

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
FAX: (843) 255-9401
www.bcgov.net

WM. WESTON J. NEWTON
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D. PAUL SOMMERVILLE
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LAURA VON HARTEN

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, August 22, 2011

4:00 p.m.

Council Chambers
Administration Building

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

1. CAUCUS - 4:00 p.m.
Discussion is not limited to agenda items.
Executive Conference Room, Administration Building
2. REGULAR MEETING - 5:00 p.m.
Council Chambers, Administration Building
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [August 8, 2011](#)
7. PUBLIC COMMENT
8. COUNTY ADMINISTRATOR'S REPORT
Mr. Gary Kubic, County Administrator ([backup](#))
 - A. The County Channel / Broadcast Update ([backup](#))
 - B. Two-Week Progress Report ([backup](#))
 - C. Stormwater Utility Intergovernmental between Beaufort County and Town of Hilton Head Island ([backup](#))
 - D. Resolution / National Moment of Remembrance of the 10th Anniversary of September 11th ([backup](#))

Over



9. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator ([backup](#))

A. Two-Week Progress Report

B. Construction Project Updates

Mr. Robert McFee, Division Director, Engineering and Infrastructure

One Cent Sales Tax Referendum Projects:

New Bridge over Beaufort River / U.S. 21 / S.C. 802 Construction Project

S.C. Highway 802 Roadway Construction Project

Bluffton Parkway Phase 5A Roadway

Capital Improvement Projects:

Disabilities and Special Needs Adult Day Care Center

10. CONSENT AGENDA – ITEMS A THROUGH H

A. BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED ([backup](#))

1. Consideration of second reading approval to occur August 22, 2011
2. Public hearing – Monday, September 12, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Regional Library, 11 Beach City Road
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

B. AN ORDINANCE TO ADOPT THE BEAUFORT COUNTY HAZARD MITIGATION PLAN ([backup](#))

1. Consideration of second reading approval to occur August 22, 2011
2. Public hearing – Monday, September 12, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Regional Library, 11 Beach City Road
3. First reading approval occurred August 8, 2011 / Vote 11:0
4. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0

C. AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD ([backup](#))

1. Consideration of first reading approval to occur August 22, 2011
2. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0

- D. AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000 TO PENN CENTER FOR DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP ([backup](#))
1. Consideration of second reading approval to occur August 22, 2011
 2. Public hearing – Monday, September 12, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Regional Library, 11 Beach City Road
 3. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
 4. First reading by title only occurred May 23, 2011 / Vote 11:0
 5. Community Services Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 8:0
- E. RESOLUTION ADOPTING THE SCHOOL DISTRICT FISCAL YEAR 2011 / 2012 MILLAGE RATES ([backup](#))
1. Consideration of approval to occur August 22, 2011
 2. Finance and Governmental Committees discussion and recommendation to approve occurred August 15, 2011 / Vote 9:0
- F. RESOLUTION ADOPTING THE FIRE DISTRICTS' FISCAL YEAR 2011 / 2012 MILLAGE RATES ([backup](#))
1. Consideration of approval to occur August 22, 2011
 2. Finance and Governmental Committees discussion and recommendation to approve occurred August 15, 2011 / Vote 9:0
- G. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$18,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))
1. Consideration of first reading approval to occur August 22, 2011
 2. Finance and Governmental Committees discussion and recommendation to approve occurred August 15, 2011 / Vote 9:0
- H. AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO ([backup](#))
1. Consideration of first reading approval to occur August 22, 2011

2. Governmental Committee discussion and recommendation to approve occurred August 15, 2011 / Vote 4:0

11. RESOLUTION ADOPTING THE COUNTY AND FIRE DISTRICTS FISCAL YEAR 2011 / 2012 MILLAGE RATES ([backup](#))

- A. Consideration of approval to occur August 22, 2011
- B. Finance and Governmental Committees discussion and recommendation to consider the issue further at the August 22 Council meeting occurred August 15, 2011 / Vote 9:0

12. PUBLIC HEARING

A. CONSIDERATION OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY ([backup](#))

1. Consideration of second reading approval to occur August 22, 2011
2. Public hearing – Monday, September 12, 2011, beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Regional Library, 11 Beach City Road
3. Redistricting Committee discussion occurred August 18, 2011
4. First reading approval occurred August 8, 2011 / Vote 11:0
5. Natural Resources Committee discussion and recommendation to approve occurred July 26, 2011 / Vote 4:0
6. Redistricting Committee discussion occurred August 3, 2011
7. Redistricting Committee discussion occurred July 20, 2011
8. Public hearing held July 18, 2011 at Bluffton Branch Library
9. Redistricting Committee discussion occurred June 27, 2011
10. Redistricting Committee discussion occurred June 16, 2011
11. Public hearing held June 15, 2011 at Hilton Head Island Branch Library
12. Public hearing held May 24, 2011 in Council Chambers
13. Redistricting Committee discussion occurred May 13, 2011
14. County Council update occurred April 25, 2011 Council Meeting
15. Redistricting Committee discussion occurred April 18, 2011
16. County Council briefing occurred November 29, 2010

13. [COMMITTEE REPORTS](#)

14. PUBLIC COMMENT

15. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
August 8, 2011

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

CAUCUS

A caucus of the County Council of Beaufort County was held at 4:00 p.m. on Monday, August 8, 2011 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

DISCUSSION ITEMS

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

Redistricting

Mr. Flewelling commented the Redistricting Committee accepted Plans 1, 2, 3, and 4. Members voted to forward Plan 1 for consideration by Council, but it will not be considered tonight. Redistricting Committee has a requirement to forward no more than three plans to Council. Plan 4, is a conglomeration of several aspects of other plans, and it was accepted by the Redistricting Committee. It seems to meet a lot of the requirements regarding the districts needing to be as near mathematically equal as practicable, adhering to state law of population variance fewer than 10%, and ensuring that parts of districts are contiguous. It kind of mirrors Plan 1, but tightens up the groups a little bit for the plan to be acceptable. Mr. Flewelling suspects Plan 4, with some modifications, will be one of the plans forwarded to Council. The Bluffton area is pretty static. He is still working on alternatives that meet the goal of Plan 3 that would separate Mr. Glaze and Mr. Dawson so that two of the most senior members would not fight for reelection.

Mr. Baer commented Plan 4 is the best plan thus far. Mr. Rodman, Mr. Caporale and he are very close to agreeing on the Hilton Head Island part of Plan 4.

Mr. Rodman commented Mr. Baer, Mr. Caporale and he are relatively close to agreeing on Plan 4 with one or two census blocks with hardly anybody in them that might have to be tweaked.

Mr. Caporale supports keeping Belfair community together. He was adamant about having Windmill Harbor in his district, and that has worked out.

Mr. Stewart remarked Belfair community is held together in Plan 4. Rose Hill community, both north and south, is in the same district.

Mr. Dawson remarked Mr. Flewelling's efforts attempting to salvage Mr. Glaze's District 8 are admirable. Mr. Dawson opined that Plan 3 puts Ms. Von Harten and Mr. Glaze at a disadvantage of being successful in a reelection. Plan 3 has the potential of losing two seats of democratic representation on Council.

Caucus Format

Mr. Baer would like to poll Council to hear their comments with regard to the caucus format. Is it a good use of time, etc.? Mr. Baer prefers the old way, starting the regular meeting at 4:00 p.m., because it is a better use of time.

Mr. Newton thinks Council ought to let it run its course a little longer. Then, if there is general dissatisfaction, we can always go back and say it was a worthy experiment, but we want the regular meeting to begin at 4:00 p.m.

Accommodations Tax 2% State, Accommodations Tax 3% Local, and Hospitality Tax

Mr. Rodman spoke to the issue of accommodations tax 2% state, accommodations tax 3% local, and hospitality tax. Beginning January 2011, these three funds totaled \$4,086,000. Revenues totaled \$2,826,000. Council agreed to use \$211,000 from hospitality tax and to treat it as if it were 2% state accommodations tax money, wherein organizations submitted proposals to the Accommodations Tax Board, sitting as a Hospitality Tax Board. Approximately \$1,271,000 goes to the County out of the three funds. The Chambers of Commerce received approximately \$762,000. Council loaned \$1,000,000 to the Heritage Classic Foundation; and now that they have a sponsor, they will be returning the money within the next several months. The remaining \$275,000 goes to tourism-related promotional activities. The end balance is \$4,604,000.

Mr. Rodman presented a proposed FY 2012 scenario. The Accommodations (2% State) Tax Board is scheduled to meet August 29, 2011 and members have approximately \$252,000 to allocate. Assuming revenues and the County appropriation remain the same as last year, approximately \$773,000 and approximately \$62,000 respectively, perhaps Council would want to allocate a portion of the money (approximately \$500,000), as it did last year, for the first round of accommodations tax. Then maybe three or four months later have them perform the exercise again allocate \$300,000 and leave an end balance of \$163,000.

Community Development Block Grant

Mr. Kubic, County Administrator, reminded Council under his report he will be seeking Council's approval to accept a Community Development Block Grant award in the amount of \$422,500 for the Burton Water Extension Project.

St. Helena Island Library at Penn Center

Mr. Newton commented that Council will consider tonight a construction contract in the amount of \$7,332,403 for construction of the St. Helena Library at Penn Center. It would have been nice to have had a local contractor as local bidder on that job, but given the fact this project involves federal dollars and thus the County is not allowed to use local preference criteria as part of the award process.

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Herbert Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JULY 25, 2011

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve the minutes of the regular meeting held July 25, 2011. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN – Ms. Von Harten. The motion passed.

PUBLIC COMMENT

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

Mr. Edgar Williams, Sheldon Township Committee representative, would like to hold his comments until Council discusses an ordinance redistricting the County Council of Beaufort County.

COUNTY ADMINISTRATOR'S REPORT

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

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel has started on our "Night Skies" Series. The video will be a companion to our "Night Skies" webpage, and will air on the County Channel. The videos feature environmental educator Kristen Marshall Mattsen, and will cover stargazing tips and tricks, as well as the effects of light pollution on visibility. "Night Skies" will air later this month.

The County Channel was busy last week with the Dixie Youth World Series. The baseball tournament took place at Burton Wells Regional Park, and the County Channel covered every pitch. Three simultaneous fields were broadcast, and our very own Bryan Hill served as a commentator. Mr. Kubic congratulated the team from North Carolina on winning the series, and also to our boys from Beaufort for a great showing.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from July 25, 2011 through August 5, 2011.

Community Development Block Grant Award / Burton Water Extension Project

It was moved by Mr. Glaze, seconded by Mr. Flewelling, that Council accept a Community Development Block Grant award in the amount of \$422,500 for the Burton Water Extension Project. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Detention Center Community Service

Mr. Phil Foot, Detention Center Director, explained that Council established a Day Watch Program March 14, 2011 as an alternative to incarceration. 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 pickup within Beaufort County. In addition to any other court costs, the court collects a \$15.00 one-time administration fee to cover the cost

of registering the participants, which is paid to Beaufort County. The Detention Center assesses the individual performing such community service \$5.00 per day to cover the cost of supervisory personnel and transportation costs. To date \$375.50 has been collected and returned to the general fund. Each individual engaged in performing public service wears an orange or yellow fluorescent vest with Beaufort County Detention Center or BCDC printed on the back. Individuals have picked up paint cans, trash at boat landings, and roadside trash prior to SCDOT grass mowing. From May 2011 to date, program participants have picked up 697 paint cans and 1,006 bags of trash.

Final Sentencing Report / Casaundra Latrise White and Adrian Coore

Solicitor Duffie Stone briefed Council on the final adjudication of Casaundra Latrise White and Adrian Coore, both of whom were involved in the Treasurer's Office 2010 and the theft of public funds. Casaundra White was the employee and her co-conspirator was Adrian Coore. Mr. Kubic and he entered into a partnership with the initial forensic audit that Council also supported. We also had the cooperation of Sheriff Tanner and the use of his investigators throughout the process.

The forensic audit activities are larger than just the Treasurer's Office 2010. This started with the Clerk of Court's Office. A few years ago there was an ethics investigation into the Clerk of Court and how money was being spent. That investigation led again to a forensic audit, which provided a much bigger and clearer picture of what he was dealing with in that Office. The same procedure was used with the Treasurer's Office 2010. And that information led to those arrests as was the result of the Sheriff's Office, and in particular, investigator Brian Baer who did a tremendous job investigating it from a law enforcement perspective. The central focus that brought, what Solicitor Stone finds to be, justice to this situation is those forensic audits.

What is important is that three people were indicted and three people have been convicted. Elizabeth Smith received a maximum amount of probation at the state level. She was then subsequently indicted by the federal government, she has pleaded guilty in federal court, and she awaits sentencing from the federal court in that matter.

