be on the call and may ask a few of the state Public Assistance team to join me as well. 10:00 works great for us if that works for you all.
Thanks,
Elizabeth

Get [Outlook for iOS](#)

On Sun, Oct 23, 2016 at 12:33 PM -0400, "Taylor, Matthew" <Matthew.Taylor@mail.house.gov> wrote:

Richard, Elizabeth & Tom:

I spoke with each of you individually on Friday about facilitating a conference call Monday (tomorrow) morning between the appropriate contacts for Beaufort County, SCEMD, and FEMA. I know I have contributed a lot of confusion over the course of the last week with regards to the waiver request for debris removal on private property and the purpose of the call tomorrow would simply be to make sure that we are all on the same page moving forward.

Additionally, I would like to make sure our office is doing all we can to help Beaufort County's application for FEMA assistance move along as smoothly and quickly as possible.

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Also, please advise what time works best... I suggest something between 10-11 AM tomorrow.

CountyFOIA#3__000179

Thanks, matthew*****

Chapter 22 - CIVIL EMERGENCIES^[1]

Footnotes:

--- (1) ---

Cross reference— Administration, ch. 2; emergency services, ch. 34; fire prevention and protection, ch. 42.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-25. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT DEPARTMENT^[2]

Footnotes:

--- (2) ---

Cross reference— Departments, § 2-136 et seq.

Sec. 22-26. - Purpose.

This article is adopted by the county council to best establish, develop and coordinate an emergency management department and provide for civil defense and emergency management in the county.

(Code 1982, § 6-35)

Sec. 22-27. - Established; purpose.

- (a) The county emergency management department is created to establish, develop, coordinate and provide for civil defense and emergency management in the county.
- (b) This article will be the instrument through which the county council and other organizations of the county will seek to coordinate their authority under the laws of this state after enemy attack or during natural or man-caused disasters affecting the county.

(Code 1982, § 6-36)

Sec. 22-28. - Responsibilities and duties of county council.

- (a) The chairman of the county council shall have the power to issue proclamations and regulations concerning public safety, disaster relief and related matters which shall have the full force and effect of law during an emergency.
- (b) The chairman of the county council may declare a state of emergency, if the chairman finds a disaster has occurred or that the threat thereof is imminent and emergency measures are deemed necessary to cope with the existing or anticipated situation.

- (c) Once declared, the state of emergency shall continue until terminated by proclamation of the chairman of the county council.
- (d) All proclamations issued pursuant to this article shall indicate the nature of the disaster, the area affected by the proclamation, the conditions which require the proclamation of the disaster emergency and the conditions under which it will be terminated.
- (e) A state of disaster emergency proclamation shall not exist for more than 15 days without approval of the county council.
- (f) In addition to any powers conferred by law, the county council may, under this article, suspend existing ordinances and regulations prescribing the procedures for conduct of county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.
- (g) In the absence of the chairman of the county council, the vice-chairman of the county council shall carry out the duties of the chairman as outlined in this article.

(Code 1982, § 6-37)

Sec. 22-29. - Emergency management director.

- (a) The county administrator shall select and employ the county emergency management director.
- (b) The county emergency management director shall be considered as a county department head.
- (c) The director shall be responsible for executing the instructions of the county administrator under the direction of the county council. The director is, within designated authority, responsible for the administration of the emergency management plan.
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(Code 1982, § 6-38)

Cross reference— Officers and employees, § 2-56 et seq.

Sec. 22-30. - Violation and penalty.

- (a) It shall be unlawful for any person to violate any of the sections of this article or regulations which may be issued pursuant to the authority contained in this article or to willfully obstruct, hinder, or delay any member of the civil emergency organization in the enforcement of this article or any regulations issued therein.
- (b) Any person violating this article shall be guilty of a misdemeanor and upon conviction thereof shall pay such penalties as the court may decide, not to exceed \$500.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate

CountyFOIA#3_000182

violation, which shall subject the offender to liability prescribed in this subsection.

(Code 1982, § 6-39)

Secs. 22-31—22-55. - Reserved.

Proclamation No: 2016 / 14

**Proclamation Declaring Public Health Emergency/State of Emergency
As A Result of Hurricane Matthew**

WHEREAS, on October 4, 2016 the Governor of the State of South Carolina issued Executive Order No: 2016-26 declaring a State of Emergency in South Carolina due to the threats posed to the state and to Beaufort County by Hurricane Matthew as it approached the state; and

WHEREAS, between October 4, 2016 and October 6, 2016 the Governor of the State of South Carolina issued seven more Executive Orders all related to Hurricane Matthew and calling for, among other things, medical evacuations of health care facilities, school closings, and mandatory evacuations of several Counties including Beaufort County, as Hurricane Matthew drew closer to the state; and

WHEREAS, on October 11, 2016 the President of the United States of America issued a Major Disaster Declaration for the State of South Carolina due to the effects of Hurricane Matthew on the state which included high storm surges, 10 to 15 inches of rain, 60 to 88 miles per hour wind gusts and major flooding; and

WHEREAS, damage from downed trees, other vegetative debris, and flooding has caused damage to residences, to surrounding properties, to bridges and to roads, both public and private; and

WHEREAS, there are more private road miles than public road miles in Beaufort County; and

