

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING
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WM. WESTON J. NEWTON
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D. PAUL SOMMERVILLE
VICE CHAIRMAN

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GARY KUBIC
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, February 28, 2011

4:00 p.m.

Large Meeting Room
Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island

Citizens may participate in the public comment periods and public hearings telephonically from Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort and as well as Mary Field School, Daufuskie Island.

- 4:00 p.m.**
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. INVOCATION
 4. PROCLAMATION
 - Boys and Girls Clubs Month
Mr. Doug Barry, Executive Director of the Boys & Girls Clubs of the Lowcountry
Ms. C.J. Humphrey, President of the Board of Directors, Boys & Girls Clubs
of the Lowcountry
 5. PUBLIC COMMENT
 6. COUNTY ADMINISTRATOR'S REPORT
 - Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - Two-Week Progress Report ([backup](#))
 - Recognitions / Beaufort County Parks and Leisure Services
 - State Champions / Girls Soccer Team (10-year old and under) from Bluffton
 - State Champions/ Co-ed Soccer (13-year-old and under) from Bluffton
 - Presentation SCDOT / Update US Highway 278 Widening Project
Mr. John D. Boylston, Program Manager

Over



7. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator

- Two-Week Progress Report ([backup](#))
- Strategic Plan 2010 – 2015 Report Card ([backup](#))
- Presentation / Purchase of Mobile Data and Computer System

CONSENT AGENDA

Items 8 through 12

8. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V. USE REGULATIONS; TABLE 106-1098. GENERAL USE TABLE; AND SECTION 106-1247. ASSEMBLY AND WORSHIP, SMALL (ALLOWS SCHOOLS AS A LIMITED USE IN SMALL ASSEMBLY AND WORSHIP USES AND REMOVES SIZE REQUIREMENT)

([backup](#))

- Consideration of second reading to occur February 28, 2011
- Public hearing announcement – Monday, March 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort
- First reading approval occurred February 14, 2011/ Vote 10:0
- Natural Resources Committee discussion and recommendation to approve occurred February 1, 2011 / Vote 4:0

9. AN ORDINANCE TO PROVIDE FOR A DAY WATCH PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY

([backup](#))

- Consideration of second reading to occur February 28, 2011
- Public hearing announcement – Monday, March 14, 2011 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort
- First reading approval occurred February 14, 2011 / Vote 10:0
- Public Safety Committee discussion and recommendation to approve occurred February 7, 2011 / Vote 4:0

10. PURCHASE OF MOBILE DATA AND COMPUTER SYSTEM ([backup](#))

- Finance Committee discussion and recommendation to approve occurred February 21, 2011 / Vote 6:0
- Contract award: GETAC (laptop computers) \$1,494,576, CISCO Software (mobile CAD, mapping) \$538,95, Net Motion (VPN software) \$116,625, HP (servers from state contract) \$35,000
- Contract amount: \$2,184,896
- Funding source: \$100,000 (account #11435-54424, renovations EMS), \$515,635 (account #11437-54200 (upgrade radio equipment), \$4,519 (account #11439-5402 (special capital equipment-EMD), \$309,366 (#11435-56000, contingency), \$310,150

(account #11436-56000, contingency), \$650,028 (account #11437-56000, contingency), \$295,198 (account #11439-56000, contingency)

11. PRIORITIZATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECTS
 - The four priorities are: Community Infrastructure, Village Renaissance, Trails to Residential Centers, and Business Development
 - Community Services Committee discussion and recommendation to approve occurred February 21, 2011 / Vote 6:0

12. AN INTERGOVERNMENTAL AGREEMENT AMONG THE COUNTY OF BEAUFORT, THE TOWN OF BLUFFTON, AND BEAUFORT MEMORIAL HOSPITAL REGARDING ROAD DESIGN AND CONSTRUCTION OF BUCKWALTER COMMERCIAL PARK FRONTAGE ROAD ([backup](#))
 - Finance Committee discussion and recommendation to approve occurred February 21, 2011 / Vote 4:2

13. AN ORDINANCE TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY ([backup](#))
 - Consideration of first reading to occur February 28, 2011
 - Public Safety Committee discussion occurred September 7, 2010

14. [COMMITTEE REPORTS](#)

15. PUBLIC COMMENT

16. EXECUTIVE SESSION
 - Receipt of legal advice relating to pending and potential claims covered by the attorney-client privilege

17. 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 9 & 252
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

**Monday, February 28, 2011
4:00 p.m.**

**Large Meeting Room
Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island**

INFORMATION ITEMS:

- The County Channel / Broadcast Update
- Two-week Progress Report (Enclosure)
- Recognitions / Beaufort County Parks and Leisure Services
 - State Champions / Girls Soccer Team (10-year old and under) from Bluffton
 - State Champions/ Coed Soccer (13-year-old and under) from Bluffton
- Presentation SCDOT / Update US Highway 278 Widening Project
Mr. John D. Boylston, Program Manager



Memorandum

DATE: February 28, 2011
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 February 14, 2011 through February 28, 2011:

February 14, 2011 (Monday):

- USDA Meeting with David Starkey, Lad Howell and Gary Kubic re: Interim Finance for St. Helena Library Project
- Meet with Aaron Crosby re: Daufuskie Ferry Service
- Attend Finance Committee Meeting
- County Council

February 15, 2011 (Tuesday):

- Attend Waste Management CPI Annual Adjustment meeting with Jim Minor, Eddie Bellamy, Robert McFee and Waste Management Representatives
- Attend Finance Meeting in Bluffton

February 16, 2011 (Wednesday):

- Attend Millage Meeting with David Starkey, CFO and Phyllis White, School District
- Attend St. Helena Library Access Meeting with Gary Kubic, Ladson Howell, Louis Dore, Roland Gardner and William McBride
- Meet with Gary Kubic, David Starkey and William Winn re: Financial Components of CRA/EMS Fire Study

February 17, 2011 (Thursday)--Bluffton:

- Bluffton Hours
- Meet with George Hicks, USDA Area Representative re: St. Helena Library Grant Issues

February 18, 2011 (Friday)--Bluffton:

- Bluffton Hours

February 21, 2011 (Monday):

- Meet with Gary Kubic, David Starkey, Robert McFee and Mark Roseneau re: Myrtle Park Government Building
- Attend Finance Committee Meeting
- Attend Community Services Committee Meeting

February 22, 2011 (Tuesday):

- Attend St. Helena Library Status Meeting with Gary Kubic, Morris Campbell, David Starkey, David Coleman, Wlodek Zaryczny and Tony Criscitiello
- Meet with Gary Kubic, Tony Criscitiello, Billie Lindsay and Rob Merchant re: Parks and Open Space Master Plan

February 23, 2011 (Wednesday):

- Agenda Review
- Work on Department Budgets
- Work on County Council Retreat Information
- Visit Proposed Trail Sites with Rob Merchant and Billie Lindsay

February 24, 2011 (Thursday):

- Meet with Todd Ferguson, Emergency Management Director re: Essential and Non-Essential Budget Items
- Attend Fire Chief Budget Meeting with David Starkey
- Meet with Carolyn Wallace re: Stormwater Budget

February 25, 2011 (Friday)--Bluffton:

- Bluffton Hours



Beaufort County, South Carolina

Strategic Plan Report Card 2010-2015

February 28, 2011 0



Beaufort County Policy Agenda Top Priority

- ❖ Airport Master Plan
- ❖ Rural and Critical Land
- ❖ Countywide Form Based Code
- ❖ County Services Review and Prioritization
- ❖ Water Quality Office



Beaufort County Policy Agenda High Priority

- ❖ BMP Manual
- ❖ Mental Health & Disability Special Needs
- ❖ Solid Waste Disposal and Recycling
- ❖ Alternative County Revenue/Fees Update
- ❖ Spec Building Commerce Park



Beaufort County Management Agenda Top Priority

- ❖ County Campus Building Renovations
- ❖ St. Helena Library at Penn Center
- ❖ Financial Planning and Reporting
- ❖ Smart Decline Contingency Plan



Beaufort County Policy Agenda High Priority

- ❖ Transfer of Development Rights
- ❖ Daufuskie Island Comprehensive Plan
- ❖ Emergency Medical Services Study
- ❖ Transportation Model
- ❖ Financial Policies Review
- ❖ Compliance Officer

2011 /

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ARTICLE V. USE REGULATIONS; TABLE 106-1098. GENERAL USE TABLE; AND SECTION 106-1247. ASSEMBLY AND WORSHIP, SMALL (THAT ALLOWS SCHOOLS AS A LIMITED USE IN SMALL ASSEMBLY AND WORSHIP USES AND REMOVES SIZE REQUIREMENT).

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

Adopted this _____ day of _____, 2011.

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: February 11, 2011

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	CR	CS	RD	LI	IP	R	RR	RB	RC		
INSTITUTIONAL USES													
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L	N	106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Assembly and worship, small	Y	Y	Y	Y	N	N	N	L	L	L	N	106-1247	Museums, aquariums, cultural or arts centers, historic sites and churches with or without no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district 15,000 square feet . Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Colleges and professional schools	S	S	N	S	L	N	N	S	N	N	N	106-1248	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)

Sec. 106-1247. Assembly and worship, small.

- (a) *Size.* Small assembly and worship uses are less than 15,000 square feet, with or without a no school.
- (b) *Urban, suburban, commercial suburban districts.* In urban, suburban and commercial suburban districts, there shall be no minimum lot size. Sunday school activities are permitted. Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.
- (c) *Rural district.* In the rural district there shall be no minimum lot size for this use. ~~When the use proposes a school (except for Sunday school activities) as part of the use, a minimum lot size of ten acres shall be required.~~

AN ORDINANCE TO PROVIDE FOR A DAY WATCH PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY.

WHEREAS, §24-13-235, *et seq.*, *Code of Laws of South Carolina, 1976*, as amended, provides for the establishment of a Day Watch Program as an alternative to confining certain criminal offenders in Beaufort County Detention Center; and

WHEREAS, there are many financial and other advantages to Beaufort County which would result from the establishment of such a program; and

WHEREAS, it is the opinion of the Beaufort County Council that a Day Watch Program, should be established in Beaufort County as an alternative to incarceration.

NOW, THEREFORE, BE IT ORDAINED BY THE BEAUFORT COUNTY COUNCIL:

SECTION 1. A Day Watch Program is hereby established in Beaufort County as an alternative to confinement in Beaufort County Detention Center in accordance with the Voluntary Program (§24-13-235, *et seq.*, *Code of Laws of South Carolina, 1976*, as amended.);

SECTION 2. Pursuant to §24-13-235, *et seq.*, *Code of Laws of South Carolina, 1976*, as amended, as an alternative, an individual selected by the Court is allowed to serve their sentence on weekends by performing various community service oriented tasks as designated by the Beaufort County Detention Center Coordinator. These tasks include, but are not limited to, litter control and trash pick up within Beaufort County.

SECTION 3. In addition to any other court costs, the court shall collect a \$15.00 one-time administration fee to cover the cost of registering the participants, which shall be paid to Beaufort County. Beaufort County Detention Center shall also assess the individual performing such community service \$5.00 per day to cover the cost of supervisory personnel and transportation costs. The determination of the individual's ability to pay the administrative fees will be determined by the court prior to sentencing.

SECTION 4. Each individual engaged in performing public service will wear an orange or yellow fluorescent vest with Beaufort County Detention Center or BCDC printed on the back.

SECTION 5. The Day Watch Program hereby established in Beaufort County shall comply with all applicable state and local laws and regulations, including, but not limited to, §24-13-235, *et seq.*, *Code of Laws of South Carolina, 1976*, as amended.

SECTION 6. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 7. This Ordinance shall take effect upon third reading approval.

Adopted this _____ day of _____, 2011.

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: February 14, 2011

Second Reading:

Public Hearing:

Third and Final Reading:



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2350 Fax: (843) 255-9437

TO: Councilman Stewart H. Rodman, Chairman, Finance Committee

VIA: Gary Kubic, County Administrator *Gary*
Bryan Hill, Deputy County Administrator *Bryan Hill*
David Starkey, Chief Financial Officer *David Starkey*
William Winn, Director of Public Safety *William Winn*

FROM: Dave Thomas, CPPO, Purchasing Director *DT*

SUBJ: **Mobile Data Computer Project**

DATE: February 16, 2011

BACKGROUND: Beaufort County's Public Safety Division is currently working on replacing our current mobile data system which was last purchased in 1999. The County's current system is 11 years old and is no longer manufactured by the supplier. Additionally, equipment warranty and repair parts are not available. After testing, research, and cost analysis, staff is recommending to purchase the mobile data system from the following vendors: CISCO (Creative Information System Company) for the required mobile computerized assisted design and mapping software, GETAC for the laptop computers, Net Motion for the required Virtual Private Network (VPN) software, and Hewlett Packard (HP) for the servers (from State contract). CISCO currently provides our Computer Aided Dispatch System and will provide the mobile data software to the County. This system will provide connectivity to the mobile computerized assisted dispatch (CAD), the automated vehicle location (AVL), and provides access to the National Crime Information Center (NCIC) connections. Data coverage services to support this equipment will be purchased from Verizon (under the State contract) from next year's general fund budget, which will total approximately \$144,000.

MOBILE DATA EQUIPMENT PROVIDERS AND COST:

1. GETAC (Laptop Computers)	\$ 1,494,576
2. CISCO Software (Mobile CAD, Mapping)	\$ 538,695
3. Net Motion (VPN Software)	\$ 116,625
4. HP (Servers from State Contract)	\$ 35,000
Total for First Year	\$ 2,184,896

Please see attachment 1 for equipment, maintenance, and support pricing for recurring years.

FUNDING:

\$ 100,000 - 11435-54424 (Renovations – EMS) – Part of Amount Borrowed
Not Needed for Ongoing Projects
\$ 515,635 - 11437-54200 (Upgrade Radio Equipment) – Remaining Balance
Not Needed – Project Complete
\$ 4,519 - 11439-54204 (Special Capital Equipment – EMD) – Remaining
Balance Not Needed – Project Complete
\$ 309,366 - 11435-56000 (Contingency)
\$ 310,150 - 11436-56000 (Contingency)
\$ 650,028 - 11437-56000 (Contingency)
\$ 295,198 - 11439-56000 (Contingency)
\$ 2,184,896 - Total

RECOMMENDATION: The Finance Committee approve and recommend to County Council approval of the purchase of software and replacement equipment for the County's new Mobile Data and Computer System in the amount of \$2,184,896.

Cc: David Starkey, Richard Hineline, Elizabeth Smith
Attachment 1: Equipment, Maintenance, and Support Pricing

MOBILE DATA COMPUTER PROJECT

Attachment 1 Equipment	Costs	Recurring 1st year	Recurring 2nd year	Current Recurring
300 MDC Laptops	\$1,494,576	\$0	\$0	
TS Server	\$20,000	\$7,000	\$7,000	
TA Server Lap Top	\$15,000	\$4,500	\$4,500	
Cisco Mobile CAD	\$312,000	\$0	\$60,394	
Cisco Mapping	\$226,695	\$0	\$79,923	
Verizon	\$0	\$144,000	\$144,000	
Net Motion VPN	\$116,625	\$21,125	\$21,125	
Total Cost	\$2,184,896	\$176,625	\$316,942	\$187,688
Old fees		(\$187,688)	(\$187,688)	
Difference in fees		(\$11,063)	\$129,254	

**Blackline of Changes to February 20th Version
of Intergovernmental Agreement**

County, collects the Beaufort County Impact Fees and transmits them to Beaufort County, less an Administrative Fee; and

WHEREAS, the Hospital has had prepared a scope of services and fee agreement with design professionals which includes the initial studies and applications to apply for the various permits from the Army Corps of Engineers, SC Dept. of Health and Environmental Control, and others which are necessary to construct the Buckwalter Commercial Frontage Road, with such services totaling \$207,000.00; and

WHEREAS, the Hospital has had prepared a preliminary Engineer's Estimate of Probable Cost regarding the costs to construct to County standards the Buckwalter Commercial Frontage Road across the Property with connections to both US 278 and Buckwalter Parkway, which totals \$1,300,000.00; and

WHEREAS, the first phase of the Hospital's buildings on the Property will generate approximately \$677,400.00 in Beaufort County Road Facilities Development Fees (60,000 s.f. times \$11.29/s.f. Road Facilities Fee), with total additional buildout to generate an additional \$677,000 to \$903,000.00 in Road Facilities Development Fees, for a potential total of \$1,580,000.00 in Road Facilities Development Fees; and

WHEREAS, the Hospital may generate additional Road Facilities Development Fees at other facilities it may alter or construct in Southern Beaufort County in the future; and

WHEREAS, discussions with County Council, County Staff and the Hospital's administration and consultants have led to a consensus that a traffic roundabout should be considered as an alternative to a full access four way intersection at the intersection of the Buckwalter Commercial Frontage Road and Buckwalter Parkway; and

WHEREAS, with the assistance of Beaufort County Engineering, the Hospital's engineers are soliciting proposals for the design of a roundabout suitable for the Buckwalter Parkway intersection, with an accompanying engineer's estimate of construction costs; and

WHEREAS, it is anticipated that the design profile of such a roundabout may require the acquisition of additional property from adjacent landowners to create a sufficient right of way for the road and its associated drainage.

NOW THEREFORE, BE IT AGREED, in consideration of the foregoing premises and the considerations set forth below, that the design, permitting and construction of the Buckwalter Commercial Frontage Road shall be undertaken by the Hospital upon the following terms and conditions, which are accepted by both Councils of the Town of Bluffton and Beaufort County and the Board of Trustees of Beaufort Memorial Hospital, and that the following shall be the Credit Agreement and Capital Contribution Front-Ending Agreement as contemplated by Chapter

I. DESIGN AND PERMITTING

- a. The Hospital will contract for the design professional's services, totaling \$207,000.00, as more particularly set forth and described in the attached Attachment B. The parties agree that the terms of services set forth in Attachment B are within the customary range of costs for similar services, and competitive bidding is not required. It is further agreed that a traffic engineering firm with substantial experience in designing roundabouts will be selected by the Hospital and the County, after obtaining at least three proposals, and the costs for those services will be added to the approved professional's services fees.
- b. Unless otherwise agreed, the Hospital will be in charge of supervision of the design and permitting, and the Town of Bluffton and Beaufort County will execute such applications for permits as may best be processed in either or both of their capacities as governmental bodies. It is acknowledged that the Army Corps of Engineers and DHEC wetland permits and land disturbance permits will likely be submitted as a joint County-Town application, which may also be joined by SCDOT as a co-applicant.
- c. Beaufort County, after consultation with the Town of Bluffton, shall approve the initial design and construction specifications of the Buckwalter Commercial Frontage Road and its profile, as the Buckwalter Commercial Frontage Road right of way shall be dedicated to Beaufort County after completion of construction. Preliminary design requirements from the County include two ~~twelve~~ foot travel lanes with usual and customary turn, acceleration and deceleration lanes within the Property as contained in the SCDOT Blue Book, with ~~at least one~~ multi-use path on one side completely through the Property. US 278 access to the Buckwalter Commercial Frontage Road will be a limited access right in, right out movement, with a deceleration lane only off of US 278, and Buckwalter Parkway access to the Buckwalter Commercial Frontage Road shall be a full access roundabout, unless the traffic study commissioned by the Hospital with the assistance and guidance of Beaufort County Engineering indicates that it should be only be a traditional four way full access intersection with appropriate acceleration and deceleration lanes. Provisions for a future connector southward from the Property towards the Berkeley Place commercial area shall be incorporated into plans, as well as a westward connector from the Property towards Island West Planned Unit Development. The road shall be curb and gutter with sidewalks on both sides. Storm water design for the road shall be coordinated with the Hospital's storm water requirements for its on-site development so as to have an integrated storm water master plan. Design parameters for the Buckwalter Commercial Frontage Road required by Beaufort County should be made available to the Hospital no later than 45 days after approval by Beaufort County of this Agreement. It is acknowledged road and landscaping enhancements requested by the Hospital beyond the initial design requirements will be at Hospital's expense.
- d. Beaufort Memorial Hospital shall be responsible for the timely payment of the invoices

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for services and application fees in regards to the design and permitting of the Buckwalter Commercial Frontage Road, but the Hospital shall receive a credit against future Beaufort County Road Facilities Development Fees for the actual costs expended by the Hospital on the Buckwalter Commercial Frontage Road. These credits shall be evidence by pre-payment certificates at the time the funds are expended by the Hospital, which credits shall be based upon the amount of commercial square footage to be constructed by the Hospital on the Property (such as medical office buildings), as such expenditures for the construction of the Buckwalter Commercial Frontage Road would satisfy Road Facilities Development Fee requirements. There shall be no diminution in value due to Road Facilities Development Fee increases in the future (i.e., 10,000 s.f. of pre-paid fees at today's rate of \$11.29 per s.f. will still satisfy the requirements for 10,000 s.f. of commercial medical office space (or its future equivalent category) regardless of any rise in the commercial rate, provided further that any decrease in the commercial rate will accrue to the benefit of the Hospital (i.e., additional square footage shall be available if the fee should be less than in effect when paid).

II. CONSTRUCTION

- a. The parties agree that the completion of the Buckwalter Commercial Frontage Road and associated infrastructure improvements within the time frame necessary to provide access and utility service to the medical office buildings to be constructed on the Property by the Hospital is an integral and essential element of this Agreement, as is coordination with the US 278 widening project to achieve economies of scale and avoid lack of essential access during construction and site occupancy. The Hospital shall provide the necessary right of way for the road and associated drainage, and shall receive a credit for land dedication in accordance with Section 82-88 (c). To the extent that additional land is required for the roundabout from adjacent landowners, ~~such adjacent landowners likewise shall be eligible to~~ receive credit against future Road Facilities Development Fees in like manner.
- b. The parties further agree the Hospital may submit a build proposal for the Buckwalter Commercial Frontage Road and associated improvements which shall meet or exceed applicable state and county design requirements. If the Hospital's proposal(s) and its unit costs are comparable to similar road projects presently under construction in Beaufort County, and Beaufort County receives a legal opinion from its attorneys that such proposal does not violate any procurement statute or ordinance, the Hospital shall use its procurement process to award the contracts. If placed for normal bidding through Beaufort County's procurement process, Beaufort County agrees to include provisions in the road improvement and/or utility installation contract specifications and plans which provide for a completion date of the Buckwalter Commercial Frontage Road and associated infrastructure improvements no later than ten months after contract execution, and that failure to stay within the designed critical path for completion by more than one month (with due allowance for inclement weather delay) shall constitute a material breach of such contract. Beaufort County shall include contract provisions in the construction

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**AN INTERGOVERNMENTAL AGREEMENT AMONG
THE COUNTY OF BEAUFORT, THE TOWN OF BLUFFTON,
AND BEAUFORT MEMORIAL HOSPITAL
REGARDING ROAD DESIGN AND CONSTRUCTION OF
BUCKWALTER COMMERCIAL PARK FRONTAGE ROAD**

THIS AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2011, by and among the County of Beaufort, South Carolina ("Beaufort County"), the Town of Bluffton, South Carolina, and Beaufort Memorial Hospital (the "Hospital").

WHEREAS, Beaufort County commissioned and adopted a US Highway 278 Short Term Needs Study in 2001 in which a New Road Connectivity component included the building of a frontage road connector designated as the Buckwalter Commercial- Buckwalter Parkway Connector (the "Buckwalter Commercial Frontage Road"), the purpose of which was to alleviate traffic congestion along Highway 278; and

WHEREAS, the prior owners of that certain property known as Buckwalter Commercial Park more particularly described on Attachment A (the "Property") had contemporaneously agreed with the South Carolina Department of Transportation ("SCDOT") regarding Encroachment Permit Number S-07-000179 dated May 17, 2000 and supplemental correspondence through November 14, 2000, that the Highway 278 crossover (median cut) at Buckwalter Commercial Park could be closed in conjunction with future improvements to Highway 278 upon agreement between Beaufort County and SCDOT after completion of a frontage road connecting the Property from Highway 278 to Buckwalter Parkway, and that the owner of the Property would provide the right of way for the Buckwalter Commercial Frontage Road with SCDOT being responsible for all permitting, construction and maintenance costs of the Buckwalter Commercial Frontage Road; and

WHEREAS, Beaufort County Council approved at third reading on October 23, 2006 by Ordinance Number 2006-24 (now codified at Chapter 82 of the Beaufort County Code of Ordinances) a Development Impact Fee, including a Road Facilities Fee, and within that Ordinance identified and incorporated by reference the Road Facilities Impact Fee Support Study and CIP: South Beaufort County Service Area, dated September 2006 (Support Study) and the County adopted South Beaufort County Road Capital Improvement Plan (CIP) identified therein, which were used to calculate the Road Facilities Fee (Section 82-85 of the Beaufort County Code of Ordinances); and

WHEREAS, Table 12 of the Support Study identified the Buckwalter Commercial Frontage Road (identified in that Study as Frontage Road, South Side, Meggett Tract to Buckwalter Parkway) as a Needed Capital Improvement, consisting of 0.42 Added Lane Miles at an estimated cost of \$900,000.00; and

WHEREAS, Beaufort County and SCDOT are presently engaged in designing, permitting and constructing improvements to Highway 278 that include the median closure described above; and

WHEREAS, the Buckwalter Commercial Frontage Road has long been approved as part of Beaufort County's Capital Improvement Program as described above, and the Buckwalter Commercial Frontage Road is an improvement eligible to have the design, permitting and construction costs paid from Beaufort County Traffic Impact Fees pursuant to Chapter 82 of the Beaufort County Code of Ordinances; and

WHEREAS, the recent economic downturn has affected the income stream from the Beaufort County Road Facilities Impact Fees, inhibiting the ability of Beaufort County to fund the construction of the Buckwalter Commercial Frontage Road; and

WHEREAS, SCDOT has also experienced a shortfall in funding because of the economic downturn, and SCDOT cannot commit funds for the construction of the Buckwalter Commercial Frontage Road; and

WHEREAS, the Hospital has placed under contract the Property through which the Buckwalter Commercial Frontage Road is to be constructed, and the Hospital desires to have the design, permitting and construction of the Buckwalter Commercial Frontage Road to begin as quickly as possible in order to deliver health care services to southern Beaufort County; and

WHEREAS, construction of the buildings upon the Property by the Hospital will generate Beaufort County Impact Fees; and

WHEREAS, Section 6-1-1050 of the Code of Laws of South Carolina provides for an impact fee payor to enter into an agreement with a governmental entity, providing for the construction or installation of system improvements by the fee payor or developer and credits or reimbursements for costs, among other things; and

WHEREAS, Section 82-88 of the Beaufort County Code of Ordinances provides for a impact fee payor to apply for credits and enter into a Credit Agreement with County Council for system improvements identified in the CIP and dedication of road right of way, among other things; and

WHEREAS, Section 82-88 (c) (6) of the Beaufort County Code of Ordinances further provides for a Capital Contribution Front-Ending Agreement to the extent the fair market value of the construction of the road facilities exceed the obligations to pay road facilities development impact fees; and

WHEREAS, the Town of Bluffton, pursuant to an Intergovernmental Agreement with Beaufort

County, collects the Beaufort County Impact Fees and transmits them to Beaufort County, less an Administrative Fee; and

WHEREAS, the Hospital has had prepared a scope of services and fee agreement with design professionals which includes the initial studies and applications to apply for the various permits from the Army Corps of Engineers, SC Dept. of Health and Environmental Control, and others which are necessary to construct the Buckwalter Commercial Frontage Road, with such services totaling \$207,000.00; and

WHEREAS, the Hospital has had prepared a preliminary Engineer's Estimate of Probable Cost regarding the costs to construct to County standards the Buckwalter Commercial Frontage Road across the Property with connections to both US 278 and Buckwalter Parkway, which totals \$1,300,000.00; and

WHEREAS, the first phase of the Hospital's buildings on the Property will generate approximately \$677,400.00 in Beaufort County Road Facilities Development Fees (60,000 s.f. times \$11.29/s.f. Road Facilities Fee), with total additional buildout to generate an additional \$677,000 to \$903,000.00 in Road Facilities Development Fees, for a potential total of \$1,580,000.00 in Road Facilities Development Fees; and

WHEREAS, the Hospital may generate additional Road Facilities Development Fees at other facilities it may alter or construct in Southern Beaufort County in the future; and

WHEREAS, discussions with County Council, County Staff and the Hospital's administration and consultants have led to a consensus that a traffic roundabout should be considered as an alternative to a full access four way intersection at the intersection of the Buckwalter Commercial Frontage Road and Buckwalter Parkway; and

WHEREAS, with the assistance of Beaufort County Engineering, the Hospital's engineers are soliciting proposals for the design of a roundabout suitable for the Buckwalter Parkway intersection, with an accompanying engineer's estimate of construction costs; and

WHEREAS, it is anticipated that the design profile of such a roundabout may require the acquisition of additional property from adjacent landowners to create a sufficient right of way for the road and its associated drainage.

NOW THEREFORE, BE IT AGREED, in consideration of the foregoing premises and the considerations set forth below, that the design, permitting and construction of the Buckwalter Commercial Frontage Road shall be undertaken by the Hospital upon the following terms and conditions, which are accepted by both Councils of the Town of Bluffton and Beaufort County and the Board of Trustees of Beaufort Memorial Hospital, and that the following shall be the Credit Agreement and Capital Contribution Front-Ending Agreement as contemplated by Chapter

I. DESIGN AND PERMITTING

- a. The Hospital will contract for the design professional's services, totaling \$207,000.00, as more particularly set forth and described in the attached Attachment B. The parties agree that the terms of services set forth in Attachment B are within the customary range of costs for similar services, and competitive bidding is not required. It is further agreed that a traffic engineering firm with substantial experience in designing roundabouts will be selected by the Hospital and the County, after obtaining at least three proposals, and the costs for those services will be added to the approved professional's services fees.
- b. Unless otherwise agreed, the Hospital will be in charge of supervision of the design and permitting, and the Town of Bluffton and Beaufort County will execute such applications for permits as may best be processed in either or both of their capacities as governmental bodies. It is acknowledged that the Army Corps of Engineers and DHEC wetland permits and land disturbance permits will likely be submitted as a joint County-Town application, which may also be joined by SCDOT as a co-applicant.
- c. Beaufort County, after consultation with the Town of Bluffton, shall approve the initial design and construction specifications of the Buckwalter Commercial Frontage Road and its profile, as the Buckwalter Commercial Frontage Road right of way shall be dedicated to Beaufort County after completion of construction. Preliminary design requirements from the County include two twelve foot travel lanes with usual and customary turn, acceleration and deceleration lanes within the Property as contained in the SCDOT Blue Book, with at least one multi-use path on one side completely through the Property. US 278 access to the Buckwalter Commercial Frontage Road will be a limited access right in, right out movement, with a deceleration lane only off of US 278, and Buckwalter Parkway access to the Buckwalter Commercial Frontage Road shall be a full access roundabout, unless the traffic study commissioned by the Hospital with the assistance and guidance of Beaufort County Engineering indicates that it should be only be a traditional four way full access intersection with appropriate acceleration and deceleration lanes. Provisions for a future connector southward from the Property towards the Berkeley Place commercial area shall be incorporated into plans, as well as a westward connector from the Property towards Island West Planned Unit Development. The road shall be curb and gutter with sidewalks on both sides. Storm water design for the road shall be coordinated with the Hospital's storm water requirements for its on-site development so as to have an integrated storm water master plan. Design parameters for the Buckwalter Commercial Frontage Road required by Beaufort County should be made available to the Hospital no later than 45 days after approval by Beaufort County of this Agreement. It is acknowledged road and landscaping enhancements requested by the Hospital beyond the initial design requirements will be at Hospital's expense.
- d. Beaufort Memorial Hospital shall be responsible for the timely payment of the invoices for services and application fees in regards to the design and permitting of the Buckwalter

Commercial Frontage Road, but the Hospital shall receive a credit against future Beaufort County Road Facilities Development Fees for the actual costs expended by the Hospital on the Buckwalter Commercial Frontage Road. These credits shall be evidenced by pre-payment certificates at the time the funds are expended by the Hospital, which credits shall be based upon the amount of commercial square footage to be constructed by the Hospital on the Property (such as medical office buildings), as such expenditures for the construction of the Buckwalter Commercial Frontage Road would satisfy Road Facilities Development Fee requirements. There shall be no diminution in value due to Road Facilities Development Fee increases in the future (i.e., 10,000 s.f. of pre-paid fees at today's rate of \$11.29 per s.f. will still satisfy the requirements for 10,000 s.f. of commercial medical office space (or its future equivalent category) regardless of any rise in the commercial rate, provided further that any decrease in the commercial rate will accrue to the benefit of the Hospital (i.e., additional square footage shall be available if the fee should be less than in effect when paid).