Casaundra Latrise White and Adrian Coore both pled guilty in front of two different courts at two different times. Both of them have received the maximum amount of probation. Casaundra White had to do jail time as well. The condition of their probation is what is called joint and several liabilities on both of their parts. Both of them owe restitution in the amount of \$210,000 and both of them are responsible for it. They have probation agents who are overseeing them to make sure that they make those payments. If they do not, they have jail time over their head.

Within days of the ethics investigator knocking on Elizabeth Smith's door, she wrote a check to Beaufort County's general fund in the amount of \$507,000. That check came from an account that no one knew existed, and we would not have known it existed had we not had a forensic audit in gear looking for it. This money was in account called 4D rollover. 4D money is child support enforcement money that is supposed to be spent for child enforcement. However, after one year that money converts to the County's general fund. There should have been no rollover account because the money cannot rollover; it converts to the Beaufort County general fund.

That is money this County did not receive for years. The County did not even know the money existed in this particular account.

The cooperation and effort of Council, Mr. Kubic and his people, and Sheriff's Office have brought about a change in the way that the peoples' business is being done. Somebody, who violates the public trust, does just as much damage as a crack dealer.

Disabilities and Special Needs Recipient of South Carolina Department of Disabilities and Special Needs Golden Palmetto Award for 2010

Mr. Kubic announced that Beaufort County has been honored by the South Carolina Department of Special Needs with the 2010 Golden Palmetto Award. This award is presented annually to the county in South Carolina that has best demonstrated its support and commitment to people with disabilities. The award was presented to Vice Chairman Paul Sommerville at the recent South Carolina Association of Counties conference on Hilton Head Island. Beaufort County was nominated by the local Disabilities and Special Needs Board which stressed the long and supportive partnership between the board and county government. The State DDSN Commission was particularly impressed with Council's funding of nearly \$7 million for the Adult Day Care Center.

2011 Barrett Lawrimore Memorial Regional Cooperation Award Winner - Beaufort and Jasper Counties "Career Criminal" Program

Mr. Kubic announced that Beaufort and Jasper Counties won the Barrett C. Lawrimore Regional Cooperation Award from the South Carolina Association of Counties. The award commemorated the cooperative effort that is underway in both counties to prosecute the cases of career criminals who clog up our court system and detention centers. Beaufort County began funding the Career Criminal Prosecution Team in late 2008. This is an innovative approach to address crime from a regional perspective that is not being done anywhere else in the state. The results have been palpable. The Beaufort County Detention Center has seen double its 225-inmate capacity in summer 2008. It has now been under capacity for two years. The Team is removing these hardened criminals from society and then working as quickly as possible to move them to state prison. The Team has a 93 percent conviction rate.

Retirement of Arthur Cummings

Mr. Kubic announced that Arthur Cummings, former Building Codes Director, retired June 30, 2011 after more than 30 years of exemplary service to Beaufort County and he will be missed. Mr. Cummings's accomplishments are many. He was selected South Carolina Building Codes Official of the Year 2011 by the state Building Codes Council. He joined our staff in 1978 and in 1992 Governor Carroll Campbell appointed him to a seat on the S.C. Building Codes Council, where he has served as secretary. He also obtained the International Accreditation Service's Building Department Accreditation for Beaufort, the first in the state to do so. He served as a certified flood plain manager, green professional and licensed contractor. He was president of the Coastal Code Enforcement Association, a board member of the state Building Official

Association and Chairman of the Code Interpretation Committee of the Southern Building Code Congress.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

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

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, submitted his Two-Week Progress Report, which summarized his activities from July 25, 2011 through August 5, 2011.

Dixie Boys World Series

Mr. Hill reported the Dixie Boys World Series was a huge success for the Parks and Leisure Services department, as well as Beaufort County. A slide show and video highlighted the team spirit and hard work provided by our employees and volunteers. He thanked Councilman Flewelling and his group, Exchange Club of Beaufort, for showering us with American flags flanking both sides of the road leading to the baseball fields. He thanked Mr. Dan Driessen, who started his Major League Baseball debut for the Cincinnati Reds "Big Red Machine" in the 1970's, for attending the opening ceremony and speaking to the athletes. Councilman Herbert Glaze threw the opening pitch. He thanked Mr. Jody Vermillyon, from the University of South Carolina - Beaufort, who assisted in announcing seven of 22 ballgames and all games were broadcast live or web streamed. More than 4,500 individuals attended the four-day event. There were 150 players from 10 states, 4,500 patrons, one champion, 100 volunteers and more than 200 web viewers per contest.

US Highway 278 Update

Mr. Rob McFee, Deputy-Director Engineering and Infrastructure, announced the U.S. Highway 278 letting, award and construction schedule is as follows: letting — August 9, 2011; contract award within 30 days of letting — September 8, 2011; approximately 60 days for execution of contracts — November 8, 2011; and construction — November 8, 2011 depending upon contractor.

BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND; TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Natural Resources Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council approve on first reading the Beaufort County Zoning Map Amendment (Master Plan Amendment) for R300-009-000-0050 [known as Oak Island, part of the Dataw Island Planned Unit Development (PUD), 31.7 acres adjacent to Dataw Island] to allow 21 duplex units (42 total dwelling units) rather than the 35 single-family dwelling units originally approved. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

AN ORDINANCE TO ADOPT THE BEAUFORT COUNTY HAZARD MITIGATION PLAN

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Natural Resources Committee.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council approve on first reading the Beaufort County Hazard Mitigation Plan. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

BEAUFORT COUNTY ROAD RESURFACING 2011

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Public Facilities Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council award a construction contract to REA Contracting, LLC in the amount of \$598,399.80 for the road resurfacing project with the funding source of TAG (\$10 motorized vehicle) Funds, Account 3322T-54901. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ST. HELENA LIBRARY PHASE 1 SITE ACCESS ROAD AND UTILITIES AND PHASE 2 LIBRARY BUILDING AND SITE CONSTRUCTION

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Public Facilities Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council award a construction contract to Choate Construction Company in the amount of \$7,332,403 for the construction of the St. Helena Library Phase 1 Site Access and Utilities and Phase II Library Building and Site Development with a budget of \$11,100,000 to be provided once the contract is signed. The funding source is as follows: \$1,100,000 in library impact fees, \$8,500,000 from USDA Grant/Loan package, and \$1,500,000 in CDBG Grant. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. ABSTAIN – Ms. Von Harten. The motion passed.

HILTON HEAD ISLAND AIRPORT ADVERTISING CONCESSION

This item comes before Council under the Consent Agenda. It was discussed at the July 26, 2011 Public Facilities Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Dawson, that Council award a contract to Clear Channel to operate an Advertising Concession at the Hilton Head Island Airport with the guaranteed annual revenue of \$9,000 paid into the Airport's Enterprise Fund (Account 58001-47150). This will be a five-year contract with the option of two, five-year renewals, subject to approval by Council. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

CONSIDERATION OF AN ORDINANCE REDISTRICTING THE COUNTY COUNCIL OF BEAUFORT COUNTY

Mr. Newton, as Redistricting Committee Chairman, remarked the purpose of the ordinance is to redistrict the 11 Beaufort County Council seats, and pursuant to state law, the Board of Education seats as well. When the committee initially set out this process, members adopted a preliminary schedule to have the work of County Council completed by September 30, 2011. In order to proceed with that schedule we have included this matter of the agenda tonight as discussed at the August 3, 2011 committee meeting for first reading, by title only. This is a committee recommendation and no second is required. Obviously, the work of the committee will be advanced again August 18, 2011 with a projected first substantive reading, or second reading of the ordinance, at the August 22, 2011 Council meeting. A public hearing is to be held at both second and third readings.

It was moved by Mr. Newton, as Redistricting Committee Chairman (no second required), that Council approve on first reading, by title only, an ordinance redistricting the County Council of Beaufort County. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

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

COMMITTEE REPORTS

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

Natural Resources Committee

Beaufort Soil And Water Conservation District

Mr. Brian Flewelling, Natural Resources Committee Vice Chairman, reported members received a presentation from Denise Parsick, Commissioner of the Beaufort Soil and Water Conservation District, and Mrs. Diane Leone with the U.S. Department of Agriculture Natural Resource Conversation Service. The County has received approximately \$5 million over the past five years from their efforts, and has contributed approximately \$100,000. Members asked the County Administrator to examine the funding classification for the Beaufort Soil and Water Conservation District and return with a recommendation to the Natural Resources Committee.

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

PUBLIC COMMENT

Mr. Edgar Williams, Sheldon Township Committee representative, chose not to speak during public comment.

OFF-AGENDA ITEM

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council amend the August 8, 2011 Council agenda to include a personnel matter in discussion of executive session The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. McBride, seconded by Mr. Flewelling, that Council go immediately into executive session for three purposes: (i) to receive legal advice relating to pending and potential claims covered by the attorney-client privilege, (ii) discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property, and (iii) personnel. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

It was moved by Mr. Sommerville, seconded by Ms. Von Harten, that Council approve the acquisition of real property, through the Rural and Critical Lands Program, to include four contiguous parcels on Lady's Island for the purpose of public open space, including 41, 43, 45 and 47 Sea Island Parkway, totaling approximately one acre of land owned by the Pigler and Trumps Families. Beaufort County Rural and Critical Lands Program to contribute \$400,000

Minutes – Beaufort County Council

August 8, 2011

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toward the total purchase price of \$1,450,000 in partnership with Beaufort County Open Land Trust and City of Beaufort. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ADJOURNMENT

Council adjourned at 7:28 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

OFFICE OF THE COUNTY ADMINISTRATOR
COUNTY COUNCIL OF BEAUFORT COUNTY

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29903-1228
TELEPHONE: (843) 255-2026
FAX: (843) 255-9403
www.be.gov.net

BRYAN E. HILL
DEPUTY COUNTY ADMINISTRATOR

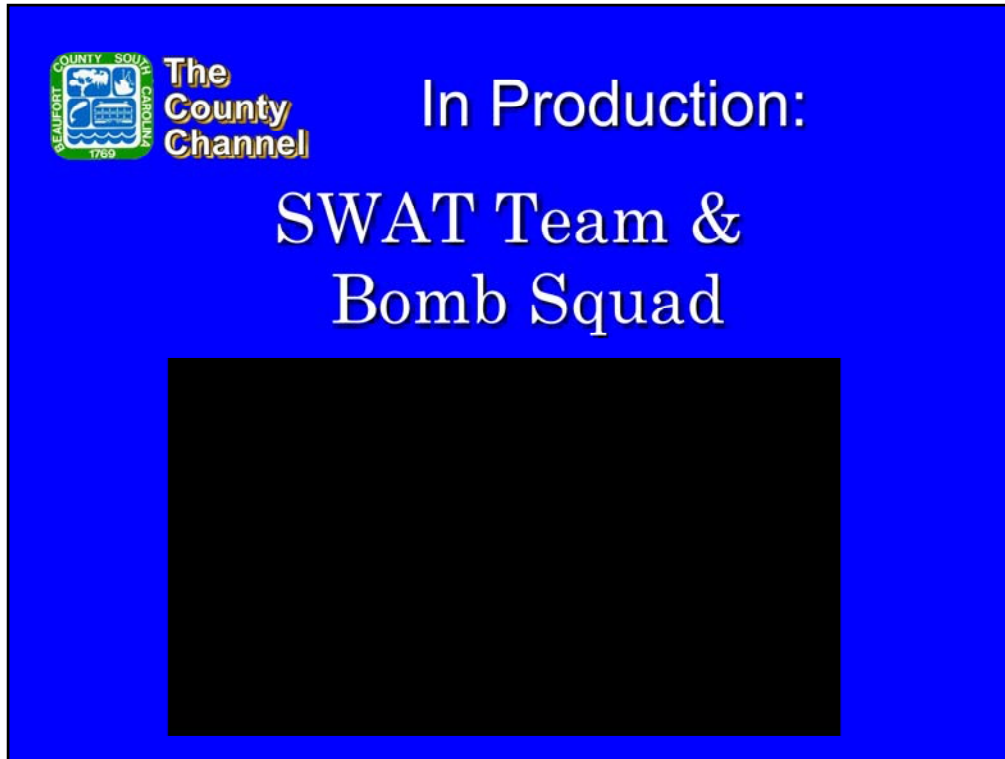
LADSON E. HOWELL
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

Monday, August 22, 2011
5:00 p.m.
County Council Chambers

ACTION / INFORMATION ITEMS:

- The County Channel / Broadcast Update (Enclosure)
- Two-week Progress Report (Enclosure)
- Stormwater Utility Intergovernmental Agreement between Beaufort County and the Town of Hilton Head Island (Enclosure)
- Resolution / National Moment of Remembrance of the 10th Anniversary of September 11th (Enclosure)



{VIDEO PLAYS, no audio} Our County Channel crew is putting the finishing touches on a video featuring the Beaufort County Sherriff's SWAT Team and Bomb Squad. The video was shot over several months, and features some action-packed training exercises, including repelling, flash-bang grenades, target practice, and suspect take-downs. The video will serve as an informative piece about how these special forces operate, and as a recruiting tool for the Sherriff's office.