WHEREAS, the continued presence of widespread vegetative debris fields from one end of the County to the other (estimated to be approximately half a million cubic yards on public roads and one million cubic yards or more on both public and private roads combined) constitute an immediate threat to the public at large by: (1) preventing and hindering emergency services (for which the County is responsible) including law enforcement, emergency medical services and fire protection; and (2) exposing the population to an increase in the risk of mosquito-borne illnesses. According to Dr. John Vena, Professor and Founding Chair of the Department of Public Health Sciences at the Medical University of South Carolina, "a lack of debris clearance on *private roads* leads to an increased risk of pooling water, which leads to a risk of an increased mosquito population, leading to an increase in the transmission risk of a host of mosquito-borne diseases including the Zika virus" (emphasis added) all of which threaten the life and property of our citizens and communities; and

WHEREAS, the Governor of South Carolina recognizes the continuing nature of the threat to the public health of our citizens and on October 18, 2016 issued Executive Order No: 2016-39 declaring an ongoing State of Emergency to support the health, safety and welfare of the public.

NOW, THEREFORE, I proclaim a public health emergency/state of emergency exists in Beaufort County due to the continuing effects of Hurricane Matthew which, include, downed trees and widespread vegetative debris fields on public and private rights-of-way throughout the County which constitute an immediate threat to life, public health and safety.

I PROCLAIM THAT immediate debris removal from both public and private rights-of-way is in the public interest because it is necessary to: (1) eliminate immediate threats to life, public health and safety; (2) eliminate immediate threats of significant damage to improved public and private property; and (3) ensure the economic recovery and viability of the County whose economy is based largely on vacation rentals and tourism which is drawn to Beaufort County by the amenities and services offered by private communities.

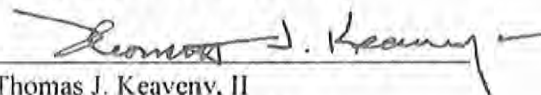
FURTHER the County Administrator is hereby authorized and required to remove, as quickly and efficiently as possible, debris fields from private rights of way in Beaufort County in order to eliminate the threats to life, public health and safety and which threaten the economic recovery and viability of our tourism dependent communities and the community-at-large.

BEAUFORT COUNTY, SOUTH CAROLINA




D. Paul Sommerville, Chairman

APPROVED AS TO FORM:



Thomas J. Keaveny, II
Beaufort County Attorney

ATTEST



Ashley M. Bennett
Clerk to County Council

10/24/2016

Chapter 22 - CIVIL EMERGENCIES^[1]

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10/24/2016

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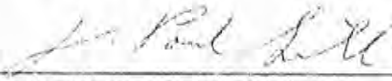
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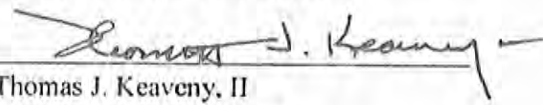
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BEAUFORT COUNTY, SOUTH CAROLINA



D. Paul Sommerville, Chairman

APPROVED AS TO FORM:



Thomas J. Keaveny, II
Beaufort County Attorney

ATTEST



Ashley M. Bennett
Clerk to County Council

Date : 3/11/2016 5:18:32 PM

From : "Keaveny, Thomas"

To : "Jim Hicks" , "Paul Sommerville" , "Rembold, Jon" , "Gruber, Joshua"

Thomas J. Keaveny II
Beaufort County Attorney
P. O. Drawer 1228
Beaufort, SC 29901-1228
Tel: (843) 255-2025
Fax: (843) 255-9414



From: Jim Hicks [mailto:jbhicks@hargray.com]
Sent: Friday, March 11, 2016 11:59 AM
To: Paul Sommerville; Rembold, Jon; Keaveny, Thomas; Gruber, Joshua
Subject: LIBPA Article Regarding Tree Cutting @ Airport

To All,

As discussed at the Wednesday meeting the attached draft of an article setting forth a public explanation of the tree cutting project presently being planned, along with a bit of history, is provided for your review and comment to ensure I am not passing erroneous information. I fully understand that I did not get into a great deal of detail regarding the exact wording of the law but after reading it a couple of times can understand how a bit of confusion could arise with the average layman (non lawyer).

I would like to have your comments/recommendations not later than March 21 to allow me to meet a publishing deadline for the Lady's Island Business and Professional Association newsletter and submission to the Island News.

Thanks,

Jim

*Outside
scope of
FOIA-2014-1459*

PRIVATE PROPERTY RIGHTS, AIRPLANES AND TREES

The Lady's Island Airport (officially named the Beaufort County Airport) arrived on Lady's Island in the latter part of the 1950's as a result of being evicted in 1955 from what is today the Marine Corps Air Station. The airport has served the community well for over 50 years. During this time trees on the private property located near the runway grew taller until they reach a height which posed a hazard to the safe operation of the airport. The solution was to either remove the trees or at a minimum reduce their height to a safe elevation. This was not a problem unique to the Lady's Island Airport for many other airports throughout the state and the nation are faced with similar problems. To provide local governments the authority to resolve this challenge to safe operation of airports in South Carolina the legislature passed Title 55- Aeronautics, Chapter 9 commonly known as the South Carolina Airports Act. Without going into great detail this law states that if a tree or trees or anything else pose a hazard to the safe operation of the airport that in the interest of public health and safety the hazard should be prevented (eliminated) and this should be accomplished, to the extent legally possible, by proper exercise of the police power. According to Wikipedia, in United States constitutional law, police power is the capacity of the states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals, and general welfare of their inhabitants. In other words, the local government has a legal right and moral obligation to insure that trees (or buildings) near the airport do not pose a hazard to safe flight operations. Individual property rights do not extend to the right to maintain a safety hazard on your property which poses a public safety threat to flight operations.