II. CONSTRUCTION

- a. The parties agree that the completion of the Buckwalter Commercial Frontage Road and associated infrastructure improvements within the time frame necessary to provide access and utility service to the medical office buildings to be constructed on the Property by the Hospital is an integral and essential element of this Agreement, as is coordination with the US 278 widening project to achieve economies of scale and avoid lack of essential access during construction and site occupancy. The Hospital shall provide the necessary right of way for the road and associated drainage, and shall receive a credit for land dedication in accordance with Section 82-88 (c). To the extent that additional land is required for the roundabout from adjacent landowners, such adjacent landowners likewise shall be eligible to receive credit against future Road Facilities Development Fees in like manner.
- b. The parties further agree the Hospital may submit a build proposal for the Buckwalter Commercial Frontage Road and associated improvements which shall meet or exceed applicable state and county design requirements. If the Hospital's proposal(s) and its unit costs are comparable to similar road projects presently under construction in Beaufort County, and Beaufort County receives a legal opinion from its attorneys that such proposal does not violate any procurement statute or ordinance, the Hospital shall use its procurement process to award the contracts. If placed for normal bidding through Beaufort County's procurement process, Beaufort County agrees to include provisions in the road improvement and/or utility installation contract specifications and plans which provide for a completion date of the Buckwalter Commercial Frontage Road and associated infrastructure improvements no later than ten months after contract execution, and that failure to stay within the designed critical path for completion by more than one month (with due allowance for inclement weather delay) shall constitute a material breach of such contract. Beaufort County shall include contract provisions in the construction documents making the Hospital an intended third party beneficiary of said contract(s), which shall provide that the contractor's failure to complete the road and associated

improvements in accordance with the required terms set forth herein, including completion dates, and to provide continuous functional construction access to the building sites of the Hospital may subject the road building contractor to a claim from the Hospital for damages that may be proven to have been incurred by Hospital by virtue of the contractor's failure to perform, including, but not limited to, loss of revenue from the buildings that are unable to obtain a Certificate of Occupancy from Beaufort County as a result of the delay and any increased construction and or financing costs. In an effort to mitigate damages, Beaufort Memorial Hospital shall have the right, but not the obligation, to demand Beaufort County terminate the contract with the road contractor and allow the Hospital to complete that portion of the road construction not timely completed by County's contractor. In such event the road contractor may be liable for the amount paid or incurred by the Hospital to complete the road improvements and for such other damages as may be proven and provided for by law. In the event of default by the contractor, Beaufort County shall pay any amounts due under the Contract to the Hospital, and Beaufort County agrees to participate as a party Plaintiff in any litigation against the defaulting contractor to recover all costs and damages due to the Hospital as a result of the default.

III. PAYMENT FOR CONSTRUCTION COSTS

- a. Recognizing the present inability to fully fund the construction of the Buckwalter Commercial Frontage Road by either of the governmental parties or SCDOT, Beaufort Memorial Hospital will fund the construction costs of the Buckwalter Commercial Frontage Road and pay invoices as they come due, but the Hospital will receive credits against future Beaufort County Road Facilities Development Fees for the actual amounts paid for the construction costs of the Buckwalter Commercial Frontage Road, with such credits to be evidenced by pre-payment certificates in the same manner as described in Section I(d) above.
- b. Further recognizing that the costs of the design, permitting and construction of the Buckwalter Commercial Frontage Road and associated roundabout and access may exceed the amount of Road Facilities Development Fees due from the Hospital to Beaufort County for the Hospital's future construction, the Town of Bluffton and Beaufort County agree to use their best efforts to obtain such other monies as may become available through grant application or otherwise to supplement the funds available for repayment of the costs to construct the Buckwalter Commercial Frontage Road.
- c. It is acknowledged that present fiscal demands for existing under construction projects as part of Beaufort County's Capital Improvement Program have required the designation of funds from the Road Facilities Development Fee program to complete those projects. The Town of Bluffton and Beaufort County agree to reimburse the Hospital for the costs to construct the Buckwalter Commercial Frontage Road and associated roundabout and access not covered by the Hospital's projected Road Facilities Development Fees from future Road Facilities Development Fees not already earmarked for these other sales tax

projects as they may become available in the future. It is acknowledged that the timing of these future reimbursements is uncertain, and it likely will be several years prior to such fees becoming available.

- d. Notwithstanding the foregoing, in the event a project that would generate Road Facilities Development Fees is proposed that would connect to or take access from the Buckwalter Commercial Frontage Road or associated roundabout and access, such fees will be collected and reimbursed to the Hospital until the costs of the Buckwalter Commercial Frontage Road and associated roundabout and access have been fully reimbursed to the Hospital.

IV. MISCELLANEOUS

- a. If a court shall finally determine that any aspect of this Agreement is void or unenforceable, it is the intention of the parties that it shall not thereby terminate, but shall be deemed amended to the extent required to make it valid and enforceable, and such provision or provisions shall be deemed severed from this Agreement and all other provisions shall remain in full force and effect.
- b. The above recitals are incorporated into and made a part of this Agreement.

IN WITNESS WHEREOF, the Town of Bluffton and Beaufort County, acting under the authority of their respective governing bodies, and Beaufort Memorial Hospital, acting by and through its Board of Trustees, have approved this Intergovernmental Agreement, authorized its authorized officers to duly execute same in triplicate, any of which is to be considered an original, thereby binding the Town, County and Hospital for the faithful and full performance of the terms and conditions of this Agreement, as of the date first written above.

TOWN OF BLUFFTON

BEAUFORT COUNTY

Lisa Sulka, Mayor

Weston Newton, Chairman

Attest:

Attest:

Town Clerk

Sue Rainey, Clerk to County Council

SIGNATURES CONTINUE ON FOLLOWING PAGE

BEAUFORT MEMORIAL HOSPITAL

Jerry Schulze, Chairman

Attest: _____
David L. Tedder, Secretary

Attachment A
Legal Description of Property

Parcel A

ALL that certain parcel and tract of land, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, said tract designated as Parcel "A" (0.18 acres), more specifically shown and described on a plat thereof entitled "A Plat of Parcel 'A,' Parcel 'B' and Parcel 'C,' Being a Portion of the Meggett and Buckwalter Tracts," said plat dated July 27, 2000, and last revised August 15, 2000, as prepared by Thomas & Hutton Engineering Co., and certified by Boyce L. Young S.C.R.L.S. No. 11079, with said plat recorded in the Beaufort County Records in Plat Book 76 at Page 59. For a more detailed description as to the metes and bounds, courses and distances, reference is had to the aforementioned recorded plat.

Parcel B

ALL that certain parcel and tract of land, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, containing 6.00 acres and designated as Parcel "B" on a plat entitled "A Plat of Parcel 'A,' Parcel 'B' and Parcel 'C,' Being a Portion of the Meggett and Buckwalter Tracts," dated July 27, 2000, and last revised August 15, 2000, prepared by Boyce L. Young S.C.R. Land Surveyor, License No. 11079 of Thomas & Hutton Engineering Co. Said plat being recorded in the Beaufort County Records in Plat Book 76 at Page 59 on October 13, 2000. For a more detailed description as to the metes and bounds, courses and distances, reference is had to the aforementioned recorded plat.

Together with a perpetual right of access, ingress and egress across that portion of Parcel "C" lying to the North of Parcel "B" so as to permit access to Highway 278 upon the roadway to be constructed by The Foxfield Company.

LESS AND EXCEPT: ALL that certain piece, parcel or lot of land situate, lying and being a portion of the Meggett and Buckwalter Tracts, Beaufort County, South Carolina, containing 0.039 acres, more or less, and shown on a plat dated May 13, 2003, and entitled "Sanitary Sewer Pump Station Prepared for Beaufort Jasper Water and Sewer Authority" by Thomas & Hutton Engineering Company, Boyce L. Young RLS No. 11079. For a complete description as to metes, bounds and distances, reference may be craved to plat as shown in deed recorded in the Beaufort County Records in Book 1835 at Page 2322.

AND ALSO less and except that certain access easement containing 0.066 acres which is to be used as a utility easement and ingress/easement as shown on said plat.

Parcel C

ALL that certain parcel and tract of land, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, containing 13.82 acres, more or less, said tract designated as Parcel "C" (13.82 acres) on that plat thereof by Thomas & Hutton Engineering Co., and certified

by Boyce L. Young S.C.R.L.S. No. 11079, entitled "A Plat of Parcel 'A,' Parcel 'B' and Parcel 'C,' Being a Portion of the Meggett and Buckwalter Tracts," said plat dated July 27, 2000, last revised August 15, 2000, and recorded in Plat Book 76 at Page 59 in the Beaufort County Records. For a more detailed description as to the metes and bounds, courses and distances, reference is had to the aforementioned recorded plat.

Attachment B
Design/Permitting Proposals

Andrews & Burgess Inc.

Engineering & Surveying

November 19, 2010

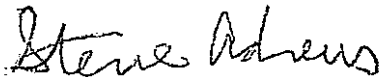
Mr. David Tedder
P.O. Box 1282
Beaufort, SC 29901

RE: P10138 – BMH Bluffton – Wetland Permitting

Dear David:

As we discussed on Wednesday we revised the proposal for the access road and wetland permitting to clarify that it does not include securing the development permit for the BMH site. Since we last spoke I had another conversation with Mr. Rob McFee which provided additional insight into why Beaufort County is eager for the BMH project to move forward. Mr. McFee explained that the county is moving forward with their plans to widen Highway 278 and the associated median closings, and that the access road across the proposed BMH site facilitates the closing of the median on Highway 278 in front of the BMH parcel. Mr. McFee encouraged us to work diligently with you to help BMH move their project forward. To that end, we are ready and willing to help in whatever capacity is beneficial to you and BMH.

Sincerely,



Steve Andrews, P.E.



November 16, 2010

Mr. David Tedder
P.O. Box 1282
Beaufort, SC 29901

RE: P10138 – BMH Bluffton – Wetland Permitting

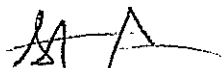
Dear David:

The enclosed proposal combines the access road and BMH site wetland permitting, which is different from what you requested and requires a brief explanation. As you are aware the access road crosses wetlands on the BMH site and on the adjacent property. Also the development of the BMH site requires impacting an isolated wetland on the Bluffton Commons parcel. The Army Corps of Engineers (ACoE) will require a single wetland permit application for the combined on-site and off-site wetland impacts. This combined permit application must demonstrate and justify the need for impacting the wetlands, which will require designing the access road and the BMH site improvements as part of the ACoE wetland permit application. State level approvals are also required as a prerequisite of the ACoE permit such as the SCDHEC Stormwater Quality Certification. It is possible if not probable that some or all of the stormwater quality treatment of the access road runoff will be provided on the BMH site.

For the reason listed above it is not possible to completely separate the access road design-permit effort from that of the BMH site. The proposal includes all of the design-permit efforts required to complete the ACoE wetland permit application for the access road and BMH site, which includes the prerequisite State level permit efforts. Effectively, the only effort excluded from the proposal is the local (Town of Bluffton) development permit application.

Please review the proposal and timeline, and then let us know if we need to provide more detail or further refine the cost breakdown between the access road and the BMH site.

Sincerely,



Steve Andrews, P.E.



November 11, 2010

Mr. David Tedder
P.O. Box 1282
Beaufort, SC 29901

Re: Proposal P10138 – BMH-Bluffton - Proposal and Schedule to Complete Master Plan, Access Road Design and Wetland Permit Process (Revision November 19, 2010-Clarify Scope of Services)

Dear David:

From our review of Ms. Mary Shahid's memorandum dated October 28, 2010, it appears that the Restrictive Covenants associated with the past wetland permits for the Buckwalter Commons will not be applicable to the anticipated wetland road crossing permit required for the Beaufort Memorial Hospital (BMH) development. In preparation for starting the wetland road crossing and wetland fill permit processes required to accommodate the proposed BMH medical complex at the Buckwalter Commons, we are submitting this scope of services and schedule. As an introduction to the information to follow, it should be noted that after discussing the wetland permitting strategy with Mr. Asher Howell, of Newkirk Environmental, Inc., we concluded that the strategy most likely to succeed is to combine the wetland road crossing and filling of the isolated wetland on-site in a single permit application. This combined permit application will require developing road construction plans to define and quantify the wetland impacts for the road crossing, and developing a comprehensive master plan and infrastructure construction plans for the BMH site improvements to define and quantify the isolated wetland impacts.

In addition to infrastructure plans, some state level permits must be in place to complete the Army Corps of Engineers permit process. A prerequisite to processing the wetland permit application is the SCDHEC-OCRM Stormwater-Land Disturbance permit for the combined road crossing and BMH site improvements. To ensure that the access road alignment and intersection improvements, which affect the wetland impacts, are acceptable to the SCDOT, their Access Encroachment permit must be issued. The placement of water and sanitary sewer lines within the access road right-of-way will influence the wetland impacts; therefore, the SCDHEC Water and Sewer permits must be secured. The following scope of services and schedule includes these state level permitting efforts, which provides a comprehensive accounting of the engineering and permitting efforts required for the master plan, access road, other improvements within the road right-of-way, and wetlands permitting. *Though this proposal does include engineering and permitting of the aspects of the BMH site that directly relates to the access road it does not provide for the complete engineering and permitting of the BMH site improvements. Additional services will be required to complete the detailed design of the BMH site infrastructure and landscape improvements and the Bluffton development permit process.*

Scope of Services:

1. Surveying
 - a. Prepare boundary and wetland survey of the combined 20± acre BMH site and 23± acre road crossing site.
 - b. Prepare as-built, tree, and topographic survey of the BMH site.
 - c. Prepare route survey (200' wide corridor) for the access road.
 - d. Prepare as-built survey of the Buckwalter Parkway (120' R/W, 1,400' length) for intersection and turn lane design.
 - e. Prepare as-built survey of the US Highway 278 (R/W to edge of asphalt, 1,400') for intersection and turn lane design.
 - f. The surveying budget is \$29,500.00.

2. Wetland Permitting
 - a. Complete the delineation of jurisdictional wetlands.
 - b. Complete the US Army Corps of Engineers permit application.
 - c. Process the US Army Corps of Engineers permit application.
 - d. See separate Newkirk Environmental, Inc. proposal enclosed.

3. Archeological
 - a. The seller has provided copies of the archeological surveys that were completed as part of the previous wetland permits for Buckwalter Commons. These documents appear to be adequate for the current permitting effort.
 - b. If additional archeological survey work is required, we will secure quotes from 2 firms to provide an archeological survey.

4. Traffic Impact
 - a. Secure a traffic impact study in accordance with both Beaufort County and SCDOT requirements.
 - b. The traffic study will address "secondary impact" issues associated with the USACE wetland permit application review.
 - c. Provide the geometry for the access road intersections with Buckwalter Parkway and US Hwy 278.
 - d. See separate SRS, Inc. proposal enclosed.

5. Geotechnical Analysis
 - a. Prepare geotechnical analysis of the access road route and BMH site.
 - b. See separate Whitaker Laboratory, Inc. proposal enclosed.

6. Land Planning
 - a. Master site plan

- Site Vehicular and pedestrian circulation
 - Parking layout
 - Open space
 - Access and egress points
- b. Access road landscape and lighting plan
- Median and road shoulder planting
 - Irrigation
 - Roadway lighting
- c. See separate J.K. Tiller Associates, Inc. proposal enclosed.

7. Access Road

- a. Prepare the complete road construction plans and specifications for the access road from US Hwy 278 to Buckwalter Pkwy, including the intersection improvements at US Hwy 278 and Buckwalter Pkwy.
- b. Prepare drainage analysis for the wetland crossing and the design of the stream crossing structures.
- c. Prepare the stormwater management (BMP) calculations and design.
- d. Prepare the SCDHEC-OCRM Stormwater and Land Disturbance permit application.
- e. Prepare the SCDOT Encroachment permit application.
- f. The access road design budget is \$40,000.00.

8. Beaufort Memorial Hospital (BMH) Site

- a. Prepare the complete BMH site infrastructure (water, sanitary sewer, drainage, grading, and paving) construction plans and specifications.
- b. Prepare the design calculations for water, sanitary sewer, stormwater, and paving improvements.
- c. Prepare the SCDHEC Water and Sewer (this will include the water and sewer within the access road) and the SCDHEC-OCRM Stormwater and Land Disturbance permit applications.
- d. The BMH site infrastructure design budget is \$40,000.00.

9. Permit Coordination

- a. Coordinate with all consultants to complete the Army Corps of Engineers permit application and the follow up efforts required to process the application through the system.
- b. Coordinate with Newkirk Environmental to prepare the alternative analysis of three alternate BMH sites. This will primarily consist of updating BMH's recently completed site assessment of 3 medical office sites in the Bluffton area to conform to the USACE standards.
- c. Coordinate with Newkirk Environmental to prepare the alternative analysis of two alternate access road routes across the wetlands.

- d. Prepare the information packages and requests for written endorsements of the BMH development and access road from the SCDOT, Beaufort County, and Bluffton.
- e. Prepare construction budgets for the access road, stream crossing, utility improvements within the road right-of-way, drainage improvements on the BMH site which support the road and any other improvements common to the road. Work with BMH to develop a distribution of these “road” construction costs between the partnering entities.
- f. The permit coordination and follow up will be completed on a time and expense basis with an estimated budget of \$20,000.00.

This scope of services and budgets represent the engineering and permitting effort required for the design of the access road, intersection improvements, utility improvements within the right-of-way, and the improvements on the BMH site which support the road and/or are necessary to justify the “need” for the wetland impacts. Also represented is the effort required to process the wetland permit application for the access road and supporting infrastructure. The design-permit timeline is included as a separate document.

General

10. Filing and Permit Fees

- a. The Client shall pay all filing and permit fees.
- b. The Client shall pay all capacity and impact fees.

11. Printing and Reproduction

- a. All sets of plans for permitting, bidding, construction, etc., will be paid for by the Client at a rate of \$3.00 per 24” x 36” drawing.
- b. All special reproduction expenses, shipping expenses, etc., will be paid for by the Client at a rate of cost x 1.15.

12. Additional Services

- a. Additional services are those services not defined within this proposal.
- b. Additional services will only be performed when agreed upon in writing by Client and Consultant.
- c. Any services requiring outside consultants that are paid by Andrews & Burgess, Inc., will be billed to the Client at a rate of cost x 1.15.

13. Current Billing Rates

Principal	\$143.00/hr
Project Manager	\$ 93.00/hr
Engineer	\$ 82.00/hr
Technician I	\$ 71.00/hr
Clerical	\$ 44.00/hr
Field Inspector	\$ 71.00/hr
Professional Land Surveyor	\$104.00/hr
Party Chief	\$ 71.00/hr

GPS Survey Crew	\$126.00/hr
3-Man Survey Crew	\$126.00/hr
2-Man Survey Crew	\$115.00/hr

14. Cost Summary

a. Surveying	\$ 29,500.00
b. Wetland Permitting	\$ 26,500.00
c. Archeological	(Completed)
d. Traffic Impact	\$ 13,700.00
e. Geotechnical Analysis	\$ 6,000.00
f. Land Planning	\$ 25,000.00
g. Access Road	\$ 40,000.00
h. BMH Site	\$ 40,000.00
i. <u>Permit Coordination</u>	<u>\$ 20,000.00</u>
j. Total	\$200,700.00

15. Terms

- a. Invoices will be submitted monthly, via regular mail to the address provided by the Client, for services performed and expenses incurred. Payment of each invoice is due within 30 days of receipt. Interest will be added to accounts not paid within 30 days at the maximum rate allowed by law.
- b. If the Client fails to make any payment due the Consultant, under this or any other agreement within 45 days of the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services until all amounts due are paid in full. Any and all repercussions stemming from the suspended services shall be the sole responsibility of the Client.
- c. A collection agency or legal counsel may be retained to assist in the collection of unpaid invoices. Any charges incurred by the Consultant by these agencies or entities will be added to the outstanding balance owed the Consultant.
- d. The Client agrees that the payment to the Consultant is not subject to any contingency or condition including, but not limited to, the sale or acquisition of real property, financing, regulatory approval or permitting, the work of other professionals, or economic conditions.

Thank you for giving us the opportunity to provide you master planning, access road engineering, and wetland permitting services. Please return an executed copy of this agreement to our office if it meets your approval, which will serve as our authorization to proceed with the surveying, civil engineering and permitting for this project.

Mr. David Tedder
P10138 – BMH Bluffton – Wetland Permit Proposal
November 11, 2010
Page 6 of 7

Sincerely,



Steve Andrews, P.E.

I accept this proposal as a contract and agree to the terms.

Andrews & Burgess Representative

Date

Mr. David Tedder

Date

Official Consultant Contact Information:

Address: 40A Shanklin Road
Beaufort, SC 29906

Telephone Number: (843) 466-0369

Fax Number: (843) 466-9766

Names of Authorized
Representatives: Steve Andrews, President
Gary B. Burgess, Vice-President

Mr. David Tedder
P10138 -- BMH Bluffton -- Wetland Permit Proposal
November 11, 2010
Page 7 of 7

Official Client Contact Information:

Address:

Telephone Number:

Fax Number:

Names of Authorized
Representatives:



**NEWKIRK
ENVIRONMENTAL, INC**

CHARLESTON, SC • BLUFFTON, SC

October 29, 2010

Andrews and Burgess
Mr. Steve Andrews
40-A Shanklin Avenue
Beaufort, SC 29906

**RE: Beaufort Memorial Hospital Site
Bluffton, Beaufort County, South Carolina**

Dear Mr. Andrews:

Newkirk Environmental, Inc. appreciates the opportunity to submit this proposal to coordinate the preparation and submittal of an individual permit application for impacts to freshwater wetlands.

Task One - Wetland Delineation

Newkirk Environmental, Inc. proposes to complete a comprehensive delineation of wetlands within referenced tract. This task will include the identification and field demarcation of all freshwater wetlands and coordination with survey crews to complete a field survey of the identified wetlands. Upon completion and receipt of a survey plat of the wetlands, Newkirk Environmental, Inc. will prepare and submit the required information to the US Army Corps of Engineers (USACE) to obtain verification of the wetland delineation.

Newkirk Environmental, Inc. proposes to complete task one for a flat fee of twenty five hundred dollars (\$2,500.00).

Task 2- Preparation and Submittal of an Individual Permit Application

Newkirk Environmental, Inc. will coordinate with the client and project engineer to finalize permit drawings suitable for submittal to the USACE and SCDHEC. This will include necessary site visits, attendance at team meetings and review of draft plans and permit drawings. Upon completion of suitable permit drawings, Newkirk Environmental, Inc. will prepare and submit a Joint Permit application package, including a description of and justification for the proposed project, to the USACE and SCDHEC. NEI will calculate the mitigation requirements for the permit as part the permit package.

Newkirk Environmental, Inc. proposes to complete task one for a flat fee of twelve thousand dollars (\$12,000.00).

Post Office Box 309, Bluffton, South Carolina 29910 • 3063 Argent Blvd., Unit B, Ridgeland, South Carolina 29936

Telephone: (843) 645-8200 • Facsimile: (843) 645-8201

Corporate Office - Charleston: (800) 569-3206

E-Mail: general@newkirkenv.com
www.newkirkenvironmental.com

Task 3- Agency Coordination

Following submittal of the application, Newkirk Environmental, Inc. will serve as a liaison between the applicant and the various state and federal regulatory agencies throughout the permit review and decision process and, as necessary, arrange and coordinate meetings, facilitate actions, conduct project coordination with the project team and assist the permitting and certifying agencies to an initial conclusion. This will include response to comments or questions and coordination of additional information as needed.

It is the opinion of Newkirk Environmental, Inc. that the probable cost to complete this task, on a time and expense basis, is twelve thousand (\$12,000.00) dollars. These tasks will be completed at Newkirk Environmental Inc.'s standard rates of charge which are currently:

Newkirk Environmental Inc.'s standard rates of charge are currently:

Senior Consultant	-	\$160.00 per hour
Project Biologist	-	\$120.00 per hour
Field Biologist/Technician	-	\$85.00 per hour
Administrative Assistant	-	\$45.00 per hour
Word Processor/Secretarial	-	\$25.00 per hour

Terms and Conditions


Please note, this proposal does not include any costs incurred for mitigation or preparation of offsite mitigation plans, engineering or surveying services that may be necessary. All other costs (printing, mileage, expenses, postage and telephone) related to completion of this work will be billed to the client at cost in addition to the noted hourly rates or lump sum fees. An administrative and supply fee of three (3%) will be billed against hourly or lump sum fees.

Newkirk Environmental, Inc. will execute the above-described tasks in a professional and timely manner. In turn, Newkirk Environmental, Inc. expects payment to be made as follows:

Monthly invoices will be forwarded and considered due upon receipt. Payment will be considered overdue after thirty (30) days from the date of the invoice and 1.5% interest per month is automatically added. If this payment arrangement is not adhered to, all work will cease until payment is received.

Either the CLIENT or Newkirk Environmental, Inc. may terminate this Agreement at any time with or without cause upon giving the other party three (3) calendar days prior written notice. The CLIENT shall within ten (10) calendar days of termination pay Newkirk Environmental, Inc. for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this contract. Newkirk Environmental, Inc. does not guarantee the issuance of any permit or approval. Any work performed by Newkirk Environmental, Inc. in representing you in any appeal process concerning the above-mentioned approval, whether administrative or judicial, shall be billed at one and one-half times Newkirk Environmental, Inc.'s hourly rates of charge.

Sincerely,

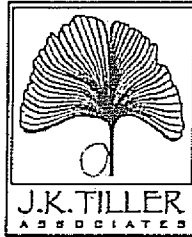


J. Asher Howell, Principal

The prices, specifications, and conditions of this proposal are satisfactory and are hereby accepted. The undersigned is the owner or has permission from the owner to authorize Newkirk Environmental, Inc., to complete the work specified in this proposal and has the necessary authority to grant Newkirk Environmental, Inc., access to the subject property to complete any and all studies or investigations and make any necessary submittals or applications to complete this work. Please sign this original agreement and return to Newkirk Environmental, Inc., as an act of acceptance and notification for Newkirk Environmental, Inc., to begin work. Payment will be made as outlined above.

DATE:

ACCEPTED BY:



PROPOSAL FOR SERVICES

November 15, 2010

Mr. Steve Andrews
Andrews & Burgess Engineering
40-A Shanklin Road
Beaufort, SC 29906

Re: Landscape Architectural services in connection with the proposed Beaufort Memorial Hospital site located on +/- 20 Acres within the Buckwaller PUD in Bluffton, South Carolina and including the proposed Access Road to the site.

Dear Mr. Andrews:

Thank you for the opportunity to submit this proposal of services and fees for the above referenced project. It is our understanding that J. K. Tiller Associates, Inc. (JKT) is to provide conceptual Master Plan for the proposed Beaufort Memorial Hospital facility and a Landscape Plan for the proposed access road that connects the site from Highway 278 to the Buckwaller Parkway. All services will be performed in coordination with Andrews & Burgess Engineering (A&B)

SCOPE OF SERVICES

General: The following Scope of Services is outlined and based on the understanding that plans shall be prepared in compliance with the requirements of the Buckwaller PUD and the Town of Bluffton Zoning and Development Ordinance (ZDSO). All base data shall be provided to JKT in an AutoCAD .dwg, or .dxf format with a minimum Release 2007 format.

I. Master Planning

JKT shall prepare and/or provide the following:

- A. Pre-Design Services (using site base data information currently available in house):
 - 1. Initial site visit to document existing conditions and locate existing trees to be preserved, (survey services if required shall be by others);
 - 2. Data Gathering
 - a. Drainage constraints;
 - b. Existing or proposed architectural/engineering elements (provided to JKT by A&B and obtained from Beaufort);
 - 3. Review of site development guidelines or jurisdictional ordinances and contact relevant reviewing agencies to determine specific requirements for the project;
 - 4. Prepare base map (base data provided by A&B's survey and available road alignment information from Beaufort County).

- B. Conceptual Design Services:
 - 1. Prepare Site Vehicular and Pedestrian Circulation;
 - 2. Prepare Parking Layout and Parking Median Layout;
 - 3. Locate Open Space(s);

10 Pinckney Colony Road
Voice: 843.815.4800

Suite 101
jktiller@jktiller.com

Bluffton, South Carolina 29909
Fax: 843.815.4802

4. Prepare Conceptual Landscape Design;
5. Locate Access and Egress Points;

II. Access Road (Landscape Lawns, Planting and Roadway Lighting)

- A. Prepare Median and Road Shoulder Planting Design
- B. Prepare Irrigation Design
- C. Prepare Roadway Lighting Layout

COMPENSATION

For the services described in Item I above, compensation to JKT shall be paid as a lump sum. Compensation is breaks down as follows:

Master Planning.....	\$10,000.00
Access Road Landscape Design.....	\$15,000.00

ADDITIONAL SERVICES

Contract Administration is not included in this contract. Compensation for these services shall be negotiated after Conceptual Design and Development is complete and a clear scope of work can be established.

Any Additional Services not listed or defined in this document shall be performed only after A&B or its Representative's approval.

Additional Services shall be billed hourly at the following rates:

President	\$195.00
Project Manager (Licensed Landscape Architect)	\$115.00
Assistant Project Manager (Senior Technician with Degree)	\$105.00
Tech 1 - Licensed Landscape Architects - Assistant Project Coordinators	\$90.00
Tech 1 - Senior Technician with Degree	\$80.00
Tech 2 - Apprentice Landscape Architects & Technician with Degree	\$70.00
Tech 3 - Junior Design & Technical Staff	\$65.00
Tech 4 - Entry Level Design & Technical Staff	\$55.00
Tech 5 - Design & Technical Interns	\$45.00
Administrative Assistant	\$40.00
Clerical Staff	\$30.00

All expenses for communications, printing, travel, meals, lodging, Owner approved consultants and other costs in connection with this project will be billed to A&B at cost. JKT's time sheets and expense reports will be carefully recorded and made available for Owner's review upon five (5) days notice. Updates on account may be obtained weekly or monthly at Owner's request.

Invoices are due upon receipt. Payment will be considered overdue after thirty (30) days from date of invoice and 1.5% per month is automatically added to the principal balance then remaining and work may cease until payment is received. JKT may require interim lump sum payments. JKT will be reimbursed all costs incurred in collecting overdue accounts under this Agreement, including legal fees, and in accordance with the Code of Laws of South Carolina.

A&B will provide complete and accurate information and participate in reviews, minimizing time and expense for JKT and A&B; A&B will designate person(s) to whom JKT is responsible and A&B will remunerate in a timely manner. When A&B authorizes designated person(s) to act for it, A&B agrees to be bound to the actions requested or taken thereby.

GENERAL CONDITIONS

- A. If either party is required to institute suit against the other party to enforce its rights under this Agreement, the suit must be brought in Beaufort County, South Carolina, and if such party obtains a valid judgement against the other party the non-prevailing party agrees to pay all reasonable costs, expenses and reasonable attorney's fees of the prevailing party attributable to the enforcement of this Agreement.
- B. This Scope of Services does not include any permitting, meetings with permitting agencies, highway encroachment permits and any other meetings regarding such permitting processes unless stipulated in Scope of Services outlined above.
- C. This Scope of Services does not include any verification of site conditions or site surveys provided by A&B and/or its other consultants.

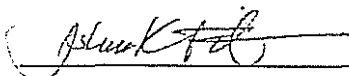
- D. So as not to delay the services of JKT, A&B shall designate in writing a person to act as its representative with respect to JKT's services; provide all criteria and full information as to A&B's requirements for the project; place at JKT's disposal all reasonably available information pertinent to the project and project site and any reports, data, and other information to be furnished by A&B pursuant to the Agreement; and give prompt written notice to JKT whenever A&B observes or otherwise becomes aware of any development that affects the scope or timing of JKT's services. JKT shall be entitled to rely upon the accuracy and completeness of all requirements, instructions, reports, data and other information provided by or through A&B and its representative.
- E. If JKT's services under this Agreement do not include services during the construction phase of the project, then A&B assumes all responsibility for the application and interpretation of JKT's drawings, specifications and other instruments of service; the observation and evaluation of Contractor's work and the performance of any other necessary construction phase landscape architectural or professional services; and A&B waives any claims against JKT that may be connected in any way thereto.
- F. A&B and JKT agree that they shall first submit any and all unsettled claims, counterclaims, disputes and other matters in question between them arising out of or relating to this Agreement to mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association, effective as of the date of this Agreement.
- G. It is acknowledged by both parties that JKT's scope of services does not include any services related to the presence at the site of asbestos, PCBs, petroleum, hazardous substances or waste, or radioactive materials.
- H. JKT shall not have any duty or authority to direct, control or supervise any contractor's work, nor shall JKT have authority over or responsibility for the means, methods, sequences, or safety procedures employed by any contractor or for any contractor's failure to comply with applicable laws and requirements. If A&B performs design services or procures separate consultants or contractors to perform design services, JKT shall be entitled to rely on the technical sufficiency and timely delivery of documents and services furnished by A&B or A&B's separate consultants or contractors and shall not be responsible for the failure of any such documents and services to comply with applicable laws, regulations or standards.
- I. A&B is responsible for the maintenance of all installed items, including but not limited to site furnishings, equipment, lawns, plantings, irrigation systems and all work designed or specified under this Agreement. Maintenance shall be in accordance with good industry practice and manufacturers' or suppliers' recommendations.
- J. All documents prepared or furnished by JKT pursuant to this Agreement are instruments of JKT's professional service and JKT shall retain an ownership and property interest therein. JKT grants A&B license to use instruments of JKT's professional service to construct, occupy and maintain the project. Reuse or modification of such documents by A&B without JKT's written permission shall be at A&B's sole risk and A&B agrees to indemnify and hold JKT harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by A&B or others acting through A&B.
- K. JKT shall provide technical criteria, written descriptions and design data for A&B's use in filing applications for permits from or approvals of governmental authorities having jurisdiction over the project and shall assist A&B in consultations with such authorities when included as part of the Scope of Services outlined in this letter or Agreement.
- L. See Also Insurance/Indemnification Addendum attached below.
- M. The standard of care for all professional services performed or furnished by JKT under this Agreement will be the skill and care used by landscape architects practicing under similar circumstances at the same time and in the same locality. JKT makes no warranties, either express or implied under this Agreement or otherwise in connection with JKT's services.
- N. A&B may terminate this Agreement with seven days' prior written notice to JKT for convenience or cause. JKT may terminate this Agreement for cause with seven days' prior written notice to A&B. Failure of A&B to make payments when due shall be cause for suspension of services or, ultimately, termination unless and until JKT has been paid in full all amounts due.