MEMORANDUM

DATE: August 19, 2011

TO: County Council

FROM: Gary Kubic, County Administrator

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place August 8, 2011 through August 19, 2011:

August 8, 2011

- Meeting with Dr. Jane Upshaw, Chancellor of the University of South Carolina-Beaufort (USC-B), and Dr. Alan Warren, Program Director, Environmental Health Sciences, USC-B, re: Stormwater matters
- Caucus / County Council meetings

August 9, 2011

- Guest speaker – Lady's Island Business Professional Association meeting
- Staff meeting re: Coroner CIP / Operations / Facility Development
- Introductory meeting with Lewis Geoffrey, Business Development Manager, GEL Engineering, Charleston re: Engineering services
- Staff meeting re: Financial Advisory Services (past and future)

August 10, 2011

- New River Tax Increment Financing Plan meeting (County / School staffs)
- Meeting with William Winn and Lad Howell
- Meeting with Andy Patrick, CEO, Advance Point Global re: Business licenses

August 11, 2011

- Day trip to Three Rivers Solid Waste Administration offices in Aiken, SC

COUNTY COUNCIL OF BEAUFORT COUNTY

August 19, 2011

Page 2

August 12, 2011

- Meeting with Aaron Crosby and Catherine Tillman of Daufuskie Island, and Tony Criscitiello, Division Director of Planning and Development re: Daufuskie Island Comprehensive Plan
- Lowcountry Economic Alliance Board meeting

August 15, 2011

- Staff meeting re: airport tree-cutting
- Finance Committee meeting
- Community Services Committee meeting

August 16, 2011

- Millage meeting
- Staff meeting to discuss delinquency issues / vehicular taxes
- Airport tree-cutting hearing
- Governmental Committee meeting

August 17, 2011

- Agenda review with Vice Chairman and Executive Staff
- Continuation of August 10th New River Tax Increment Financing Plan meeting (County / School Staffs)
- Staff meeting to discuss a property tax issue
- Meeting with County Assessor Ed Hughes

August 18, 2011 (County Administrator Bluffton Office Hours)

- Redistricting Committee meeting

August 19, 2011

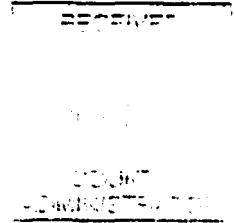
- Meeting with Rick Toomey, President of Beaufort Memorial Hospital (BMH), Jeff White, Chief Financial Officer, and David Starkey, County Chief Financial Officer, to discuss hospital bonds

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7729

www.hiltonheadisland.org



Drew A. Laughlin
Mayor

Kenneth S. Heitzke
Mayor Pro Tem

Council Members

Wm. Lee Edwards
Willie (Bill) Ferguson
William D. Harkins
Kimberly W. Likins
George W. Williams, Jr.

Stephen G. Riley
Town Manager

June 13, 2011

Mr. Gary Kubic, County Administrator
Beaufort County
Post Office Drawer 1228
Beaufort, SC 29901

Re: Storm Water Utility Intergovernmental Agreement

Dear Gary:

I am pleased to convey to you the Storm Water Management Utility Agreement with Beaufort County that was just approved by our Town Council on June 7th. The attached copies have been executed by the Town and I hereby request that the County execute both and return one to me at your earliest convenience. I understand from my staff that the County's Natural Resources Committee must first approve the agreement on July 11, and then recommend approval to your full council at their July 25th meeting.

It is our understanding that the Town's contribution to the County's Storm Water Utility administrative fees for fiscal year 2012 will be assessed at \$2.80 per Single Family Unit (SFU), applied to the fee paying lands within the limits of the Town. In future years, the Storm Water Implementation Committee shall be tasked annually to review the Utility's administrative budget and recommend any changes to the amount billed per SFU.

Thank you and your staff for all of your efforts and cooperation in developing this revised agreement. If you have any questions for me or my staff, please do not hesitate to contact me.

Sincerely,

Stephen G. Riley, CM
Town Manager

C: Town Council
Gregg Alford
Curtis Coltrane
Scott Liggett
Jeff Buckalew
Cary Gaffney
Rob McFee
Dan Ahern

A STORMWATER MANAGEMENT AND UTILITY AGREEMENT

BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA, AND

THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

DATED: _____

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WHEREAS, this Agreement is made on this _____ day of _____, 2011, by and between Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina, for the purpose of establishing the terms and conditions of the participation by the Town in a county-wide stormwater utility, which utility shall be operated by the County.

ARTICLE 1 - TITLE AND PURPOSE

1.00 *Title:* This intergovernmental agreement between Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina, shall be known as the “Stormwater Management and Utility Agreement Between Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina.”

1.01 *Purpose:* This Agreement is made for the purpose of defining the roles, responsibilities and financial relationship between the County and the Town with respect to the establishment, administration and operation of the Beaufort County Stormwater Utility, which includes the following:

- (a) Establishment of rates;
- (b) Use of revenue;
- (c) Acquisition of existing stormwater infrastructure;
- (d) Construction of new stormwater infrastructure;
- (e) Maintenance of stormwater infrastructure;
- (f) Operation of stormwater infrastructure;
- (g) Regulation and use of stormwater infrastructure; and,
- (h) Enhancement of water quality.

2.02 *Reference to County Ordinances:* This Agreement hereby incorporates by reference Beaufort County, South Carolina, Ordinances 2005-13, 2008-29, and 2009-2, regarding the establishment of a Stormwater Utility. In the case of any conflict between the provisions of the Ordinances and this Agreement, the provisions of this Agreement shall control.

ARTICLE 2 - DEFINITIONS

2.00 *Definitions:* When used in this “Stormwater Management and Utility Agreement between Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina,” the following words shall have the meanings set forth in this Article 2:

2.01 *Agreement:* This Stormwater Management and Utility Agreement between Beaufort County, South Carolina, and the Town of Hilton Head Island, South Carolina.

2.02 *County:* Beaufort County, South Carolina.

2.03 *County Wide Stormwater Management Study:* The study conducted by the County to determine the drainage infrastructure and maintenance needs within the various watersheds within the County. This became the Beaufort County Stormwater Master Plan dated February 20, 2006.

2.04 *Cost of Service Analysis and Rate Study:* The study conducted by the County which was adopted by County Council on August 22, 2005 to determine an equitable and appropriate rate structure for Stormwater Utility User Fees within all areas of the County, so that fees charged by the Stormwater Utility will be in compliance with provisions of S. C. Code Ann. 48-14-120(C)(Supp. 2010), and S. C. Regs. 72-310 (Supp. 2010).

2.05 *Stormwater Utility User Fee: Single Family Unit Rate (SFU)* The single-family unit fee

rate shall be defined as the impervious area measurements obtained from a statistically representative sample of all detached single-family structures within Beaufort County. The representative value will be 4,906 square feet.

2.06 NPDES: The National Pollutant Discharge Elimination System stormwater regulatory program established by the United States Environmental Protection Agency to address pollutants in stormwater discharged to waters of the United States. Phase II of this regulatory program impacts communities under 100,000 in population, small construction sites between one acre and five acres, and industrial sites owned and operated within communities under 100,000 population.

2.07 Public Stormwater: Stormwater runoff which is conveyed through a public drainage easement or public road right of way, and/or which some portion is generated from a public road right of way.

2.08 Stormwater Infrastructure: Real property, interests in real property, improvements to real property such as ditches, drains, pipes, culverts, catch basins, pumps, or the like, or any combination of them, used or useful in the collection and disbursement of storm and surface water, or the control of flooding. As used herein, Stormwater Infrastructure does not include drainage systems or facilities that are not publicly owned, and which do not carry public stormwater.

2.09 Stormwater Management: Control of storm and surface water, erosion, stormwater quality protection and flooding through the use of Stormwater Infrastructure, and the creation and enforcement of development standards related to storm and surface water.

2.09 Stormwater Management Plan: The plan developed by the County that addresses

planning, design and construction of capital improvements to the Stormwater Infrastructure; acquisition of real property or interests in real property for the purposes of Stormwater Management; maintenance and repair of Stormwater Infrastructure; regulation of the use of Stormwater Infrastructure; acquisition of equipment and other assets; regulation of impacts including any that may be mandated under the NPDES Phase II regulations, contracting with engineering, financial, legal, construction and other professionals for services in support of the Stormwater Utility, emergency preparedness related to storms and hurricanes, acquisition or construction of Stormwater Infrastructure, or any other functions required, useful or prudent for a program of Stormwater Management.

2.10 *Stormwater Utility User Fees:* Stormwater Utility User Fees shall mean the service fee imposed pursuant to this article for the purpose of funding costs related to stormwater programs, services, systems, and facilities. These fees will be calculated based upon the residential category for a parcel and/or the nonresidential parcel's impervious area and/or the vacant/undeveloped land category, as pursuant to the provisions of Beaufort County Ordinance 2005-33.

2.11 *Stormwater Utility:* The administrative organization created for the purposes of planning, designing, overseeing, funding, building, and maintaining Stormwater Infrastructure, either directly or through cooperative arrangements with other governmental bodies; and for administering and managing Stormwater Management throughout Beaufort County.

2.12 *Town:* The Town of Hilton Head Island, South Carolina.

ARTICLE 3 - TERM OF THIS AGREEMENT

3.00 *Term of This Agreement:* The term and duration of this Agreement shall be as follows in this Article 3.

3.01 *Initial Term of this Agreement:* The Initial Term of this Agreement shall be for a period of ten (10) years, commencing on the date of the execution hereof.

3.02 *Periodic Review of this Agreement:* The Stormwater Implementation Committee shall conduct periodic review of this Agreement to insure that it remains current with the state of the art stormwater management and practices and shall provide recommendations for updates to the agreement if necessary.

3.03 *Extension of this Agreement:* The term of this Agreement may be extended at any time by the mutual agreement of the parties hereto, or upon the expiration of the initial ten (10) year term set forth in Article 3.01 above.

3.04 *Termination of this Agreement:* This Agreement may be terminated by either party hereto, by delivering written notice of the termination to the other party. Termination under this Article shall only be effective on the final day of any given County fiscal year. The written notice of termination shall be provided by the party terminating the Agreement no less than one hundred eighty days prior to the date the termination will be effective.

3.05 *Effect of Termination:* Upon termination of this Agreement under any provision of this Article 3, or otherwise, all rights and obligations of any party hereto, specifically including but not limited to the right of the County to charge Stormwater Utility User Fees to property owners in the Town, shall immediately end.

3.06 *Conveyance of Assets:* Upon termination of this Agreement under any provision of

this Article 3 the County shall convey to the Town all of its right title and interest in any Stormwater Infrastructure including any stormwater easements within the municipal limits of the Town. However, this shall not include Stormwater Infrastructure on County owned parcels or County road rights of way within the limits of the Town.

3.07 *Rebate of User Fees:* Upon termination of this Agreement under any provision of this Article 3, the County shall return to the Town any collected but unspent or unobligated Stormwater Utility User Fees collected from within the Town Limits.

ARTICLE 4 – FINANCE AND FUNDING

4.00 *Financial and Funding Relationship:* The Town shall provide the County with its Stormwater Utility User Fee collection Rate for its fiscal year prior to August 15 each year of this Agreement. This will be in the form of a letter to the County Administrator from the Town Manager. The Town shall also provide to the County an annual report of its stormwater fee expenditures for each fiscal year. This report shall be delivered by September 1 each year this Agreement is in effect.

4.01 *Use of Revenue:* In accordance with the provisions of S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310 (Supp. 2010), all Stormwater Utility User Fees collected within the Town, less an administrative fee, shall be returned to the Town. The administrative fee is to be calculated as a fixed dollar amount for each single family unit (SFU) billed by the Stormwater Utility. The Utility shall define its administrative costs each year during the annual budget process. For fiscal year 2012 the fee shall be \$2.80 per Single Family Unit (SFU) base rate applied to the fee paying lands within the limits of the Town. After FY-12,

the Stormwater Implementation Committee shall conduct annual reviews of the Utility's administrative budget and recommend any changes to the amount billed per SFU, and the Utility shall provide the Town an itemized proposal for the administrative services and deliverables to be provided in the coming fiscal year. This proposal shall be submitted to the Town by March 15 of each calendar year. The Town shall provide a written recommendation of acceptance to the Utility by April 15 of the same year. This shall serve as the basis for the annual administrative fee to be calculated per Town SFU, and included in each entity's annual budget.

