

COUNTY COUNCIL OF BEAUFORT COUNTY

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COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, August 23, 2010

4:00 p.m.

Council Chambers
Administration Building

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

- 4:00 p.m.**
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. INVOCATION
 4. REVIEW OF MINUTES – [August 9, 2010](#)
 5. PUBLIC COMMENT
 6. [COUNTY ADMINISTRATOR'S REPORT](#)
Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - Two-Week Progress Report
 7. DEPUTY COUNTY ADMINISTRATOR'S REPORT
Mr. Bryan Hill, Deputy County Administrator
 - [Two-Week Progress Report](#)
 - Construction Project Updates
 - One Cent Sales Tax Referendum Projects:
New Bridge over Beaufort River / US 21 / SC 802 Construction Project
SC Highway 802 Roadway Construction Project
Mr. Robert McFee, Division Director, Engineering and Infrastructure

Over



8. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, APPENDIX F, SECTION 8, MAY RIVER PLAN (ADDS NEW SECTION FOR MAY RIVER COMMUNITY PRESERVATION AREA PLAN) ([backup](#))
 - Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

9. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL TO RURAL COMMUNITY PRESERVATION AREA ([backup](#))
 - Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

10. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX R, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT) ([backup](#))
 - Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

11. ZONING MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL, RURAL-RESIDENTIAL, AND RURAL-TRANSITIONAL OVERLAY DISTRICTS TO MAY RIVER COMMUNITY PRESERVATION DISTRICT ([backup](#))
 - Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

CONSENT AGENDA

Items 12 through 24

12. WATER BUDGET ASSISTANCE AGREEMENT WITH SC DEPARTMENT OF NATURAL RESOURCES (DNR) ([backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

13. BEAUFORT COUNTY STORMWATER UTILITY EXTENT OF SERVICE (EOS) AND LEVEL OF SERVICE (LOS) ([backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

14. SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) / STORMWATER UTILITY INTERGOVERNMENTAL AGREEMENT (IGA) RECOMMENDATIONS OPERATIONAL ALTERNATIVE AND MINIMUM CONTROL MEASURES ([backup](#))
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
15. AIRCRAFT HANGAR RENTAL RATES ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred August 16, 2010 / Vote 5:1
16. AIRCRAFT PROPERTY TAXES ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred August 16, 2010 / Vote 5:1
17. AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE) ([backup](#))
 - Consideration of third and final reading approval August 23, 2010
 - Finance Committee discussion and recommendation to approve occurred August 4, 2010 / Vote 7:0
 - Finance Committee discussion and recommendation to approve occurred March 22, 2010 / Vote 7:0
 - Public hearing held April 26, 2010
 - Second reading approval occurred April 12, 2010 / Vote 11:0
 - First reading approval occurred March 29, 2010 / Vote 8:0
 - Finance Committee discussion and recommendation to approve occurred March 22, 2010 / Vote 6:0
18. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000 ([backup](#))
 - Consideration of second reading approval August 23, 2010
 - Public hearing Monday, September 13, 2010 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, Hilton Head Island
 - First reading approval August 9, 2010 / Vote 10:0
 - Finance Committee discussion and recommendation to approve occurred August 4, 2010 / Vote 7:0
19. AN ORDINANCE AUTHORIZING A LOAN OF HOSPITALITY TAX FUNDS TO HERITAGE CLASSIC FOUNDATION FOR THE PROCUREMENT OF THE 2011 PGA HERITAGE GOLF TOURNAMENT TO BE HELD ON HILTON HEAD ISLAND, SOUTH CAROLINA ([backup](#))
 - Consideration of second reading approval August 23, 2010

- Public hearing Monday, September 13, 2010 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, Hilton Head Island
 - First reading, by title only, approval occurred August 9, 2010 / Vote 7:1:2
 - Finance Committee discussion and recommendation to approve occurred August 9, 2010 / Vote 5:1
20. RESOLUTION ADOPTING THE COUNTY AND FIRE DISTRICT FISCAL YEAR 2010/2011 MILLAGE RATES ([backup](#))
- Consideration of adopting August 23, 2010
 - Finance Committee discussion and recommendation to approve occurred August 16, 2010 / Vote 7:0
21. RESOLUTION ADOPTING THE SCHOOL DISTRICT FISCAL YEAR 2010/2011 MILLAGE RATES ([backup](#))
- Consideration of adopting August 23, 2010
 - Joint Initiative Council / Board of Education Committee discussion occurred August 17, 2010
22. ZONING MAP AMENDMENT/ REZONING REQUEST ON LADY'S ISLAND R201-15-118, -508, -509, AND -510 (4 PROPERTIES) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) AND PROFESSIONAL OFFICE DISTRICT (POD) TO VILLAGE CENTER (VC) ([backup](#))
- Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
23. TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V: TABLE 106-1098. GENERAL USE TABLE, COMMERCIAL USES – COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS ALLOWABLE USE OF VARIETY STORES); AND SECTION 106-1285(D)(1) COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS 10,000-SQUARE FOOT LIMITATION FOR VARIETY STORES IN RURAL BUSINESS DISTRICTS) ([backup](#))
- Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0
24. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT) ([backup](#))
- Consideration of first reading approval August 23, 2010
 - Natural Resources Committee discussion and recommendation to approve occurred August 10, 2010 / Vote 4:0

PUBLIC HEARING
 Item 25

- 6:00 p.m.** 25. AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO ADD THE DAUFUSKIE ISLAND COMMUNITY PRESERVATION PLAN TO APPENDIX F, SECTION 7, TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN OF 2007 ([backup](#))
- Consideration of third and final reading approval August 23, 2010
 - Second reading approval August 9, 2010 / Vote 10:0
 - First reading approval occurred July 26, 2010 (Presentation) / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred July 29, 2010 / Vote 5:0
26. [COMMITTEE REPORTS](#)
27. PUBLIC COMMENT
28. ADJOURNMENT

County TV Rebroadcast	
Monday	4:00 p.m.
Wednesday	9:00 p.m.
Saturday	12:00 p.m.
Sunday	6:30 a.m.

Cable Casting of County Council Meetings <i>The County Channel</i>	
Charter Cable	CH 20
Comcast	CH 2
Hargray Cable	CH 252
Hargray Video on Demand	600
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

<p>County Council Meeting September 13, 2010 4:00 p.m. Large Meeting Room Hilton Head Island Branch Library 11 Beach City Road Hilton Head Island</p>
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Official Proceedings
County Council of Beaufort County
August 9, 2010

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, August 9, 2010, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Weston Newton, Vice Chairman D. Paul Sommerville and Councilmen Steven Baer, Rick Caporale, Gerald Dawson, Brian Flewelling, Herbert Glaze, William McBride, Stu Rodman and Laura Von Harten were present. Gerald Stewart absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Councilman Gerald Dawson gave the Invocation.

MOMENT OF SILENCE

The Chairman called for a moment of silence in remembrance of Doug Bauer, who died Tuesday, August 3, 2010 at the Medical University of South Carolina in Charleston. He was employed with Beaufort County as Supervisor of Facilities Maintenance for more than 15 years. He was a member of Harmony Lodge #22 AFM and served his country in the United States Marines.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JULY 26, 2010

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held July 26, 2010. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Michael Lambuth, who is speaking on behalf of the Fins Swim Team as well as present swimmers, potential student athletes and a number of fellow county residents. One of his fondest childhood memories was swimming with friends and family at a

municipal pool. It is where he learned to swim and was taught the basics of water safety. Given the water activities in Beaufort County, the benefits of accessible and safe aquatic facility to learn, practice and expand aquatic skills cannot be understated. He is before Council to seek endorsement and support of an aquatic center at Buckwalter Regional Park (Park). An aquatic center at this Park has been part of the Master Plan; therefore, there is no time like the present to initiate some action of its construction. County-operated swimming pools are aging and becoming overcrowded, which limits the ability for groups and individuals to use the facilities, and is even forcing some swimming teams, such as the Fins, to seek use of private community pools as well as travel to Savannah just to train. A properly designed and modern facility would address these problems and provide numerous opportunities and benefits to residents of all ages. An aquatic center would introduce children to the fun, enjoyment and benefits of swimming and, most importantly, in an area to teach water safety in a monitored environment. It would also provide a place for family and friends to enjoy the water year round, hot or cold. It would provide a central gathering point for people of all ages to engage in group activities that will prompt healthy lifestyles and improve individual fitness. As a training facility, this would be a convenient location for year-round student and team training as they prepare to participate in organized competitive swimming and activity that establishes friendships, builds camaraderie, boosts self esteem and can lead to scholarship opportunities for our young people. This facility could also host aquatic rehabilitation programs that can help injured people return to an active lifestyle by providing a year-round location for low-impact strengthening exercises. Designed around a large lap pool and a training and hydrotherapy pool a facility of this nature would not only benefit the health and enjoyment of everyone, but could also help generate some local business revenue. Designed not only for local community use, but also to support regional swimming competitions, this facility could periodically bring in hundreds of swimmers and their families from throughout South Carolina and adjacent states. These visitors would stay in our hotels, eat in our restaurants and patronize our local businesses. As our communities continue to grow, this introduction of a functional aquatic center at the Park will answer current and future needs of a growing community. It would be an investment in our community that would benefit all for decades to come. He submitted a petition containing 1,400 signatures calling on County Council and Bluffton Town Council to proceed with designing and constructing of an Aquatic Fitness Center at the Buckwalter Regional Park.

The Chairman commented there is probably not a member of Council who would not like to see an aquatic center at Buckwalter at some point. Funds, obviously, are a little bit challenging in this current economic environment. The gymnasium, skate park, soccer fields opened this year. Park impact fees paid in southern Beaufort County, *i.e.*, a consideration portion thereof, have been used to pay for those facilities. In the present environment it is an impact fee that does not generate very much money. Hopefully, in a not-to-distance future we will be at a point where we are talking about moving forward in those directions.

Mr. Merritt Patterson, a Beaufort City resident, spoke to a drainage issue along SC Highway 802 and the performance of the Dennis Corporation. He owns some 53 acres on both sides of the highway along Shell Point Elementary School. As you know, the county is funding with public funds improvements to that highway as well as other highway improvements countywide. From the early days he recognized that these improvements would generate a potential drainage issue.

He participated in both public hearings, met individually with Collins Engineering (design engineer working as a subcontractor for Dennis Corp.) and subsequently sent a letter to county engineering that referred him to the Dennis Corporation. The road is actually being elevated for various reasons and the contractor has filled all roadside ditches. From the outset, before the design was completed, Mr. Patterson wanted the back drainage, so the water that went in the ditches had somewhere to go. The land is low and flat. It does not drain well. And that is why it was never developed. It runs from an elevation 20 down to elevation 10. It is ditch on his families' farm, from the 1920s, that drains the water. This road is four to five feet -- basically a dike. He has repeatedly tried to get the Dennis Corporation to meet with Mr. Jim O'Connor, with Collins Engineering, and review the design from the beginning. They have never met. The last meeting Mr. Patterson had with Ms. Myer Manning, field engineer for Dennis Corp., was May 3, 2010. Ms. Manning saw the file where the issue had not been addressed, promised to look into the matter, promised not to sit on it and promised she would get back with him. As of this date, Mr. Patterson has not heard back from Ms. Manning. Mr. Patterson contacted her today and yet received another apology. Mr. Patterson is before Council to tell members that an apology will not make the water drain anywhere. He needs Ms. Manning to address the problem. Mr. Patterson does not think the Dennis Corporation is doing Council a good service and is asking Council today, as an oversight, to direct the County Administrator and Engineering Department to look into this. After two years of attempting to have Collins Engineering and Dennis Corporation to look into it, they are refusing to do so or are unable to do so. Mr. Patterson is unable to resolve this issue. Obviously, when we cannot resolve something, bad things occur.

Mrs. Andrea Allen, representing Citizens Against Violence Everywhere (CAVE), announced an upcoming event that will benefit our youth and adults. The second Youth Speak Out in Beaufort County, sponsored by CAVE and Boys and Girls Club of the Lowcountry, will be held Saturday, August 28 at the Boys and Girls Club of Hilton Head Island. This event will run from 4:00 p.m. to 7:00 p.m. The program will feature entertainment, youth speaking out on issues that concern them in a variety of ways including skits, poetry, or the speaking word (as we now call it), speeches, rap and community motivation speakers. We invite all youth, parents and concerned adults to come out for this event. CAVE is a broad-based grassroots community coalition of key stakeholders including parents, youth local citizens, politicians, law enforcement and businesses with a vision of creating a non-violent, safe and nurturing community. We are dedicated and encourage our citizens to stand against violence, drugs, gangs and other threats to our children and young adults. Hosting community forums, CAVE seeks to increase awareness and support programs that provide wholesome, youth and family activities. Decreasing violence in our neighborhoods and creating a safe, wholesome Beaufort County is important to all of us who live here and can only be accomplished by all of us taking an active role in our commitment to wanting a safe environment for all of our families.

Mr. Glaze encouraged Council and others to attend this important event.

Mr. Rob Rhodin, a Beaufort City resident, inquired of the status of burying the power lines in the City of Beaufort.

The Chairman replied that is a matter for Beaufort City Council. He asked Mr. Rob McFee, Deputy Director Engineering and Infrastructure, if he had any information on the particulars of putting the power lines underground.

Mr. McFee replied the only subject he is familiar with is burying of power lines on Boundary Street. He will provide Mr. Rhodin contact information for the Beaufort City Manager and City Councilmen.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, said The County Channel upcoming productions demonstrates our capacity as Council and Administration to find ways to better communicate with our citizens. The Broadcast Services Team is working with MIS on the new County website. They are arranging a special video presentation that will appear online to help citizens understand the layout of the new site. This involves use of a “green screen” effect, which allows video to overlay the text in a visually advanced and exciting new way. The South Carolina Association of Counties held its annual conference last week on Hilton Head Island. Chairman Newton gave welcoming remarks which were captured on video by The County Channel and will air this week between programs. The Broadcast Services Team is also working with USCB on a Sandshark Baseball recruitment video to recruit new team players and students. The project is part of an ongoing partnership with USCB to broadcast baseball and possibly other sports in the future.

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from July 26, 2010 through July 23, 2010.

Recognition of Fred Furman, Disabilities and Special Needs Employee

Mr. Gary Kubic, County Administrator, remarked it is always heartening to learn about a Beaufort County employee who has gone above and beyond in his job to help one of our citizens. Beaufort County Disabilities and Special Needs service worker, Mr. Fred Furman, wanted to help Mr. Cassie Hamilton of Lady's Island, a client who needed some special assistance. She needed a better place to live and Fred Furman could not sit idly by. Through the help of volunteers, he found Ms. Hamilton a new mobile home. It came from a church group in Mt. Pleasant. He also arranged for volunteers to have it set up on her property. He then found a team of your people from Main Street United Methodist Church in Dillon and arranged for them to stay at the Sea Island Presbyterian Church while they built a large wheelchair ramp. All of this is not in Fred's job description, but he went the extra mile. Fred Furman did not have to extend himself in this manner. But, he worked beyond his regular duties to help Ms. Hamilton.

The Chairman recognized Fred Furman and on behalf of Council presented him a plaque for his commitment to helping people in need and for his professionalism, dedication and willingness to go above and beyond the call of duty.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Four-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from July 26, 2010 through August 6, 2010.

South Carolina Association of Counties / J. Mitchell Graham Memorial Award

Mr. Bryan Hill, Deputy County Administrator, reported the County participated in the J. Mitchell Graham Memorial award competition at the annual conference of the South Carolina Association of Counties. Beaufort County entered *The County Channel* as its project. The narrative provided an overview, history and creation of the channel and talked about the geographic challenges the county faces. Mr. Hill and Mr. Scott Grooms played a three-minute video which highlighted our program and then answered questions from the three judges. Beaufort County was not the recipient of this year's award, but did receive a participation plaque. The award is presented by the South Carolina Association of Counties for progress and achievement by a County government in South Carolina. This competition is an effort by the Association of Counties to recognize outstanding accomplishments by County governments in our State. The award is presented as a tribute to the influence and leadership of the late J. Mitchell Graham, a member of Charleston County Council for 18 years, 10 of those years as Chairman. Mitchell Graham also served as president of the Association of Counties.

Mr. Newton thanked Mr. Scott Grooms, Ms. Suzanne Larson and Mr. Rob Lewis for all their good work they do with The County Channel and broadcasting of public information.

PHASE 5A ROADWAY PORTION ONLY

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 4, 2010 Public Facilities Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council award a contract to Cleland Site Prep, Inc. in the amount of \$11,578,529.71 for the construction of the Bluffton Parkway Phase 5A from Burnt Church Road to Buckingham Plantation Road. The funding source is 1% Sales Tax Road Improvement Program, Account #33401-54500. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES

DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000

This item comes before Council under the Consent Agenda. It was discussed and approved at the August 4, 2010 Finance Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council approve on first reading an ordinance authorizing the issuance and sale of general obligation refunding bonds, series 2010C, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not exceeding \$9,000,000. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO ADD THE DAUFUSKIE ISLAND COMMUNITY PRESERVATION PLAN TO APPENDIX F, SECTION 7, TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN OF 2007

This item comes before Council under the Consent Agenda. It was discussed and approved at the July 29, 2010 Natural Resources Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Glaze, the Council approve on second reading an ordinance of the County of Beaufort, South Carolina, to add Daufuskie Island Community Preservation Plan to Appendix F, Section 7, of the Beaufort County Comprehensive Plan of 2007. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

The Chairman announced a public hearing would be held Monday, August 23, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

The Chairman passed the gavel to the Vice Chairman in order to receive committee reports.

COMMITTEE REPORTS

Finance Committee

The Heritage Classic Foundation

Mr. Rodman, as Finance Committee Chairman, reported members discussed funding for The Heritage Classic Foundation (Foundation) in order to secure the PGA Heritage Golf Tournament for 2011. The Heritage Golf Tournament (Tournament) is run by the non-profit Foundation. As a non-profit, they have contributed historically between \$1 million and \$1.5 million in charitable contributions back into the community. The Foundation, in conjunction with USC-B, commissioned Clemson University to conduct a study -- *The Heritage, A summary of the economic impact of the Verizon Heritage Golf Tournament.*

The Study. In 1999 and again in 2005, Clemson University's International Institute of Tourism Research and Development conducted studies for the Foundation. The study contains two significant parts (i) provides snapshot demographic information about tournament spectators and (ii) estimates the economic activity and impact generated by tournament spectators and the Foundation's spending in Beaufort County. Input/output modeling software was utilized each year to determine tournament impacts. Implan was used in 1999 and 2005 while Regional Dynamics (ReDyn) was utilized in 2010. Economic activity and impact estimates are reported in five ways: direct spending, wage bill, jobs, net government revenues and total output.

It is highly unlikely that all visiting spectators would not return to Hilton Head Island if the tournament was no longer there, it would not be accurate to say the entire \$81.9 million in total output would be lost. Spectators were asked their likelihood of returning to the area if the tournament was no longer held on Hilton Head (62% were unsure, unlikely or very unlikely) and if the tournament was their primary purpose for their visit to the island (71.2% indicated it was). Using those indicators as a gauge, it is likely that between \$50.78 million and \$58.31 million in total output would likely be lost in Beaufort County. Even though some spectators will still return to the area, it is unlikely that they would all decide to do so during the same week in April.

Since 2001 spending by visitors (permanent residence outside of Beaufort County) and spending by the Foundation has created almost \$660 million in total output, more than \$62 million in net state government revenues and more than \$26 million in net local government revenues. When the 2011-2015 projected impacts are added, the total economic impact of the Tournament between 2001 and 2015 will surpass \$1 billion, net state revenues will grow to nearly \$100 million and net local government revenues will grow to \$44 million.

Mr. Rodman commented the Tournament is South Carolina's premier event from a sporting standpoint compared to all other events that we have. It has major impacts on the state, not just locally. The reason this issue is coming forward is because Verizon, Tournament sponsor for many, many years, has decided not to continue as sponsor. The Foundation has aggressively been pursuing a replacement sponsor and has many people with whom they are in contact, but as of now they have not locked up a sponsor. We find ourselves as time being somewhat of the essence in considering a request from them for financial assistance in the amount of \$1 million. The Tournament in round numbers is looking for a commitment of \$6 million which is to guarantee the Tournament can take place, television buy and the purse. The Foundation has cash reserves in approximately \$4 million which they would put up. Last Tuesday Hilton Head Island Town Council looked at the situation and voted unanimously to grant \$1 million to the Foundation. Members of the Finance Committee discussed the issue at its August 4 meeting as well as earlier today. The proposal is that Council would contribute \$1 million, but in lieu of a grant, we would look at it as a loan.

Mr. Rodman presented the two recommendations from Finance Committee. First, it was a general consensus of the members the best place to borrow the \$1 million was from hospitality tax funds and would require an ordinance. The second recommendation would require Council to commit to the \$1 million by resolution.

Mr. Sommerville stated in the worst case scenario the County could end up having some national television time to promote Beaufort County. It is an asset we could sell. By his calculates that comes out to approximately eighteen 30-second spots.

Main motion.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on first reading, by title only, an ordinance authorizing a loan in the amount of \$1,000,000 of hospitality tax funds to Heritage Classic Foundation for the procurement of the 2011 PGA Heritage Golf Tournament to be held on Hilton Head Island, South Carolina and further, the contemplated execution of a promissory note outlining the terms upon which the money is to be repaid.

Mr. Baer is in favor of keeping the Tournament. It is important. He has looked closely at the Heritage numbers. It is a good business that we should try to save. But we need a plan not just for 2011, but one that can help us survive tough conditions in 2012 and 2013 as well. But before we allocate scarce County funds, taking them away from other important projects, there need to be some conditions. In thinking about this, it is useful to draw two parallels: (i) GM was a good business that also needed saving. But that saving involved a restructuring in which the Government was a party, not just a bailout. This is our GM. (ii) Recall the large effort we just spent on our school budget. That was a worthy cause, and this Council influenced their budget allocations. We need to be consistent and use the same kind of influence here.

In thinking about this, we need to understand the Tournament's customers. Mr. Baer finally obtained a copy of the full Clemson Study. Here are some details: (i) Tournament visitors are wealthy (page 118): 55.5% have incomes over \$100,000; 17.4% over \$200,000 (ii) Many play rounds of golf here during Heritage week. (iii) Average number of spectator days is 3.36; 48.1% attended four or more days. Spending per visitor day is \$367.78 (iv) Dollars spent here per badge is \$2,386 (v) Admission revenues per badge is \$50.47; per badge day is \$9.68.

To help with a restructuring rather than a bailout, Mr. Baer built a financial modeling spreadsheet to test various financial plans and tried several using a combination of the following approaches: (i) Raise Admission Fees (Tournament current is \$9.68/day vs. Disneyworld is over \$50/day), (ii) Decrease all expenses (currently \$4 million, excluding Facility Use, TV, Purse) by 10% to 15%, (iii) Pursue several \$1 million sponsorships and TV sales instead of a \$6 to \$7 million single one. How much can we really get for our 3.7 million? Is that number overvalued? Do we have an advertising/sales agency working on this? (iv) Obtain relief on facility use fee, (v) Contributions from those profiting, including Town, Chamber, and businesses, (vi) Tap reserves at a measured rate to last several years?

This financial modeling is what Mr. Baer suggested they undertake when they were here at August 4, 2010 Finance last week. The modeling shows Heritage can achieve breakeven or a profit. The full results and model were covered in the Finance Committee meeting just prior to this Council meeting, and will be in those minutes. Based on just these runs, Mr. Baer concludes

the Heritage is a business that can be saved. The County should not just automatically put money into their present method of operation. The County should encourage the Foundation to be a self-sustaining operation adjusted for the new economic environment. To help with this, we could provide a short-term loan with specific conditions including: County takes part in the development and approval of the Foundation financial plan, including the items above. This plan should be developed before the PGA due date. This plan should be designed to also demonstrate viability for 2012 and 2013

There are also some other items that need consideration and review including: (i) We need to understand when the guarantee is really due. It seems that we are being rushed into bad planning. (iv) We need to ensure that we develop a Financial Plan covering at least the next two to three years, and not just a one shot deal for 2011. To believe that a \$6 million, \$7 mill, and \$8 million sponsor is just around the corner, either this year or next is too risky. (iii) We need to see if there is an accommodations tax loophole permitting Home and Villa Owners who rent for only a few weeks a year to escape accommodations tax payments. If the accommodations tax loophole does exist, and is significant, then the local accommodations tax dollars claimed in the Clemson study may be overly optimistic. (v) We need to do a sanity check on the Clemson data by looking at the Hilton Head accommodations tax and hospitality tax data. We should be able to see the claimed bumps. (vi) We need to understand the PGA yearly escalators and constraints. This is essential to model future years. (vii) We need to understand the business of TV time and value. If we have to buy or guarantee \$3.723 million of TV time, what is that really worth if we have to resell it? Also, how would we resell it and what are the costs, fees, or discounts for resale? (viii) We need to understand whether the Pro-Am breaks even. The data supplied to the County Council Finance Committee for its last two sessions indicates that it has lost substantial sums for years, and is projected to lose a half million dollars in 2010. (ix) We need to review and perhaps prune the Charity List. Using 2008 Federal Form 990 data from Guidestar (none was supplied by the Heritage) two of the listed charities are Hilton Head/Bluffton Chamber of Commerce for \$24,881 and PGA Tour Wives Association for \$14,000. It is also not clear how much of their claimed charitable giving are really local contributions through Birdies for Charity. These should be separately broken out.

The Heritage is a worthwhile institution that should be saved, and could be, using mainly its own financial power. But hoping for a \$6 million, \$7 million or \$8 million single sponsor this year or next, and continuing the old financial model has to change. By relying on a taxpayer loan or bailout, we lose the use of scarce taxpayer funds needed for other worthy projects, do not provide sufficient security for payback of those funds, and postpone the day of financial reckoning by propping up a method of operation that is no longer viable. Mr. Baer is in favor of a loan, but only if we take part in, and have the right of approval of a new financial plan.

Motion to amend by addition #1.

It was moved by Mr. Baer, seconded by Mr. Dawson, to add an additional condition of a \$1 million savings clause in a combination of ticket sales revenue or reduced line-item expenses (reference exhibit A in their tax application).

Motion to amend by addition #2.

It was moved by Mr. Rodman, seconded by Newton, to add a condition that representatives of the Foundation explore the \$1 million bottom line and report back to Council on any possible revenue increases or expense decreases as we move toward second and third readings and public hearing.

Mr. Sommerville stated in Finance Committee he asked representatives of Heritage if they have and would continue to scrutinize line items like ticket prices and expense items and they assured committee members that they have and would continue to do that. He assumes that commitment is ongoing. He will not support the amendment because he does not know how we can specifically require them to meet a particular goal because he does not know what is possible. He is convinced they will continue to look at those items.

Ms. Von Harten does not want to get into micromanaging at this point. The way the Foundation runs its business has worked so far. This year is just an extraordinarily bad financial situation. She does not want to put any kind of conditions of the Foundation and are going to affect their operation so they will not be able to continue into the future.

Mr. Rodman noted since the Foundation has agreed, what he is suggesting as an amendment is that we would agree to explore a \$1 million improvement. All we are doing is documenting what they have agreed to do anyway. Mr. Rodman does not have a problem voting for it.

Mr. Baer agreed to accept Mr. Rodman's motion to amend #2 and to change his motion to amend #1. Mr. Dawson who seconded Mr. Baer's motion, agreed to the amendment

Motion to amend by addition #1, which now includes Mr. Rodman's motion to amend #2.

To add an additional condition of a \$1 million savings clause in a combination of ticket sales revenue or reduced line-item expenses to be evaluated in the two weeks until second reading.

Mr. Newton remarked the nonprofit Foundation gives away many millions of dollars in scholarships every year. Council is talking about improving the bottom line by requiring ticket prices to go up yet we, perhaps, are going to be anti-ticket competitive with the ticket prices of the Masters Golf Tournament in Augusta a few weeks before. He is happy for the Foundation to take a look at it if that is what they want to do. The part that has been lost here tonight is the intangibles that go along with this, but also have an evaluation. Beaufort County gets broadcast and presented to the world during the course of this Tournament which has a \$41 million media value. Is there anything else that goes on this county where pictures of Beaufort County are highlighted throughout international television coverage? If there is, he does not know about it despite *The County Channel*. How much does this affect property values in Beaufort County? An \$81.9 million economic impact is conservative. Hilton Head Island Town Council voted unanimously and not run the risk of losing this tournament. We want to send a collective strong message to the PGA that we believe this Tournament is good for our community and our community is soundly behind this Tournament. Given the more than 1,000 jobs, \$81.9 million

economic impact, the media value and possible loan, Mr. Newton would like to think that these folks, who are the stewards of this nonprofit Tournament and who are attempting to find more and more money to give out in scholarships (which is in part the purpose for which the tournament is being held) do not need us, necessarily, giving them a checklist and requiring them to come back here two weeks from tonight and telling us what they are going to do. Tournament representatives have said they are happy to take a look at these cost-saving measures. Mr. Newton is concerned perhaps Council is sending the wrong message that we are lukewarm toward the idea of being committed to sponsoring or partnering in the Tournament. It seems to Mr. Newton Council ought to stop and recognize the significance of this event to Beaufort County. While it is held in the southern portion of the county, the most remote area, perhaps, from here in geography, this is a tremendous event in terms of not only our local economy but the state's economy. The state ought to be here at the table and they ought to be putting up some money, too. But if Council has sort of waffled in its commitment, then the folks in Columbia have an easy way out because County Council will not spend hospitality tax money. Mr. Newton will vote against the motion to amend by addition. We need to demonstrate an unequivocal commitment to making sure this Tournament remains here in Beaufort County. Let us not forget our friends in Columbia gave the tennis tournament, a number of years ago, \$1 million and helped them move to Charleston and helped them build a facility there. Our responsibility, as we review this, is to condition a loan on the various ideas generated, but also to expressly recognize the significance of this Tournament and unanimously embrace it, support it, and move forward. It is not a grant of these funds. It is a loan to be repaid. This is not a car loan or a house loan so that if it is not repaid we can foreclose on it. We will, however, be a part of a \$81.9 million economic impact next year as well as being a very strong and loud vocal supporter of this Tournament that Mr. Newton believes says a message to Columbia as well that the state generates a very significant economic impact and they ought to be at the table participating in this as well.

Mr. Sommerville will vote against the motion to amend by addition for the reasons outlined by Mr. Newton. Mr. Sommerville's worst nightmare is that Charleston County sees us vacillating and steps up to the plate with our EFA money.

Ms. Von Harten stated the next couple of weeks are critical in terms of Tournament building relationships with potential other sponsors and working things out with the PGA. She does not want them having to spend time pouring over spreadsheets at this point. She, too, will vote against the motion to amend by addition.

Vote on the motion to amend by addition: FOR – Mr. Baer, Mr. Dawson and Mr. Glaze. OPPOSED – Mr. Caporale, Mr. Flewelling, Mr. Newton, Mr. Sommerville, Mr. Rodman and Ms. Von Harten. ABSTAINED – Mr. McBride. ABSENT – Mr. Stewart. The motion failed.

Vote on the main motion: FOR – Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Sommerville, Mr. Rodman and Ms. Von Harten. OPPOSED – Mr. Baer. ABSTAINED – Mr. Dawson and Mr. McBride. ABSENT – Mr. Stewart. The motion passed.

Resolution Authorizing Commitment of the Funds

It was moved by Mr. Rodman, as Finance Committee Chairman, that Council adopt a resolution authorizing the commitment of its resources for a loan in an amount not to exceed One Million Dollars (\$1,000,000.00) to the Heritage Classic Foundation in order to assist the Foundation in meeting its obligation to the PGA to secure the Heritage Golf Tournament for 2011.

Mr. Caporale commented all the points made tonight are valid to a degree. The point Mr. Newton and Mr. Rodman made might be the most pressing one -- there is a time crunch. There are sometimes when a situation is such that you, perhaps, have to be willing to take a calculated risk to preserve your best interest. He encouraged all members of Council to support the resolution despite the fact there probably are some questions that need to be answered and some discussions that need go on that, perhaps, have not gone on yet. Council needs to support this event. There is no question about that in his mind.

Mr. Rodman commented if Council adopts the resolution, the Foundation can go ahead and lock down the date with the PGA. It actually puts them in a stronger position as they negotiate with multiple possible sponsors because they do not have to feel like they have to take an absolute first sponsor because otherwise they are going to lose the Tournament. Not only is time of the essence with the PGA, it buys them time to negotiate with potential sponsors for a couple of months.

Mr. Newton remarked it is worth highlighting in the economic impact study the net government revenues, taxes and fees generated by the economic activity minus the expenses incurred to the state, is \$8.56 million for this Tournament. Clearly the State has a role in terms of this economic activity and what this does to highlight the State of South Carolina. When the State was in the days of promoting itself and tourism, which is the state's number one economy, we saw a lot of those *Beautiful Places; Smiling Faces* television ads, but when they gutted state government they took that money away and quit running those ads. It is fairly significant and worthwhile to point out what those numbers are because Mr. Newton hopes that members of our Legislative Delegation are listening tonight. He hopes Council is talking to them as well. We hear of Boeing and while this Tournament is certainly not Boeing, to Beaufort County it has a significant track record. It is a significant event. A lot of Legislators attend this Tournament. This effort is worthy of state participation and the state is a direct beneficiary of this Tournament and has some responsibility, in Mr. Newton's judgment, to be a part of that, rather than not. We find ourselves as a donor in just about every category that possibly exists and perhaps this is one the state ought to pay a little attention to and be involved in this solution.

Mr. Baer will vote against it. He is not against the Tournament. It is an important event. Some may call this micro-management. But guarding the taxpayer's and County's funds is what we signed on to do. He campaigned on that platform. If someone comes to us for a million dollars we need to ensure that we check their business case, and maximize the taxpayer's bang for the buck.

The vote was: FOR – Mr. Caporale, Flewelling, Mr. Glaze, Mr. Newton, Mr. Sommerville, Mr. Rodman and Ms. Von Harten. OPPOSED – Mr. Baer. ABSTAINED – Mr. Dawson and Mr. McBride. ABSENT – Mr. Stewart. The motion passed.

State Accommodations (2%) Tax Allocation for FY 2011

It was moved by Mr. Rodman, as Finance Committee Chairman, that Council allocate \$200,000 and rank, but not allocate, up to another \$100,000 in the event revenues come in more than expected and another allocation later in FY 2011 is possible. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville, Mr. Rodman and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

Public Safety Committee

Bluffton Fire District

Mr. Flewelling, as Public Safety Committee Vice Chairman, nominated Mr. David Meeder to serve as a member of the Bluffton Fire District.

Lowcountry Regional Transportation Authority

Mr. Flewelling, as Public Safety Committee Vice Chairman, nominated Mr. Mark McCain to serve as a member of the Lowcountry Regional Transportation Authority.

Mr. Rodman nominated Mr. Al Wattay to serve as a member of the Lowcountry Regional Transportation Authority.

The Vice Chairman passed the gavel back to the Chairman in order to continue the meeting.

PUBLIC COMMENT

There were no requests to speak during public comment.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council go immediately into executive session for the purpose of receiving information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

EXECUTIVE SESSION

RECONVENE OF EXECUTIVE SESSION

It was moved by Mr. McBride, seconded by Mr. Sommerville, that Council authorize the County Administrator to enter into an agreement for the purchase and renovation of a new community residence in the amount of \$350,000. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Stewart. The motion passed.

ADJOURNMENT

Council adjourned at 6:48 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

**OFFICE OF THE COUNTY ADMINISTRATOR
COUNTY COUNCIL OF BEAUFORT COUNTY**

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT
Monday, August 23, 2010
County Council Chambers, Administration Building**

INFORMATION ITEMS:

- The County Channel / Broadcast Update
- Two-week Progress Report (Enclosure)



Memorandum

DATE: August 20, 2010
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place August 9, 2010 through August 20, 2010:

August 9, 2010

- Finance Committee meeting
- County Council meeting

August 10, 2010

- Meeting with Eddie Bellamy, Director of Public Works re: Public Works issues
- Briefing by McNair Law Firm re: education funding
- Natural Resources Committee meeting

August 11, 2010

- Meeting with Tony Criscitiello, Director of Planning and Development re: fish camps
- Meeting with Staff Attorney Lad Howell
- Meeting with Bryan Hill, Deputy County Administrator, and Suzanne Gregory, Director of Employee Services

August 12, 2010 (Hilton Head Island Government Center Office)

- Introductory meeting with new Island Packet Reporter Luke
- Tree Obstruction Removal Runway 21 Approach meeting
- Meeting with Larry McElynn

August 13, 2010

- Meeting with Bryan Hill, Deputy County Administrator, and Dino Liollo, of Liollo Architects re: St. Helena Library project

August 16, 2010

- Finance Committee Meeting

COUNTY COUNCIL

August 20, 2010

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- **EMS / Fire Study Kickoff meeting at Public Works**

August 17, 2010

- **County / Town of Hilton Head meeting to discuss county / town issues**
- **Joint Initiative County Council /School Board meeting (unable to attend)**

August 18, 2010

- **Agenda review**
- **Staff meeting re: Facebook / Twitter**
- **Meeting with County Assessor Ed Hughes**
- **Meeting with James Coleman, Public Works employee**

August 19, 2010

- **Meeting with Tony Criscitiello and Ian Hill re: Historic Preservation Review Board's role in the St. Helena Library project**
- **Staff meeting re: EMS software purchase / release of information**

August 20, 2010

- **Meeting with Rob McFee, Division Director of Engineering and Infrastructure**
- **Meeting with Tony Criscitiello, Ladson Howell and Nancy Schilling re: Dock Ordinance**



Memorandum

DATE: August 20, 2010
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place August 9, 2010 thru August 20, 2010:

August 9, 2010 (Monday):

- Telephone conference with Rob McFee, Public Services and Dan Dennis
- Meet with William Winn re: Staffing County Council
- Meet with David Starkey, Chief Financial Officer
- Finance Committee Meeting
- County Council

August 10, 2010 (Tuesday):

- Meet with David Starkey, Chief Financial Officer
- Meet with Carolyn Wallace, Stormwater re: Budget
- Attend Natural Resources Committee Meeting
- Meet with Suzanne Gregory, Employee Services

August 11, 2010 (Wednesday):

- Meet with Gary Kubic, County Administrator and Suzanne Gregory, Employee Services re: Reorganization
- Meet with DSS Auditor, David Starkey, Chief Financial Officer and Jerri Roseneau, Clerk of Court re: Clerk of Court Title IV Audit

August 12, 2010 (Thursday)--Bluffton:

- Meet with David Mouser and other parents re: HHBA Concerns
- Conference call with David Starkey, Chief Financial Officer, and Phyllis White, School Board re: Budget Issues

August 13, 2010 (Friday):

- Meet with Dino Liollo and Penn Center Library Team re: Library Plans
- Attend Penn Center Library Status meeting

August 16, 2010 (Monday):

- DA Meeting
- Finance Committee Meeting
- County Council

August 17, 2010 (Tuesday):

- Meet with David Starkey, Chief Financial Officer re: Issuesx
- Joint Initiative Council/Board of Education Committee Meeting

August 18, 2010 (Wednesday):

- Agenda Review
- Credit Card Meeting with Lad Howell, Joy Logan and Staff, David Starkey and Harry Morales

August 19, 2010 (Thursday):

- Attend "Success as a Supervisor" Seminar

August 20, 2010 (Friday)--Bluffton:

- Bluffton Hours

2010 / ____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO ADOPT AN ADDITION TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN OF 2007.

BE IT ORDAINED that County Council of Beaufort County, South Carolina, hereby adds to the Beaufort County Comprehensive Plan of 2007, enacted by Ordinance 2007 / 40, Appendix F, Section 8, entitled May River Community Preservation Area Plan.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Amending 2007 / 40

**APPENDIX F, SECTION 8.
MAY RIVER COMMUNITY PRESERVATION (CP) PLAN**

MAY RIVER COMMUNITY PRESERVATION DISTRICT PLAN

Purpose

The purpose of the May River Community Preservation Plan is to preserve the unique character of the May River / Highway 46 corridor by articulating a direction for future development of this community. The Plan addresses Natural & Cultural Resources, Land Use, Transportation, and Recreation. As a policy document, appended to the County's Comprehensive Plan, this plan is to be used to guide zoning, subdivision, facilities funding and design, and community development decisions made by government officials and agencies. The May River Community Plan serves as a foundation and the structure upon which more detailed policies, standards and master plans may be developed.

Process

In 2005, a group of concerned citizens (unofficially known as the May River Road Planning Committee) began meeting on a regular basis to identify critical issues affecting the May River / Highway 46 Corridor, as well as potential solutions. The group envisioned their efforts as a precursor to the County's Community Preservation process. The official CP process convened in 2007. Those interested in serving on the committee were asked to submit their names to the County's CP Planner. Citizens from surrounding (unincorporated) communities, as well as those who had served on the May River Road Planning Committee were deemed eligible. At a subsequent meeting, the community selected, by vote, the 13 member May River CP Committee. The Beaufort County Planning Commission approved and appointed the Committee.