Please sign below indicating your acceptance of this proposal contract and return one executed copy to our office along with one executed copy of the attached Letter of Agreement, which further defines responsibility, payment schedule and reimbursable expenses.

We thank you for the opportunity to submit this proposal and we look forward to working with you on this important project.

Sincerely,
J. K. Tiller Associates, Inc.

Mr. Steve Andrews



_____ L.S.

Accepted: _____ L.S.

Name: Joshua K. Tiller, ASLA

Name: Steve Andrews

Title: Vice President

Title: President

Date: November 15, 2010

Date: _____



WHITAKER LABORATORY, INC.

P.O. Box 7078 2500 Tremont Road Savannah, Georgia 31418
Phone (912) 234-0696 Fax (912) 233-5061 www.whitakerlab.net

November 11, 2010

Andrews & Burgess Inc.
40-A Shanklin Road
Beaufort, South Carolina 29906

Attention: Mr. Steve Andrews, PE

Referencing: Proposal to Provide Geotechnical Evaluation Services for
Beaufort Memorial Hospital – US Hwy. 278 @ Buckwalter Parkway
Bluffton, South Carolina

Dear Mr. Andrews:

In accordance with your request, we have prepared the following cost estimate to perform a geotechnical evaluation for the planned building structures and pavements at the above referenced site. In an effort to evaluate near surface soil conditions related to pavements, seasonal high groundwater and percolation rates, we propose to perform 12, 5-foot auger borings within planned paved areas, soil mottling for seasonal high groundwater determinations at 2 locations and percolation testing at 2 locations. In an effort to evaluate subsurface soil conditions related to the planned buildings, we propose to perform 9 soil test borings to depths ranging from 20 to 40 feet below the ground surface.

SCOPE OF WORK AND ASSOCIATED FEE

1. Mobilization of Personnel

- a) Mobilization of personnel, 5 each @ \$50.00 each..... \$250.00
- b) Mobilization of Drill Rig, LS..... \$250.00

2. Perform 12, 5-foot auger borings, 2 percolation tests utilizing Aardvark Permeameter and soil mottling at 2 locations. Also perform 9 soil test borings (two to 20 feet and seven to 40 feet below the ground surface) :

- a) 9 soil test borings, 320 total LF @ \$9.00 per LF..... \$2,880.00
- b) 12, 5-foot auger borings @ \$40.00 each..... \$480.00
- c) Soil mottling at 2 locations, LS..... \$300.00
- d) Percolation testing at 2 locations, LS..... \$700.00

3. Laboratory services to support evaluation:

a) Prepare Boring Logs & visual
classification of Soil Samples \$300.00

4. Furnish engineering report incorporating site preparation recommendations to support pavement design, identification of seasonal high groundwater and recommended percolation rates for your use in site design. The report will also include site preparation recommendations for building pads and provide foundation recommendations including recommended seismic design parameters.

Lump Sum \$800.00

PROJECT TOTAL ESTIMATE = \$5,960.00

Please note that the above estimate assumes that our truck mounted drilling equipment will be able to access planned soil test boring locations on-site. If clearing or soft track equipment becomes necessary to access boring locations, the project total estimate will require to be increased accordingly to cover cost associated with such equipment and/or personnel.

If the above proposal is acceptable, please sign below indicating your acceptance of this proposal and your authorization for Whitaker Laboratory to proceed with work. Once signed please fax to us at (912) 233-5061.

Authorized By: _____
(Print Name)

Signature: _____

Date: _____

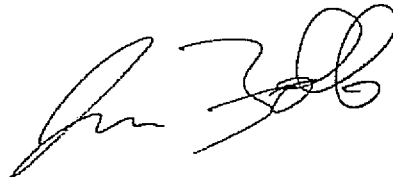
Invoice Terms (Net 30 days from Invoice Date)

We appreciate the opportunity to present this proposal. Should you have any questions or require additional information, please do not hesitate to call the office.

Respectfully submitted,
WHITAKER LABORATORY, INC.



Joseph M. Whitaker
President



Jason H. Follo, P.E.
Project Engineer



SRS Engineering, LLC
 801 Mohawk Drive
 West Columbia, SC 29169

November 1, 2010

Mr. Steve Andrews, P.E.
 Andrews Burgess Co.
 40 Shanklin Road
 Beaufort, SC 29906

Phone: 843 466 0369
 Cell: 843 521 6537
 E-Mail: steve@andrewsengineering.net

**RE: Proposal to Provide Traffic Engineering Services
 Proposed Medical Office Complex- US 278 at Buckwalter Parkway
 Bluffton/Beaufort County, SC**

Dear Steve:

SRS Engineering, LLC (SRS) is pleased to submit the following proposal to provide Traffic Engineering services for the above referenced project.

Based on the information provided, it our understanding that a Traffic Impact Study is required for the above-referenced project which is located off of US 278 just west of Buckwalter Parkway. I have discussed the project in detail with Mr. Colin Kinton in order to develop the following required scope for the impact study.

For this project, SRS has estimated the following:

TASK	FEE (\$)	SCHEDULE	COST STRUCTURE
1.0 Professional Services: Traffic Study	\$12,500	6-8 Weeks	Lump Sum
2.0 Follow On Services: Meetings	\$1,200	If Needed	Lump Sum
TOTAL	\$12,500*	---	---

* Total fee does not include Task 2.0, Follow On Services.

SCOPE OF SERVICES

SRS will perform the following Traffic Engineering services as they relate to the proposed medical complex to be located off of US 278 in Bluffton/Beaufort County, SC:

Task 1.0 Professional Services

- The study area for this project is defined by Colin Kinton as the following intersections:
 1. US 278 at Hampton Parkway;
 2. US 278 at future Hampton Parkway;
 3. US 278 at Island West;
 4. US 278 at Buckwalter Parkway;
 5. Buckwalter Parkway at North Cinema Access;
 6. US 278 at Site Access; and
 7. Buckwalter Parkway at Site Access.
- Weekday AM (7-9) and PM (4-6), peak-hour turning movement traffic counts will be gathered for the above referenced existing intersections. Since no new data has been collected at these intersections in over 12 months, new data must be collected according to County staff.
- Inventory the project study area. This inventory will entail the gathering of existing geometry, traffic control, adjacent land uses, etc. within the project study area.
- Estimate the volume of project-specific traffic based on the *Trip Generation* manual, 8th Edition published by the Institute of Transportation Engineers. These site-specific projections will be completed for the weekday daily, AM and PM peak-hour time periods.
- Develop an anticipated arrival/departure pattern based on existing travel patterns. Prior to completing any analysis, the pattern will be submitted to City staff for their approval.
- Distribute project traffic through the study area based on the approved arrival/departure pattern.
- Conduct intersection analyses for the following scenarios:
 - Existing- 2010;
 - Future Year No-Build;
 - Future Year Build;
 - Future Year Mitigated (if needed).

It should be noted that SRS will coordinate with County staff in order to develop the list of background developments that need to be included for these analyses.

- Complete a technical report which will summarize our findings and conclusions. This report will complete with tabular and graphical material and will be suitable to submit as a free-standing document to the County and if needed, the SCDOT.

Task 2.0 Follow-On Services

Prepare for, attend, and present SRS's findings and recommendations at any meeting (public or private) which our attendance is required. Cost is on a per meeting basis and is not included in the contract total.

REQUIRED INFORMATION/DATA

SRS has developed the above scope based on the provision that some information is to be provided by the client. In order for SRS to meet the project schedule, the following information is needed:

1. Development build-out year for the project; and
2. Sufficiently detailed site plan depicting land use type, unit total, access location/design, etc.

GENERAL TERMS OF AGREEMENT

1. This document will serve as a Contract for the proposed professional services. No modifications to this Contract shall be accepted without written permission from the Consultant.
2. The proposal is valid for a period of 30 days, after which the Consultant reserves the right to review and revise the estimated fee, time schedule, and other terms specified herein.
3. This Contract is not assignable except with the prior written consent of the Consultant and no assignment shall relieve the undersigned of any obligations under this Contract.
4. The undersigned agrees to pay the Consultant for work performed in accord with the terms of this Contract, without regard to the success of the project.
5. Payment of the consultant is expressly not conditioned upon the undersigned receiving any payment from third parties who are not a party to this Contract, such as other property owners, developers, or funding agencies.
6. The individual executing this Contract, if acting on behalf of a partnership, corporation, or funding agency, represents that he has the authority to do so.
7. Accounts rendered are due and payable upon receipt of invoice.
8. In the event that the Client defaults in making payments pursuant to this Contract, the Client shall be responsible for all of the Consultant's collection costs, including reasonable attorney's fees.
9. SRS Engineering, LLC (SRS) is a fully insured consulting firm carrying the industry standard of Errors and Omissions and General Liability insurances.

Mr. Steve Andrews
November 1, 2010
Page 4

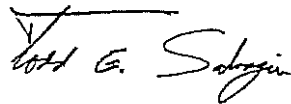
SCHEDULE AND FEE

SRS is looking forward to starting on this project and can complete the specified scope within a 6-8 week period once we obtain approval. For this project, a lump sum of \$12,500 for Professional Services (Task 1.0) is estimated. Task 2.0 will be bill as a lump sum for attendance at each meeting requested by the client.

If the Scope of Services, Agreement and Fee are acceptable to you, please indicate your acceptance below and return a copy. If you have any questions, please contact me at (803) 361-3265.

Sincerely,

SRS ENGINEERING, LLC



Todd E. Salvagin
Principal

**ACCEPTED BY:
ANDREWS & BURGESS FOR \$12,500**

Name

Title

Date

TIN




**Access Road Design & Wetland Permitting Timeline,
Beaufort Memorial Hospital, Bluffton**

ID	Task Name	Start	Finish	2011												2012					
				Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1	Surveying	Thu 11/11/10	Wed 1/19/11	[Task Bar]																	
2	USACE Jurisdictional Determination Letter	Thu 1/20/11	Wed 4/13/11	[Task Bar]																	
3	Road and Drainage Design	Thu 1/20/11	Wed 5/25/11	[Task Bar]																	
4	BMH Master Plan & Utility Design	Thu 11/11/10	Wed 5/25/11	[Task Bar]																	
5	OCRM Stormwater Permit	Thu 5/26/11	Wed 8/17/11	[Task Bar]																	
6	SCDHEC Wtr and Swr Permit	Thu 5/26/11	Wed 8/31/11	[Task Bar]																	
7	Prepare USACE Permit App.	Thu 1/20/11	Wed 5/25/11	[Task Bar]																	
8	USACE Permit Review Process	Thu 5/26/11	Wed 3/28/12	[Task Bar]												[Task Bar]					

Project: P10138 - BMH Bluffton
Date: Tue 11/16/10

- Task 
- Split 
- Progress 

- Milestone 
- Summary 
- Project Summary 

- External Tasks 
- External Milestone 
- Deadline 

**Comments/Responses to
Councilman Baer's Questions**

Thoughts, Comments and Questions on BMH Access Road Project - February 21, 2011

1 - Proposed Use:

- The Healthcare facility seems to be a good use and good for the area. It will create jobs, although we have been told it will not pay taxes. Perhaps other related businesses will spring up nearby, that will pay taxes.

Comment/Response: Property owned by the Hospital for its not for profit mission do not pay taxes. The Town Manager of Bluffton and County Administrator have commented in earlier discussions on the magnet effect a facility such as this can have on private investment, as well as enhancing the mission of the nursing programs at USCB and Technical College through internships and job opportunities.

2 - Road and Traffic Design:

- It is not clear to me that the plan presented (2/7/11) is the best design for all the people of the area. Questions include:

- What is the plan for this road? Is it a hospital driveway, or a full service access Rd. to the Buckwalter Parkway as envisioned in our 1% project book?

Comment/Response: The Hospital, in consultation with County Engineering, has created a preliminary design with alternative layouts for the proposed roundabouts. A pdf of those is attached, and large scale version hard copies will be in your packages. It is a full service road that includes points for future tie-ins to the West towards Island West, as well as to the South, towards the Sea Turtle Commercial area. The design varies in layout from that shown in the 1% project book in that it drops through the property at an earlier point of travel on the West side to accommodate a future tie-in to the West, as well as the future tie-in to the South. With the roundabout, it now also provides a cross over point to the commercial properties to the East of Buckwalter parkway, continuing through that property.

- Does the road proposed meet the standards envisioned in the 1% project list?

Comment/Response: A page including the description in the 1% project book is attached. It is described as a two lane road, with each lane 11 feet wide with 6 foot shoulders. Section I (c) of the Intergovernmental Agreement (IGA) includes a description of two, twelve foot wide travel lanes, with customary turn and accel/decel lanes within the property. Sidewalks and a multi-use path have been added after consultation with Bluffton and County staff. The remainder of the description is in line with the comments of the professional staffs. See also the next to the last sentence in Section I (c), which allows for design tweaking by the County for up to 45 days after execution of the IGA.

- What is the best traffic design to cover all the users in the area?

Comment/Response: The conversations between the professional engineers have led to the current design, which deviates somewhat from that by Florence and Hutchins done a couple of years ago by the County, but now takes into account future interconnectivity desires as noted above, and provides for a continuation of the Frontage Road Eastward on through the commercial areas to the East of Buckwalter. The IGA contains in Section I (a) a requirement for

a firm with substantial experience in roundabout design to be retained to ensure the best design is incorporated. The addition of sidewalks and bike paths are in line with transportation design principles that promote walking and biking.

- It seems to me that such an access road should also meet the needs of the movie/restaurant complex nearby. Was there a joint design?

Comment/Response: In consultation with the Town of Bluffton, the current design provides a tie-in point southward to that area. When that area on the north side of the complex develops, Bluffton could incorporate a point of interconnectivity northward.

- It has been said that the proposed rotary violates our County access management plan. It has also been said that it seems designed for some other unknown land access purpose across Buckwalter parkway. That is not a bad thing, but given the high traffic movie/restaurant complex nearby, it seems that this road needs to be designed to cover all nearby purposes.

Comment/Response: The 2007 traffic management plan shows this intersection (labeled as C1) as a full access, four way traditional intersection with a median cut, but no signalization. The Buckwalter Access Management Plan does not allow signalized intersections within 2,000 feet of another signal. While it is believed that the initial proposed phasing of build at 60,000 square feet of medical office would not create a failing traditional four way full access intersection at Buckwalter Parkway, projected maximum build out at 140,000 to 160,000 square feet, in conjunction with traffic from the commercial properties to the East of Buckwalter Parkway, likely would create a failing traditional four way full access intersection without signalization or a roundabout. Preliminary traffic engineering supports the functionality of a roundabout. There are a mix of commercial and residential uses which are allowed under approved initial master plans for Buckwalter Commons under that Development Agreement, both across the Parkway to the East (formerly Willow Run), as well as the adjacent properties to the South of this Property. It was the consensus of the professional engineers that a roundabout would best serve the potential traffic loads from all of these adjacent uses. This would also allow the continuation of the Frontage Road into that area, connecting these areas without having to use Highway 278. Again, the roundabout design professionals will weigh in on the best design as this progresses, incorporating those traffic loads into the design.

- Where is the traffic study for the project?

Comment/Response: See the attached memo entitled "Beaufort Memorial Hospital Bluffton Frontage Road Justification." It provides a chronological history behind this frontage road, and references several past studies that deal with the frontage road. In addition, there have been additional studies of this area as part of the Highway 278 widening project that incorporate the projected traffic loads for this project, which have been a known factor since at 2000, when a Wilbur Smith and Associates traffic analysis was included in the Master Plan submitted to the Town of Bluffton. Included in Exhibit B to this IGA is the proposal to prepare an additional traffic study as part of the road permitting process, which will now be supplemented by the inclusion of a traffic analysis that includes the roundabout.

3 - Funding:

- A frontage road at Buckwalter Commercial was on the 1% project list at some point in time. (It was in the July 26, 2010 report.) However, that list lumped all the frontage roads into a single

\$2,228,047 project. It is not known if any remaining money is available in that bundle, particularly after other commitments, and overruns. The entire 1% list had to be reprioritized and many projects put on hold. There are also new demands and uses for those funds emerging.

Comment/response: While I only have a few of those reports in hard copy, the October 2009 report describes the funding for the 278 Frontage Roads (six roads) as 3.6 million Sales tax Funding, 6 million Impact Fee Funding, and Town of Hilton Head 1.1 million funding for a total of 10.7 million dollars. There was a series of changes to the program that have been reflected in later reports.

HOWEVER, the Hospital is not requesting any 1% funds for this project. The Hospital has invoked the build in lieu of impact fees provisions of the state development impact fee enabling act, as adopted by Beaufort County in its Impact Fee Ordinance in Chapter 82. The statute and ordinance contemplate and provide processes for the IGA that is proposed. This provides funding for a identified traffic improvement using non-County funds in exchange for the credits that the statute and ordinance provide.

- What is the total cost of the project, and cost to County?

Comment/Response: As detailed in the IGA, Engineering/permitting is estimated at \$207,000.00 not including the additional cost of the roundabout design. The preliminary engineering estimate is 1.3 million, plus the cost of the roundabout, which is yet to be designed. As set out in the IGA, the County is not being asked to commit funds for this, just the Road facilities credits, and to use its best efforts to obtain other monies if they become available through any other source, such as economic development grants, or the like.

- How much is the hospital asking for: \$200,000, the full road construction cost, or some other number?

Comment/Response: The IGA is set up requesting the credits available under the Impact Fee Ordinance, which is the full cost of designing and building the road and roundabout, with right of way.

- Where is that money proposed to come from? What will it displace?

Comment Response: The money comes from the Hospital. It displaces nothing, if I understand the question. The County does not "write any checks, " it merely issues the credits for the actual expenditures as provided in the ordinance. It provides a way for the identified traffic improvement to be built now, rather than later, as well as satisfying the requirement it be built before the Highway 278 median can be closed, which is desired as part of the current widening project.

- What impact fees will be generated by this project?

Comment Response: As noted in the IGA, the first phase is expected to generate approximately \$677,000.00 in impact fees, with possible buildout of an additional \$677,000.00 to \$903,000.00, for a total of 1.58 million.

4 - Presentation and Approval Methods:

- This appears to be a worthwhile project that I would like to see succeed. However, it is an example of how not to present complex material to CC for a rapid decision. This project was presented to us in a rushed fashion with major slides and handouts given to us in real time at meetings. That prevented any advance homework or research by Committees.

- First appeared Jan. 4, 2011 as an off agenda item at end of Natural resources Committee meeting.
- Next appeared as a presentation on Feb. 7, 2011 at Finance Committee meeting. Some (but not all) complex handouts provided during presentation.

The fastest way to get this project done would have been to put it on the agenda for Jan. 4, 2011 and provide handouts a week before. Then we would have had questions that could have been resolved in a month, and we could have voted by Feb. 4 or the next CC meeting thereafter. If we are going to do Due Diligence on behalf of taxpayers, we need to enforce some standards on the backup materials and timing of requests brought to us.

Steven Baer February 21, 2011

**Excerpts From Monthly Progress Reports
1% Sales Tax Program
Indicating Improvement Costs and Sources of Funding**



2d. US 278 Frontage Roads (Six Sections)

Project Description

Medians are planned for sections of US 278 which will eliminate left turns from some establishments. This will require frontage roads to be added at six areas to allow access to intersections. Currently, planned frontage roads are:

- The Gatherings, at Salt Marsh Lane
- Tanger Outlet, East of Burnt Church Rd.
- Buckwalter Commercial, west of Buckwalter Parkway
- St. Gregory by Berkeley Hall, north side east of Buckwalter Parkway
- Rose Hill, west of Buck Island Road
- Plantation Business Park, from Buck Island Road to Simmonsville Road

Sales Tax Funding: \$3,600,000
Impact Fee Funding: \$6,000,000
Other Sources: \$3,500,000
Total Project Funding: \$13,100,000

Project Personnel

Design: Florence & Hutcheson, Inc.

Project Manager David Beaty

Design Contract Cost & Schedule Status

Contract Commencement:	19-May-08
Scheduled Completion:	05-Nov-08
Original Contract Amount:	\$197,953.88
Executed Contract Amendments:	\$0.00
Pending Contract Amendments:	\$0.00
Current Contract Amount:	\$197,953.88
Invoiced to Date:	\$0.00
Remaining Contract Amount:	\$197,953.88
Percent of Contract Amount Complete:	.00%
Original Schedule Duration:	170 Days
Extensions:	0 Days
Current Schedule Duration:	170 Days
Time Expended:	42 Days
Time Remaining:	128 Days
Percent Time Expended:	24.71%

Project Status

A short-term study of US 278 has highlighted necessary projects required in order to close certain median openings. Six sections were selected for improvement and currently are under design.

Activities Since Last Period

1. Design Consultant Florence & Hutcheson, Inc. received County Council approval on May 19, 2008
2. Design Contract negotiated and surveying commenced

Planned Activities For Next Period

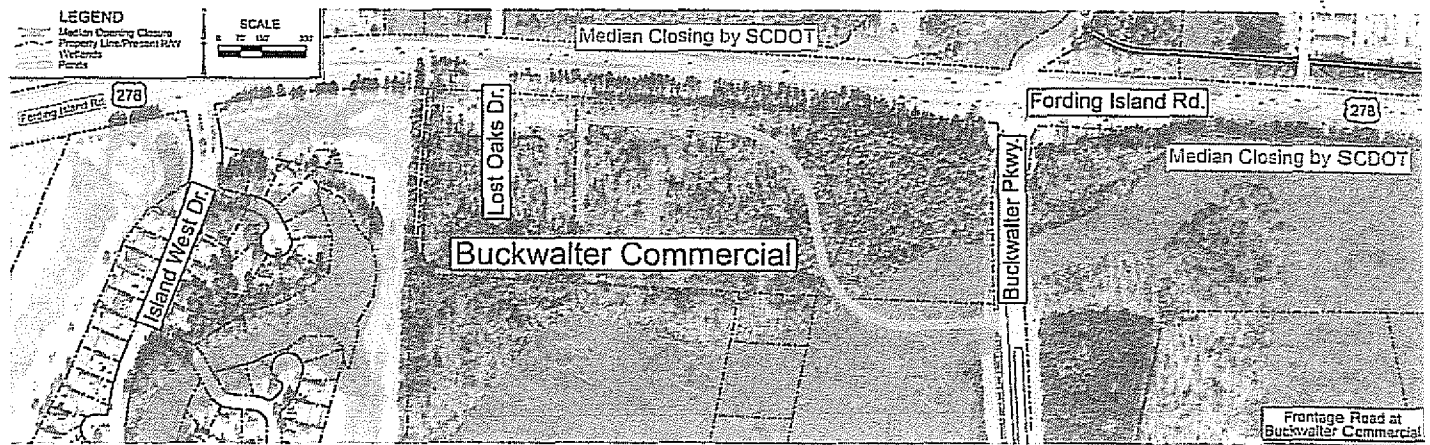
1. Field data collection is under way

2d. US 278 Frontage Roads: Buckwalter Commercial



Project Description

The Buckwalter Commercial Frontage road will relieve traffic from US 278 by connecting Lost Oaks Drive to the Buckwalter Parkway. Two medians are scheduled to be closed by SCDOT on US 278 near this project area. This frontage road will be a two lane road. Each lane will be 11 feet wide with 6 foot wide shoulders on each side.



Project Location

Project Personnel

Design Firm: Florence & Hutcheson, Inc.

Project Manager: David Beaty, Florence & Hutcheson, Inc.

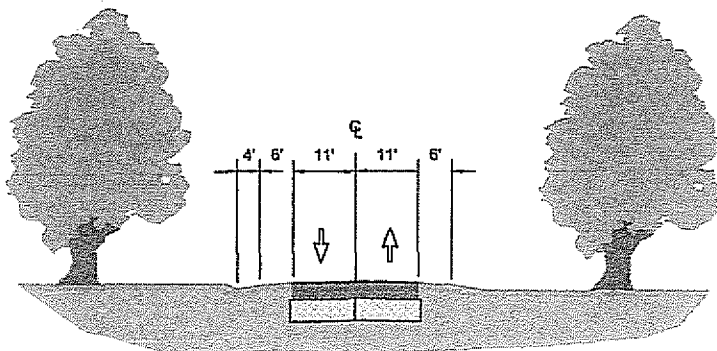
Project Status

Design is complete. All documents for execution were submitted to Town of Bluffton at the end of November, 2008.

Contract Cost & Schedule Status

	Design	Right-of-Way	Utilities Relocation
Commencement Date:	27-May-2008		
Scheduled Completion:	20-Nov-2008		
Original Budget:	\$42,260		
Current Budget:	\$39,754		
Expenditures to Date:	\$10,666		
Percent Budget Spent:	27%		

Town of Bluffton to Implement Plans



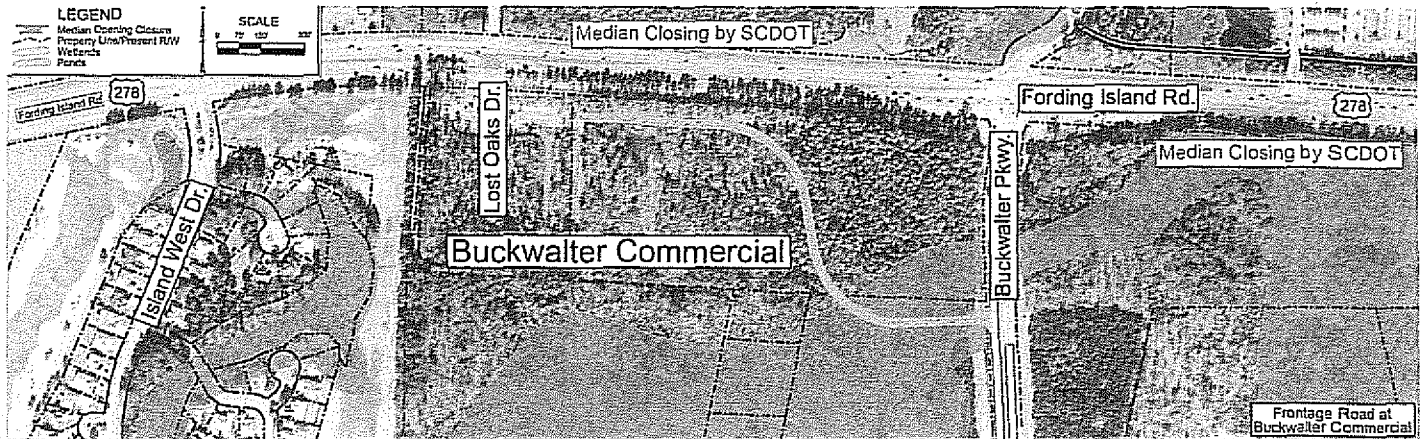
Project Cross-section

2d. US 278 Frontage Roads: Buckwalter Commercial



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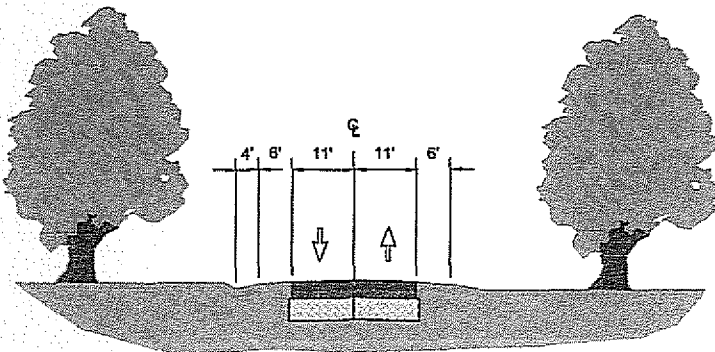
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Town of Bluffton to
Implement Plans



Project Cross-section

**Excerpts from 2007 Buckwalter Parkway Traffic Management Plan
Indicating Characteristics of Intersection C-1
(Buckwalter Commercial Frontage Road and Buckwalter Parkway)**

ACCESS MANAGEMENT PLAN: BUCKWALTER PARKWAY

**US 278 TO BLUFFTON PARKWAY PHASE 4
BEAUFORT COUNTY, SOUTH CAROLINA**

Prepared for:

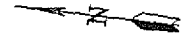
**Beaufort County &
Town of Bluffton**

Prepared by:



**SRS ENGINEERING, LLC
801 Mohawk Drive
West Columbia, South Carolina 29169**

**SUBMITTED
MAY 2007**



NOT TO SCALE

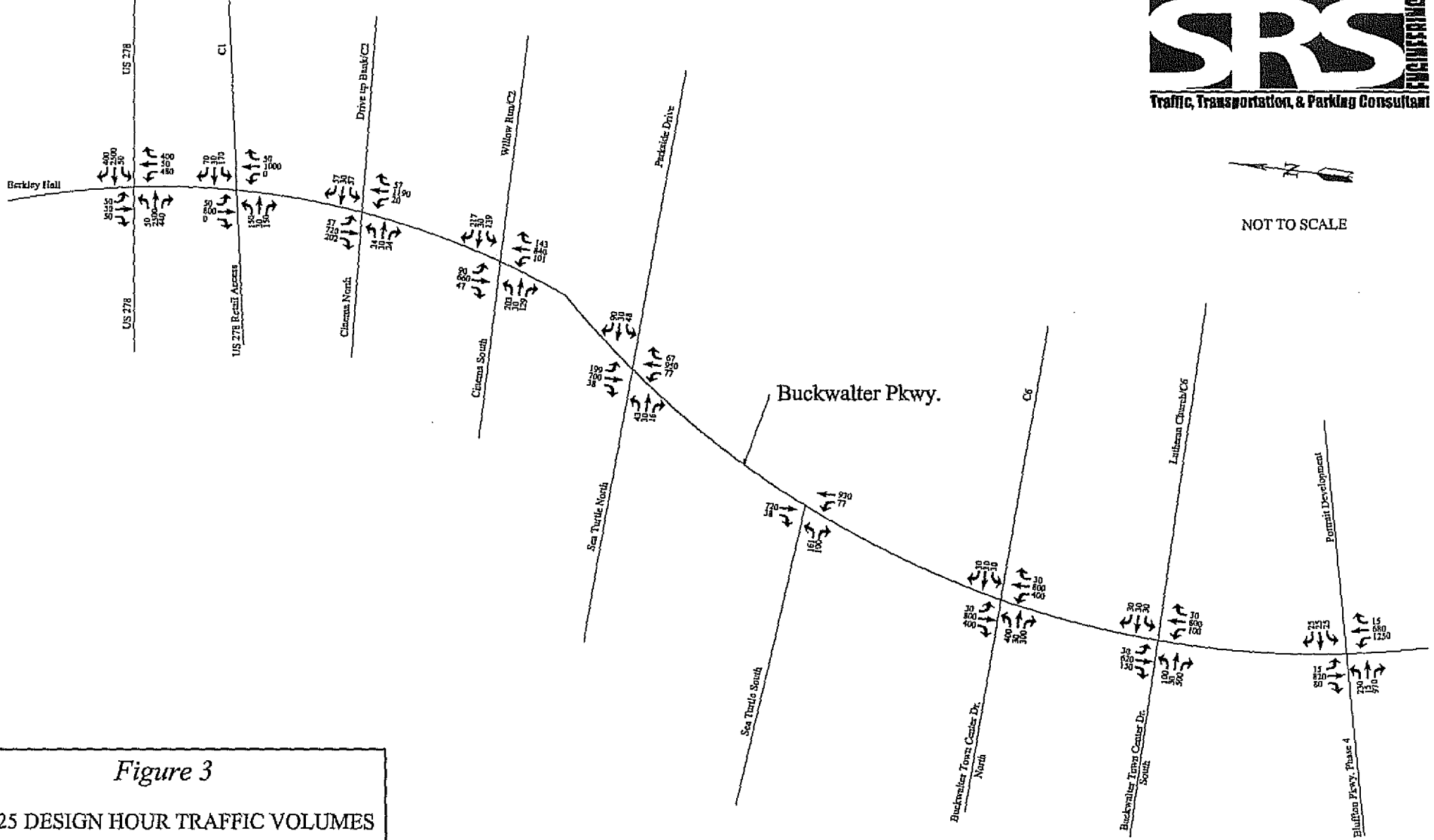


Figure 3
 2025 DESIGN HOUR TRAFFIC VOLUMES
 Buckwalter Parkway Access Management

Table 2
INTERSECTION SPACING
Buckwalter Parkway Access Management

Corridor	Major Intersecting Cross Streets	Separation (Feet)	Cumulative Distance to US 278 (Feet)
Buckwalter Parkway	US 278 to CI Access (est.)	950	950
	C1 Access (est.) to Cinema North/C2	950	1,900
	Cinema North/C2 to Cinema South/C2	900	2,800
	Cinema South/C2 to Sea Turtle North/Parkside Dr	1,000	3,800
	Sea Turtle North/Parkside Dr to Sea Turtle South	1,050	4,850
	Sea Turtle South to Buckwalter Town Center Rt/Rt Access	1,100	5,950
	Buckwalter Town Center Rt/Rt Access to Buckwalter Town Center North	500	6,450
	Buckwalter Town Center North to Buckwalter Town Center Promenade	450	6,900
	Buckwalter Town Center Promenade to Buckwalter Town Center South/C6	500	7,400
	Buckwalter Town Center South/C6 to Bluffton Parkway Phase 4/Portrait	1,075	8,475

As shown, the entire corridor being studied is approximately 8,475-feet (1.6-miles) and typical separation of access points is typically 900 to 1,000-feet with the exception of the distance between Sea Turtle and the northerly Buckwalter Town Center access (approx. 1,900-feet) and the separations between the Buckwalter Town Center access drives (approx. 500-feet).