In 1998, under the authority of the Airports' Act, those trees in the approach flight path of the Lady's Island Airport which were deemed a hazard were removed. Considering that a pine tree is capable of growing from 1 to 2 feet a year it should surprise no one that many trees which were not a threat in 1998 have reached a dangerous height today. To prepare for another removal of those trees posing a present hazard to the safe operation of the Airport an informational meeting was held by Airport Director Jon Rembold with those property owners on which trees posed a current hazard. The removal of trees on private property by the local government is obviously a touchy and complicated subject. Following the initial meeting the property owners requested District 2 Councilman Paul Sommerville and District 3 Councilman Bill McBride meet with them, listen to their concerns and provide them additional information regarding the proposed tree removal. Following are some of the questions posed to the Councilmen by the property owners and the answers provided at a subsequent meeting:

- Is there an alternative to cutting down my tree(s)?

Yes. They may be reduced to an acceptable height by trimming but as a property owner you must accept all future responsibility and cost to keep such trees at an acceptable height. The government will remove them or trim them one time and all future necessary trimming will be at the cost of the property owner.

- Is an Environmental Impact Study required for the tree removal/reduction project"?

No

- Who pays for the trees to be removed?

The Federal Aviation Administration pays 90% of the cost and the County pays for the remaining 10%

- If I sign an easement allowing the removal of the trees in question will I be reimbursed for the value of the trees?

NEED HELP ON THIS ONE!

- If I sign the proposed easement do I forfeit my right to take legal action if I am the victim of a plane crash.

No

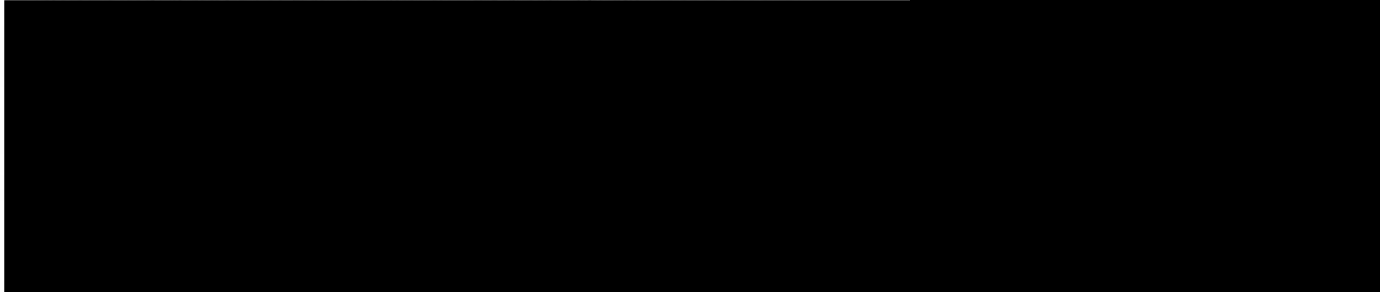
To date there has been four public meetings held and many additional meetings with individual property owners in an effort to insure the safety of airport operations while, to the maximum extent possible, recognizing individual property owner's concerns. The majority of the property owners involved in this project have signed easements granting their approval for the trees in question to be removed. This is not the last time that the subject of tree removal near the Lady's Island Airport will have to be addressed and it will continue to be a challenge to insure public safety while respecting private property rights to the maximum extent possible. Sometimes, there are no easy answers.

PLEASE FEEL FREE TO MAKE ANY CHANGES NEEDED TO IMPROVE THE ACCURACY OR BENIFIT TO THE READER BUT PLEASE REMEMBER I HAVE A SPACE LIMITATION. ALSO PLEASE ADD ANY ADDITIONAL QUESTIONS AND ANSWERS NEEDED.

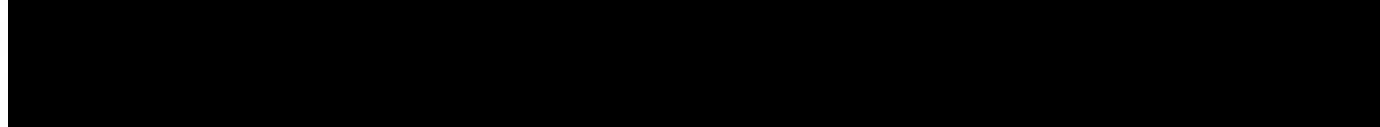
Date : 3/11/2016 6:00:39 PM

From : "Rembold, Jon"

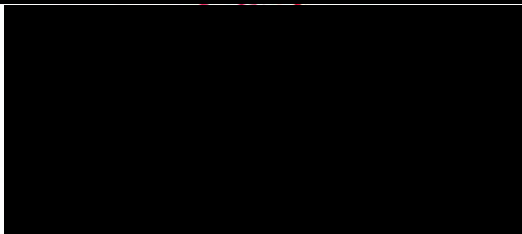
To : "Keaveny, Thomas" , "Jim Hicks" , "Paul Sommerville" , "Gruber, Joshua"



From: Keaveny, Thomas
Sent: Friday, March 11, 2016 12:19 PM
To: Jim Hicks; Paul Sommerville; Rembold, Jon; Gruber, Joshua



Thomas J. Keaveny II
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- If I sign an easement allowing the removal of the trees in question will I be reimbursed for the value of the trees?