The Committee met with representatives from agencies that service or might potentially impact the May River / Highway 46 Corridor (the Trust for Public Lands, the Town of Bluffton, Greater Bluffton Pathways, BJWSA, May River Waterbody Management Plan Project Team, etc.). Through this process the Committee was able to identify issues which they believed were most pertinent to the future of their community. These include:

- Preserving the low density and rural residential character of the corridor
- Preserving the existing rural character along May River Road
- Preserving the environmental integrity of the May River
- Maintaining a clear edge between urbanized areas (Bluffton, Pritchardville) and rural areas (the May River Road corridor)
- Preserving undeveloped lands within the District through acquisition and easements.
- Providing contextual pathways and trails

THE MAY RIVER COMMUNITY PRESERVATION DISTRICT

The majority of issues and goals outlined in this plan relate to preserving the status of the May River Corridor. Both Highway 46 and the May River have a capacity at which point they will reach a tipping point and become unsustainable in their current form. Given all of the approved development in Southern Beaufort County, Highway 46 is predicted by the County to fail by 2025.

Beaufort County and the Town of Bluffton are engaged in a constant effort to keep the May River pristine and healthy. The biggest threat to the river is overdevelopment of the immediate area. Currently, the average density of the entire CP District is just one unit per 8 acres.

The Town and County have committed to the establishment of consistent and compatible zoning regulations along the Highway 46 Corridor. Yet, along the eastern portion of the corridor the two jurisdictions utilize different regulatory tools and zoning. If this is to be the case, it is important that the future land use map for Beaufort County and the Town Of Bluffton are compatible in this area. Otherwise, there will be tremendous pressure for additional annexations.

Recommendation

Protect the unique rural character that exists along the Highway 46 corridor by promoting low intensity development that preserves the district's scenic attributes and rural feel while severely limiting commercial uses.

MAY RIVER CP DISTRICT DEVELOPMENT INTENSITY & CHARACTER

a. Development North of May River Road

The established density should be one unit per three acres on the north side of May River Road. This is in keeping with the density of Beaufort County's Rural Zoning District. The required open space will be 60% of the site. The minimum lot size is ½ acre.

Should the applicant agree to intense clustering of residences, with 80% open space, then the applicant should receive a bonus that permits them to subdivide at a rate of one unit per two acres. The applicant will be encouraged to construct a range of lot sizes, from ¼ acre cottage lots to 1 acre estate lots.

Connectivity to existing communities shall occur. When developing new neighborhoods open spaces shall be contiguous, usable (greenway with trails, parks, playgrounds, etc), and used to define the neighborhood edge. Whenever possible these lands shall be linked to neighboring green belts and open spaces.

b. Development South of May River Road

Due to the environmental sensitivity of the May River and the anticipated capacity of Highway 46 the established density should be one unit per five acres on the south side of May River Road. It is recommended that the required open space be comprised of 60% of the site. The minimum lot size should be 1 acre, unless the subdivision is on sewer, in which case the minimum lot size should be 1/2 acre.

Unless otherwise noted in the Scenic Road Overlay Standards, all development should reside behind a 100 foot setback (measured from the edge of the ROW), the first 75 feet of which shall be a vegetated buffer with 80% opacity (overstory, understory, and shrubs). Whenever possible the buffer should be comprised of indigenous species, requiring minimal (initial) to no irrigation or replacement. If non-indigenous species are utilized, the buffer shall require the use of irrigation to ensure survival.

1. River Lots

Waterfront lots in new subdivisions should have a minimum of 250 feet of parallel frontage along the May River or its tributaries. Furthermore, all development should be set back 100 feet from the OCRM Critical line. Existing lots of record should be exempt.

2. Guest Houses

Existing lots of record of 2 acres in size or greater are permitted one guest house not to exceed 2,000 square feet. A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They are for use by the property owner and his/her family and guests only. They should not be used for lease or rent, and should gain their access from the driveway of the principal house.

Parcels created after the adoption of the May River CP Code that are 5 acres or more in size should be permitted to have one or more Guest Houses. However, the total square footage of all guest dwellings (guest houses) should not exceed 75% of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) should not exceed 5000 square feet.

This formula allows for the equivalent of two estate homes (principal, and guest house); a "main" house with two "significantly" sized houses (principal, and two guest houses); or a "main" house and three traditionally sized cottages (principal, and three guest houses). Anything more significant essentially establishes the definition of a neighborhood. Construction of the principal dwelling must occur prior to, or in conjunction with any guest houses. Manufactured homes shall not be permitted to be used as guest houses.

MAY RIVER CP DISTRICT DEVELOPMENT FUNCTION

In order to ensure that this stretch of corridor remains rural it is anticipated that residents will head to Town or to Pritchardville to fulfill their daily needs. Therefore, the CP District should primarily consist of low density residential development. However, a few very low intensity, businesses (in keeping with the character of the roadway) such as farm stands, bed and breakfasts, and home based businesses will be allowed in the district. The design specifications for businesses requiring additional exposure and access will be addressed in the SCENIC ROAD OVERLAY DESIGN STANDARDS.

- Permitted Without Limitations
 - Agricultural
 - Residential
 - Single Family detached
 - Single Family Cluster
 - Family Compound
- Permitted With Limitations
 - Residential
 - Guest House
 - Home Occupation
 - Home Business
 - Commercial and Retail
 - Bed and Breakfast (not in excess of 6 rentable bedrooms)
 - Permanent Produce Stands

MAY RIVER CP DISTRICT DEVELOPMENT FORM

The Community Preservation District is actually bisected by two geographic features, the May River, and Highway 46. Both the River and the Highway serve as transportation and recreation corridors. These serve as the windows to the District. It is from these vantage points that people interpret the “character” and “feel” of the area. Therefore, the committee recommends the application of two overlay districts specifically aimed at addressing development within these corridors. These overlay districts shall be referred to as the Scenic Road Overlay and the River Overlay.

The boundary for the River Overlay will be measured 500 feet from the critical line and the boundary for the Scenic Road Overlay will extend 500 feet from the centerline of the road respectively. The current Corridor Overlay District regulations (located in Appendix B of the Beaufort County Zoning and Development Standards Ordinance (ZDSO)) will apply to Highway 46 unless they are in direct conflict with regulations found in the Scenic Road Overlay; in which case the Scenic Road overlay supersedes the Corridor Overlay District. The additional standards reflect the area’s natural surroundings and ensure that development portrays a rural context.

Recommendation

Encourage a NATURAL and RURAL aesthetic by promoting context sensitive design standards, preserving the existing tree canopy over and adjacent to the highway, and maintaining the thoroughfare as a two lane highway.

a. Development within the Scenic Road Overlay

1. Regulation / Review

Within the May River Corridor, only non-residential properties and those places where the public frontage (i.e. road right of way) and the private frontage (i.e. a new neighborhood entranceway) converge shall be reviewed by the Joint Corridor Review Board (JCRB). Such non-residential uses are extremely limited in scope within the Community Preservation District and do not warrant the establishment of an individual review board. The CP Committee will have the right to nominate two additional members to sit in and vote when commercial projects from the May River CP District are heard by the JCRB. The two nominees shall reside in the May River CP District. Ideally, one citizen representative and one "design professional" (employed in a field such as Planner, Urban Designer, Architect, and Landscape Architect) will characterize the representatives from the May River CP District.

2. Aesthetics

This overlay is intended to give the impression that the Highway 46 corridor primarily bisects lands in an open or cultivated state or that are sparsely settled. Despite the increasing population density of this area, the primary viewshed should make every effort to reflect woodlands and agricultural land.

It should be recognized that there is a vast difference between a low intensity, formally regulated corridor, and one with a truly "rural" context. Outside of Town, May River Rd. exudes a truly rural context. The informality of the corridor allows for "eclecticism" and promotes a "sense of uniqueness". While the corridor is no longer agricultural, the dominant features are woodlands, wetlands, and scattered vernacular buildings of various setbacks. There is also an undeniable character associated with this Corridor; one that is very much in keeping with the "rural south".

All new residential development shall reside behind a 100-foot setback (measured from the edge of the right-of-way (ROW)), the first 75 feet of which will include a vegetated buffer with 80% opacity (both overstory & understory and shrubs). The buffer shall be comprised of indigenous species and shall be irrigated and replaced wherever and whenever necessary.

3. Streets and Trails

Highway 46 is a very heavily traveled roadway that would normally be considered by S.C. Department of Transportation (SCDOT) for widening. In order to prevent

this, every measure possible to slow traffic down while allowing free movement must be attempted. The posted speed should not exceed 45 mph.

Secondary roads should be designed to calm or slow traffic as opposed to promoting its free flow. Promote creative ways to narrow road width and defer to the natural landscape as much as possible. Roads shall not utilize curb and gutter, but rather swales. Turning radii should be shallow unless impeded geographically. "Environmental or green" features and "rural & natural" materials shall be listed and encouraged in the code. Off-road bicycle trails and walkways that are that are pervious, natural, and appropriate for rural settings should be included in every new development. However, to exclude the "resort look" and maintain both the tree canopy and overall rural character they shall be considered for placement off of the road. Sidewalks are only appropriate for small lot clusters, and these should utilize surface materials that are pervious and or natural.

The Community Preservation Committee will form an implementation committee that will meet seasonally as needed. This committee will be charged with implementation (as needed), accessing how the plan is working, and nominating to the County Council two representatives for the JCRB. In terms of the Corridor Overlay, as improvements are made along the highway or communities develop along the highway frontage, this committee will work with various public entities (County, SCDOT, SCE&G) and landowners / developers to examine the burying of existing power lines along the ROW. Portions of this ROW could serve as a trail system or bike lane.

4. Plantings and Lighting

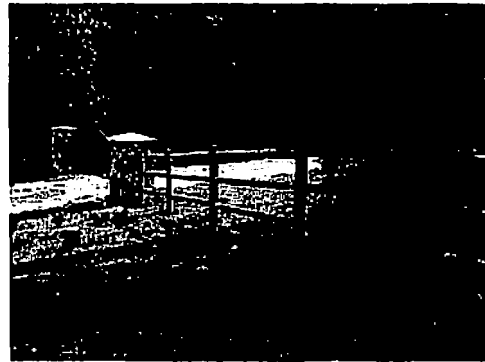
Plantings in rural areas are typically naturalized and native as opposed to being formal and symmetric. Plantings (landscaping) within the Highway Buffer should native or indigenous species. These require minimal (initial) to no irrigation or replacement. If non-indigenous species are utilized, the buffer shall require the use of irrigation to ensure survival.

As an ecologically sensitive, rural corridor, overhead lighting should be used only when necessary to address issues of safety. Such lighting should not consist of standard cobra head lights, but rather an aesthetically pleasing alternative. Lighting is anticipated on both signage (private business) and for security purposes (residences). At this scale, Pipe and Post lighting is most appropriate. Within a subdivision, column lighting may also be used; however, it is most appropriate around clustered housing or smaller lots.

5. Fencing, Private Entryway Features, Signage

Fencing on land that abuts the Highway 46 ROW should be split rail (2, 3, or 4 rails) and maintained in its natural condition, or painted a color currently found along the corridor (i.e. white, Charleston green, black, etc). Living fences composed of wood and wire are also allowed and encouraged both in

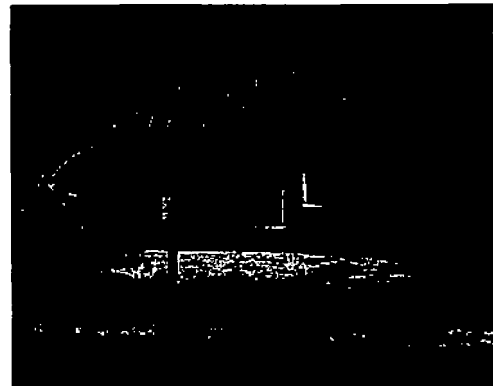
neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences, while filled with character, are more indicative of sub-urban housing districts. They are prohibited along Highway 46.



Examples of rural split rail fencing.

Private gatehouses and monumental or ornate entryways are prohibited along the Highway 46 ROW. A break in the fencing, a small hanging sign, and possibly a light is all that is necessary. Those developments requesting additional entryway structures must locate them at least 150' from the centerline (at the buffer line). All entry features shall be in keeping with the rural nature of the preservation district and shall be approved as part of the JCRB process.

Projecting, wall, and monument type signage should be permitted; however, it is critical that it be of a proper scale and rural character. These items are encouraged to be unique in their composition and made of natural materials (wood, metal, brick, etc).



Examples of rural signage.

Recommendation

Accommodate future development along the May River and discourage visual blight by promoting context sensitive (Lowcountry maritime) and environmentally sound design standards.

b. Development within the Scenic River Overlay

1. Future Development Pattern

The Scenic River Overlay is intended to ensure that future structures are befitting of their maritime setting and do not overwhelm the corridor both visually and environmentally.

The Scenic River Overlay should require all development to be setback a minimum of 100 feet from the OCRM critical line. Guidelines will also address vegetation standards, selective clearing criteria, and enforcement provisions. With the exception of the view corridor guidelines found in the ZDSO, the first 50 feet of the 100-foot setback shall be maintained in its natural state.

A principal residence should not exceed a maximum height of 2.5 stories (35 feet) or 40 feet with appurtenances.

In order to prevent visual clutter, houses that directly front the river or a tidal creek should maintain a minimum riverfront lot width of 250 feet and locate accessory structures or Guest Cottages on the landward side of the main residence. The setback and lot width negates the need for architectural review of individual residences within the River Overlay.

If a property is located in both Overlay Districts the primary dwelling may front whichever corridor the applicant chooses. Residential uses on Highway 46 are not part of the JCRB review process.

2. Docks

Docks will adhere to those standards currently found in the Beaufort County ZDSO under Water Dependent Uses.

2010 /

COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL TO RURAL COMMUNITY PRESERVATION AREA.

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Comprehensive Plan Future Land Use Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

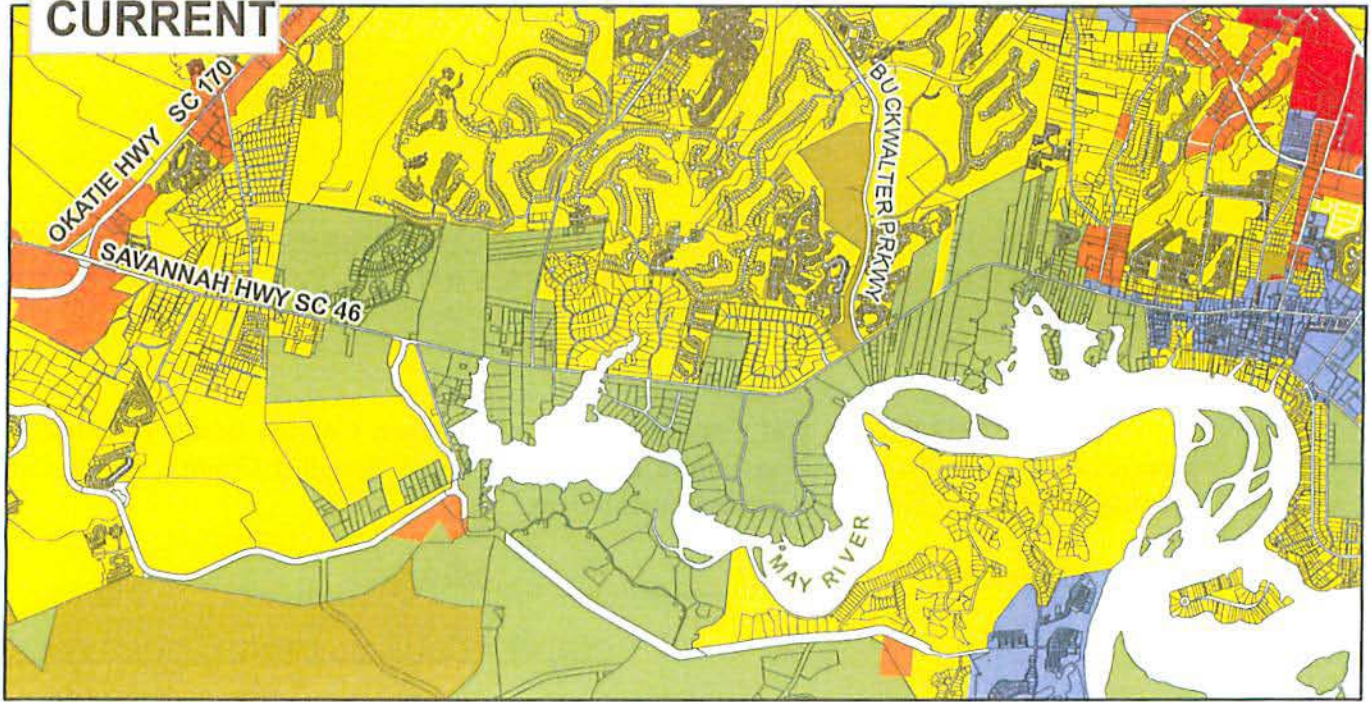
ATTEST:

Suzanne M. Rainey, Clerk to Council

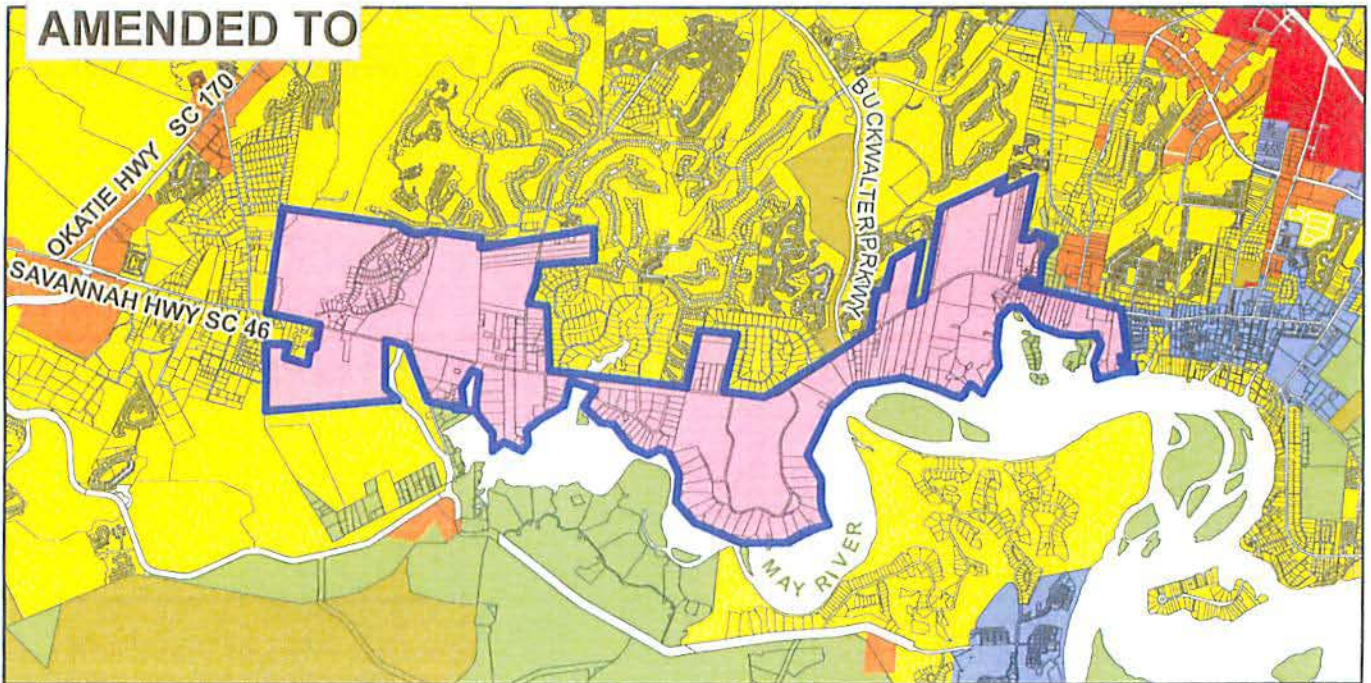
First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

(Amending 99/12)

CURRENT



AMENDED TO

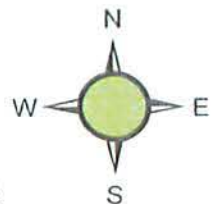
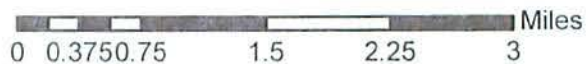


LEGEND

-  Parcels
-  Preserved Land
-  Rural
-  Rural Community Preservation
-  Neighborhood / Mixed Use
-  Community Commercial
-  Regional Commercial
-  Core Commercial
-  MAY RIVER Community Preservation District, Proposed

May River Community Preservation Future Land Use Map Amendment

From Rural to Rural Community Preservation



2010/

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX R, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT).

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

(Amending 99/12)

APPENDIX R. MAY RIVER COMMUNITY PRESERVATION (CP) CODE

DIVISION 1. MAY RIVER COMMUNITY PRESERVATION DISTRICT CODE

Sec. 1.0. Purpose.

The May River Community Preservation District (MRCPD) is intended to promote low intensity rural development patterns comprised primarily of residential uses; while encouraging and allowing more urban development to locate outside the District at either end of the corridor.

Sec. 2.0. Applicability.

The May River Community Preservation District requirements apply to all uses within the May River CP District boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development in this district, unless expressly exempted or otherwise provided for in this section. When in conflict, the development and architectural design standards of the District shall supersede the development standards of the ZDSO and the Corridor Overlay District.

Sec. 3.0. District Boundaries.

The delineation of areas that fall under the May River Community Preservation District zoning designation are outlined on the official zoning map of Beaufort County.

Sec. 4.0. Permitted Activities.

The permitted uses in the May River Community Preservation District are primarily residential. Table 1 includes descriptions of permitted uses for the CP District. Uses not listed in Table 1 are prohibited.

- (a) Uses permitted in the CP District are indicated in Table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.
- (b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in Section 4.2 are met. The "limitations" listed in section 4.2 supersede any and all limitations for that use that are included in Article V Division 2. The Zoning and Development Administrator (ZDA), or, when applicable the Development Review Team (DRT) issue final approval of limited uses.
- (c) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-552.
- (d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.
- (e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

Table 1.

May River CP District Permitted Uses

Land Use	Use Definition	Permitted
AGRICULTURAL USES		
Agriculture	Crop and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	Y
Commercial stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.	L
RESIDENTIAL USES		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Single-family cluster	A traditional form of neighborhood development that preserves meaningful open spaces by requiring development to be grouped together using a grid or close pattern.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compound regulations in section 106-2105 apply.	Y
Outbuilding	A structure used for storage, detached garage, garage with second story residential dwelling, or accessory residential dwelling unit that is located on the same lot but clearly secondary to an existing single-family dwelling.	L
Guest House	A second dwelling unit, clearly subordinate and separate from the principal unit, but otherwise resembling a principle residential unit and functioning as a single family home. A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. A Guest House is for use by the property owner and his/her family and guests only.	L
HOME USES		
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential structure.	L

Land Use	Use Definition	Permitted
COMMERCIAL USES		
Bed and Breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Roadside stand	A temporary or permanent structure used in the sale of agricultural produce, home made goods, seafood, and flowers. More than one vendor may sell at a single stand.	Y
RECREATION USES		
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, private docks, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots (NAICS 71219).	S
TEMPORARY USE		
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted. This use must be removed upon project completion.	Y

Source: NAICS 2008

Sec. 5.0 Limited and special use standards.

This section describes the standards governing the limited and special uses designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supercede the limited and special use standards in Article V, Division 2 of the ZDSO. New uses within the MRCPD shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses include, but are not limited to: a community impact statement (CIS), an area impact assessment (AIA), an environmental impact assessment (EIA), a traffic impact assessment (TIA) and/or an archaeological and historic impact assessment (AHIA). The ZDA and/or DRT may also request additional data or reports from the applicant.

(a) Commercial Stables

- (1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer shall be increased to a minimum of 50% of the required setback.
- (2) The minimum site area shall be five acres.

- (3) A five-foot-high fence is required around paddock areas.
- (4) *Reports/studies required.* All applications for this use shall include an area impact assessment.
- (b) *Outbuildings (Residential and Non-Residential).*
 - (1) Residential Outbuildings:
 - A. Shall be permitted on the north side of May River Road only.
 - B. Front Setback: Minimum 20 feet behind front face of primary building.
 - C. Side Setback: 10 feet minimum.
 - D. Rear Setback: 3 feet minimum with rear access lane, 10 feet without.
 - E. Only one residential outbuilding may be created per principal dwelling.
 - F. The property owner for a lot with a Residential Outbuilding must hold title to, and occupy the principal unit as their permanent or seasonal residence.
 - G. The livable space of residential outbuildings (heated
 - H. Residential Outbuildings may be located no more than 50 feet from the principal dwelling unit.
 - I. Residential Outbuildings may be rented or leased and shall not count towards the density of the lot.
 - J. Usable space (heated space) shall not exceed 950 square feet or 35 percent of the principal dwelling's total floor area.
 - K. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
 - (2) Non-Residential Outbuildings:
 - A. Are permitted on both sides of May River Road.
 - B. Shall not exceed 35 percent of the principal dwelling's total floor area. However, outbuildings on lots of more than 2 acres whose main function involves the storage of goods shall not be limited by size.
 - C. Side Setback: 10 feet minimum.
 - D. Rear Setback: 10 feet minimum.
 - E. Front Setback: Minimum 20 feet behind front face of primary building.
 - F. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
- (c) *Guest Houses*
 - (1) Guest Houses shall be permitted South of May River Road.
 - (2) A Guest House shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
 - (3) A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
 - (4) A Guest House is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
 - (5) Existing lots of record that are 2 to 5 acres in size are permitted one guest house, not to exceed 2000 square feet. Lots created after the adoption of the May River CP District that are 5 acres or more in size are permitted

one or more Guest Houses; however, the total square footage of all guest dwellings (houses) may not exceed 75% of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5000 square feet.

(6) Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.

(7) Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

(d) *Home occupation.*

(1) Home occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(2) The owner of the home occupation shall reside on the property, in the residence.

(3) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. This shall include any area used for indoor storage.

(4) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

(5) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home occupation.

(6) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted.

(7) Signage is limited to 10 square feet (see signage below).

(8) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(9) Additional parking for a home occupation is limited to two parking spaces constructed of pervious materials.

(e) *Bed and breakfast.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to 10 square feet total sign area (See Signage below).

(3) Parking shall be off-street and located behind the principal structure. If a physical constraint prohibits rear-loaded parking for a structure that fronts an Arterial Road or Collector Road, the CRB/DRT may approve side loaded parking. If the structure fronts a Local Road, both side loaded and on-street parking shall be permitted if the design maintains the character of the area and safety is adequately addressed.

(4) Off-street parking must be screened from adjoining land uses by hedges and canopy trees.

(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

Sec. 6.0

Development Standards.

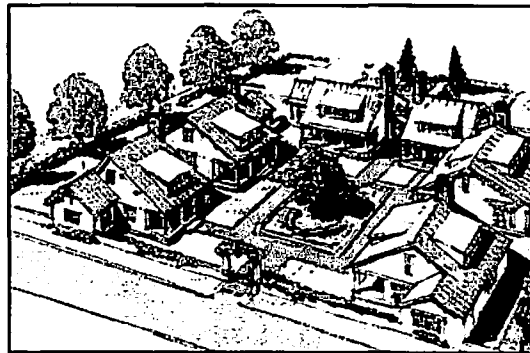
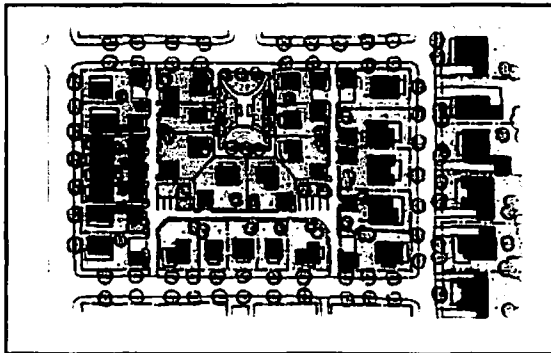
Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply.

Table 1 – Development Standards.

Zoning District and Development Type	Min. OSR or LSR	Density		Sewer	Min. Lot Size	Min. Site Area (Acres)
		Max. Gross	Max. Net			
May River CPD – North Side of May River Road						
Single-Family	0.60	0.34	N/A	OS		6.0 ac.
Single-Family (Traditional Cluster)	0.80	0.50	N/A	P/CS		8.0 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na
May River CPD – South Side of May River Road						
Single-Family	0.60	0.20	N/A	OS		10 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na

Note: The Single Family Traditional Cluster shall allow for a development pattern know as a Rural Cottage Close. The Rural Cottage Close requires a minimum site of 8 acres with a minimum of four dwellings and maximum of six dwellings arranged in a traditional close pattern.

Note: A minimum of 50% of the required Open Space shall remain entirely undisturbed.



Diagrams a & b. The Single Family Traditional Cluster in the form of a traditional cottage close.

Table 2 – Lot and Building Standards.

District & Development Type	Minimum					Maximum
	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
May River CPD – North Side of May River Road						
Single-Family	21,780 sq. ft.	80-ft.- <u>100 ft.</u>	primary & secondary mass min 1/3 of lot depth	30-ft. <u>15 ft.</u>	30 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.

District & Development Type	Minimum					Maximum
	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
May River CPD – North Side of May River Road (cont'd)						
Single-Family (Traditional Cluster)	4,000 sq. ft.	40 ft.	18 ft. primary mass 8 ft. secondary mass*	10 ft.	10 ft.	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	10,890 sq. ft.	50 ft.	15 Arterial 15 Collector 50 Local	18 ft. <u>10 ft.</u>	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.
May River CPD – South Side of May River Road						
Single-Family	1 ac.	250 ft.	primary & secondary mass min 1/3 of lot depth from front parcel line or from the OCRM critical line^	50 ft.	100 ft. <u>50 ft.</u>	**2.5 stories or 40 ft. ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	21,780 sq. ft.	80 ft.	15 Arterial 15 Collector 50 Local	18 ft.	50 ft.	**2.0 stories or 35 ft. ^^Appurtenances 40 ft.
May River CPD – Scenic River Overlay^Δ						
Single-Family	1 ac. 21,780 sq. ft. with (CS) or (PS)	250 ft.	Lots abutting the May River and tributaries primary & secondary mass min 1/3 of remaining lot depth from OCRM Critical Line ^Δ	18 ft.	50 ft.	**2.5 stories or 40 ft. ΔΔAppurtenances 45 ft.

* Secondary Mass - constitutes an open porch or two story porch without screening.

** Building height shall be measured in number of Stories, excluding Attics Appurtenances and raised basements AND / OR the lowest ground elevation to the eave or roof deck. A Story constitutes the portion of a building or structure between the upper surface of a floor and the lower surface of the ceiling or exposed roof next above. Each mezzanine that exceeds the percentage of floor area for a mezzanine defined in the South Carolina Building Code is counted as a story for the purposes of measuring height. Each story used exclusively for parking vehicles is also counted as a story.

- ^A Lots that abut the May River or tributaries shall be treated as if they front the River. In this case the setback from the OCRM Critical line shall be in addition to the front setback for the lot, and the Rear Setback from the rear lot line shall serve as the Rear Setback. In the case of conflict, the OCRM setback shall supersede any other setback, ensuring that every lot is buildable. The first 50 ft of the OCRM Critical Line setback shall remain in a natural state. If a lot extends from May River Road to the May River or tributaries then the principle structure may front whichever corridor is desired. If the principle structure fronts the river or a tidal creek, any Outbuildings or Guest Cottages shall locate on the landward side of the main residence.
- ^{^^} Appurtenance – Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or domers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

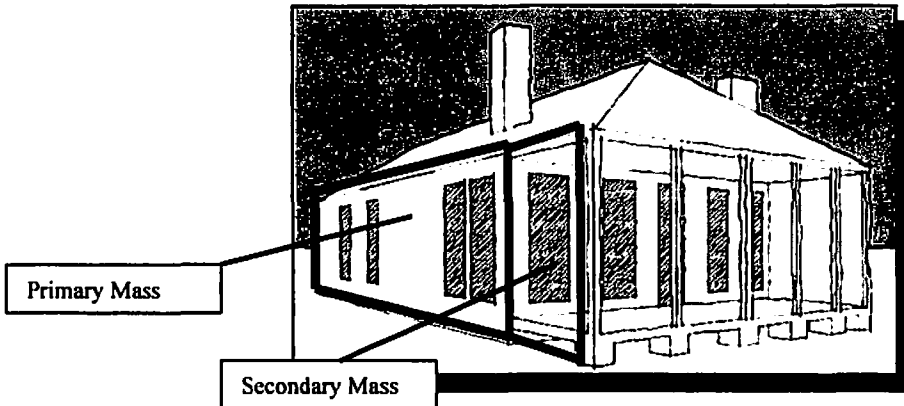


Diagram c. The Primary Mass (Principle Structure) and Secondary Mass (Porch).

Table 3 – Setback, Buffer, and Tree Standards

Zoning District and Development Type	Lot	Number of Landscaping Canopy or Existing Trees per:		Road Tree Spacing per: Feet of ROW	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
		Acre Open Space	Parking Spaces		Arterial	Collector	Local
May River CPD – North Side of May River Road							
Single-Family (Traditional Cluster)	2 trees per /du	10 trees	N/A	50 ft.	Setback 100 Buffer 75*	Setback 100 Buffer 75*	Setback 100 Buffer 75*
Single Family	2	5	N/A	N/A	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	8	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

Zoning District and Development Type	Lot	Number of Landscaping Canopy or Existing Trees per:		Road Tree Spacing per:	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
		Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
May River CPD – South Side of May River Road							
Single-Family	2	5	N/A	N/A	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot Buffer** Min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	10	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

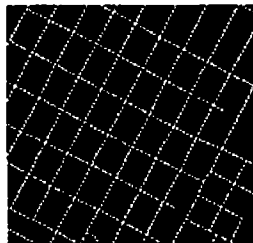
* vegetated buffer with 80% opacity (overstory, understory, and shrubs), the majority of which is comprised of indigenous plantings that shall not require watering.

** vegetated buffer at 30% opacity over 1/2 of the setback, the majority of which is comprised of indigenous plantings that shall not require watering.

Sec. 7.0 Design Standards

(a) Block and Street Requirements

On the North side of May River Road (Neighborhood and Traditional Cluster) the site shall be developed using a grid, modified grid, or cottage close pattern. Cul-de-sacs, pipe stems and dead ends shall not be permitted unless the natural conditions prohibit more traditional patterns and means of connectivity. Blocks shall be limited to a perimeter of 3500 feet in a Neighborhood and 2500 feet in a Traditional Cluster.



Diagrams d & e. The grid or modified grid and the cul de sac, and pipe stem.

(b) ***Vehicular Access*** (Single Family Subdivision and Single Family Traditional Cluster)

Garages shall be located to the side and rear or as part of an Outbuilding. The driveway access shall be no more than ten feet in width. At a min, 50% of the driveway shall be comprised of pervious surface. Front-loading garages shall be detached and set back a minimum of 20 feet behind the front face of the primary building.

(c) ***New Streets***

New streets shall connect to existing streets wherever possible. Larger-scale developments (more than 10 units) are required to provide stub streets to adjacent undeveloped or underdeveloped sites. The DRT may adjust the road standards if such changes would allow for a more rural, narrow street character.

(d) ***Open Space*** (Single Family Subdivision and Single Family Traditional Cluster)

(1) A min. of 35 percent of the property required to meet the OSR shall be designed as contiguous **common space**. Such space may be passive or active and is intended to provide green infrastructure, serve as a gathering place, or provide agricultural resources for the larger community. The construction envelope modulation standards of section 106-3032 of the ZDSO may be utilized to further preserve natural resources and create varied lot sizes. The use of the construction envelope standards also gives more privacy on small clustered lots and helps to maintain the rural character.

(2) Where a Single Family Subdivision abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.

(3) **Common Space Uses.**

The common open space shall be useable for low-intensity recreation (path or trail), gathering (fire pit, bench swing, playground), agriculture (community garden) or other passive outdoor living purposes and for preserving the natural features of the site. The uses permitted shall be in accordance with section 106-1876 of the ZDSO.

(e) ***Lighting***

(1) Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.

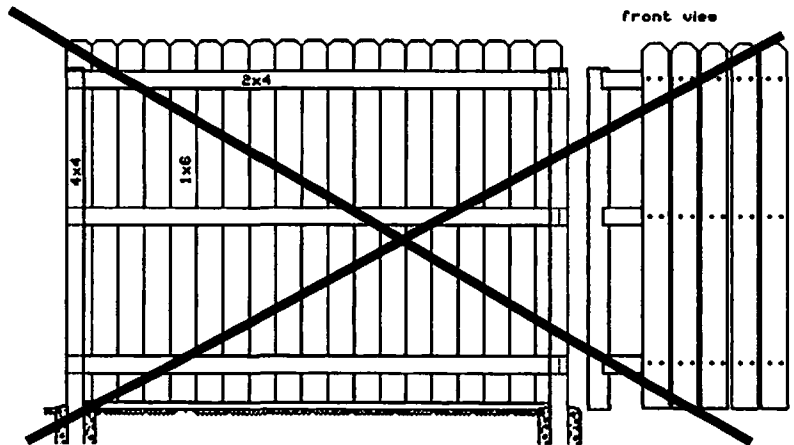
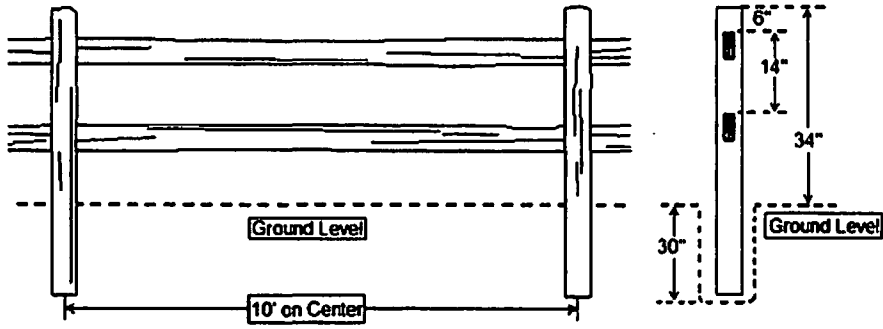
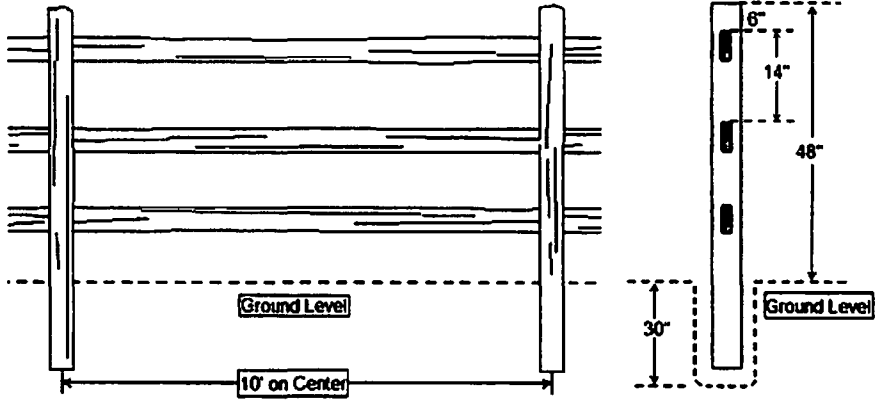
(f) ***Signage***

(1) Standards are as follows:

A. Signage shall convey a rural character and be approved by the JCRB.

(g) ***Fencing***

All fencing shall be split rail (2, 3, or 4 rails) and maintained in its natural condition, or painted white, Charleston green, or black (see below). Living fences composed of wood and wire shall be allowed and encouraged both in neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences, while filled with character, are more indicative of urban or sub-urban housing districts. They are prohibited in the May River Road Corridor Overlay. Fencing within the May River Road Corridor Overlay shall be split rail as approved by the JCRB.



(h) Entry

- (1) Private gatehouses or entryways shall be prohibited along May River Road, and all Collector and Local Roads. Entry shall be addressed via a break in the fencing or landscape, a small hanging sign, and possibly a light post.**
- (2) Those neighborhoods requesting additional entry ornamentation shall locate the ornamentation at least 150' from the centerline of the access road. All entry features shall be in keeping with the rural nature of the preservation district, and if located within the May River Road Corridor Overlay shall be approved as part of the JCRB process.**

(i) Docks

Docks shall be permitted as specified in 106-1912.

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT FOR THE MAY RIVER COMMUNITY PRESERVATION DISTRICT FROM RURAL, RURAL-RESIDENTIAL, AND RURAL-TRANSITIONAL OVERLAY DISTRICTS TO MAY RIVER COMMUNITY PRESERVATION DISTRICT.