(a) The administrative fee shall be used by the County to defray the County's administrative costs in managing the Stormwater Utility.

(b) The Town shall use Stormwater Utility User Fees to provide Stormwater Management within the Town, including, but not limited to:

(i) The acquisition, design, construction, and maintenance of Stormwater Infrastructure, or repayment of bonded indebtedness issued to fund construction of Stormwater Infrastructure, in so far as the law and covenants of the bonds allow, or for repayment to the Town for general fund or other funds spent by the Town to fund Stormwater Management activities;

(ii) Acquisition of Stormwater Infrastructure, including any easements or other interests in real property which shall be held in the name of the Town;

(iii) Maintenance of Stormwater Infrastructure by the Town and its contractor(s,) or by direct services of the Stormwater Utility. Charges for

services by the Stormwater Utility) shall be negotiated and approved by the County and the Town, as is provided in Articles 4.05, 4.05(a), 5.05, and 5.07 below: The Town shall have the right of non exclusive use of direct maintenance services, and there shall be no minimum dollar amount required to be spent annually by the Town on any services provided by the Stormwater Utility;

(iv) Plan review and site inspections related to compliance with stormwater ordinances and standards for development within the Town as set forth in Articles 4.05, 4.06 and 4.07 below;

(v) NPDES Phase II permit compliance;

(vi) Payment of bond indebtedness or repayment of funds borrowed from the general fund or any other fund; and,

(vii) Any other services related to Stormwater Management.

4.02 *Further Agreements Authorized:* The Town and the County may negotiate and enter into agreements to share costs and responsibilities related to NPDES permit compliance. Such agreements and cost allocations shall be reflected in each entities annual budget and must be authorized by the Town Council and County Council.

4.03 *Cost of Services:* If the Town chooses to utilize the direct services of the Stormwater Utility, however described, they shall be accounted for at the County's actual cost of the equipment, materials, and personnel utilized in the delivery of the services.

4.04 *Setting of Stormwater Utility User Fee Rate (SFU's):* The Town shall be

responsible each year for setting the Stormwater Utility User Fee Rate to be assessed on parcels within the Town. The Stormwater Utility User Fee rate shall be set in accordance with S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310(G) (Supp. 2010), or any other applicable law or regulation.

4.05 *Plan Review and Site Inspection:* For all activities that constitute development within Town limits, the Town will provide review of plans and site inspections to ensure compliance with applicable laws, ordinances and regulations related to storm and surface water, erosion control and flooding

4.06 *Coordination of Services:* The Town shall identify a representative of its staff to serve as the contact person and coordinator for Stormwater Management Services, including services provided by the County within the Town, long range planning and water quality initiatives such as the NPDES Phase II requirements compliance, notification of problems, facilitating access within any planned or future Planned Unit Developments within the Town, and advising the County on site-specific conditions within the Town.

ARTICLE 5 – ADMINISTRATION OF STORMWATER UTILITY

5.00 *Stormwater Utility:* The County has established a Stormwater Utility that administers funds and conducts a Stormwater Management program throughout the County.

5.01 *Stormwater Management Plan:* The County shall have the responsibility to develop and maintain a Stormwater Management Plan to be administered by the Stormwater Utility.

5.02 *Relationship or Plan to Agreement:* The Stormwater Management Plan developed and maintained by the Stormwater Utility shall incorporate the obligations of the County and Town under this Agreement. In the case of any conflict between the provisions of the Stormwater Management Plan and this Agreement, the provisions of this Agreement shall control.

5.03 *Stormwater Utility User Fees:* The Stormwater Utility shall bill and collect parcel based Stormwater Utility User Fees from property owners, tenants, or other appropriate parties, pursuant to its authority and subject to any intergovernmental agreements, including this Agreement, and may also apply for, acquire and use any other funding from any public or private source in support of the Stormwater Management Plan as allowed by law.

5.04 *County Responsibilities:* The County, through the Stormwater Utility, shall have the following responsibilities:

(a) *Collection and Distribution of Fees:* Stormwater Utility User Fees within the Town limits shall be charged and collected by the County in accordance with the provisions of Article 4.0 of this Agreement; the Stormwater Utility User Fees shall be collected in accordance with S. C. Code Ann. 48-14-120(C) (Supp. 2010), and S. C. Regs. 72-310(G) (Supp. 2010), or any other applicable law or regulation, and shall not include provisions for relief from the payment of the Stormwater Utility User Fees; the County shall distribute the Town's Stormwater Utility User Fees less the County administrative costs as defined in Article 4.01, in the same manner as ad valorem taxes are distributed for each year this Agreement is in effect;

(b) *Provision of Services:* Provision of the services required under this

Agreement

(c) *Budgeting and Expenditure:* Setting the budget for the Stormwater Utility, and spending the revenues in accordance with any applicable ordinances or agreements, including this Agreement;

(d) *Administrative Activities:* Managing all administrative activities of the Stormwater Utility, including but not limited to, fee assessment, collection and distribution, maintenance of accounting records, maintenance of stormwater data, implementation of the master plan, acquisition of easements, coordination with other agencies, reporting to the stormwater utility board;

(e) *Accounting:* Maintaining an accounting of revenues and expenditures on a jurisdictional or geographic basis, as may be set or described under any applicable ordinance or agreement, including this Agreement, the County shall provide the Town with an itemized annual accounting of all Stormwater Utility User Fees within the Town limits in the form of a budget report, including but not limited to: how parcel fees were determined, calculated, and assessed; total fees collected; total Administrative costs retained by the County; total fees in arrears, on which parcels and the status of the collection attempt(s) on such parcels; fee credits applied for; fee credits paid; and fees that required adjustment since the last billing. This budget report shall be parcel based and provided to the Town annually prior to February 15 throughout the term of this agreement as a electronic document compatible with the most current version of Microsoft Office. The County shall also maintain an annual accounting of all administrative

costs associated with operating the facility. Either the Town or County, at the sole expense of the requesting jurisdiction, may request a professional audit of any of the budget reports:

(f) *Operation and Maintenance:* At the direction and approval of the Town, provide for the operation and maintenance of Stormwater Infrastructure within the Town; and,

5.05 *Delivery of Services:* The County shall coordinate the delivery of services hereunder through the Town Manager or his designee, via a Job Order Process as agreed to by the Town and County. All delivery of County services upon parcels within the Town limits shall be approved in writing by the Town before any work is performed or any funds may be returned to the County, and all delivery of stormwater infrastructure services within County Rights of Ways shall be coordinated with the Town.

5.06 *Coordination with Other Jurisdictions:* From time to time a need for coordination between all incorporated jurisdictions within the County and the County may occur, and it shall be the responsibility of the County to facilitate such coordination. The County will work with designated representatives from all jurisdictions within the County to ensure effective communication regarding issues impacting the Stormwater Infrastructure and the Stormwater Management Plan.

5.07 *Qualifications and Extents of Service:* Stormwater infrastructure in public road Rights of Ways, whether State, County or Municipal, shall be maintained by the road owner, as these areas are exempt from Stormwater Utility User Fees per Section 99-109 (b) of County Ordinance 2005-33. The Town shall retain the right to determine the qualifications for, extent

of, and level of service required to maintain the Stormwater Infrastructure within the limits of the Town, with the exception of County and State road Rights of Way, which shall be designed and maintained in accordance with their current standards.

5.08 *Fee Credits:* The Town shall have the authority to review and comment on all County stormwater fee credit applications requested upon parcels within the Town limits.

5.09 *Easements:* The Town and County will allow mutual blanket encroachments upon each other's existing easements, but only to enable the Town and/or County to perform stormwater utility related work within the limits of the Town.

ARTICLE 6: STORMWATER ORDINANCES AND DEVELOPMENT STANDARDS

6.00 *Applicable Standards:* The current hydrologic and hydraulic engineering and design standards of the Town shall prevail in the design, construction, operation and maintenance of any portion of the Stormwater Infrastructure within the Town, unless superseded by the hydrologic and hydraulic engineering and design standards of the County or State, as may be required for specific work performed in County or State rights of way.

6.01 *State or Federal Laws or Regulations:* The Town and the County shall at all times comply with any applicable State or Federal Laws or regulations relating to Stormwater Management, Stormwater Infrastructure, erosion control or pollution.

6.02 *Regulatory Obligations of the Town:* The Town shall adopt and enforce ordinances and development standards as necessary to comply with State and Federal standards regarding stormwater management, erosion and sedimentation, pollution control, and flooding. Minimum water quality controls in jurisdictions shall be protective enough to reach and maintain state

designated water uses.

6.03 *Plan Review and Site Inspection:* The Town shall be responsible for the review and approval of all development plans within the Town, to ensure that all applicable regulations pertaining to construction site erosion, sedimentation, and pollution control as well to post-construction stormwater quantity and quality control are met. The Town shall be responsible for providing inspections during construction to ensure that construction is following the approved development plan.

ARTICLE 7 – NPDES MS4 PHASE II PERMIT COMPLIANCE

7.00 *NPDES Compliance:* Should the Town be designated by the State of South Carolina for compliance with the NPDES program, the Town shall be responsible for the development of the NPDES MS4 Phase II permit application, the development of Best Management Practices required by the permit, and the implementation of the program of Best Management Practices set forth in the permit.

7.01 *Roles and Responsibilities:* The Town and County shall hold separate NPDES MS4 Phase II permits and shall each be responsible for maintaining compliance with their respective permit requirements.

7.02 *Coordination of Activities:* It is expected that some aspects of NPDES MS4 Phase II requirements will lend themselves to coordination and cooperation between the Town and the County. In such instances, coordination between the Town and the County shall be on the basis of a specific Minimum Control Measure (MCM) and shall be established by a separate written agreement that specifies the objectives, product deliverables, schedules, funding distribution, and

the roles and responsibilities of each party in addressing these measures.

7.03 *Annual Reporting:* The Town and County will each be responsible for preparing an annual report documenting the activities undertaken in support of NPDES MS4 Phase II permit requirements during the previous year and submitting the report to the South Carolina Department of Health and Environmental Control.

7.04 *Permit Related Costs:* All costs related to the NPDES MS4 Phase II permit shall be borne by the permit holder. In instances where the Town and County coordinate to meet permit requirements, costs may be shared on a basis that is detailed in a separate written agreement.

ARTICLE 8 – DATA ACQUISITION AND MANAGEMENT

8.00 *Roles and Responsibilities:* The Town and County shall each be responsible for acquiring and maintaining data sets that are relevant to Stormwater Management in their respective jurisdictions.

8.01 *Cost Sharing:* Cost sharing agreements for data acquisition may be made between the Town and County on a project-specific basis. The terms and details of any cost sharing agreement shall be detailed in a separate written agreement between the Town and County.

8.02 *Data Sharing:* The Town and County shall share acquired data at the request of the other. In such instances the Town and County will agree to abide by each entity's current data distribution policy.

8.03 *Data Types:* Types of data that the Town and County will acquire, maintain, and may share include but are not limited to, GIS data, aerial photography, LIDAR data, water quality monitoring data, stream gage data, financial and accounting data.

ARTICLE 9 – OTHER AGREEMENTS

9.00 *Scope and cost sharing:* From time to time various projects may be shared in scope and/or cost between the County and the Town, or the County and multiple Municipalities within the County via Memos of Understanding, Contracts, and/or Joint Resolutions.

9.01 *Agreement Recommendations:* The Stormwater Implementation Committee shall be the vehicle whereby agreements of project scope and cost sharing between the County and multiple Municipalities within the County are reviewed and recommended to the Municipalities and County. For agreements solely between the Town and the County, the Stormwater Implementation Committee Review is not required.

9.02 *Agreement approvals:* Other agreements between the County and the Town must be approved by the Town Council and the County Council or their designees.

ARTICLE 10 - MISCELLANEOUS

10.00 *Provisions Applicable to This Agreement:* The following general provisions are applicable to this Agreement:

10.01 *Binding Effect:* This Agreement shall inure to the benefit of and shall be binding upon the Town and County and their respective successors and assigns, if any are permitted hereunder.

10.02 *Amendment, Changes and Modifications:* Except as otherwise provided herein, this Agreement may not be effectively amended, changed, modified or altered without the written consent of the Town and the County.

10.03 *Severability:* In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

10.04 *Execution in Counterparts:* This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

10.05 *Applicable Law:* This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

10.06 *Captions:* The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

10.08 *Plural/Singular:* Where appropriate, the use of the singular herein shall include and be deemed to be the plural, and the use of the plural herein shall be deemed to include the singular.