Applying the “ideal” separation of signalized intersections to the corridor length of 8,475-feet results in the possibility of signalizing three (3) intersections between US 278 and the Bluffton Parkway ($8,475/2,640=3.2$) in order to meet ideal spacing.

Review of the future 2025 traffic volumes from the prior completed traffic studies for the Cinema and Sea Turtle development indicate that traffic signals are planned at the southerly Cinema access opposite parcel C2 and at the southern Sea Turtle access. Based on Table 2, the location of the first traffic signal; at the southern Cinema access; results in a separation of approximately 2,800-feet (US 278 to Cinema south). This separation is recommended due to the fact that US 278 is a Principal Arterial and maintaining the ideal separation of ½-mile between signals will provide good operations for these intersections.

Separation between the southerly Cinema access and Sea Turtle south is approximately 2,050-feet which is less than the ideal ½-mile spacing however, due to the fact that the intersecting roadways with the Buckwalter Parkway are not major collectors (Cinema access and Sea Turtle access) the separation can be slightly less (note that the separation is greater than 1/3-mile).

The remaining section of the Buckwalter Parkway between Sea Turtle South and the Bluffton Parkway intersection is approximately 3,625-feet. Separation between the southern Sea Turtle access and the northern Buckwalter Town Center access is approximately 1,600-feet. The key separation in this remaining segment would be the separation from the Bluffton Parkway intersection (major cross street intersection) to the next signalized intersection to the north along the Buckwalter Parkway. While ½-mile would be preferred, this separation would be unreasonable due to the fact that this would leave approximately 900-feet separation between the traffic signal at the southern Sea Turtle access. Based on the current development plans, the most appropriate location for this signal would be the future planned northern Buckwalter Town Center access which would provide a separation of approximately 2,000-feet to the Bluffton Parkway and approximately 1,600-feet to the traffic signal at the southern Sea Turtle access.

Assuming the location of signals as referenced above, both intersection and arterial analyses have been completed which are summarized in **Table 3**.

DEVELOPMENT ACCESS/CONNECTIVITY

In order to maintain traffic flow on the northern section of the Buckwalter Parkway, the location of signalized intersections must be properly planned and maintained. As such, not all access points will be allowed signalization at "front door" locations along the frontage of the site.

With this, the planning of good connectivity between developments is critical so that drivers can travel from one facility to another without having to get on the Buckwalter Parkway and to allow access for traffic to one of the planned signalized intersections.

Connectivity is especially important for many of the parcels along the Buckwalter Parkway due to development parcel size, environmental constraints/wetlands and proximity to major arterials such as US 278 and the Bluffton Parkway. For parcels which front US 278, connectivity to the Buckwalter Parkway is critical as the approved access plan for US 278 limits full-access movement drives and signalized intersections.

In particular, three developments have plans to access the Buckwalter Parkway identified via their approved traffic studies and in some instances, their respective development agreements. The Willow Run PUD, Island West and the proposed Buckwalter Commons retail site located along US 278 (opposite the Berkeley Hall maintenance access) are each planned to have access to/from the Buckwalter Parkway.

Suggestions to provide for and/or enhance connectivity and allow access to/from developments are depicted by **Figure 4** for the Buckwalter Parkway northern corridor and are briefly described below:

- **Buckwalter Commons/C1 Tract-** A new intersection to be planned as part of the on going development in the area. This access is suggested to be located approximately 950-feet south of US 278 and will be an unsignalized intersection due to its proximity to the signalized intersection of US 278. Based on the location of this access and the anticipated inability to provide connectivity to other development sites to the south (Cinema and C2), this access is anticipated to be a full-movement access and should provide separate left and right-turn lanes on both the Buckwalter Parkway and the site access approaches. Vehicles exiting the respective sites should be placed under STOP sign control.
- **Cinema North Access/C2 Tract-** Is currently a three-legged intersection which currently serves as a secondary access for the cinema. This access is approximately 1,900-feet south of US 278 (950-feet south of the proposed Buckwalter Commons/C1 Tract access). Opposite the cinema development is the C2 tract which is currently anticipated to be developed as a drive-up bank. This access was planned as a full-movement access due to the evening activity of the theatre and should remain as an unsignalized access when the Buckwalter Parkway is fully constructed. As such, separate turning lanes (left and right) are suggested on both the Buckwalter Parkway and access approaches, with the access drives being placed under STOP sign control.
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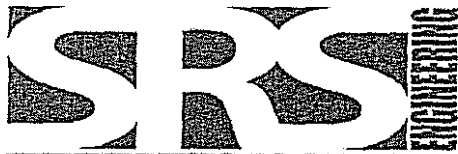
ACCESS MANAGEMENT PLAN: BUCKWALTER PARKWAY

**US 278 TO BLUFFTON PARKWAY PHASE 4
BEAUFORT COUNTY, SOUTH CAROLINA**

Prepared for:

**Beaufort County &
Town of Bluffton**

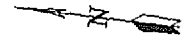
Prepared by:



Traffic, Transportation, & Parking Consultants

**SRS ENGINEERING, LLC
801 Mohawk Drive
West Columbia, South Carolina 29169**

**SUBMITTED
MAY 2007**



NOT TO SCALE

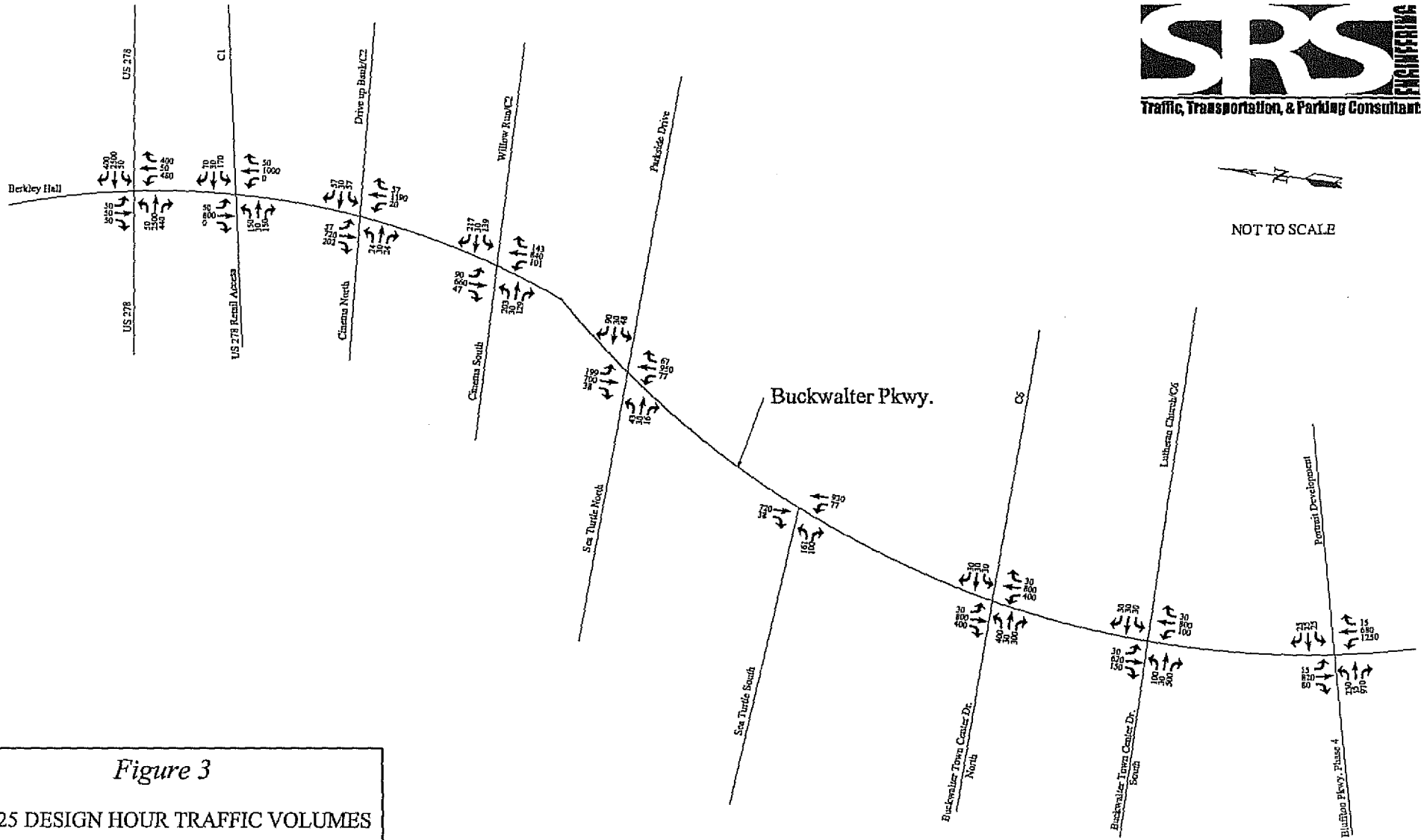


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**BEAUFORT MEMORIAL HOSPITAL BLUFFTON FRONTAGE ROAD
JUSTIFICATION**

Why the Road Must Be Built and Why the County Should Fund The Project Through Its
Existing Development Impact Fee Ordinance
Including
A History of the Buckwalter Commercial Frontage Road
Connecting Buckwalter Commercial (the "Property") from Highway 278 to Buckwalter
Parkway

February 18, 2011

1. SC Department of Transportation (SCDOT) Encroachment Permit #S-07-00179 was issued May 17, 2000 for a driveway access from Highway 278 to the Property; also confirms 278 median cut to remain open until a frontage road is built. (Exhibit A)
2. The August 3, 2000 Foxfield (Buckwalter Commons) Traffic study for 160,000 SF office shows a single access onto Hwy 278 with a recommendation for future frontage road to Buckwalter Parkway and acknowledgement that median crossover may be closed in the future.
3. The November 2000 Immediate Needs Study addresses Hwy 278 access. Buckwalter Parkway is identified as an immediate need, but not the frontage road.
4. Letter from Jones, Scheider & Patterson dated November 14, 2000 to SC DOT regarding confirmation of the terms for closure of the median crossing adjacent to the Property at Highway 278 in exchange for SCDOT constructing a frontage road to connect the Property to Buckwalter Parkway. (Exhibit B)
5. The May 2001 Short Term Needs Study calls for construction of Buckwalter Commons frontage road and closure of Hwy 278 median crossover. The Buckwalter Parkway and frontage road intersection is shown as a full turn movement. (See Excerpt of April 9, 2001 Council Meeting (2 pages) addressing the US Highway 278 Short Terms Needs Study including the Buckwalter Commercial Frontage Road, Exhibit C)
6. Excerpt from the June 28, 2004 Council Meeting regarding first reading and approval of the imposition of a 1% sales tax to fund capital improvements as recommended in the report of the Capital Sales Tax Commission, which includes these frontage roads. (Exhibit D, 6 pages)
7. Excerpt from the July 24, 2006 Council Meeting second reading and approval of the imposition of a 1% sales tax to fund capital improvements as recommended in the report of the Capital Sales Tax Commission. (Exhibit E, 3 pages)
8. Excerpt from the August 14, 2006 Council Meeting third and final reading and approval of the imposition of a 1% sales tax to fund capital improvements as recommended

in the report of the Capital Sales Tax Commission for a total of \$152,000,000.00 or six (6) years, whichever comes first. (Exhibit F, 3 pages)

9. Beaufort County Council approved at third reading on October 23, 2006 by Ordinance Number 2006-24 (now codified at Chapter 82 of the Beaufort County Code of Ordinances) a Development Impact Fee, including a Road Facilities Fee, and within that Ordinance identified and incorporated by reference the Road Facilities Impact Fee Support Study and CIP: South Beaufort County Service Area, dated September 2006 (Support Study) and the County adopted South Beaufort County Road Capital Improvement Plan (CIP) identified therein, which were used to calculate the Road Facilities Fee (Section 82-85 of the Beaufort County Code of Ordinances), which identified this frontage road. It is a full access intersection at Buckwalter Parkway.

10. The Development Impact Fee Ordinance identified Buckwalter Parkway frontage road to be funded with impact fees, and allows developer to donate R/W and/or construct road in lieu of fees.

11. May 2007 Buckwalter Parkway Access Management Plan includes Traffic volume projections from County model for Year 2025 plus site specific for Buckwalter Commons (160,000 SF office), and identifies this frontage road as a full turn movement at Buckwalter Parkway.

12. Excerpt from the May 19, 2008 minutes awarding a contract to Florence & Hutchenson, Inc. for the engineering and design of six of the U.S. Highway 278 frontage roads, including Buckwalter Commercial, west of Buckwalter Parkway, which is this frontage road. (Exhibit G, 1 page)

13. Letter dated June 16, 2010 from Anthony Barrett, Town of Bluffton to Morris Communications with attachments acknowledging the conditions and terms of Encroachment Permit #S-07-00179 and the Beaufort County 1% Sales Tax Road Improvement Project Monthly Report dated March 26, 2009 (Exhibit H, 6 pages)

14. Letter dated June 16, 2010 from H.B. Limehouse, Secretary of Transportation to Morris Communications acknowledging the terms and conditions of Encroachment Permit #S-07-00179 and confirming that SCDOT would fulfill SCDOT's obligations (Exhibit I, 1 page)

15. Beaufort Memorial Hospital ("BMH") enters into a contract to purchase the Property subject to the contingency that a frontage road must be approved to connect the Property from U.S. Highway 278 to Buckwalter Parkway as shown on regional traffic plans of Beaufort County and the Town of Bluffton. The 1% Sales Tax Reports have consistently shown this Frontage Road as a full turn movement, with the Highway 278 median to be closed. (Exhibit J)

16. Meeting on September 22, 2010 among representatives of BMH, Beaufort County, and the Town of Bluffton to discuss possible development of the Property, the need for

construction of the frontage road, and SCDOT's lack of funding necessary for SCDOT to honor SCDOT's obligation to construct the frontage road.

17. Memo from Tedder to Kubic and Barrett dated November 21, 2010 provides a scope of services and an estimate for the cost of construction for the frontage road, suggesting a design/permit/build process for construction of the frontage road, and proposing an Intergovernmental Agreement to allow BMH to pay for the cost of construction of the frontage road and to receive prepayment credits against future Beaufort County road impact fees.

18. Meeting on December 13, 2010 among Beaufort County and Town of Bluffton representatives to discuss Tedder's memo dated November 21, 2010, and specifically the process and funding of the construction of the frontage road and the wetland crossing

19. At the Beaufort County Natural Resources Committee Meeting on January 4, 2011, a presentation was made by Paul Sommerville and the County Traffic Engineer, Colin Kinton, and then David Tedder answered questions. Colin Kinton confirmed to the Committee that this frontage road has been in the works since 2001 and explained the need for the frontage road.

20. On January 4, 2011, Kubic requested that Howell coordinate with Tedder the preparation of an Intergovernmental Agreement between Beaufort County and the Town of Bluffton.

21. Tedder circulated a draft of the Intergovernmental Agreement on January 10, 2011 and a revised version on February 2, 2011.

22. At the Beaufort County Finance Committee Meeting on February 7, 2011, a presentation was made by Rick Toomey and David Tedder. Anthony Barrett and Terry Finger were present as representatives of the Town of Bluffton. Rob McFee answered questions and confirmed to the Committee that this frontage road has been in the works since 2001 and explained the need for the frontage road. The use of a traffic circle at the intersection of the frontage road at Buckwalter Parkway was discussed.

23. Rob McFee has advised the Buckwalter Access Management Plan does not allow signalized intersections within 2,000 feet of another signal. While it is believed that the initial proposed phasing of build at 60,000 square feet of medical office would not create a failing traditional four way full access intersection at Buckwalter Parkway, projected final build out at 140,000 to 160,000 square feet likely would create a failing traditional four way full access intersection without signalization or a roundabout. Preliminary traffic engineering supports the functionality of a roundabout.

24. Without the full access intersection of the frontage road at Buckwalter Parkway, BMH will not proceed to purchase the Property.

EXHIBIT A

(ENCROACHMENT PERMIT OTHER THAN A PUBLIC UTILITY)

APPLICANT: The Branigar Organization, Inc.

ADDRESS: 145 Palmetto Bluff Road
Bluffton, SC 29910

TELEPHONE NUMBER:

COUNTY: Beaufort

ROAD/ROUTE: U.S. Hwy No. 278

ROAD NAME: *Fording Isl. Road*
William Hilton Parkway

1. The undersigned applicant hereby applies to the South Carolina Department of Transportation (SCDOT) for a permit for encroachment on State Highway Right of Way as shown and described below:
2. Type of Encroachment: Driveway Access
3. Description of location: U.S. Hwy No. 278
(See Attached Exhibit)

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structures north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

4. The undersigned applicant hereby requests the SCDOT to permit encroachment on the Department right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the Department's "A Policy for Accommodating Utilities on Highways Rights of Way" and "Standard Specifications for Highway Construction" (made a part hereof by reference) on file in the Utility Office of the Department, and all general provisions on the reverse hereof and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the Department Right of Way. The applicant hereby further agrees and binds his heirs, successors, assigns, to assume any and all liability this Department might otherwise have in connection with accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify this Department for any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

APPLICANT NAME: Mr. Chuck Mitchell DATE: 04/26/00
(PLEASE PRINT OR TYPE)
 APPLICANT SIGNATURE: *C. S. Mitchell* TITLE: OWNER

In compliance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application, general provisions on the reverse hereof, and special provisions below or attached hereto, the Department approves the request. This permit shall become null and void unless the work contemplated herein shall have been completed prior to December 13, 2001.

SPECIAL PROVISIONS:

- * This crossover may be closed in conjunction with improvements to US 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road to Buckwalter Parkway, pursuant to the terms of the letter agreement between The Branigar Organization and SCDOT, a copy of which is attached hereto and made an integral part hereof.

05/17/00
DATE RECEIVED BY
TRF. MAINT. ENGR.

DATE FORWARDED

W.M. MULLIGAN *W.M. Mulligan* 05/17/00
SCDOT APPROVAL DATE

DATE RECEIVED BY
DIST. ENGR. ADMIN.

DATE FORWARDED

- RESIDENT MAINTENANCE ENGINEER STATE HIGHWAY ENGINEER
 DISTRICT ENGINEERING ADMINISTRATOR DISTRICT MAINT./CONSTRUCTION ENGINEER

808
07/31/00 TUE 11:16 FAX 912 234 2850
11/31/2000 09:54 8435243478

THOMAS & HUTTON ENGINEERING
BEAUFORT MAINT

NOV 30 2000 14:52 P.16
PAGE #1



Post-it brand fax transmittal memo 7671 # of pages 2

To: Steve Byrd	From: Ken Onda
On:	On:
Dept:	Phone #:
Fax #:	Fax #:

Beaufort County
Berkeley County
Charleston County
Colleton County
Corryhoke County
Jasper County

MEMORANDUM

DATE: 10/26/00
 TO: RESIDENT MAINTENANCE ENGINEER MULLIGAN
 FROM: DISTRICT TRAFFIC ENGINEER CLARK
 RE: US 278 AT MEGGETT TRACT (20 AC PARCEL)

I reviewed the permit application for an access to this site west of the Buckwalter Parkway at an existing crossover. The permit can be issued with the following stipulations:

1. Branigar provides a letter stating they agree to a special provision that reads: "This crossover may be closed in conjunction with improvements to US 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road to Buckwalter Parkway."
2. Branigar provides written evidence that the existing access to the home sites behind this development may be altered. This can be written permission by those other owners or Branigar showing they have control of that roadway.
3. Branigar agrees that the frontage road will be extended as other parcels are developed toward Buckwalter Parkway.

I spoke to Steve Byrd with Thomas & Hutton about this yesterday and he says that the Branigar attorney is drafting a letter to respond to these items. Add the special provision above to the permit application and upon receipt of the attorney's letter, the permit can go. Contact me if you have questions or comments.

Clark
CLARK

FILE: D6/RTC

District Six Engineering
6386 Palm Boulevard
North Charleston, SC 29405-4208

Phone: (843) 740-1865
Fax: (843) 740-1883

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

EXHIBIT B

HUNTER MACLEAN

Fax:9122328653

Dec 14 2000 12:30 P.04

12/14/00 THU 02:27 FAX 912 234 2850

THOMAS & HUTTON ENGRNG
10-043 786 5667

000
P027

LAW OFFICES

JONES, SCHEIDER & PATTERSON

PROFESSIONAL ASSOCIATION

HILTON HEAD OFFICES

18 POPE AVE.

P.O. DRAWER 7040

HILTON HEAD ISLAND, SOUTH CAROLINA 29928

TELEPHONE (843) 442-8111

FAX 843-680-1210

EMAIL jsp@jshp.com

WILLIAM W. JONES, JR.
JAMES P. SCHEIDER, JR.
RUSSELL P. PATTERSON
MARK S. SIMPSON
JAMES M. HERRING
WM. WESTON JONES NEWTON
C. CLAY OLSON

BLUFFTON OFFICES

P.O. BOX 1938

11 ANLEY WAY

WESTBURY COMMERCIAL OD

BLUFFTON, SC 29910

TELEPHONE (843) 706-8111

FAX (843) 706-8020

E-MAIL jsp@jshp.com

November 14, 2000

Mr. Robert Clark,
District Traffic Engineer
South Carolina Department of Transportation
6355 Fain Blvd.
North Charleston, S. C. 29406

RE: **20 ACRE PARCEL ADJACENT TO U.S. 278/
BUCKWALTER PARKWAY- BEAUFORT COUNTY**

Dear Mr. Clark:

I am writing in response to your Memo of October 26, 2000 to Resident Maintenance Engineer Mulligan of the South Carolina Department of Transportation ("SCDOT") where you indicated that the Encroachment Permit ("Permit") at U.S. Highway 278 adjacent to the 20 acre parcel ("Property") referenced above can be issued subject to certain stipulations.

More specifically, please allow this letter to serve as written confirmation by The Branigar Organization, Inc. ("Branigar") that such stipulations as set forth in your Memo are agreeable as follows, to-wit:

1. The crossover/median cut adjacent to the Property at U.S. Highway 278 may be closed in conjunction with future improvements to U.S. Highway 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road across the Property eastward to the Buckwalter Parkway as herein provided.
2. In reference to the existing unimproved access road to the out parcels at the rear of the Property, I enclose herewith copies of the recorded Easement Agreements from Union Camp Corporation to the various property owners which clearly provides that such access road may be moved, modified or relocated as Union Camp, its successors and assigns may deem appropriate.

HUNTER MACLEAN

Fax:9122328653

Dec 14 2000 12:30 P.05

12/14/00 THU 09:28 FAX 912 234 2950

THOMAS & HUTTON ENGRNG
ID#843 786 5657

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P63/

Mr. Robert Clark
November 14, 2000
Page 2

It is the intention of Branigar to notify each of the owners (two prior meetings have been held by Branigar with all property owners to keep them apprised of the proposed relocation of the access road) subsequent to the issuance of the Permit and after the sale of the Property to The Foxfield Company ("Foxfield").

3. Branigar agrees that the frontage road across the Property will be extended from the U.S. 278 access permitted herein eastward toward the eastern boundary of the Property as development of this Property proceeds. Additionally, should SCDOT, Beaufort County, and/or other governmental entities elect to extend this frontage road from the eastern boundary of the Property to Buckwalter Parkway, Branigar will at that time provide the necessary right-of-way from the Property to Buckwalter Parkway without charge subject to SCDOT obtaining permission from the U.S. Army Corps of Engineers for each such conveyance; however, all permitting, construction and maintenance costs to extend the frontage road from the property to Buckwalter Parkway will be borne by SCDOT.
4. SCDOT understands and acknowledges that all or a portion of the land lying between the eastern boundary of the Property and Buckwalter Parkway is designated as wetlands, subject to recorded wetlands covenants as required by the U.S. Army Corps of Engineers for Phase I of the Buckwalter Parkway.

Please understand the foregoing stipulations on behalf of Branigar will be transferred or assigned to subsequent purchasers of the property, including Foxfield, or any other third-party purchasers who may require or be given title to the land which lies between the eastern boundary of the Property and the western right-of-way in the Buckwalter Parkway.

After receipt of this letter, please be kind enough to authorize the immediate issuance of the Encroachment Permit to the Thomas & Hutton Engineering Company.

JONES, SCHEIDER & PARTNERS

MUNIER MHLEHN

Fax: 9122328653

Dec 14 2000 12:31

P.06

12/14/00 THU 08:28 FAX 912 232 2850

THOMAS & HUTTON ENGRNG
12-843 706 5667

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Mr. Robert Clark
November 14, 2000
Page 2

In the event you have further questions or comments or if I may be of further assistance,
please do not hesitate to give me a call.

I am,

Sincerely,

JONES, SCHEIDER & PATTERSON, P.A.
as attorneys for the Branigar Organization

By:



James P. Scheider, Jr.

IPSjt/jst

c: Mr. John D. Alderman
Mr. Harvey G. Gilbert

a:\judy\sp\branigar\clerk.ltr

JONES, SCHEIDER & PATTERSON

EXHIBIT C

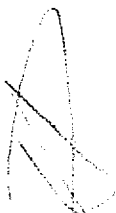
It is Mr. Taylor's understanding the County will follow the same appeals process as any other individual or corporation would to build such a tower under the County's current ZDSO. Mr. Criscitiello agreed with this statement.

Mr. Ladson asked if the permit is denied, what is the next step? Mr. Criscitiello explained should the permit be denied, the County would need to find another site and repeat the application process or appeal to the Circuit Court.

Mr. Newton inquired of tower height? Mr. Kachmar explained both towers exceed 400 feet. The County has an existing tower in Shell Point, which has to be replaced with a higher tower in order to attain proper propagation.

Next, Mr. Newton asked if the County could permit a 400-foot tower under the current ZDSO? Mr. Criscitiello explained no one could foresee this particular nuance when the ZDSO was originally adopted. Therefore, some minor tinkering of the ZDSO is needed in order to attain what the County wants. The process, however, is still the same.

Last, Mr. Newton asked is there not an avenue in the ZDSO for the permitting of a radio tower? Mr. Criscitiello remarked the ZDSO provides for the construction of a 400-foot radio tower, but not communications towers. Even if the County had built the towers themselves, the same problem would exist.



April 9, 2001 County Council Minutes

US Highway 278 Short-Term Needs Study

Mr. Todd Salvagin, Senior Project Manager with Wilbur Smith Associates (hereinafter "WSA"), presented a synopsis of the US Highway 278 Short-Term Needs Study. The report includes what WSA has accomplished in the past versus what is occurring at present versus the future. The prior report dealt with immediate needs and looked at existing conditions and made recommendations. The Short-Term Needs Study is a report that concentrates on a five-year build out of US Highway 278 (hereinafter "278"). It covers the area between McGarvey's Corner and the bridges. WSA has made the recommendation to six lane 278, not the entire distance, but the area between Simmonsville Road to the bridges. The widening stops at Simmonsville Road because it is relied upon the Bluffton Parkway (East/West Connector). If the Bluffton Parkway does not become a part of the five-year plan and does not become a reality within five years, WSA's recommendation would be to modify and extend beyond Simmonsville Road to McGarvey's Corner. The study attempts to phase in the roadway improvements. But, if one element does not happen it will be the extent on 278. The study involves a scheme to include roadway widenings, intersection widenings, crossover plan for connectivity (closure), improvements not directly associated with 278 but will help relieve 278. A perfect example is the Bluffton Parkway that will, hopefully, survive 278 and stay some of the widening that will eventually have to occur. By providing connectivity, people may not have to drive on 278 to go from, as an example, Rose Hill Plantation to Publix.

Mr. Colin Kinton, traffic engineer with Wilbur Smith Associates, presented five aerial maps starting from McGarvey's Corner to the bridges and explained what WSA proposes as part of the US Highway 278 Short-Term Needs Study. (i) Future Five-Year Development - 8,700 ± residential units and 5,000,000 ± square feet of commercial development; (ii) New Roadway Connectivity - Bluffton Parkway, North/South Connector, Buckwalter Commercial/Island West Commercial, Buckwalter Parkway to Eagle's Point (through Willow Run), Rose Hill Connector (to Buck Island Road), Westbury Park/Plantation Business Park Center, Buck Island Road to Simmonsville Road, Bruin Road Extension, Red Cedar Street Extension (Bluffton Park), Sheridan Park Access Road (to Bluffton Road), Frontage Roads (Southside of US 278) Sandlapper Nursery through Hilton Head, Factory Stores 1 to Mattress Depot, Proposed Lowe's to McDonald's, Hilton Head national through Hilton Head, Factory Stores 2 to Buckingham Plantation, and Buckingham Plantation to the Gatherings; (iii) Widening Projects - US 278 six lanes Simmonsville Road to bridges at Hilton Head Island, SC Highway 46 (Bluffton Road) five lanes US Highway 278 to Bluffton Village, Burnt Church Road five lanes US Highway 278 to Bluffton Parkway/proposed Lowe's; (iv) New Traffic Signal Locations on US Highway 278 - Buckwalter Commercial/Island West, commercial/Graves property, Buckwalter Parkway/Berkley Hall, Buckwalter East/Eagle's Point, Rose Hill, Buck Island Road/Belfair, Target/Home Depot, Foreman Hill Road/Colleton River Plantation. The total number of traffic signals along US 278 is 13. (v) Closure of Existing Median Crossovers - 3 immediate needs closures, 17 short-term needs closures, 17 median crossovers to remain, 3 restrictive median crossovers to remain, (vi) Intersection Improvements - SC Highway 46 at US Highway 278 (additional left-turn lanes), Burnt Church Road at US 278 (additional left-turn lanes).

It was moved by Mr. Generales, seconded by Mr. Newton, that Council accept the US Highway Short-Term Needs Study, based upon the recommendation of the Beaufort Transportation Advisory Group that it be brought to Council for acceptance .

Mr. Brafman circulated a list of commercial development along US Highway 278, including the acreage and square feet of each proposed, actual or existing commercial development. He also circulated a map with this information coded in.

Mr. Generales remarked everyone knows there is a lot going on in Bluffton. There is 1,386,220 square feet of office space, 2,998 multi-family units, 5,716 single-family units, 600,000 square feet plus a 109 of additional acres of light industrial, 2,207,906 square feet of retail space, plus miscellaneous between government buildings and office centers.

The vote was: FOR - Mr. Brafman, Mr. Covington, Mr. Cuttino, Mr. Dukes, Mr. Generales, Mr. Glaze, Mr. Ladson, Mr. Lamb, Mr. McBride, Mr. Newton and Mr. Taylor. The motion passed .

The Chairman assigned the draft US Highway Short-Term Needs Study to the Planning Committee for review and analysis with the understanding the Committee will seek its input from the Planning staff, Wilbur Smith Associates and SCDOT and then make a recommendation to the Finance Committee within 90 days the five-year plan for improvement to US Highway 278. Once the Finance Committee receives the recommendation, the Committee, working with the planning staff, Wilbur Smith Associates and SCDOT, will formulate a recommended funding mechanism for these improvements. The Finance Committee should then report to Council for full consideration of the plan for improvement and financing. He encouraged Council to, hopefully, adopt the plan and financing mechanism by November 1, 2001, because the financing plan may require a referendum.

EXHIBIT D

approximately 1,900 linear feet of frontage on US Highway 278, and 894 linear feet on Pinckney Colony Road. The purchase price was \$3,250,000 (fee simple).

Analysis of Acquisition: There are 37 acres at the intersection of US 278 and Pinckney Colony Road with significant frontage on both roadways. There are significant and high-quality freshwater wetlands draining to the Colleton River which could be compromised if the property is developed. The property is zoned Commercial Suburban and, as such, could support as much as 290,000 square feet of new commercial development. The property is heavily wooded with pine and hardwood including several live oaks in excess of 100 years old. There is wildlife habitat.

Benefits of Acquisition: The property provides for a rural character at the entrance of Pinckney Colony, a rural agricultural community. It eliminates as much as 290,000 square feet of commercial development and could eliminate as many as 5,000 cars per day from US 278 based on typical Commercial Suburban development with a mix of retail, services and office uses. It preserves valuable freshwater wetlands, wildlife habitat and large stand of mature pine and hardwoods. It provides for an opportunity to create a scenic and very visible passive park. Other public uses are possible. The sellers have made a significant charitable contribution to the Trust for Public Land to be used by them for the planning and development of the property on behalf of Beaufort County.