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Comprehensive Plan Future Land Use Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

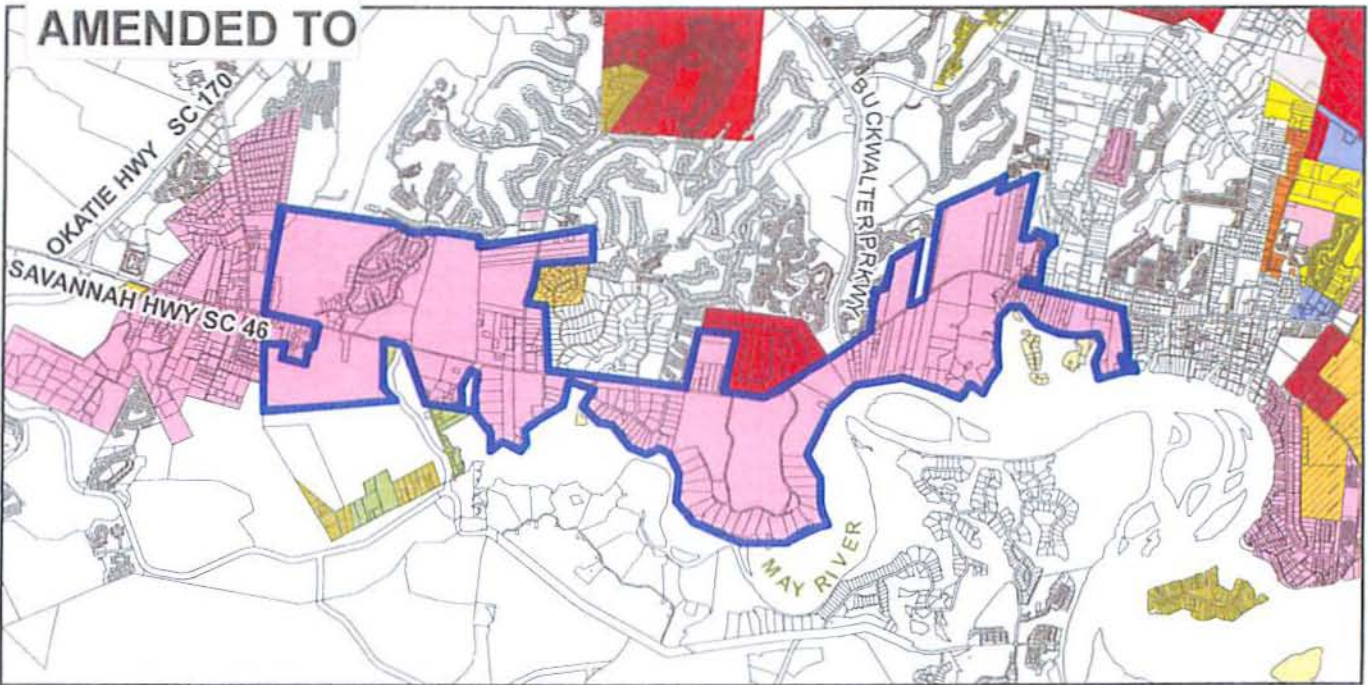
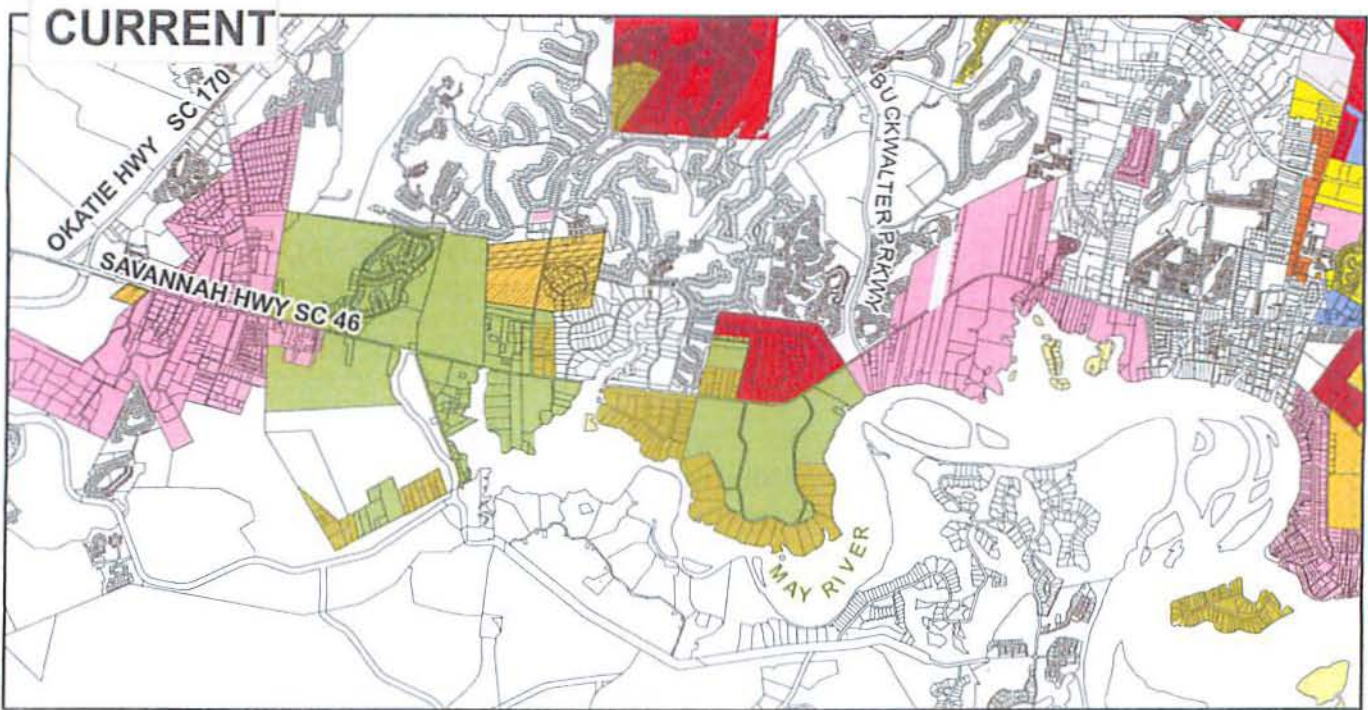
First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)

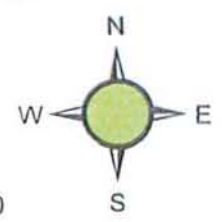
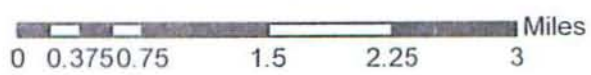


May River Community Preservation Zone District Map Amendment

From Rural, Rural Residential, Rural Transitional
To Community Preservation

LEGEND

-  Parcels
-  Rural
-  Rural Residential
-  Rural Transitional
-  Community Preservation
-  Suburban
-  Planned Unit Development
-  MAY RIVER Community Preservation District, Proposed



Anthony Criscitello

10 August, 2010

Beaufort County Planning

100 Ribaut Road

County Administration Building, Beaufort, SC 29901

Re: May River Community Preservation District

Tony,

As discussed the three property owners below hereby wish to be removed from the CP District.

This is a contiguous area on an outside boundary of the district.

Thank you so much for your concerned help in this matter.

Regards,





Stephen Bischoff

67 Palmetto Bluff Road

Bluffton, South Carolina 29910

Bischoff, Barbara, Stephen

Parcel R600 037 000 0090 0000

 , 

Smith, Don, Rebecca

Parcel R600 0037 000 0083 0000

Parcel R600 0037 000 0099 0000

Parcel R600 0037 000 0027 0000

Don K. Smith / Rebecca D. Smith

Cramer, Arthur, Deanna, Richard, Susan

Parcel R600 0037 000 0028A 000

Parcel R600 0037 000 0028D 000


(see attached) _____


8-10-2010

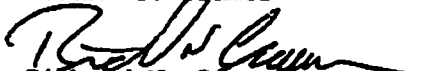
To whom it may concern:

I, Arthur Cramer, Deanna Cramer, Richard N. Cramer, and Susan L. Cramer request that the properties we purchased at 103 Palmetto Bluff Road, tax #'s, R600 037 000 028D 0000 and R600 037 000 028A 0000, not be included in the "May River Community Preservation District," also excluding my property, 2.8000 acres tax #R600 037 000 0028 0000 not be included.

Sincerely:


Arthur M. Cramer


Deanna G. Cramer


Richard N. Cramer


Susan L. Cramer



To: Councilman Paul Sommerville, Chairman, Natural Resources Committee

Via: Gary Kubic, County Administrator *G. Kubic*
David Starkey, CFO *D. Starkey*
Rob McFee, P.E. Director of Engineering & Infrastructure *R. McFee*
Eddie Bellamy, Public Works Director *E. Bellamy*
Robert Klink, P.E. County Engineer *R. Klink*

From: Dan Ahern, P.E., Stormwater Manager *D. Ahern*

Date: July 20, 2010

Subject: Water Budget Assistance Agreement with SC Department of Natural Resources (DNR)

BACKGROUND.

The Natural Resources Committee had previously approved a proposal titled "Quantifying the Water Budget in the Headwaters of the May River" in the amount of \$115,878. This was detailed in the January 25, 2010 memo to the Committee. Due to budget cuts at SC DNR they will not be able to assist with the original project.

The County had previously identified two similar watersheds that were being considered for a watershed Fecal Coliform comparison. These two watersheds are similar except that one is developed and the other is undeveloped. This offers an excellent opportunity to determine the impact of development on the hydrology of the watershed.

The developed watershed is in the headwaters of the Okatie River and the undeveloped watershed is in the New River watershed. Knowing how development has changed the hydrology in the Okatie River watershed will be helpful in designing a retrofit plan to meet the requirements expected in the Okatie River Fecal Coliform TMDL.

The County also needs to develop a "reasoned" approach to addressing impacts from SW Volume from existing development that has caused problems in many of our tidal headwaters. As part of this "reasoned" approach we need to know how much the existing development has changed our local hydrology and what the impacts of other practices, like well pumping and irrigation, are having on our hydrology. We also are concerned if the standard method of determining stormwater volume is being impacted by the additional application of imported water.

We request approval for a new scope of work detailed in the attached "Scope of Work for Quantifying Water Budgets in Beaufort County, SC". It is proposing that we will fund technical support from SC DNR to:

1. Develop a plan to monitor each watershed with recommendations on what to monitor, where to monitor, and how to monitor the various components of the water budget
2. Evaluate data and develop water budgets for each watershed.

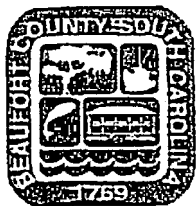
The study has been presented to SW Utility Board at their July 2010 meeting. The proposal calls for an annual budget of \$25,000 for two years. It will replace the previously approved proposal for \$115,878. The funding is coming from Stormwater Utility FY2011 budget account 13531-51160.

RECOMMENDATION.

Recommend that the Natural Resources Committee approve and recommend to County Council the acceptance of the SC DNR proposal called "Scope of Work for Quantifying Water Budgets in Beaufort County, SC" in the amount of \$50,000.

Attachments

1. January 25, 2010 Memo
2. July 13, 2010 Proposal

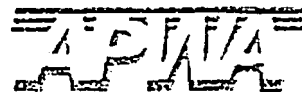


BEAUFORT COUNTY PUBLIC WORKS

120 Shanklin Road

Beaufort, South Carolina 29906

Voice (843) 470-6400 • Facsimile (843) 470-6418



To: Councilman Paul Sommerville, Chairman, Natural Resources Committee

Via: Gary Kubic, County Administrator
David Starkey, CFO
Rob McFee, P.E. Director of Engineering & Infrastructure
Eddie Bellamy, Public Works Director *WCB*
Robert Klink, P.E. County Engineer

From: Dan Ahern, P.E., Stormwater Manager *Dan Ahern*

Date: January 25, 2010

Subject: Water Budget Study by SC DNR

BACKGROUND

The County has approved ordinance changes to control Stormwater (SW) volume from new developments. This effort and addressing "approved but not built" projects should stop future impacts to our receiving waters. The County will need to develop a "reasoned" approach to addressing impacts from SW Volume from existing development that has caused problems in many of our tidal headwaters. As part of this "reasoned" approach we need to know how much the existing development has changed our local hydrology and what the impacts of other practices, like well pumping and irrigation, is having on our hydrology. We also are concerned if the standard method of determining stormwater volume is being impacted by this additional application of water.

In order to better assess the impact of existing development on our local hydrology we contacted the South Carolina State Hydrologist and requested assistance in determining the hydrologic changes that are taking place in the headwaters of our tidal creeks.

Dr Bud Badr, Chief Hydrologist, of SC DNR and members of his staff have made three visits to the County. The first to meet with representatives of the county and the Town of Bluffton to hear concerns; another to tour sites in the May River to develop a study plan for tidal headwaters; and finally to discuss plans with the May River Technical Advisory Committee.

He has developed a proposal titled "Quantifying the Water Budget in the Headwaters of the May River". While this study will be done in the May River, it will develop models that can be used in tidal headwaters throughout the county. The agreement will have the county funding equipment and data collection (funding one technician) and the State supplying their time to analyze and prepare reports. It is estimated that the equivalent contracted support that the state will supply will be over \$200,000. It is expected that the study will be completed within one year of authorization if sufficient rainfall events are obtained. Preliminary findings may be available as early as six months.

The proposal has been presented to SW Utility Board for review as well as the May River Technical Advisory Committee. Since BJWSA might be impacted by the findings of this study, we have contacted them and they agreed to partner with the county on this study.

RECOMMENDATION

Recommend that the Natural Resources Committee approve and recommend to County Council the acceptance of the SC DNR proposal called "Quantifying the Water Budget in the Headwaters of the May River" in the amount of \$115,878. *- SW Utility Fee*



MEMBER
NATIONAL SAFETY COUNCIL





TO: Councilman Paul Sommerville, Chairman, Natural Resources Committee

VIA:

Gary Kubic, County Administrator *GKubic*
Rob McFee, Director of Engineering and Infrastructure *Rob McFee*
Eddie Bellamy, Public Works Director *Eddie Bellamy*
Robert Klink, County Engineer

FROM:

Dan Ahern, Stormwater Manager *Dan Ahern*

SUBJ:

Extend of Service (EOS) and Level of Service (LOS)

DATE:

July 22, 2010

BACKGROUND.

The difficult drainage situation we faced last winter highlighted the need to have clear guidance on what can and not be done in the area of stormwater management. To provide this guidance the Stormwater Utility in coordination with other departments developed two documents to reflect the current operation of the Utility. These documents were shared with the Stormwater Utility Board and after input and modification was approved at their May 5, 2010 meeting.

These documents are posted on the County's web site and have been shared with our Municipalities through the Stormwater Implementation Committee.

RECOMMENDATION.

That the Natural Resources Committee approves and recommend to County Council the approval and posting of the Stormwater Utility Extent of Service (EOS) and Level of Service (LOS) documents.

Attachments:

EOS
LOS



To: Councilman Paul Sommerville, Chairman, Natural Resources Committee

Via: Gary Kubic, County Administrator
David Starkey, Chief Financial Officer
Rob McFee, P.E. Director of Engineering & Infrastructure
Eddie Bellamy, Public Works Director
Robert Klink, P.E. County Engineer

From: Dan Ahern, P.E., Stormwater Manager

Date: July 26, 2010

Subject: Recommendations of the Stormwater Implementation Committee

BACKGROUND

The Stormwater Implementation Committee was formed as a result of an April 10, 2008 County/Municipal Workshop on implementing the 2006 Beaufort County Stormwater Management Plan. The two goals of the committee were to:

1. Coordinate stormwater issues throughout the county
2. Develop recommendations for implementing the Beaufort County Stormwater Management Plan

This committee has been meeting monthly and has developed recommendations on an Annual basis that has lead to joint activities on education and outreach, monitoring and retrofit projects.

Based on county/municipal correspondence concerning implementation of the FY2011 recommendations, the committee has been charged with two new missions:

1. Develop a schedule for amending the Interagency Agreements concerning the SW Utility. The current agreements require amendment by September 2011.
2. Recommend alternative/s for how we can operate under the expected NPDES Stormwater Permits.

The following schedule was developed and presented and approved by the SW Utility Board at their May 5, 2010 meeting:

- | | |
|-------------------------------------|----------------|
| - New IGA's in place | September 2011 |
| - Draft IGA's developed | March 2011 |
| - Recommend Operational Alternative | September 2010 |

The Utility developed five operational alternatives to operate under the expected NPDES Permits. Based on the following guiding principles:

1. What is best for all SW Fee payers of Beaufort County
2. Protect Water Resources of the County

The county recommended that we go with a "Single MS4 Management Entity". The committee decided to recommend the "individual MS4 Permits with Coordination via the Interagency Agreements on Minimum Control Measures." This operational recommendation is attached.

NPDES Stormwater Permits will require six minimum control measures (MCM). These are:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Storm Water Runoff
5. Post-construction Storm Water Management in New Development and Re-development
6. Pollution Prevention/ Good Housekeeping for Municipal Operations

The Committee is now developing operational recommendations for each of these MCM and has developed the first two. These are also attached.

We plan to have these finalized in the next few months and they will be the basis of drafting revised Interagency Agreements. This operational alternative and MCM recommendations have been shared with Municipalities and their concurrence has been requested.

RECOMMENDATION

Recommend that the Natural Resources Committee approve the recommended operational alternative and recommendations for the first two MCM's of Education and Public Involvement.

Attachments

- Operational Alternative
- MCM #1 Coordination
- MCM #2 Coordination



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
120 Beach City Road - Post Office Box 23739
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 689-5411

TO: Councilman Stu Rodman, Chairman, Finance Committee

VIA: Paul Andres, Director of Airports *PA*

FROM: Peter Buchanan, Chairman, Airports Board

SUBJ: Aircraft Hangar Rental Rates

DATE: August 5, 2010

BACKGROUND. The Airports Board has been asked to recommend any changes in hangar rental rates at both the Hilton Head Island and Lady's Island Airports. Based on a survey of rates at comparable surrounding airports, the Airports Board during their June 2010 meeting voted unanimously to recommend that the hangar rental rates be increased by approximately 2.5% for the hangars at the Hilton Head Island Airport. At their July 2010 meeting, the Airports Board by a majority vote recommends that the hangar rental rate for the 10 older T-hangars be increased to match the rate currently being paid for the 24 newer T-hangars at the Lady's Island Airport. The recommended hangar rent adjustments would be:

	<u>Type</u>	<u>Current Rent</u>	<u>New Rent</u>
Hilton Head Island Airport	T-hangar	\$ 361.62	\$ 370.00
	52x60	\$1,074.94	\$1,102.00
	80x80	\$2,205.00	\$2,260.00
Lady's Island Airport	T-hangar (old)	\$ 210.00	\$ 252.00
	T-hangar (new)	\$ 252.00	\$ 252.00


The above hangar rent adjustments represent a total increase of \$3,846.48 per year at the Hilton Head Island Airport and \$5,040.00 per year at the Lady's Island Airport.

RECOMMENDATION. The Beaufort County Airports Board recommends that the Finance Committee approve an approximate 2.5% increase in hangar rental rates at the Hilton Head Island Airport and an increase from \$210.00 to \$252.00 for the older T-hangars at the Lady's Island Airport.

Cc: Gary Kubic
Bryan Hill
David Starkey
Rob McFee

COUNTY COUNCIL OF BEAUFORT COUNTY
P.O. DRAWER 1228
BEAUFORT, SC 29901-1228
COUNTY STAFF ATTORNEY
TELEPHONE: (843) 255-2055
FACSIMILE: (843) 255-9414

MEMORANDUM

TO: Suzanne Rainey
FROM: Ladson F. Howell, Esquire 
DATE: August 19, 2010
RE: Aircraft Hangar Rental Rates Increased by Finance Committee on
August 16, 2010

I have reviewed the statutes with regard to a rental rate change and have concluded that this action item can be passed or rejected by County Council on a simple vote.

While Section 4-9-130 requires a public hearing and an ordinance to sell or lease property, we already have been leasing the property and simply changing the rental rate does not require a public hearing.

cc: Wm. Weston J. Newton
Gary Kubic
Bryan Hill



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
120 Beach City Road - Post Office Box 23739
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 689-5411

TO: Councilman Stu Rodman, Chairman, Finance Committee

VIA: Paul Andres, Director of Airports *PA*

FROM: Peter Buchanan, Chairman, Airports Board *P Buchanan*

SUBJ: Aircraft Property Taxes

DATE: August 5, 2010

BACKGROUND. In 2009, the Finance Committee asked the Airports Board to examine and make a recommendation as to whether the current aircraft personal property tax should be reduced from its current 10.5% level or not. Our initial recommendation to lower the tax on aircraft was not accepted due to insufficient financial justification. Subsequently, the Airports Board formed another committee to reevaluate the issue. This committee came to the conclusion that in all fairness aircraft should be taxed the same as boats and other vehicles in Beaufort County. A copy of their most recent deliberations is attached for your information. A copy of the Aircraft Property Tax Rate map by County within South Carolina is also attached. At our June 10, 2010 meeting, the Airports Board voted unanimously to recommend to County Council a reduction in aircraft personal property tax from 10.5% to 6%.

RECOMMENDATION. The Beaufort County Airports Board recommends that the Finance Committee approve and recommend that County Council approve a reduction in aircraft personal property tax from 10.5% to 6%.

PAA/paa

Attachments: BCAB Committee Recommendation dated June 10, 2010
Aircraft Property Tax Rates by County

Cc: Gary Kubic
Bryan Hill
David Starkey
Rob McFee

AN ORDINANCE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY

ORDINANCE NO.

PROPOSED ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE), OF THE COUNTY CODE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, BEAUFORT, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on November 22, 1999 the County Council adopted Article III Chapter 18 establishing the "Business License Ordinance"; and

WHEREAS, the ordinance contains various deficiencies and; and

WHEREAS, this amendment is offered to correct deficiencies;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL FOR BEAUFORT COUNTY, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID COUNTY COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the county code. ~~Stricken~~ portions indicate deletions to the county code.

ARTICLE III. BUSINESS AND PROFESSIONAL LICENSES

Sec. 18-46. Purpose.

The business license levied by this article is for the purpose of providing such regulation as may be required by the business subject thereto and for the purpose of raising revenue to provide ad valorem tax relief. ~~The net revenues of the business license program shall be used to reduce the county property tax levy effective in fiscal year 2000-2001.~~ **Each license shall be issued for one (1) calendar year beginning on January 1st and shall expire on December 31st; this time period shall be considered a 'license year.' The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Beaufort County Council.**

(Ord. No. 99-36, § III, 11-22-1999)

Sec. 18-47. Definitions.

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

Business means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. ~~A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.~~ In addition to the above-described activities constituting doing of business in the county, an individual shall be deemed to be in

business if that individual owns and rents ~~five~~ **two (2)** or more residential rental units (or partial interest therein) within the county, excluding the municipalities therein. **This applies to both short-term and long-term rentals.**

Charitable Purpose means benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization. Charitable Organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes. Compensation in any form to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary operating expense.

Classification means that division of businesses by major groups subject to the same license rate, as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationship of services, or other basis deemed appropriate by county council.

County' means the County of Beaufort, South Carolina.

Gross receipts means the total revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected by reason of the conduct of the businesses within the county, excepting therefrom income from business done wholly within outside of the unincorporated area of the county and fully reported to a municipality or other county, on which a license tax is paid to some other municipality or a county and fully reported to the county. Gross income from interstate commerce shall not be included in the gross income for every business subject to a business license fee. **The term "gross receipts" means the value proceeding or accruing from the sale of tangible business personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without deduction on the account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Gross income for business license purposes, may be verified by inspection of returns filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency. In case of brokers or agents, gross income means commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall include the value of bartered goods and/or trade-in merchandise.** ~~conform to the gross income reported to the Internal Revenue Service, the South Carolina Department of Revenue and taxation, or the South Carolina state Insurance Commission. In the case of brokers or agents, gross income shall mean gross commissions retained. Gross receipts for insurance companies shall mean gross premiums collected.~~

Licenseing inspector- Official means the county employee, or other individuals, designated by the County Administrator to perform the duties set forth in this article.

Person means any individual, firm, partnership, **LLP, LLC**, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals. ~~A governmental entity is not a person as defined in this section.~~

Wholesaler means a business where the product the business sells is to be resold (retailed); where the supplier is truly a wholesaler, a business license is not required, **however if a warehouse or place of business is maintained in the county.** ~~Suppliers to grocery stores, retailers, etc., do not have to obtain a business license. Further, if the product is used as raw material or as components in a manufactured product, a business license is not required. However or if a product is sold to an end user,~~

its ultimate customer, a business license is required. Therefore, paper goods distributors who sell supplies to hotels and building supply distributors who sell to contractors or owners for buildings under construction are required to obtain a business license. Such distributors' customers are the end users of the products.

(Ord. No. 99-36, § II, 11-22-1999)

Cross references: Definitions generally, § 1-2.

Sec. 18-48. Administration.

The ~~Licenseing inspector~~ **Official** shall administer the provisions of this article, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violators to **Code Enforcement** ~~the County Council~~, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be assigned by the County Administrator.

~~With regard to the administration of this article as it pertains to license fees from insurance companies and brokers for nonadmitted insurance companies, the State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.~~

(Ord. No. 99-36, § IX, 11-22-1999)

Sec. 18-49. Violations.

Any persons violating any provision of this article shall be **deemed guilty of an offense and subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction.** ~~punishment under section 1-6, upon conviction.~~ Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent **taxes**, penalties and costs provided for in this article.

(Ord. No. 99-36, § XVII(b), 11-22-1999)

Sec. 18-50. License required.

Every person engaged or intending to engage in any calling, business, occupation or profession **whether listed in the rate classification index or not, shall register the business and make application for a business license and will be required to pay an annual** ~~in sections 18-65-18-68, in whole or in part, within the limits of the county, including the municipalities therein, is required to pay an annual license fee and obtain a business license as provided in this article.~~ **A new business shall be required to have a business license prior to operation within the county.**

(Ord. No. 99-36, § I, 11-22-1999)

Sec. 18-51. License fee.

(a) The required license fee shall be paid for each business subject to this article according to the applicable rate classification on or before May 31 in each year, **except for those businesses in Rate Class 8 for which a different due date is specified.**

(b) A separate license shall be required for each place of business and for each classification of business conducted at one place. **If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate.**

~~(c) However, multiple businesses consolidated under one federal identification number may choose to file for one license covering all businesses, and the license fee shall be computed on the combined gross income for the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year. No refund shall be made for a business that is discontinued, annexed into a municipality or has rendered an over payment of a prior year license fee.~~

(Ord. No. 99-36, § IV, 11-22-1999)

Sec. 18-52. Effective date.

~~For persons not in business for a full tax year ending December 31, 1999, the gross revenues required to be prorated shall be estimated in the same manner as provided in section 18-51, provided, however, the pro-rata license fee due for calendar year 2000 by each business shall not be lower than the stated annual minimum fee for the business's category. The business license tax shall be implemented on an annual basis for calendar year 2000 and all subsequent years. The required due date for the payment of all fees and the display of license for calendar year 2000 shall be May 31, 2000. In all subsequent years the due date shall be as specified in section 18-53.~~

(Ord. No. 99-36, § XVIII(b), 11-22-1999)

Sec. 18-53. Registration required.

(a) The owner, agent or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before May 31 of each year, except that a new business shall be required to have a business license prior to operation within the county. A license for a bar must be issued in the name of the individual who has been issued a State ABC license and will have actual control and management of the business.

(b) Application shall be on a form provided by the license-inspector License Official which shall contain the social security number and/or the federal identification number, the South Carolina Retail License Number (if applicable), the business name as reported on the state income tax return, and all other information about the applicant and the business deemed necessary to carry out the purposes of this article by the Licenseing inspector Official. Applicants may be required to submit copies of state and federal income tax returns reflecting gross income figures.

(c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the county have been paid.

~~(d) With regard to registration of insurance companies and brokers for nonadmitted insurance companies, the state association of counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company, or employed by more than one company, shall be licensed as a broker~~

(e) ~~(b)~~ Every business, which either acts as an agent, broker or representative for any other person or has contractual arrangements with persons who are acting as independent contractors for it shall supply the following information: name, address, telephone number and estimated payments or premiums due to that person. Such information shall be supplied upon the request of the License Official ~~inspector~~ and shall be a condition precedent to obtaining the license required under this article.

(f) ~~(e)~~ Elimination of commercial waste. On the business license application form, each business shall fully disclose its method of solid waste handling and shall present proof of such solid waste disposal before a license is granted.

(Ord. No. 99-36, § V, 11-22-1999)

(g) No business license shall be issued until the applicant first submits documents necessary to establish compliance with Beaufort County Zoning Ordinance, Building Code, and other regulatory codes as adopted by Beaufort County Council.

(h) Any person desiring to peddle goods anywhere in unincorporated Beaufort County must first meet all regulations pursuant to the provisions of Section 40-41-10, S.C. Code of Laws of 1976 and are also subject to being in compliance with the zoning and building codes.

(i) Miscellaneous Sales – (Antique Malls, Flea Markets or Leased Space Sales) any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Futhermore, it shall be the responsibility of the leasor of the spaces to advise the business license office of persons leasing space.

Sec. 18-54. Deductions and exemptions.

No deductions from gross income shall be made, except ~~from~~ income from business done wholly **outside of the county jurisdiction on which a license tax is paid to another county or** ~~within a municipality on which a license tax is paid to some other municipality or other jurisdiction~~, or income which cannot be taxed pursuant to state law. The applicant shall have the burden to establish the right to a deduction by satisfactory records and proof. No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the county, unless exempted by state or federal law. The ~~License inspector~~ **Official** shall determine the appropriate classification and licensing for each business. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this article.

(Ord. No. 99-36, § VI, 11-22-1999)

Sec. 18-55. False application unlawful.

It shall be unlawful for any person subject to the provisions of this article to make a false application for a business license, or to give or file, or direct the giving or filing, of any false information with respect to the license or fee required by this article.

(Ord. No. 99-36, § VII, 11-22-1999)

Sec. 18-56. Display and transfer.

(a) All persons shall display the license issued to them under this article on the original form provided by the ~~License Official, inspector~~ **License Official**, in a conspicuous place, in the business establishment, at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the county.

(b) A change of address must be reported to the ~~License Official, license inspector~~ **License Official** within ten **(10)** days after removal of the business to a new location, and the license will be valid at the new address upon

written notification of the License Official inspector and compliance with zoning and building codes. Failure to obtain the approval of the License Official inspector for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income. ~~prorated for the balance of the calendar year.~~

(Ord. No. 99-36, § VIII, 11-22-1999)

Sec. 18-57: Inspections and audits.

- (a)** For the purpose of enforcing the provisions of this article the License Official inspector or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article to make inspections and examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records. during normal business hours with 24 hours' prior written notice. If an audit or inspection reveals that false information has been filed by the licensee, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided in this article. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.
- (b)** The License Official inspector may make systematic and random inspections of all businesses within the county to insure compliance with this article. Records of inspections and audits shall not be deemed public records. The License Official inspector shall not release the reported gross income of any person by name without permission of the licensee, provided that statistics compiled by classifications may be made public. ~~With regard to inspections and audits of insurance companies and brokers for nonadmitted insurance companies, the State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.~~
- (c)** The License Official, upon approval of the County Administrator, may disclose gross income of licenses to the Internal Revenue Service, South Carolina Department of Revenue, Beaufort County Tax Appraiser and other County and Municipal Business License Offices for the purpose of assisting tax assessments, tax collections and enforcement of the business license. Such disclosures shall be for internal, confidential and official use by these governmental agencies and shall not be deemed public records.

(Ord. No. 99-36, § X, 11-22-1999)

Sec. 18-58. Assessments.

- (a)** When any person shall have failed to obtain a business license or to furnish the information required by this article or the License Official inspector, the License Official inspector shall proceed to examine the records of the business or any other available records as may be appropriate and to conduct investigations and statistical surveys as he/she may deem appropriate to assess a license tax and penalties as provided in this article.
- (b)** A notice of assessment shall be served by certified mail and any application for adjustment of the assessment may be made to the License Official inspector within five **(5)** days after the notice is mailed or the assessment will become final. The License Official inspector shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.
- (c)** A final assessment may be appealed to county council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this article relating to appeals to county council. With regard to assessments

of insurance companies and brokers for nonadmitted insurance companies, the state association of counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law.

(Ord. No. 99-36, § XI, 11-22-1999)

Sec. 18-59. Delinquent license fees.

For nonpayment of all or any part of the correct license fee under this article, the License Official ~~inspector~~ shall levy and collect a late penalty of ~~\$500.00~~ plus five percent of the unpaid fee for each month or portion thereof after the due date until paid, ~~plus the cost of collection. Penalties shall be waived in the absence of reasonable cause.~~ If any license fee shall remain unpaid for 60 days after its due date, the License Official ~~inspector~~ shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and cost of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes. Upon identification of a delinquent account the Director of Business License or his/her designee has the authority to establish payment plans, revenue procedures, and reduce or waive penalties based upon the revenue procedures as adopted with this amendment. ~~make a report to the county attorney for appropriate action. Partial payment may be accepted by the License Official inspector to toll imposition of penalties on the portion paid, provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.~~

(Ord. No. 99-36, § XII, 11-22-1999; Ord. No. 2001-17, 6-11-2001)

Sec. 18-60. Notices.

The License Official ~~inspector~~ may but shall not be required to serve or mail written notices that license fees under this article are due, but he shall publish a notice of the due date in a newspaper of general circulation within the county three times prior to the due date in each year. With regard to providing notice to insurance companies and brokers for nonadmitted insurance companies that license fees are due, the South Carolina State Association of Counties is designated as the exclusive agent of the county and is empowered to utilize all procedures and actions authorized by ordinance or state law. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. No. 99-36, § XIII, 11-22-1999)

Sec. 18-61. Denial of license.

The License Official ~~inspector~~ shall deny a license under this article to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, does not comply with all other applicable county ordinances, or when the activity for which a license is sought is unlawful or constitutes a public nuisance. A decision of the License Official ~~inspector~~ shall be subject to appeal to county council as provided in this article. Denial shall be written with reasons stated.

(Ord. No. 99-36, § XIV, 11-22-1999)

Sec. 18-62. Suspension or revocation of license.

When the License Official ~~inspector~~ determines that:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which his the license was issued or has failed to comply with the provisions of this article;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact on the license application;

- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
- (6) The business is not in compliance with all other applicable county ordinances;

The **License Official** ~~inspector~~ shall give written notice to the licensee or the person in control of the business within the county by personal service or certified mail that the license is suspended pending a hearing before county council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be ~~at a regular or special council meeting~~ within 30 days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

(Ord. No. 99-36, § XV, 11-22-1999)

Sec. 18-63. Appeals to County Council.

(a) Any person aggrieved by a final assessment, or a denial of a business license under this article by the **License Official** ~~inspector~~ may appeal the decision to county council by written request stating the reasons therefor filed with the **License Official** ~~inspector~~ within ten **(10)** days after the payment of the assessment under protest or notice of denial is received.

(b) An appeal or a hearing on revocation shall be held by county council within 30 days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by county council shall govern the hearing. The county council shall by majority vote of members present, render a written decision based on findings of fact and the application of the standards in this article which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service

(c) No person shall be subject to prosecution for doing business without a license until the expiration of ten **(10)** days after written notice of denial or revocation which is not appealed or until after final judgment of court upholding denial or revocation.

(Ord. No. 99-36, § XVI, 11-22-1999)

Sec. 18-64. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prevent the identification of particular reports or returns.

(Ord. No. 99-36, § XVII(a), 11-22-1999)

Sec. 18-65. Classification rates and schedules.

(a) The license fee for each class of business shall be computed in accordance with the rates set forth in sections 18-66--18-68 and with the Standard Industrial Classification (SIC) Manual 1987 and the North American Industrial Classification System (NAICS), except that, in cases of conflict between the provisions of the SIC and this Code, the provisions of this Code shall prevail.

(b) Unless otherwise specifically provided, all rates shall be doubled for businesses and itinerants having no fixed place of business within the county and triple for businesses located out of state.

(Ord. No. 99-36, § XIX, 11-22-1999)

Sec. 18-66. Class 8 rates.

Each SIC number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Nonresident rates do not apply except where indicated.

15, 16, 17 Contractors, construction, all types. See the rate schedule in section 18-68.

(1) For nonresident contractors, the total fee for the full amount of the contract shall be paid prior to issuing a building permit or commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base fee shall be paid in a calendar year. A trailer at the construction site, a home office or structure in which the contractor resides is not a permanent place of business under this article.

(2) No contractor shall be issued a business license until all state and county qualification examinations and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job. In addition, each contractor shall furnish the License Official with a list of all sub-contractors furnishing labor or materials for each project.

(3) Subcontractors shall be licensed on the same basis as general, prime or manager for the same job, and no deductions shall be made by a general or prime contractor or manager for value of work performed by subcontractors. General or prime contractors will be responsible and will pay for the business license of any sub-contractor doing work on the project if the sub-contractor is found to be operating without a county business license.

(4) No contractor shall be issued a business license until all performance and indemnity bonds required by the county building code have been filed and approved. Zoning permits must be obtained when required by the county zoning ordinance codified in Chapter 106.

~~(5) Each prime contractor shall file with the License Official inspector a list of subcontractors furnishing labor or materials for each project.~~

40 *Railroad companies.* See S.C. Code 1976, § 12-23-210.

41 *Passenger transportation.* ~~(4)~~ On gross income, rate class 7 plus each vehicle per year, \$25.00.

~~(2)~~ (5) Permission to use streets required. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above or under any street or public place under control of the county any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the County Council by ordinance which prescribes the term, fees and conditions for use.

~~(3)~~ (6) Consent, franchise, or business license fee required. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be based on gross revenues derived from activities in the county, the length of lines installed in streets and public places, or other formula deemed appropriate by county council. No consent fee or franchise fee shall be construed to be in lieu of a business license fee based on gross revenue unless specifically provided by ordinance. Credits for business license fees paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by the ordinance.

481 Telephone companies not using public streets under franchise or consent. Establishments providing local or long distance telephone communications as described in Standard Industrial Classification (SIC) group 481 and North American Industrial Classification System (NAICS) 5733, including voice and data communications; radio telephone services; cellular telephone services; paging and beeper services; leasing lines, fiber optic cables, microwave or satellite facilities; selling access and reselling use of facilities or methods to others, shall pay an annual business license fee of 0.3 percent of gross receipts from all communications activities conducted in the county and for communications services billed to customers located in the county on which a business license tax has not been paid to another municipality.

4841 Television, cable or pay. Basic fee, consent or franchise.

491–493 Electrical and gas companies. Consent or franchise.

55 Automotive, motor vehicle dealers and farm machinery, retail See the rate schedule in section 18-68.

(1) One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

(2) Gross receipts from this classification shall include full sales price without deduction for trade-ins.

(3) Dealer transfers shall not be included in gross receipts.

5999 Promoter/coordinator of arts and crafts shows. See the rate schedule in section 18-68.

~~(1) This shall be a special license issued only for special arts and crafts events sanctioned as such by the County Council and shall be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.~~

~~(2) It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.~~

~~(3) Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any handcrafted items produced in the home. Goods purchased for sale or resale cannot be vended on this special license. Inspection shall be made on site during the sale.~~

~~(4) Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.~~

~~(5) Merchants and vendors now operating under valid licenses shall be allowed to operate under those licenses, incorporating such gross sales in the annual gross sales to be reported on the succeeding year's application.~~

<u>5999</u>	<u>Promoter/Coordinator of Arts and Crafts Shows</u>		<u>Base Rate/ Fee</u>	<u>Incremental Rate per Thousand</u>
	<u>First</u>	<u>\$5,000.00</u>	<u>\$50.00</u>	
	<u>Over</u>	<u>5,000.00</u>		<u>\$0.49</u>
	<u>Plus, for each participating vendor</u>		<u>Class rates apply</u>	

	<u>This shall be a special license issued only for special arts and crafts events sanctioned as such and be valid solely for the time period and the specific location stated thereon. This special license must be applied for and obtained before commencement of the event for which it is to be used.</u>
	<u>It is the responsibility of the special events promoter or coordinator to ensure that all participating vendors are included in this special arts and crafts license.</u>
	<u>Each participating vendor must be the creator of the art or craft which is to be sold. This includes any person who desires to engage in the business of offering for public sale flower arrangements or any hand-crafted item produced in the home. Goods purchased for sale or resale cannot be vended on this special license.</u>
	<u>Inspections may be made on site during the sale.</u>
	<u>Other merchants and vendors at such special events, not qualifying for this special license under arts and crafts, shall be required to obtain a regular business license.</u>
	<u>Merchants and vendors now operating under valid licenses shall be allowed to operate on those licenses, incorporating such gross sales in the annual gross receipts to be reported on the succeeding year's application.</u>

63

Insurance companies.

(1) On gross premiums collected through offices or agents located in the county, wherever the risk is located in the county, or collected on policies written on property or risks located in the county, wherever the premiums are collected.

(2) Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

(3) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the county whether or not an office is maintained therein. A premium collected on property or a risk located within the county shall be deemed to have been collected within the county.

631–632 *Life, health and accident insurance.* The rate is 0.75 percent of gross premiums. Declining rates shall not apply.

633–635 *Fire and casualty insurance.* The rate is two percent of gross premiums. Declining rates shall not apply.

636 *Title insurance.* The rate is two percent of gross premiums. Declining rates shall not apply.

6411 *Brokers for fire and casualty insurers.* The rate is two percent of gross premiums. Declining rates shall not apply. Nonadmitted: On gross premiums collected on policies of companies not licensed in the state, the broker shall collect and remit annually to the state association of counties, with a copy of the report required by the insurance commission showing the location of the risks insured. (Premiums for nonadmitted business are not included in broker's gross commissions for other business.)