NEED HELP ON THIS ONE! Not exactly. A property owner can be paid for the easement through an appraisal process. Keep in mind that it is the AIRSPACE that is being appraised, not the land, so compensation is typically minimal.

- If I sign the proposed easement do I forfeit my right to take legal action if I am the victim of a plane crash.

No

To date there has been ~~four~~three public meetings held and many additional meetings with individual property owners in an effort to insure the safety of airport operations while, to the maximum extent possible, recognizing individual property owner's concerns. The majority of the property owners involved in this project have signed easements granting their approval for the trees in question to be removed from the approach. This is not the last time that the subject of tree removal near the Lady's Island Airport will have to be addressed and it will continue to be a challenge to insure public safety while respecting private property rights to the maximum extent possible. Sometimes, there are no easy answers.

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Date : 3/30/2016 12:45:47 PM
From : "Gruber, Joshua"
To : "Billy K" , "Paul sommerville"
Cc : "William Prokop" , "Lisa Sulka" , "Mayor Murray" , "David Bennett" , "Van Willis" , "Steve Riley" ,
"morlando@townofbluffton.com"
Subject : RE: Path Forward
Attachment : 18.Econo.pdf;20.Econo.pdf;

Mayor,

The Resolutions that were adopted by Council regarding Economic Development are attached.

Please let me know if you require any additional information.

Thanks,

-Josh-

Joshua A. Gruber

Deputy County Administrator/Special Counsel
P.O. Box 1228
Beaufort, SC 29901
Phone: 843-255-2059
Fax: 843-255-9414
email: jgruber@bcgov.net

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From: Billy K [mailto:billyk@islc.net]
Sent: Wednesday, March 30, 2016 8:17 AM
To: Paul sommerville; Gruber, Joshua
Cc: Billy K; William Prokop; Lisa Sulka; Mayor Murray; David Bennett; Van Willis; Steve Riley; morlando@townofbluffton.com
Subject: FW: Path Forward

Is this your memory of the resolution the County Council adopted? I think something is wrong.

Josh, at your convenience, would you mind send the resolution.

Thanks to all. Perhaps this is progress but it continues to focus on an alliance which is premature as all four mayors have indicated.

Best

billyk

From: Stu Rodman <sturodman@gmail.com>
Date: Wednesday, March 30, 2016 at 6:18 AM
To: Mayor Sulka <lsulka@townofbluffton.com>, David Bennett <dgbennett@icloud.com>, Billy K <billyk@islc.net>
Cc: Gerald Dawson <gdawson@bcgov.net>, Jerry Stewart <jstewart@bcgov.net>, Steve Fobes <sfobes1953@gmail.com>, Paul sommerville <psommerville@hargray.com>
Subject: Re: Path Forward

Mayors,

I have requested that the County Legal Staff finalize the Economic Development Corp documentation including the possibilities that we do or don't join an alliance.

The mechanism that we have in place to work the issues is the Temporary EDC Board which includes the 4 Mayors, 4 from Council, and Gary or Josh. I will circulate the next draft for comment and we can schedule a meeting at your convenience.

At our February retreat, Council approved my recommendation that we:

1. Adopt your Economic Development proposal
2. Allocate \$25,000 for a consultancy to assist in moving forward

I think you envisioned a more comprehensive consulting effort to, given our past history, to get it right. Conversely, many on Council believe we don't need to pay for any more studies. Thus, I believed that \$25,000 might meet everyone's objectives and have the following scope of work:

1. Interview all the interested parties.
2. Analyze the previous consultants' reports and recommendations.
3. Address the alliance related issues.
4. Prove recommendations.

If you believe we need an expanded effort, I have suggested that Don Kirkman might draft a more comprehensive scope of work for your consideration as a recommendation to Council, which I would be pleased to bring forward through my Governmental Committee.

Since Charleston and Jasper have declined to consider an alliance with us, we appear to have two options:

1. Southern
2. Beaufort as a standalone alliance.

Southern appears receptive to give us an extension beyond their March 31st requested for a decision. I have suggested that we use this time to:

1. Reaffirm with Charleston and Jasper, their initial responses.
2. Revisit Beaufort alone to cover all our bases.

With respect to Beaufort alone I will see if any Council members have an interest in developing this option and would welcome your involvement in developing such a proposal, if you prefer this option, which might be the only option if Southern rejects us or we reject them.

I look forward to responses.

Regards,

Stu

On Tue, Mar 29, 2016 at 10:13 PM, Sulka, Lisa <lsulka@townofbluffton.com> wrote:

Stu

The three of us (Bennett, Keyserling and myself) met briefly today after the Heritage Tourism meeting and we all feel that we would like to see the county move forward with the corporation first (for lack of a better word), that was voted on in June or July... we will be asking the county to get this started and we are happy to sit with this new committee/board and move forward from there.... I appreciate all of your work, but we believe that we need to take this step first...Will look forward to hearing from Chairman Sommerville on next steps with this newly formed group...