Impact of New Legislation Regarding Imposition of a 20% Cap on Reassessment Values

Mr. Gary Kubic, County Administrator, reported he has researched many aspects of this new legislation. What does the statute require Beaufort County to do now, since this legislation is passed, but not signed? Mr. Kubic's concern within the community is that people are under the impression that Beaufort County government will be issuing property tax bills with a 20% cap. That is not true. There is no 20%. The Governor has not signed the legislation. Beaufort County is obviously in a holding pattern waiting the outcome as to whether the Governor will sign or will not sign this particular legislation. As a consequence, what staff does in preparing the tax notices and tax bills under the normal collection cycle is the issue at hand. The research began with what the law is today and also what impact it has on the public institutions, particularly, the School District, fire districts and municipalities if we apply the reassessed values in this billing cycle. The decision Mr. Kubic made last week was to proceed at applying the reassessed values, because that is what the law indicates that we must do.

What does that mean in terms of future actions by the Governor? If the Governor chooses to wait until January 2005, we reach a situation where the Governor would end up refunding and rebilling and literally have quite a state of bureaucratic steps—work, research, potential interest costs, borrowing money, impacting all political and public sectors who receive distribution of tax dollars. To prepare for that, in the event the Governor would sign prior to January 2005, Mr. Kubic has also instructed the Management Information Systems Department and Tax Assessor's Office to proceed with a parallel system, a second model, as if the 20% was law and assuming that the Governor signs it into law the sooner the better, July or August 2004, the County would be able to respond with property tax notices and tax bills and maintain our normal collection period from October 1 through January 15.

Mr. Kubic's concern is that if this decision does not occur until January 2005, it will place this County, in the most unique situation in South Carolina, because we deferred the reassessment last year and cannot do it again this year. The consequences of waiting for this decision in January 2005 will place in jeopardy our ability to fund those public services in a normal process when you consider that the collections are in excess of \$160 million. Hopefully, the Governor will make his decision quickly and prevent us from going through those steps at the beginning of January 2005.

In summary, Mr. Kubic remarked that the County will proceed with the reassessment values. There is no 20% cap available for us to apply to those reassessment values until the Governor signs the legislation. If he refuses to do soon, or it is vetoed, there is a pocket-approval procedure.

PRESENTATION OF THE RESOLUTION AND REPORT FROM THE CAPITAL PROJECTS SALES TAX COMMISSION

Mr. Colden Battey, Co-Chairman of the Capital Projects Sales Tax Commission (hereinafter "Commission") presented a PowerPoint presentation on the capital project recommendations developed through public participation. The Commission members are: Co-Chairmen Colden R. Battey, Jr. and Paula Harper Bethea, Secretary Dorothy P. Gnann, and members Roberts Vaux, Alice G. Wright and W. Bruce Fairchild.

The Commission held 23 public meetings between February 27 and June 23, 2004. These meetings were held at seven locations throughout the County. Members visited every project that they approved. Presentations were made by: Beaufort County, Town of Hilton Head Island, Town of Bluffton, City of

June 28, 2004 Council Meeting

Beaufort, Town of Port Royal, Town of Yemassee, Beaufort County Sheriff's Office, Beaufort Memorial Hospital, Greater Bluffton Pathways, Friends of Hunting Island, Greater Beaufort Chamber of Commerce, Hilton Head Island/Bluffton Chamber of Commerce, Beaufort Black Chamber of Commerce, Lady's Island Business Professional Association, Beaufort County Fire Chiefs Association, and Native Island Business Professional Association.

Over 60 projects were reviewed for inclusion in the referendum of which 33 were selected Countywide. The basis for selection of these capital projects was: improvement of existing roadway capacity deficiencies, existing roadway safety improvements, improved roadway connectivity, transportation enhancement (trails, availability of alternate funding, total cost, contractibility of projects, and park space/open space needs for County residents. The capital projects total \$117,203,500. Borrowing costs are \$5,000,000, for a total of \$122,203,500. The overall benefits of these projects are: greatly improve roadway capacity County-wide and address safety improvements at key intersections. The projects are based on documented need and existing plans, and balance of additional lanes/connectivity/access management and enhancements. In summary these 33 projects include: intersection improvements at 16 locations, roadway widening of 17.1 miles, new road construction of 4.8 miles, frontage roads of 5.6 miles, dirt road paving of 14.8 miles, roadway resurfacing of 10 miles, 5 parks totaling 48.2 acres, pathways of 30.6 miles, sidewalks of 2.1 miles, and 20,000 square feet of municipal buildings. The Commission recommends a sales tax collection for no more than five years or no more than \$122,203,500, or whichever occurs first.

The Capital Projects:

Project 1: Gardens Corner Intersection – Description: US Highway 21 at US Highway 17, intersection improvement/realignment, \$650,000. Public benefits: improved intersection capacity, reduced delays, safety improvements provide reduction of accidents; improve intersection alignment for efficient flow.

Project 2: Bluffton Parkway Four-Lane Divided Highway – Description: Simmonsville Road to SC Highway 170, roadway construction \$6,000,000, impact fee funding \$13,400,000. Public benefits: additional roadway capacity, reduce demand on US Highway 278 and SC Highway 46, improve flow on US Highway 278 by diverting traffic and improve safety.

Project 3: US Highway 278 at Squire Pope Road - Description: Intersection improvement/realignment, \$1,100,000. Public benefits: increases intersection capacity, provides adequate sight distance, provides acceleration lane for motorists turning from Squire Pope Road onto westbound William Hilton Parkway, may potentially allow closure of nearby driveways on William Hilton Parkway.

Project 4: SC 802 – Lady's Island Drive Phase 1 (Four-lane divided highway) - Description: Ribaut Road to Sea Island Parkway, \$5,750,000, roadway widening. Public benefits: traffic growth exceeds available capacity of existing roadway, increased roadway capacity to meet existing and projected deficiencies, improved access to/from Sea Islands.

Project 5: Waterfront Park Improvements - Description: \$4,500,000. The City of Beaufort is undertaking a comprehensive improvement project to modernize a failing stormwater management system, repair seawall joints, and replacing aging and unsafe structures and electrical systems.

Project 6: Resurface William Hilton Parkway - Description: Squire Pope Road to Sea Pines Circle, 9.4 miles, \$4,700,000, impact fee funding is \$1,200,000. Public benefits: includes 3-foot additional paved shoulder width, includes pathway on southside of highway, provides opportunity to address pressing drainage infrastructure needs, and installation of new pavement markings and vehicle detectors.

Project 7: US 278 Related Improvements - Description: SC Highway 170 to Jenkins Road (Hilton Head Island), \$15,500,000, frontage roads, access management improvements. Public benefits: 13 projects to improve roadway capacity, access management and safety improvements reduce friction between vehicles, and provide alternative access for local trips improving through traffic on US Highway 278.

Project 8: SC Highway 802 – Lady's Island Drive Phase 2 (new bridge parallel to McTeer Bridge) - Description: Ribaut Road to Sea Island Parkway, \$17,500,000, bridge construction. Public benefits: traffic growth exceeds existing capacity of bridge, increase roadway capacity to meet existing and projected deficiencies, provide viable route alternative for traffic to/from Sea Islands.

Project 9: Edinburgh/Vaigneur and Ribaut Road (SC Highway 802) - Description: mast-arm traffic signal at reconfigured intersection, intersection improvement, \$165,000. Public benefits: safer turning movements, improved traffic flow at peak hours, reduce accidents at the poorly designed intersection.

Project 10: Burnt Church Road (four-lane divided highway) – Description: US 278 to Bluffton Parkway, \$1,440,000, roadway widening. Public benefits: provide additional roadway capacity between Bluffton Parkway and US Highway 278, reduce intersection delays at Burnt Church Road/US Highway 278, provide adjacent multi-use pathways and landscaped median.



Project 11: County-wide Dirt Road Paving - Description: Roadways based on priority list, \$5,000,000, public safety and access project. Public benefits: Reduction of maintenance costs and improved drainage, provide efficient and safe access for residents, addresses concerns of residents in rural areas of County.

Project 12: Michael C. Riley to Library (Multi-Use Trail) - Description: Trail from school to County Library, \$750,000, enhancement project, County Trails Plan. Public benefits: provide safer connection for children to travel by foot or bike between schools, residential neighborhoods and library, provide recreational trail, and provide alternative transportation.

Project 13: Sidewalks Along Main Travel Corridors in Port Royal - Description: sidewalk construction along West Paris Avenue (Columbia Avenue, Madrid Avenue, Edinburgh Avenue and London Avenue), 2.1 miles, \$236,500. Public benefits: safer pedestrian movement by separating vehicle and pedestrian traffic enhances existing sidewalk program in Port Royal; links points of interest, which enhances tourism and encourages walking.

Project 14: Simonsville Road - Description: US Highway 278 to Bluffton Parkway, \$1,500,000, roadway widening. Public benefits: provide additional capacity between Bluffton Parkway and US Highway 278, reduce existing intersection delays at and provide adjacent pathways, provide safer vehicular access to/from Bluffton Parkway and US Highway 278.

Project 15: SC 802 - Savannah Highway (four-lane divided highway) - Description: SC Highway 170 to SC Highway 280, \$4,140,000, roadway widening. Public benefits: includes 30-foot grassed median and pathways, provide additional capacity between SC Highway 170 and Port Royal, provide improved traffic routing around Port Royal Island.

Project 16: Pigeon Point Park Improvements - Description: \$1,000,000. The City of Beaufort is finalizing plans for improvements to Pigeon Point Park including upgrading outdated and unsafe playground equipment, installing nature and exercise trails, and providing sheltered picnic facilities.

Project 17: SC Highway 46 at Buckwalter Parkway - Description: intersection improvements, \$1,720,000, round-about construction. Public benefits: intersection capacity improvements and reduce vehicular delays, safety improvement-improved traffic control and traffic claming of through traffic, improved traffic operations and enhancement of May River Road as a Scenic Highway.

Project 18: US Highway 278 Long-Term Feasibility - Description: SC Highway 170 to Jenkins Road (Hilton Head Island), \$1,000,000, analysis and preliminary engineering design of optimum long-term solution. Public benefits: provide additional vehicular capacity, access management to provide safety improvement through reduction of friction between vehicles, reduce overall travel delays for through traffic.

Project 19: Foreman Hill Road Extension/Improvements - Description: US Highway 278 to Ulmer Road, \$2,780,000, roadway construction and connectivity. Public benefits: Provide additional north/south connectivity between US Highway 278 and greater Bluffton area, reduce existing intersection delays, reduce demand on other parallel routes and reduced trip lengths.

Project 20: US Highway 278 at Sun City Hilton Head - Description: intersection improvement, \$60,000, traffic signal installation. Public benefits: intersection capacity improvement, reduced vehicular delays, safety improvement through controlled intersection access results in potential accident reduction.

Project 21: Police/Municipal Court Facility Construction - Description: \$6,000,000. The City of Beaufort leases temporary space that was not designed for police/court use. Existing facilities pose operational and officer safety issues. A new facility will be developed at the corner of Ribaut Road and Boundary Street.

Project 22: US Highway 17 Intersection Improvements - Description: Big Estates Road, Bull Corner and Piggly Wiggly, \$920,000, turn lanes, realignment. Public benefits: additional intersection capacity, safety improvement, channelize turning movements.

Project 23: Morrall Circle/Ribaut Road Drainage Project - Description: upgrade drainage system between Ribaut Road and end of Morrall Circle, \$300,000, safety improvement. Public benefits: addresses historic drainage problem shared by SCDOT, Beaufort County, City of Beaufort, and Town of Port Royal; reduces property damage due to flooding; provides safer travel due to reduction of water on the road.

Project 24: SC Highway 46 at SC Highway 170 - Description: Intersection improvement/realignment/round-about construction; \$1,240,000, alternate funding source is right-of-way donation and \$250,000. Public benefits: intersection capacity improvements and reduced vehicular delays, safety improvement, improve traffic flow from County line (SC Highway 46-SC Highway 70) to Bluffton Parkway (gateway to southern Beaufort County).

Project 25: SC Highway 170 Phase 1 (four-lane divided highway) - Description: SC Highway 46 to Bluffton Parkway (future), \$5,575,000, roadway widening. Public benefits: provide additional capacity for projected growth, improved traffic flow to Bluffton Parkway, right-of-way donation along Jones Tract sufficient for widening, includes potential for adjacent multi-use pathways.

Project 26: Buckwalter Parkway (four-Lane Divided Highway) - Description: US Highway 278 to SC Highway 46, \$6,600,000, roadway widening. Public benefits: Provide additional capacity for projected growth, improve traffic flow and access to Bluffton Parkway, existing right-of-way sufficient, includes multi-use pathways on both sides of roadway.

Project 27: Smilax Avenue - Description: roadway resurfacing, \$12,000, Royal Palms Lane to Rahn Lane. Public benefits: provide safer travel for the public, improve secondary drainage problem, and reduce damage to vehicles due to poor condition of the road.

Project 28: Southside Park Development - Description: \$1,000,000. Sales tax funding will be utilized for the development of Phase 1 of this adaptive reuse project including the installation of playgrounds, picnic facilities and nature and exercise trails.

Project 29: Okatie East Regional Park - Description: 19.77 acres adjacent to Okatie headwaters, \$4,750,000, and passive public park. Public benefits: growth management, reduced potential future traffic on US Highway 278, protects Okatie River.

Project 30: Robert Smalls Parkway (SC 170) Interconnectivity Project - Description: SC Highway 802 to SC Highway 280, \$4,000,000, frontage roads, access management/back access roads. Public benefits: Preserve capacity for principal arterial, provide local traffic connectivity, and ensure safe and efficient access.

Project 31: US Highway 17 Four-Lane Divided Highway - Description: US Highway 21 to Big Estates Road, \$5,000,000, roadway widening. Public benefits: additional capacity for projected growth, safety improvement, provides local match for State/Federal funding.

Project 32: SC Highway 170 Phase 2 (four-lane divided highway) - Description: Bluffton Parkway (future) to US Highway 278, \$6,195,000, roadway widening. Public benefits: provide additional 19,000 vehicles per day capacity for projected growth, improved access to Bluffton Parkway, includes potential for construction of multi-use pathways on either side of roadway.

Project 33: Yemassee Rail Park - Description: abandoned rail line, \$120,000, enhancement project. Public benefits: Passive local park; provide recreation, health and tourism benefits for the County; includes nature and recreation trail.

Mr. Stewart reported the Greater Beaufort Chamber of Commerce Government Affairs Committee had evaluated the one-cent capital projects sales tax proposals plus alternatives and had unanimously agreed to support the one percent capital projects sales proposal as put forward the Sales Tax Commission.

The Chairman passed the gavel to the Vice Chairman.

It was moved by Mr. Newton, seconded by Mr. Generales, that Council approve on first reading, by title only, pursuant to S.C. Code Ann. §4-10-300, et seq. (Supp. 2003) and subject to approval by referendum, an ordinance to impose a one-percent sales and use tax within Beaufort County to fund multiple capital projects in the amount of \$117,203,500 for not more than five years . The vote was: FOR – Mr. Brafman, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. Ladson, Mr. Lamb, Mr. McBride, Mr. Newton, Mr. Stewart and Mr. Von Harten. The motion passed .

EXHIBIT E

Excerpt from July 24, 2006 Council meeting

PUBLIC HEARINGS

AN ORDINANCE TO IMPOSE A TRANSPORTATION TAX WITHIN BEAUFORT COUNTY TO FUND MULTIPLE CAPITAL PROJECTS IN THE AMOUNT OF \$147 MILLION FOR NOT MORE THAN SIX YEARS OR WHICHEVER COMES FIRST

Mr. Newton reported members of the Public Services Committee met on July 18, 2006. At that meeting, Mr. Colin Kinton, County Traffic Engineer, distributed an updated list of projects for the proposed transportation tax referendum and a copy of a letter he received from SCDOT regarding the US Highway 17 widening project. Members were advised that there have been some changes in available funding for the projects, and some changes in the potential cost estimates for the capital roadway projects. This newly revised list was mailed to the municipalities last week for their comments. A letter dated July 18, 2006, from Mr. Wilson Elgin, SCDOT Project Manager, to Mr. Colin Kinton describes an anticipated shortfall of \$19 million for the US Highway 17 widening project. There are changes to the new list, totaling \$152 million, compared to \$147 million on the original list. Deleted from the original list was transit service (LRTA) at \$5 million. Two projects on Hilton Head Island are included under US Highway 278 improvements, totaling \$28 million. The Public Services Committee is recommending the imposition of a transportation tax in the amount of \$152 million.

Mr. Kinton gave an overview of the ten projects included in the referendum question.

Bluffton Parkway Phase 5. This project begins a Buckwalter Parkway and ends at Mackays Creek. It is five miles in length. It includes eight-foot pathways. The total project cost is \$60 million (\$10 million County Road Impact Fee and \$50 million County Roadway Sales Tax).

US Highway 278 Improvements. This project begins a Sea Pines Circle and ends at SC Highway 170. It is 15 miles in length. It includes paved shoulders. The total project cost is \$39 million (\$8.1 million State/Federal funding, \$2.9 million Updated County Road Impact Fee, \$28 million County Roadway Sales Tax).

SC Highway 170 Widening. This project begins at Bluffton Parkway Phase 4 and ends at Ride Watch Drive (Rivers Bend). It is 6 miles in length. It includes pathways and paved shoulders. The total project cost is \$13.5 million (\$7.5 million updated County Road Impact Fee and \$6 million County Roadway Sales Tax).

US Highway 17 Widening. This project begins at US Highway 21 (Garden's Corner) and ends at Combahee River. It is 6 miles in length. It includes pathways. The total project cost is \$79.2 million (\$72.2 million State/Federal funding, \$2 million updated County Road Impact Fee, \$5 million County Roadway Sales Tax).

US Highway 21 (Boundary Street) Improvements. This project begins at Broad River Boulevard and ends at Palmetto Street. It is 2 miles in length. It includes a pathway on Southside Boulevard. The total project cost is \$13.250 million (\$3.750 County Road Impact Fee and \$9.5 million County Roadway Sales Tax).

Boundary Street Parallel Road. This project begins at Robert Smalls Parkway and ends at Palmetto Street. It is one mile in length. It includes sidewalks. The total project cost is \$8.750 million (\$4.550 million County Road Impact Fees, \$4.2 million County Roadway Sales Tax).

SC Highway 802 (Ribaut Road) Improvements. This project begins at Lenora Drive (near Russell Bell Bridge) and ends at Lady's Island Drive. It is 1.5 miles in length. It includes sidewalks. The total project cost is \$2.265 million (\$450,000 State/Federal funding, \$1.215 million County Road Impact Fee, \$600,000 County Roadway Sales Tax).

SC Highway 21/SC Highway 802 (Lady's Island Drive) Widening. This project begins at SC Highway 802 (Ribaut Road) and ends at US Highway 21 (Sea Island Parkway). It is 2.8 miles in

length. It includes pathways and/or shoulders. The total cost is \$35.5 million from County Roadway Sales Tax.

Northern Beaufort Bypass. This project begins at US Highway 21 and ends at SC Highway 802. It is 9 miles in length. It includes pathways. The total project cost is \$6 million from County Roadway Sales Tax.

SC Highway 802 (Savannah Highway) Widening. This project begins at SC Highway 170 (Robert Smalls Parkway). It is 2.1 miles in length. It includes pathways and/or shoulders. The project cost is \$7.2 million from County Roadway Sales Tax.

The Chairman opened a public hearing at 6:50 p.m. for the purpose of receiving information from the public regarding an ordinance to impose a Transportation Tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first. After calling once for public comment, the Chairman recognized Mrs. Karen Heitman, representing Greater Bluffton Pathways, who stated GBP appreciates the inclusion of pathways in the referendum question. GBP supports the Lowcountry Regional Transportation Authority and would like to see bus service provided between USC-Beaufort (South Campus) to Hilton Head Island. Alternative transportation is badly needed in southern Beaufort County.

Mr. Charlie Wetmore, a Bluffton resident, asked Council to please consider reinstating the bus route along US Highway 278. Please consider installing pathways along the roadways. They are important to the residents of Beaufort County.

Mr. Bill Coleman, a Hilton Head Island resident, expressed opposition to the proposed transportation tax referendum.

Mr. Perry White, a Hilton Head Island resident, suggested Council take another look at making public transportation available to the residents and visitors of Beaufort County.

Mr. Roberts Vaux, a Bluffton resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million.

Mr. Michael Sampogna, a Bluffton resident, stated the extension of the Bluffton Parkway is a benefit to developers. It will take 30 years for the infrastructure to catch up with the on-going development.

Mr. Bill Dever, representing Crowne Plaza Resort, urged Council to include some funding for bus service in the referendum question.

Mrs. Fran Gellman, a Hilton Head Island resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million. She encouraged Council to include some concept for mass transportation in the referendum question.

Mr. William Kamins, a Windmill Harbor resident, encouraged Council to include a traffic signal at the entrance to Windmill Harbor.

Mr. Henry Sanders, a Hilton Head Island resident, urged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million.

Mr. Hank Johnston, Town of Bluffton Mayor, encouraged Council to approve on second reading an ordinance to impose a transportation tax to fund multiple capital projects in the amount of \$152 million. He encouraged Council to consider including some type of funding for public transportation in the referendum question.

Mrs. Rochelle Ferguson, Lowcountry Regional Transportation Authority Director, urged Council to include some type of funding for public transportation in the referendum question.

After calling twice more for public comment and receiving none, the Chairman declared the public hearing closed at 7:33 p.m.

Main motion.

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council approve on second reading an ordinance to impose a transportation tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first .

Motion to amend by substitution.

It was moved by Mr. Generales, seconded by Mr. Dawson, that Council amend the motion to apply an additional \$6 million toward the US Highway 17 Widening Project beginning at US Highway 21 (Garden's Corner) and ending at the Combahee River and, in turn, reduce the \$6 million designed for planning and engineering for the Northern Beaufort Bypass Project beginning at US Highway 21 and ending at SC Highway 802. The vote was: FOR – Mr. Dawson, Mr. Generales and Mr. Glaze. OPPOSED – Mr. Brafman, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion failed . * *Servingde facto*. Council District 3 is vacant. Council District 4 is vacant.

Vote on the main motion.

Council approve on second reading an ordinance to impose a transportation tax within Beaufort County to fund multiple capital projects in the amount of \$152 million for not more than six years or whichever comes first. FOR – Mr. Brafman, Mr. Generales, Mrs. Griffin, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. ABSTAINED - Mr. Dawson, Mr. Glaze and Mrs. Hairston. The motion passed . * *Servingde facto*. Council District 3 is vacant. Council District 4 is vacant.

MOTION TO EXTEND

It was moved by Mr. Generales, seconded by Mr. Von Harten, that Council extend beyond 8:00 p.m. The vote was: FOR – Mr. Brafman, Mr. Dawson, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton*, Mr. Stewart and Mr. Von Harten. The motion passed . * *Servingde facto*. Council District 3 is vacant. Council District 4 is vacant.

EXHIBIT F

Excerpt from August 14, 2006 Council Minutes

AN ORDINANCE TO IMPOSE A TRANSPORTATION TAX WITHIN BEAUFORT COUNTY TO FUND MULTIPLE CAPITAL PROJECTS IN THE AMOUNT OF \$152 MILLION FOR NOT MORE THAN SIX YEARS OR WHICHEVER COMES FIRST

Main motion.

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council approve on third and final reading an ordinance to impose a one percent (1%) Transportation Sales and Use Tax for not more than six years, if approved by referendum; to authorize the issuance of general obligation bonds not to exceed \$152 million if approved by referendum, to describe the transportation-related projects and estimated capital costs of the projects to be funded in whole or in part from the proceeds of the tax; to order a county-wide referendum on the question of imposing the tax and authorizing the issuance of general obligation bonds; to proscribe the contents of the ballot questions; and provide for all other things necessary to submit the aforesaid questions to the electorate. The ten projects are: (i) Bluffton Parkway Phase 5, \$50 million; (ii) US Highway 278 Improvements, \$28 million; (iii) SC Highway 170 Widening, \$6 million; (iv) US Highway 17 Widening, \$5 million; (v) US Highway 21 (Boundary Street) Improvements \$9.5 million; (vi) Boundary Street Parallel Road, \$4.2 million; (vii) SC Highway 802 (Ribaut Road) Improvements, \$600,000; (viii) SC Highway 21/SC Highway 802 (Lady's Island Drive) Widening, \$35.5 million; (ix) Northern Beaufort Bypass, \$6 million; and (x) SC Highway 802 (Savannah Highway) Widening, \$7.2 million .

Mr. Newton remarked that on July 28, 2006, he sent a letter to the municipalities specifically asking for their position on the inclusion of this ballot question. The project list has its genesis from the Beaufort Transportation Advisory Group (BTAG) and a process that was loosely termed the Northern and Southern Traffic Teams that were made up of the staffs of Beaufort County and all of the municipalities by region, developing consensus priority project lists, not focused on funding sources, but purely based on priorities of projects county-wide with the penny sales tax being one of the funding options. We are fortunate to have Port Royal Town Mayor Samuel Murray, Beaufort City Mayor Bill Rauch, and Hilton Head Island Town Mayor Tom Peeples in attendance today for the purpose of conveying their Councils' positions on County Council moving forward with this effort. The County has received letters back from each municipality.

Mayor Murray stated that on August 9, 2006, Port Royal Town Council unanimously approved the project list and its inclusion on the November 2006 ballot.

Mayor Rauch stated that on July 20, 2006, Beaufort City Council unanimously approved the project list and its inclusion on the November 2006 ballot.

Mayor Peeples stated that on August 1, 2006, Hilton Head Island Town Council voted unanimously to place the proposed Beaufort County transportation sales tax referendum on the November 2006 ballot for consideration by the electorate.

Mr. Newton reported receipt of correspondence from Bluffton Mayor Hank Johnston (who is out of the state) wherein Bluffton Town Council, on August 9, 2006, concurred with holding the Transportation Sales Tax Referendum in November 2006 rather than waiting 18 months.

Mr. Newton remarked that one of the reasons the Mayors and he thought it was appropriate for them to be here tonight and weigh in with their Councils is while this question was developed by County Council, in 2002 we did not ask for their input and full participation. As a consequence, we ended up with governments taking opposing positions on certain projects and the development of the question. In 2004 when the question was presented to the voters in Beaufort

County, collectively with the municipalities, we created a Capital Projects Sales Tax Commission who developed a project list which included expenditures beyond simple road improvements. It was not limited to highway and safety improvements. As we prepared and looked forward to the November election this year, the Mayors, he, and our respective staffs, and he talked about the need for a transportation question, the types of state law under which that could be authorized, and their Council's inclusion in the development of the process moving forward. This list, as prioritized, is limited to US Highway 278 and SC Highway 170 in the southern portion of the County and US Highway 21, SC Highway 802, and US Highway 17 in the northern portion of the County. Mr. Newton urged all members of Council to support this measure and move forward with placing this issue on the ballot in November.

Motion to amend by substitution.

It was moved by Mr. Generales, that Council amend the motion to reduce the \$6 million designated for planning and engineering for the Northern Beaufort Bypass Project beginning at US Highway 21 and ending at SC Highway 802 and substitute \$3 million to create bikeways and pathways in southern Beaufort County and \$3 million to create bikeways and pathways in northern Beaufort County. The motion died for lack of a second .

Mrs. Hairston expressed concern that there is no money included on the project list for a mass transit service. We need to look at some way to take cars off the highway and put people in some type of vehicle that would allow more people to ride, such as a bus system, transit system.

Mr. Stewart is supportive of alternative means of transportation. He is concerned, however, that we do it with a plan and do it well when we do it. This initiative to include an initial round of funding would not have achieved that goal. His perception was that we would have a partial system and a failing system in the eyes of the public, rather than a successful system. He would support through whatever means, such as the County's Capital Improvement Program, looking at projects as well as working with our neighbors in Jasper County to put together a program that designates where the bus stops would likely be along US Highway 278 and what the distribution of people would be when they disembark from their vehicles at whatever point they choose to disembark. Until those things are accomplished, Mr. Stewart does not believe this referendum is the right place for this funding.

Mr. Dawson expressed disappointment with the \$5 million allocation for the US Highway 17 widening project. Given the nature of US Highway 17, the accidents, the deaths, the fact it is a dangerous highway, Council needs to allocate more than \$5 million to assist SCDOT with this widening project. He is not satisfied with Council allocating \$5 million to be raised by this referendum. He supports funding the Lowcountry Regional Transportation Authority. Mr. Dawson is not satisfied with the project list.

Mr. Newton noted there is neither a plan being worked nor in place at this time for a mass transit service for which \$5 million could be spent to develop an effective system in Beaufort County. There was a concept that was advanced by the Northern Beaufort Transportation Team as the last priority in the list of projects that was developed. It was included as an item because of the prioritization of the northern and southern project lists and the fact that the allocation of dollars would be reached. However, when news came from the State that US Highway 17 (which was higher on the priority list than the mass transit project) was not going to be fully funded (but that the State continued to accept the responsibility to pursue the funding), communications were had with SCDOT regarding how Beaufort County might enhance its commitment previously made of \$2 million in impact fees toward financing this State project. The State has accepted full responsibility for improving this roadway. None of the other projects that are on this list has the State accepted or acknowledged that responsibility. Therefore, the \$5 million to the State is a number beyond that which they have requested from Beaufort County, but a number that

appeared to be necessary for them to be able to move forward with that project. The Lowcountry Council of Governments continues to seek additional funds for this project.

The vote was: FOR – Mr. Brafman, Mr. Generales, Mr. Glaze, Mrs. Griffin, Mrs. Hairston, Mr. McBride, Mr. Newton* and Mr. Stewart. ABSTAINED – Mr. Dawson. ABSENT - Mr. Von Harten. The motion passed . * Serving *de facto*. Council District 3 is vacant. Council District

EXHIBIT G

Mr. Gary Kubic, County Administrator, announced the County has purchased a 10-acre site for the Disabilities and Special Needs Program new administration building. The site is located at the intersection of Castle Rock Road and Grober Hill Road in the Town of Port Royal. The purchase price for the 10 acres was \$850,000. The appraised value for the property was \$1,050,000.

Proposed Amendment / State Legislature / Exemptions for Stormwater Fee

Mr. Gary Kubic, County Administrator, reported the South Carolina Legislature is considering legislation H.4337 that would exempt all agricultural lands, forestlands, and undeveloped land from any fee imposed by a local governing body for a stormwater, sediment, or erosion control program. Passage of H.4337 would severely impact the County's ability to maintain a quality stormwater management program by reducing projected annual revenues by more than \$1.3 million dollars.

CONSIDERATION OF CONTRACT AWARD

Professional Engineering Services for US Highway 278 Frontage Road Projects

It was moved by Mr. Glaze, as Public Services Committee Chairman (no second required), that Council award on contract to Florence & Hutcheson, Inc., of Columbia, SC, in an amount not to exceed \$197,958.16 to fund the engineering and design of final construction plans for six of the US Highway 278 frontage road projects to include: The Gatherings at Salt Marsh Lane, Tanger Outlet east of Burnt Church Road, Buckwalter Commercial west of Buckwalter Parkway, St. Gregory Catholic Church by Berkley Hall the northeast side of Buckwalter Parkway, Rose Hill west of Buck Island Road, Plantation Park from Buck Island Road to Simmonsville Road. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Ms. L. Von Harten and Mr. W.R. Von Harten. The motion passed .

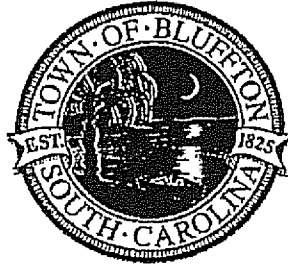
11/16/14
2008
11/16/14

EXHIBIT H

Lisa Sulka
Mayor

Fred Hamilton Jr.
Mayor Pro Tempore

Anthony Barrett
Town Manager



Council Members
Oliver Brown
Allyne Mitchell
Mike Raymond

Sandra Lunceford
Town Clerk

June 16, 2010

Robert J. Kuhar
VP Properties & Facilities
Morris Communications Company, LLC
725 Broad Street
Augusta, GA 30901

Dear Mr. Kuhar:

Thank you for your letter of May 20, 2010, and I apologize for the delay in responding.

This is to acknowledge the provisions set forth in the documents attached hereto which include:

1. Application for Encroachment Permit #S-07-000179 dated May 17, 2000, and the attachments thereto, consisting of a Memorandum from Mr. Robert Clark to Resident Maintenance Engineer Mulligan dated October 26, 2000, and the response thereto from James P. Scheider, Jr., to Robert Clark dated November 14, 2000.
2. The Beaufort County One Percent Sales Tax Road Improvement Project Monthly Report dated May 26, 2009.

Please do not hesitate to contact me if you have any further questions in regard to this matter.

Sincerely,

Anthony W. Barrett
Town Manager

20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Telephone (843) 706-4500 Fax (843) 757-6720

(ENCROACHMENT PERMIT OTHER THAN A PUBLIC UTILITY)

APPLICANT: The Branigar Organization, Inc.

ADDRESS: 145 Palmetto Bluff Road
Bluffton, SC 29910

TELEPHONE NUMBER:

COUNTY: Beaufort
ROAD/ROUTE: U.S. Hwy No. 278

ROAD NAME: *Forking Isl. Road*
William Hilton Parkway

1. The undersigned applicant hereby applies to the South Carolina Department of Transportation (SCDOT) for a permit to encroach on State Highway Right of Way as shown and described below:
2. Type of Encroachment: Driveway Access
3. Description of location: U.S. Hwy No. 278
(See Attached Exhibit)

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road of the State system.)