Notwithstanding any other provision of this article, license taxes for insurance companies and brokers for nonadmitted insurers shall be payable on or before May 31 in each year without penalty. Pursuant to the S.C. Code 1976, § 5-7-300, the agreement with the state association of counties on file with the clerk for collection of current and delinquent license taxes from insurers and brokers is approved.

7993 Amusement machines, (coin-operated (except gambling)

(1) Music machines, juke boxes, kiddie rides video games, pin tables with levers and other amusement machines with or without free play licensed pursuant to S.C. Code 1976, § 12-21-2720(A)(1) and (A)(2), Type I and Type II:

- a. Operator of machine (~~S.C. Code 1976, § 12-21-2746~~), **\$12.50 per machine**
 (12-21-2746) **Plus \$12.50 business license**
(For operation of all machines, not on gross income).
- b. **Distributor selling or leasing machines**
 (Not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section 18-68 (nonresident rates apply).

7993 Amusement machines, coin operated non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code 12-21-2720(A)(3) Type III

- a. **Operator of nonpayout machines** **\$180 per machine**
(owner of business)
(12-21-2720(B)) **plus \$12.50 business license**
- (2) ~~b. Video poker and amusement machines license pursuant to S.C. Code 1976, § 12-21-2720(A)(3), see section 10-26 et seq.~~ **Distributor selling or leasing machines, not licensed by the state as an operator pursuant to S.C. Code 1976, § 12-21-2728, see schedule in section 18-68 (Ord. No. 99-36, § XIX, 11-22-1999) [Nonresident rates apply]**

7993 Billiard, Pool Tables, Football Table, Bowling Lane Table

<u>Measuring 3 ½ x 7 ft long</u>	<u>\$5.00</u>
<u>Tables longer than 3 ½ x 7ft</u>	<u>\$12.50</u>

And Gross income of all business where located, the following rates apply:

<u>First \$5,000.00 Gross Income</u>	<u>\$43.75</u>
<u>Over \$5,000.00</u>	<u>\$0.38/thousand</u>

Sec. 18-67. Rate classification index.

The rate classification index for businesses licensed pursuant to this article shall be as follows:
 TABLE INSET:

SIC	Rate Class 1 Business Group
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47	Travel agencies
53	General merchandise stores
54	Food stores
553--554	Automotive supply stores and gasoline service stations
56	Apparel and accessory stores
58	Eating places (
86	Membership organizations

TABLE INSET:

SIC	Rate Class 2 Business Group
01	Agricultural production, crops
02	Agricultural production, animals
20	Food and kindred products
22	Textile mill products
23	Apparel and other finished products from fabrics and similar materials
25	Furniture and fixtures
30	Rubber and miscellaneous plastic products
31	Leather and leather products
32	Stone, clay, glass and concrete products
33	Primary metal industries
34	Fabricated and metal products (except machinery and transportation equipment)
37	Transportation equipment
39	Miscellaneous manufacturing industries
50	Wholesale trade, durable goods
51	Wholesale trade, nondurable goods
52	Building materials, hardware, garden supply and mobile home dealers
57	Furniture, home furnishings and equipment stores
70	Hotels, rooming houses, camps and other lodging

TABLE INSET:

SIC	Rate Class 3 Business Group
07	Agricultural service
24	Lumber and wood products (except furniture)
26	Paper and allied products
29	Petroleum refining and related industries
36	Electrical and electronic machinery, equipment and supplies
42	Motor freight transportation and warehousing
44	Water transportation
45	Transportation by air
59	Miscellaneous retail (except vending machines, peddlers and pawnbrokers)
61	Credit agencies other than banks
75	Automotive repair, services and garages
78	Motion pictures
79	Amusement and recreation services (except motion pictures, amusement machines and carnivals)
89	Miscellaneous services

TABLE INSET:

SIC	Rate Class 4 Business Group
27	Printing, publishing and allied products
28	Chemicals and allied products
35	Machinery, except electrical
48	Communication (except telephone)
76	Miscellaneous repair services

TABLE INSET:

SIC	Rate Class 5 Business Group
09	Fishing, hunting and trapping
14	Mining -- Minerals
38	Measuring, analyzing and controlling instruments; photographic, medical and

	optical goods; watches and clocks
41	Local and suburban transit and interurban highway passenger transportation
62	Security and commodity brokers, dealers -- Exchanges and services
73	Business services

TABLE INSET:

SIC	Rate Class 6 Business Group
49	Sanitary services
72	Personal services

TABLE INSET:

SIC	Rate Class 7 Business Group
08	Forestry
10	Mining -- Metals
21	Tobacco manufacture
46	Pipelines (except natural gas)
64	Insurance agents, brokers and service
65	Real estate
67	Holding and other investment offices
80	Health services
81	Legal services
82	Educational services
83	Social services
87	Engineering, accounting, research, management and related services

TABLE INSET:

SIC	Rate Class 8 Business Group
15, 16, 17	Contractors, construction, all types
40	Railroad companies
4121	Taxicabs

481	Telephone communication
491--493	Electric and gas services
55	Automotive and motor vehicle dealers and farm machinery, retail (except auto supply store 553 and gasoline service stations 554)
5093	Junk and scrap dealers
5813	Drinking places (alcoholic beverages – License must be issued in the name of the individual who has been issued a State ABC license and will have actual control and management of the business)
5932	Pawnbrokers
5962	Vending machines (automatic merchandising)
5963	Peddlers, itinerant
63	Insurance companies
6411	Brokers for nonadmitted insurers
7993	Amusement machines, coin-operated
7999	Billiard or pool tables, all types
7999	Carnivals and circuses

(Ord. No. 99-36, § XIX, 11-22-1999)

Sec. 18-68. Rate schedule.

The fee schedule for businesses licensed pursuant to this article shall be as follows **except where non-resident rates apply:**

TABLE INSET:

Business Class	Gross Revenue \$0--\$5,000 Minimum Fee	Rate per 1,000 or Fraction Thereof Over \$5,000 in Gross Revenue
Class 1	\$37.50	\$0.27
Class 2	43.75	0.38
Class 3	50.00	0.49
Class 4	56.25	0.60
Class 5	62.50	0.71
Class 6	68.75	0.82
Class 7	75.00	0.93
Class 8	43.75	0.38

(Ord. No. 99-36, 11-22-1999; Ord. No. 2006/30, 12-11-2006)

ALPHABETICAL BUSINESS CLASSIFICATION INDEX

This index is not intended to be a complete listing of all types of businesses. It is an aid in finding classifications by common name and reference to the Standard Industrial Classification manual group number. All businesses not exempt by law which are in the major groups listed under each rate class are subject to a license tax whether found in the alphabetical index or not. The License Official shall determine the proper classification of a business not listed.

TABLE INSET:

<u>NAME</u>	<u>SIC</u>	<u>CLASS</u>
<u>Abattoirs</u>	<u>2011</u>	<u>2</u>
<u>Abstract land title or warranty companies</u>	<u>6541</u>	<u>7</u>
<u>Accounting and bookkeeping services</u>	<u>8721</u>	<u>7</u>
<u>Acupuncture – (except medical doctor)</u>	<u>8049</u>	<u>7</u>
<u>Administrative office</u>	<u>7389</u>	<u>5</u>
<u>Advertising agencies or agents</u>	<u>7311</u>	<u>5</u>
<u>Advertising novelties, signs, placards, etc.</u>	<u>7319</u>	<u>5</u>
<u>Air conditioning</u>		
— <u>Contractor</u>	<u>1711</u>	<u>8</u>
— <u>Service and repair</u>	<u>7623</u>	<u>4</u>
<u>Aircraft</u>		
— <u>Retail</u>	<u>5599</u>	<u>8</u>
— <u>Supplies - wholesale</u>	<u>5088</u>	<u>2</u>
— <u>Service and repair</u>	<u>4581</u>	<u>3</u>
<u>Airport limousine service</u>	<u>4111</u>	<u>5</u>
<u>Alterations, clothing</u>	<u>7219</u>	<u>6</u>
<u>Ambulance service</u>	<u>4119</u>	<u>5</u>
<u>Amusement and recreation services</u>	<u>7999</u>	<u>3</u>
<u>Amusement machines, coin operated</u>	<u>7993</u>	<u>8</u>
<u>Amusement parks</u>	<u>7996</u>	<u>3</u>
<u>Animal hospital</u>	<u>0742</u>	<u>3</u>
<u>Answering service</u>	<u>7399</u>	<u>5</u>
<u>Antenna - installation--except household</u>	<u>1799</u>	<u>8</u>
— <u>Sales - household</u>	<u>5731</u>	<u>2</u>

<u> </u>	<u>System - satellite, master</u>	<u>4841</u>	<u>4</u>
	<u>Antiques - retail</u>	<u>5932</u>	<u>3</u>
	<u>Apartment complexes or buildings rental</u>	<u>6513</u>	<u>7</u>
	<u>Appliances household - repair</u>	<u>7629</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
	<u>Appraisers, real estate</u>	<u>6531</u>	<u>7</u>
	<u>Architects</u>	<u>8712</u>	<u>7</u>
	<u>Armature rewinding shops</u>	<u>7694</u>	<u>4</u>
	<u>Armored car services</u>	<u>7381</u>	<u>5</u>
	<u>Art glass, dealers in</u>	<u>5999</u>	<u>3</u>
	<u>Artificial flowers, dealers in</u>	<u>5999</u>	<u>3</u>
	<u>Artists</u>		
<u> </u>	<u>Portrait</u>	<u>8999</u>	<u>3</u>
<u> </u>	<u>Commercial</u>	<u>7336</u>	<u>5</u>
<u> </u>	<u>Studios</u>	<u>8999</u>	<u>3</u>
<u> </u>	<u>Supplies, retail</u>	<u>5999</u>	<u>3</u>
	<u>Assignment, purchasers of accounts, factors</u>	<u>6153</u>	<u>3</u>
	<u>Astrologers</u>	<u>Prohibited</u>	
	<u>Athletic arena</u>	<u>7941</u>	<u>3</u>
	<u>Athletic clubs</u>		
<u> </u>	<u>Admission charged</u>	<u>7991</u>	<u>3</u>
<u> </u>	<u>Membership</u>	<u>7997</u>	<u>3</u>
	<u>Attorneys</u>	<u>8111</u>	<u>7</u>
	<u>Auction houses</u>	<u>5999</u>	<u>3</u>
	<u>Auctioneers - Regulated by state law</u>		
	<u>Automatic sprinklers - installation</u>	<u>1711</u>	<u>8</u>
	<u>Automobile</u>		
<u> </u>	<u>Accessories - retail</u>	<u>5531</u>	<u>1</u>
<u> </u>	<u>Automatic car wash</u>	<u>7542</u>	<u>3</u>
<u> </u>	<u>Body, paint and trim shop</u>	<u>7532</u>	<u>3</u>
<u> </u>	<u>Club, membership</u>	<u>8699</u>	<u>1</u>

--	<u>Dealers new or used - retail</u>	<u>5511</u>	<u>8</u>
--	<u>Detailers</u>	<u>7542</u>	<u>3</u>
--	<u>Leasing - long term</u>	<u>7515</u>	<u>3</u>
--	<u>Manufacturing</u>	<u>3711</u>	<u>2</u>
--	<u>Parts - new - wholesale</u>	<u>5013</u>	<u>2</u>
--	<u>Parts - new - retail</u>	<u>5531</u>	<u>1</u>
--	<u>Parts - used-wholesale/retail</u>	<u>5015</u>	<u>2</u>
--	<u>Rental</u>	<u>7514</u>	<u>3</u>
--	<u>Repairs and service</u>	<u>7538</u>	<u>3</u>
--	<u>Salvage or scrap</u>	<u>5093</u>	<u>2</u>
--	<u>Service station</u>	<u>5541</u>	<u>1</u>
--	<u>Tires, recapping</u>	<u>7534</u>	<u>3</u>
--	<u>Tires - wholesale</u>	<u>5014</u>	<u>2</u>
--	<u>Tires - retail</u>	<u>5531</u>	<u>1</u>
--	<u>Towing service</u>	<u>7549</u>	<u>3</u>
	<u>Awning and tent</u>		
--	<u>Makers</u>	<u>2394</u>	<u>2</u>
--	<u>Rentals</u>	<u>7359</u>	<u>5</u>
--	<u>Repair</u>	<u>7699</u>	<u>4</u>
	<u>B</u>		
	<u>Bags, bagging and ties, dealers in</u>	<u>5113</u>	<u>2</u>
	<u>Bail bondsman</u>	<u>7389</u>	<u>5</u>
	<u>Bakery</u>		
--	<u>Retail</u>	<u>5461</u>	<u>1</u>
--	<u>Wholesale</u>	<u>5149</u>	<u>2</u>
	<u>Ballroom, leased or rented</u>	<u>7911</u>	<u>3</u>
	<u>Barber</u>		
--	<u>Schools</u>	<u>7241</u>	<u>6</u>
--	<u>Shops</u>	<u>7241</u>	<u>6</u>
--	<u>Supplies - wholesale</u>	<u>5087</u>	<u>2</u>
	<u>Barrel and drum makers and dealers</u>	<u>5085</u>	<u>2</u>

<u>Bars - drinking places</u>	<u>5813</u>	<u>8</u>
<u>Baskets, boxes, crates, bags, etc. dealers</u>	<u>5113</u>	<u>2</u>
<u>Bath houses</u>	<u>7999</u>	<u>3</u>
<u>Bath, turkish, sauna or vapor</u>	<u>7299</u>	<u>6</u>
<u>Batteries</u>		
<u>— Manufacture</u>	<u>3692</u>	<u>3</u>
<u>— Vehicle - retail or wholesale</u>	<u>5531</u>	<u>1</u>
<u>Bearings - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Beauty</u>		
<u>— Schools</u>	<u>7231</u>	<u>6</u>
<u>— Shops</u>	<u>7231</u>	<u>6</u>
<u>— Supplies - wholesale</u>	<u>5087</u>	<u>2</u>
<u>Bed and breakfast inns</u>	<u>7011</u>	<u>2</u>
<u>Beeper service, radio pager</u>	<u>4812</u>	<u>8</u>
<u>Belting - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Beverage coolers - wholesale</u>	<u>5087</u>	<u>2</u>
<u>Bicycle</u>		
<u>— Retail</u>	<u>5941</u>	<u>3</u>
<u>— Rental</u>	<u>7999</u>	<u>3</u>
<u>— Repair</u>	<u>7699</u>	<u>4</u>
<u>— Supplies - wholesale</u>	<u>5091</u>	<u>2</u>
<u>Bill distributors, handbills</u>	<u>7319</u>	<u>5</u>
<u>Billboards, erection and lease</u>	<u>7312</u>	<u>5</u>
<u>Billiard or pool hall</u>	<u>7999</u>	<u>8</u>
<u>Bingo</u>	<u>7999</u>	<u>3</u>
<u>Blacksmith</u>	<u>7699</u>	<u>4</u>
<u>Blood bank</u>	<u>8099</u>	<u>7</u>
<u>Blueprinting</u>	<u>7334</u>	<u>5</u>
<u>Boarding house</u>	<u>7021</u>	<u>2</u>
<u>Boats - sightseeing operation</u>	<u>4489</u>	<u>3</u>
<u>— Supplies and accessories - wholesale</u>	<u>5091</u>	<u>2</u>

<u>Supplies and accessories - retail</u>	<u>5551</u>	<u>8</u>
<u>Boat yards, storage, repair and rental</u>	<u>4499</u>	<u>3</u>
<u>Boiler</u>		
<u>Installation</u>	<u>1711</u>	<u>8</u>
<u>Repair</u>	<u>7699</u>	<u>4</u>
<u>Wholesale</u>	<u>5074</u>	<u>2</u>
<u>Bolts and screws - wholesale</u>	<u>5072</u>	<u>2</u>
<u>Bondsman</u>	<u>7389</u>	<u>5</u>
<u>Book publisher</u>	<u>2731</u>	<u>4</u>
<u>Book store - retail</u>	<u>5942</u>	<u>3</u>
<u>Bookbinder</u>	<u>3555</u>	<u>4</u>
<u>Booking Agent, films</u>	<u>7829</u>	<u>3</u>
<u>Bootblack, bootblack stand</u>	<u>7251</u>	<u>6</u>
<u>Bottlers</u>		
<u>Flavored milk</u>	<u>2087</u>	<u>2</u>
<u>Soft drinks</u>	<u>2086</u>	<u>2</u>
<u>Supplies - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Bowling</u>		
<u>Apparel and accessories</u>	<u>5699</u>	<u>1</u>
<u>Lane equipment and supplies</u>	<u>5941</u>	<u>3</u>
<u>Lanes and centers</u>	<u>7933</u>	<u>3</u>
<u>Box, manufacturing</u>	<u>2653</u>	<u>3</u>
<u>Boxing or wrestling matches</u>	<u>7941</u>	<u>3</u>
<u>Brick, agents for</u>	<u>5211</u>	<u>2</u>
<u>Brokers. See heading under type of broker</u>		
<u>Building construction - general contractors</u>	<u>1541</u>	<u>8</u>
<u>Building materials and supplies:</u>		
<u>Brick and stone</u>		
<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Construction materials</u>		
<u>Retail</u>	<u>5211</u>	<u>2</u>

<u> </u>	<u>Wholesale</u>	<u>5039</u>	<u>2</u>
<u> </u>	<u>Roofing, siding & insulation - wholesale</u>	<u>5033</u>	<u>2</u>
<u>Burglar alarms - installation only</u>		<u>1731</u>	<u>8</u>
<u> </u>	<u>Sale and installation</u>	<u>7382</u>	<u>5</u>
<u>Bus, charter</u>		<u>4141</u>	<u>5</u>
<u>Bus and motor coach company</u>		<u>Franchise / NA</u>	
<u>Bus terminal</u>		<u>4173</u>	<u>5</u>
<u>Business broker, selling businesses</u>		<u>7389</u>	<u>5</u>
<u>Business college</u>		<u>8244</u>	<u>7</u>
<u>Business consultant</u>		<u>8748</u>	<u>7</u>
<u>Business forms, manufacturing</u>		<u>2759</u>	<u>4</u>
<u>Business forms - retail</u>		<u>5943</u>	<u>3</u>
<u>Business services, not elsewhere classified</u>		<u>7389</u>	<u>5</u>
<u>C</u>			
<u>Cablevision</u>		<u>4841</u>	<u>Franchise</u>
<u>Cabaret</u>		<u>5813</u>	<u>8</u>
<u>Cabinets</u>			
<u> </u>	<u>Custom order</u>	<u>5712</u>	<u>2</u>
<u> </u>	<u>Manufacturing</u>	<u>2434</u>	<u>3</u>
<u>Cafeteria</u>		<u>5812</u>	<u>1</u>
<u>Camera and photo supplies</u>			
<u> </u>	<u>Repair shop</u>	<u>7699</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5946</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5043</u>	<u>2</u>
<u>Candy</u>			
<u> </u>	<u>Retail</u>	<u>5441</u>	<u>1</u>
<u> </u>	<u>Wholesale</u>	<u>5145</u>	<u>2</u>
<u>Canvasser</u>		<u>5963</u>	<u>8</u>
<u>Car Rental - short term</u>		<u>7514</u>	<u>3</u>
<u>Car wash</u>		<u>7542</u>	<u>3</u>
<u>Carnival</u>		<u>7999</u>	<u>8</u>

<u>Carpenter</u>	<u>1751</u>	<u>8</u>
<u>Carpet</u>		
<u>Cleaning</u>	<u>7217</u>	<u>6</u>
<u>Installation</u>	<u>1752</u>	<u>8</u>
<u>Retail</u>	<u>5713</u>	<u>2</u>
<u>Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Carriage, horse drawn for hire</u>	<u>4789</u>	<u>1</u>
<u>Cater</u>	<u>5812</u>	<u>1</u>
<u>Cement manufacture (chemical adhesives)</u>	<u>2891</u>	<u>4</u>
<u>Cement products (see Concrete)</u>		
<u>Cemetery</u>		
<u>Agent or sales of sites</u>	<u>6553</u>	<u>7</u>
<u>Caretaker</u>	<u>0782</u>	<u>3</u>
<u>Charcoal, producers</u>	<u>2861</u>	<u>4</u>
<u>Chauffeur and limousine tour services</u>	<u>4119</u>	<u>5</u>
<u>Cheese, manufacturer or processor</u>	<u>2022</u>	<u>2</u>
<u>Chemical and allied products, manufacture</u>	<u>2819</u>	<u>4</u>
<u>Chimney cleaner</u>	<u>7349</u>	<u>5</u>
<u>Chiropractor</u>	<u>8041</u>	<u>7</u>
<u>Christmas tree sales</u>	<u>5241</u>	<u>2</u>
<u>Cigarettes, cigars, tobacco</u>		
<u>Manufacture</u>	<u>21</u>	<u>7</u>
<u>Retail</u>	<u>5993</u>	<u>3</u>
<u>Wholesale</u>	<u>5194</u>	<u>2</u>
<u>Circus</u>	<u>7999</u>	<u>8</u>
<u>Claim adjustment agent or agency</u>	<u>6411</u>	<u>7</u>
<u>Clay, stone and glass products, manufacture</u>	<u>3200</u>	<u>2</u>
<u>Clipping service, press</u>	<u>8999</u>	<u>3</u>
<u>Clothing</u>		
<u>Retail</u>	<u>5651</u>	<u>1</u>
<u>Secondhand dealer</u>	<u>5932</u>	<u>3</u>

<u>—</u>	<u>Wholesale</u>	<u>5130</u>	<u>2</u>
<u>Coal, wood or coke</u>			
<u>—</u>	<u>Retail</u>	<u>5989</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5052</u>	<u>2</u>
<u>Coffee or tea store - retail</u>		<u>5499</u>	<u>1</u>
<u>Coffee roasters and wholesale coffee dealers</u>		<u>5149</u>	<u>2</u>
<u>Coin shop - retail</u>		<u>5999</u>	<u>3</u>
<u>Cold storage warehouse</u>		<u>4222</u>	<u>3</u>
<u>Collection and claim agency</u>		<u>7322</u>	<u>5</u>
<u>Compact disks music-retail</u>		<u>5735</u>	<u>2</u>
<u>Computer</u>			
<u>—</u>	<u>Consultant</u>	<u>7379</u>	<u>5</u>
<u>—</u>	<u>Internet provider</u>	<u>7375</u>	<u>5</u>
<u>—</u>	<u>Operator Training</u>	<u>8243</u>	<u>7</u>
<u>—</u>	<u>Repairs</u>	<u>7378</u>	<u>4</u>
<u>—</u>	<u>Service (not repairs)</u>	<u>7371-7379</u>	<u>5</u>
<u>—</u>	<u>Stores-retail</u>	<u>5734</u>	<u>2</u>
<u>—</u>			
<u>Concession stands</u>		<u>5963</u>	<u>8</u>
<u>Concrete</u>			
<u>—</u>	<u>Manufacture (paving)</u>	<u>2951</u>	<u>3</u>
<u>—</u>	<u>Manufacture, ready-mixed, wholesale</u>	<u>3273</u>	<u>2</u>
	<u>Manufacture, dry ready-mix, wholesale</u>	<u>3272</u>	<u>2</u>
<u>—</u>	<u>Mixtures and products-retail</u>	<u>5211</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Consultant, business</u>		<u>8748</u>	<u>7</u>
<u>Contractors, construction – all types</u>		<u>15,16,17</u>	<u>8</u>
<u>—</u>	<u>Carpentry</u>	<u>1751</u>	
<u>—</u>	<u>Commercial and industrial building</u>	<u>154</u>	
<u>—</u>	<u>Concrete</u>	<u>1771</u>	
	<u>Drywall</u>	<u>1742</u>	

<u> </u>	<u>Electrical</u>	<u>1731</u>	
<u> </u>	<u>Flooring</u>	<u>1752</u>	
<u> </u>	<u>General contractors, residential & commercial</u>	<u>15</u>	
<u> </u>	<u>Grading/excavating</u>	<u>1794</u>	
<u> </u>	<u>Heavy construction other than residential</u>	<u>16</u>	
<u> </u>	<u>Masonry</u>	<u>1741</u>	
<u> </u>	<u>Painting & paper hanging</u>	<u>1721</u>	
<u> </u>	<u>Plastering, dry wall, acoustical, & insulation</u>	<u>1742</u>	
<u> </u>	<u>Plumbing, heating & air-conditioning</u>	<u>1711</u>	
<u> </u>	<u>Residential building</u>	<u>152</u>	
<u> </u>	<u>Roofing, siding & sheet metal</u>	<u>1761</u>	
<u> </u>	<u>Signs, erecting</u>	<u>1799</u>	
<u> </u>	<u>Special trade contractors</u>	<u>17</u>	
<u> </u>	<u>Tile, terrazzo, marble</u>	<u>1743</u>	
	<u>Convalescent home</u>	<u>8052</u>	<u>7</u>
	<u>Convenience store – primarily gasoline and limited food-retail</u>	<u>5541</u>	<u>1</u>
	<u>Convention promoter or decorator</u>	<u>7389</u>	<u>5</u>
	<u>Cosmetics</u>		
<u> </u>	<u>Manufacture</u>	<u>2844</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5122</u>	<u>2</u>
	<u>Cotton brokers</u>	<u>6221</u>	<u>5</u>
	<u>Cotton presses and warehouses</u>	<u>4221</u>	<u>3</u>
	<u>Cotton mill</u>	<u>2211</u>	<u>2</u>
	<u>Courier Services</u>	<u>4215</u>	<u>3</u>
	<u>Court reporting services</u>	<u>7338</u>	<u>2</u>
	<u>Cracker manufacture</u>	<u>2051</u>	<u>2</u>
	<u>Craft shops</u>	<u>5945</u>	<u>3</u>
	<u>Crafters (peddlers)</u>	<u>5963</u>	<u>8</u>
	<u>Credit reporting agency</u>	<u>7323</u>	<u>5</u>
	<u>D</u>		

<u>Dairy</u>			
<u> </u>	<u>Products – retail</u>	<u>5451</u>	<u>1</u>
<u> </u>	<u>Products – wholesale</u>	<u>5143</u>	<u>2</u>
<u> </u>	<u>Supplies – wholesale</u>	<u>5084</u>	<u>2</u>
<u>Dance hall</u>		<u>7911</u>	<u>3</u>
<u>Dancing school</u>		<u>7911</u>	<u>3</u>
<u>Data processing</u>			
<u> </u>	<u>Service</u>	<u>7379</u>	<u>5</u>
<u> </u>	<u>Systems, supplies and equipment</u>	<u>7372</u>	<u>5</u>
<u>Day care</u>			
<u> </u>	<u>Adult and handicapped</u>	<u>8322</u>	<u>7</u>
<u> </u>	<u>Child</u>	<u>8351</u>	<u>7</u>
<u>Decorator, interior</u>		<u>7389</u>	<u>5</u>
<u>Delicatessen</u>		<u>5411</u>	<u>1</u>
<u>Delivery service</u>			
<u> </u>	<u>Local trucking without storage</u>	<u>4212</u>	<u>3</u>
<u> </u>	<u>Messenger/courier (except air)</u>	<u>4215</u>	<u>3</u>
<u>Dental equipment and supplies – wholesale</u>		<u>5086</u>	<u>2</u>
<u>Dental laboratory</u>		<u>8072</u>	<u>7</u>
<u>Dentist</u>		<u>8021</u>	<u>7</u>
<u>Department store</u>		<u>5311</u>	<u>1</u>
<u>Design of machinery</u>		<u>8712</u>	<u>7</u>
<u>Detective service</u>		<u>7381</u>	<u>5</u>
<u>Diaper service</u>		<u>7219</u>	<u>6</u>
<u>Directory – telephone – distribution</u>		<u>7389</u>	<u>5</u>
<u>Dog kennel or grooming</u>		<u>0752</u>	<u>3</u>
<u>Dressmaker for retail trade</u>		<u>5699</u>	<u>1</u>
<u>Drinking place – alcoholic</u>		<u>5813</u>	<u>8</u>
<u>Driver training school</u>		<u>8299</u>	<u>7</u>
<u>Drugs – store</u>			
<u> </u>	<u>Retail</u>	<u>5912</u>	<u>3</u>

<u> </u>	<u>Wholesale</u>	<u>5122</u>	<u>2</u>
<u>Dry cleaning</u>			
<u> </u>	<u>Coin operated</u>	<u>7215</u>	<u>6</u>
<u> </u>	<u>Retail or agents</u>	<u>7212</u>	<u>6</u>
<u> </u>	<u>Wholesale</u>	<u>7219</u>	<u>6</u>
<u>Dry goods</u>			
<u> </u>	<u>Retail</u>	<u>5399</u>	<u>1</u>
<u> </u>	<u>Wholesale</u>	<u>5131</u>	<u>2</u>
<u>Dyeing and finishing textiles</u>		<u>2269</u>	<u>2</u>
<u>E</u>			
<u>Eating places</u>		<u>5812</u>	<u>1</u>
<u>Electric appliances and supplies</u>			
<u> </u>	<u>Repair</u>	<u>7629</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Electric Power Company</u>		<u>4900</u>	<u>8</u>
<u>Electrical Contractor</u>		<u>1731</u>	<u>8</u>
<u>Electrical machinery - manufacture</u>		<u>3600</u>	<u>3</u>
<u>Electronics, consumer - retail</u>		<u>5731</u>	<u>2</u>
<u>Elevator dealer - wholesale</u>		<u>5084</u>	<u>2</u>
<u>Elevator maintenance</u>		<u>7699</u>	<u>4</u>
<u>Employment agency</u>		<u>7361</u>	<u>5</u>
<u>Engineering services</u>		<u>8711</u>	<u>7</u>
<u>Engraving, metal</u>		<u>3479</u>	<u>2</u>
<u>Entertainment</u>		<u>7929</u>	<u>3</u>
<u>Equipment rental - construction</u>		<u>7353</u>	<u>5</u>
<u>Escort service</u>		<u>7299</u>	<u>6</u>
<u>Explosives - wholesale</u>		<u>5169</u>	<u>2</u>
<u>Exterminators</u>		<u>7342</u>	<u>5</u>
<u>Excavation work</u>		<u>1794</u>	<u>8</u>
<u>F</u>			

<u>Fabrics - retail</u>		<u>5949</u>	<u>3</u>
<u>Factors</u>		<u>6153</u>	<u>3</u>
<u>Farm and industrial machinery - wholesale</u>		<u>5080</u>	<u>2</u>
<u>Farm machinery - retail</u>		<u>5599</u>	<u>8</u>
<u>Fertilizer</u>			
<u>--</u>	<u>Manufacture</u>	<u>2874</u>	<u>4</u>
<u>--</u>	<u>Retail</u>	<u>5261</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5191</u>	<u>2</u>
<u>Field warehousing</u>		<u>7389</u>	<u>5</u>
<u>Film</u>			
<u>--</u>	<u>Developers for general public</u>	<u>7384</u>	<u>5</u>
<u>--</u>	<u>Developers for movies and TV</u>	<u>7819</u>	<u>3</u>
<u>--</u>	<u>Distributor</u>	<u>7822</u>	<u>3</u>
<u>Finance company</u>		<u>6141</u>	<u>3</u>
<u>Fire and security services</u>		<u>7382</u>	<u>5</u>
<u>Fireworks</u>			
<u>--</u>	<u>Retail + \$50.00 State License Required +</u>	<u>5999</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5092</u>	<u>2</u>
<u>Fish and seafood</u>			
<u>--</u>	<u>Retail</u>	<u>5421</u>	<u>1</u>
<u>--</u>	<u>Wholesale</u>	<u>5146</u>	<u>2</u>
<u>Fisheries</u>		<u>0912</u>	<u>5</u>
<u>Fishermen's equipment - retail</u>		<u>5941</u>	<u>3</u>
<u>Fixtures and furniture - manufacture</u>		<u>2500</u>	<u>2</u>
<u>Flea market operator</u>		<u>7389</u>	<u>5</u>
<u>Floor covering</u>			
<u>--</u>	<u>Contractor</u>	<u>1752</u>	<u>8</u>
<u>--</u>	<u>Retail</u>	<u>5713</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Florist</u>			
<u>--</u>	<u>Retail</u>	<u>5992</u>	<u>3</u>

<u> </u>	<u>Wholesale</u>	<u>5193</u>	<u>2</u>
<u>Flour - wholesale</u>		<u>5149</u>	<u>2</u>
<u>Flowers, real or artificial</u>			
<u> </u>	<u>Retail</u>	<u>5992</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5193</u>	<u>2</u>
<u>Food</u>			
<u> </u>	<u>Broker</u>	<u>5141</u>	<u>2</u>
<u> </u>	<u>Retail, not consumed on premises</u>	<u>5411</u>	<u>1</u>
<u> </u>	<u>Wholesale</u>	<u>5141</u>	<u>2</u>
<u>Food service equipment - sale and installation</u>		<u>1799</u>	<u>8</u>
<u>Fortune telling</u>		<u>Prohibited</u>	
<u>Foundry</u>		<u>3300</u>	<u>2</u>
<u>Freight forwarder</u>		<u>4731</u>	<u>1</u>
<u>Fruit and produce</u>			
<u> </u>	<u>Harvesting by machine</u>	<u>0722</u>	<u>3</u>
<u> </u>	<u>Retail</u>	<u>5431</u>	<u>1</u>
<u> </u>	<u>Wholesale</u>	<u>5148</u>	<u>2</u>
<u>Fuel oil</u>			
<u> </u>	<u>Retail</u>	<u>5983</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Funeral home, mortician, crematory</u>		<u>7261</u>	<u>6</u>
<u>Fur, clothing - retail</u>		<u>5632</u>	<u>1</u>
<u>Furnace</u>			
<u> </u>	<u>Retail</u>	<u>5075</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5075</u>	<u>2</u>
<u> </u>	<u>Heating contractor</u>	<u>1711</u>	<u>8</u>
<u>Furniture</u>			
<u> </u>	<u>Repair, refinishing, upholstering</u>	<u>7641</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5712</u>	<u>2</u>
<u> </u>	<u>Secondhand</u>	<u>5932</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5021</u>	<u>2</u>

<u>—</u>	<u>Manufacture</u>	<u>2500</u>	<u>2</u>
<u>G</u>			
<u>—</u>	<u>Garage, auto repairs</u>	<u>7538</u>	<u>3</u>
<u>—</u>	<u>Garbage service, collection and disposal</u>	<u>4953</u>	<u>6</u>
<u>—</u>	<u>Garbage, collection with disposal</u>	<u>4212</u>	<u>3</u>
<u>—</u>	<u>Garment pressing, alteration</u>	<u>7212</u>	<u>6</u>
<u>Gas</u>			
<u>—</u>	<u>Liquefied petroleum and equipment</u>	<u>5984</u>	<u>3</u>
<u>—</u>	<u>Natural gas company</u>	<u>4900</u>	<u>8</u>
<u>Gasoline - Service station</u>			
<u>—</u>	<u>Retail</u>	<u>5541</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>—</u>	<u>Gift shop</u>	<u>5947</u>	<u>3</u>
<u>Glass</u>			
<u>—</u>	<u>Motor vehicles sale and installation</u>	<u>7536</u>	<u>3</u>
<u>—</u>	<u>Products, manufacture</u>	<u>3200</u>	<u>2</u>
<u>—</u>	<u>Retail</u>	<u>5231</u>	<u>2</u>
<u>Golf</u>			
<u>—</u>	<u>Courses (including miniature)</u>	<u>7992</u>	<u>3</u>
<u>—</u>	<u>Sporting goods-retail</u>	<u>5941</u>	<u>3</u>
<u>Grain</u>			
<u>—</u>	<u>Broker (Commodity)</u>	<u>6221</u>	<u>5</u>
<u>—</u>	<u>Dealer - wholesale or retail</u>	<u>5153</u>	<u>2</u>
<u>—</u>	<u>Elevator</u>	<u>4221</u>	<u>3</u>
<u>Gravel</u>			
<u>—</u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>—</u>	<u>Greeting Cards - retail</u>	<u>5947</u>	<u>3</u>
<u>Grocers</u>			
<u>—</u>	<u>Retail</u>	<u>5411</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5141</u>	<u>2</u>

<u>Guards, security</u>		<u>7381</u>	<u>5</u>
<u>Guns</u>			
<u>--</u>	<u>Retail or dealer</u>	<u>5941</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5091</u>	<u>2</u>
<u>Gunsmith</u>		<u>7699</u>	<u>4</u>
<u>H</u>			
<u>Hair grooming</u>		<u>7231-7241</u>	<u>6</u>
<u>Hardware</u>			
<u>--</u>	<u>Retail</u>	<u>5251</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5072</u>	<u>2</u>
<u>Hats</u>			
<u>Hats, retail</u>		<u>5611</u>	<u>1</u>
<u>Hats, wholesale</u>		<u>5136</u>	<u>2</u>
<u>Hazardous waste storage, disposal or transportation</u>		<u>4953</u>	<u>6</u>
<u>Health</u>			
<u>--</u>	<u>Club</u>	<u>7991</u>	<u>3</u>
<u>--</u>	<u>Food store</u>	<u>5499</u>	<u>1</u>
<u>--</u>	<u>Health services, HMO</u>	<u>8010</u>	<u>7</u>
<u>--</u>	<u>Health services, medical service plans (insurance)</u>	<u>6324</u>	<u>8</u>
<u>--</u>	<u>Home health care services</u>	<u>8082</u>	<u>7</u>
<u>Hearing aids - retail</u>		<u>5999</u>	<u>3</u>
<u>Heating contractor</u>		<u>1711</u>	<u>8</u>
<u>Hemstitching and pleating</u>		<u>7219</u>	<u>6</u>
<u>Hi-fi and stereo, retail</u>		<u>5731</u>	<u>2</u>
<u>Hobby shop</u>		<u>5945</u>	<u>3</u>
<u>Holding companies</u>		<u>6700</u>	<u>7</u>
<u>Home repairs (certification required)</u>		<u>1521</u>	<u>8</u>
<u>Horticulturist</u>		<u>0781</u>	<u>3</u>
<u>Hose, industrial - wholesale</u>		<u>5085</u>	<u>2</u>
<u>Hosiery</u>			
<u>--</u>	<u>Mill</u>	<u>2200</u>	<u>2</u>

—	<u>Retail</u>	<u>5632</u>	<u>1</u>
—	<u>Wholesale</u>	<u>5137</u>	<u>2</u>
<u>Hospital</u>			
—	<u>Animal</u>	<u>0742</u>	<u>3</u>
—	<u>General medical and surgical</u>	<u>8062</u>	<u>7</u>
—	<u>Psychiatric</u>	<u>8063</u>	<u>7</u>
—	<u>Specialty</u>	<u>8069</u>	<u>7</u>
<u>Hotel</u>		<u>7011</u>	<u>2</u>
<u>Hotel supplies, wholesale</u>		<u>5046</u>	<u>2</u>
<u>House mover, wrecker</u>		<u>1799</u>	<u>8</u>
<u>I</u>			
<u>Ice - dealer</u>			
—	<u>Retail</u>	<u>5999</u>	<u>3</u>
—	<u>Manufacture</u>	<u>2097</u>	<u>2</u>
<u>Ice cream</u>			
—	<u>Manufacture</u>	<u>2024</u>	<u>2</u>
—	<u>Retail dairy products</u>	<u>5451</u>	<u>1</u>
—	<u>Shop or stand</u>	<u>5812</u>	<u>1</u>
—	<u>Wholesale</u>	<u>5143</u>	<u>2</u>
<u>Industrial chemicals - wholesale</u>		<u>5169</u>	<u>2</u>
<u>Industrial and farm machinery and equipment</u>		<u>5080</u>	<u>2</u>
<u>Inn, food and lodging</u>		<u>7011</u>	<u>2</u>
<u>Insulation contractor</u>		<u>1742</u>	<u>8</u>
<u>Insurance - adjuster</u>		<u>6411</u>	<u>7</u>
—	<u>Agent, broker (see 8 for non-admitted), solicitor</u>	<u>6411</u>	<u>7</u>
—	<u>Broker for non-admitted insurer</u>	<u>6411</u>	<u>8</u>
—	<u>Company, fire and casualty</u>	<u>633–635</u>	<u>8</u>
—	<u>Company, life and health</u>	<u>631–632</u>	<u>8</u>
—	<u>Company, title and others not elsewhere classified</u>	<u>636–639</u>	<u>8</u>
—	<u>Consultant or engineer</u>	<u>6411</u>	<u>7</u>
<u>Interior decorator</u>		<u>7389</u>	<u>5</u>