Lisa Sulka

From: Stu Rodman [<mailto:sturodman@gmail.com>]

Sent: Tuesday, March 29, 2016 5:41 AM

To: Sulka, Lisa

Subject: Path Forward

Lisa,

A copy of what I passed out last night since you probably didn't get one.

It would be helpful if the Mayors could pick a convenient time to meet.

Cheers,

Stu

RESOLUTION NO. 2015/ 18

A RESOLUTION TO ADOPT AN ECONOMIC DEVELOPMENT POLICY FOR BEAUFORT COUNTY

WHEREAS, economic development and the diversification of the tax base within Beaufort County is a priority of Beaufort County Council; and

WHEREAS, in order to adequately support economic development initiatives, it is appropriate for County Council to establish a strategy on how to approach economic development, recognizing that the individual components require subsequent Council approval; and

WHEREAS, it is conventional wisdom that economic development requires the assemblage of property and associated public infrastructure for that purpose, which are typically called commerce parks; and

WHEREAS, the geographic makeup of Beaufort County is large and diverse and, as such, multiple commerce parks may be is required and

WHEREAS, it is generally agreed that the management of economic development activities should not be part of the County Administration; and

WHEREAS, it is agreed that in order for economic development activities to be successful in Beaufort County, there will need to be cooperative participation between the County and the Municipalities; and

WHEREAS, in order to successfully implement economic development activities, including business retention, public funding will be required until such time as sufficient commercial development and diversification has occurred, which will then foster continued development by private industries.

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council hereby adopts an economic development strategy, which, among other things, will include the establishment of the following:

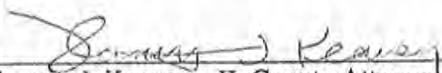
1. A Beaufort County Economic Development Corporation to include participation of the Municipalities and associated public funding.
2. The purchase and / or infrastructure development of properties in Beaufort County.

Adopted this 8th day of June, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:


Thomas J. Keaveny, II, County Attorney

2015 / 20

A RESOLUTION OF BEAUFORT COUNTY COUNCIL TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PREPARE THE NECESSARY DOCUMENTS TO ESTABLISH A NONPROFIT ECONOMIC CORPORATION TO COORDINATE AND IMPLEMENT ECONOMIC DEVELOPMENT PLANS AND INITIATIVES FOR BEAUFORT COUNTY

WHEREAS, the South Carolina Comprehensive Planning Enabling Act of 1994 requires adoption of a Comprehensive Plan that contains an Economic Development Element; and

WHEREAS, in 1997, Beaufort County adopted the "The Beaufort County Comprehensive Plan" which includes an Economic Development Element in accordance with the South Carolina Comprehensive Planning Enabling Act of 1994; and

WHEREAS, on June 8, 2015 County Council adopted "A Resolution to Adopt an Economic Development Policy for Beaufort County;" and

WHEREAS, Beaufort County Council resolved to establish a Beaufort County Economic Development Corporation and to purchase and/or establish infrastructure development for properties in Beaufort County; and

WHEREAS, Beaufort County proposes to create a nonprofit economic corporation controlled by a board; and

WHEREAS, the board shall be comprised of four municipal representatives, one county council representative and two representatives appointed by the board.


NOW, THEREFORE, be it resolved by the Beaufort County Council that the Council hereby authorizes the County Administrator to prepare the necessary documents to establish a nonprofit economic development corporation to coordinate and implement economic development plans and initiatives within Beaufort County.

DONE this 27th day of July, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:


Thomas J. Keaveny, II, County Attorney

Date : 11/14/2016 12:41:33 PM
From : "Stu Rodman"
To : "Jerry Stewart"
Cc : "Fobes, Steve" , "Josh G" , "Sommerville, Paul"
Subject : Comprehensive Financial Plan
Attachment : Comp Fi.xlsx;

Jerry,

Reflecting on what I need to do for you for Governmental, I laid out the items (attached) that I think fall under the preview of my committee. While I was at it, I included the other committees. I was going from memory on the which items go with which committees, so some may not be in the right column.

My thoughts:

1. Charge Committees with addressing specific Budget line items and Retreat Priorities.
2. Have Committees report back on extraordinary budget adjustments (beyond population growth and inflation) and capital requirements for the next 5 years (I don't disagree with 5 years, but think we would be well served to do 3 years for the first pass)
3. Use the compiled data for the Retreat
4. Adjust for Council & Management Agenda Items coming out of the Retreat.

Just my thoughts,

Happy to proceed with Governmental assigned items,

I don't have any additional Council or Management Agenda items at this time.