10.09 *No Third Party Beneficiaries:* The Town and the County hereto affirmatively represent that this Agreement is made solely for the benefit of the parties hereto and their respective successors and assigns and not for the benefit of any third party who is not a signature party hereto. No party other than the signature parties and their respective successors and assigns hereto shall have any enforceable rights hereunder, or have any right to the enforcement hereof, or any claim for damages as a result of any alleged breach hereof.

10.10 *Notices:* All notices, applications, requests, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered in person, or mailed by regular first class mail, postage prepaid (in such case, delivery shall be deemed

complete upon mailing), addressed as follows, or to such other place as may be designated in writing by the parties.

To the Town: THE TOWN OF HILTON HEAD ISLAND
Stephen G. Riley, Manager
One Town Center Court
Hilton Head Island, SC 29928

To the County: BEAUFORT COUNTY, SOUTH CAROLINA
Gary Kubic, Manager
Post Office Box 1128
Beaufort, SC, 29902

10.11 *No Waiver:* No failure of either party hereto to exercise any power or right given to such party hereunder, or to insist on strict compliance by any other party to its obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of any party's right to thereafter demand strict compliance with the terms of this Agreement.

10.12 *Further Assurances and Corrective Documents:* The Town and the County agree to do, execute, acknowledge, deliver or cause to be done all such further acts as may be reasonably determined to be necessary to carry out this Agreement and give effect to the provisions hereof. The Town and the County agree that each shall, upon request, execute and deliver such other or

corrective documents as may be reasonably determined to be necessary to carry out this Agreement and each of the provisions hereof.

In Witness Whereof, The Town of Hilton Head Island, South Carolina, and Beaufort County, South Carolina, by and through their duly authorized officers, have set their hands and seals on this ___ day of _____, 2011.

WITNESSES:

Signe W. Buchanan

Victoria L. Kannerud

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By: *[Signature]*

Drew Laughlin, Mayor

Attest: *[Signature]*
Stephen G. Riley, Town Manager

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____

Wm. Weston J. Newton, Chairman

Attest: _____

RESOLUTION

BEAUFORT COUNTY COUNCIL JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH

WHEREAS, the governing body of Beaufort County Council expresses their support of the United States' Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Beaufort County Council:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Beaufort County Council calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of Beaufort County Council encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Dated this 22nd day of August, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

9/11 NATIONAL MOMENT OF REMEMBRANCE

STOP & REMEMBER

SEPTEMBER 11, 2011 • 1:00 PM EDT

The U.S. Senate has unanimously passed a resolution (S. Res. 237) calling on all Americans to participate in a Moment of Remembrance on September 11, 2011. For one minute, first responders, houses of worship, towns, and others throughout the country will sound sirens and bells in a signal to each of us to STOP AND REMEMBER the 10th anniversary of the tragedies of September 11, 2001.

*On September 11, 2011,
will you join us in committing to
STOP AND REMEMBER?*

1:00 PM EDT
12:00 PM CDT
11:00 AM MDT
10:00 AM PDT

Spread the word:

www.lautenberg.senate.gov/stopandremember

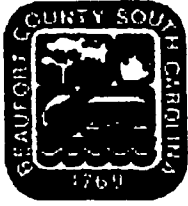


For more information please contact:

stopandremember@lautenberg.senate.gov

Office of Senator Frank R. Lautenberg

www.lautenberg.senate.gov | Tel: 202-224-3224 | Toll Free: 888-398-7642



Memorandum

DATE: August 19, 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 August 8, 2011 through August 19, 2011:

August 8, 2011 (Monday):

- Prepare for County Council Meeting
- County Council Meeting

August 9, 2011 (Tuesday):

- Attend LIBPA Meeting
- Meet with Carolyn Wallace, Finance re: Stormwater Budget
- Meet with Gary Kubic, Ed Allen, Mark Roseneau, David Starkey and Joshua Gruber re: Operations & CIP
- Meet with Gary Kubic, David Starkey and Doug Henderson re: Financial Advisory Services (Present & Future)

August 10, 2011 (Wednesday)--Bluffton:

- Attend New River TIF Meeting at Sheridan Park Office
- Bluffton Hours

August 11, 2011 (Thursday):

- Trip to Three Rivers SWA, Aiken, SC

August 12, 2011 (Friday)--Bluffton:

- Bluffton Hours
- Meet with Morris Campbell, Community Services Director re: Various Issues
- Meet with Mark Roseneau, Facilities Director re: Various Issues
- Meet with Duffie Stone and Sean Thornton, Solicitors

August 15, 2011 (Monday):

- DA Meeting
- Attend Rail Trail Discussion
- Attend Bluffton Parkway Maintenance/Trees Meeting
- Meet with Kathy Mitchell, Libraries re: Personnel Needs
- Attend Finance Committee Meeting
- Attend Community Services Committee Meeting

August 16, 2011 (Tuesday):

- Attend Millage Meeting
- Attend Vehicular Taxes/Delinquency Issues Meeting
- Meet with Doug Henderson, Treasurer and Mark Roseneau, Facilities Director re: Space Needs
- Attend Governmental Committee Meeting

August 17, 2011 (Wednesday)--Bluffton:

- Bluffton Hours
- Agenda Review

August 18, 2011 (Thursday):

- Attend Redistricting Meeting
- Meet with David Starkey, CFO re: Reorganization
- Meet with David Starkey and Alicia Holland re: Finance Operational Adjustments

August 19, 2011 (Friday):

- Meet with Carolyn Wallace re: Stormwater Budget
- Meet with Joshua Gruber, Staff Attorney re: Budget Transfer Questions

2011 /

BEAUFORT COUNTY ZONING MAP AMENDMENT (MASTER PLAN AMENDMENT) FOR R300 009 000 0050 (KNOWN AS OAK ISLAND), PART OF THE DATAW ISLAND PLANNED UNIT DEVELOPMENT/PUD, 31.7 ACRES ADJACENT TO DATAW ISLAND, TO ALLOW 21 DUPLEX UNITS (42 TOTAL DWELLING UNITS) RATHER THAN THE 35 SINGLE FAMILY DWELLING UNITS ORIGINALLY APPROVED.

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

Adopted this _____ day of _____, 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

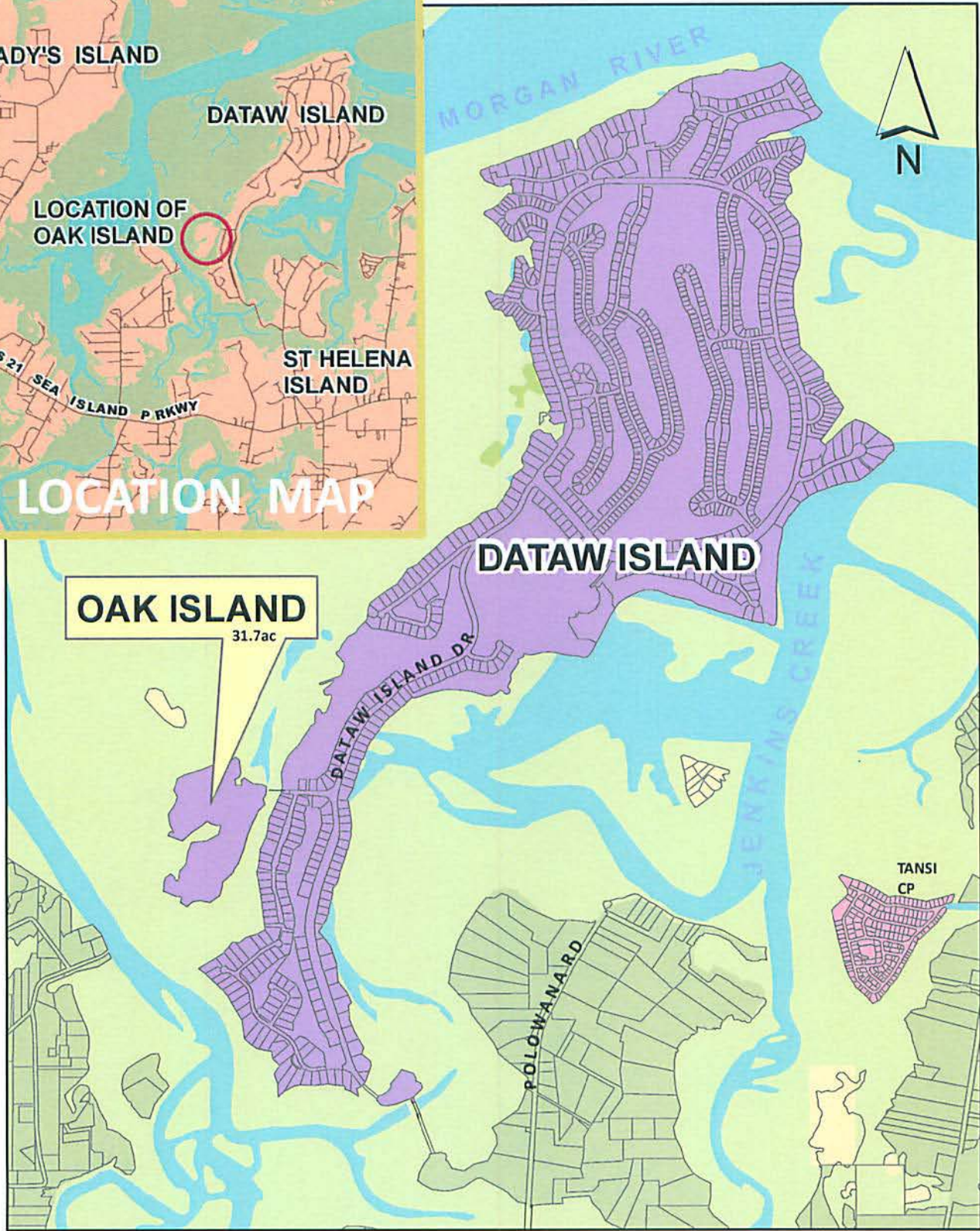
First Reading: August 8, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

(Amending 99/12)



MAP AMENDMENT
 For Oak Island - a part of Dataw Island PUD
 R300 009 000 0050 0000

**ST HELENA ISLAND
 ZONE DISTRICT**

- [RC] Resource Conservation
- [R] Rural
- [CP] Community Preservation
- [PUD] Planned Unit Development

MAP GENERATED 03.30.11 PLANNING -TN



BEAUFORT COUNTY ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT AN UPDATED BEAUFORT COUNTY
HAZARD MITIGATION PLAN**

WHEREAS, Section 409 of the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 CFR, as amended by Section 102 of the Federal Disaster Mitigation Act of 2000, as administered by the Federal Emergency Management Agency, requires and provides a framework for all state and local governments to review and evaluate a local hazard mitigation strategy to protect life and property through an assessment of risk and mitigation practices, as a condition of receiving Federal and State disaster and hazard mitigation assistance; and,

WHEREAS, Beaufort County implemented a previous Hazard Mitigation Plan through adoption of Resolution R-2004-23; and,

WHEREAS, the Beaufort County Hazard Mitigation Planning Committee, along with the Low Country Council of Governments, has been involved in the development of a required update to the Beaufort County Hazard Mitigation Plan; and,

WHEREAS, Beaufort County supports the enhancement and refinement of the Plan in accordance with guidance from the South Carolina Emergency Management Agency and the Federal Emergency Management Agency; and,

WHEREAS, the Beaufort County Hazard Mitigation Plan has been reviewed by the South Carolina Emergency Management Agency and the Federal Emergency Management Agency and has obtained approval pending adoption by local legislative bodies; and,

WHEREAS, Beaufort County recognizes that no community is immune from natural hazards whether it be tornado/severe thunderstorm, flood, hurricane, drought, heat wave, earthquake, or wildfire and recognizes the importance enhancing its ability to withstand natural hazards as well as the importance of reducing the human suffering, property damage, interruption of public services and economic losses caused by those hazards.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council hereby adopts the Beaufort County Hazard Mitigation Plan, attached to this Ordinance as Exhibit A and incorporated herein by reference, as a stand-alone document to be referenced in the Beaufort County Comprehensive Plan.

Done this _____ day of _____ 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk of Council
First Reading: August 8, 2011
Second Reading:
Public Hearing:
Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PART I, CHAPTER 46, ARTICLE III OF THE BEAUFORT COUNTY CODE OF ORDINANCES RELATING TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS BOARD AND PROVISIONS RELATING THERETO

Whereas, Beaufort County Ordinance 2002/33 (General Template) and South Carolina Code Ann. Section 44-20-10 et. seq., establishes the authority for development of County Disabilities and Special Needs Boards; and

Whereas, from time to time it is necessary for County Council to reexamine its codes and ordinances to ensure that they are current in their wording and executions; and

Whereas, it is apparent that certain language contained in Sections 46-91 and 46-92 should be amended to reflect the current processes, characteristics, and purposes of the Beaufort County Disabilities and Special Needs Board.