<u>Internet</u>			
<u>--</u>	<u>Provider, information retrieval</u>	<u>7375</u>	<u>5</u>
<u>--</u>	<u>E-Mail (electronic mail service only)</u>	<u>4822</u>	<u>4</u>
<u>Investment counselor</u>		<u>6282</u>	<u>5</u>
<u>Investment firm, general brokerage</u>		<u>6211</u>	<u>5</u>
<u>Iron and steel, semi-finished items - wholesale</u>		<u>5051</u>	<u>2</u>
<u>J</u>			
<u>Janitor or housekeeping service</u>		<u>7349</u>	<u>5</u>
<u>Janitor supplies - wholesale</u>		<u>5087</u>	<u>2</u>
<u>Jewelry</u>			
<u>--</u>	<u>Repair</u>	<u>7631</u>	<u>4</u>
<u>--</u>	<u>Retail</u>	<u>5944</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5094</u>	<u>2</u>
<u>Junk dealer - wholesale</u>		<u>5093</u>	<u>8</u>
<u>K</u>			
<u>Karate school</u>		<u>7999</u>	<u>3</u>
<u>Kennel</u>		<u>0752</u>	<u>3</u>
<u>Kerosene & fuel oil, heating</u>			
<u>--</u>	<u>Retail</u>	<u>5983</u>	<u>3</u>
<u>--</u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Kindergarten</u>		<u>8211</u>	<u>7</u>
<u>Kitchen designers and contractors</u>		<u>1521</u>	<u>8</u>
<u>Knitting mill - textile manufacture</u>		<u>2253</u>	<u>2</u>
<u>L</u>			
<u>Laboratory, testing, commercial</u>		<u>8734</u>	<u>7</u>
<u>Lamps</u>			
<u>--</u>	<u>Retail</u>	<u>5719</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5023</u>	<u>2</u>
<u>Land title or abstract company</u>		<u>6361</u>	<u>1</u>
<u>Landfill, solid waste</u>		<u>4953</u>	<u>6</u>
<u>Landscape service</u>		<u>0781</u>	<u>3</u>

<u>Lapidary</u>			
<u>--</u>	<u>Retail shop</u>	<u>5999</u>	<u>3</u>
<u>--</u>	<u>Supplies and equipment - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Laundries</u>		<u>7215</u>	<u>6</u>
<u>Laundry agent or pickup station</u>		<u>7211</u>	<u>6</u>
<u>Lawn care service</u>		<u>0782</u>	<u>3</u>
<u>Lawnmowers</u>			
<u>--</u>	<u>Repair</u>	<u>7699</u>	<u>4</u>
<u>--</u>	<u>Retail</u>	<u>5261</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5083</u>	<u>2</u>
<u>Leased equipment, not otherwise listed</u>		<u>7359</u>	<u>5</u>
<u>Leasing company, vehicles, and non-expendable equipment</u>		<u>7510</u>	<u>3</u>
<u>Leather goods - retail</u>		<u>5948</u>	<u>3</u>
<u>Leather and products, manufacture</u>		<u>3111</u>	<u>2</u>
<u>Legal services, attorney</u>		<u>8111</u>	<u>7</u>
<u>Libraries, lending and depositories in stores</u>		<u>8231</u>	<u>7</u>
<u>Limousine service</u>		<u>4111</u>	<u>5</u>
<u>Linen service</u>		<u>7213</u>	<u>6</u>
<u>Livestock dealer and services</u>		<u>0751</u>	<u>3</u>
<u>Locker rental, cold storage of food</u>		<u>4222</u>	<u>3</u>
<u>Locksmith</u>		<u>7699</u>	<u>4</u>
<u>Lodging and roominghouses</u>		<u>7021</u>	<u>2</u>
<u>Luggage - retail</u>		<u>5948</u>	<u>3</u>
<u>Lumber</u>			
<u>--</u>	<u>Manufacture</u>	<u>2400</u>	<u>3</u>
<u>--</u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>M</u>			
<u>Machine shop</u>		<u>3599</u>	<u>4</u>
<u>Magazine, sales or subscriptions, door-to-door</u>		<u>5963</u>	<u>8</u>
<u>Mail order business</u>		<u>5961</u>	<u>3</u>
<u>Management consultant</u>		<u>8742</u>	<u>7</u>

<u>Manicurist</u>	<u>7231</u>	<u>6</u>
<u>Manufactured home (See mobile home)</u>		
<u>Manufacturing</u>		
<u>Apparel</u>	<u>2300</u>	<u>2</u>
<u>Chemicals and allied products</u>	<u>2800</u>	<u>4</u>
<u>Clay, stone and glass products</u>	<u>3200</u>	<u>2</u>
<u>Computer equipment</u>	<u>3500</u>	<u>4</u>
<u>Electrical machinery, equipment, supplies</u>	<u>3600</u>	<u>3</u>
<u>Furniture and fixtures</u>	<u>2500</u>	<u>2</u>
<u>Leather and leather products</u>	<u>3100</u>	<u>2</u>
<u>Lumber</u>	<u>2400</u>	<u>3</u>
<u>Machinery - industrial, commercial, computer</u>	<u>3500</u>	<u>4</u>
<u>Medicine</u>	<u>2833</u>	<u>4</u>
<u>Metals, primary</u>	<u>3300</u>	<u>2</u>
<u>Metal products</u>	<u>3400</u>	<u>2</u>
<u>Miscellaneous manufacturing (not listed)</u>	<u>3900</u>	<u>2</u>
<u>Paper and allied products</u>	<u>2600</u>	<u>3</u>
<u>Petroleum refining and related</u>	<u>2900</u>	<u>3</u>
<u>Rubber and miscellaneous products</u>	<u>3000</u>	<u>2</u>
<u>Soap</u>	<u>2841</u>	<u>4</u>
<u>Textile mill products</u>	<u>2200</u>	<u>2</u>
<u>Tobacco products</u>	<u>2100</u>	<u>7</u>
<u>Transportation equipment</u>	<u>3700</u>	<u>2</u>
<u>Manufacturing not otherwise listed</u>	<u>3900</u>	<u>2</u>
<u>Marble, building - cut and shape</u>	<u>3281</u>	<u>2</u>
<u>Marble, granite and other stone yards</u>	<u>5032</u>	<u>2</u>
<u>Marina</u>	<u>4493</u>	<u>3</u>
<u>Massage</u>	<u>7299</u>	<u>6</u>
<u>Mattress</u>		
<u>Manufacture</u>	<u>2515</u>	<u>2</u>
<u>Retail</u>	<u>5712</u>	<u>2</u>

<u>Meat processing</u>		<u>2013</u>	<u>2</u>
<u>Meat</u>			
<u>--</u>	<u>Retail market</u>	<u>5421</u>	<u>1</u>
<u>--</u>	<u>Wholesale</u>	<u>5147</u>	<u>2</u>
<u>Medical and health services</u>		<u>8000</u>	<u>7</u>
<u>Medical, dental, hospital equipment and supplies - wholesale</u>		<u>5047</u>	<u>2</u>
<u>Medicine - manufacture</u>		<u>2833</u>	<u>4</u>
<u>Men's and boys wearing apparel - retail</u>		<u>5611</u>	<u>1</u>
<u>Messenger service</u>		<u>4215</u>	<u>3</u>
<u>Metal jobber - wholesale</u>		<u>5051</u>	<u>2</u>
<u>Metal products, manufacture</u>		<u>3400</u>	<u>2</u>
<u>Milk</u>			
<u>--</u>	<u>Retail</u>	<u>5451</u>	<u>1</u>
<u>--</u>	<u>Wholesale</u>	<u>5143</u>	<u>2</u>
<u>Millinery</u>			
<u>--</u>	<u>Retail</u>	<u>5632</u>	<u>1</u>
<u>--</u>	<u>Wholesale</u>	<u>5137</u>	<u>2</u>
<u>Mining</u>			
<u>--</u>	<u>Metals</u>	<u>1000</u>	<u>7</u>
<u>--</u>	<u>Minerals</u>	<u>1400</u>	<u>5</u>
<u>Miscellaneous business services, not listed</u>		<u>8999</u>	<u>3</u>
<u>Mobile home</u>			
<u>--</u>	<u>Sites, rental</u>	<u>6515</u>	<u>7</u>
<u>--</u>	<u>Repairs</u>	<u>7699</u>	<u>4</u>
<u>--</u>	<u>Retail</u>	<u>5271</u>	<u>2</u>
<u>Money lender - industrial loans, finance company (not banks)</u>		<u>6141</u>	<u>3</u>
<u>Monuments - retail</u>		<u>5999</u>	<u>3</u>
<u>Mortgage broker</u>		<u>6163</u>	<u>3</u>
<u>Motel</u>		<u>7011</u>	<u>2</u>
<u>Motion picture</u>			
<u>--</u>	<u>Film agent</u>	<u>7829</u>	<u>3</u>

<u>Operator</u>	<u>7832</u>	<u>3</u>
<u>Supply house</u>	<u>5043</u>	<u>2</u>
<u>Theater and drive-in</u>	<u>7833</u>	<u>3</u>
<u>Motor freight line</u>	<u>4231</u>	<u>3</u>
<u>Motor vehicle driver training school</u>	<u>8299</u>	<u>7</u>
<u>Motorcycles</u>		
<u>Dealer or agent</u>	<u>5571</u>	<u>8</u>
<u>Parts and accessories</u>	<u>5531</u>	<u>1</u>
<u>Rental</u>	<u>7999</u>	<u>3</u>
<u>Repairs</u>	<u>7699</u>	<u>4</u>
<u>Motor vehicle dealer - retail</u>	<u>551-552</u>	<u>8</u>
<u>Motors, outboard - retail</u>	<u>5551</u>	<u>8</u>
<u>Movers, trucking and storage</u>	<u>4214</u>	<u>3</u>
<u>Multigraphing or photocopying</u>	<u>7334</u>	<u>5</u>
<u>Music - sheet music and musical instruments</u>		
<u>Retail</u>	<u>5736</u>	<u>2</u>
<u>School</u>	<u>8299</u>	<u>7</u>
<u>Tapes & compact disks - retail</u>	<u>5735</u>	<u>2</u>
<u>Teachers & educational services</u>	<u>8299</u>	<u>7</u>
<u>Wire transmitted, systems</u>	<u>7389</u>	<u>5</u>
<u>Musicians - entertainers</u>	<u>7929</u>	<u>3</u>
<u>N</u>		
<u>Natatorium or swimming pool</u>	<u>7999</u>	<u>3</u>
<u>Neckwear - retail</u>	<u>5611</u>	<u>1</u>
<u>News syndicate</u>	<u>7383</u>	<u>5</u>
<u>Newspaper</u>		
<u>Advertising</u>	<u>7311</u>	<u>5</u>
<u>Publishing</u>	<u>2711</u>	<u>4</u>
<u>Retail</u>	<u>5994</u>	<u>3</u>
<u>Wholesale</u>	<u>5192</u>	<u>2</u>
<u>Newsstand</u>	<u>5994</u>	<u>3</u>

<u>Nightclub</u>		<u>5813</u>	<u>8</u>
<u>Notions, novelties</u>			
<u>—</u>	<u>Retail</u>	<u>5947</u>	<u>3</u>
<u>Nursery, day</u>		<u>8351</u>	<u>7</u>
<u>Nursery or horticulturist</u>		<u>5261</u>	<u>2</u>
<u>Nurses registry</u>		<u>7361</u>	<u>5</u>
<u>Nursing home</u>			
<u>—</u>	<u>Skilled care</u>	<u>8051</u>	<u>7</u>
<u>—</u>	<u>Intermediate care</u>	<u>8052</u>	<u>7</u>
<u>—</u>	<u>Assisted living with health care</u>	<u>8053</u>	<u>7</u>
<u>O</u>			
<u>Office building, rental</u>		<u>6531</u>	<u>7</u>
<u>Office building, rental agent</u>		<u>6531</u>	<u>7</u>
<u>Office furniture</u>			
<u>—</u>	<u>Rental</u>	<u>7359</u>	<u>5</u>
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5021</u>	<u>2</u>
<u>Office machines</u>			
<u>—</u>	<u>Rental</u>	<u>7359</u>	<u>5</u>
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Service and repair</u>	<u>7629</u>	<u>4</u>
<u>—</u>	<u>Wholesale</u>	<u>5044</u>	<u>2</u>
<u>Office supplies</u>			
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5112</u>	<u>2</u>
<u>Oil, fuel only</u>			
<u>—</u>	<u>Retail</u>	<u>5983</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5172</u>	<u>2</u>
<u>Ophthalmic goods - wholesale</u>		<u>5048</u>	<u>2</u>
<u>Optical goods</u>			
<u>—</u>	<u>Retail</u>	<u>5995</u>	<u>3</u>

<u> </u>	<u>Wholesale</u>	<u>5048</u>	<u>2</u>
<u>Optometrist</u>		<u>8042</u>	<u>7</u>
<u>Osteopathic, physicians and clinics</u>		<u>8031</u>	<u>7</u>
<u>P</u>			
<u>Packing house, cold storage</u>		<u>4222</u>	<u>3</u>
<u>Paging service, electronic</u>		<u>4812</u>	<u>8</u>
<u>Paint</u>			
<u> </u>	<u>Manufacture</u>	<u>2851</u>	<u>4</u>
<u> </u>	<u>Retail</u>	<u>5231</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5198</u>	<u>2</u>
	<u>Contractor/wallpaper hangers</u>	<u>1721</u>	<u>8</u>
<u>Paper and allied products</u>			
<u> </u>	<u>Manufacture</u>	<u>2621</u>	<u>3</u>
<u> </u>	<u>Retail</u>	<u>5943</u>	<u>3</u>
<u> </u>	<u>Wholesale</u>	<u>5113</u>	<u>2</u>
<u>Parcel delivery company</u>		<u>4215</u>	<u>3</u>
<u>Parking lots and garages</u>		<u>7521</u>	<u>3</u>
<u>Parking spaces, trailer park</u>		<u>6515</u>	<u>7</u>
<u>Party shop</u>		<u>5411</u>	<u>1</u>
<u>Pawnbrokers, (South Carolina Certificate of Authority and Precious Metals Permit required)</u>		<u>5932</u>	<u>8</u>
<u>Peanut and popcorn stands</u>		<u>5441</u>	<u>1</u>
<u>Peddlers, all types</u>		<u>5963</u>	<u>8</u>
<u>Personal holding company</u>		<u>6719</u>	<u>7</u>
<u>Personal services, miscellaneous</u>		<u>7299</u>	<u>6</u>
<u>Personnel supply services</u>		<u>7361</u>	<u>5</u>
<u>Personnel, management consultants</u>		<u>8742</u>	<u>7</u>
<u>Pest control - exterminators</u>		<u>7342</u>	<u>5</u>
<u>Pet</u>			
<u> </u>	<u>Grooming, kennel, boarding, training</u>	<u>0752</u>	<u>3</u>
<u> </u>	<u>Shop</u>	<u>5999</u>	<u>3</u>

<u>Pharmacy</u>	<u>5912</u>	<u>3</u>
<u>Photocopying</u>	<u>7334</u>	<u>5</u>
<u>Photograph developing and retouching</u>	<u>7384</u>	<u>5</u>
<u>Photographer</u>		
— <u>Commercial</u>	<u>7335</u>	<u>5</u>
— <u>Portraits</u>	<u>7221</u>	<u>6</u>
<u>Photo supply store - retail</u>	<u>5946</u>	<u>3</u>
<u>Physical fitness center</u>	<u>7991</u>	<u>3</u>
<u>Physician</u>	<u>8011</u>	<u>7</u>
<u>Piano tuner</u>	<u>7699</u>	<u>4</u>
<u>Pianos - retail</u>	<u>5736</u>	<u>2</u>
<u>Pictures or picture frames - retail</u>	<u>5999</u>	<u>3</u>
<u>Plating, silver etc.</u>	<u>3471</u>	<u>2</u>
<u>Plumbing</u>		
— <u>Contractor</u>	<u>1711</u>	<u>8</u>
— <u>Supplies and equipment</u>		
— <u>Retail</u>	<u>5211</u>	<u>2</u>
— <u>Wholesale</u>	<u>5074</u>	<u>2</u>
<u>Pool cleaning</u>	<u>7349</u>	<u>5</u>
<u>Polygraph service</u>	<u>7381</u>	<u>5</u>
<u>Printing or duplicating, all types</u>	<u>2700</u>	<u>4</u>
<u>Produce - retail and wholesale</u>	<u>5141</u>	<u>2</u>
<u>Promoters, sports and entertainment</u>	<u>7941</u>	<u>3</u>
<u>Protective services, security</u>	<u>7381</u>	<u>5</u>
<u>Public relations</u>	<u>8743</u>	<u>7</u>
<u>Publisher</u>	<u>2731</u>	<u>4</u>
<u>Pulpwood yards, wholesale</u>	<u>5099</u>	<u>2</u>
<u>Pumps</u>		
— <u>Retail</u>	<u>5999</u>	<u>3</u>
— <u>Wholesale</u>	<u>5084</u>	<u>2</u>
<u>R</u>		

<u>Radiator repairs</u>		<u>7539</u>	<u>3</u>
<u>Radio and TV</u>			
--	<u>Retail</u>	<u>5731</u>	<u>2</u>
--	<u>Rental or lease</u>	<u>7359</u>	<u>5</u>
--	<u>Repairs</u>	<u>7622</u>	<u>4</u>
--	<u>Stations</u>	<u>4832</u>	<u>4</u>
--	<u>Supplies, parts, wholesale</u>	<u>5065</u>	<u>2</u>
<u>Railroad company</u>		<u>4000</u>	<u>8</u>
<u>Real estate</u>			
--	<u>Operator, lessors with more than one dwelling unit</u>	<u>651</u>	<u>7</u>
--	<u>Agent broker, realtor, manager</u>	<u>6531</u>	<u>7</u>
--	<u>Developer, subdivider</u>	<u>6552</u>	<u>7</u>
<u>Recreation center</u>		<u>7999</u>	<u>3</u>
<u>Recreation vehicle dealer - retail</u>		<u>5561</u>	<u>8</u>
<u>Refrigerators</u>			
--	<u>Retail</u>	<u>5722</u>	<u>2</u>
--	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Rehabilitation house, after care</u>		<u>8081</u>	<u>7</u>
<u>Rental property income (more than one dwelling unit)</u>		<u>6514</u>	<u>7</u>
<u>Rental service, miscellaneous, not listed</u>		<u>7359</u>	<u>5</u>
<u>Repair services, miscellaneous</u>		<u>7699</u>	<u>4</u>
<u>Reporter, stenographer, fee or commission</u>		<u>7338</u>	<u>5</u>
<u>Repossession service</u>		<u>7389</u>	<u>5</u>
<u>Representative, business</u>		<u>7389</u>	<u>5</u>
<u>Residential care - home</u>		<u>8361</u>	<u>7</u>
<u>Restaurant (without alcohol)</u>		<u>5812</u>	<u>1</u>
<u>Retail trade</u>			
--	<u>Apparel and accessories</u>	<u>5699</u>	<u>1</u>
--	<u>Building materials, hardware, farm equipment, etc.</u>	<u>5200</u>	<u>2</u>
--	<u>Food</u>	<u>5411</u>	<u>1</u>
--	<u>Furniture, home equipment</u>	<u>5712</u>	<u>2</u>

<u> </u>	<u>General merchandise</u>	<u>5399</u>	<u>1</u>
<u> </u>	<u>Miscellaneous, not listed</u>	<u>5999</u>	<u>3</u>
<u>Retirement center</u>		<u>8361</u>	<u>7</u>
<u>Riding school, academy</u>		<u>7999</u>	<u>3</u>
<u>Roofing</u>			
<u> </u>	<u>Contractor</u>	<u>1761</u>	<u>8</u>
<u> </u>	<u>Manufacture</u>	<u>2952</u>	<u>3</u>
<u> </u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5033</u>	<u>2</u>
<u>Rooming house</u>		<u>7021</u>	<u>2</u>
<u>Rubber – related products – manufacture</u>		<u>3069</u>	<u>2</u>
<u> </u>	<u>Stamps – manufacture</u>	<u>3999</u>	<u>2</u>
<u> </u>	<u>Stamps – retail</u>	<u>5999</u>	<u>3</u>
<u>Rug cleaning</u>		<u>7217</u>	<u>6</u>
<u>Rugs and carpets – retail</u>		<u>5713</u>	<u>2</u>
<u>S</u>			
<u>Safes – dealer or agent</u>		<u>5044</u>	<u>2</u>
<u>Sales, door-to-door or by telephone</u>		<u>5963</u>	<u>8</u>
<u>Sales engineer</u>		<u>7389</u>	<u>5</u>
<u>Sales office. See heading under product</u>			
<u>Sales promotion</u>		<u>7389</u>	<u>5</u>
<u>Sand</u>			
<u> </u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u> </u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Sandwiches</u>			
<u> </u>	<u>Manufacture and wholesale</u>	<u>5149</u>	<u>2</u>
<u> </u>	<u>Retail</u>	<u>5812</u>	<u>1</u>
<u>Sanitarium</u>		<u>8051</u>	<u>7</u>
<u>Satellite antenna - sales and installation - household</u>		<u>5731</u>	<u>2</u>
<u>Satellite master antenna systems - services</u>		<u>4841</u>	<u>4</u>
<u>Sausage factory</u>		<u>2013</u>	<u>2</u>

<u>Saw mill, planning mill</u>		<u>2421</u>	<u>3</u>
<u>Saws - wholesale</u>		<u>5072</u>	<u>2</u>
<u>Scales</u>			
<u>—</u>	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5046</u>	<u>2</u>
<u>School</u>			
<u>—</u>	<u>Acting</u>	<u>8299</u>	<u>7</u>
<u>—</u>	<u>Dance</u>	<u>7911</u>	<u>3</u>
<u>—</u>	<u>Educational or vocational</u>	<u>8200</u>	<u>7</u>
<u>—</u>	<u>Supplies and books - retail</u>	<u>5943</u>	<u>3</u>
<u>—</u>	<u>Supplies and desks - wholesale</u>	<u>5021</u>	<u>2</u>
<u>Scrap Yards - wholesale</u>		<u>5093</u>	<u>8</u>
<u>Screens, doors, windows</u>			
<u>—</u>	<u>Manufacture</u>	<u>2431</u>	<u>3</u>
<u>—</u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5051</u>	<u>2</u>
<u>Secondhand goods, all types</u>		<u>5932</u>	<u>3</u>
<u>Secretarial service</u>		<u>7338</u>	<u>5</u>
<u>Security and guard services</u>		<u>7381</u>	<u>5</u>
<u>Seeds - retail</u>		<u>5261</u>	<u>2</u>
<u>Sewer pipe - wholesale</u>		<u>5032</u>	<u>2</u>
<u>Sewing machines</u>			
<u>—</u>	<u>Manufacture</u>	<u>3634</u>	<u>3</u>
<u>—</u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Shipyards</u>		<u>3731</u>	<u>2</u>
<u>Shirts, manufacture</u>		<u>2326</u>	<u>2</u>
<u>Shoes</u>			
<u>—</u>	<u>Repair</u>	<u>7251</u>	<u>6</u>
<u>—</u>	<u>Retail</u>	<u>5661</u>	<u>1</u>
<u>—</u>	<u>Wholesale</u>	<u>5139</u>	<u>2</u>

<u>Shooting gallery</u>	<u>7999</u>	<u>3</u>
<u>Shopping centers leasing</u>	<u>6512</u>	<u>1</u>
<u>Shopping service for individuals</u>	<u>7299</u>	<u>6</u>
<u>Shuffleboards</u>	<u>7999</u>	<u>3</u>
<u>Sightseeing buses</u>	<u>4141</u>	<u>5</u>
<u>Sign painter</u>	<u>7389</u>	<u>5</u>
<u>Signs, erecting</u>	<u>1799</u>	<u>8</u>
<u>Silver and gold dealers – retail</u>	<u>5944</u>	<u>3</u>
<u>Skating rink – ice or rollerskate</u>	<u>7999</u>	<u>3</u>
<u>Soap</u>		
<u>— Manufacture</u>	<u>2841</u>	<u>4</u>
<u>— Wholesale</u>	<u>5122</u>	<u>2</u>
<u>Soda fountain</u>	<u>5812</u>	<u>1</u>
<u>Soda fountain supplies – wholesale</u>	<u>5145</u>	<u>2</u>
<u>Soda water – wholesale</u>	<u>5145</u>	<u>2</u>
<u>Soft drinks – wholesale</u>	<u>5145</u>	<u>2</u>
<u>Soft drink stands – retail</u>	<u>5812</u>	<u>1</u>
<u>Solicitor (see peddler)</u>	<u>5963</u>	<u>8</u>
<u>Spa – health club</u>	<u>7991</u>	<u>3</u>
<u>Sporting goods</u>		
<u>— Retail</u>	<u>5941</u>	<u>3</u>
<u>— Wholesale</u>	<u>5091</u>	<u>2</u>
<u>Stable, feed, boarding or sales</u>	<u>7999</u>	<u>3</u>
<u>Stamp shop – retail (philatelist)</u>	<u>5999</u>	<u>3</u>
<u>Stationery, including books</u>	<u>5943</u>	<u>3</u>
<u>Statuary – retail</u>	<u>5999</u>	<u>3</u>
<u>Steam, heating and cooling contractor</u>	<u>1711</u>	<u>8</u>
<u>Stenographer, fee or commission</u>	<u>7338</u>	<u>5</u>
<u>Stevedoring</u>	<u>4491</u>	<u>3</u>
<u>Stock broker or dealer</u>	<u>6211</u>	<u>5</u>
<u>Stone, clay, glass products – manufacture</u>	<u>3299</u>	<u>2</u>

<u>Stoves</u>			
<u>--</u>	<u>Repair</u>	<u>7699</u>	<u>4</u>
<u>--</u>	<u>Retail</u>	<u>5722</u>	<u>2</u>
<u>--</u>	<u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>--</u>	<u>Manufacture</u>	<u>3631</u>	<u>3</u>
<u>Sugar - wholesale</u>		<u>5149</u>	<u>2</u>
<u>Surgical instruments - wholesale</u>		<u>5047</u>	<u>2</u>
<u>Surveyor</u>		<u>8713</u>	<u>7</u>
<u>Sweeping service, road, bridges, etc...</u>		<u>4959</u>	<u>6</u>
<u>Swimming pool contractor</u>		<u>1799</u>	<u>8</u>
<u>T</u>			
<u>Tailor, custom - retail</u>		<u>5699</u>	<u>1</u>
<u>Tailor shop - repair</u>		<u>7219</u>	<u>6</u>
<u>Talent agent</u>		<u>7399</u>	<u>5</u>
<u>Tanning salon</u>		<u>7299</u>	<u>6</u>
<u>Tape recorders - retail</u>		<u>5731</u>	<u>2</u>
<u>Tapes, music - retail</u>		<u>5735</u>	<u>2</u>
<u>Tavern</u>		<u>5813</u>	<u>8</u>
<u>Tax service</u>		<u>7291</u>	<u>6</u>
<u>Taxi cab</u>		<u>4121</u>	<u>7</u>
<u>Taxidermist</u>		<u>7699</u>	<u>4</u>
<u>Tea, coffee - retail</u>		<u>5499</u>	<u>1</u>
<u>Telegraph or signal company agent</u>		<u>4822</u>	<u>4</u>
<u>Telephone</u>			
<u>--</u>	<u>Answering service</u>	<u>7389</u>	<u>5</u>
<u>--</u>	<u>Beeper service, radio pager</u>	<u>4812</u>	<u>8</u>
<u>--</u>	<u>Billing services</u>	<u>7389</u>	<u>5</u>
<u>--</u>	<u>Communication services (based on gross receipts</u>		
<u>--</u>	<u>billed to customers within the county)</u>	<u>4811</u>	<u>8</u>
<u>--</u>	<u>Company</u>	<u>481</u>	<u>8</u>
<u>--</u>	<u>Directories, distribution</u>	<u>7389</u>	<u>5</u>

—	<u>Equipment leasing</u>	<u>7359</u>	<u>5</u>
—	<u>Equipment sales - retail</u>	<u>5999</u>	<u>3</u>
—	<u>Installation</u>	<u>1731</u>	<u>8</u>
—	<u>Maintenance</u>	<u>7629</u>	<u>4</u>
—	<u>Paging service, electronic</u>	<u>4812</u>	<u>8</u>
—	<u>Pay phones, public</u>	<u>7389</u>	<u>5</u>
—	<u>Solicitation service</u>	<u>7389</u>	<u>5</u>
<u>Television</u>			
—	<u>Broadcast station</u>	<u>4833</u>	<u>4</u>
—	<u>Closed circuit system</u>	<u>4841</u>	<u>4</u>
—	<u>CATV</u>	<u>Franchise</u>	
<u>Pay TV</u>		<u>Franchise</u>	
<u>Television and VCR</u>			
—	<u>Rent or lease</u>	<u>7359</u>	<u>5</u>
—	<u>Repair</u>	<u>7622</u>	<u>4</u>
—	<u>Tape rental</u>	<u>7841</u>	<u>3</u>
<u>Temporary employment agency</u>		<u>7363</u>	<u>5</u>
<u>Tents</u>			
—	<u>Manufacture</u>	<u>2394</u>	<u>2</u>
—	<u>Repair</u>	<u>7699</u>	<u>4</u>
—	<u>Retail</u>	<u>5999</u>	<u>3</u>
<u>Textile Mill, fiber, fabric or goods production, dyeing, finishing, printing</u>		<u>2200</u>	<u>2</u>
<u>Theater</u>			
—	<u>Motion picture</u>	<u>7832</u>	<u>3</u>
—	<u>Stage</u>	<u>7922</u>	<u>3</u>
<u>Theatrical or night club act, agent</u>		<u>7922</u>	<u>3</u>
<u>Ticket agent, bureau</u>		<u>7922</u>	<u>3</u>
<u>Tile</u>			
—	<u>Contractor</u>	<u>1743</u>	<u>8</u>
—	<u>Manufacture</u>	<u>3253</u>	<u>2</u>

<u>—</u>	<u>Retail</u>	<u>5211</u>	<u>2</u>
<u>—</u>	<u>Wholesale</u>	<u>5032</u>	<u>2</u>
<u>Tin and metal shop, repair only</u>		<u>7699</u>	<u>4</u>
<u>Tires, recapping</u>		<u>7534</u>	<u>3</u>
<u>Tobacco products</u>			
<u>—</u>	<u>Manufacture</u>	<u>21</u>	<u>7</u>
<u>—</u>	<u>Retail</u>	<u>5993</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5194</u>	<u>2</u>
<u>Tour buses</u>		<u>4141</u>	<u>5</u>
<u>Tourist guides</u>		<u>7999</u>	<u>3</u>
<u>Towel service and rental - uniforms, rags, etc.</u>		<u>7213</u>	<u>6</u>
<u>Toys</u>			
<u>—</u>	<u>Retail</u>	<u>5945</u>	<u>3</u>
<u>—</u>	<u>Wholesale</u>	<u>5092</u>	<u>2</u>
<u>Tractors. See industrial and farm machinery</u>			
<u>Trade shows</u>			
<u>—</u>	<u>Promoters</u>	<u>7389</u>	<u>5</u>
<u>—</u>	<u>Sales (see peddlers)</u>	<u>5963</u>	<u>8</u>
<u>Trading stamps, dealers or companies</u>		<u>7389</u>	<u>5</u>
<u>Trailer parks</u>		<u>6515</u>	<u>7</u>
<u>Transportation - Equipment - manufacture</u>		<u>3799</u>	<u>2</u>
<u>—</u>	<u>Freight agent, broker</u>	<u>4731</u>	<u>1</u>
<u>—</u>	<u>Mobile unit handicapped, nursing care</u>	<u>4119</u>	<u>5</u>
<u>Travel - agency, bureau - domestic and foreign</u>		<u>4724</u>	<u>1</u>
<u>—</u>	<u>Ticket office not operated by transportation company</u>	<u>4729</u>	<u>1</u>
<u>—</u>	<u>Tour operator</u>	<u>4725</u>	<u>1</u>
<u>Tree trimming, arborist</u>		<u>0783</u>	<u>3</u>
<u>Trophy shop</u>		<u>5999</u>	<u>3</u>
<u>Truck and auto rental or leasing</u>		<u>7513</u>	<u>3</u>
<u>Trucking or hauling, local (without storage)</u>		<u>4212</u>	<u>3</u>
<u>Trusses, dealers</u>		<u>5999</u>	<u>3</u>

<u>Tuxedo rental</u>	<u>7299</u>	<u>6</u>
<u>Typesetting</u>	<u>2791</u>	<u>4</u>
<u>Typewriters and office machines</u>		
-- <u>Retail</u>	<u>5999</u>	<u>3</u>
-- <u>Wholesale</u>	<u>5044</u>	<u>2</u>
<u>Typing service</u>	<u>7338</u>	<u>5</u>
<u>U</u>		
<u>Uniform rental</u>	<u>7299</u>	<u>6</u>
<u>Uniform supply service</u>	<u>7213</u>	<u>6</u>
<u>Upholstery shop</u>	<u>7641</u>	<u>4</u>
<u>V</u>		
<u>Vacuum cleaners</u>		
-- <u>Retail</u>	<u>5722</u>	<u>2</u>
-- <u>Wholesale</u>	<u>5064</u>	<u>2</u>
<u>Variety store</u>	<u>5331</u>	<u>1</u>
<u>Vehicles. See heading under type</u>		
<u>Vending machines</u>		
-- <u>Sale of products</u>	<u>5962</u>	<u>8</u>
-- <u>Wholesale</u>	<u>5046</u>	<u>2</u>
<u>Veterinarian</u>	<u>0742</u>	<u>3</u>
<u>Video poker, coin-operated machines</u>	<u>7993</u>	<u>8</u>
<u>Video tape</u>		
-- <u>Rental</u>	<u>7841</u>	<u>3</u>
-- <u>Sales - retail</u>	<u>5735</u>	<u>2</u>
<u>Vinyl siding - installation</u>	<u>1761</u>	<u>8</u>
<u>W</u>		
<u>Wall paper</u>		
-- <u>Retail</u>	<u>5231</u>	<u>2</u>
-- <u>Wholesale</u>	<u>5198</u>	<u>2</u>
<u>Warehouse and storage</u>	<u>4225</u>	<u>3</u>
<u>Washing cars</u>	<u>7542</u>	<u>3</u>

<u>Washing machines - retail</u>	<u>5722</u>	<u>2</u>
<u>Waste paper and rags - wholesale</u>	<u>5093</u>	<u>2</u>
<u>Watchmaker - repairs</u>	<u>7631</u>	<u>4</u>
<u>Water or steam hose - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Water transportation services</u>	<u>4400</u>	<u>3</u>
<u>Waterbeds retail</u>	<u>5712</u>	<u>2</u>
<u>Weather stripping</u>		
<u> Installation</u>	<u>1799</u>	<u>8</u>
<u> Retail</u>	<u>5211</u>	<u>2</u>
<u>Weight control - reducing facilities</u>	<u>7991</u>	<u>2</u>
<u>Welding shop</u>	<u>7692</u>	<u>4</u>
<u>Welding supplies - wholesale</u>	<u>5085</u>	<u>2</u>
<u>Wholesalers - not otherwise listed:</u>		
<u> Durable goods</u>	<u>5099</u>	<u>2</u>
<u> Nondurable goods</u>	<u>5199</u>	<u>2</u>
<u>Wigs</u>		
<u> Retail</u>	<u>5699</u>	<u>1</u>
<u> Wholesale</u>	<u>5199</u>	<u>2</u>
<u>Window cleaning service</u>	<u>7349</u>	<u>5</u>
<u>Women's wearing apparel, retail</u>	<u>5611</u>	<u>1</u>
<u>Wood sawyer, sawing wood by machinery</u>	<u>2421</u>	<u>3</u>
<u>Woodenware - retail</u>	<u>5999</u>	<u>3</u>
<u>Woolen mill</u>	<u>2282-4</u>	<u>2</u>
<u>Wrecker, towing service</u>	<u>7549</u>	<u>3</u>
<u>Wrecking buildings</u>	<u>1795</u>	<u>8</u>
<u>X</u>		
<u>X-ray laboratories</u>	<u>8071</u>	<u>7</u>
<u>X-ray machines - wholesale</u>	<u>5047</u>	<u>2</u>
<u>Y</u>		
<u>Yacht basins - operation</u>	<u>4493</u>	<u>3</u>
<u>Yacht clubs</u>	<u>7997</u>	<u>3</u>

<u>Yacht sales</u>	<u>5551</u>	<u>8</u>
<u>Yard cleaning</u>	<u>0782</u>	<u>3</u>
<u>Yard goods</u>		
— <u>Retail</u>	<u>5949</u>	<u>3</u>
— <u>Wholesale</u>	<u>5131</u>	<u>2</u>
<u>Yarn</u>		
— <u>Manufacture</u>	<u>2281</u>	<u>2</u>
— <u>Retail</u>	<u>5949</u>	<u>3</u>
<u>Yogurt</u>		
— <u>Manufacture</u>	<u>2024</u>	<u>2</u>
— <u>Retail shop, stand</u>	<u>5812</u>	<u>1</u>
— <u>Wholesale</u>	<u>5143</u>	<u>2</u>

Sec. 18-69. Lawful employment.**(1) Definitions.**

(a) When used in this section, the following words, terms and phrases shall have the meanings ascribed to them herein and shall be construed so as to be consistent with state and federal law, including federal immigration law;

1. *Business* and *business entity* shall have the same meaning as provided in Beaufort County Ordinance [Code] section 18-47.
2. *County* means the County of Beaufort, South Carolina.
3. *Employee* shall have the same meaning as in 8 C.F.R. § 274a.1(f).
4. *Employment* shall have the same meaning as in 8 C.F.R. § 274a.1(h).
5. *Independent contractor* shall have the same meaning as in 8 C.F.R. § 274a.1(j).
6. *Licensee* means both applicants for and current holders of Beaufort County business licenses.
7. *Unauthorized alien* shall have the same meaning as 8 U.S.C. § 1324(h)(3). The county shall not conclude that a person is an unauthorized alien unless and until an authorized representative of the county has verified with the federal government, pursuant to United States Code Title 8, subsection 1373(c), the person's authorization to work.

(2) Information, education and assistance.**(a) Employment of unauthorized aliens is unlawful.**

1. Pursuant to 8 U.S.C. § 1324a, it is unlawful for a person or other entity to recruit, hire, or continue to hire any person who is an unauthorized alien for employment in the United States.
2. Every business or person that applies for a business license to engage in any type of work in the county shall attest under penalty of perjury, on a form designated by the county, that the licensee does not knowingly utilize the services of, engage or hire any person who is an unauthorized alien.
3. Upon request, the county will provide a business license applicant or licensee with information pertaining to the requirements of federal law regarding the unlawful employment of unauthorized aliens and unfair immigration-related employment practices.

(b) Unlawful discrimination.

1. The Federal Immigration and Nationality Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended, the South Carolina Human Affairs Law, as amended, the South Carolina Unfair Trade Practices Act, as amended, among other federal and state laws and regulations prohibit employment discrimination.
2. Employers must treat all employees uniformly when completing employment eligibility verification documents. Employers may not set different employment eligibility verification standards for different groups of employees.
3. An allegation of discrimination may be filed by an individual who believes he or she is the victim of employment discrimination by contacting the appropriate state and federal agencies. The Beaufort County Business License Department provides a list of state and federal agencies authorized to accept and investigate complaints alleging employment discrimination.

(3) Enforcement.

(a) *[Business license division to enforce.]* The County of Beaufort Business License Division shall enforce the requirements of this section.

(b) Investigation.

1. An investigation will commence if an inspection or audit performed pursuant to Beaufort County Ordinance [Code] section 18-57 shows that the licensee does not meet the documentation requirements contained in 8 U.S.C. § 1324a for persons employed in Beaufort County. However, pursuant to the notice requirements provided by federal law, licensees shall be allowed three days to produce employment verification documents required under 8 C.F.R. § 274a(b)(2)(ii).
2. If the licensee fails to produce the required documentation to the business license division, the business licensing division will commence an enforcement action against the licensee.

3. If upon production and review of the required documentation, the business license division obtains verification information pursuant to 8 U.S.C. § 1373 evidencing the licensee's employment of an unauthorized alien, the business license division will notify the licensee.

(c) *Notice.*

1. Upon the commencement of an enforcement action, the business license division shall provide the licensee with written notice of the findings and notice of further action including, but not limited to possible suspension of the licensee's business license under Beaufort County Ordinance [Code] section 18-62.

2. Notice shall be sent to the licensee by United States mail.

(d) *Additional information.*

1. Upon receipt of notice of the enforcement action, the licensee may submit to the business license division any additional documentation to support that the alleged unauthorized alien is authorized to work in the United States.

2. Licensee shall file all additional documentation with the division within 15 business days from the date of notice, unless an extension up to 45 working days is requested and granted. During this period, the licensee's business license shall remain unaltered.

(e) *Suspension of license.*

1. If upon the expiration of the period referred to in subsection (3)(d)2., the licensee fails to provide additional documentation or if the License Official ~~inspector~~ finds the additional documentation does not meet the requirements of 8 U.S.C. § 1324a, the licensee shall be subject to license suspension as provided in Beaufort County Ordinance [Code] section 18-62.

2. However, the licensee's license shall not be subject to suspension or revocation if licensee produces evidence of compliance with the safe harbor provision under 8 U.S.C. § 1324a(a)(3).

(f) *Appeal.* Appeal of the business license division's findings and the suspension of a license is available as provided under Beaufort County Ordinance [Code] section 18-63.

(4) *Applicability and effective date.*

(a) This section shall become effective on January 1, 2008.

(b) The business license division is authorized to adopt guidelines, policies and procedures to implement this section.

(Ord. No. 2006/31, §§ 2--5, 12-27-2006)

Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Section 18-70 Applicability and Effective Date.

A. This Ordinance shall become effective on

B. The Business License Department is authorized to adopt guidelines, policies and procedures to implement this Ordinance.

Section 18-71 Severability.