Cheers,

Stu

<u>Elected Officials & State Appropriations:</u>	<u>Gov't</u>	<u>Finance</u>	<u>Community</u>	<u>Public Facilities</u>	<u>Natural Resources</u>
<u>Sheriff</u>	30.00	Treasurer 1.09	Corner 0.53		
<u>Magistrate</u>	1.90	Auditor 0.86	Social Services 0.15		
<u>Solicitor</u>	1.25	Council 0.62			
<u>Clerk of Court</u>	1.11	Delegation 0.07			
<u>Probate</u>	0.76				
<u>Defender</u>	0.70				
<u>Master-in-Equity</u>	0.31				
<u>County Operations:</u>					
<u>EMS</u>	6.80	Benefits 13.71	Comm Services 3.75	Public Works 15.89	Building Codes 1.81
<u>Detention Center</u>	5.84	Administration 9.05	Library 3.72	Mosquito 1.70	Planning 0.61
<u>USCB & TCL</u>	4.00	Assessor 2.14	PALS 3.11	Traffic Engr 0.63	Deeds Reg 0.51
<u>Animal Services</u>	0.87	Employee Services 0.99	Public Health 1.08		Zoning 0.18
<u>Gov't Subsidies</u>	0.55	Voter Reg 0.72			
	-----	-----	-----	-----	-----
	54.07	29.24	12.35	18.22	3.10
	-----	-----	-----	-----	-----
<u>Policy Agenda</u>					
<u>Economic Devel</u>		CIP Sales Tax		Windmill Harbour	Affordable Hsg
<u>Detention Center</u>		Health Ins		HH Bridges	
<u>QRV's</u>		Retiree Health		Stormwater Mgt	
		Impact Fee Review		Curbside & Recycling	
		3-5 Yr Fin Plan		Ditch Maint	
				County-owned Land	
<u>Management Agenda</u>					
		IT Report	PALS to HHI	Arthur Horne	Okatie River Plan
		IT Connectivity	Residential Home	Facilities Assessment	May River
		Software Review	Smoke Free		CDC Refinements

Date : 11/28/2016 2:05:55 PM

From : "Minor, Jim"

To : "Lamar Taylor (ltaylor@cityofbeaufort.org)" , "William Prokop (wprokop@cityofbeaufort.org)"

Cc : "Billy Keyserling" , "Paul Sommerville" , "Wilhelm, David" , "Larson, Eric" , "Gruber, Joshua"

Subject : FW: Storm debris

Attachment : IMG_0208.JPG;ATT00001.txt;

Lamar & Bill

Please see attached photo from Mr. Taub that lives at the corner of New and North Streets.

His phone number is [REDACTED]

As you can see from the photos the debris he is complaining about consists of leaves.

While the leaves may have come from his debris, our contractors do not remove leaves.

I am referring this to you as I am unsure about the City's yard debris pickup policies.

Please contact him and let him know the proper method for removal of leaves in the City.

I will contact him as well to let him know I am referring him to yall.

Thanks

James S. Minor, Jr.
Solid Waste Manager
843-255-2735

—Original Message—

From: David [mailto:davidmtaub@hargray.com]