4. The undersigned applicant hereby requests the SCDOT to permit encroachment on the Department right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the Department's "A Policy for Accommodating Utilities on Highways Rights of Way" and "Standard Specifications for Highway Construction" (made a part hereof by reference) on file in the Utility Office of the Department, and all general provisions on the reverse hereof and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the Department Right of Way. The applicant hereby further agrees and binds his heirs, successors, assigns, to assume any and all liability this Department might otherwise have in connection with accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify this Department for any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

APPLICANT NAME: Mr. Chuck Mitchell DATE: 04/26/00
(PLEASE PRINT OR TYPE)

APPLICANT SIGNATURE: *C. S. Mitchell* TITLE: Owner

In compliance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application, general provisions on the reverse hereof, and special provisions below or attached hereto, the Department approves the request. This permit shall become null and void unless the work contemplated herein shall have been completed prior to December 13, 2001.

SPECIAL PROVISIONS:

- * This crossover may be closed in conjunction with improvements to US 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road to Buckwalter Parkway, pursuant to the terms of the letter agreement between The Branigar Organization and SCDOT, a copy of which is attached hereto and made an integral part hereof.

05/17/00 DATE RECEIVED BY DIST. ENGR. ADMIN.
 DATE FORWARDED
 W.M. MULLIGAN *W.M. Mulligan* SCDOT APPROVAL
 DATE 05/17/00

- RESIDENT MAINTENANCE ENGINEER STATE HIGHWAY ENGINEER
 DISTRICT ENGINEERING ADMINISTRATOR DISTRICT MAINT./CONSTRUCTION ENGINEER

808
07/31/00 TUE 11:18 FAX 912 234 2860

THOMAS & HUTTON ENGNRRG
BEAUFORT MAINT

NOV 30 2000 14:52 P.16

PAGE 01



Post-It brand fax transmittal memo 7871 # of pages 2

To Steve Byrd	From Tom Osho
Co.	Co.
Dept.	Phone #
Fax #	Fax #

Beaufort County
Berkley County
Charleston County
Colleton County
Corrywaga County
Jasper County

MEMORANDUM

DATE: 10/26/00
 TO: RESIDENT MAINTENANCE ENGINEER MULLIGAN
 FROM: DISTRICT TRAFFIC ENGINEER CLARK
 RE: US 278 AT MEGGETT TRACT (20 AC PARCEL)

I reviewed the permit application for an access to this site west of the Buckwalter Parkway at an existing crossover. The permit can be issued with the following stipulations:

1. Branigar provides a letter stating they agree to a special provision that reads: "This crossover may be closed in conjunction with improvements to US 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road to Buckwalter Parkway."
2. Branigar provides written evidence that the existing access to the home sites behind this development may be altered. This can be written permission by those other owners or Branigar showing they have control of that roadway.
3. Branigar agrees that the frontage road will be extended as other parcels are developed toward Buckwalter Parkway.

I spoke to Steve Byrd with Thomas & Hutton about this yesterday and he says that the Branigar attorney is drafting a letter to respond to these items. Add the special provision above to the permit application and upon receipt of the attorney's letter, the permit can go. Contact me if you have questions or comments.

CLARK

FILE: D6/RTC

District Six Engineering
6365 Palm Boulevard
North Charleston, SC 29405-4909

Phone: (843) 740-1665
Fax: (843) 740-1883

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

HUNTER MACLEAN

Fax:9122328653

Dec 14 2000 12:30 P.04

12/14/00 THU 09:27 FAX 912 232 2950

THOMAS & HUTTON ENGRNG
10-843 786 5667

000
P82/

LAW OFFICES

JONES, SCHEIDER & PATTERSON

PROFESSIONAL ASSOCIATION

HILTON HEAD OFFICES

18 POPE AVE.

P.O. DRAWER 7040

HILTON HEAD ISLAND, SOUTH CAROLINA 29928

TELEPHONE (843) 842-8111

FAX # 843-688-1210

E-MAIL jspl@wjsp.com

BLUFFTON OFFICES

P.O. BOX 1828

11 ARLEY WAY

WESTBURY COMMERCIAL OD

BLUFFTON, SC 29910

TELEPHONE (843) 706-6111

FAX (843) 706-8730

E-MAIL jspl@wjsp.com

WILLIAM W. JONES, JR.
JAMES P. SCHEIDER, JR.
RUSSELL P. PATTERSON
MARK S. SIMPSON
JAMES M. HERRING
WM. WESTON JONES NEWTON
C. CLAY OLSON

November 14, 2000

Mr. Robert Clark,
District Traffic Engineer
South Carolina Department of Transportation
6355 Fain Blvd.
North Charleston, S. C. 29406

RE: 20 ACRE PARCEL ADJACENT TO U.S. 278/
BUCKWALTER PARKWAY-BEAUFORT COUNTY

Dear Mr. Clark:

I am writing in response to your Memo of October 26, 2000 to Resident Maintenance Engineer Mulligan of the South Carolina Department of Transportation ("SCDOT") where you indicated that the Encroachment Permit ("Permit") at U.S. Highway 278 adjacent to the 20 acre parcel ("Property") referenced above can be issued subject to certain stipulations.

More specifically, please allow this letter to serve as written confirmation by The Braniger Organization, Inc. ("Braniger") that such stipulations as set forth in your Memo are agreeable as follows, to-wit:

1. The crossover/median cut adjacent to the Property at U.S. Highway 278 may be closed in conjunction with future improvements to U.S. Highway 278 upon agreement by Beaufort County and SCDOT after completion of a frontage road across the Property eastward to the Buckwalter Parkway as herein provided.
2. In reference to the existing unimproved access road to the out parcels at the rear of the Property, I enclose herewith copies of the recorded Easement Agreements from Union Camp Corporation to the various property owners which clearly provides that such access road may be moved, modified or relocated as Union Camp, its successors and assigns may deem appropriate.

HUNTER MACLEAN

Fax: 9122328653

Dec 14 2000 12:30 P.05

12/14/00 THU 09:28 FAX 912 234 2860

THOMAS & HUTTON ENGNRNG
ID# 843 786 3667

000
P63/

Mr. Robert Clark
November 14, 2000
Page 2

It is the intention of Branigar to notify each of the owners (two prior meetings have been held by Branigar with all property owners to keep them apprised of the proposed relocation of the access road) subsequent to the issuance of the Permit and after the sale of the Property to The Foxfield Company ("Foxfield").

3. Branigar agrees that the frontage road across the Property will be extended from the U.S. 278 access permitted herein eastward toward the eastern boundary of the Property as development of this Property proceeds. Additionally, should SCDOT, Beaufort County, and/or other governmental entities elect to extend this frontage road from the eastern boundary of the Property to Buckwalter Parkway, Branigar will at that time provide the necessary right-of-way from the Property to Buckwalter Parkway without charge subject to SCDOT obtaining permission from the U.S. Army Corps of Engineers for each such conveyance; however, all permitting, construction and maintenance costs to extend the frontage road from the property to Buckwalter Parkway will be borne by SCDOT.
4. SCDOT understands and acknowledges that all or a portion of the land lying between the eastern boundary of the Property and Buckwalter Parkway is designated as wetlands, subject to recorded wetlands covenants as required by the U.S. Army Corps of Engineers for Phase I of the Buckwalter Parkway.

Please understand the foregoing stipulations on behalf of Branigar will be transferred or assigned to subsequent purchasers of the property, including Foxfield, or any other third-party purchasers who may require or be given title to the land which lies between the eastern boundary of the Property and the western right-of-way in the Buckwalter Parkway.

After receipt of this letter, please be kind enough to authorize the immediate issuance of the Encroachment Permit to the Thomas & Hutton Engineering Company.

JONES, SCHEIDER & PATTERSON

MUNIER MULLEHN

Fax: 9122328653

Dec 14 2000 12:31

P.06

12/14/00 THU 08:28 FAX 912 234 2850

THOMAS & HUTTON ENGRNG
10-843 786 5657

000
P847

Mr. Robert Clark
November 14, 2000
Page 2

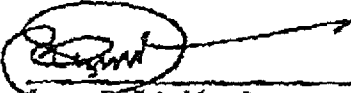
In the event you have further questions or comments or if I may be of further assistance, please do not hesitate to give me a call.

I am,

Sincerely,

JONES, SCHEIDER & PATTERSON, P.A.
as attorneys for the Braniger Organization

By:


James P. Scheider, Jr.

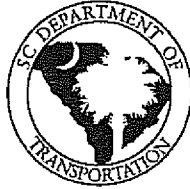
JPSjt/jst

c: Mr. John D. Alderman
Mr. Harvey G. Gilbert

2/judy@pfs.com@olark.in

JONES, SCHEIDER & PATTERSON

EXHIBIT I



Secretary of Transportation
South Carolina Department of Transportation

June 16, 2010

Robert J. Kuhar
VP Properties & Facilities
Morris Communications Company, LLC
725 Broad Street
Augusta, GA 30901

Dear Mr. Kuhar:

I am responding to your letter to Wendell Mulligan dated May 20, 2010. The South Carolina Department of Transportation acknowledges Encroachment Permit #S-07-000179, including all attachments and will fulfill its obligations thereunder in accordance with its terms subject only to any physical restraints or other matters beyond the control of SCDOT.

Please let me know if you need further assistance.

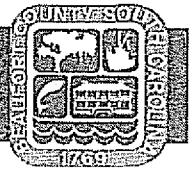
Sincerely,

A handwritten signature in cursive script, reading "H. B. Limehouse, Jr.", written in black ink.

H. B. Limehouse, Jr.
Secretary of Transportation

EXHIBIT J

2d. US 278 Frontage Roads: Buckwaller Commercial



Project Description

The Buckwaller Commercial Frontage road will relieve traffic from US 278 by connecting Lost Oaks Drive to the Buckwaller Parkway. Two medians are scheduled to be closed by SCDOT on US 278 near this project area. This frontage road will be a two lane road. Each lane will be 11 feet wide with 6 foot wide shoulders on each side.

Project Personnel

Design Firm: Florence & Hutcheson, Inc.

Project Manager: David Beaty, Florence & Hutcheson, Inc.

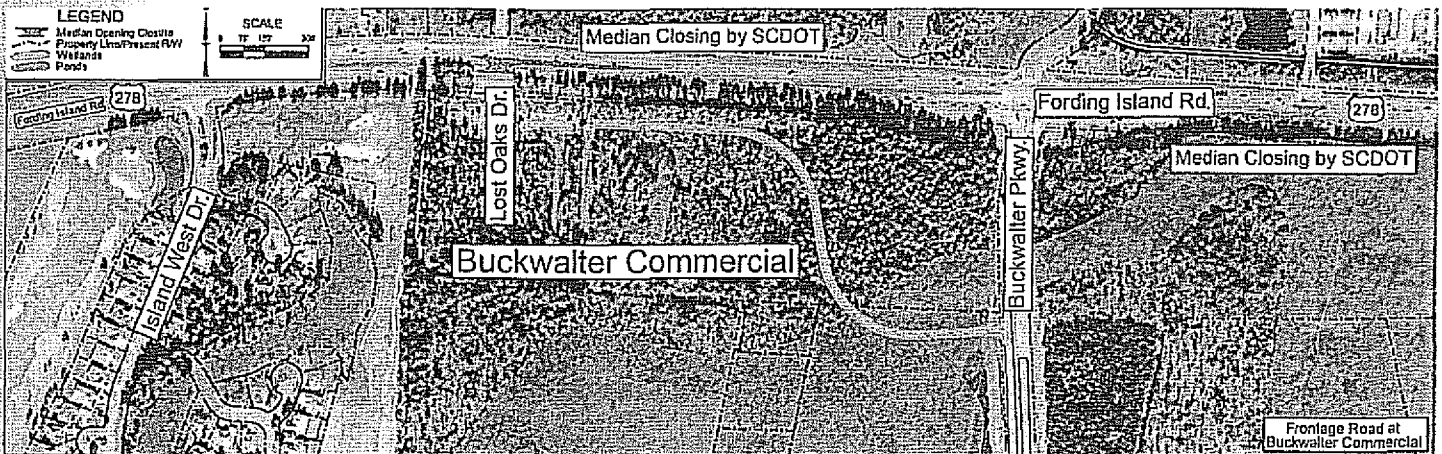
Contract Cost & Schedule Status

	Design	Right-of-Way	Utilities Relocation
Commencement Date:	27-May-2008		
Scheduled Completion:	20-Nov-2008		
Original Budget:	\$25,000		
Current Budget:	\$39,754		
Expenditures to Date:	\$10,666		
Percent Budget Spent:	27%		

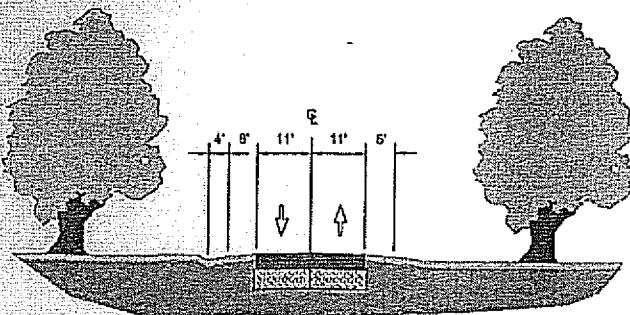
**Town of Bluffton to
Implement Plans**

Project Status

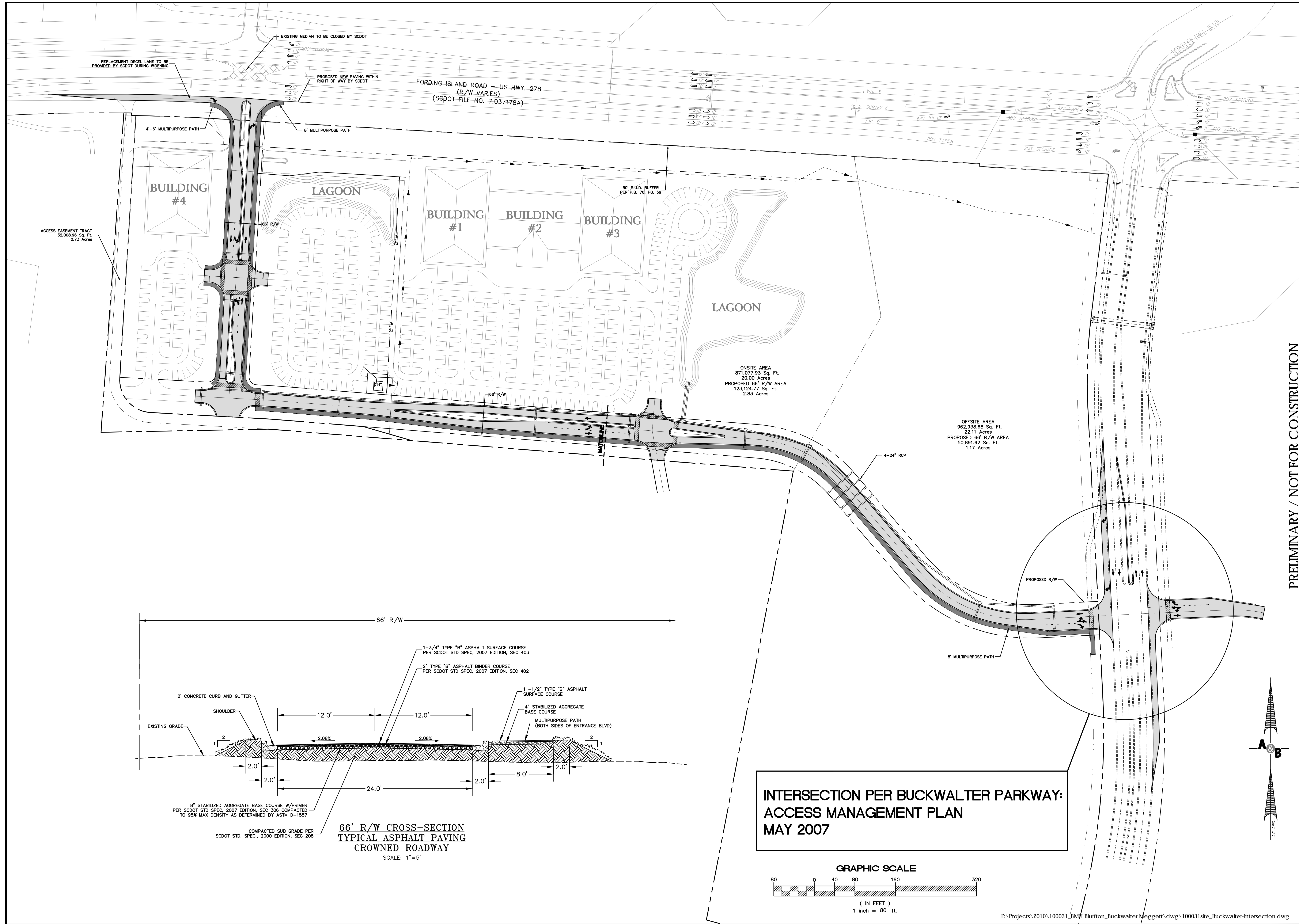
Design is complete. All documents for execution were submitted to Town of Bluffton at the end of November, 2008.



Project Location



Project Cross-section



PLAN REVISIONS

NO.	DESCRIPTION:	DATE:	BY:
1			
2			
3			
4			
5			
6			
7			
8			

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ANDREWS & BURGESS, INC.
No. 000008
REGISTERED PROFESSIONAL ENGINEER
No. 12880

PRELIMINARY / NOT FOR CONSTRUCTION

40A Shanklin Road
Beaufort, SC 29906
843.466.0369
Fax 843.466.0369

Andrews & Burgess Inc.
Engineering & Surveying

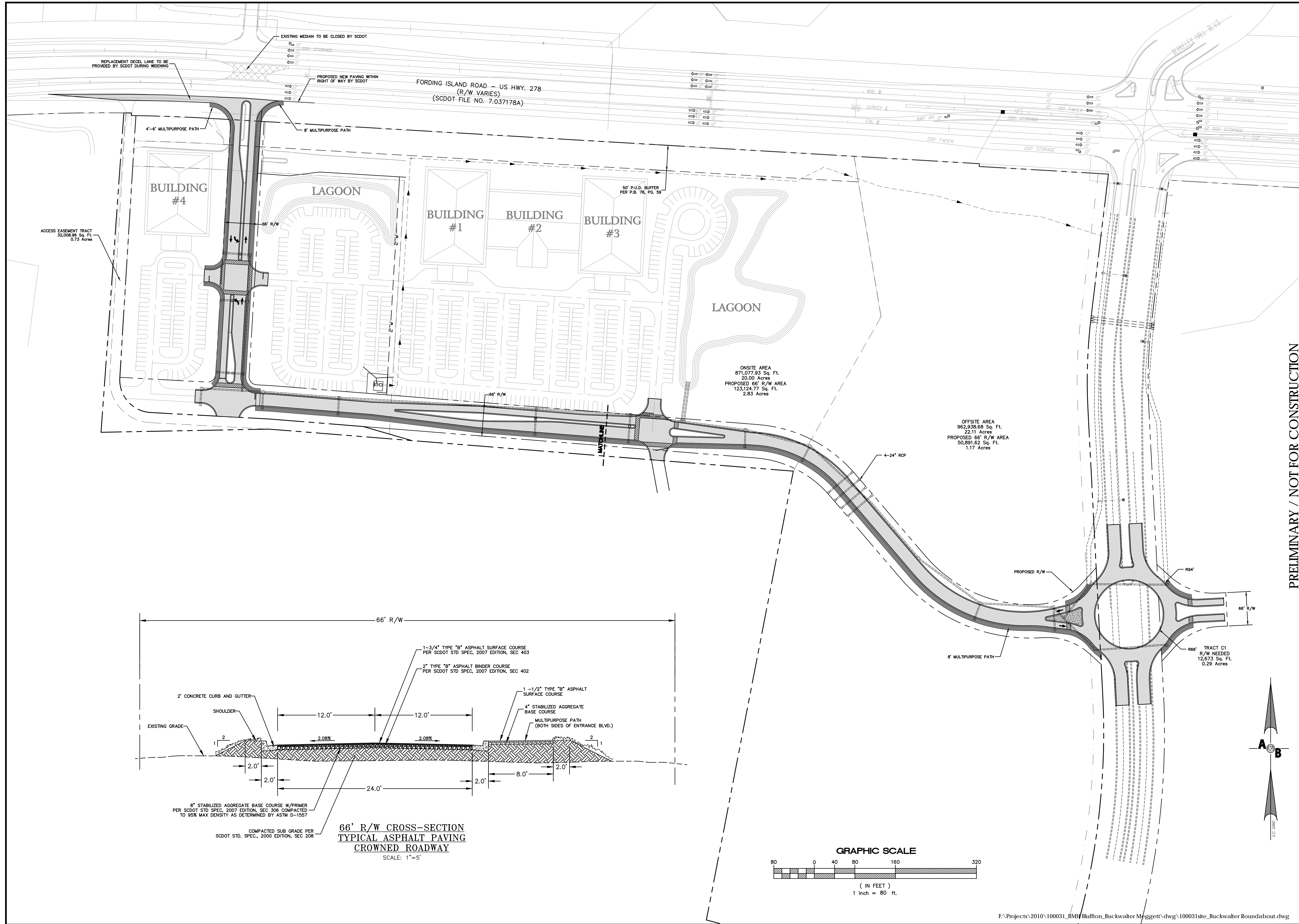
Preliminary Site Plan
For
BMH Bluffton
U.S. Hwy. 278
Town of Bluffton
Beaufort County, SC

Buckwalter Commercial
Frontage Road Plan
W/Full Turn Intersection

Date Drawn: 9/17/10
Last Revised: 2/23/11
Drawn By: R. Crosby
Engineer: S. Andrews

SHEET #:
4

JOB: 100031



PLAN REVISIONS

NO.	DESCRIPTION	DATE	BY
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3			
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ANDREWS & BURGESS, INC.
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REGISTERED PROFESSIONAL ENGINEER
No. 12880

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40A Shanklin Road
Beaufort, SC 29906
843.466.0369
Fax 843.466.0369

Andrews & Burgess Inc.
Engineering & Surveying

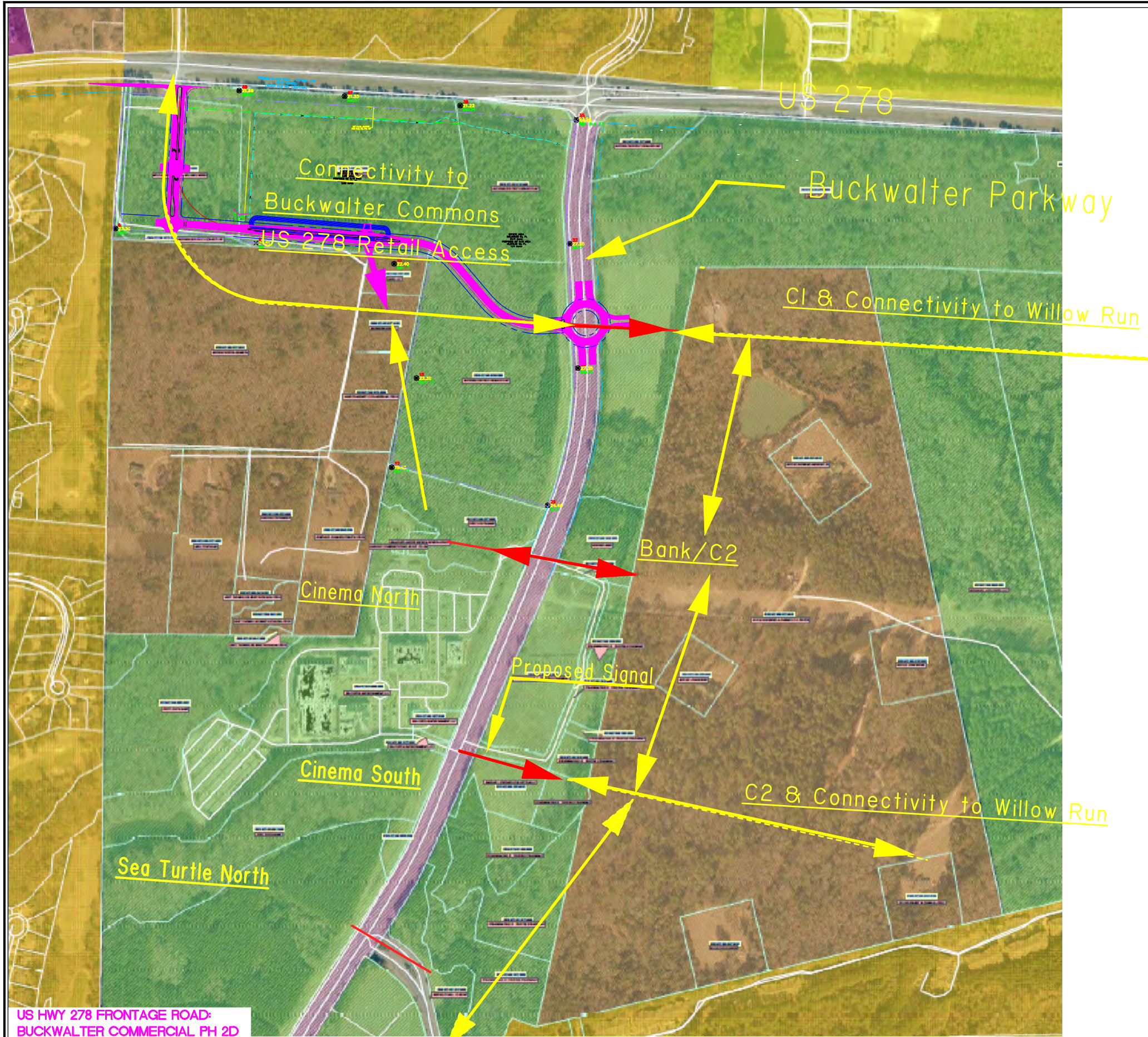
Preliminary Site Plan
For
BMH Bluffton
U.S. Hwy. 278
Town of Bluffton
Beaufort County, SC

Buckwalter Commercial
Frontage Road Plan
W/Roundabout

Date Drawn: 9/17/10
Last Revised: 2/23/11
Drawn By: R. Crosby
Engineer: S. Andrews

SHEET #:
4

JOB: 100031



- Property Adjacent and South of Site
- Owner: Buckwalter Property Owners Association
 - Zoning: PUD
 - Buckwalter Tract: Buckwalter Commons
 - Initial Master Plan: Buckwalter Commons Phase 1
 - Allowed Uses per Concept Plan (Based Upon Beaufort County ZDSO 1990/3):
 - Business Park
 - General Commercial
 - Community Recreation
 - Hotel/Inn
 - Institutional Civic
 - Maintenance Area
 - Model Home/Sales Center
 - Multi-Family Residential
 - Neighborhood Commercial
 - Open Space
 - Silviculture
 - Single-Family Residential
 - Traditional Neighborhood Development District

- Commercial Property Across Buckwalter Parkway:
- Owner: Parcel C1, LLC
 - Zoning: PUD
 - Buckwalter Tract: Buckwalter Commons
 - Initial Master Plan: Buckwalter Commons Phase 1
 - Allowed Uses per Concept Plan (Based Upon Beaufort County ZDSO 1990/3):
 - Business Park
 - General Commercial
 - Community Recreation
 - Hotel/Inn
 - Institutional Civic
 - Maintenance Area
 - Model Home/Sales Center
 - Multi-Family Residential
 - Neighborhood Commercial
 - Open Space
 - Silviculture
 - Single-Family Residential
 - Traditional Neighborhood Development District

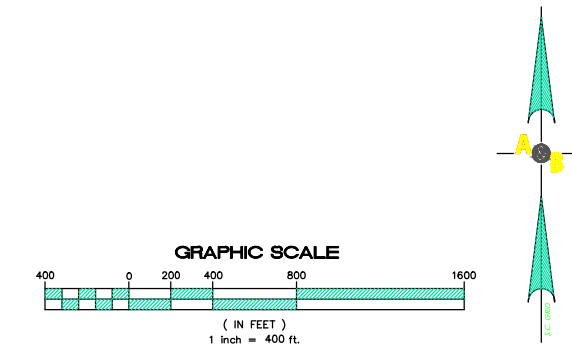
Buckwalter_Selected_Parcel_Feb2011

County_Zoning
ZONEDIST

- ◻ pud
- ◻ regional commercial
- ◻ rural
- ◻ suburban
- ◻ transr

Municipality_Bluffton_Zoning
ZONING

- ◻ PLANNED UNIT DEVELOPMENT
- ◻ RW



PLAN REVISIONS	
NO.	DESCRIPTION
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ANDREWS & BURGESS
INC.
No. 00008
CERT. OF DATE 11/11/11

40A Shanelin Road
Bluffton, SC 29906
Phone 843.466.0369
Fax 843.466.0369

Andrews & Burgess Inc.
Engineering & Surveying

Area Zoning Map
For
BMH Bluffton
US Hwy 278 & Buckwalter
Town of Bluffton
Beaufort County, SC

Zoning Map

Date Drawn: 02/03/11
Last Revised: 02/24/11
Drawn By: CB
Engineer: S. Andrews

SHEET #:
1

JOB: 100031

US HWY 278 FRONTAGE ROAD:
BUCKWALTER COMMERCIAL PH 2D
PROPOSED ROUNDABOUT

F:\Projects\2010\100031_BMH Bluffton_Buckwalter Meggett\dwg\100031 with SRS undelay1.dwg

AN ORDINANCE TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN
ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN BEAUFORT COUNTY

WHEREAS, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended, provides for the establishment of a Home Detention Program as an alternative to confining certain criminal offenders in Beaufort County Detention Center; and

WHEREAS, there are many financial and other advantages to Beaufort County which would result from the establishment of such a program; and

WHEREAS, it is the opinion of the Beaufort County Council that a Home Detention Program, should be established in Beaufort County as an alternative to incarceration.

NOW, THEREFORE, BE IT ORDAINED BY THE BEAUFORT COUNTY COUNCIL:

SECTION 1. A Home Detention Program is hereby established in Beaufort County as an alternative to confinement in Beaufort County Detention Center in accordance with the Home Detention Act of 1990 (§24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.);

SECTION 2. Pursuant to §24-13-1530, *Code of Laws of South Carolina*, 1976, as amended, electronic and non-electronic home detention programs may be used by any court in Beaufort County having criminal or juvenile jurisdiction to sentence an individual to incarceration and whose sentences do not place them in the custody of the South Carolina Department of Corrections. The Home Detention Program hereby established shall be an alternative to incarceration for low risk, nonviolent adults and juvenile offenders who are selected by the court and who comply with the Regulations adopted by Beaufort County in accordance with §24-13-1540, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 3. The Home Detention Program hereby established in Beaufort County shall comply with all applicable state and local laws and regulations, including, but not limited to, §24-13-1510, *et seq.*, *Code of Laws of South Carolina*, 1976, as amended.

SECTION 4. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 5. This Ordinance shall take effect upon third reading approval.

Adopted this _____ day of _____, 2011.

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:

Committee Reports February 28, 2011

A. COMMITTEES REPORTING

1. Community Services

- ① [Minutes](#) are provided from the February 21 meeting. See agenda item #11.
- ② Parks and Leisure Services Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
1/24/2011	Arthur Middleton	Northern Beaufort County	Reappoint	10 of 11
1/24/2011	Allan Stern	Southern Beaufort County	Reappoint	10 of 11

- ③ Alcohol and Drug Abuse Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/28/2011	Bette Goettle	At-Large	Reappoint	10 of 11
2/28/2011	Charles Hammel	At-Large	Reappoint	8 of 11
2/28/2011	K.Z.(Chuck) Najaka	At-Large	Reappoint	10 of 11

- ④ Disabilities and Special Needs Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/28/2011	Nancy Pinkerton	At-Large	Reappoint	10 of 11

2. Finance

- ① [Minutes](#) are provided from the February 14 meeting.
- ② Minutes from the February 21 meeting provided March 14. See agenda items #10 and #12.
- ③ Accommodations Tax Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/28/2011	Dick Farmer	At-Large	Reappoint	8 of 11

3. Natural Resources

- ① Coastal Zone Management Appellate Panel

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Carroll Crowther	At-Large	Reappoint	10 of 11

- ② Historic Preservation Review Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Rita Igleheart	Historic Beaufort Foundation	Reappoint	8 of 11
2/14/2011	Sally Murphy	Northern Beaufort County	Reappoint	8 of 11

- ③ Planning Commission

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Robert Semmler	Port Royal Island	Reappoint	10 of 11
2/14/2011	Parker Sutler	At-Large	Reappoint	8 of 11
2/14/2011	John Thomas	At-Large	Reappoint	8 of 11

④ Rural and Critical Lands Preservation Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Malcolm Goodridge	District 11	Reappoint	8 of 11
2/14/2011	Selena Brown	District 2	Reappoint	8 of 11
2/14/2011	Ed Pappas	District 10	Reappoint	8 of 11
2/14/2011	Jacob Preston	District 4	Reappoint	8 of 11
2/14/2011	Steve Riley	District 1	Reappoint	10 of 11
2/14/2011	Joseph Vercellotti	District 3	Reappoint	8 of 11

⑤ Zoning Board of Appeals

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Tim Rentz	At-Large, northern Bft Cty	Reappoint	8 of 11
2/14/2011	Cecil Mitchell	Lady’s Island	Appoint	6 of 11

4. Public Facilities

① Airports Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Will Dopp	Proximity to HHI Airport	Reappoint	10 of 11
2/14/2011	Paul Jorgensen	Proximity to Bft. Cty Airport	Reappoint	10 of 11
2/14/2011	Norman Kerr	Active/recently retired commercial pilot	Reappoint	8 of 11
2/14/2011	Leonard Law	Proximity to HHI Airport	Reappoint	10 of 11
2/14/2011	Joseph Mazzei	Active pilot/aircraft owner HHI Airport	Reappoint	8 of 11
2/14/2011	Jared Newman	Proximity to Bft. County Airport	Reappoint	10 of 11
2/14/2011	Derek Gilbert *	Beaufort Chamber	Reappoint	8 of 11
2/14/2011	Joseph Zimmerman **	HHI Town Council	Reappoint	8 of 11

There are two candidates for one seat.