If any part of the Ordinance is held by a court of competent jurisdiction be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person,

group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Adopted this ____ day of _____, 2009.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

- First Reading:
- Second Reading:
- Public Hearing:
- Third and Final Reading

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Findings and Determinations. The County Council (the "County Council"), of Beaufort County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, and the results of a referendum held in accordance therewith, the Council-Administrator form of government was adopted and the County Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding its applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) The assessed value of all the taxable property in the County as of June 30, 2009, is \$1,794,765,540. Eight percent of the assessed value is \$143,581,243. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$91,492,866 which includes the Bonds to be Refunded (hereinafter defined). Thus, the County may incur not exceeding \$52,088,377 of additional general obligation debt within its applicable debt limitation.

(f) Pursuant to constitutional and statutory authorizations and Ordinance No. 2002-1 duly enacted by the County Council on January 14, 2002 (the "2002 Ordinance"), the County issued its \$25,100,000 General Obligation Bonds, Series 2002, dated March 1, 2002 (the "Series 2002 Bonds").

(g) The 2002 Bonds are subject to the 8% constitutional debt limit. The difference between the outstanding principal amount of the maturities to be refunded of the 2002 Bonds and the amount needed to refund the certain maturities of the 2002 Bonds will also count against the County's 8% constitutional debt limit.

(h) Sections 11-21-10 to 11-21-80 of the Code of Laws of South Carolina 1976, as amended, empower any "public agency" to utilize the provisions of Article 5, Chapter 15, Title 11 (the "Refunding Act") of the Code of Laws of South Carolina 1976, as amended, to effect the refunding of any outstanding general obligation bonds.

(i) The Series 2002 Bonds are currently outstanding in the amount of \$11,505,000. The Series 2002 Bonds maturing on or after February 1, 2013, are subject to redemption at the option of the County on or after February 1, 2012, in whole or in par at any time, at a redemption price of par together with the interest accrued thereon to the date fixed for redemption.

(j) Based on current market conditions and projected savings, the County Council finds that it is in the best interest of the County to effect a refunding of certain maturities of the Series 2002 Bonds (the "Bonds to be Refunded") because a savings can be effected through the refunding of such Series 2002 Bonds. The County Council recognizes, however, that current market conditions may change and that, as of the date of enactment of this Ordinance, a determination cannot be made as to the amount of such savings, if any, realized through the refunding of the Bonds to be Refunded and that certain authority relating to such refunding is delegated to the County Administrator and/or his lawfully-authorized designee through this Ordinance. Because the Refunding Act requires that refunding bonds be sold at public sale, there can be no assurance that market conditions at the time of such sale will be similar to the prevailing rates on the date of the enactment of this Ordinance. If the rates of interest on the refunding bonds authorized by this Ordinance do not result in satisfactory debt service savings, the County Council, through the authority delegated to the Interim County Administrator and/or his lawfully-authorized designee, will be empowered to reject bids for the purchase of the refunding bonds.

(k) It is now in the best interest of the County for County Council to provide for the issuance and sale of not exceeding \$9,000,000 principal amount general obligation refunding bonds of the County to provide funds for (i) refunding the Bonds to be Refunded; (ii) costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$9,000,000 aggregate principal amount of general obligation refunding bonds of the County to be designated "\$9,000,000 (or such lesser amount issued) General Obligation Refunding Bonds (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purpose set forth in Section 1(k) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2002 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

Upon the delivery of the Bonds, the principal proceeds thereof, less issuance expenses, shall be deposited with an escrow agent to be named (the "Escrow Agent") and held by it under a written refunding trust agreement between the Escrow Agent and the County (the "Refunding Trust Agreement") in an irrevocable trust account. It shall be the duty of such Escrow Agent to keep such proceeds invested and reinvested to the extent that it shall be practical in obligations of the United States or any agency thereof and to apply the principal and interest of the trust so established in the manner prescribed in such Refunding Trust Agreement.

The County Administrator and/or his lawfully-authorized designee are hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Bonds to the initial purchasers thereof.

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the Interim County Administrator and/or his lawfully-authorized designee in accordance with the 2002 Ordinance.

The Bonds shall be issued as fully registered bonds registrable as to principal and interest; shall be dated their date of delivery to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; shall be subject to redemption if such provision is in the best interest of the County; shall be numbered from R-1 upward; shall bear interest from their date payable at such times as hereinafter designated by the County Administrator and/or his lawfully-authorized designee at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the County Administrator and/or his lawfully-authorized designee.

Within twenty-four (24) hours after the receipt of bids, the County Administrator is hereby authorized to designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

SECTION 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The County Council hereby delegates to the County Administrator or his lawfully-authorized designee the authority to determine: (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) the authority to receive bids on behalf of the County Council; (f) the Registrar/Paying Agent for the Bonds, and (g) the authority to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

After the sale of the Bonds, the County Administrator and/or his lawfully-authorized designee shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully registered Bond or Bonds, of the same aggregate principal amount, interest rate, and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 5. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the giving of notice of redemption of bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in

exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chairman of the County Council attested by the manual or facsimile signature of the Clerk to the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of enactment of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 9. Security for Bonds. The full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Council shall give the County Auditor and County Treasurer written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit B, having been published in *The Island Packet* and *The Beaufort Gazette*, newspapers of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 11. Initiative and Referendum. The County Council hereby delegates to the County Administrator and/or his lawfully-authorized designee the authority to determine whether the Notice prescribed under the provisions of Section 5 of Title 11, Chapter 27 of the Code relating to the initiative and referendum provisions contained in Title 4, Chapter 9, Article 13 of the Code shall be given with respect to this Ordinance. If said Notice is given, the County Administrator and/or his lawfully-authorized designee are authorized to cause such Notice to be published in a newspaper of general circulation in the County, in substantially the form attached hereto as Exhibit C.

SECTION 12. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina 1976, as amended, from all State, county, municipal, County and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

SECTION 14. Book-Entry System. The Bonds initially issued (the "Initial Bonds") will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York ("DTC"), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate, and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 8 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 15. Sale of Bonds, Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the County Administrator and/or his lawfully-authorized designee. A Notice of Sale in substantially the form set forth as Exhibit D attached hereto and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

SECTION 16. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the County Administrator and/or his lawfully-authorized designee to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The County Council authorizes the County Administrator to designate the Preliminary Official Statement as "final" for purposes of Rule 15c2-12 of the Securities Exchange Commission. The County Administrator and/or his lawfully-authorized designee are further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 17. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of the annual financial report of the County within thirty (30) days from the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which adversely affects more than five (5%) percent of the revenues of the County or the County's tax base.

SECTION 18. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the "Rule") the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit E attached to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by this Ordinance.

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds necessary to refund the Bonds to be Refunded shall be deposited with the Escrow Agent pursuant to the terms of the Refunding Trust Agreement. The remaining proceeds, if any, shall be deposited with the

County Treasurer in a special fund to the credit of the County and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds.

SECTION 20. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

SECTION 21. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and Ross, Sinclair & Associates, LLC, as financial advisor in connection with the issuance of the Bonds. The County Administrator is further authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions, and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its enactment.

Enacted this ____ day of September, 2010.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: August 9, 2010

Second Reading:

Public Hearing:

Third and Final Reading:

2010 / _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING A LOAN OF HOSPITALITY TAX FUNDS TO HERITAGE CLASSIC FOUNDATION FOR THE PROCUREMENT OF THE 2011 PGA HERITAGE GOLF TOURNAMENT TO BE HELD ON HILTON HEAD ISLAND, SOUTH CAROLINA

WHEREAS, by action previously taken, the County Council of Beaufort County, South Carolina, which is the governing body of Beaufort County, South Carolina (hereinafter called the "County Council"), ordered that a public hearing on the question of the loaning of Hospitality Tax Funds to Heritage Classic Foundation ("Foundation") for the purpose of procuring the 2011 PGA Heritage Golf Tournament ("Tournament") to be held on Hilton Head Island in the amount of One Million Dollars (\$1,000,000.00) be held in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina, on Monday, September 13, 2010, and notice of such hearing has been duly published once a week for three successive weeks in The Beaufort Gazette, a newspaper of general circulation in Beaufort County and The Island Packet; and

NOW, THEREFORE, BE IT ORDAINED, by the County Council in a meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preamble of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on _____, 2010, it is found and determined that Beaufort County should be authorized to loan Heritage Classic Foundation One Million Dollars (\$1,000,000.00).

Section 3. The County Council hereby authorizes Beaufort County to prepare a Promissory Note in the amount of One Million Dollars (\$1,000,000.00) for the benefit of

Section 4. The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

DONE AT BEAUFORT, SOUTH CAROLINA, this ____ day of _____, 2010.

Chairman
Beaufort County Council

(SEAL)

Attest:

Clerk
Beaufort County Council

First Reading, By Title Only: August 9, 2010
Second Reading
Public Hearing:
Third and Final Reading:

(C) No Waiver by Note Holder. Even if, at a time when Debtor is in default, the Note Holder does not require Debtor to pay immediately in full as described above, the Note Holder will still have the right to do so if Debtor is in default at a later time.

(D) Payment of Note Holder's Costs and Expenses. If the Note Holder has required Debtor to pay immediately in full as described above, the Note Holder will have the right to be paid back by Debtor for all its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. Those expenses include, but may not be limited to, for example, reasonable attorneys' fees and/or court costs.

5. **GIVING OF NOTICES.** Unless applicable law requires a different method, any notice that must be given to Debtor under this Note will be given by delivering it or by mailing it by first class mail to the Business Address above or at a different address if Debtor gives the Note Holder a notice of Debtor's different address.

Any notice that must be given to the Note Holder under this note will be given by mailing it by first class mail to the Note Holder at the address stated in Section 2(A) above or at a different address if Debtor is given a notice of that different address.

6. **WAIVERS.** Debtor and any other person, who has obligations under this Note, waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note Holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

WITNESS, the hand and seal of the undersigned Debtor on this ____ day of _____, 2010.

WITNESSES:

DEBTOR:

HERITAGE CLASSIC FOUNDATION, a
South Carolina non-profit corporation

By: _____

Name: _____

Title: _____

COUNTY COUNCIL OF BEAUFORT COUNTY

**ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228**

TELEPHONE: (843) 255-2180

FAX: (843) 255-9401

www.bcgov.net

**WM. WESTON J. NEWTON
CHAIRMAN**

**D. PAUL SOMMERVILLE
VICE CHAIRMAN**

COUNCIL MEMBERS

**STEVEN M. BAER
RICK CAPOALE
GERALD DAWSON
BRIAN E. FLEWELLING
HERBERT N. GLAZE
WILLIAM L. MCBRIDE
STEWART H. RODMAN
GERALD W. STEWART
LAURA VON HARTEN**

**GARY KUBIC
COUNTY ADMINISTRATOR**

**BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR**

**LADSON F. HOWELL
COUNTY ATTORNEY**

**SUZANNE M. RAINEY
CLERK TO COUNCIL**

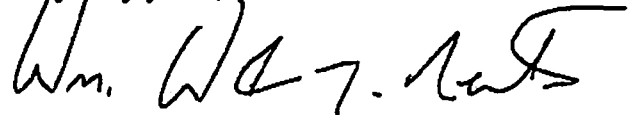
August 13, 2010

**Mr. Len Brown
PGA Tour
112 PGA Tour Blvd.
Ponte Vedra Beach, FL 32082**

Dear Mr. Brown:

Beaufort County has committed a \$1,000,000.00 loan to Heritage Classic Foundation. The money is available upon the request of the Heritage Classic Foundation to meet its obligations to the PGA Tour as the host sponsor for the 2011 Heritage Golf Tournament.

Very truly yours,



**Wm. Weston J. Newton
Chairman**

WWJN/jh

**cc: Gary Kubic, County Administrator
Bryan Hill, Deputy County Administrator**

RESOLUTION

In accordance with Section I of Ordinance 2010/11 County Council of Beaufort County hereby adopts the following millage rates for Fiscal Year 2010/2011:

	<u>As Adopted</u> ¹	<u>As Revised</u>
County Operations	40.21	40.21
Purchase of Real Property Program	2.76	2.76
County Debt Service	4.57	4.57
Bluffton Fire District Operations	19.67	19.67
Bluffton Fire District Debt Service	0.37	0.38
Burton Fire District Operations	55.87	55.87
Burton Fire District Debt Service	5.53	5.53
Daufuskie Island Fire District Operations	30.11	30.72
Daufuskie Island Fire District Debt Service	0.00	0.00
Lady's Island/St. Helena Fire District Operations	30.39	31.00
Lady's Island/St. Helena Fire District Debt Service	1.50	1.50
Sheldon Fire District Operations	32.09	32.22
Sheldon Fire District Debt Service	2.14	2.18

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

¹ Ordinance 2010/10, adopted June 28, 2010

Beaufort County
Tax Year 2010
Fire District Millage Analysis

With Increase	TY 2009 Millage	Increase/(Decrease)	TY 2010 Estimated Millage	Estimated Mil Value	Total Collections at 100%	Other Revenue Sources*	Total Estimated Revenues	FY 2011 Budget	Difference	Unaudited	Projected
										County Agency Fund Balance at 6/30/2010	County Agency Fund Balance at 6/30/2011
Burton Fire Operations	55.87	0.00	55.87	72,620	4,057,279	98,625	4,155,904	3,899,908	255,996	1,212,215	1,468,211
Burton Fire Debt	5.53	0.00	5.53	72,620	401,589	-	401,589	362,952	38,637	314,076	352,713
LISH Fire Operations	30.39	0.61	31.00	139,552	4,326,112	85,000	4,411,112	4,512,893	(101,781)	410,726	308,945
LISH Fire Debt	1.50	0.00	1.50	139,552	209,328	-	209,328	192,035	17,293	51,612	68,905
Bluffton Fire Operations	19.67	0.00	19.67	462,120	9,089,900	-	9,089,900	9,026,516	63,384	3,910,511	3,973,895
Bluffton Fire Debt	0.37	0.01	0.38	462,120	175,606	-	175,606	176,651	(1,045)	545,515	544,470
Sheldon Fire Operations	32.09	0.13	32.22	32,300	1,040,706	-	1,040,706	1,040,352	354	111,644	111,998
Sheldon Fire Debt	2.14	0.04	2.18	32,300	70,414	-	70,414	77,800	(7,386)	18,809	11,423
Daufuskie Fire Operations	30.11	0.60	30.71	29,182	896,179	-	896,179	926,299	(30,120)	(139,497)	(169,617)
Daufuskie Fire Debt	2.23	(2.23)	0.00	29,182	-	-	-	-	-	30,421	30,421

Without Increase	TY 2009 Millage	Increase/(Decrease)	TY 2010 Estimated Millage	Estimated Mil Value	Total Collections at 100%	Other Revenue Sources*	Total Estimated Revenues	FY 2011 Budget	Difference	Unaudited	Projected
										County Agency Fund Balance at 6/30/2010	County Agency Fund Balance at 6/30/2011
Burton Fire Operations	55.87	0.00	55.87	72,620	4,057,279	98,625	4,155,904	3,899,908	255,996	1,212,215	1,468,211
Burton Fire Debt	5.53	0.00	5.53	72,620	401,589	-	401,589	362,952	38,637	314,076	352,713
LISH Fire Operations	30.39	0.00	30.39	139,552	4,240,985	85,000	4,325,985	4,512,893	(186,908)	410,726	223,818
LISH Fire Debt	1.50	0.00	1.50	139,552	209,328	-	209,328	192,035	17,293	51,612	68,905
Bluffton Fire Operations	19.67	0.00	19.67	462,120	9,089,900	-	9,089,900	9,026,516	63,384	3,910,511	3,973,895
Bluffton Fire Debt	0.37	0.00	0.37	462,120	170,984	-	170,984	176,651	(5,667)	545,515	539,848
Sheldon Fire Operations	32.09	0.00	32.09	32,300	1,036,507	-	1,036,507	1,040,352	(3,845)	111,644	107,799
Sheldon Fire Debt	2.14	0.00	2.14	32,300	69,122	-	69,122	77,800	(8,678)	18,809	10,131
Daufuskie Fire Operations	30.11	0.00	30.11	29,182	878,670	-	878,670	926,299	(47,629)	(139,497)	(187,126)
Daufuskie Fire Debt	2.23	(2.23)	0.00	29,182	-	-	-	-	-	30,421	30,421

* - Prior year's estimates.

BCSD General Fund Expenditures
8/23

	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	5 Yr Inc
45 Day 'Enrollment (000's)	19.0	19.3	19.5	19.3	19.4	19.5	2%
GF Actual per Pupil (000's - \$)	7.0	7.7	8.0	8.5	8.8	9.0	28%
GF Actual Expenditures (M's - \$)	133	150	157	165	171	175	32%
GF Min w/ CPI & Enrollment (M's - \$)	133	140	146	150	156	162	22%
							Total
GF Actual vs Minimum (M's - \$)		9	10	15	15	13	62

BCSD Historical Tax Revenue Collections

(M's - \$)

8/23

	Budgeted	Actual	Difference	Cum	% Difference	Cum % Difference
1999	48.7	47.5	(1.2)	(1.2)	-2.5%	-2.5%
2000	58.3	60.0	1.7	0.5	2.8%	0.4%
2001	70.6	69.8	(0.8)	(0.4)	-1.2%	-0.2%
2002	72.3	74.3	2.0	1.6	2.7%	0.6%
2003	85.4	84.4	(1.0)	0.6	-1.2%	0.2%
2004	91.2	89.2	(2.0)	(1.5)	-2.2%	-0.3%
2005	95.5	98.0	2.5	1.0	2.6%	0.2%
2006	104.2	103.2	(1.1)	(0.0)	-1.0%	0.0%
2007	128.8	127.5	(1.3)	(1.3)	-1.0%	-0.2%
2008	108.3	107.2	(1.1)	(2.4)	-1.0%	-0.3%
2009	116.8	115.5	(1.3)	(3.7)	-1.1%	-0.4%
2010	113.6	111.2	(2.4)	(6.1)	-2.1%	-0.6%
	1,093.9	1,087.8	(6.1)		-0.6%	

Quick Check

	<u>Ordinance</u>	<u>District</u>
Expenditures	\$175,270,150	\$175,270,150
Other Revenues	(57,033,940)	(56,427,332)
Fund Balance	(4,102,079)	(2,781,816)
Local Taxes	<u>\$114,134,131</u>	<u>\$116,061,002</u>

	<u>Current Calculation</u>	
	<u>@ 97%</u>	<u>@ 99%</u>
Mill Value	\$1,304,561	\$1,304,561
Current Mills	90.26	90.26
Collection %	97%	99%
	<u>\$114,217,186</u>	<u>\$116,572,179</u>

School Operations Mill Value

8/23

Local Tax (M's - \$)	=	Mills	x	Mill Value (M's - \$)	Collection % (as of Aug)
--------------------------------	----------	--------------	----------	---------------------------------	------------------------------------

BoE Plan - June	114.1	92.07	1.240	95.0%
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Ordinance - June	116.1	90.26	1.286	98.6%
-------------------------	--------------	--------------	--------------	--------------

Cty & District - August			1.305	100%
------------------------------------	--	--	--------------	-------------

BoE Request - August	116.1	91.72	1.265	97.0%
-----------------------------	--------------	--------------	--------------	--------------

Fund Balance (M's - \$)	'07	'08	'09	'10
	13.3	25.2	32.6	30.4

BCSD '11 Fund Balance Overview

8/18/10

	'05	'06	'07	'08	'09
Fund Balance (M's - \$)	11.9	13.6	13.3	25.2	32.6

	'10	'11	'12	'13	'14
Expenditure % Increase					
BCSD August Proposal	2.6%	2.7%	3.6%	3.9%	3.0%
Council June Analysis		'10 / '11 AVE	2.6%	2.6%	2.6%
Fund Balance %					
BCSD August Proposal	18%	16%	13%	10%	9%
Council June Analysis		15%	10%	10%	12%
Mills					
BCSD August Proposal	90.3	92.1	94.4	96.7	100.6
Council June Analysis		90.3	92.8	99.3	101.1
Fund Balance (M's - \$)					
BCSD August Proposal	30.4	29.3	24.8	18.6	18.2
Council June Analysis		27.0	18.5	19.0	23.2

Note: Includes \$3.8M from New River TIF starting in '14 (not considered in June)

**BCSD Budget
8/18/2010**

Enrollment (000's)
45 Day
135 Day
Average

	Actual FY 04	Actual FY 05	Actual FY 06	Actual FY 07	Actual FY 08	Actual FY 09	No Incr. Projected FY 10	2% Incr. Projected FY 11	2.5% Incr. Projected FY 12	2.5% Incr. Projected FY 13	4% Incr. Projected FY 14
FY 03											
17.7	18.1	18.5	19.0	19.3	19.5	19.3	19.4	19.5			
17.6	17.9	18.4	18.7	19.2	19.2	19.1	19.3				
17.7	18.0	18.4	18.9	19.3	19.4	19.2	19.4	19.5	0.0	0.0	0.0

Positions
Teachers
Other
Total - General Fund
Total - All Funds

1,143	1,194	1,241	1,286	1,293	1,219	
686	730	742	737	780	796	
1,829	1,924	1,983	2,023	2,073	2,015	
2,353	2,379	2,373	2,481	2,340	2,271	2,257

Pupil to Employee Ratio

7.8	7.9	8.1	7.8	8.2	8.5	8.6	#DIV/0!	#DIV/0!	#DIV/0!
-----	-----	-----	-----	-----	-----	-----	---------	---------	---------

Operating Revenues (M's - \$)
General Fund*
% Increase

121.8	130.3	135.0	149.2	168.4	173.8	169.1	173.5	177.1	182.5	190.2
	7.0%	3.6%	10.5%	12.9%	3.2%	-2.7%	2.6%	2.1%	3.0%	4.2%

Operating Expenditures (M's - \$)
General Fund
Charter School
Debt Payments
Total
% Increase

121.4	127.3	133.3	149.6	156.5	164.7	168.5	172.5	178.4	185.3	190.9
						2.2	2.8	3.2	3.4	3.5
					1.7					
					166.4	170.7	175.3	181.6	188.7	194.4
	4.9%	4.7%	12.2%	4.6%	5.2%	2.3%	2.7%	3.6%	3.9%	3.0%

Expenditure / Pupil (\$'s)
% Increase

6,744	6,906	7,058	7,756	8,081	8,578	8,708	8,846	#DIV/0!	#DIV/0!	#DIV/0!
	2.4%	2.2%	9.9%	4.2%	6.2%	1.5%	1.6%	#DIV/0!	#DIV/0!	#DIV/0!

Beginning Fund Balance
Excess/(Shortfall)
Ending Fund Balance
Fund Balance % - Next Year Exp

8.6	9.0	12.0	13.7	13.3	25.2	32.6	31.0	29.2	24.7	18.5
0.4	3.0	1.7	(0.4)	11.9	7.4	(1.6)	(1.8)	(4.5)	(6.2)	(4.2)
9.0	12.0	13.7	13.3	25.2	32.6	31.0	29.2	24.7	18.5	14.3
7.1%	9.0%	9.2%	8.5%	15.1%	19.1%	17.7%	16.1%	13.1%	9.5%	#DIV/0!

*Mill Value used \$1,265,010; 2% Increase each year
and collections at 98%

BCSD '11 Worksheet

Plan		'10	'11	'12	'13	'14	'15
Mills		90.3	92.1	94.4	96.7	100.6	
Mill Value		1.23	1.24	1.26	1.29	1.32	
Revenues	Local Taxes	111.3	114.1	119.3	124.8	132.3	
	% Inc		2.6%	4.5%	4.5%	6.1%	
	Other	57.1	57.0	57.0	57.0	57.0	
	Total	168.4	171.2	176.4	181.8	189.4	
	% Inc		1.6%	3.0%	3.1%	4.2%	
Expenditures		170.7	175.3	181.6	188.7	194.4	200.2
	% Inc	2.6%	2.7%	3.6%	3.9%	3.0%	3.0%
Fund Bal	Beg	32.6	30.4	26.3	21.0	14.1	
	Net	(2.3)	(4.1)	(5.2)	(6.9)	(5.0)	
	End	30.4	26.3	21.0	14.1	9.1	
New River TIF Adjustment						12.9	
Fund Balance %		17.3%	14.5%	11.1%	7.2%	4.5%	
New River TIF Adjustment						6.4%	
Mill % Inc			2.0%	2.5%	2.5%	4.0%	

CheckTotal

Required for 10%						CheckTotal
Increased Local Taxes (vs Plan)						11.0
Mills	90.3	92.1	94.4	100.9	104.9	
Mill % Inc	2.0%	2.5%	2.5%	6.9%	3.9%	
Fund Bal	30.4	26.3	21.0	19.4	20.0	
	17.3%	14.5%	11.1%	10.0%	10.0%	

Required for 10% w/ Delay						CheckTotal
Increased Local Taxes (vs Plan)						11.0
Mills	90.3	90.3	94.4	102.6	104.9	
Mill % Inc	0.0%	0.0%	4.6%	8.7%	2.2%	
Fund Bal	30.4	24.0	18.8	19.4	20.0	
	17.3%	13.2%	10.0%	10.0%	10.0%	

Required for 10% w/ Delay & Cost Reduction						CheckTotal
Increased Local Taxes (vs Plan)						(0.3)
Mills	90.3	90.3	92.8	99.3	101.1	
Mill % Inc	0.0%	0.0%	2.8%	7.1%	1.8%	
Fund Bal	30.4	24.0	18.5	19.0	19.4	0.6
	17.3%	13.4%	10.0%	10.0%	10.0%	
New River TIF Adjustment					12.3%	
Expenditures	-1%	170.7	175.3	179.9	184.6	189.5
% Inc	(*11 Plan)	2.59%	2.68%	2.64%	2.64%	2.64%
						11.0

2010 /

BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST ON LADY'S ISLAND R201-15-118, -508, -509, AND -510 (4 PROPERTIES) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) AND PROFESSIONAL OFFICE DISTRICT (POD) TO VILLAGE CENTER (VC).

BE IT ORDAINED, that County Council of Beaufort County, South Carolina, hereby amends the Zoning Map of Beaufort County, South Carolina. The map is attached hereto and incorporated herein.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

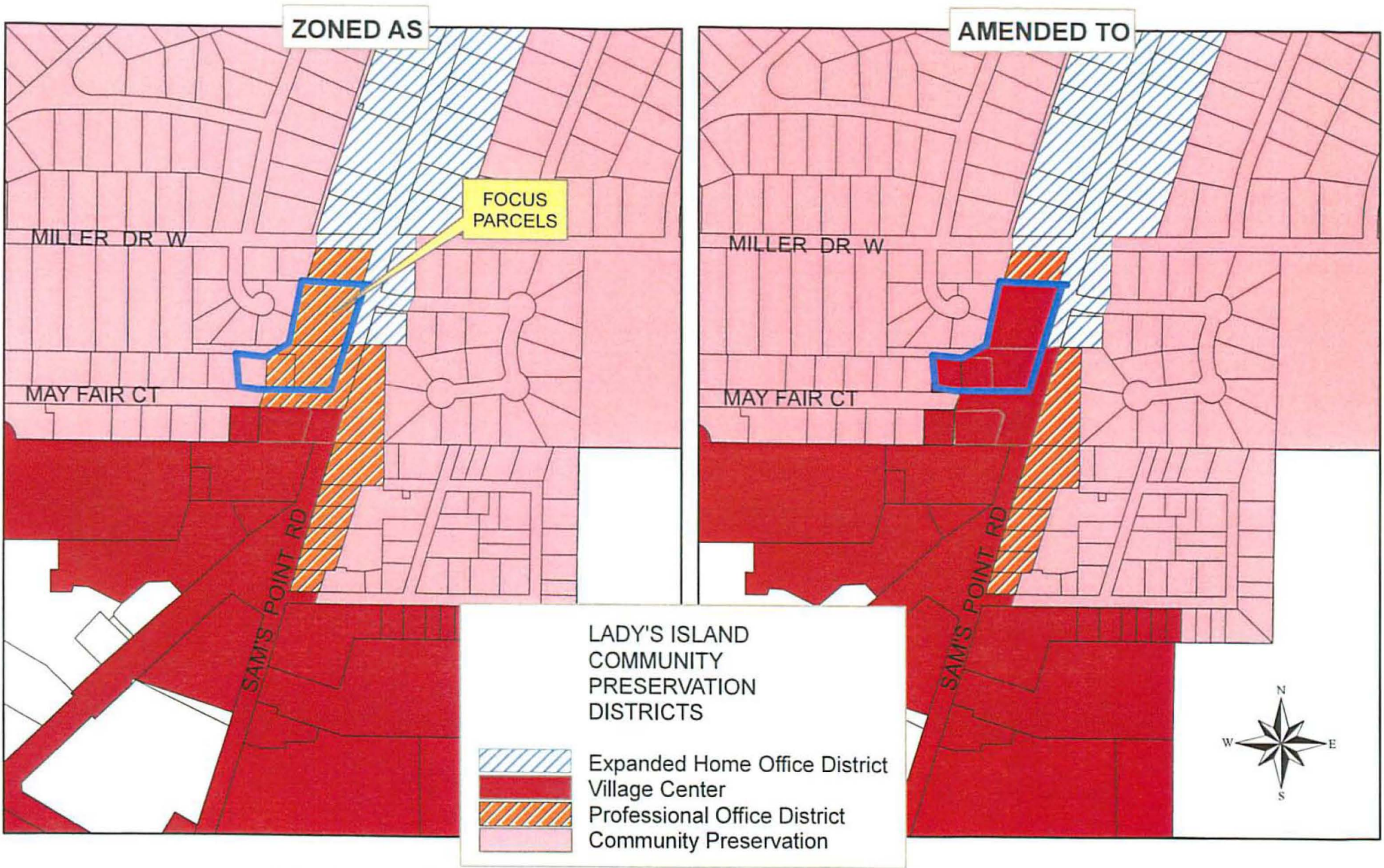
Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

- First Reading:**
- Second Reading:**
- Public Hearing:**
- Third and Final Reading:**

(Amending 99/12)



LADY'S ISLAND ZONING MAP AMENDMENT

FROM Professional Office & Community Preservation Districts [POD, CP] TO Village Center [VC]
IN THE LADY'S ISLAND COMMUNITY PRESERVATION DISTRICT

Action involves Parcels: R201 015 0118; R201 015 0508, 0509, & 0510;

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V: TABLE 106-1098. GENERAL USE TABLE, COMMERCIAL USES – COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS ALLOWABLE USE OF VARIETY STORES); AND SECTION 106-1285(D)(1) COMMERCIAL RETAIL, NEIGHBORHOOD (ADDS 10,000-SQUARE FOOT LIMITATION FOR VARIETY STORES IN RURAL BUSINESS DISTRICTS).

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

(Amending 99/12)

TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	C R	C S	RD	LI	IP	R	RR	RB	RC		
COMMERCIAL USES													
Commercial retail, neighborhood	L	L C	Y	L	N	Y	N	L C	N	L	N	106-1285	<p>The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types:</p> <ol style="list-style-type: none"> 1. Hardware stores 2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of ancillary uses 3. Food and beverage stores 4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores 5. Garden centers 6. <u>Variety stores (NAICS 452990)</u>

Section 106-1285. Commercial retail, neighborhood.

(d) *Limited standards for neighborhood commercial retail uses within rural business districts.* Limited standards for neighborhood commercial retail uses within rural business districts are as follows:

- (1) All neighborhood commercial retail uses are limited to 3,500 square feet of floor area except for hardware stores and grocery-variety stores which are limited to 10,000 square feet of floor area and grocery stores which are limited to 20,000 square feet of floor area respectively. These size limitations may not be used collectively to produce a larger building.

2010 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE I, SECTION 106-9(B)(1)--NONCONFORMITIES (ADDS SUBSECTION THAT ALLOWS NONCONFORMING HISTORIC BUILDINGS TO BE ADAPTIVELY REUSED AND BECOME CONFORMING THROUGH APPROVAL OF A SPECIAL USE PERMIT).

Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this _____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

(Amending 99/12)

Section 106-9. Nonconformities.

(b) *Procedure for becoming conforming.* Nonconformities may become conforming as follows:

(1) *Types of situations.* The following are ~~two~~ three types of situations whereby a nonconforming use, building, structure, lot or sign can become conforming:

- a. *Correct the nonconforming situation.* If the nonconformity is terminated and a different use is proposed which is permitted within the subject zoning district, the ZDA shall ensure that all standards for the proposed use, building, structure, lot or sign within the zoning district are met. Once this review by the ZDA is completed and approved, the new use, building, structure, lot or sign shall become conforming through issuance of the appropriate permit. Note: Where a proposed change of use is different than the nonconforming use, and a special use permit is required according to table 106-1098, the procedures beginning in subdivision IV of division 3 of article III of this chapter must be followed.
- b. *Apply for special use permit as nonconformity.* Many nonconformities have existed in their neighborhood locations for a long time. In fact, some may have only recently become nonconforming. In some instances, the nonconformity is even an integral part of the neighborhood's function. Since zoning's purpose is to protect neighborhoods, and if the community is comfortable with the particular nonconformity, the classification "nonconformity" may run counter to community desires. Under such conditions, the nonconforming situation may be mitigated and made conforming through application for, and approval by the ZBOA for a special use permit. The purpose of this is to remove the stigma typically associated with the designation of being nonconforming with this chapter. The provisions of this section for nonconforming uses, buildings, structures, and lots provide the procedures for making a nonconformity become conforming. In no case shall nonconforming signs be approved as a special use.
- c. *Apply for special use permit to adaptively reuse nonconforming historic structures.* Beaufort County has a rich inventory of vernacular architecture, much of which is being lost to redevelopment and neglect. Protection of these older structures is a goal of the Beaufort County Comprehensive Plan. For buildings listed in the Beaufort County Above Ground Historic Resources Survey (1997), or eligible to be listed in the survey as determined by the Historic Preservation Review Board, a special use permit to make the site conforming may be approved by the ZBOA even if the structure has been vacant for more than 120 days and/or is damaged more than 50% of market value. The proposed use of the structure shall be the same or similar to its historic use, unless the ZBOA determines that another use is compatible with the surrounding community. In addition to the required submittals for a special use application, the applicant shall provide plans for rehabilitation of the structure, which shall be reviewed and approved by the Historic Preservation Review Board and Corridor Review Board, if applicable, prior to final approval of the special use permit.

2010 / ____

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO ADOPT AN ADDITION TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN OF 2007.

BE IT ORDAINED that County Council of Beaufort County, South Carolina, hereby adds to the Beaufort County Comprehensive Plan of 2007, enacted by Ordinance 2007 / 40, Appendix F, Section 7, entitled Daufuskie Island Community Preservation Plan.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: July 26, 2010

Second Reading: August 9, 2010

Public Hearing:

Third and Final Reading:

Amending 2007 / 40

Committee Reports
August 23, 2010

A. COMMITTEES REPORTING

1. Community Services

- ① Minutes provided September 13 from the August 16 meeting. Action is required.
- ② Alcohol and Drug Abuse Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Judy Lohr	Countywide	Appoint	6 of 11

- ③ Disabilities and Special Needs Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Algredda Ford	Countywide	Appoint	6 of 11

2. Finance

- ① Minutes provided September 13 from the August 16 meeting. Action is required.
 - See main agenda items 15, 16 and 20.
- ② [Minutes](#) provided from the August 9 meeting. No action is required.
- ③ [Minutes](#) provided from the August 4 joint meeting. No action is required.

3. Natural Resources

- ① [Minutes](#) provided from the August 10 meeting. Action is required.
 - See main agenda items 8, 9, 10, 11, 12, 13, 14, 22, 23 and 24.
 - Stormwater Retrofit Contract, Phase 2 (Information Only)
- ② Construction Adjustments and Appeals Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.23.10	Albert Thomas	Des Prof./Contractor/Bldg Ind.	Appoint	6 of 11

4. Public Facilities

- ① Minutes provided from the August 9 joint meeting. No action is required.

5. Public Safety

- ① Minutes provided from the August 9 joint meeting. No action is required.
- ② Bluffton Fire District

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.09.10	David Meeder	Countywide	Appoint	6 of 11

- ③ Lowcountry Regional Transportation Authority

There are two candidates for one position.

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08.09.10	Mark McCain	Countywide	Appoint	6 of 11
08.09.10	Alexander Wattay	Countywide	Appoint	6 of 11

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, September 20 at 4:00 p.m., Building 2, BIV

2. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Monday, September 20 at 2:00 p.m., Building 2, BIV

3. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Tuesday, September 7 at 2:00 p.m.

4. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, August 24 at 4:00 p.m. ← **Note time change.**

5. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Tuesday, September 7 at 4:00 p.m.

6. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – Monday, September 12 at 2:00 p.m., Hilton Head Island Branch Library

FINANCE COMMITTEE

August 9, 2010

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

The Finance Committee met on Monday, August 9, 2010 at 2:30 p.m., in the Executive Conference Room, Administration Building.

ATTENDANCE

Finance Committee members: Chairman Stu Rodman, Vice Chairman William McBride, and members Steven Baer, Brian Flewelling and Paul Sommerville attended. Weston Newton, as Council chairman, is a voting member of each Committee and attended the meeting. Committee members Jerry Stewart and Laura Von Harten were absent. Non-committee members Rick Caporale, Gerald Dawson and Herbert Glaze were also present.

County Staff: Sharon Burris, Auditor; Brian Hill, Deputy Administrator; Lad Howell, Attorney; Gary Kubic, County Administrator; David Starkey, Chief Financial Officer.

Media: Joe Croley, Hilton Head Association of Realtors, Richard Brooks, *Bluffton Today*; Josh McCann, *Island Packet* and Luke Thompson, *Island Packet*.

Public: Dick Farmer, Accommodations Tax (Local 2%) Board Chairman; Simon Fraser, Chairman Heritage Classic Foundation; and Steve Wilmot, Tournament Director Heritage Classic Foundation.

ACTION ITEMS

1. Available 2011 2% Accommodations Tax Monies

Discussion: Mr. William McBride, serving as chairman, introduced Mr. David Starkey, Chief Financial Officer, to give an overview of this item. Mr. Starkey reviewed the unaudited state accommodations tax (atax) information dated June 30, 2010. We designate a specific number to which to State Accommodations Tax (2%) Board (Board) designates to different organizations for events. Last year's beginning fund balance was negative \$26,108.09. Revenues came, in the amount of \$456,651.94. \$409,495.62 was expended to different organizations and \$46,582.62 to the County's General Fund for a total of \$456,078.24. Of the total amount allocated, the \$64,747.81 that each the Hilton Head Island-Bluffton Chamber of Commerce and the Beaufort Regional Chamber of Commerce received and the amount transferred to the County General Fund is handled according to ordinance. The remaining dollars are recommendations from the Board. This funds' current total is negative \$25,534.39 for FY2010 year end. In addition, a \$10,000 to the Beaufort Regional Chamber of Commerce was also allocated to an error in a specific report.

Each year staff gives a recommendation of how much should be remitted to entities. This will be the third year this fund has been in the negative. The upcoming year does not seem much better in terms of revenue. Staff recommends that \$200,000 be allocated to the entities. We can then do a trend analysis and, depending on the outcome, can entertain further distributions. This will insure this fund is in the positive.

Mr. Sommerville inquired as to why the chambers receive two allocations. Mr. Starkey explained that one allocation is done so by ordinance and the other is for additional projects that the Board deems acceptable.

Mr. Baer stated he is confused. The strategy for next year has not been presented. Mr. Starkey stated what is shown is FY2010 and how we are still in the "hole". That amount must be made up. The \$200,000 amount will allow us to stay in the positive. The strategy and projected revenue is roughly \$450,000 – there is a past amount of \$25,000 carried over then by ordinance 15% is given to each of the two chambers and 5% to the County's General Fund. That leaves approximately \$250,000. The \$200,000 amount will give us a cushion in the event revenues dry up further.

Mr. Baer stated we would be allocating \$200,000 and leaving \$50,000 for reserves. Mr. Starkey concurred. We could then do a trend analysis and revisit allocating additional dollars.

Mr. Flewelling inquired from where the money comes. Mr. Starkey stated the state remits the money on a quarterly basis. We allocate them out for tourism related projects. We were hoping these monies would trend upwards. We need to get these monies into the positive.

Mr. Baer wanted to know if someone stays at a rental during Heritage week would they pay state atax. Mr. Starkey stated the Town of Hilton Head Island collects their own hospitality and atax dollars. According to how our code works, if it is a house with five bedrooms or less and as long as the person lives in the house then they are not subject to state atax.

Mr. Newton stated it is not just the downturn in the economy but also annexation that has reduced our state atax revenues. We used to get a lot of money from the greater Bluffton area. Those revenues no longer come to us. Also bankruptcy from the Melrose Hotel and Daufuskie contribute to the number being lower. This is only state atax for accommodations in the unincorporated areas. The monies generated in municipalities go to the municipalities.

Mr. Sommerville wanted to know how many atax boards there are. Mr. Newton stated each municipality has one.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Finance Committee recommend to Council allocate \$200,000 and rank, but not allocate, up to another \$100,000 in the event revenues come in more than expected and another allocation later is FY 2011 is possible. The vote was: FOR –Mr. Baer, Mr. McBride, Mr. Newton, and Mr. Sommerville. ABSENT – Mr. Rodman, Mr. Stewart, and Ms. Von Harten. The motion passed.

Recommendation: Council allocate \$200,000 and rank, but not allocate, up to another \$50,000 in the event revenues come in more than expected and another allocation later is FY 2011 is possible.