Now, THEREFORE, BE IT ORDAINED, by Beaufort County Council that Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances be amended to read as follows:

Sec. 46-91. – Purpose.

The purpose of the Beaufort County Board of Disabilities and Special Needs is to advocate for the individuals with disabilities and special needs who are served by the Beaufort County Disabilities and Special Needs Department; to provide assistance and advice to the Beaufort County Disabilities and Special Needs Department staff concerning matters of policy; and to promote community awareness of Beaufort County Disabilities and Special Needs Department programs and services.

Sec. 46-92. – Membership; terms of office.

- (a) The membership of the Board shall be at least seven (7) members, but not more than eleven (11), and shall be appointed by Beaufort County Council.
- (b) Board members shall serve a term of office of four (4) years as identified in their appointment letter subject to the following voting requirements for appointment and reappointment:
 - a. 1st Term- Requires an affirmative vote of no less than six (6) Council members;
 - b. 2nd Term- Requires an affirmative vote of no less than eight (8) Council members; and
 - c. 3rd or Subsequent Term- Requires an affirmative vote of no less than ten (10) members of Council.
- (c) Members of the Board shall serve without compensation from either the State of South Carolina or Beaufort County, with the exception that limited travel or other expenses may be reimbursed upon prior written approval of the County Administrator.

(d) Any member desiring to resign from the Board shall do so by submitting his or her resignation in writing to the Chairman of County Council and the Chairman of the Board of Disabilities and Special Needs. Members who fail to attend 3 consecutive meetings without prior written notice will be subject to recommendation for removal to County Council.

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:

2011 / ____

AN ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$30,000.00 TO ~~CLEMSON EXTENSION~~ PENN CENTER FOR THE DEVELOPMENT OF A LOWCOUNTRY FARMERS / SCHOOL DISTRICT ECONOMIC PARTNERSHIP

WHEREAS, Beaufort County desires to support local farmers by making it possible for them to market their produce locally;

WHEREAS, ~~Clemson Extension has a facility on St. Helena Island, which contains a commercial-type kitchen that can be utilized for food processing; and Penn Center has a building on campus that will be renovated as the processing site; and~~

WHEREAS, the School District can use this locally grown produce in conjunction with its lunch programs.

NOW, THEREFORE, BE IT ORDAINED, by the County Council in a meeting duly assembled that \$30,000.00 be appropriated to ~~Clemson Extension~~ Penn Center to upgrade the building for use in the economic development of a Lowcountry Farmers / School District Economic Partnership to provide a facility to process their produce that would be used by the ~~a local agricultural market for local farmers to market and process their produce to be utilized by the local School District in its lunch programs.~~

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 by Title Only: May 23, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

Business Plan

Fresh Cut Produce Processing Facility

The Gullah Farmer's Cooperative Association And The Penn Center, Inc.

August 16, 2011

I. Overview

Beginning in the early months of 2009 a group of farmers, interested citizens and community leaders began meeting to study the feasibility of a vegetable food processing facility in the greater Beaufort, SC area. This facility would clean, chop and prepare fresh vegetables that could be marketed primarily to schools but also to hospitals, local military bases, restaurants and individuals while providing a viable economic market to local farmers. The facility would save land from development, promote local farming, grow the economy of the region, create jobs and provide fresh and healthy vegetables for the local community.

After considerable discussion with the farmers and the advisory group, the Association has decided to scale down the original plans that included building a new facility and has instead decided to lease a building located on Penn Center's campus and start operations as soon as possible. Phase I of the project will require capital of approximately \$100,000 to begin operations by late-2011. The remaining equipment cost of \$100,000 will be incorporated in Phase II. Hopefully, within three years the original plan that incorporated a new building will be realized which would culminate Phase III. It is critical to begin operations as soon as possible because the Beaufort school system would like to begin receiving fresh vegetable products as soon as possible when school starts in the fall of 2011.

The partners in this venture are The Gullah Farmers Cooperative Association, Inc., The Penn Center, Inc, SC State University, Clemson University, the Cooperative Extension Services of South Carolina and Beaufort County.

There are two primary partners in this project, The Penn Center, Inc. and the Gullah Farmers Cooperative Association, Inc. (GFCA). Penn Center, Inc. is a National Historic Landmark District Institution located on St. Helena Island in South Carolina. The Penn Center was established in 1862 as a school for freed slaves. The school operated until 1948 and in 1950s Penn Center, Inc. became a non-profit entity. The purpose of the entity was to preserve the historic school and become an historic site. Penn Center has been a site for conventions, retreats, conferences and various events throughout the years. Dr. Martin Luther King visited Penn Center and used the facilities as a retreat. The Center offers conference facilities with limited accommodations and a dining hall. Penn Center has as one of its important missions as to preserve agriculture and to encourage economic development in the Lowcountry and on St. Helena Island in particular. Penn Center will be the lead fiduciary entity and will promote the processing facility through its marketing efforts.

In mid-year 2010 a group of 17 farmers formed the Gullah Farmers Cooperative Association, Inc. with the idea to preserve farm land, expand crop markets and encourage agriculture development on St. Helena Island. The group formed the corporation and elected a board of directors and will be the managing operations and will provide oversight for the organization of the processing facility. The co-op members will also supply the products that will be processed and sold by the facility.

As stated above, The Gullah Farmer's Cooperative Association (GFCA) will partner with The Penn Center, Beaufort County, Clemson University and others to create a processing facility that will offer farmers in the area an outlet for crops and products that are locally grown. The function of the facility will be to offer farmers an outlet for locally grown produce where the farmers receive wholesale prices for their goods. Currently, farmers must drive their product to Columbia or other locations, arrive early in the morning and stay sometimes until afternoon, using a lot of time and money with mixed success. The produce utilized in the facility could be in large or small lots. The facility would serve a multi-county area including Beaufort, Hampton, Jasper and Colleton Counties by providing an outlet for sales of product to entities in these counties. The facility will offer the opportunity for farmers to have their products processed and packaged in lots that would be attractive to customers who require large volumes of product. These would include school systems, military installations, and hospital food suppliers for use in the food service operations. As capacity rises in years three and beyond, additional distribution markets will be developed. These customers might include small grocery stores/chains, restaurants, private citizens wanting large lots for food preservation, and others.

The new facility will be leased by the farmer participants through the co-op. The processing facility will buy, at wholesale prices, from the farmers and charge a 20-30% mark up on the product to pay the operating costs of the facility, staff expenses and the processing costs.

An issue facing farmers in the area is the problem of not being able to give "shelf life" to the products that they sell. If a farmer has a surplus of product that he/she cannot sell immediately it is often lost. One of the fundamental goals of the operation would be to provide locally grown high quality produce and provide outlets for sale of products of these local farmers. Small farmers don't always have the type of equipment necessary to get their produce refrigerated quickly to retain the freshness. The operation of this facility would provide a venue and the tools needed to enable someone with even a few acres to put it into production and earn some income. It is estimated that the availability of this facility will double the number of active farms in the area within 5 years. The availability of the processing facility will also extend the seasons and crop rotation available to the local farmers.

Among the possible crops to be grown are: collards, squash, cabbage, spinach, lettuce, onions, radish, peppers, kale, turnips, mustard, broccoli, cauliflower, zucchini, tomatoes, melons, okra, beans, eggplants, potatoes, peas, and corn. At full operation, the processing facility should be able to operate all year with seasonal crops.

All farmer owners who wish to have their products sold to the school districts would also be required to acquire a Good Agricultural Production (GAP) certification. The training and certification process will be facilitated by the staff and management of the processing facility.

II. Target Customers

In the start up phase of this operation there will be two classes of target customers. One customer class being identified as the farmers who are now members of GFCA who currently farm and raise crops on St Helena Island. In November 2010, seventeen area farmers incorporated as the Gullah Farmers Cooperative Association (GFCA) for the purpose of jointly processing and distributing their produce locally and beyond. GFCA will be a major supplier to the processing facility and the prime target customer in this class. In addition to this group, are the individuals who own several acres of land and wish to earn supplemental income through farming. This group will be interested in farming at increased levels if they know that there is a market outlet for the goods that they produce. These groups are targeted to produce sufficient product that will insure that the facility will have the product to process to meet the demand that it will create.

The second major target customer base is the end user customers. As described before, this group includes the county school district's cafeterias, military base mess halls, hospital food service and any large food service provider that needs medium to large supplies of food products on short notice.

As the program matures and if successful with this group and there is product available, the customer base can be expanded to grocery market chains, restaurants and individuals that would need large quantities of processed product.

In the beginning, the processing facility will focus on the Beaufort County School District since it has indicated its interest from the beginning. Beaufort County school system officials have expressed interest and been involved in planning discussions all along. They are very interested in developing a "Farm to School" program where the school district will purchase locally raised produce for use in the school's cafeterias. The school system has agreed to purchase up to 8 servings per month of six local vegetables when they are available. That would amount to 54,000 pounds of fresh cut produce for the coming academic year. That represents 45% of GFCA's first year production and sales goal.

The relatively low pricing structure should make products from the proposed facility attractive to nearby school systems in addition to Beaufort County schools. The combined purchases of two smaller systems, Jasper and Colleton for example, are expected equal that of the Beaufort schools. That amounts to another 45% of first year production and sales goals, leaving only 10% to be met by sales to other buyers. The additional 10% in sales needed to reach first year goals would ideally come from increased purchases by the well-served school systems rather than new buyers.

III. Competition

While competition will come from a variety of sources, GFCA believes that they will capture a significant share of the market based on the fact that the products are locally grown fresh cut produce. There will be a demand for the products from customers because of the support that the customers wish to offer to local farmers and due to the fact that the price points will be very competitive. By there being very little transportation costs incurred, there being no middle market brokers and the margins for the processing facility being low, prices should be very competitive.

IV. Marketing Plan

The facility will market its products through phone and email contact with the identified target customers that are the end users. The initial core group of coop members is farming a total of 750 acres and has experience in growing the greens and vegetable crops that are in demand by the local school systems. The average price per pound of \$0.40 for produce purchased in the field should be adequate to obtain the variety and quantities of produce needed from GFCA farmers. Pricing and cost structures will, however, vary from crop to crop. Prices should remain competitive throughout because of the proximity of the farmers to the processing facility, reducing transportation costs.

In addition to the core group, many other area farmers have indicated an interest in growing for the enterprise when it is in operation. The start up phase of the enterprise will involve some fine tuning of systems for matching production schedules with sales demand. The farmers will have to decide who will grow which crops, and they will need adequate lead time to work those crops into their rotation schedules.

Initially, the signature crop of the GFCA and the processing facility will be collards. These nutritious greens are a traditional staple in the Lowcountry and have a long growing season in the region. The organizers of the fresh cut enterprise expect collards to comprise a significant portion of their sales to institutional buyers in the first year and to be the basis of sales growth in subsequent years. They also expect that with collard greens as their signature crop, they could expand their sales reach well beyond the Lowcountry region.

Another staple product line to be marketed by the facility will be mixed salad greens. As with collards, all greens seem to grow well on the Lowcountry. The facility will develop a mixed green salad mix that will be bagged and marketed to the schools. This mix can be used as an individual salad or be used on salad bars.

The GFCA organizers are also aware of the increasing market share and higher prices being captured by organically grown produce. At least one of the farmers in the cooperative has already experienced success using organic growing methods. This is a trend that the GFCA will continue to watch closely and test out in their local market.

V. Operating Plan

The facility will be on Penn Center's campus located on St. Helena Island, SC. The facility will be approved by the SC Department of Agriculture as a food processing facility and the GFCA group will lease the building from The Penn Center, Inc. The building will need to be renovated to accommodate the processing operation.

Renovations include installing walls and ceiling coverings that are washable and adding loading docks. A portable cooler will be re-located on site. Office space will also be leased from Penn Center. The equipment that will ultimately be necessary for the facility includes stainless steel prep tables, an industrial size washer, a bagger, a metal detector, walk-in cooler, ice machine and the facility will need to be air-conditioned. Additional equipment that will also be needed includes a refrigerated truck with a ramp or hydraulic lift gate for loading/unloading products. The truck will be used for delivering the product to customers and raw goods pick-up if necessary.

Staff for the facility, when operating at full capacity, will employ nine people. Six people to do the processing and driving and three will handle marketing, management, and record keeping/financials.

Finding an experienced manager for the enterprise is important and could be difficult. It may be necessary for that person to learn on the job, perhaps by working on the processing line during the start up phase. It will also be important to keep fixed costs like management salaries as low as possible until production approaches the capacity of the equipment. All salaried employees will be hired with skills that will allow them to be multifunctional.