2/14/2011	Richard Wirth	Qualifications	Reappoint	6 of 11
2/14/2011	Anne Esposito	Qualifications	Appoint	6 of 11

* January 28, 2001 email from Carlotta Ungaro, “The Beaufort Regional Chamber of Commerce Board and VCB re-nominated Derek Gilbert to the Airports Board January 27 at our board meeting.”

* February 1, 2001 email from Vicki Pfannenschmidt, “Mr. Zimmerman was reappointed at the regular Town Council meeting last night, Tuesday, February 1, 2011.

② Solid Waste and Recycling Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Gordon Bowers	Solid Waste District 7 – Lady’s Island	Reappoint	10 of 11

5. Public Safety

① [Minutes](#) are provided from the February 7 meeting. No action is required.

② Construction Adjustments and Appeals Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Andrew Corriveau	Design prof/contractor/bldg. industry	Reappoint	10 of 11
2/14/2011	Don Dean	Design prof/contractor/bldg. industry	Reappoint	10 of 11
2/14/2011	Bruce Kline	Design prof/contractor/bldg. industry	Reappoint	8 of 11

② Burton Fire District Commission

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Thomas Peeples	Burton Fire service area	Reappoint	10 of 11

③ Daufuskie Island Fire Commission

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Patricia Beichler	Daufuskie Island service area	Reappoint	10 of 11

④ Lowcountry Regional Transportation Authority

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
2/14/2011	Chris Hutton	At-Large	Reappoint	10 of 11

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, March 21 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, March 21 at 2:00 p.m., BIV #2

4. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, March 14 at 2:00 p.m. (Note change from March 7 to March 14)

5. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, March 1 at 4:30 p.m.

6. Public Safety

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Tuesday, March 22 at 2:00 p.m. (Note change from March 7 to March 22)

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – August 2011

COMMUNITY SERVICES COMMITTEE

February 21, 2011

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

The Community Services Committee met Monday, February 21, 2011 at 4:00 p.m. in the Conference Room, Building 2 of the Beaufort Industrial Village, 102 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Community Services Committee members: Chairman William McBride, Vice Chairman Gerald Dawson, and members Steven Baer, Rick Caporale, Herbert Glaze and Stu Rodman. Member Laura Von Harten was absent. Non-committee members Paul Sommerville and Jerry Stewart also attended.

County staff: Morris Campbell, Division Director – Community Services; Tony Criscitiello, Division Director - Planning and Development.

Public: Michelle Knight, Lowcountry Council of Governments Community and Economic Development Director; Fred Leyda, Alliance for Human Services Facilitator.

ACTION ITEMS

1. **Establishing 2011 Community Development Block Grant (CDBG) Priorities**

Discussion: Mr. Tony Criscitiello, Division Director - Planning and Development, stated the Community Development Block Grant (CDBG) Program in the state is roughly \$24 million. The potential for funding has been looked at in collaboration with the Planning Department; Morris Campbell, Division Director – Community Services; and Michelle Knight, Lowcountry Council of Governments Community and Economic Development Director.

Mr. Criscitiello presented prioritization for these funds.

1. Number one on the list is Community Infrastructure for the Burton Water Extension Project with a deadline of March 18, 2011. This is to improve existing infrastructure and address health concerns. Based on meetings with Mr. Dean Moss, Beaufort-Jasper Water and Sewer Authority Director, and his staff, it has been determined that this project has a lot of merit. The maximum grant we could acquire would be \$500,000.
2. The second item is Village Renaissance. It gives an opportunity to relate the Burton area charrette for form-based code to look at revitalization and access to downtown business centers. It allows for a variety of things that can be funded, including infrastructure, public facility housing, and neighborhood planning and design. This is a \$500,000 application. The deadline is August 19, 2011 which allows us to take the

results of the charrette for form-based code and to have a funding source to implement that plan.

3. The third item is “Ready to Go” Public Facilities. It is for trails to residential commercial sites. We have received a \$3.2 million grant through the Department of Highways to fund 2.2 miles from Allison Road to S.C. Highway 170. This allows us to go further along that path with a \$500,000 maximum. The estimated cost per linear foot is \$75. Incrementally, along the way, more and more of the trail will be built. Our hope is that we build on previous accomplishments. This allows residents to have access through a trail to commercial centers and to their residential areas.

Mr. Rodman asked if the rails from the railbed had been removed. Mr. Criscitiello stated they are in the process of doing so.

Ms. Knight spoke before the Committee. The latest discussion of the federal budget is, “Yes, it will be cut.” But they are not anticipating it to disappear entirely. Regarding Village Renaissance, once the charrette process is completed and the recommendations are in place in terms of the activities to do there, if it is pursued and funded, you could possibly get another \$500,000 to do a second phase of work in that area.

Mr. McBride stated in a previous meeting, Council was told that it was very unlikely the County would be successful in acquiring a grant in the category of village renaissance. Ms. Knight stated the County would have a harder time getting funded in that category because, typically, unincorporated areas are being dealt with. Burton is unique in the fact that it is developed.

Main motion.

It was moved by Mr. Glaze, seconded by Mr. Rodman, that the Community Services Committee approves and forwards to Council adoption of the 2011 Community Development Block Grant priorities as follows: (i) Community Infrastructure, (ii) Village Renaissance, and (ii) “Ready to Go” Public Facilities.

Ms. Knight requested referring to priority three, “Ready to Go” Public Facilities, as Transportation or Trails.

Mr. Criscitiello stated his choice of words should have been Trails to Residential Centers since “Ready to Go” Public Facilities is the category of where the funds come from.

Move to amend by substitution.

It was moved by Mr. Glaze, seconded by Mr. Rodman, that the Community Services Committee substitute “Ready to Go” Public Facilities with Trails to Residential Centers.

Ms. Knight informed the Committee that if they are choosing to make these the top three properties then last year’s list will cease to exist. She suggested the Committee to add economic development to the list, maybe as a fourth priority. The set aside is called Business Development.

Mr. Glaze, as the maker of the motion, and Mr. Rodman, who made the second, agreed to add Business Development as a fourth priority.

Vote on the amended motion which is now the main motion.

Council adopts the 2011 Community Development Block Grant priorities as follows: Community Infrastructure, Village Renaissance, Trails to Residential Centers, and Business Development. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride and Mr. Rodman. ABSENT –Ms. Von Harten. The motion passed.

Recommendation: Council accepts the Community Development Block Grant (CDBG) priorities as follows: Community Infrastructure, Village Renaissance, Trails to Residential Centers and Business Development.

2. Consideration of Reappointments and Vacancies

Discussion: Mr. McBride reviewed the following reappointments and vacancies before the Community Services Committee for action.

Alcohol and Drug Abuse Board

It was moved by Mr. Dawson, seconded by Mr. Glaze that the Committee approve and recommend to Council nomination for reappointment: Ms. Bette Goettle, Mr. Charles Hammel and Mr. K.Z. Najaka to serve as members of the Alcohol and Drug Abuse Board. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride and Mr. Rodman. ABSENT –Ms. Von Harten. The motion passed.

Children’s Foster Care Review Board

No action was taken on this item.

Disabilities and Special Needs Board

Mr. Campbell informed the Committee of Mr. James Mathews’ intent to resign. The position is now vacant.

It was moved by Mr. Dawson, seconded by Mr. Glaze, that the Committee approve and recommend to Council nomination for reappointment of Ms. Nancy Pinkerton to serve as a member of the Disabilities and Special Needs Board. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride and Mr. Rodman. ABSENT –Ms. Von Harten. The motion passed.

Recommendation: Council nominates for reappointment Ms. Bette Goettle, Mr. Charles Hammel and Mr. K. Z. Najaka to serve as members of the Alcohol and Drug Abuse Board as well as Ms. Nancy Pinkerton to serve as a member of the Disabilities and Special Needs Board.

FINANCE COMMITTEE

February 14, 2011

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

The Finance Committee met Monday, February 14, 2011 at 3:00 p.m. in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Finance Committee members: Chairman Stu Rodman, Vice Chairman William McBride, and members, Brian Flewelling, Paul Sommerville, Jerry Stewart and Laura Von Harten attended. Member Steven Baer was absent. Non-committee member Rick Caporale, Gerald Dawson and Wm. Weston Newton were also present.

County Staff: Morris Campbell, Community Services Division Director; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; David Starkey, Chief Financial Officer; and Dave Thomas, Purchasing Director.

Public: Larry Holman, Beaufort Black Chamber of Commerce.

Media: Richard Brooks, *Bluffton Today*; Kyle Peterson, *Beaufort Gazette/Island Packet*.

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

INFORMATION ITEM

1. Reporting of County Financials

Discussion: Mr. Gary Kubic, County Administrator, spoke to the Committee regarding items he is having his staff focus on. Some things need to be redefined in the Finance Committee process. In previous employments, he had a standard operating procedure for one finance committee a month to provide a strict, defined meeting format, particularly in the areas of the Finance Department, Assessor's Office, Auditor's and Treasurer's Departments. One thing he is concerned about is that we are looking at numbers that are confusing due to their titles/names. Examples of this are tax assessed value, market assessed value, assessed transfer of interest value, etc. We do not focus in on the fluidity of what is transpiring in our County, particularly since the largest industry, prior to the decline, was all about real estate. If we look at other parts, there is the Defense Department, which is the largest employer in Beaufort County and does not pay ad valorem taxes. The second is Beaufort County School system and the third is Beaufort County. None of these entities pay taxes. Hilton Head Regional Medical Center is the number one private employer in the County. Wal-Mart Stores is second, then CareCore, Cypress Club, Inc., Mariners Inn, and Sodoxho, Inc. Staff reviewed 2,500 records and our initial review

indicates a loss of taxable, not assessed, value for this group of \$19.3 million. That means that when we compare the fourth quarter of 2009 to the fourth quarter of 2010, we have a 10% average decline in market value.

Mr. Kubic referred to a February 11, 2011 newspaper article wherein the Town of Bluffton sees a rise in the number of building permits for new homes; therefore, we must be in recovery. If you look at it as economic development, one may ask what the values of those permits are. As an example, the value of one is \$120,000 for a new home. Does that help your existing oversupply of vacant houses currently on the market? No. You may think that building permits are making it better, but they could actually be making it worse in terms of the oversupply of real estate for homes and commercial.

Mr. Kubic is worried about the 2013 reassessment. If that reassessment is based upon some of the trend analysis that is coming forward, it is fair to begin to understand the millage value, which currently is \$1.7 million, being significantly less. Council would then have a choice of taking public essential service system down to match revenue collection, because you will collect less money.

Mr. Kubic presented the Committee with an example of the new reporting he believes we need to focus on in Finance Committee. In a real time situation there are many factors going on that determine change in value. The idea is to provide this information once a month to report on the previous month's activity. Council will be given summary sheets and the internet will contain all the documents that relate to those summary sheets. Everything incorporates itself into mill value. This is a piece of data that we do not focus in on. We need to bring it forward because in the process of educating ourselves and seeing this real time data, we are educating the public as to what is transpiring in the community. It has particular correlation to the Board of Education. A chart will be produced to show, for example, if the value of a mill drops \$50,000, we are going to list every political subdivision and show, by comparison, what the decline means. There is nothing in the trend analysis today to show anything being any different.

Regarding tax appeals we need to begin educating the public that this is a floating number. Obviously, an appeal would either be declined or it will reduce the value based on a successful appeal. We should look at this information every 30 days.

We can also involve the Auditor in the process who would talk about how she processes homestead appeals. She could also speak to the number of automobiles billed, value of automobiles and the amount collected. The same situation applies for the Treasurer who would talk about properties billed, amount billed, and remaining collected.

This is an idea of standardized operating procedure for the Finance Committee to consider. Once we establish what our standard reporting mechanisms are, Council will be able to learn that format and be able to begin one's own analysis as to the significance of the data provided. It is a progression. It begins to tell the community what is going on. He would like to begin to define market value, taxable value, mill value and ATI value.

Mr. Kubic would like Council to develop this kind of reporting feature for the Committee. What is happening is building up. He has a huge fear that year 2013 is going to have a monumental decline in the value of a mill. Because it affects so many facets, we need to prepare ourselves now as we go forward.

We are anticipating that the appropriation that was made in July of approximately \$104 million will not materialize in terms of general revenue collections. We would like to begin having a series of meetings to discuss this issue. He would like to set forward one meeting a week with the Finance Committee to work on items we are suggesting to carry into the Retreat where policy will be set. Mr. Kubic suggested a target date of April 1, 2011 to institute some of those changes, beginning with a cash reserve policy, which he is working on for Council's consideration.

Mr. Kubic referred to a memorandum dated January 24, 2011 from Bryan Hill, Deputy County Administrator, which identifies budgetary concepts. The target going into next year is \$97.5 million to \$98 million. We are talking about a substantive difference. Mr. Kubic does not want to leave the impression that he is trying to change what Council does, but wants to bring forward some things that would be good to discuss earlier than later. He would like to begin using the new format of presentation and new reporting in about two weeks.

Mr. Doug Henderson, Treasurer-Elect, is now working for the County in order for him to become educated about processes before the transition. He will be sitting in on the sessions as well.

Mr. Ed Hughes, Assessor, is aware of the change and is having staff develop processes. One of the hardest things we have is dissemination of information. We are trying to figure out how to present it in a fashion that tells the story, but is not overwhelming in terms of too much data. Every record will be available on the internet. We will try to walk people through that process. He is optimistic by understanding what is transpiring with the numbers and the reasons why they are transpiring could produce new directions for us to take as we proceed as a County government.

Mr. Rodman stated without objection the Committee will accept the Administrator's recommendation to have additional meetings. Perhaps, this would lend itself to a work session rather than a true committee meeting. He believes it to be appropriate to try to schedule a couple of the meetings ahead of the Retreat. We are really coming at this as a top-down as opposed to bottom-up.

Ms. Von Harten stated a concern she had relative to the Auditor's Office. There is some double billing related to businesses' FF&E. Some people are registered through the state and some are registered through the County office. If they are registered with both, they get two bills. Mr. Kubic stated it is a good observation. His preference would be to allow the Auditor's Office to address that, rather than him speculating.

Mr. Kubic commented that all emails regarding issues taxpayers have either in the Auditor's Office or the Treasurer's Office are being forwarded to Mr. Henderson so that he can begin to get a flavor of the problems.

Mr. Rodman had a suggestion on format. Perhaps, it could be like a matrix. Mr. Kubic stated it is a progression. Council will see the one-month summary of the prior activities and attached to that would be the spreadsheet that would allow comparatives.

Mr. Caporale stated his sense is that we have not reached the bottom in terms of what services we have to sustain at the County level. Is that assumption correct? Mr. Kubic replied if Mr. Caporale is asking about services that are required by law or federal government, those have been identified. Essential services are those services that people cannot do for themselves.

Mr. Caporale wanted to know at what point those are expected to be known. We cannot cut everything. Mr. Kubic replied we will be talking about consolidation of facilities because one office is cheaper to operate than two or three. We will also be talking about sports and that timeframe. Those are the things we have to start looking at. After they are vetted, there is always the ability to change the operation rate on mills. Some of these ideas are designed to be teasers to get us to begin thinking in a different fashion. He firmly believes that in tough times you have to provide the ability in the system to reinvent yourself. Council will see in the EMS study some ideas of where we should begin to add more features for the community, but that comes at a price.

Mr. Caporale stated when he looks at the list (January 24, 2011 memorandum) it seems it should be three or four times longer. There are many things not on the list that he would add to it.

Mr. Newton stated this is a first blush at staff's recommendations for next year's budget cycle. The broader discussion we have had is honing in on reassessment. What is going to happen when we get to year 2013? Just this week one of the biggest realtors on Hilton Head Island said he believes the average decline in property values on Hilton Head Island are 42%.

Mr. Caporale stated his concern/fear is where real estate taxes are heading. For most people this is the biggest bill they are going to pay. It will decide for a lot of people whether they can go on living here or not.

Mr. Kubic stated in his opinion we can get there with these types of issues in terms of adjustments on rate of expenditures and appropriations. His biggest fear is the 2013 reassessment and its impact on a value of the mill. These types of modifications in the delivery service system are very important to be done as quickly as possible. Then we would probably have more to do once the reassessment is complete. Hopefully, it will pickup; but does not see that in his forecasting. It would take a monumental resurgence across the country. The best step for all of us to take is to build knowledge and increase that base of knowledge to the taxpayers. They need to know why Council is discussing certain items as well as the ramifications and consequences of our internal mechanism. One of his biggest problems is trying to convince a taxpayer of our credibility.

Ms. Von Harten stated one thing that has been confusing is the delay of past reassessments. Is any reason we are not going to complete reassessment by the scheduled time this year?

Mr. Kubic replied we are better prepared today to do the assessment in terms of having product, efficiency, mechanism and people. We are a lot better off than we were. People were happy with the way we cranked out the appeal process.

Mr. Rodman stated we have to keep an eye on the State's \$800+ million budget shortfall and how those cuts flow down. We may end up being the court of last resort to help them. That would make our problem worse. Also, we need to be careful not to confuse the public. If the property values went down an average of 42%, there was a rollup and the mill increased by 42%, the person would pay the same amount of actual tax on their house. We have to make sure they do not think we are raising property taxes that much. We may have to provide simple examples along the way.

Mr. Kubic stated when we decide on a pathway, we will begin to use The County Channel and our DVD production capability to get accurate information out.

Mr. Rodman stated some of the laws the state passed in the last couple years will come home to roost in these next two years distorting the market and property tax portion.

Mr. Flewelling added he would be interested in seeing the impact on capped values for increases in millage rate. If we raise millage rate, it is going to have a disproportionate impact on people who are currently capped.

Mr. Caporale said the one thing you cannot distort is the fact that you cannot spend more money than your revenue. Whatever we are buying today we are going to have to pay for. Prices are not going to decrease. They will remain the same or higher.

Mr. Kubic stated we need to consider whether we are providing the right level of things in order to maintain exceptionalism in county services. What makes this place so enticing is exceptionalism – where it sits, what it offers geographically, Mother Nature, type of homes and type of community.

Status: No action, information only.

PUBLIC SAFETY COMMITTEE

February 7, 2011

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

The Public Safety Committee met on Monday, February 7, 2011 at 3:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Public Safety Members: Chairman Jerry Stewart, Vice Chairman Brian Flewelling and members Rick Caporale, Gerald Dawson, Herbert Glaze and Stu Rodman attended. Committee member Laura Von Harten was absent. Non-committee members Steven Baer and William McBride also attended.

County Staff: Arthur Cummings, Building Codes Director; Lt. Col. Neil Baxley, Beaufort County Sheriff's Office; Bryan Hill, Deputy Administrator; Gregg Hunt, Director of Mosquito Control; Todd Ferguson, Director of Emergency Management Department; Phil Foot, Detention Center Director; Ladson Howell, County Attorney; Gary Kubic, County Administrator; Toni Lytton, Animal Shelter Director; Donna Ownby, Emergency Medical Services Director; Sheriff P.J. Tanner; Dave Thomas, Purchasing Director; William Winn, Division Director – Public Safety.

Legislative Delegation: Senator Tom Davis attended and Representative Bill Herbkersman called into the meeting.

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

Public: George Simpson, Sun City resident. Representatives from several towing and wrecker companies attended. Those who spoke on the topic of wrecker service regulation were: Jeffrey Robinowich, Morris Garage and Towing, Inc.; Fred Krumm, Earl's Body Shop; Dan Neighbors, Auto Care Center; Anthony Gurganious, Gur's Towing & Automotive. Others were present who did not identify themselves. Among those were representatives from Kipp's Towing and Recovery, Palmetto Towing, D&M Towing, Danny's Auto Body, Buff's Towing Hilton Head and Earl's Body Shop.

Mr. Stewart chaired the meeting.

ACTION ITEMS

1. Discussion / Day Watch Program

Discussion: Mr. Stewart introduced Detention Center Director Mr. Phil Foot, who explained a proposed ordinance regarding a Day Watch Program.

Mr. Foot briefed the Public Safety members. The Day Watch Program is administered by the Detention Center, meaning it assigns people to the program once the courts assign a person. It is a diversion program, an alternative to a person actually going to jail. It puts a person to work on Saturday or Sunday to allow them to keep their jobs during the workweek. The Day Watch Program is currently in place; the program is overseen by the Public Works Department, which takes those people out on the weekend. He noted the Detention Center and its staff will take over the Public Works' portion. In order for this to happen, an ordinance is required, per state law, for the detention center to take over the program entirely. The proposed ordinance is included in meeting documentation.

Mr. Stewart asked how this differs from the current practice. Mr. Foot explained the Detention Center will actually take people out to the sites and supervise.

Mr. Kubic added he prefers to have the correction officers under Mr. Foot's guidance, with the training and supervision, have a corresponding responsibility for direct control. The Public Works people are okay, but are not trained for that purpose, Mr. Kubic added.

Mr. Foot expanded to say it is a win-win situation as he does not have to put a person in his facility, feed them, bathe them, etc. From their perspective, they get to keep their job, home, and their family and avoid falling apart. For whatever minor event that happened – driving with a suspended license – they can pick up trash on weekends.

Mr. Glaze asked if there would be any additional costs, to which Mr. Foot replied there would be no new employees, only some rearranging. He said he only needs the equipment from Public Works transferred to his department.

Mr. Caporale stated this sounds more cost effective than housing an inmate who has to be fed and monitored.

Mr. Foot brought attention to the inclusion in the ordinance of "Beaufort County Detention Center shall also assess the individual performing such community service \$55 per day to cover the cost of supervisory personnel and transportation costs," which is allowed by the state as a pro-rated fee. He said he is not trying to make money on this, but to keep the department from moving into overtime status, for example.

Mr. Stewart asked if this was the same as the ankle monitoring system overseen by the Solicitor's Office. Mr. Foot said they are totally different. He explained the Day Watch Program

essentially is comprised of people sentenced by the courts to work. It is picking up litter on the side of the road on the weekends.

Mr. Dawson asked what would happen should someone not show up for their Day Watch duties. Mr. Foot answered typically they would be referred back to sentencing court, which often means extending a person's involvement in the program longer or 30 days of jail.

Mr. Rodman asked how many people are in the program. Mr. Foot answered there are roughly 20 in the program. The average is between 15 and 20.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that the Public Safety Committee approves and forwards to Council a recommendation to approve an ordinance to provide for a Day Watch Program as an alternative to incarceration in certain cases in Beaufort County. The vote was: FOR - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Recommendation: Council approves on first reading an ordinance to provide for a Day Watch Program as an alternative to incarceration in certain cases in Beaufort County.

2. Consideration of Reappointments and Vacancies

Construction Adjustment and Appeals Board

Mr. Stewart briefed the committee that there are three members on the Construction Adjustment and Appeals Board who qualify for reappointment. Those are Mr. Andrew Corriveau, Mr. Don Dean and Mr. Bruce Kline.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that the Public Safety Committee approves and forwards to Council for reappointment Mr. Andrew Corriveau, Mr. Don Dean and Mr. Bruce Kline to the Construction Adjustments and Appeals Board. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Bluffton Fire District Commission

Committee members postponed making a decision on filling Ms. Patricia Fennell's vacant seat.

Burton Fire District Commission

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that the Public Safety Committee approves and forwards to Council for reappointment Mr. Thomas Peeples to the Burton Fire District Commission. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Committee members postponed making a decision on filling Mr. Ricky Felts' vacancy.

Daufuskie Island Fire Commission

It was moved by Mr. Flewelling, seconded by Mr. Rodman, that the Public Safety Committee approves and forwards to Council for reappointment Ms. Patricia Beichler to the Daufuskie Island Fire District Commission. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Lowcountry Regional Transportation Authority

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that the Public Safety Committee approves and forwards to Council for reappointment Mr. Christopher Hutton to the Lowcountry Regional Transportation Authority. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Rodman and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

Recommendation: Council approves the reappointment of the following: Mr. Andrew Corriveau, Mr. Don Dean and Mr. Bruce Kline to the Construction Adjustment and Appeals Board; Mr. Thomas Peebles to the Burton Fire District Commission; Ms. Patricia Beichler to the Daufuskie Island Fire District Commission; and Mr. Christopher Hutton to the Lowcountry Regional Transportation Authority.

INFORMATIONAL ITEMS

1. Discussion – Upcoming Legislative Session

Discussion: Mr. Stewart noted there are many topics of interest going before the state Legislature. The Local Government Fund – What is happening with that? Will the County get any monies this year? Discussion of cuts to or elimination of the Local Government Fund is taking place at the sub-committee level in the House Ways and Means Committee. Mr. Stewart stated he knows the proviso for last year's budget moved forward with their C-funds for the roads. To spend part of the money on state highways would impact the counties. There is Department of Natural Resources funding, which would affect the Waddell Mariculture Center and other environmental aspects in the Lowcountry. There is the Voter ID topic, House Bill 3003, a part of that was to eliminate the satellite offices for early voting. This would be a negative for places like Sun City in the southern part of the county. School funding, reapportionment, immigration, a whole hodgepodge of things people are interested in hearing about, Mr. Stewart said.

Rep. Herbkersman said he wanted to start with the aid of subdivisions (03:03.3), which is in his subcommittee. The vote was to correspond with the cuts in the budget, the across-the-board cuts to the subdivision. It was a 4:1 vote. Rep. Herbkersman said he had the dissenting vote because he thought they had cut enough on that, and quite frankly the amount of money

coming out of Beaufort County then coming back hurts our County a bit more because of the disparity in funding. Talking about the funding formulas, there is a committee bill related to funding equity for the Education Funding Act, bringing about \$6.5 to \$7 million more into Beaufort County based on that formula. Rep. Herbkersman said hopefully this is the first of many and as a committee bill it is much stronger. House Bill 3003 – Voter Photo ID passed the House, requiring a person to produce a photo ID in order to vote. As far as eliminating satellite offices for voting, Rep. Herbkersman said it was to be worked out in Conference Committee as it was something overlooked. In order to get a clean bill out, there is a desire to not have amendments. Rep. Herbkersman then spoke briefly on Department of Natural Resources (DNR) funding and how it relates to Waddell. He said Waddell is basically out of sight, out of mind with something around \$3 million funneled to it over the course of some years. The Senate Bill coming through would redirect the funding stream from fishing licenses away from the total funding source for DNR, part of that goes into Waddell, according to Rep. Herbkersman's understanding. He added there has been a lot of luck bringing the coastal caucus down to Waddell to show the value of the work done. Rep. Herbkersman said when the revenues pick up a little bit, he assures revenues to Waddell will pick up. As far as DNR funding, he said he adamantly opposed to any type of change to the funding stream from the licensing fees.

Mr. Stewart noted Beaufort County Detention Center Director Phil Foot was in the audience and there is an issue of transfer of inmates, topics with correctional institutions, overruns, etc. He asked if there will be anything to affect Beaufort County, or if the County will be in good shape?

Rep. Herbkersman said he worked with Solicitor Duffie Stone about having a localized grand jury. Beaufort County is about 150 miles from Columbia so the whole grand jury process is out of Columbia. Rep. Herbkersman stated the Solicitor expressed he feels there could be a savings by doing it here. Rep. Herbkersman then changed subjects to say many of the other counties are having problems with holding prisoners, along with who is responsible for funding of that. It is something to be addressed. "Let's not waste a good recession. If we can't figure it out in a recession, we certainly can't when we have funding," he said.

Mr. Stewart asked if there is any chance of annexation reform this year, to which Rep. Herbkersman replied there is. Stakeholders have sat down, the real estate folks are on board, but he noted the only holdback is the municipal association. Rep. Herbkersman said he asked for a hearing on the item and expects to have one by the end of February. Mr. Stewart said he understands the municipalities' issues are the "donut holes" again. Rep. Herbkersman agreed. Mr. Stewart stated he thought that was worked out. To this, Rep. Herbkersman said he thinks it is where Mr. Stewart and the Association of Counties come in, to discuss with the few detracting municipalities.

Mr. Rodman said there has been some discussion on educational funding and getting rid of Education Improvement Act (EIA) categories and talk of folding poverty language into the Education Fund Act (EFA) formula. If they eliminate the categories and there is money there, will it still flow through some sort of EIA distribution or will it lop over in the EFA?

Rep. Herbkersman said he thinks it would go to the EFA because if the EIA would be gutted, the funding mechanisms will be, too. There is a hearing tomorrow at the House Ways and Means Committee on the funding mechanism, specifically dealing with the small amount of wealthy people compared to those who are low-income.

Mr. Rodman said he raised the question because if money is taken from the EIA and rolled into the EFA, the County is underwater and therefore still losing. He stated a better way to do it is to keep the EIA but distribute on a per student basis. Rep. Herbkersman added there is a big movement on that topic right now, and there is a bill going through a Senate subcommittee tomorrow dealing with that – adding the poverty index and other items such as English as a Second Language (ESL).

Senator Davis, who just walked into the room, said there is no movement toward or discussion of having the EIA dollars, which are distributed on a per capita basis, somehow subjected to weighting, reallocation or EFA. In fact, it is just the opposite. The discussion is EFA dollars should be folded into a single funding stream, distributed on a per capita basis, and subject to some additional weightings for poverty or English as a second language. Senator Davis said there is no sentiment that the EIA per capita distributions would somehow be subject to that formula. What you will see happen is the index of tax-paying ability. The Committee recommended that component of the EFA, currently the aggregate assessed value of all properties in the county, is the index of tax paying ability. Really it is not a measure of a locality's tax-paying ability because it carves out local government's ability to tax that property. The first \$100,000 on residences cannot be taxed, the so called Tier I reimbursement. A secondary \$50,000 on ownership for those 65-years old or older cannot be taxed. Act 388 exempted primary residences entirely from school operating taxes. What the committee decided, and has hence been introduced on a bipartisan basis in the Senate, is to have the index of tax-paying ability figured or computed, not based on an assessment, but by looking at the capital streams flowing from the state to the counties to reimburse the localities for not being able to tax that. Then take that income stream and capitalize it given the millage rate in that district to figure out what the assessed value would be at the millage to yield the money being paid. "Does that make sense so far?" Senator Davis asked. So, what would happen once the index of tax-paying ability is computed in that manner and then have the EFA formula work as it is otherwise comprised? Beaufort County ends up getting a little more than \$1 million, whereas we got none last year. Senator Davis noted an interesting dynamic is when weighting factors of poverty and English as a Second Language are introduced into the EFA for some reason the money coming to Beaufort County goes down to about \$700,000. That is contrary to what his expectations were having talked with Superintendent Valerie Truesdale and other educators who said having a weighting factor would increase the amount of EFA dollars coming to the County. Senator Davis said the numbers he saw thus far do not bear that out. There is not, under any circumstance, going to be a situation where dollars distributed per capita by statute for the EIA somehow going into the EFA, Senator Davis said.

Mr. Stewart noted one of the big concerns is the 6% to 4% transfer in property assessment as it heavily impacts Beaufort County. He went on to further say he assumes it also

affects other coastal counties with many secondary homeowners. Is there anything in any of these proposals to help rectify or correct for the change happening over the last couple of years?

Sen. Davis asked if it is in terms of the behavior of people deciding to migrate from 6% to 4% or in terms of reimbursing the counties as a result of what happened, to which Mr. Stewart said he meant the latter. Sen. Davis said he would be surprised to see any modification of the reimbursement formula resulting in state dollars coming down to locals.

Rep. Herbkersman said they are looking for a corresponding rate in the sales tax and income tax dollars for those people changing to see if those folks are actually moving into the homes. He said he thinks the sales tax correlation will be hard to quantify right now, just because of the economic timing.

Mr. Rodman asked if the base student cost will go down.

Sen. Davis said it has to because in the General Fund there is a reduction from last year's appropriated \$5.1 billion to \$4 billion estimated available this year. A billion dollars worth of cuts have to be found, so you have to go where the money is – education and Medicaid. Together those along with corrections comprise about 78% of the budget. Yes, there will be some coming out of education, Sen. Davis said. Now, the lion's share will come out of Medicaid – about \$600 to \$700 million, he speculated. The real impact to South Carolina is actually going to be larger than that because if you account for the General Fund appropriation reduction, but you also do not have the \$3 of federal money to match every dollar spent on Medicaid. Say it is \$600 million cut from the Medicaid budget to help make up the deficiency of the General Fund, Sen. Davis provided. It is an additional \$1.8 billion lost from the federal government in matching dollars. He said he does not think people have really comprehended the exact effect with the multiplier effect on hospitality, long-term care, disabilities, etc.