2. The Heritage Golf Tournament

Discussion: Mr. Rodman, Chairman, reviewed this item with the Committee. There are two things we need to talk about – whether the hospitality funds are the best place of funding and if this would or would not be a loan.

Mr. Baer stated he has looked closely at the Heritage numbers. It's a good business that we should try to save. But we need a plan not just for 2011, but one that can help us survive tough conditions in 2012 and 2013 as well. But before we allocate scarce County funds - taking them away from other important projects, there need to be some conditions. In thinking about this, it's useful to draw 2 parallels:

1. GM was a good business that also needed saving. But that saving involved a restructuring in which the Government was a party, not just a bailout. This is our GM.
2. Recall the large effort we just spent on our school budget. That was a worthy cause, and this Council influenced their budget allocations. We need to be consistent and use the same kind of influence here.

In thinking about this, we need to understand the Heritage's customers. I finally got a copy of the full Clemson Study. Here are some details:

- Heritage visitors wealthy (Page 1,18): 55.5% incomes over \$100k; 17.4% over \$200k
- Many play rounds of golf here during Heritage week. (page 14)
- Average number of spectator days = 3.36; 48.1% attended 4 or more days. (page 1)
- Spending per visitor day = \$367.78 (\$64,542,623/177,965)
- Dollars spent here per badge = \$2386 (\$65,542,623/27,435)
- Admission revenues per badge = \$50.47; per badge day = \$9.68

To help with a restructuring rather than a bailout, I built a financial modeling spreadsheet (Figure 1 on the next page) to test various financial plans and tried several over the weekend, using a combination of the following approaches:

1. Raise Admission Fees (Heritage current = \$9.68/day vs. Disneyworld = over \$50/day)
2. Decrease all expenses (currently \$4 M, excluding Facility Use, TV, Purse) by 10-15%
3. Pursue several \$1 M sponsorships and TV sales instead of a \$6-7 million single one
 - a. How much can we really get for our 3.7 M? Is that number overvalued?
 - b. Do we have an advertising/sales agency working on this?
4. Get Relief on Facility Use Fee
5. Contributions From Those Profiting, including Town, Chamber, and Businesses

6. Tap Reserves at a Measured Rate to Last Several Years

This financial modeling is what I suggested they undertake when they were here at Finance last week. The spreadsheet shows that the Heritage can achieve break even or a profit. Column A shows their plan as submitted to the County via their loan/grant request. It shows a potential loss of \$6.436 million.

Plan B shows what would happen if they raised admissions prices by \$50 per (weekly) ticket, sold 4 - \$1 million mini-sponsorships instead of one large \$6-7-8 million one, got the facility fees waived, and used the Town's \$1 million grant. It shows a profit of \$558,910.

Plan C shows what would happen if they raised admissions prices by \$35 per (weekly) ticket, sold 3 - \$1 million mini-sponsorships instead of one large \$6-7 million one, got the facility fees waived, used the Town's \$1 million grant, and reduced their expenses by 15%. It shows a loss of only \$252,945, easily made up from reserves.

Figure 1 - Financial Model of Heritage (Plan A) and Two Alternate Plans

Based on just these runs, I conclude that the Heritage is a business that can be saved. But:

- The County should not just automatically put money into their present method of operation.
- The County should encourage the HCF to be a self sustaining operation adjusted for the new economic environment.
- To help with this, we could provide a short term loan with specific conditions including:
 - County takes part in the development and approval of the HCF financial plan, including the items above.
 - This plan should be developed before the PGA due date
 - This plan should be designed to also demonstrate viability for 2012 and 2013

There are also some other items that need consideration and review including:

- We need to understand when the guarantee is really due. It seems that we are being rushed into bad planning.
- We need to ensure that we develop a Financial Plan covering at least the next 2-3 years, and not just a one shot deal for 2011. To believe that a \$6-7-8 million sponsor is just around the corner, either this year or next is too risky.
- We need to see if there is an ATAX loophole permitting Home and Villa Owners who rent for only a few weeks a year to escape ATAX payments. If the ATAX loophole does exist, and is significant, then the local ATAX dollars claimed in the Clemson study may be overly optimistic.
- We need to do a sanity check on the Clemson data by looking at the Hilton Head ATAX and HTAX data. We should be able to see the claimed bumps.
- We need to understand the PGA yearly escalators and constraints. This is essential to model future years.
- We need to understand the business of TV time and value. If we have to buy or guarantee \$3.723 million of TV time, what is that really worth if we have to resell it? Also, how would we resell it and what are the costs, fees, or discounts for resale?
- We need to understand whether the Pro-Am breaks even. The data supplied to the County Council Finance Committee for its last two sessions indicates that it has lost substantial sums for years, and is projected to lose a half million dollars in 2010.
- We need to review and perhaps prune the Charity List. Using 2008 Federal Form 990 data from Guidestar (none was supplied by the Heritage) two of the listed charities are Hilton Head/Bluffton Chamber of Commerce for \$24,881 and PGA Tour Wives Association for \$14,000. It is also not clear how much of their claimed charitable giving are really local contributions through Birdies for Charity. These should be separately broken out.

In summary, the Heritage is a worthwhile institution that should be saved, and could be, using mainly its own financial power. But hoping for a \$6-7-8 million single sponsor this year or next, and continuing the old financial model has to change. By relying on a taxpayer loan or bailout, we lose the use of scarce taxpayer funds needed for other worthy projects, do not provide sufficient security for payback of those funds, and postpone the day of financial reckoning by propping up a method of operation that is no longer viable. I'm in favor of a loan, but only if we take part in, and have the right of approval of a new financial plan.

Mr. Newton wanted to know how Mr. Baer came up with \$9 a day and \$50 per badge for the tickets. Mr. Baer stated from the Clemson Study which says there are 27,435 badges sold and the total of 143,000 attendees per day. He stated he divided that into the \$65,452,000 they claim.

Mr. Newton stated that assumes someone who buys a badge goes to all four days. Mr. Baer stated 3.86 days is the average. They pass the badges around according to the Clemson Study.

Mr. Baer stated they are getting less than \$1.4 million in revenue. They may be giving away a lot. \$1,385,000 is their claimed revenue.

Mr. Steve Wilmot, tournament director, Heritage Classic Foundation, stated badges are \$150.00 and ticket pricing is being looked at moving forward.

Mr. Rodman stated there is a sale price for the tickets. He says he buys a couple extra but tends to not use them all of the days. The sale price is well over a \$100.00, but the average comes back to about \$10.00.

Mr. Baer stated the Heritage is claiming 143,000 in attendance and \$1.4 million in revenue. Those numbers are claimed in the economic study.

Mr. Newton stated it is \$150 to \$200 to go to the Masters. Mr. Wilmot stated it is \$225. Mr. Newton stated the difference in how difficult it is to get a Masters ticket compared to a Heritage ticket is night and day.

Mr. Baer stated the demand may drop. They are coming to the taxpayers of Beaufort County for \$1 million. With such a wealthy clientele, they have to show some effort themselves.

Mr. Rodman stated admissions are down roughly \$400,000, which is about a 25% decrease. That is mostly related to the economy. He has a concern about what the raising of the prices may cause. What Mr. Baer suggested are ideas to look at and understand, but in terms of moving this forward for consideration, that is something that will take some time, which is short at this point.

Mr. Baer suggested it to be done as a contingency –they are going to come up with X million dollars with one or more of the six methods he mentioned. There needs to be a good faith

effort to show change. Mr. Baer stated he does not understand the TV sale business. We are obligated to buy \$3.7 million of TV time.

Mr. Rodman stated there is a TV/PGA package, which is a combination of two things. At the end of the day you can add those two things together and it is a combination of TV/PGA which has grown from \$4.7 million to \$5.7 million.

Mr. Baer stated the sum of those is \$5,965,000 this year. We are obligated to buy \$3.7 million of TV time. Can we hire an agent and sell blocks of TV time? Is the time we are getting worth \$3.7 million, \$5 million or \$2 million?

Mr. Newton stated the funding source we are talking about is either a grant or a loan from the hospitality tax. He wanted to know if Mr. Baer believes the monies allocated to entities from atax dollars are also bailouts. Mr. Baer stated his view is that the Heritage is a revenue producing opportunity. Taxing money from atax, which could go to other things, is taking it out of parks and taxpayer projects for a cause that is not destitute.

Mr. Newton stated he is not sure there is any single tourism-related event, in the entire County, that contributes as much to the Beaufort County's economy as the Heritage golf tournament. We allocate money to other entities. This is a big chunk of money, but he stated he is surprised that the Heritage Foundation has not sought atax money from each municipality and governmental entities' collecting atax dollars, every year.

Mr. Baer stated if you look at the atax collections for the County it is hard to see the bump that the Heritage produces. He stated he asked for the Town of Hilton Head's data. If there is a bump that occurs we should be able to see that and use that to calibrate the Clemson Study. It is clear that it helps folks on Hilton Head a lot. On Hilton Head there is also an atax loophole – people can rent houses and villas without paying atax. If they were destitute that would be a different story. They are far from destitute. They are a worthwhile enterprise that we want to work for more than 2011. We want to make sure they are alive in out years as well.

Mr. Sommerville stated at the last meeting he assumed, and still does, that the Committee looked at and will continue to look at all line items to see where there are some opportunities. He cannot imagine that has not been done. We are not to say what the appropriate ticket price is or what the Heritage should spend. That is not our expertise. We can ask the Heritage if they have done as much diligence as they can. At some point, we have to say we are satisfied in what they have done and move forward or not. He stated he would like to move forward with this. Time is of the essence. Hopefully we will be able to move forward on this tonight.

Mr. Rodman stated he took the liberty of drafting what the loan conditions might be. They were as follows:

A \$1,000,000 non-interest bearing loan from the Beaufort County Hospitality Tax Fund to the Heritage Classic Foundation to provide financial assistance to insure that the Tournament is held in 2011, the loan being subject to the following terms:

- Time being of the essence, the Tournament date is to be secured in a timely manner, using Foundation reserves, the town grant and loan.
- The funds can only be borrowed concurrent with and for securing a 2011 Tournament date.
- The loan is not to be subordinate to any other loans without approval of County Council.
- Until the Tournament date is secured, updates will be provided to Council on the Mondays that Council meets.
- The loan is to be repaid in full no later than 60 days after the Foundation secures a single or multiple, title or presenting sponsors providing funding in total in the amount of \$4,000,000 or more.
- At the County's option, the unpaid loan balance as of February 1, 2011 can be:
 1. Converted to a term loan at prime payable over five years,
 2. Sold to advertisers acceptable to the Tournament, provided the television advertising units are available, having not been previously sold and / or
 3. Converted into Tournament national advertising time to promote Beaufort County, provided the advertising units are available, and having not been sold.

Mr. Rodman stated that would position to tournament so if they were successful, they will only have to get \$4 million out of the \$8 million they are looking for. The worst case scenario is they do not get a sponsor, but we would still have some options, which could be converted to buying television time. That is the proposal he put together, to date.

Mr. Baer wanted to know the drop-dead date for the PGA. Mr. Wilmot stated they have a telephone conference tomorrow, which will shed some light on that. There is no drop dead date, we have just been going back and forth, but the Heritage needs to know.

Mr. Baer stated, theoretically, there would be a few weeks time to work whatever has to be worked. Mr. Wilmot stated the conversation tomorrow with the PGA is about what the terms will be to put the Heritage on the schedule. That has to be finalized tomorrow. We need to say we received the money come tomorrow. Tonight is critical because tomorrow is an important conversation.

Mr. Baer stated he does not know anything about TV sale units. Mr. Wilmot stated the \$3.7 million of TV time is something the title sponsor is supposed to buy, not the County. The Heritage Classic Foundation, to get on the tour, is committed to paying that amount. We are in the mode of trying to find a single title sponsor. If we do not have that later in the year, then other alternatives will be needed.

Mr. Baer inquired what amount of TV time that buys. Mr. Wilmot replied 64, 30-second ads.

Mr. Baer wanted to know if that is worth \$3.7 million. Mr. Wilmot stated it is worth it to a title sponsor. It may not be worth it for a non-title sponsor. If you are a title sponsor you get mentioned every time the tournament is mentioned, nationwide.

Mr. Baer wanted to know for what a 30-second ad typically sells. Mr. Wilmot stated he is not sure.

Mr. Rodman stated we are 30 weeks out from the tournament. They still have to publish it and lock in the date.

Main motion.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Finance Committee recommend Council to proceed with a \$1 million loan as outlined in the meeting.

Mr. Caporale wanted to know what the Town and the County are buying for providing this \$2 million. What is guaranteed and what is still up in the air?

Mr. Wilmot stated if the PGA accepts the Heritage's proposal, backed by the Town and the County, and a letter of credit for part of it, then we have a contract and are on the schedule. The PGA does not want us getting close to time for the event and not have the money. They want us to show we are capable of paying. The Town is getting nothing but securing the tournament. The Town is a no strings attached grant.

Mr. Fraser stated the Heritage needs a title sponsor. That is the goal. There are a lot of moving parts out there and we are working close with the PGA tour. There are a lot of contacts in the community who have opened doors. "That ball is moving but it is rolling." The idea is that the dates we potentially have are in jeopardy. It is a matter of getting us on the schedule and getting it locked in. It buys us some additional time.

Mr. Caporale stated we all want to see the tournament here for a long time. We certainly want to see it locked in for next year. If, for example, the heritage were not able to secure a title sponsor by tournament time, where would that leave us? Would we still have other options for preserving the tournament long term or would the absence of a single sponsor be a critical king of event.

Mr. Wilmot stated, under the current tour model we need to find one title sponsor. It is the way the television works and the way the tour works. They have been replacing some title sponsors. If we get into late fall and do not have anybody, what then happens is maybe we end up with a title sponsor who has not paid the full amount for 2011. We may get a title sponsor but not for the full amount. The last thing The Heritage wants to do is take money from the Town or the County. We never asked and have never gotten grants. We never needed it before but are in need at the moment.

Mr. Flewelling believes it is a neighborly thing to do. He is all for it. The Heritage has provided so much for our community, not just for employment and generating income for our

local businesses but also the Heritage Foundation's good work that takes place. It is an important event and we should make sure we give every effort to continuing this on into the future. He believes Mr. Baer is correct. There are some cost cutting techniques and some things they should do. He assumes they are willing to listen to any and all offers of advice. He hopes they will be on the distribution list for anything Mr. Baer is willing to talk about.

Mr. Newton asked Mr. Fraser if the terms of the loan, as outlined by Mr. Rodman, are problematic. He stated he struggles with the concept of a loan and how it will work.

Mr. Fraser stated it is a loan in the event we get a title sponsor and no longer need the money. If we end up without the sponsorships, we take the money at the end. In that case, there will be television time which hopefully can be converted.

Mr. Newton didn't know how you memorialize a loan like this. If it is an allocation of hospitality or atax dollars, he knows how we process it. Loaning money to a non-profit, he has no idea how we would process it. It could be the same way even though it is not a grant or allocation. He does not envision a promissory note in this thing and if this requires a different mechanical approval by this Council.

Mr. Howell stated he believes a promissory note would be necessary. Other than the provision for the advertisement it is unsecure.

Mr. Newton wanted to know if it only requires a resolution of Council to approve.

Mr. Howell stated it does not. It will require three readings and a public hearing. If it is taken out of the hospitality dollars, we have an ordinance we have to meet, which requires three readings and a public hearing.

Mr. Newton wanted Mr. Howell's thoughts on why we need to do it by ordinance. The hospitality ordinance allows us to spend the money on tourism related events. Mr. Howell stated the ordinance has a provision that says that any other allocations or any other uses of hospitality funds must be done by ordinance.

Mr. Newton wanted to know if this falls into one of the categories. Mr. Howell stated it does not fit like a glove.

Mr. Newton is curious about what the Heritage needs as a final commitment that carries into tomorrow's phone conversation with the PGA. This will require three readings.

Mr. Wilmot stated it has to be what it is. If there is commitment on the County's part to move forward with the three readings, then that will show a certain amount of commitment.

Mr. Rodman wanted to know if it would be different if it were a grant in terms of three readings.

Mr. Howell said even if you were just allocating hospitality funds, it would still require three readings.

Mr. Newton stated: assuming Council determined that the use of these funds fit in one of the four uses, stated in the ordinance, and then we would have one reading. Mr. Howell replied yes.

Mr. Sommerville stated he was under the assumption that this allocation meets the permitted use of the hospitality fund. If that is not the case maybe we should have that discussion.

Mr. Flewelling wanted to know if we could commit to guaranteeing to buy \$1 million worth of advertising by a letter of commitment. That would suffice their purposes. He does not believe it would require three readings. It would fully be within the permitted use of the hospitality tax fund. If it is necessary, then they would then cash the letter. It would be a loan or a purchase of advertisement at that time. He believes if it comes to the point where they do not have their title sponsor in place and will not be repaying this loan, we will not do anything besides purchase the advertising as part of that purchase.

Mr. Newton stated it appears even money that is allocated to the permitted uses of the fund requires an ordinance. If we have done it by less than ordinance in the past perhaps we did not follow that statutory framework. He believes we could commit ourselves to loan the Heritage Classic Foundation \$1 million and by resolution tonight not specify what the funding source is. We can clearly do that by the General Fund. By resolution, we could commit that we are doing that and give first reading, by title only, to an ordinance specifically authorizing the loan of \$1 million from the hospitality fund.

Mr. Rodman stated if we could do that, it would satisfy the time restraints they are under. He views this as a relatively low risk. They are looking for \$8 million. If they get to \$4 million, we are made whole.

Motion to amend by substitution.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Finance Committee amend the motion and recommend Council adopt a resolution to commit lending The Heritage Classic Foundation \$1 million. The vote was: FOR –Mr. Flewelling, Mr. Newton, Mr. Rodman, and Mr. Sommerville. OPPOSED – Baer. ABSENT – Mr. Stewart and Ms. Von Harten. Mr. McBride did not vote. The motion passed.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Finance Committee recommend Council approve of first reading, by title only, an ordinance authorizing a loan in the amount of \$1,000,000 of hospitality tax funds to Heritage Classic Foundation based on the conditions outlined above. The vote was: FOR –Mr. Flewelling, Mr. Newton, Mr. Rodman, and Mr. Sommerville. OPPOSED – Baer. ABSENT – Mr. Stewart and Ms. Von Harten. Mr. McBride did not vote. The motion passed.

Recommendations:

1. Council adopt a resolution to commit lending The Heritage Classic Foundation \$1 million
2. Council approve of first reading, by title only, an ordinance authorizing a loan in the amount of \$1,000,000 of hospitality tax funds to Heritage Classic Foundation.

**JOINT MEETING
FINANCE, PUBLIC FACILITIES AND PUBLIC SAFETY COMMITTEES**

August 4, 2010

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

The Joint Committees met on Wednesday, August 4, 2010 at 10:30 a.m., in the Executive Conference Room, Administration Building.

ATTENDANCE

Finance Committee members: Chairman Stu Rodman, Vice chairman William McBride, and members Steven Baer, Brian Flewelling, Paul Sommerville, Jerry Stewart and Laura Von Harten attended. Non-committee member Herbert Glaze also attended.

Public Facilities Committee members: Chairman Herbert Glaze, Vice chairman Steven Baer, and members Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart attended. Mr. Dawson was absent. Non-committee members Stu Rodman and Laura Von Harten also attended.

Public Safety Committee members: Chairman Jerry Stewart, Vice chairman Brian Flewelling, and members Herbert Glaze, Stu Rodman and Laura Von Harten attended. Mr. Caporale and Mr. Dawson were absent. Non-committee members Steven Baer, William McBride and Paul Sommerville also attended.

County Staff: Morris Campbell, Division Director – Community Services; Bryan Hill, Deputy County Administrator; Suzanne Larson, Public Information Officer; Rob McFee, Division Director — Engineering & Infrastructure; David Starkey, Chief Financial Officer; Edra Stephens, Business License Director; Mitzi Wagner, Director of Disabilities and Special Needs.

Legislative Delegation: S.C. Senator Tom Davis, R-Beaufort.

Media: Joe Croley, *Hilton Head Island Association of Realtors*; Josh McCann, *Island Packet/Beaufort Gazette*; Richard Brooks, *Bluffton Today*.

Public: Avery Cleland, Cleland Site Prep, Inc.; Logan Crowther, Cleland Site Prep; Simon Fraser, Chairman Heritage Classic Foundation; Bob Moquin, Regional Chamber/Convention Visitor Bureau; Mark Orlando, Assistant Town Manager Town of Bluffton; Christopher Bill Ruth, service manager Cleland Site Prep; Mel Rhodes, Town of Bluffton Director of Planning; Bob Tucker, Cleland Site Prep; Steve Wilmot, Tournament Director Heritage Classic Foundation; Carlotta Ungaro, Beaufort Regional Chamber of Commerce.

Mr. Rodman chaired the Finance Committee portion of the meeting, Mr. Stewart chaired the Public Safety segment and Mr. Glaze chaired the Public Facilities part.

Pledge of Allegiance: Mr. Rodman led those present in the Pledge of Allegiance to the Flag.

ACTION ITEMS

1. Contract Award – Cleland Construction for the construction of Bluffton Parkway, Phase 5A roadway portion only

Discussion: Mr. Glaze reviewed the background information provided for the meeting. Bids went out February 18, 2010 for construction of the Bluffton Parkway from Burnt Church Road to Buckingham Plantation Road. The project is a 3-mile, four-lane, divided highway with a multi-use pathway. Mr. Glaze said bidders submitted bids based upon three alternate methods of construction, and alternative three provided the best price. The estimate for alternative three was \$12,136,736. Cleland Site Prep, Inc. submitted the lowest bid for \$11,578,529.71.

It was moved by Mr. Flewelling, seconded by Mr. Baer, the Public Facilities Committee approves and recommends to County Council award a contract to Cleland Site Prep, Inc. in the amount of \$11,578,529.71 for the construction of the Bluffton Parkway Phase 5A from Burnt Church Road to Buckingham Plantation Road.

Mr. Flewelling asked Mr. McFee what the different alternatives were. Mr. McFee explained the first alternative was the use of asphalt materials exclusively for the base course on the projects; the second alternative was the use of a cement modified base materials; and the third alternative was a compacted layer of 12-inch granite. He stated they put the bid out that way so the market could determine the best manner. Mr. Flewelling asked if alternative three also provides a safe, convenient, good quality road that will last. Mr. McFee confirmed it did.

Mr. Stewart said from a general point of view, we had a BTAG meeting in December where we discussed what was going to happen as far as moving forward with the road projects under the 1 cent sales tax. We recognized and realized some things are going to have to be put on hold or slowed down because we are not getting the money as rapidly, especially from impact fees, as expected. One of the things we did was to say we would stop the second phase of 5A, which is the flyover, and we would look at what the costs would be because we may want to divert those costs to the 278 widening project or 170. He said he thought the intent was to come back, but we never did. Somehow, somehow things got assumed and they went forward. He said he wanted to raise the issue that by not doing the flyover at this point, stopping there to alleviate a lot of the traffic problems, we went out to Burnt Church, widened, put the traffic signal in, etc. To me, a person who drives it frequently, that works very well. He said he questions “why we are going ahead with 5A, spend the money to widen Buckingham Landing, spend the money on the intersection at Moss Creek on 278, etc.” He said it seems the County would be much better served to stop, leave the 5A where it is until that project is completed in its entirety. He said he questions the logic of doing this. He stated he thought they were supposed to bring the topic back to the BTAG and then forward it on to the Public Facilities Committee.

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Mr. Baer said he is also disappointed BTAG has not met and done the final reconciliation. He said this was part of the original agreement the mayor of Hilton Head brokered last December. If we want to stop this, we better undo that original agreement, he said. He also stated he thinks this will be helpful for him getting off Hilton Head. He said the perspective on this project is dependent upon where someone lives.

Mr. Flewelling stated this does not include improvements at Buckingham Landing Road and 278. Mr. McFee said those are included in this work.

Mr. Stewart countered some of Mr. Baer's comments by saying you might not get off as fast, but you get off at Burnt Church. There are double turn lanes to expedite that and a lot of traffic gets off there now. Second, there was a deal brokered, but it never came before the Committee, was accepted or confirmed. It was simply a consensus at the BTAG meeting.

Mr. McFee said the BTAG recommendation went to BTAG, was altered by that body, but ultimately crafted into a recommendation, which went before and was approved by County Council. That is how we got to this point. Mr. Stewart acknowledged he stands corrected.

Ms. Von Harten said this is not just for a road, but also pathways, which will help pedestrians and cyclists. It is a more complete solution for transportation than what we have. Mr. Stewart said it is a lot of money to put in a little more of a bikeway.

Mr. Bob Tucker, Cleland Site Prep, Inc. said this project will facilitate, as far as traffic, going beyond Burnt Church road will give you rear access by way of the parkway to Lowe's and the shopping center there, as well as to Tanger I and II. This will give those areas rear exits. At the same time, coming out of Tanger II going westbound is a very dangerous thing and this project alleviates that.

Mr. Rodman asked what the configuration from the end of the parkway to Buckingham Plantation to the light at Moss Creek would be — whether one, two or four lanes. Mr. McFee said it is a three-lane configuration through the Buckingham Plantation footprint. Mr. Rodman also expressed his disappointment because he thought some of these topics might come before the members sooner for examination and he said he may elect to vote against this in Council. He also said he is concerned we are operating with a flawed traffic model because we talk about 30,000 to 40,000 more cars daily off Hilton Head, which are not there. The island is built out for all practical purposes; we peaked. Besides that, the volume is spread throughout the day. We have a flawed traffic model driving that. I believe we should build a two-lane road from Burnt Church to Buckingham Plantation because it takes traffic off 278. It allows those trapped in there now the ability to get on and off in another area. If we looked at an appropriate traffic model we would see the probably would be a justification for a two-lane road to take traffic off 278, particularly left turn traffic, he said.

Mr. Stewart commented he would vote against it and will not be at Monday's Council meeting. He said this needs to get done and timing is an issue when we have other projects we

need to have done which are more critical. He added he thinks a lot of the pressure to get this done is for the retail stores in this segment as opposed to the necessity for it.

Mr. Flewelling said Mr. Rodman is on the BTAG, yet he questions the use of the traffic model and he said he thinks this is an inappropriate forum to bring it up. He suggested bringing it before BTAG. Mr. Rodman countered saying this is a County traffic model, BTAG is an advisory group.

The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. Glaze, Mr. McBride and Mr. Sommerville. OPPOSED – Mr. Stewart. ABSENT – Mr. Dawson. The motion passed.

Recommendation: Council approves a contract award to Cleland Site Prep, Inc. in the amount of \$11,578,529.71 for the construction of the Bluffton Parkway Phase 5A from Burnt Church Road to Buckingham Plantation Road.

2. Discussion – The Heritage Golf Tournament

Discussion: Mr. Rodman briefly told committee members the Heritage Golf Tournament does not yet have a sponsor, and last night the Town of Hilton Head voted to contribute \$1 million toward making sure we do not have the adverse effect of losing the tournament. Mr. Rodman then outlined items he wished to discuss: 1. The economic impact study done by Clemson University, 2. An update from the Heritage Foundation on the status of finding a sponsor, 3. A decision on where the Finance Committee goes from today's meeting. Mr. Rodman noted time is, somewhat, of the essence and we may want to take action as early as next Monday at Council. In the intervening period between this meeting and the next Council meeting, we ask staff to think about what the best proposal would be and possibly have another Finance Committee meeting ahead of the Council meeting next week.

Clemson University Economic Impact Study

Mr. Fraser gave the committee a history of the Clemson study. He said the Heritage Foundation first had the study conducted in 1999, then again in 2005. Almost two years ago, we began planning to do it again for 2010. In 2010, we expanded the scope to include some marketing information. This year, it was done as a collaborative effort between Clemson and the University of South Carolina – Beaufort. The surveys generated great data. They found the economic impact to Beaufort County and the state is close to \$82 million. It is important to point out, that economic impact only covered the out-of-town ticket purchasers; it does not include players (132), caddies (132), players' agents, players' families, sponsors, PGA Tour representatives, etc. This year's study was the first time the tax revenue component was included and that was a little more than \$4 million, Mr. Fraser said.

Mr. Baer stated he appreciated the efforts over the years, as well as money generated by the tournament and he wants to find a way to support the tournament. However, with the data in hand, in addition to other data found, as guardians of the taxpayers' money there are things that need to be better understood. He said we are all running a lean and mean ship in this economy

and business as you have done it in the past is not the way we ought to continue. He stated public tax funds come from some other place since we do not have a printing press next door. His concerns included: 1. appearance of losing money on the pro-am (\$500,000); 2. needed clarification of television deals and sponsorship; 3. a need to see some *pro forma* financials looking into the future so the tournament does not become dependent upon taxpayer money; 4. Unknown salaries appear in the 990; 5. explanations of where the money goes and necessity of trimming costs.

Mr. Fraser addressed Mr. Baer's first concern by saying the data was wrong. He explained the television deals and sponsorship. The Heritage Foundation is the host sponsor of the tournament. The Heritage has a contract with the PGA Tour, as part of that contract we are obligated to pay a portion of the tournament purse subsidy (approximately \$2.4 million). The remainder of the purse subsidy comes from the television contract. Of the \$5.7 million prize money, our portion is roughly 64 percent. Additionally, we have a title sponsor who buys all required television buy (for us that is \$3.5 to \$3.6 million). Without a title sponsor, we are responsible for buying that in order to get the PGA Tour contract. Mr. Fraser addressed Mr. Baer's concern about documenting salaries by explaining the listed salaries are all that is required to be reported, those salaries above a certain level. Mr. Wilmot added there are 10 full-time employees and part-time employees at certain portions of the year. Mr. Fraser addressed Mr. Baer's last concern by saying they are asking for support for 2011 alone. Frankly, for the tournament to continue we must find a title sponsor. We are talking about a potential shortfall for 2011 because even if we find a title sponsor late in the game they are not likely to pay the full amount for 2011.

Committee members briefly discussed an option for having multiple sponsors to split the cost. Mr. Fraser said that could work, but was unlikely because most sponsors want the full television time. Mr. Wilmot said with the tour there is not a date or an event for next year. We are not on the schedule and they have not announced the schedule for many reasons, one being because of us. We want and need a title sponsor, he added. Mr. Fraser said in order to get our contract for next year, we have to show fiduciary responsibility and be able to have the money upfront. This is where we hope your support comes in. Members also talked about raising ticket prices to generate more revenue. Mr. Rodman asked Mr. Baer to compile a list of long-term items to examine for the Heritage Tournament.

Ms. Von Harten said she sees this as a tremendous opportunity to market the Lowcountry. She suggested branding the tournament as the "Lowcountry Heritage." There is a lot of room for convergence with regional marketing; with this port we need to have a big global footprint. This tournament can help us create that big global footprint, but we need to do the branding as part of the package.

Mr. Glaze asked if the amount requested would be a loan or a grant. Mr. Fraser said he sees it as a grant. Mr. Rodman said he sees the staff going away and structuring a proposal for us, come back with another Finance Committee meeting next week and forward it on to Council as early as next Monday.

Mr. Flewelling said for further clarification it seems they are asking us to guarantee \$1 million, and they will then endeavor to go find a title sponsor. If they find a title sponsor, the \$1 million we are guaranteeing will not be necessary. Mr. Wilmot confirmed this is true if the title sponsor comes in as a full sponsor, but there is a possibility we get someone who just buys television and in that case we need the money.

Mr. Stewart said as he understands, this is a one-time request, not looking into the future. What you are asking for is to have a commitment that you can come up with the \$5.9 million so the PGA understands you have a firm commitment. If you got a sponsor, or sold the television time as a block, then you could then pro rate and take less than \$1 million from each of the entities you requested the funding support from. He said the committee can let the staff worry about and negotiate. If you get a full sponsor in before the tournament, we can take these monies off the table. I would also throw in the possibility of a loan paid back over four to six years (the same period for PGA contracts). Mr. Stewart concluded he thinks it is important to support the Heritage; it is important not only for us but for the region and state.

Heritage Tournament sponsor status

Mr. Rodman asked Mr. Fraser to tell the Committee what the status is of locating a sponsor for the tournament, as well as what the level of urgency is for nailing something down with the PGA. Mr. Fraser said they are waiting on a contract and that contract is waiting for the Heritage to show financial responsibility. In that sense, it is very urgent. All of the people and corporations planning to attend the tournament are on hold until there is a date. Secondly, before Verizon announced pulling their sponsorship we looked the world over for title sponsors. Unfortunately, this is probably the worst economic environment to find sponsors for tournaments. If companies are laying off people, they are reluctant to sponsor high-profile events, Mr. Fraser explained. However, he said this seems to be in the midst of change. Heritage held preliminary conversations with several companies expressing some interest and have met with one company, which since pulled out. We are more hopeful than we were six months ago. Some of the other tournaments also looking for title sponsors seem to be securing those.

Mr. Wilmot wanted to clarify it is not only the Heritage “out there beating the streets looking for sponsors.” He explained the PGA Tour has a global reach and their business development department is working on our behalf.

Mr. Rodman asked if anyone around the table had pause Beaufort County should consider giving up to \$1 million. Mr. Baer raised his hand and said, without more information he does. Mr. Rodman then asked him to compile a list with information he wants.

Committee members discussed briefly the alternatives of having multiple title sponsors.

Mr. McBride said his concern aligns with Mr. Baer’s concern. Considering all the things we did not do in our budget that we needed to do, there were not enough votes to get a fraction of a mil increase for County operations this year and being a realist, the Heritage needs a \$1 million grant from County Council. “Being a realist, I don’t know where the money is coming from,”

Mr. McBride said. "Surely, if we talk to administrative staff we cut our budget to the bone this year. You guys may know where some fat is. I don't. I don't know where the money is coming from." He added at this point unless someone can convince him there is extra money floating in the budget, hereto unknown when the budget passed, he cannot support it.

Mr. Sommerville asked when non-title sponsors roll in and if they are on track. Mr. Fraser said they are down a little bit, but it is tracking well for the coming year. Mr. Sommerville also asked about scholarships, charities, etc. and whether those are necessary expenses. Mr. Fraser said the tournament has charities doing concessions and part of the deal is the charity gets back the net profit.

Ms. Von Harten said she sees this money coming from the County reserves, which is there for rainy days and the days have been rainy. However, she said she sees sunnier days ahead. This is a one-time thing. The tournament will change the manner it does things and have more time to prepare for following seasons. She said she sees this as a grant and buying air time. She also said she wants to take money from the reserve to buy some land in the Beaufort Commerce Park to ensure our long-term economic development. Mr. Rodman said that is a separate conversation.

Mr. Glaze asked when Mr. Fraser knew Verizon was pulling out as the title sponsor. Mr. Fraser said last summer and they had until last September to negotiate exclusively with Verizon. It has been about 14 months. Mr. Glaze asked if the Heritage worked diligently to find a sponsor within that time and Mr. Fraser confirmed and said he thinks they will find a sponsor for the long-run.

Mr. Rodman said he agrees with Mr. McBride and the general fund is perhaps not the place to go for funds, but should let staff decide. He said if they look at the local accommodations tax and hospitality tax, we have about \$4 million to \$5 million on hand, in reserve and infrastructure. The grant is a bit more difficult for us to digest in a short time, not that we cannot do it, but you get into determining what a fair split is with everyone else. We are in a position we need to act sooner, so I see the mechanism might be to extend a loan, which we could put together relatively quickly out of those two funds (accommodations and hospitality taxes) without touching the general fund. Then, we can take some time as this evolves.

Mr. Stewart said he was thinking along the same lines and he would have a hard time if we took the funds out of the general or capital funds. He noted we have not given the accommodations or hospitality monies out totally each year, reserved specifically for some major ticket item needing funds. He said he thinks this may qualify. Otherwise, this funding would come at the expense of some other project such as the St. Helena Library. Mr. Stewart said he would only support it if, there is some caveat if the Heritage gets a sponsor to pay back the loan. He stated this is not economic development and would take away from all the other things we really have to do; we need to have some commitment to come back to us in the out years.

Mr. Rodman asked Mr. McBride if they worked out of the monies reserved over time if it would be more palatable. Mr. McBride said it would be a much better option. Mr. Rodman said

in the next few days staff will put together a recommendation and bring it before the Finance Committee prior to next Monday's Council meeting.

Mr. Hill came to the podium to ask Committee members for a motion to guide and give structure to staff, as well as asking Mr. Baer to provide a list of his concerns. He said before staff can make a recommendation they need to collaborate with Mr. Fraser and Mr. Wilmot to understand those concerns. Mr. Rodman outlined a motion. Mr. Baer asked if he meant loan or grant. Mr. Rodman said he meant loan. Mr. Baer also asked the recommendation provide where the money comes from, and what we give up as a result of providing that money.

Ms. Von Harten asked if a loan would be adequate commitment. Mr. Fraser said maybe. Mr. Flewelling said he sees this as a loan/grant combination, if they do not come up with a sponsor it turns into a grant because they have no ability to repay it. Ms. Von Harten said she is concerned PGA will think the County is "wishy-washy" if we say loan in the motion. Mr. Rodman said not if we put up the cash. Mr. Stewart said if this does become a grant we have to, as Council, remember there are things we have talked about such as Fort Fremont and Camp St. Mary's that will be hurt. Anyway you cut it, there could be some hardship, he added.

It was moved by Ms. Von Harten, seconded by Mr. Flewelling, to return to the Finance Committee with a staff recommendation regarding up to \$1 million in some type of loan to fund the Heritage Golf Tournament, and to have staff recommend the structure and under what terms the funds will be allocated, and from where the money comes. The vote was: FOR – Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. OPPOSED – Mr. Baer. The motion passed.

Status: Staff will return to the Finance Committee with a recommendation regarding up to \$1 million in some type of loan to fund the Heritage Golf Tournament, and to have staff recommend the structure and under what terms the funds will be allocated, and from where the money comes. Also, Mr. Baer will compile a list of concerns relative to the golf tournament.

3. Text Amendments to Business License Ordinance

Discussion: Mr. Rodman explained there are "two bites to this apple." This is the text amendment piece. We went through a long process on it. Ms. Carlotta Ungaro was kind enough to be the interface with the rest of the chambers when we talked about this two or three weeks ago, Mr. Rodman said. In addition, there are two other issues not dealt with here — more comprehensive business license approach coordinated with municipalities and review of revenues. These text amendments are an opportunity to clean this up and get it behind us, Mr. Rodman said. He reviewed three items included in the amendment. Those include removal of the board of appeals (Section 18-58); have the cut off as 2 units for when residential units fall under the ordinance; and a change to the wording of the purpose (Section 18-46).

Mr. Flewelling raised the matter of re-mailing notices. He said this is not included in the ordinance, which does not require the County to mail notices at all. It says they may, but are not required. He said he thinks it is rather inappropriate for the County to subject people to criminal

prosecution when we are not required to notify them they owe the license. He said he wants to make two proposals. One is the County is required to give notice of renewal for business license. He said he thinks we can cut costs a little by allowing email of these notices, but it should be personalized to the business needing the renewal.

It was moved by Mr. Flewelling, seconded by Mr. Sommerville, to amend Chapter 18 of Article III (Business and Professional License) of the County Code of the County Council of Beaufort County, Beaufort, South Carolina, to add a requirement to give notice of business license fees.

Mr. Stewart asked if there had been complaints from businesses saying they do not get notified because doing so is a cost in time and staff for the County. Ms. Edra Stephens, Business License Director, said the ordinance does not require the County to send notification, however as a policy we mail renewals every year to all the businesses. Mr. Rodman asked where this appears in the ordinance (Section 18-60). He asked if we do this anyway, is it logical to just take out, “not.” Ms. Stephens said, we can take that out. She added the office also runs public service announcements in the newspaper and post in an advertisement. Mr. Rodman clarified the subject on the table is whether to remove “not” in that section related to notices.

Mr. Flewelling said his purpose in bringing this forward is to push email notification. Ms. Stephens said the Business License office’s software does not allow for that at this time. Mr. Flewelling asked if the office does not have email. Ms. Stephens said yes they do, but getting that information into an email to mail to all of the businesses would be difficult.

Mr. Stewart asked if the County already notifies businesses if the County wants to obligate itself. He stated if it is in the ordinance, but a business fails to receive notification the County will be responsible. Mr. McBride concurred that the ordinance should not make things more onerous for the County. Mr. Baer stated much of the email software counts things as spam so notification may not be received.

Mr. Rodman said he is indifferent if the County already sends out notifications; it might be best left alone.

The vote was: FOR: Mr. Baer, Mr. Flewelling, and Mr. Sommerville. OPPOSED – Mr. McBride, Mr. Stewart and Ms. Von Harten. ABSTAINED – Mr. Rodman. The motion failed for lack of majority.

Mr. Flewelling brought up another matter of concern with the business license ordinance — the effect of this law is to make violation a criminal violation. To have that not be in writing and allow someone to go to jail without notification is just plain wrong, he said. If we are not enforcing this, we should take it out; there is no reason for this to be a criminal violation, he added. It is a civil violation with penalties like a civil violation.

It was moved by Ms. Von Harten, to table discussion of amending Chapter 18 of Article III (Business and Professional License) of the County Code of the County Council of Beaufort County, Beaufort, South Carolina. The motion failed for lack of a second.