In the Pro Forma Income Statement it is assumed that for the first two years of operation the manager position would include production supervision and bookkeeping work as well as overall responsibility for the facility. The marketing position would also function as driver for collecting produce and delivering products to customers. Multifunctional positions like these not only help to keep fixed costs and risk low during the start up of the business but it will help keep managers more in touch with the realities of operations. This staffing plan will be a plus for the facility manager to have a hands-on role in production supervision and bookkeeping and for the marketing person to have frequent personal contact with farmers and customers while doing pick-ups and deliveries.

The GFCA/Facility Board will be expected to provide management oversight of the facility without attempting to micromanage. This will be accomplished through the analysis and continued monitoring of the organization's financial statements. Understanding some concept of financial information will be a requirement for consideration for service on the Board. However, continuing education in this area will be provided to Board members. An independent accountant will review financial information from the organization with the Board and provide training in the analysis and use of financial statement data. The Board will also have a significant role in maintaining good member relations and promoting the cooperative enterprise in the broader community. Initiating a program of cooperative education for the Board and members is the best way to head off organizational conflict and will be started as soon as possible.

The consulting services of an accountant and the cooperative educational program could be funded by member shares and cash flows from operations.

VI. Assumptions

A feasibility study has been prepared by Clark Tibbits and was completed in March of 2011. Some of the information from the study has been incorporated into this business plan. The complete study document is available.

The assumptions for the plan are made in order to better understand the dynamics of the financial Pro Forma projections. Assuming that the fixed assets (equipment, truck, facility upgrade) needed for start up of the enterprise come from grants, the initial capital required should not be great. Most of the expenses in the attached Pro Forma Income Statement and Cash Flow Statement are variable and can be covered by sales.

Initial working capital will be needed, however, to cover management salaries, office expenses, rent and insurance until the enterprise is producing and selling products. Assuming that these fixed expenses will be incurred for two months before sales are made and that sales accounts will be paid within 30 days, the amount of initial working capital needed to launch the enterprise would be one quarter of first year fixed expenses or about \$27,000. Adding a 10% contingency would make the initial working capital requirement \$30,000.

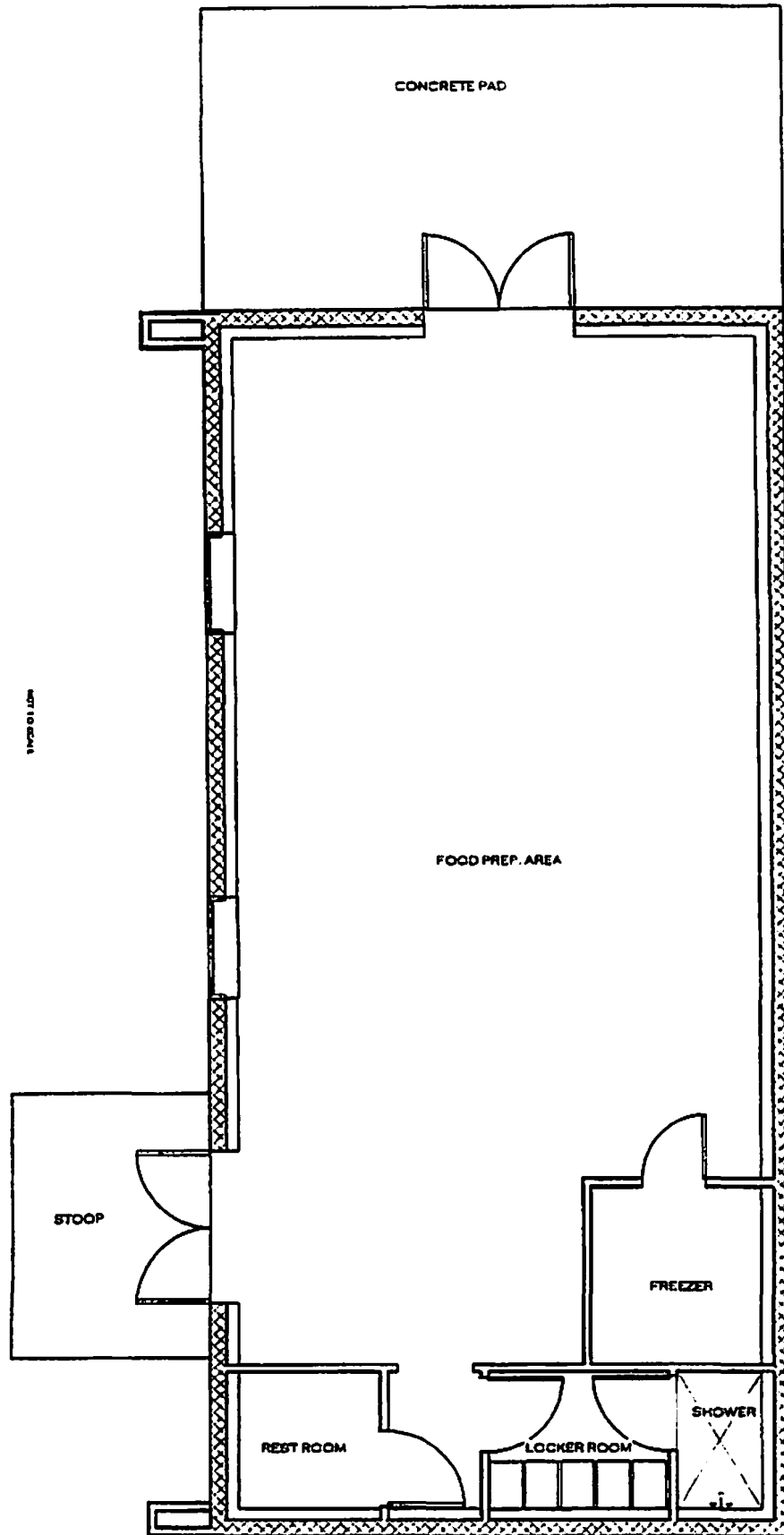
This amount could be funded from a combination of initial share capital investments from members, a working capital loan, or bank line of credit. Ongoing working capital to fund growth in sales after the start up period could come from ongoing additions to member share capital. GFCA plans to ask its members to invest 5-10% of their sales to the Coop in their share capital accounts.

This business plan was developed by the USCB Small Business Development Center with client supplied information.

GULAH FARMERS ASSOCIATION COOPERATIVE FRESH CUT PRODUCE ENTERPRISE

PRO FORMA INCOME STATEMENT

	EXPECTED RESULTS DURING START-UP OPERATIONS PHASE 2011 - 2012	EXPECTED RESULTS FROM BROADER MARKETING EFFORT 2012 - 2013	EXPECTED RESULTS FROM CAPACITY OPERATIONS 500#/hr; 5 hrs/da; 195 da/yr
SALE OF PRODUCTS	\$192,000	\$384,000	\$768,000
COST OF PRODUCE PURCHASED FROM FARMERS	\$60,000	\$120,000	\$240,000
GROSS PROFIT FROM OPERATIONS	\$132,000	\$264,000	\$528,000
Manager/Production supervisor/Bookkeeper	\$35,000	\$45,000	\$80,000
Marketing/Pick up and delivery driver	\$25,000	\$35,000	\$60,000
Salaried employee benefits	\$4,980	\$24,000	\$42,000
Office expense (rent and supplies)	\$9,600	\$9,600	\$12,000
Insurance expense	\$4,800	\$4,800	\$5,000
FIXED OPERATING EXPENSES	\$79,380	\$118,400	\$199,000
Hourly labor expense	\$18,000	\$26,400	\$52,800
Indirect labor cost	\$1,494	\$7,920	\$15,840
Facility rental expense	\$12,000	\$18,000	\$28,800
Utilities expense	\$5,000	\$10,000	\$20,000
Packaging and supplies expense	\$12,000	\$24,000	\$48,000
Vehicle operation and servicing expense	\$5,000	\$10,000	\$20,000
VARIABLE OPERATING EXPENSES	\$53,494	\$96,320	\$185,440
NET PROFIT FROM OPERATIONS	-\$874	\$49,280	\$143,560
ASSUMPTIONS:			
Percent of full capacity operation	25% of capacity	50% of capacity	Close to 100% of capacity
Total annual production	120,000 # in 1st year	240,000# in 2nd year	480,000#/year
Total sales of products	Average \$1.60/#	Average \$1.60/#	Average \$1.60/#
Purchases from farmers	\$.040/# with 20% waste	\$.040/# with 20% waste	\$.040/# with 20% waste
Employee productivity	50#/employee/hour = 2400 employee hours	80#/employee/hour = 3000 employee hours	80#/employee/hour = 6000 employee hours
Production set up and clean up	Assumed to be in productivity estimate	Assumed to be in productivity estimate	Assumed to be in productivity estimate
Direct labor cost	2400 hours @ \$7.50/hour = \$18,000	3000 hours @ \$8.8/hour = \$26,400	6000 hours @ \$8.8/hour = \$52,800
Indirect labor cost	Indirect labor cost @ 8.3% of direct cost	Indirect labor cost @ 30% of direct cost	Indirect labor cost @ 30% of direct cost
Annual processing hours	300#/hour = 400 hours of processing	400#/hour = 600 hours of processing	500#/hour = 960 hours of processing
Facility rental cost	\$30 per hour x 400 hours	\$30 per hour x 600 hours	\$30 per hour x 960 hours



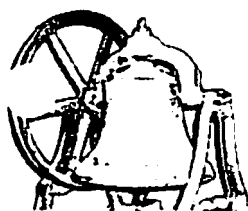
AO2

DESIGNED BY OTIS SMITH, L.L.C. DESIGN BUILDER.
 182 LAUREL BAY ROAD
 BEAUFORT, SOUTH CAROLINA 28506
PH: 252.738.8840 FAX: 252.738.7031

PROJECT

DATE
 AUGUST 30 2010

Rec 8-10-11



Penn Center, Inc.

Penn School Historic Landmark District

August 10, 2011

Mr. Wm. Weston J. Newton, Chairman
Beaufort County Council
Accommodations Tax Board
P.O. Drawer 1228
Beaufort, SC 29901-1228

Dear Mr. Newton:

Penn Center, Inc. has been one of the planning agencies to establish the Gullah Farmers Cooperative Fruit and Vegetable Processing Facility. As a conduit, Penn has been awarded a grant in the amount of \$100,000.00 from the United States Department of Agricultural (USDA) Rural Development to purchase the necessary equipment for the facility.

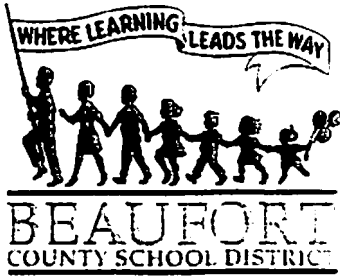
In addition, Penn Center is committed to using a building on campus which was previously used as a seafood (conch) processing facility. We have a "shovel ready" drawing and schematic which could be utilized to upgrade the building for the Fruit and Vegetable Processing Facility.

Again, we highly endorsed the establishment of this facility, and I hope Beaufort County Council would support this project which would provide a positive economic impact for the community and provide locally-grown farm commodities.

If you have questions or required additional information, please contact me at (843) 838-2432.

Sincerely,

Walter B. Mack
Executive Director



BEAUFORT COUNTY BOARD OF EDUCATION

FRED WASHINGTON, JR.
Chairman, District 11
Beaufort, Port Royal

August 12, 2011

GEORGE WILSON
Vice Chairman, District 10
Bluffton, Okatie

Mr. Wm. Weston J. Newton, Chairman
Beaufort County Council

LAURA BUSH
Secretary, District 4
Bluffton, Daufuskie

P.O. Drawer 1228
Beaufort, SC 29901

STEVE MORELLO
District 1
Hilton Head Island

Re: Farm-to-School Program

JULIE BELL
District 2
Hilton Head Island

Dear Chairman Newton:

DR. WAYNE CARBIENER
District 3
Hilton Head Island

The Beaufort County School District student nutrition department has been approached by the SC Department of Education Student Nutrition Department, Clemson Extension (Beaufort office) and the SC Department of Agriculture to determine if the District would be interested in participating in a "Farm-to-School" program. The program will provide local farmers the opportunity to provide fresh, locally grown produce (tomatoes, squash, greens, cucumbers, etc.) to local schools for the federally funded *National School Lunch Program*. The oversight provided by Clemson extension will ensure all food safety/sanitation practices are in place and monitored including liability insurance.

MICHAEL RIVERS, SR.
District 5
St. Helena Island

EARL CAMPBELL
District 6
Dale, Lobeco, Seabrook

BILL EVANS
District 7
Lady's Island, Beaufort

HERBERT BURNES
District 8
Burton

The Board of Education is confident that the program will meet all the necessary requirements of the National School Lunch program and therefore, on May 17, 2011 approved the participation of the District.