Rep. Herbkersman added he thinks the numbers Sen. Davis provided are very accurate. For example, last year the Commission for the Blind with stimulus dollars hired 75 people and this year there are not stimulus dollars so they are scrambling to find out what to do. In testimony, we are asking them for their position on the budget cut and their budget, Rep. Herbkersman said. He added this will be “a little bit hairy.”

Sen. Davis said two years ago former Governor Sanford said please do not use the stimulus dollars to expand the Medicaid population, increase the number of people in this pool because you will be locked in at that population and not be able to decrease when federal funds are cut off; this will force us to deal with that population in years to come and that is exactly what we are seeing now. The state has 800,000 people in Medicaid who have expended the Medicaid rolls. People argued this made sense because the state gets \$3 for every \$1 spent. Now, the chickens are coming home to roost and South Carolina has a population it cannot by law decrease because we accepted the money, Sen. Davis said.

Mr. Stewart said he wanted to expand on the budget issue and referred to Sen. Davis' reference to the Legislative breakfast with the School District where the issue kept coming up on

how much money the School District is losing with EFA, EIA funds, etc. and how much it hurts that the County does not get the same proportional amount of cuts. Mr. Stewart stated the point that is missed is that the County is being cut, but the cuts are in different areas – local aid to government, library funds, disabilities and special needs funds, roads, etc. These are things affecting the County’s budget outside of the School District. He said he is not sure what the exact number is but stated he thinks it is about 10% of the County’s operating budget lost over the last two or three years because of these cuts.

Rep. Herbkersman stated they are just allocating the funds available, without an increase in tax. There is a finite number of dollars and the state is trying to figure out how to best utilize those. Mr. Stewart stated he was just using the term “cut” loosely, but stated Rep. Herbkersman was correct in that it is actually an “allocation.”

Mr. Stewart asked Sen. Davis if there are other issues in the South Carolina Senate and he said he knows there is discussion on the Voter ID. Sen. Davis stated they spent two and a half weeks in the Senate debating raffles and ended up Thursday giving second reading to a bill allowing 501 (c)(3)’s to conduct raffles so long as 90% of the proceeds go to charitable purposes. This will sail its way over to the South Carolina House, he said. Next, the Senate still needs to ratify a union cart check amendment that the voters passed by an 86% vote last election to ensure, as part of our State Constitution, that votes on whether to unionize are made by secret ballot. The rationale there is if there is something in a state’s constitution, even something passed at the federal level, the supremacy clause will not control. There is an example of a case in Oregon where they had the right to die as part of the Oregon Constitution; that was not superseded by federal legislation. The Supreme Court said if it is part of the state constitution it is endemic to what a state is, therefore the supremacy clause of the U.S. Constitution will not control it. To maintain the competitive advantage we have in regard to being an at-will work state, South Carolina passed that constitutional amendment. Now, it has to be ratified by the Senate and the House making it the next order of business. Behind this topic will be the Voter ID Bill, followed by some form of an immigration reform bill, a tort reform bill and then budget and reapportionment.

Mr. Stewart asked if the Senate will deal with annexation, and Sen. Davis said there is a chance, but to be honest if there are contentious portions probably not. Though he did note this is a two-year session so the item may be examined in the session.

Sen. Davis concluded that there is nothing but hard news this year and he fears that people do not fully understand the impact of what will happen. Just the lack of Medicaid dollars alone with the programs the state will have to cut and people who are on psychotropic drugs will have to go to generic drugs and there will not be money for other, very worthwhile programs. Providers will probably get a 5 to 6 point reduction on their reimbursement rates. It will have a ripple effect all through the County.

Status: No action necessary. This was informational purposes only.

2. An Ordinance to Provide Adequate Control Over Wrecker Service Operations in the Unincorporated Areas of Beaufort County

Discussion: County Attorney Ladson Howell addressed the draft proposed ordinance before the Public Safety Committee for wrecker service operation. He said this is simply a “take-off” of the ordinance passed by Horry County a few years ago. It contains many provisions this County may not want to adopt. Mr. Howell noted in the first draft, the most important feature to the operators was the fee arrangement; in this instance the County arbitrarily picked a number by checking with an average tow operators used in Beaufort County. He added it is comparatively higher than Horry County’s. He said many factors affect this, such as competition. He said he was surprised to know there are at least 40 tow companies operating in Beaufort County. Mr. Howell said due diligence was done by checking with the South Carolina Highway Patrol, and the Committee has copies of their rotation agreements as well as how they handle tow trucks on a rotation basis. Members of the Public Safety Committee also got a copy of the Sheriff Department’s document for rotation criteria as well as a list of the tow companies included. With that, he said the ordinance is a fairly lengthy document covering a myriad of topics. Mr. Howell said in his discussions with Horry County he asked what the impetus was for their ordinance, and they answered it was spurred by citizen and visitor complaints. Horry County’s ordinance has already been amended; in fact it occurred on February 1, 2011 as related to towing vehicles to a nearby staging area, making multiple tows. Prior, there was no regulation, no documentation of fees, no way to pay a portion if a driver arrived before the tow truck left to avoid tow, no addressing whether a vehicle owner could get personal items out of the car, etc. Mr. Howell said he is not sure if this draft ordinance addresses the impetus for Beaufort County pursuing a wrecker service ordinance.

Mr. Caporale asked Mr. Howell what the amendment to the Horry County ordinance was, to which Mr. Howell answered; it was a loophole not requiring tow companies to tow back to their personal compound thereby making it hard for people to know where their vehicles were towed. One of the important parts of the ordinance under discussion is the fact that property owners who utilize this regulation are required to post their private property, Mr. Howell explained. If it is not posted, then it would be an illegal tow.

Mr. Caporale asked about page 12 of the draft ordinance “Suspension or revocation of business license” and if all the violations listed would it preclude the operator from getting a license. Mr. Howell said it would not and added this would tie the wrecker service ordinance to the business license, as all departments in Beaufort County have been striving to do. Mr. Howell noted Horry County has done this.

Sheriff Tanner said he thinks Mr. Howell did a diligent job rewriting the Horry County ordinance, but asked that the Sheriff’s Office be removed from this ordinance. He said he does not think they need to be a part of the ordinance. Different sections of the ordinance speak on the relationship between the Sheriff’s Office and wrecker companies; this is and should be completely tied to Business License. This is where the County should focus. He added the only thing to concentrate on is trying to establish some fair fees among companies licensed by the

County and outside of that, the ordinance should be one page. Sheriff Tanner stated there are a lot of section codes, currently state laws, which address most of the issues within this ordinance. He added there are some conflicting issues within the ordinance as they related to state law. The proposed ordinance covers many issues already covered by state law, Sheriff Tanner said. He went on to explain he wants to be removed because this matter is a civil problem, not a criminal problem. If there is a crime committed as a result of a wrecker service, the Sheriff's Office will investigate the crime. The Sheriff's Office has a policy dealing with wrecker rotation within the office, as well as the relationship with tow-truck companies and operators. He added they do not worry about the types of equipment on the trucks, but they are concerned about whether there is a vehicle that is stolen or not, improperly parked or not, etc. Those policies have been in effect since 2005, Sheriff Tanner stated. Sheriff Tanner once again reiterated many of these matters are covered under state statute. He explained tow trucks are regulated through the Highway Patrol, under statute. He stated he thinks this is a lengthy ordinance that could be better defined as it relates to fees and attached to the business license.

Sheriff Tanner referred to the proposed ordinance under the "Section for Non-consensual Towing from Private Property, Paragraph (g)," and quoted, "if a vehicle owner returns to reclaim his or her vehicle while the tow truck is on the scene, but before the vehicle is physically connected ...". Citing the above text, he said of all the complaints he fields, if there is any bone of contention it is held in what he just read. The frustration is when the tow truck driver is hooking up or has hooked up to a car. Sheriff Tanner said this is a reaction to someone who was killed in Edgefield. This is "us overreacting and trying to create an ordinance we feel will rectify any future problems. This ordinance won't do anything but probably confuse the situation," he said. Sheriff Tanner suggested instead abiding by state laws and that the regulatory side of wrecker services in the County should be under the Business License Department, along with a fee established. He stated the County should not put itself in a position where it will over-regulate and be unable to regulate. Sheriff Tanner said this ordinance does not address the heart of the problem – a wrecker shows up to tow a car and the owner arrives. The Sheriff went on to discuss the tension during such an event. He added he thinks the ordinance should be reviewed as it related to the South Carolina state laws.

Sheriff Tanner mentioned a meeting he had with the Town of Hilton Head where this ordinance was briefly discussed. He said they expressed the desire that if there will be an ordinance, it is created in conjunction with the municipalities – overlying all of Beaufort County, not just unincorporated areas.

Mr. Stewart thanked Sheriff Tanner for his input and he stated today's goal is a fact-finding mission. Referring to uniformity among all Beaufort County government entities, Mr. Stewart noted if it is tied to business licenses and fees those are not uniform, which is another topic to sit down with the municipalities to discuss. Mr. Stewart reviewed Sheriff Tanner's comments for clarification, saying the state statutes cover virtually most of the content of the proposed ordinance with the exception of the fee structure. He included not only the fee structure but what happens at various times in the process, i.e. has the car been attached to the tow truck.

Sheriff Tanner noted a few statutes he suggested the County consider as it moves forward. Those were: private property tows regulated under South Carolina law, and public-property tows. He used the example of Edgefield, because he said that is the catalyst for this ordinance. Edgefield is a private community that never went to the process to plat the property or register the property with the Registrar of Deeds, which would have turned their roads into public roads. Having a public road gives authority to local law enforcement, the Sheriff explained. Those not platted properly mean local law enforcement can only enforce DUI and reckless driving. Sheriff Tanner went into more specifics of the situation in Edgefield and how the lack of platting played into enforcement. Sheriff Tanner noted many communities in Beaufort County are also planned unit developments never platted nor registered, as was Edgefield. He also told the Committee members they need to consider parking lots. If parking lots are private, it is a part of the property. However, if a public road feeds access to that parking lot, it can be platted and registered with Beaufort County to become a public parking lot in law enforcement's definition thereby giving law enforcement jurisdiction. If it is not public, the Sheriff's Office cannot enforce. The requirements for towing then mean it is done by the property owners. Sheriff Tanner said to tow a vehicle off of private property, a vehicle must be tagged for seven days, according to state law. If it is on private property a determination on whether a vehicle is improperly parked is up to the owner or property owners association as it is a civil matter, the Sheriff explained.

Mr. Caporale mentioned that despite lacking jurisdiction, they are able to confiscate property and essentially disable someone without any due process at all.

Sheriff Tanner stated he will keep going back to Edgefield because this meeting was prompted as a result of it. He said the Edgefield planned unit development (PUD) was approved by Beaufort County Council, and it should have never been based on the layout and how it was implemented. He said the roads are too narrow and impassable by the majority of vehicles. He stated there are many communities that were designed poorly.

Mr. Stewart stated that topic has been discussed some. The Zoning and Development Standards Ordinance (ZDSO), development agreements, covenants, etc. and what is allowed. What should a POA be allowed to enforce and implement? He stated he thinks it is important to air this discussion in public, so the public understands. There are many aspects here and it is important to try to educate about all the nuances and issues pertaining to this, Mr. Stewart said. It is not a simple problem with a simple solution.

Mr. Flewelling told the Sheriff he believes this is a start to trying to figure out something everyone in the community can work with, identify the problems between public and private property as it pertains to the County's obligation and rights to enforce its laws. He added he thinks the idea is not to create more work for the Sheriff's Office, but to create less work so there is less conflict because of a standard guideline he hopes will be adopted by all municipalities and jurisdictions.

Sheriff Tanner said he is not concerned with having more work. Mr. Flewelling said he understood and clarified by saying the ordinance will more clearly define so the Sheriff's Office would not be called in instances such as Edgefield.

Mr. Flewelling asked about boots under South Carolina law and whether they are allowed. Sheriff Tanner answered he does not recall reading anything about boots.

Sheriff Tanner and Mr. Flewelling began talking about specifics related to the "Edgefield case," but County Administrator Gary Kubic interjected to caution them to refrain from directly speaking to a case.

Sheriff Tanner commented that he did not mean to be flippant earlier when he said, "if only you had talked to me first..." He added that there are many facets of this ordinance that do not apply or should not be a part of it. He reiterated the County should use the existing state laws, and the ordinance should focus on the business license. The state law is the state law, and it will be enforced by the Town of Port Royal, the Town of Yemassee, the City of Beaufort, etc. The civil actions in this ordinance would fall under the Business License Department and the Sheriff said he has nothing to do with that.

Mr. Stewart explained he never intended to pass an ordinance from the Public Safety Committee today, but rather this is the first of many discussions. He apologized for not getting the Sheriff involved at the beginning.

Mr. Howell asked the Sheriff for access to Lt. Col. Neil Baxley or some other person on his staff for assistance on the ordinance, with respect to implementation of this ordinance as it affects state law. The Sheriff agreed. Mr. Howell stated this was meant to start the discussion. For example, it took about five meetings at the committee level to pass the Animal Control ordinance.

Mr. Kubic said he is having a déjà vu because in some of the areas where he worked prior to Beaufort County the same thing happened. He said he recalls because of the intensity of competition there was an accident and a need for several tows, and as the drivers raced to the scene one was involved in a vehicular homicide. The litigation brought forward tied to the largest, deepest pocket to be found – the county. As a result, the county where Mr. Kubic worked looked at four key areas: what are the existing police powers addressing this service; can the state and local commerce section adequately provide, through the business license, for a series of requirements; within the business license, what are the minimum standards; how can the taxpayer property be maintained and kept safe. Quite frankly when you stop thinking about the aspects of bringing in the input, a piece can be derived at that is fair, Mr. Kubic stated. The process of bringing comments together, the component parts, has been done. Mr. Kubic mentioned in the commerce section, through the business license, the County utilized the thoughts and experiences of law enforcement about what was the reasonable level of standards for those in the towing industry.

Mr. Stewart added he thinks being involved with the Business License aspect and when talking to municipalities, it may be a good time to incorporate the idea this could be tied to business license fees. He said this could be used as a way to standardize the business license. The floor was then opened to the public in attendance in order to give them an opportunity to comment.

Jeffrey Robinowich, Morris Garage and Towing, Inc. of Bluffton, said one thing on everyone's mind is the purpose of a boot. He stated the purpose of a boot, 100% as a towing operator, is for-profit because the reason a tow company is there for an illegal park is because of some type of danger or road blockage. There is no way a boot helps that situation because if an emergency vehicle comes the person cannot move the car to get it out of the way, he explained.

Mr. Flewelling asked Mr. Robinowich if he reviewed the proposed ordinance, and Mr. Robinowich stated he had. Mr. Flewelling then asked if he had any comments about the fee structure and whether it is fair enough for him to make a profit. Certainly, Mr. Robinowich answered.

Mr. Robinowich said on the private-property side it is tough because they are not regulated by anyone. HOA's have rules the towing service has to do, and this reflects how much the fee will be. If a tow company has to come into a private property 12 times a day; the only time you get paid is during a tow so that tow will be more expensive. He stated following the Edgefield incident, he prefers to not patrol areas anymore. He only goes out if security calls him to make a tow, and said he will not make any of those decisions to avoid getting himself in a position arguing with a car owner. He said he does not want to have to know all the covenants; he is a tow-truck operator.

Mr. Fred Krum, owner of Earl's Body Shop, said he appreciates the opportunity to share his comments on the draft ordinance. He stated he has 10 years experience on both sides – a tow-truck owner and as a payee for \$1,500 for a three-day towing and storage fee. Outrageous, he asked. "Darn right, it is outrageous," he said. He explained he went to the City of Beaufort police about it, but there was no resolution at the city level. He said he talked with the police, representatives from the Sheriff's Office, the South Carolina Highway Patrol and thinks the County may need additional guidance and supervision in some areas in order to protect the people and establish reasonable towing fees. However, he said he submits: if you take the Sheriff's Department regulations, the State Highway Patrol regulations, 90% of what is in this ordinance will be addressed. He handed Mr. Howell three pages of "constructive criticism" and said they are his personal opinions. He asked whether this proposal is for the City of Beaufort, Beaufort County or who. He referenced the proposed ordinance that alludes to the current system being inequitable. He said many people in this room would say the equitability of the rotation is in question at times. The third comment he made was that price guidelines can be a slippery slope. He said he is not sure price fixing can be done legally, although price guidelines can be established, i.e. South Carolina Highway Patrol. Last, he asked: what is the purpose of the ordinance – to eliminate the "bad actors" or to control the towing business? He said he thinks the regulations in place, the Sheriff's Office and those from the state, are good regulations.

Mr. Dan Neighbors, Auto Care Towing and a tow truck driver, said there is a section in the proposed ordinance allowing the County to inspect books, without warrant or probable cause, which he does not think is a good idea. He stated tow-truck drivers and tow company owners are the best people to decide the way to run a tow-truck company. He pointed to Mr. Howell and said it was obvious he never ran a tow-truck company because he did not recognize the regulation was superfluous. He added business licenses are already graduated based on how much money the company makes each year. Comments he made indicated he felt the fees would keep increasing. Mr. Neighbors asked if a dispute was the reason for the ordinance why was a tax increase being added, and stated the system seems to work fine. The state does truck inspections yearly, he noted. He concluded by saying just because there are disputes about how much a tow-truck driver charges for a particular tow, does not mean everyone owning a tow truck needs to have rates regulated. If there is a problem with the amount he charges, he suggested taking it to court. Mr. Neighbors reviewed several scenarios with various costs associated.

Mr. Flewelling said inspection of books is already covered in the business license, so this is nothing new. Mr. Neighbors interrupted to say he thought it was a bit intrusive. Mr. Flewelling then asked Mr. Neighbors what he thought about the fee schedule, and he answered the County should not regulate what the tow-truck companies charge. He added if there is a dispute, the courts should handle it. Mr. Neighbors did not support the idea of “people sitting in a room who don’t know a thing about driving a truck regulating.”

Mr. Baer stated he was recently towed by a very fair and nice driver. He stated that despite the fee being fair it is a moment of stress and there is only one person present. Some type of cap regulation is needed, Mr. Baer said.

Mr. Neighbors argued it is almost impossible to have a cap regulation because every tow is different. He cited tows of vehicles in a ditch, upside-down, and another of a vehicle in the side of the building. Mr. Baer suggested creating classes of tows.

Mr. Anthony Gurganious, Gur’s Wrecker and Towing, stated he thinks the County is trying to make everything level for all those present, but he agrees with Sheriff Tanner in that there are a great deal of South Carolina guidelines under which to operate. He asked Sheriff Tanner if they need to get an event number in order to tow someone’s car, and the Sheriff said yes, then he reviewed the procedure. As far as fees and guidelines go, he said he thinks the fee referenced is more of a starting out fee and if there are other things a driver must do those would be an “add-on.” If everyone has an invoice they use, there are spots to add these services. He noted highway patrol requires tow-truck operators to do so. He stated he is more than willing to attend further meetings to “hash this out.” He stated everyone needs to be on the same plate.

There being no further comments, Mr. Stewart said he thought the Public Safety Committee accomplished its goal by getting information on the table. The draft ordinance will go back to the County Attorney Mr. Howell and he will consider the comments.

Mr. Howell said at this time, he will meet with Lt. Col. Baxley and he is inclined to leave out tow-truck companies towing wrecked vehicles because the issues are the private property issues, by and large. He said the Sheriff and his crew enforce the public areas of the County. The real problems are with the private tows from private property.

Wayne Cairns asked about wording that inferred different business licenses are needed for different jurisdictions and whether they would qualify under similar classification as semi-trucks. Mr. Stewart said as far as the County is concerned you have to have a business license in that area.

Status: For information only. The draft ordinance will come before the Public Safety Committee following County Attorney Mr. Howell's changes following this discussion.

3. Update - Public Safety Division

Discussion: Mr. Stewart introduced Public Safety Division Director William Winn, whose various departments gave an annual presentation on their activities.

Mosquito Control

Gregg Hunt said Mosquito Control has some new aircraft. For example, Mosquito Control got an OV-10 Bronco this January, and three C-131F Convairs this fiscal year. These replaced older models. He gave examples of those sold at various auctions, one for \$26,200 in August 2010, one for \$10,700 in December 2010 and two others on GovDeals in mid-February. Mr. Hunt showed the Committee pictures of the new aircraft being reconfigured in the hangars and also mentioned acquiring a new pilot. He added they participated in EMD / EMS rescue training in April 2010. Mr. Hunt reviewed the threat of the West Nile Virus in Beaufort County and showed areas it was present, environments conducive to it spreading and the lab for testing. Mr. Hunt noted August and October were peak months for complaints of mosquitoes and this coincides with peak mosquito times.

Animal Shelter and Control

Ms. Toni Lytton reviewed many of the Animal Shelter and Control Department statistics from the past year. The Animal Shelter took in 802 fewer animals than the prior year. Euthanasia percentages for 2009 were 71%, while this year it was down to 61%. Ms. Lytton said adoptions also increased from 18% to 28%.

Animal Shelter and Control Statistics for 2010			
Animals Admitted 4,632	– Dogs: 2,283	Cats: 2,225	Other: 124
Animals Adopted 1,312	– Dogs: 774	Cats: 467	Other: 71
Animals Reclaimed 261	– Dogs: 242	Cats: 16	Other: 3
Animals Euthanized 2,862	– Dogs: 1,161	Cats: 1,685	Other: 16
Cruelty Cases		338	
After-Hours Calls (Emergency Calls)		70	
Animals Left at Front Gate		355	
Miles Traveled by Animal Control		90,442	
Complaints to Animal Control		2,283	
Follow-up Patrols		1,170	
Patrols (No Complaint)		639	
Tickets Written By Animal Control		231	

She also mentioned the Animal Shelter has a new sewer system, which took the place of four septic tanks at the Shelter. She added the largest addition to the Shelter was the “cat porch.” The office also got a “face lift” so the Animal Control officers each have their own phones and computers. Lowe’s has a program called Helping Heroes, which helped the Animal Shelter raise money and get products – a new refrigerator, new paint and shelving. In the last year, the Animal Shelter began working with all the local rescue groups in Beaufort County and some outside the county. The Animal Shelter is also a PetSmart Partner, which has aided in 285 adoptions through the PetSmart store. In 2010, the Animal Shelter conducted four spay-neuter clinics for cats and dogs. In conclusion, Ms. Lytton said a Shelter Manual is ready and she passed it out to members of the Committee.

Building Codes and Enforcement

Mr. Arthur Cummings notified Committee members of the permit counter changes. In 2010, the Building Codes and Enforcement Office issued 609 permits to-date and cited the state of the economy and housing market for the slump. The Bluffton office is closed, so all permits and applications are sent to the Beaufort office. An inspector goes to Bluffton to work in the southern portion of the County. The Office conducted 2,800 field inspections through December, and as the permits issued show, many of these have to do with renovations, additions and repairs. A lot of the commercial activity is in southern Beaufort County – Tanger, Panera Bread Company, Longhorn, etc. Mr. Cummings also said the fire code official is responsible for fire inspections and monitoring the Click2Enter program – access to gated communities. Mr. Cummings reported all of the supervised gates are now in compliance with the ordinance in unincorporated areas of Beaufort County. The fire code official is still working with municipalities to get compliance, and Mr. Cummings added they are trying to make sure

everything is uniform. The fire code official also works closely with the Business License Office, going out before an existing business opens he conducts an inspection before the license is issued. He then gave the following statistics: All the unincorporated electrically supervised gates have complied with the County's Gate Access Ordinance for Click2enter and Knox Key System; 126 Business License Inspections; 102 Existing Building Inspections; 241 New Construction; 38 Fire Plan Review; 62 Gate Access Inspections. Mr. Cummings then went on to review the Codes Enforcement Division. These employees are responsible for trash, litter, unsafe structures and noted they have been diligently working to remove many of the dilapidated structures. This year Codes Enforcement has issues 66 notice of warnings, 32 citations and removed 31 unsafe structures. The Sign Enforcement Department had these statistics to report for 2010: 210 signs were inspected, 669 signs were confiscated, 127 notices of warnings issued and 13 citations were issued.

Accomplishments for the year follow. The five-year update to the All Hazard Mitigation Plan was approved by FEMA. The department is in the process of completing the application to be submitted to the NFIP for a lower class (6) rating under the CRS Program. The regional representative from FEMA is scheduled to visit in March to evaluate our program and will assist with the application. If successful, this will mean a 20% discount in flood insurance premiums for homeowners with flood insurance policies. Clyde Smith, Hakim Bayyoud, Wilmot Schott, and Arthur Cummings have been certified as Green Professionals through the National Home Builders Association. The department received recognition from the International Code Congress as the first and only department in the state (13th in the nation) to be accredited by the International Accreditation Service. In partnership with the Town of Hilton Head, each inspector's laptop is equipped with software for rapid damage assessment in the event of a hurricane or other disaster. 250 flood zone determinations were issued and responded to 95 Freedom of Information Requests.

Detention Center

Mr. Phil Foot said he broke the presentation into programs the Detention Center runs and external ones. He explained the Detention Center opened in March 1992 with an original rated capacity of 192. With implementation of double-bunking in 2000, the rated capacity changed to 239 and building a small addition in 2003 made the rated capacity 255. This makes the operational capacity 204, which is 80% of the rated capacity. Last year, 5,591 inmates were booked and the average population was 215. January was the highest month with 238 average daily populations. December was the lowest with 200. The average length of stay (ALS) has maintained at 14.5 days, he said. Other statistics for 2010 were mentioned as noted below.

82 attempted suicides	452 disciplinary hearings held on inmates
7 incidents of inmates assaulting Correctional Staff (officer was injured)	Food Service provided 249,804 meals
43 inmate vs. inmate confrontations	Handled 14,985 visitors
109 reported Use of Force	Transported 224 inmates to State Prison
46 Code Reds (most serious code)	Added an off-site remote Electronic Security connection to the facility's Electronic Security.

Mr. Foot noted this was the highest rate of suicides they have had, doubling from last year. He said one of his biggest areas of concern when talking about state budget cuts is the state prison; this would push into the counties. Then he mentioned some of the year's accomplishments. They implemented Alcohol and Drug Therapy meetings that have an average attendance of 15 people, Adult Education won state awards for first place for amount of WorkKeys Career Readiness Certificate credentials awarded to individuals in a county jail, second place for GED's awarded to individuals in a county jail, and in the last GED testing an individual scored in the top 5% of the state. Mr. Foot highlighted the SMART BCSO (Success, Motivation and Responsibility Training) run by the Beaufort County Sheriff's Office in the schools. In this program students have to take a tour of the Detention Center to basically give them an eye-opener showing they are heading down the wrong path, Mr. Foot said. Another program the Detention Center supports is the Solicitor's Office Juvenile Pretrial Intervention Program, for juveniles who are in trouble but are trying to avoid the charge. If they make it through the program their offense will be wiped off; part of that program is a Detention Center tour. Mr. Foot mentioned the Day Watch Program, Beaufort County's Adult Education Program, and several in-house work programs such as the home-based education program, kitchen detail, laundry unit, janitorial services, first echelon maintenance and assistance with Building Codes preparing mailers. There are outside work programs as well, such as the Public Works Department ground maintenance, Animal Shelter cage clean-up, Mosquito Control basic laborer, and the S.C. Department of Transportation trash clean-up. Other programs provided by the Detention Center are Alcohol and Drug Therapy, a recreational and law library, Alcoholics Anonymous, S.C. Vocational Rehabilitation interviews; free HIV testing provided by the S.C. Department of Health and Environmental Control, parenting skills provided by the Child Abuse Prevention Agency (CAPA), HIV/AIDS education classes and compulsory TV programs. Mr. Foot also reviewed religious services provided at the Detention Center.

Emergency Management

Mr. Todd Ferguson reviewed several statistics for the Emergency Management Department and said they were fairly busy this year. In dispatch, the calls for service totaled 452,695. He explained this number reflects the actual dispatches not the number of calls received. Those broke down as Beaufort County Sheriff's Office - 303,315, Beaufort Police Department - 61,134, Port Royal Police Department - 13,682, Yemassee Police Department - 9,562, Bluffton Police Department - 34,621, Beaufort Fire Department - 2,786, Lady's Island/St.

Helena Fire Department - 2,169, Burton Fire Department - 3,166, Sheldon Fire Department – 696, Fripp Island Fire Department – 230 and Bluffton Fire Department - 5,385. He then showed a picture of dispatch illustrating how dispatchers can view the scene of an accident before dispatching by using traffic cameras. This year, dispatch added three dispatch stations, completed installation from 800 MHz analog to digital, began the implementation of AVL, expanded our Emergency Medical Dispatch Program, 52% of the Dispatchers are certified and began implementation of recommendations of CRA Study.

The Traffic Management Department had a total of 6,805 processed calls, incidents seen by traffic management. He noted there were 4,437 car stops and explained that is the officer safety program so a camera follows an officer when he makes a stop on the highway. 1,046 disabled vehicles were spotted, and accidents were at 780. Other statistics provided were: Debris – 158; Abandoned Vehicles North – 118; Abandoned Vehicles South – 150; Miscellaneous Calls – 116; Media Contacts - 3,973. Mr. Ferguson said the media contacts are mostly the radio stations. He went on to explain many of these items would otherwise be taken care of by police officers, but with traffic management addressing them officers can remain on patrol. Highlights in Traffic Management last year: added four cameras to the Intelligent Traffic System, U.S. 21 at Gardens Corner, U.S. 17 at Bull Point, moved camera on U.S. 17, Gardens Corner cameras are 100% funded by SCDOT, S.C. 802 at Butler Marine, Intersection S.C. 802 at S.C. 280 Shell Point, installed permanent Highway Advisory Radio outside of Marine Corps Recruit Depot Parris Island along with two flashing lights, and a joint project between Beaufort County and Parris Island. Beaufort County is also part of the state's 511 system.

Mr. Ferguson reviewed the April 30, 2010 Air Rescue Plan, charged by the state to develop a comprehensive plan. It took about one year of planning and is a pilot program for Beaufort County. It is a collaboration of federal, state and local governments, Jasper County, nonprofit organizations, Beaufort County EMS, Beaufort County Mosquito Control.

Emergency Medical Services

Mrs. Donna Ownby explained EMS was established in 1974 with two van ambulances covering the entire county, and EMS has come a long way since. She said EMS implemented a bariatric transport system in order to safely and effectively treat and transport bariatric patients. This provides enhanced capabilities for bariatric patients and improves safety for EMS personnel and patients during bariatric transports. The bariatric stretcher is much wider and holds up to 1,600 lbs. This makes it less embarrassing for the patients to be picked up by EMS, and makes it easier for the paramedics to get them into the ambulance. When a call comes into dispatch, the dispatcher asks for height and weight. For those more than 400 lbs., a bariatric stretcher is sent. Mrs. Ownby also reviewed STEMI program, which upgraded training to recognize the different types of heart attacks, Fly Out Program / Lifenet, and focused on stroke alert and recognition. She said all reports are now Electronic Patient Care Reports, utilizing the National EMS Information System (NEMIS). Data is sent to DHEC within 24 hours now. The Beaufort County Regional Assistance Team is one of four teams in the state and all equipment and supplies are obtained through a Department of Homeland Security grant. This gives the department the ability to respond to large incidents or disasters. She mentioned trying to work

with the other three RMAT teams to ensure their equipment is the same. One of the problems coming back in after a disaster is finding a place to stay. Then tents are self-contained and help to assess the rest of the County. Mrs. Ownby reviewed specifics of the trucks and other supplies. The County has two new ambulances purchased by the County, with delivery expected in March. EMS responded to 15,912 calls in 2010. She also briefed the Public Safety Committee members that EMS has a new debt collection company, which has capacity to take credit card payments that are more convenient for clients, who can also pay over the phone. She elaborated on other programs Beaufort County EMS does, including Public Education – Presentations on heart attacks in Sun City; A What To Do Before the Ambulance Arrives Course; Stroke Symptoms Awareness; Car Seat Safety Agreement with Beaufort Memorial Hospital Labor and Delivery to instruct new parents on how to install car seats; Instructor certified as a “Nationally Certified EMS Educator” and “Advanced Cardiac Life Support (ACLS) Experienced Provider.”

Mr. Winn reminded the Council members present that if Mr. Cummings is successful in working with Stormwater in their application for flood insurance rates, Beaufort County residents could see a 20% reduction in insurance rates. The second thing Mr. Winn mentioned was a caution related to closing state prisons due to budget cuts. He reminded those present that for every prisoner sent back to Beaufort County, there is a \$75 per day cost for the County.

Mr. Stewart asked for an update on the EMS study and when it would be concluded. Mr. Kubic answered that the study was submitted to administration for review. An opportunity has been extended to the participating agencies to comment, which were sent on for incorporation into the study.

Mr. Kubic said his view on various comments is that this is similar to an audit procedure; the auditor does his findings and the responder has a chance to respond. There is a 30-day period to work on scripting all the agencies, advisory boards, County Council, video documentation, etc. to explain for delivery to outside organizations. The product will come in about 30 days, Mr. Kubic said. One thing that is premier is that Mr. Kubic said he asked CFO David Starkey to take every recommendation and “cost it out” in terms of how many dollars it would cost, then convert into millage. Once that is noted, it shows public safety has a cost. He said he thought the results of the study were interesting and showed collaboration among different entities.

Status: No action necessary. This was for informational purposes only.