Ms. Ungaro came to the table and said she received notification from two of the largest businesses in northern Beaufort County that they did not receive notice. It could have been a glitch, but when Fripp Island and Parker, Hannifin & Racour (two very dependable companies) say they have late fees when they did not realize their tax was due this may be a bigger problem than you think, she added.

Mr. Stewart rose, for discussion, whether this is actually a fee or a tax. He said the committee asked County Attorney Mr. Ladson Howell to investigate and come back with an opinion. We have not heard back and I have no problem with going forward on the other aspects we discussed, but would like to revisit this issue, Mr. Stewart said. He said he thinks whether this is a criminal or civil violation is tied into whether it is a fee or tax. Committee members discussed forwarding the amended language and coming back to discuss the matter of fee versus tax, as well as criminality later.

It was moved by Mr. Stewart, seconded by Mr. Baer to table the issue of criminality until reviewed by the Beaufort County attorney. The vote was: FOR – Mr. Baer, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. OPPOSED – Mr. Flewelling. The motion passed.

Mr. Rodman asked Mr. Flewelling if he would like the Finance Committee to come back to do the text amendment relative to the criminality, or is he comfortable looking at the broader; we will revisit this. Mr. Flewelling stated, as long as this does not pass without having a chance to explore criminality.

It was moved by Mr. Stewart, seconded by Mr. Baer, the Committee forwards to Council for third and final reading an ordinance to amend Chapter 18 of Article III (Business and Professional License) of the County Code of the County Council of Beaufort County, Beaufort, South Carolina; and to table the discussion on amending the language relative to “fee versus tax” of said ordinance until the Finance Committee receives an opinion from the County Attorney on fee versus tax as related to the business license ordinance. The vote was: FOR - Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council approves for third and final reading an ordinance to amend Chapter 18 of Article III (Business and Professional License) of the County Code of the County Council of Beaufort County, Beaufort, South Carolina.

4. Refinancing of 2002 General Obligation Bonds

Discussion: Mr. Starkey stated this would save the County about \$500,000 between FY2011 and FY2022. His presentation referenced spreadsheets provided in the meeting documentation and supplemental documents. If you look at the column with a blue heading — prior bond payment — currently, on our FY2002 bonds, we owe \$14.9 million, of which \$11.5 million is in principal and \$3.4 million in interest. Those bonds become callable next fiscal year

— FY2012. A couple of years back, we did a refunding borrowing on our 2001 bonds. A year later, we then paid off higher interest rated bonds with the lower interest rated bonds we just borrowed with, Mr. Starkey explained. Brian Nurick, the County's financial advisor, estimates if we did this with fees included the County could save roughly \$500,000, Mr. Starkey said. The interest rates on the old bonds are between 3% and 5%. From the borrowings we had recently, they have been in the 2% and 3% range. This would greatly reduce our expenditures, he added. It would temporarily increase our debt service fund balance one year to decrease it the next. While \$500,000 might not have a massive impact on millage requirements, every little bit helps, he concluded.

Mr. Flewelling said this is \$500,000 we do not have to ask from citizens. Mr. Starkey added if somehow the bond market drastically changes from this, we are not obligated; we can say stop.

Committee members asked if there would be a premium return. Mr. Starkey replied it could happen. Mr. Baer asked when this would be negotiated and Mr. Starkey replied the process would begin as soon as the refinancing received final reading from Council. He said it would be close to when the CAFR is out.

Mr. Sommerville asked if this changes the terms at all. Mr. Starkey answered it does not; the 2002 bonds were coming due in 2022, but we have the ability to call them in 2012 giving us the ability to refinance. The life of the bond is not being extended.

It was moved by Mr. Flewelling, seconded by Mr. Baer, the Finance Committee approves and forwards to County Council the refinancing of 2002 General Obligation Bonds. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council approves the refinancing of 2002 General Obligation Bonds.

5. Consideration of Reappointments and Appointments

Bluffton Fire District

Mr. Stewart nominated put Mr. David Meeder's to serve as a member on the Bluffton Fire District Board.

Lowcountry Regional Transportation Authority

Mr. Sommerville suggested Mr. Mark McCain as a candidate and went on to brief the committee on his background. Mr. Rodman brought forward another candidate, Alexander Wattay, for consideration. Committee members discussed representation on the authority from north and south of the Broad River.

It was moved by Ms. Von Harten, seconded by Mr. Sommerville, to forward to Council the nomination of Mr. Mark McCain to serve on the Lowcountry Regional Transportation Authority. The vote was: FOR – Mr. Flewelling, Mr. Glaze, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Caporale and Mr. Dawson. The motion passed.

Accommodations Tax (2%) Board

It was moved by Ms. Von Harten, seconded by Mr. Stewart, consideration of a candidate for the Accommodations Tax (2%) Board is postponed until a qualified candidate comes forward. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: The Council nominates Mr. David Meeder as a candidate to fill a vacancy for the Bluffton Fire District. The Council nominates Mr. Mark McCain as a candidate to fill a vacancy on the Lowcountry Regional Transportation Authority.

6. Proposal to Purchase a Replacement Disabilities and Special Needs Community Training Home

Discussion: Mr. Flewelling stated because the Committee already heard a presentation he wanted to move forward approval of the purchase of the property.

It was moved by Mr. Flewelling, the Finance Committee goes into executive session to discuss items relative to the purchase of the Disabilities and Special Needs community training home. He withdrew his motion.

Following discussion about proper notification for executive sessions, the Committee decided to place the item on the Monday, August 9, 2010 Council meeting agenda as an executive session item to provide ample notification.

Ms. Mitzi Wagner, director Disabilities and Special Needs, provided details about the status of the purchase for the community training home. According to her presentation, the department is requesting approval to move forward with a contract to replace the deteriorating Broad River community training home (CTH) II with a four-bedroom home on Lady's Island. The current home is a 1,465-square-foot structure with brick veneer exterior; originally a three-bedroom home with a fourth bedroom converted from a car port; currently houses four men with developmental disabilities; was purchased in January 1994; built in the 1960's; and located in Burton area on Broad River Road. Some of the concerns about the house are it is not Americans with Disabilities Act (ADA) compliant, difficulties with the sanitary and sewer systems, inadequate staff space causes conflict with residents' daily routine and medication administration and storage in the same space as laundry area compromising resident confidentiality rights under HIPPA. The new house: 4 bedroom/3 bath home built in 2006; open floor plan can be adapted to ADA with 2 ADA bathrooms; Secured yard; Beaufort County Finance Department assures us there are sufficient funds in the DSN contingency fund to purchase and renovate; DSN proposes

to sell Broad River home and use any profit received to help purchase the new home; DSN will also pursue grants from SCDDSN and the Housing Trust Fund to help with the purchase.

Recommendation: Discussion of the contract will continue before Council on Monday, August 9, 2010 during executive session.

7. Identify Legislative Policy Issues Appropriate for Consideration by the S.C. Association of Counties Steering Committees

Discussion: Mr. Stewart reviewed the items Beaufort County Council recognizes and wants to forward to the S.C. Association of Counties (SCAC) Steering Committee as matters of concern for their legislative group and lobbyists to work on this coming session. Each year we send up numerous items to the organization. He mentioned Council Chairman Mr. Weston Newton, Mr. Sommerville and he serve on the steering committee for the SCAC. He noted the SCAC requested those items be submitted by August 9, 2010. By virtue of the fact we are on the steering committee, however, and the first meetings are not until September, there is ample time for us to respond. Mr. Stewart said he wanted to review these items and in the next meeting of Public Safety we again address the topic to finalize it. The SCAC expressed a feeling there should be a consensus of governments for what the focuses should be, as well as better dialogue between local government and the legislative delegation, Mr. Stewart said. He said he thinks Beaufort County has good rapport with its delegation. The discussion will go into more detail in September, Mr. Stewart said.

The issues he mentioned were: 1. *The budget* - The state will go into session about \$1.4 billion short of what has already been cut from the budget. 2. *Tax Realignment Commission (TRC)* - TRC will report back and we must deal with what they bring forward. Mr. Stewart mentioned there is talk of increasing sales taxes on food another 2.5% and in other areas. 3. *Assessable Transfer of Interest (ATI)* - We have been encouraged to speak out against this. 4. *Voter ID* - Mr. Stewart said this did not pass, although it was negotiated last year the state legislature ran out of time. 5. *Annexation* - We bring this up every year and it has not progressed beyond subcommittee level, Mr. Stewart said. He said he thinks there will be more pressure this year as other counties have begun to feel the same strains as Beaufort County. 6. *Business License* - There were a couple bills introduced last year by the State Chamber of Commerce, which had concerns about whether it is a tax versus fee, a uniform state fee and basing the fee upon revenue compared with size of the company. 7. *Commerce* - How will the new governor's office affect commerce? 8. *Government Reform*

Mr. Flewelling stated, the Council should add to the list EFA funding normalization, EFA funding normalization and EFA funding normalization. He said he cannot stress it enough. He stated it would not hurt the other counties to help Beaufort County out just a little bit.

Mr. Stewart added another topic is highway funds based upon, not just population, but total traffic. He stated he thinks the Highway Commission took this item up this month, but was unsure the outcome. Mr. Baer continued the topic of highways by saying he thought we have one of the lowest gas taxes in the United States and some of the worst highways. "Is there any

thought of a slight increase in the gas tax to improve the highways?" he asked. Mr. Stewart said that is one of the items we send up to Columbia yearly.

Ms. Von Harten added she would like to add opening the sounds to commercial shrimping. It is something to begin studying and a matter the Shrimpers' Association indicated interest in pursuing, she said. Another topic is modernizing the system for granting oyster leases. Mr. Stewart said he is not that familiar with those topics and asked her to provide specifics at the next meeting.

Mr. Rodman said in regard to EFA funding, many counties are unlikely to support changing the formula. Rather we should approach by addressing the assessment, which is flawed because of fee in lieu, upon which EFA is based, Mr. Rodman explained. The committee members discussed what changes would likely follow from the changes, alternatives and potentials for support from other counties. Mr. Stewart stated our legislature is supportive of our position, but may not be prepared to take the fight to try to convince others to do so. All we can hope is other counties will begin to encounter the same problems we do and they will begin to support us; it is happening, he said.

Mr. Baer stated he wants a status report on the business license audit because we have paid money on it without having a vague idea of the results, and the lawful employment ordinance. Mr. Baer said last time he asked the Sheriff about it, he said to file a Freedom of Information Act (FOIA) request. Mr. Baer said he then sent an email saying that was an adversarial procedure and he just wants broad information, to which the Sheriff replied to file an FOIA. Several months ago, there were gross numbers in the *Island Packet* so the Sheriff is willing to provide the data. The members agreed it was time they received some of those numbers (i.e. inputs, processed, etc.) from the Sheriff's Office.

Status: For information only. No action. The topic will be discussed in greater detail at the upcoming Public Safety meeting, as well as come up with a definitive list to pass along to SCAC. Ms. Von Harten will provide specifics regarding opening sounds to commercial shrimpers and modernizing oyster leases.

8. Presentations – Town of Bluffton; Law Enforcement Center Traffic Impact Fees and Temporary Signal Buckwalter Parkway (Parker's Convenience Store)

Discussion: Mr. McFee explained the first item on the agenda regarding law enforcement center traffic impact fees remanded to staff and we are not ready to present anything to the Committee, and it might not need to be presented before the Committee. He said staff is still working through some last minute items with The Town of Bluffton. He introduced Town of Bluffton Assistant Town Manager Mr. Mark Orlando to discuss the signal at Buckwalter Parkway.

Mr. Orlando asked the Committee to review what their concerns were for the temporary signal at Buckwalter.

Mr. Stewart answered saying he raised most of those concerns. He said he thought we had an access management plan covering all of Buckwalter Parkway, but since the meeting when he raised concerns he found out we only have an access management plan from 278 to Bluffton Parkway, in which we agreed on curb cuts, access, etc. with the town. He said he would like to see the two entities work together. He said the roadway, he thinks, is still under the purview and control of Beaufort County. Mr. McFee said he erred and the ordinance does go all the way to S.C. 46 and the issue, the previous correspondence we had with the town, deals with explicitly that the ordinance will have to change to accomplish this. As Mr. Orlando and I discussed offline, based on the correspondence, I want Mr. Orlando to share with you their acknowledgement of the previous correspondence we sent the town in April requiring an ordinance change, as well as how the town will facilitate that to make a good comprehensive decision. He said the issue is there is an ordinance all the way to S.C. 46 and we have in previous correspondence indicated this to the town. Staff in no way is making any unilateral decision or changing any ordinances. Mr. McFee added the town should make a case before Council.

Mr. Stewart said he is very happy to hear that. He said it is appropriate for the town to bring it forward to Council. He said his other point is frontage roads — rather than have curb cuts, have frontage roads. He said he is also concerned with the building at that intersection hindering the possibility of a frontage road. He said he would prefer a frontage road there and he wants to go on record saying he does not like roundabouts and they went out of style with the buggy. He said he wants them to consider a frontage road and come back to us with regard to possible amendments to the access management plan.

Mr. Orlando stated he would share this discussion with the Town of Bluffton Council and with the Town Manager. He stated they are 50 percent finished on the overhaul of their unified ordinance — commonly referred to the zoning and development standards ordinance. That will be complete by the end of December. We worked closely with Mr. Tony Criscitiello, Beaufort County division director of Planning and Development, to make sure we are aligned. He said he speaks with Mr. McFee weekly. He stated there are a few things we are looking at such as a revision to the Buckwalter Parkway access management standards. As those standards are amended, we may have different needs based on what our current council has as an objective; of course, we will work closely with you. I see now we have some conflicting standards, he said, such as the development agreement and concept plan, which he said is different than the County's zoning ordinance provision. The council will examine whether the intersection of Buckwalter and Bluffton Parkway, to the town, is the true, main, important, mega corner of Bluffton. He said he needs to think what his council thinks as we rethink the zoning standards and growth plans before he can set to align with the County. He said until late December when the Town of Bluffton council weighs in he is stuck not being able to advance certain things forward. He acknowledged Mr. Stewart's comments about access roads.

Status: For information only. No action.

NATURAL RESOURCES COMMITTEE

August 10, 2010

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

The Natural Resources Committee met on Tuesday, August 10, 2010 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE:

Members: Chairman Paul Sommerville, and members Steven Baer, Gerald Dawson and Brian Flewelling also attended. Committee members William McBride, Stu Rodman and Vice Chairman Jerry Stewart did not attend.

County Staff: Dan Ahern, Stormwater Management; Tony Criscitiello, Division Director – Planning and Development; Brian Herrmann, Community Planner; Bob Klink, County engineer; Gary Kubic, County Administrator.

Media: Joe Croley, Hilton Head Island Association of Realtors; Luke Thompson, *The Island Packet/Beaufort Gazette*.

Public: Reed Armstrong, Coastal Conservation League; Steve Bishof, property owner in the May River Community Preservation District and committee member; Jimmy MacIntyre, Bluffton resident and May River Community Preservation District committee; Cecil Mitchell, Mitchell Brothers; Wes Jones, May River Community Preservation District committee.

Mr. Sommerville chaired the meeting.

ACTION ITEM

1. **Zoning Map Amendment / Rezoning Request to Lady's Island R201-15-118, -508, -509, And -510 (4 Properties) From Lady's Island Community Preservation (LICP) and Professional Office District (POD) To Village Center (VC); Owner: Oakwood Properties, Applicant/Agent: Jane Hinch**

Discussion: The property is split-zoned right now and this rezoning would make the entire property Village Center, Mr. Sommerville told the Natural Resources Committee.

Mr. Criscitiello referenced a map illustrating the Lady's Island zoning map amendment and comparing how it is zoned with how the amendment will affect the property. He said the surrounding property is zoned professional office district and community preservation. Mayfair Court and Sam's Point Road, which abut the property, are village center, so it is a small area affected by the proposed changes, Mr. Criscitiello said. At issue is a piece of property in use for retail right now; this is not allowed in professional office district zoning. The request is to zone it

as village center. The subcommittee made a recommendation to rezone. Some of the properties below this property in discussion were rezoned in a similar manner last year, Mr. Criscitiello stated. The Planning Commission suggested properties to the north of the parcels in question also be considered for rezoning. This topic went before the Lady's Island Community Preservation Committee (CP), the subcommittee of the Planning Commission and the Planning Commission, which recommended approval of the requesting rezoning to bring the property into compliance.

Mr. Dawson asked if the parcel just above that in question abuts Miller Drive is also being considered. Mr. Criscitiello clarified saying, no, the Planning Commission asked staff initiate, but since we have not had an opportunity to confer with the property owner we would not unilaterally rezone someone's property. It will come forward at a later date.

It was moved by Mr. Flewelling, seconded by Mr. Baer, that Natural Resources Committee approves and forwards to Council a motion to approve on first reading a requested rezoning to Lady's Island R201-15-118, -508, -509 and -510 (four properties) from Lady's Island Community Preservation (LICP) and Professional Office District (POD) to Village Center (VC). The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville. ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council approves on first reading a requested rezoning to Lady's Island R201-15-118, -508, -509 and -510 (four properties) from Lady's Island Community Preservation (LICP) and Professional Office District (POD) to Village Center (VC).

2. May River Community Preservation District –

- **Text Amendment to the Beaufort County Comprehensive Plan, Appendix F, Section 8, May River Plan (adds new section for May River Community Preservation Area Plan)**

- **Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area**

- **Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix R, May River Community Preservation (CP) District (adds new appendix for development standards for the May River CP District)**

- **Zoning Map Amendment for the May River Community Preservation District from Rural, Rural-Residential and Rural-Transitional overlay Districts to May River Community Preservation District.**

Discussion: The Natural Resources Committee discussed all items relative to the May River Community Preservation District as a single topic.

Mr. Criscitiello said there are four separate actions connected to this one topic – the text amendment for an addition to the Comprehensive Plan; the future land use map that accompanies the May River Community Preservation District; the amendment to the zoning ordinance and

zoning map that follows. This has been a long process of approximately five years, he added. The CP committee met independently of the County's staff for about two years. Starting in 2007, they began meeting with the Planning Department staff. Today, after many years, this is the culmination of the in-depth analysis by the CP committee and planning staff. What is at issue here is the desire of the people in this area along the May River Road to preserve a rural way of life. They made it abundantly clear what they have in mind is very few permitted uses — mostly residential with a small amount of commercial uses. Those commercial uses are those bespeaking a rural environment such as roadside stands, home occupation and family compounds, etc. The density along the southern part of the road is 1:5, units to acres, with about 60% to 80% open space depending on the style of residential development. It is 1:3 density on the northern side of the road. There are two overlay districts — the River Overlay District and Scenic Highway Overlay District. They would be based on a setback from the river of 100 feet, which is 50 feet more than the County's current riverfront setback line from the critical line. There are 500 feet from the center line of May River Road, where the Scenic Highway Overlay District applies and the setbacks follow within that area. The basic idea here is to allow for residential development to take place with a rural character. The ordinance from the Comprehensive Plan and that from the zoning ordinance will work in tandem with each other. One provides highlighted understanding of what was provided for in the zoning ordinance. This is a rather lengthy document, Mr. Criscitiello said. Members of the May River Community Preservation (CP) committee attended the meeting and briefly spoke about the process.

Mr. Sommerville asked the various members of the CP committee to come to the table and provide comments.

Mr. McIntyre stated his family has owned property on the May River for about 60 years and because of the rapid development occurring in southern Beaufort County a great deal of the community at May River agreed there needed to be something in place to protect the environment in that area. The neighborhood began the process, and it has been quite long, he said. He added many other entities such as S.C. Department of Transportation, Rural and Critical Lands and the County Planning Department provided input to the process. This is the plan the neighborhood wants. He said it is not unanimous, but the CP created the document in front of the committee.

Mr. Flewelling said he thought there was one person concerned with family property and compound type properties. Were her issues addressed, he asked. Mr. Criscitiello said he had an opportunity to meet with the family and the County Attorney. He said at the end of the day he demonstrated to the family, the family compound in the current ordinance would apply to them without change and they were satisfied with this. What they have under rural zoning would continue.

Mr. Steve Bishof, a property owner on Palmetto Bluff Road, said he has been a member of the CP committee since it formally started and he thanked the staff for their hard work. He said he has some concern with the boundary line around the district. A small section of Beaufort County is not included in this, he said. Mr. Bishof added his property is three parcels down from the boundary line. He added, talking with his neighbors who are in agreement with him, he is

getting cold feet about this district because “things can change down the road and district-wide it would change. Since I am so close to the boundary I am here to request that I could be, that the boundary could be changed, so I could be dropped out of this district.” He added he is right on the line.

Mr. Sommerville asked for clarification whether he wanted to be in the district or not. Mr. Bishof said he does not want to be in the district, but right now he is included in the district. He said he and his two neighbors do not want to be in the district.

“I am just getting cold feet about it, not what they are doing now, but what can happen down the road and changes area wide. If the line was drawn in a different spot then it wouldn’t affect us,” Mr. Bishof explained.

Committee members then reviewed area maps to identify the location of Mr. Bishof’s property and the surrounding zonings. Mr. Bishof also pointed out two other properties, which he said want to be removed from the district.

Mr. Bishof again expressed concern that he has no problem with the current district, but rather a problem with “later on, when something changes for [him] and he has to watch what is going on in the area the whole time. Whereas my neighbors are not included...” Mr. Sommerville stated he was not sure what Mr. Bishof thinks will happen in the future, but he respects his wishes. Mr. Bishof said something might become more restrictive in the CP district.

Mr. Criscitiello addressed Mr. Bishof’s concerns by saying, if the CP district became more restrictive it would be as a result or desires of the CP committee. The change would not happen unilaterally. It would be a result of a request.

Mr. Flewelling stated, for clarification, that Mr. Bishof wants to be dropped because he thinks the CP district is not strict enough. Mr. Bishof said no, he is content, but there is a random line drawn, a “magic blue line,” that goes right across and he asked it shift a little to exclude his property. Mr. Flewelling asked why. Mr. Bishof said, “if something in the CP district became more... if there was some regulation put out there that would affect my property values, it is something in the district... if something was passed in the district that was tougher regulations and such it would include us, but it would not include my neighbor three parcels down.” He added he would have to keep up with the CP district constantly. Mr. Sommerville stated he is unclear.

Mr. Criscitiello said this area is zoned to be very rural and the uses are very, very limited. He said the uses being discussed could include potential changes to standards for home occupation. He asked Mr. Bishof if he is concerned about home occupation. Mr. Bishof said he is concerned about it all.

Mr. Bishof restated he wants to remain rural, rural-residential instead of being included in the CP district. Mr. Criscitiello said the CP district has essentially the same rules as those governing him in his current zoning.

Mr. Baer said he wants to try to put a face on this. He said there is a CP committee consisting of several people, which will get together and vote on matters relevant to this area. Mr. Bishof will only be one vote on this committee and he could be outvoted, Mr. Baer said. Mr. Bishof disagreed. He said he and his two neighbors just do not want to be a part of the district.

Mr. Sommerville said the committee members are confused why Mr. Bishof does not want to be included.

Mr. Jones, another CP committee member, said Mr. Bishof's concerns are new and come as a shock because Mr. Bishof has been a part of many meetings. There is always a boundary, but he said he understands his concern stems from his property being so close to the edge of the boundary and external factors affecting his property value. Mr. Jones said there cannot be a unilateral change; there is a process with plenty of opportunity to object, he said. Mr. Jones added another factor adding to the flexibility of this matter is that the County is in the process of adopting a form-based code. While we want to go ahead and move on the CP district, we agreed when the form-based code is passed we will review to bring the two in conjunction. He added no one in the area wants the other residents to feel they are being "man-handled" through the process and there should be ample options for bringing forward concerns. He said he thinks this CP district will have a major impact on improving some of the problems with the May River, which are substantial. We are trying to protect that beautiful byway with oaks right on the bank of the May River, he said.

Mr. Baer said in the Future Land Use Map, which shows how the area will look after the amendments are adopted, there does not look like a large difference between the current and future zoning. However, he said the transfer is not 100%; some of the rural areas in the current zoning do not become CP. Were those people who requested to stay out, he asked. Mr. Criscitiello said he believes when the CP committee met, over numerous meetings, they set the boundary lines. How someone wound up in and out is not an exact science, but it is rather how the committee felt the boundaries were most natural, Mr. Criscitiello said. Mr. Baer said judging from the maps there is a precedent for rural adjacent to the CP district.

Mr. Flewelling stated he is hesitant to include someone in the district if they wish to stay out of it. He asked what the predicted effect of leaving the property out would be. Mr. Criscitiello said it is virtually nothing, but the only difference is there are fewer uses in the CP district than allowed by-right in rural zoning. The flavor and intent are essentially the same, he said. Mr. Flewelling then asked how form-based code would affect the properties and if they would be zoned essentially the same. Mr. Criscitiello said those areas would probably be the same. The transect materializing there would likely be a rural transect. This is in close coordination with the Town of Bluffton. Lastly, Mr. Flewelling asked about a tiny sliver of zoning with different zonings within the maps. Mr. Brian Herrmann came to the table and it was decided it was a coloring mistake.

Mr. Sommerville said the CP districts are designed, in part, to protect residents from the County, so they can preserve and prevent "the march of progress in areas that want to remain."

He said the committees that feed into the Natural Resources Committee have asked this body to approve a district with specific boundaries, but on the verge of this one property owner says he wants to change this. Mr. Sommerville said while Mr. Bishof is here, he says there are two other objectors but they are not present, and he is certainly not going to say he is wrong. They are not here and we have not heard from them; we cannot change a property on someone else's word. He said he is prepared to move forward on this as it came forward to Natural Resources, but he is not prepared to make a change on property for two people who are not present. He said he is prepared for staff to make a recommendation to the body regarding the change, but that recommendation needs to include the concurrence of those property owners, as well as the CP committee and the Planning Commission.

Mr. Flewelling said he thinks this is a relatively minor change, and he agrees with Mr. Sommerville. He added he thinks this is something to be done in the interim between this meeting and the August 23rd County Council meeting. Mr. Criscitiello said this is a small change and approval of the Planning Commission would not be necessary.

Mr. Dawson asked how many acres Mr. Bishof owns. He said two. Mr. Dawson said he agrees with Mr. Sommerville on the matter that Mr. Bishof speaks for himself and two other landowners, who may have a similar desire as he but they are not here or asking for themselves. Mr. Bishof cannot speak on their behalf. Mr. Dawson stated he is prepared to accept the recommendation that came from the Planning Commission and staff that the committee approves the change as presented today.

Mr. Criscitiello said he would prefer the committee decide whether or not to include these properties today, rather than kicking the can down the road. He said if the committee removes Mr. Bishof's property, so be it. But he shared his fear is, if the members remember what happened in dealing with the fishing village and we got the "Swiss cheese effect." He said he would not like to see that happen here because you become paralyzed by the whole issue of who is in or out.

Mr. Kubic recommended, we have one property owner to present and to represent himself, but we need evidence or authentication we can verify the two others mentioned properties are in concurrence. For a public entity to act on something without authentication, I would not recommend it, Mr. Kubic said. Mr. Bishof said he could get the verification for the other owners.

It was moved by Mr. Baer, seconded by Mr. Dawson, the Natural Resources Committee approves and forwards to Council items related to the May River Community Preservation District, minus the property specifically requested by Mr. Bishof. The vote was: FOR – Mr. Baer. OPPOSED – Mr. Dawson, Mr. Flewelling and Mr. Sommerville. ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion failed.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, the Natural Resources Committee approves and forward to Council items, as recommended by staff, related to the May River Community Preservation District.

Mr. Flewelling said he does not preclude changing this motion in front of County Council if staff looks at the matter and feels it is a recommendation of theirs to remove the properties in question.

Mr. Sommerville stated, then you end up with “Swiss cheese.” He stated he is uncomfortable and will vote against it. Mr. Sommerville asked Mr. Herrmann if this moves forward in its current form and then there is a possibility of change at the Council level to excluding the properties and if it will work. Mr. Herrmann replied he thinks it will work fine. He said they have looked at it and they can redraw the line.

Mr. Dawson added he has a concern this opens Pandora’s Box. When we head down that road (removing properties from the district) we open Pandora’s Box. When those three property owners remove from the district, then the neighbors find out, then another two want to leave, what do we do?

Mr. Flewelling said he believes they would answer than change just like any change to a CP district, get the committee to make a recommendation. If we allow owners to just leave, it could unravel like a house of cards. He added he cannot imagine Mr. Bishof being rezoned without his support.

Mr. Criscitiello stated if he had to predict the future he would say this is Pandora’s Box, and if you do not deal with Mr. Bishof now then I see us dealing with many other property owners who tangentially are involved and question the efficacy of the effort. He said the better thing to do is for the committee to respect Mr. Bishof’s request to draw the boundary without him. We move the process forward and get the district in place.

Mr. Dawson agreed with Mr. Criscitiello recommendation.

Mr. Flewelling withdrew his motion.

After some discussion about removing the property owners, two who were not present, the Natural Resources Committee members decided until property representatives were present and asked to be removed, they would not address the matter. Ultimately, the members agreed to remove Mr. Bishof’s property from the district since he was present at the meeting and requests he not be included.

The committee members agreed to reinstate Mr. Baer’s motion.

It was moved by Mr. Baer, seconded by Mr. Dawson, that Natural Resources Committee approves on first reading: (i) text amendment to the Beaufort County Comprehensive Plan, Appendix F, Section 8, May River Plan (adds new section for May River Community Preservation Area Plan); (ii) Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area; (iii) text amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix R, May River

Community Preservation (CP) District (adds new appendix for development standards for the May River CP District); and (iv) Zoning Map Amendment for the May River Community Preservation District from Rural, Rural-Residential and Rural-Transitional overlay Districts to May River Community Preservation District — with the exception of Mr. Stephen Bishop's property, R600 037 000 0090 0000, which will be removed from the district. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville. ABSENT – Mr. McBride, Mr. Stewart and Mr. Rodman. The motion passed.

Recommendation: Council approves on first reading:

1. A text amendment to the Beaufort County Comprehensive Plan, Appendix F, Section 8, May River Plan (adds new section for May River Community Preservation Area Plan).

2. Future Land Use Map Amendment for the May River Community Preservation District from Rural to Rural Community Preservation Area.

3. Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Appendix R, May River Community Preservation (CP) District (adds new appendix for development standards for the May River CP District).

4. Zoning Map Amendment for the May River Community Preservation District from Rural, Rural-Residential and Rural-Transitional overlay Districts to May River Community Preservation District. (Mr. Stephn Bishop's property, R600 037 000 0090 0000, will be removed from the CP District lines per his request.).

3. Water Budget Assistance Agreement with S.C. Department of Natural Resources (DNR)

Discussion: Mr. Dan Ahern said this is a redirection of something the Natural Resources Committee approved back in January — a budget agreement proposed on the headwaters of the May River to find the water budget in the area. Subsequently, budget cuts at the state level precluded that being done. This is the alternative proposal as stated in the July 20, 2010 memo — to compare two different watersheds, the Okatie and the New Rivers. One of the waters is already fully developed. Another watershed on Palmetto Bluff is totally undeveloped. We will actually ask the state Hydrologic Office to give us guidance, but will be done mostly by County staff who will measure flow and other data. The watersheds are very similar, the same size and consistency of uplands and wetlands, Mr. Ahern explained. This will give us good data about what we do and how we change the water when it is developed. It also will be helpful because one of the waterways is in the Okatie TMDL area and gives us a good feel for how much we need to reduce. Previously the request was for \$115,000, but they are now asking the committee to approve \$50,000 for a two-year study in its place.

Mr. Flewelling asked from where the money comes. Mr. Ahern replied it comes from the Stormwater Utility fund and will basically replace the \$115,000, which was already approved

and budgeted. This will be less than what we anticipated. Mr. Flewelling stated this is a drop in the bucket.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, the Natural Resources Committee approves and recommends to County Council the acceptance of the S.C. Department of Natural Resources proposal called “Scope of Work for Quantifying Water Budgets in Beaufort County, SC” in the amount of \$50,000. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council approves the S.C. Department of Natural Resources proposal called “Scope of Work for Quantifying Water Budgets in Beaufort County, SC” in the amount of \$50,000.

4. Beaufort County Stormwater Utility Extent of Service (EOS) and Level of Service (LOS)

Discussion: Mr. Ahern said this is an outcome spurring from this Committee’s questions about what service the Stormwater Utility provides and to what extent. He said this policy was developed to say where the work is done (EOS) and what work is provided (LOS), and is the best estimate of what is going on. He said it is policy and there is no change to how things have been done; it is just writing down how the department has operated. He added he thinks this will help down the road should there be some inconsistency. Now, it is defined, clear and consistent.

Mr. Flewelling said he thought this was already what the County was working on. Mr. Ahern agreed, and clarified it is putting into writing what is being done.

It was moved by Mr. Baer, seconded by Mr. Dawson, the Natural Resources Committee approves and recommends to Council the approval and posting of the Stormwater Utility Extent of Service (EOS) and Level of Service (LOS) documents. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council approves and posts the Stormwater Utility Extent of Service (EOS) and Level of Service (LOS) documents.

5. Small Municipal Separate Stormwater Sewer System (MS4) / Stormwater Utility Intergovernmental Agreement (IGA) Recommendations: Operational Alternative; Minimum Control Measures

Discussion: Mr. Ahern stated this was the recommendation of the Stormwater Implementation Committee and provided background. Driving this effort are two things: the need to update intergovernmental agreements establishing the stormwater utility that will be up in September 2011, and this Stormwater Implementation Committee has been tasked with coming up with recommendations to be put into the legislative arena for approval. This subcommittee was formed as a result of a 2008 County-municipal workshop about how the 2006

stormwater management plan would be implemented. That committee was given two goals: to coordinate stormwater issues throughout the county and then develop recommendations on how to better implement the plan on an annual basis. The Stormwater Implementation Committee has been charged also to develop a schedule for amending these IGA's and recommend alternative on how we could operate under the expected stormwater MPDS permits we expect in 2012. As a result, they worked up a schedule (provided in the meeting documentation) the new IGA's would be in place by September 2011, but to do so we need drafts in March 2011 and the recommended operational alternative should be decided by this September. As part of that, the committee recommended the County take the initiative to recommend five operational alternatives, two of which were recommended. The Stormwater Implementation Committee looked at those and decided they wanted a third alternative, giving everyone separate permits. They also looked at maximizing coordination among the six requirements in the permits. We are in the process of that with two of the six listed complete. We would like to pose the operational alternatives and minimum control measures now for the Natural Resources Committee. In the attachments are: the recommended operational alternative and recommendations on the first two minimum control measures (MCM) required under the permits. This goes along with public education and outreach, and public involvement and participation, he explained.

It was moved by Mr. Flewelling, seconded by Mr. Baer, the Natural Resources Committee approves and forwards to Council the recommended operational alternative and recommendations for the first two MCM's of Education and Public Involvement. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Mr. Baer asked a question about areas of the May River containing high levels of fecal coliform and the relation of a trailer park with a septic overrun nearby. He said to him they are almost connected, and tie into item 3. He asked how that will be dealt with. Mr. Ahern said the trailer park has been held as a potential area and it is monitored weekly for going on one year. It has not demonstrated any problem. He said he is not sure it is connected to the May River's fecal coliform problem.

The Committee discussed different permits among municipalities. Mr. Ahern noted it could become controversial as some municipalities have more lenient stormwater policies to incentivize development.

Recommendation: Council approves the recommended operational alternative and recommendations for the first two MCM's of Education and Public Involvement.

6. **Text Amendment to the Zoning and Development Standards Ordinance (ZDSO), Article V: Table 106-1098 General Use Table, Commercial Uses – Commercial Retail, Neighborhood (adds allowable use of variety stores); and Section 106-1285(D)(1) Commercial Retail, Neighborhood (adds 10,000-square feet limitation for variety stores in Rural Business Districts); applicant: C. Campbell.**

Discussion: Mr. Criscitiello said this is a request from a citizen in Gardens Corner who has property in a rural business district. The effort is to address a matter in the zoning ordinance that allows for hardware stores in the district at 10,000-square feet but there is no provision for variety stores. Both these stores have many of the same characteristics with many synonymous items sold, he said. Additionally, the County Planning staff and Planning Commission felt while that may be true there should be a way to prevent sprawl of commercial uses along our highways. He added he sees the value of broadening the opportunity for variety stores in the rural business district, but worry this could lead to a proliferation of such uses. Therefore, the staff decided we provide a provision saying there is a 5-mile separation of that type of use to prevent over proliferation. The Planning Commission recommended approval. This Committee should recognize this is not a limitation.

Mr. Dawson said Mr. Criscitiello explained this very well. He said there are two in his district, and this applicant is trying to get business started in the Gardens Corner area. This provides him the ability to give the community access to a variety of goods in this store.

It was moved by Mr. Dawson, seconded by Mr. Flewelling, the Natural Resources Committee approves and forwards to Council approval on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Article V: Table 106-1098 General Use Table, Commercial Uses – Commercial Retail, Neighborhood (adds allowable use of variety stores); and Section 106-1285(D)(1) Commercial Retail, Neighborhood (adds 10,000-square feet limitation for variety stores in Rural Business Districts). The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council approves on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Article V: Table 106-1098 General Use Table, Commercial Uses – Commercial Retail, Neighborhood (adds allowable use of variety stores); and Section 106-1285(D)(1) Commercial Retail, Neighborhood (adds 10,000-square feet limitation for variety stores in Rural Business Districts).

7. **Text Amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article I, Section 106-9(B)(1) — Nonconformities (adds subsection that allows nonconforming historic buildings to be adaptively reused and become conforming through approval of a special use permit).**

Discussion: Mr. Criscitiello said under the current ZDSO there are only two tests for a special use to occur for historic buildings; this provides a third test. This provides if the owner expended the opportunity for grandfather coverage under zoning, closed for more than 120 days or the building deteriorate beyond 50% of the market value, you still can reuse it productively if a historic structure as determined by standards for applying the historic label, as well as bringing it back to use similar to what it was prior. If that's not the case, then it can go through review by the Development Review Team and the Zoning Board of Appeals that the use is acceptable in that location in that building. This allows it to occur based on a set of plans, which would be

reviewed and then there would be a public hearing before the Zoning Board of Appeals. It would go back to DRT for final plans and to make sure all permits are in place. This is a path forward to deal with structures that are deemed historic, deteriorating and have been not been in use longer than 120 days, Mr. Criscitiello summarized.

Mr. Dawson asked if it would still have to meet building codes. Mr. Criscitiello said, absolutely. It must meet all requirements as well as being approved for a special use permit.

Mr. Baer asked what is considered historic. Mr. Criscitiello replied older than 50 years.

Mr. Flewelling said he is glad there is another opportunity to reuse buildings compared with razing them.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, the Natural Resources Committee approves and forwards to Council approval on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article I, Section 106-9(B)(1) — Nonconformities (adds subsection that allows nonconforming historic buildings to be adaptively reused and become conforming through approval of a special use permit). The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article I, Section 106-9(B)(1) — Nonconformities (adds subsection that allows nonconforming historic buildings to be adaptively reused and become conforming through approval of a special use permit)

8. Consideration of Reappointments and Appointments —

Discussion: Mr. Sommerville stated there are two vacancies on boards to be filled.

Construction Adjustment and Appeals Board

It was moved by Mr. Flewelling, seconded by Mr. Dawson the Natural Resources Committee forwards to Council Albert Thomas, representing design professional contractor/building industry, to serve on the Construction Adjustment and Appeals Board. The vote was: FOR - Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Council nominates Mr. Albert Thomas for appointment to serve on the Construction Adjustment and Appeals Board.

Southern Corridor Review Board

Recommendation: Committee deferred consideration of this vacancy pending a recommendation from someone in southern Beaufort County.

INFORMATION ITEM

9. Stormwater Retrofit Contract, Phase 2

Discussion: Mr. Ahern said this is also a cost saving for the County. This is the second phase of the Stormwater Retrofit Contract. We came to the Committee at its December meeting to give information about having an engineering firm assist with regional and non-regional retrofit projects. Subsequent to that approval, we decided to just do the first phase — the regional system. Now, after a long negotiation process, came up with a scope for the second phase — the non-regional system. This actually turned out to be a lot less than we were estimating. We initially estimated this would be between \$56,230 and \$68,200, while the final contract will be \$39,100. The overall retrofit contract is a cooperative agreement among the County and the municipalities (paying 50% of these contracts). This is the final phase of this to complete the retrofit funding for the studies.

Mr. Baer said this is an engineering study, not construction. Mr. Ahern agreed. Mr. Baer stated this retrofit may cost “bokous” construction dollars. Mr. Ahern answered, the stormwater management plan from 2006 identified on the regional side and put cost estimates of up to \$11 million for purchase of land and construction of retrofit. This engineering study explains if those retrofits are still viable and a better look at whether they should be done. There were eight looked at and one has already been taken off as not viable. This will help us prioritize.

It was moved by Mr. Flewelling, seconded by Mr. Baer, the Natural Resources Committee approves and forwards to Council the acceptance of the Ward Edwards proposal called “Non-regional BMP Conceptual Engineering Design” in the amount of \$39,100. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling and Mr. Sommerville, ABSENT – Mr. McBride, Mr. Rodman and Mr. Stewart. The motion passed.

Recommendation: Committee approved the Ward Edwards proposal called “Non-regional BMP Conceptual Engineering Design” in the amount of \$39,100.