Sent: Friday, November 25, 2016 4:17 PM

To: Minor, Jim

Cc: Billy Keyserling; Paul sommerville

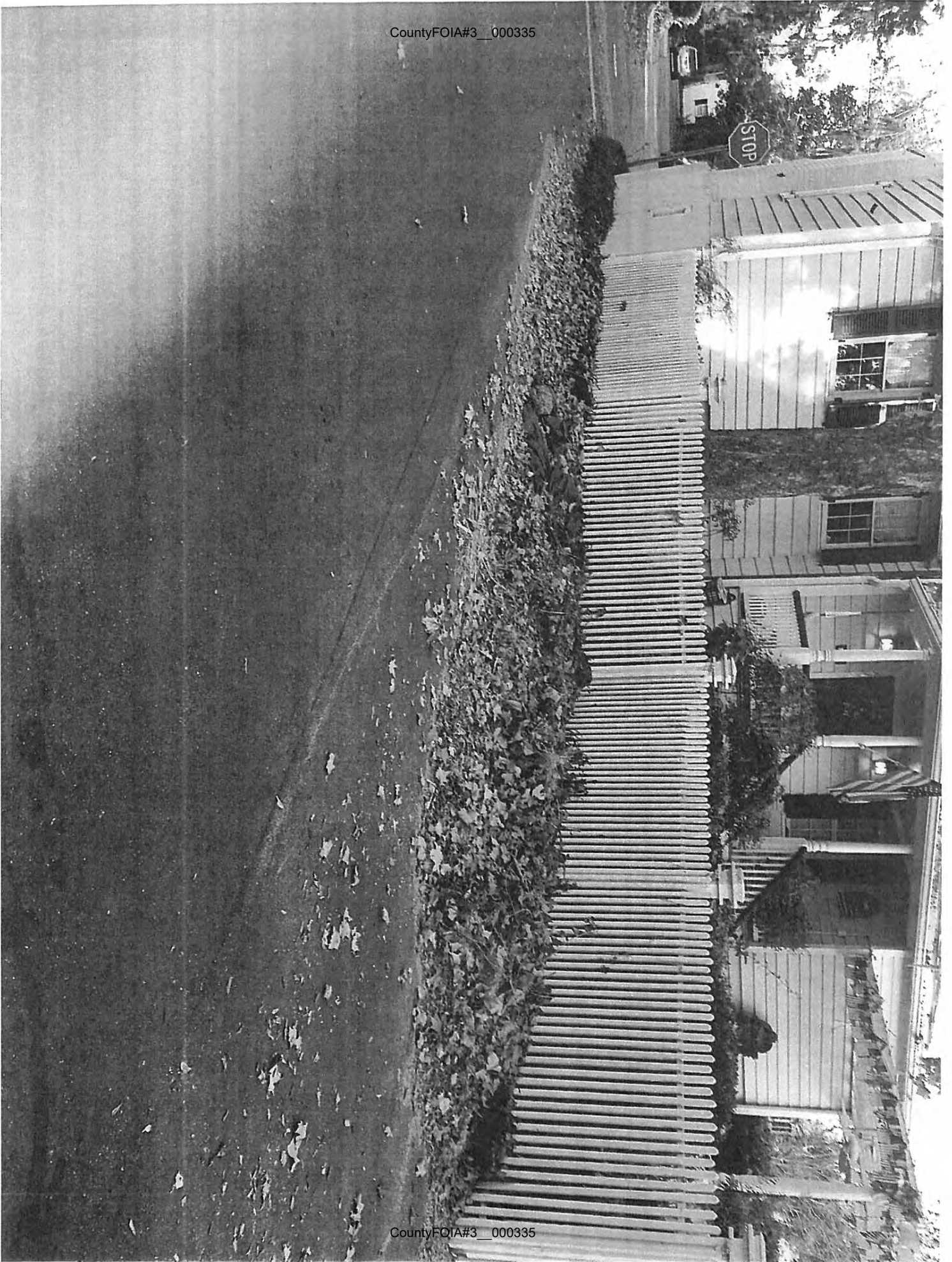
Subject: Storm debris

Hello Jim. As you can see the storm debris is in North Street and runs all along the side of my property. It is NOT in my yard. Thanks for assistance. David

ATT00001

Sent from my iPhone

Page 1



Date : 11/18/2013 4:55:56 PM

CountyFOIA#3__000336

From : "steve181"

To : "Paul sommerville"

Cc : "Gerald Dawson" , "William McBride" , "Laura Von Harten (CTY)" , "Flewelling, Brian" , "Jerry Stewart" , "Rick Caporale CC" , "Tabor Vaux" , "Cynthia Bensch" , "Steve Fobes" , "Stu Rodman" , "Gary Kubic" , "Bryan Hill" , "Sue Rainey"

Subject : Library Budget and Hours

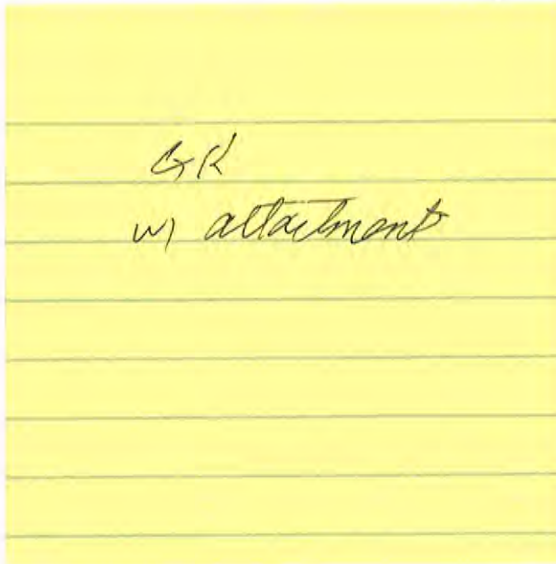
Attachment : Letter t.pdf;

Paul:

Please see attached PDF.

Thanks,

Steve Baer



CountyFOIA#3__000336

November 18, 2013

Mr. Paul Sommerville – Chairman, Beaufort County Council

Dear Paul:

I read about the recent statements by the Administrator to try to provide a pathway to extra Library hours sometime in early 2014, within the existing Library budget. It appears to be a noble effort but misses many key points including:

1 – County Council still has no idea of the cost addition (subject to external review) required to fund its original 2013 Retreat goal for Library hours. After almost 5 months, this is a failure of management.

2 – At the June 2013 budget sessions, an error was made in the Finance Committee by stating (and vigorously convincing others) that the budget, after further reductions, would cover the goal of 10 extra hours at 4 branches. That statement was never verified before the vote, despite comments that it was incorrect. As a result, most on County Council thought they were voting for the extra hours when they were not. While a mistake can be understood, failure to acknowledge and correct it is not right. We all make errors in life, but try hard to rectify them before doing damage.

3 – Struggling to provide extra hours from left-over budget at the end of the year ignores the fact that \$590,000 was diverted from the Library budget in the past 2 years, without knowledge or approval by County Council. Use of those funds coupled with a fair computation of costs per Item 1 above would likely fund the extra hours in CY 2013 and 2014.

4 – There are additional extra funds available including \$125,000 not provided to the Solicitor, \$850,000 set aside for Project Robot, and timed repayment (by bonding or other means) of almost \$2 million from the General Fund provided to the 2 airports.

Unless the items above are seriously considered by County Council, I would suggest that the recent statement by the Administrator to the Press is more of a placebo or Public Relations effort than a serious attempt to deal with the issues.

County Council works hard on many things. This issue deserves your equal attention.

Sincerely,

Steven M. Baer
10 Heather Lane
Hilton Head Island, SC 29926

(843) 689-5774
steve181@hargray.com

Date : 9/10/2015 10:41:24 PM
From : psonmerville@hargray.com
To : gkubic@bcgov.net
Subject : Fwd: Graves
Attachment : Graves;

Gary, Please review and have Tom look at it and let's discuss. Thanks. Paul

— the forwarded message follows —

From: Stu Rodman <sturodman@gmail.com>
Sent: Wednesday, September 09, 2015 11:36 AM
To: Sommerville, Paul
Subject: Graves
Attachments: Graves Resolution.docx

Paul being sensitive to your concerns, I reworked it to:

1. Take out those comments and actions that might weaken our position
2. Leave only the action to identify best use, which might strengthen our position.

Let's discuss one more time at your convenience.

Regards,

Stu

Graves Property Resolution

1. WHEREAS the Property is a unique and well-known landmark located at the crossroads of Beaufort County, and
2. WHEREAS many County citizens would rather see the 278 Frontage preserved rather than developed and the Property remains important for controlling storm water runoff into the Okatie River, and
3. WHEREAS Heritage Tourism is emerging as a significant County opportunity and the Property would be a strong candidate for locating one of the Visitors Centers that will be required to fully capitalize on Heritage Tourism, and
4. WHEREAS developed of the Property could include a Gullah-Geechee Center in that 1) the National Park Service has created the Gullah-Geechee Corridor, 2) the County lies at the Center of the Corridor, 3) the Property lies at the center of the County, and 4) the Beaufort County Gullah-Geechee Consortium has been formed to preserve the culture, educate, and promote commerce, and
5. WHEREAS it is located near USCB & TCL and, as such, may useful as both expand, particularly if the Property were to it become a high tech park.
6. WHEREAS Economic Development is a County priority, the Property is the best site in southern part of the County to undertake such development, and the Property is arguably the best, and perhaps the only, site in the southern part of the County that meets SC Department of Commerce's criteria for providing Economic Development leads, and
7. WHEREAS annexation and less than desirable development remains a significant risk, and
8. WHEREAS the County expended \$500,000 acquiring an Option but declined to exercise the Option, questioning the \$11,500,000 price, and
9. WHEREAS "highest & best" for the Property has not been determined and it would be premature to attempt to value it without such a determination.

NOW THEREFORE, be it resolved that Beaufort County should:

Identify the "highest and best" use of the Property, including but not limited to Preservation, Tourism, Education, Culture, and Economic Development.

Date : 10/13/2015 3:22:44 PM
From : psommerville@hargray.com
To : gkubic@bcgov.net
Subject : Fwd: Resolution
Attachment : Resolution;

— the forwarded message follows —

From: Stu Rodman <sturodman@gmail.com>
Sent: Tuesday, October 13, 2015 5:49 AM
To: Sommerville, Paul; Jerry Stewart
Subject: Resolution
Attachments: Graves Resolution.docx

Will give yo a call to discuss.

Cheers,

Stu

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF IDENTIFYING APPROPRIATE BENEFICIAL USES FOR THE PEPPER HALL PLANTATION PROPERTY

WHEREAS, the Property is a unique and well-known landmark located near the crossroads of US-278 and SC-170 in Beaufort County; and

WHEREAS, Heritage Tourism is emerging as a significant County opportunity and the Property could be a strong candidate for locating one of the Visitors Centers that will be required to fully capitalize on Heritage Tourism; and

WHEREAS, Exit 8 is the nearest point on I-95 to the Coastal Tourism areas of South Carolina and the Property is ideally located to intercept I-95 drive-by travelers; and

WHEREAS, development of the Property could include a Gullah-Geechee Center in that 1) the National Park Service has created the Gullah-Geechee Corridor, 2) the County lies at the Center of the Corridor, 3) the Property lies at the center of the County, and 4) the Beaufort County Gullah-Geechee Consortium has been formed to preserve the culture, educate, and promote commerce; and

WHEREAS, Economic Development is a County priority and the Property could be utilized for such development; and

WHEREAS, the Property may be one of the only sites in the southern part of the County that could meet the South Carolina Department of Commerce's criteria for providing Economic Development leads; and

WHEREAS, it is located near USCB & TCL and, as such, may be useful as both campuses continue to expand, particularly if the Property were to become home to technology based businesses; and

WHEREAS, many County citizens would prefer that the US-278 Frontage be preserved rather than developed and the Property remains important for controlling storm water runoff into the Okatie River; and

WHEREAS, annexation and less than desirable development remains a significant risk; and

WHEREAS, the Future Land use Chapter of the Comprehensive Plan is not inconsistent with the above highlighted possible uses.

NOW, THEREFORE, be it resolved that Beaufort County hereby declares its support in identifying the appropriate beneficial uses of the Property and adjacent parcels to include, but not be limited to, Tourism, Education, Culture, Economic Development and Preservation.

Done this _____ day of _____, 20__.

BEAUFORT COUNTY COUNIL

D. Paul Sommerville, Chairman

RECEIVED

Mar 07 2022

CERTIFICATE OF COUNSEL

SC Court of Appeals

I certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 1, 2022

/s/ Thomas R. Goldstein
Thomas R. Goldstein, S. C. Bar 2186
Belk, Cobb, Infinger & Goldstein, P.A.
P. O. Box 71121
Charleston, S. C. 29415-1121
(843) 554-4291; (843)