RONALD SPEAKS
District 9
Burton

Sincerely,

DR. VALERIE TRUESDALE
Superintendent

ROBYN CUSHINGBERRY
Executive Assistant to the Board

Fred S. Washington, Jr.
Chairman

RESOLUTION

In accordance with Section 1 of Ordinance 2011 / 2012 County Council of Beaufort County hereby adopts the following millage rates for Fiscal Year 2011 / 2012:

	<u>As Adopted</u> ¹	<u>As Revised</u>
School Operations	90.26	90.26
School Debt Service	28.00	28.00

Adopted this 23rd day of August, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

¹ Ordinance 2011 / 22, adopted June 27, 2011

RESOLUTION

In accordance with Section 1 of Ordinance 2011 / 23 County Council of Beaufort County hereby adopts the following millage rates for Fiscal Year 2011 / 2012:

	<u>As Adopted</u> ¹	<u>As Revised</u>
Bluffton Fire District Operations	19.67	19.67
Bluffton Fire District Debt Service	0.38	0.38
Burton Fire District Operations	55.87	55.87
Burton Fire District Debt Service	5.53	5.53
Daufuskie Island Fire District Operations	30.71	31.74
Daufuskie Island Fire District Debt Service	0.00	0.00
Lady's Island/St. Helena Fire District Operations	31.00	32.04
Lady's Island/St. Helena Fire District Debt Service	1.50	1.50
Sheldon Fire District Operations	32.22	32.22
Sheldon Fire District Debt Service	2.18	2.18

Adopted this ____ day of August, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

¹ Ordinance 2011/23, adopted June 27, 2011

The refunding of the Bonds to be Refunded shall be effected with a portion of the proceeds of the Bonds which proceeds shall be used for the payment of the principal of such Bonds to be Refunded as and when such Bonds to be Refunded mature and are called for redemption in accordance with the provisions of the 2003 Ordinance and interest on such Bonds to be Refunded as and when the same becomes due. If necessary, notice of the aforesaid refunding for which a portion of the proceeds of the Bonds will be used shall be given in a financial paper published in the City of New York, State of New York.

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

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

Upon the award of the Bonds, the County shall designate the Bonds to be Refunded for redemption on a date determined by the County Administrator and/or his lawfully-authorized designee in accordance with the 2003 Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enacted this _____ day of September, 2011.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: August 22, 2011 (Tentative)

Second Reading:

Public Hearing:

Third and Final Reading:

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2011.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, County and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, BEAUFORT COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the manual or facsimile signature of the Chairman of the County Council, attested by the manual or facsimile signature of the Clerk to the County Council and the seal of the County impressed, imprinted, or reproduced hereon.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

A copy of the final approving opinion to be rendered shall be attached to each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a manual or facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinion (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of Bonds of which the within Bond is one, the original of which opinion was manually executed, dated and issued as of the date of delivery of and payment for the Bonds and a copy of which is on file with the County Council of Beaufort County, South Carolina.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2011, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____" (the "Ordinance").

The proceeds of the bonds will be used together with other available funds of the County for the following purposes: The proceeds of the bonds will be used for the following purposes: (i) refunding certain maturities of the County's original principal amount \$25,500,000 General Obligation Bonds, Series 2003, dated June 15, 2003; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

Pursuant to Section 11-27-40(8) of the South Carolina Code of Laws, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230, South Carolina Code of Laws 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Beaufort County.

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2011; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
-------------	--------------------------	-------------	--------------------------

*Preliminary, subject to adjustment.

Adjustment of Maturity Schedule. The County reserves the right, in its sole discretion, either to decrease or increase the principal amount of the Bonds maturing in any year (all calculations to be rounded to the near \$5,000), provided that any such decrease or increase shall not exceed 10% of the Bonds. Such adjustment(s), if any, shall be made within twenty-four (24) hours of the award of the Bonds. In order to calculate the yield on the Bonds for federal tax law purposes and as a condition precedent to the award of the Bonds, bidders must disclose to the County in connection with their respective bids the price (or yield to maturity) at which each maturity of the Bonds will be reoffered to the public.

In the event of any adjustment of the maturity schedule for the Bonds as described herein, no rebidding or recalculation of the proposals submitted will be required or permitted. Nevertheless, the award of the Bonds will be made to the bidder whose proposal produces the lowest true interest cost solely on the basis of the Bonds offered, without taking into account any adjustment in the amount of the Bonds pursuant to this paragraph.

The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

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

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and

Delivery: The Bonds will be delivered on or about _____, 2011, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

BEAUFORT COUNTY, SOUTH CAROLINA

s/ _____
Chair of County Council

ORDINANCE NO.

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO.

WHEREAS, smoke from outdoor burning in populated areas can present a serious health hazard to individuals with respiratory ailments, including children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, smoke from outdoor burning is a common cause of complaints between neighbors and may become a public nuisance to residents of Beaufort County and the traveling public; and

WHEREAS, smoke from outdoor burning may pose significant visibility problems for individuals driving within Beaufort County resulting in accidents and other public safety issues; and

WHEREAS, Beaufort County Council finds that it is in the interest of the public health, safety, and welfare of the citizens of the County, to strictly regulate outdoor burning.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that the following regulations are hereby adopted with regards to outdoor burning:

Section 1. Compliance With Ordinance. No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained within the unincorporated areas of Beaufort County, excepted as stated in this ordinance.

Section 2. Regulation of Open Burning. The open burning of leaves, tree branches, yard trimmings, and other vegetative matter originating on the premises of residential properties located within the unincorporated areas of Beaufort County shall be permitted, provided that any such open burning must be located no less than seventy-five (75) feet from any structure, road, or property line. Adequate provisions shall be made to prevent the fire from spreading to any area within seventy-five (75) feet of any structure, road, or property line. The open burning as provided for under this section must be started only between the hours of 9:00 a.m. and 3:00 p.m. No combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day. Any open burning as provided for under this section shall be fully extinguished and shall not allow any smoke to be produced beyond the time of official sunset as determined by The United States Naval Observatory.

Section 3. Open Burning on Premises of Undeveloped Properties for Purposes of Land Clearing or Right-of-Way Maintenance. Open burning for purposes of land clearing or right-of-way maintenance on the premises of undeveloped properties upon which no residential structure is situated, shall be permitted, provided that such burning is conducted in accordance with the South Carolina Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and South Carolina Code of Laws Section 48-35-10, and provided that authorization for the open burning is obtained from the South Carolina Forestry Commission prior to ignition of the fire.

Section 4. Attendance and Fire Extinguishing Equipment Required for Open Burning; notice to State Forester; adherence to State Law. The open burning permitted under section 2 above shall at all times be attended by a competent person from the time that such fire is kindled, until such time as all embers of said fire have been extinguished. Such responsible person shall have a garden hose connected to a constant water supply, or other fire extinguishing equipment readily available for use, in such quantities and amounts as shall prevent the spread of any open burning beyond permitted areas. Proper notification shall be given to the State Forester or his duly authorized representative or other persons designated by the State Forester by calling the South Carolina Forestry Commission at 1-800-895-7062. The notice shall contain all information required by the State Forester. The open burning must be conducted in accordance with related State Laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and South Carolina Code of Laws Section 48-35-10.

Section 5. Fires Shall Be Prohibited as Follows.

a. The County Designated Fire Code Official, in coordination with the Fire Chief's of the individual Fire Districts in Beaufort County, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.

b. The only materials that may be lawfully burned as permitted in Section 2 above, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the unincorporated areas of Beaufort County, which materials shall include, but not be limited to; asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

Section 6. Criteria for Determining When Open Burning Deemed Hazardous. When a Red Flag Alert has been declared in Beaufort County by the South Carolina Forestry Commission, it shall automatically constitute a hazardous condition. Thereafter, no open burning of any material, vegetative or otherwise, will be permitted within the unincorporated areas of the County for so long as the alert may remain active. Beaufort

County Council may also from time to time establish by resolution, reasonable criteria to assist in determining what conditions are present that may pose a hazardous situation for the burning of outdoor fires. These criteria may include, but are not limited to, air quality standards, fire danger indexes, atmospheric conditions, or local weather patterns. Additionally, should any Fire Chief of any Individual Fire District, or the County Designated Fire Official, certify in writing to the County Administrator that any current condition or set of conditions pose a present or imminent hazardous situation for purposes of banning open burning, then a ban shall take immediate effect and may last for a period of no more than thirty (30) days or until such time as County Council may have had an opportunity to hear and render a decision on the necessity of an open burning ban, whichever is shorter.

Section 7. Prohibition on Open Burning in County Maintained Drainage Ditches and on County Maintained Roads and Right-of-Way. Open burning of any material, vegetative or otherwise, shall be prohibited on all County maintained roads and right-of-ways, and within County maintained drainage ditches. At no time shall the ash or remnants of open burning be allowed to enter into County maintained drainage ditches or upon County maintained roads and right-of-ways.

Section 8. Exemptions.

a. Nothing in this Ordinance shall apply to regulate the burning of vegetative material as related to the management of forestry, wildlife, or agriculture areas, as expressly authorized by the State Forestry Commission.

b. Nothing in this Ordinance shall be meant to restrict open burning in connection with the preparation of food for consumption, campfires or other like fires intended solely for recreational purposes, or those fires necessary for religious or ceremonial occasions, or for providing human warmth, so long as said fires are maintained in a safe manner.

c. Nothing in this Ordinance shall apply to the open burning of storm debris that shall result from major storms such as severe thunderstorms, tornadoes, or hurricanes. Any fire that is contemplated under the exemption contained in this section shall require the review and approval of the County Designated Fire Code Official and the Fire Chiefs of the individual Fire Districts in which the fire is intended to occur.

d. Nothing in this Ordinance shall apply to limit the training of fire-fighting personnel so long as the kindling of any such fire has been authorized by an appropriate governmental entity, has been done in consultation with the South Carolina Department of Health and Environmental Control, is solely for the purposes of fire-fighter training, and is immediately extinguished upon the completion of all training activities.

Section 9. Hazardous or Toxic Materials. At no time shall hazardous or toxic materials be burned within the unincorporated areas of Beaufort County.

Section 10. Penalties.

Enforcement of this Ordinance shall fall under the jurisdiction of both the Beaufort County Sheriff's Office and Beaufort County Codes Enforcement. Officers of the Beaufort County Sheriff's Office and Beaufort County Codes Enforcement shall have the authority to exercise full discretion in deciding whether to issue a warning or a citation when investigating complaints that arise under this Ordinance. Any violation of this Ordinance may be punishable by a fine of up to \$110.00, or up to 30 days imprisonment.

DONE THIS _____ DAY OF _____, 2011, AT A MEETING
DULY ASSEMBLED OF BEAUFORT COUNTY COUNCIL.

Weston J. Newton, Chairman
Beaufort County Council

Gary Kubic
Beaufort County Administrator

ATTEST:

Sue Rainey
Clerk to Council

As to Form:

Joshua A. Gruber
Staff Attorney

Title 48 - Environmental Protection and Conservation
CHAPTER 35.
REGULATION OF FIRES ON CERTAIN LANDS

SECTION 48-35-10. Starting fire in woodlands, grasslands, and other places unlawful unless certain precautions are taken.

It shall be unlawful for any owner or lessee of land or any employee of such owner or lessee or other person to start, or cause to be started, a fire in any woodlands, brushlands, grasslands, ditchbanks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto, except under the following conditions:

(a) Proper notification shall be given to the State Forester, or his duly authorized representative or other persons designated by the State Forester. The notice shall contain all information required by the State Forester or his representative.

(b) Such persons shall have cleared around the area to be burned and have immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread.

(c) The person starting the burning shall supervise carefully the fire started and have it under control prior to leaving the area.

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**REGULATION 61-62.2
PROHIBITION OF OPEN BURNING**

OPEN BURNING IS PROHIBITED EXCEPT AS PROVIDED BELOW:

SECTION I - Exceptions

- A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises.
- B. Open burning in connection with the preparation of food for immediate consumption.
- C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth. Fires set for the purpose of human warmth must use only clean wood products (woody vegetation, leaves, or wood which is not coated with stain, paint, glue or other coating material, and not treated lumber).
- D. Fires purposely set in accordance with Smoke Management Guidelines for Vegetative Debris Burning Operations in South Carolina, administered by the South Carolina Forestry Commission and acceptable to the Department to include the following:
 - 1. Prescribed burning of forest lands for specific management practices; and
 - 2. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes.
 - 3. Open burning of trees, brush, grass and other vegetable matter for game management purposes.
- E. Open burning in areas other than predominantly residential for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following minimum conditions are followed:
 - 1. The location of the burning must be a sufficient distance but not less than 1000 feet, from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted.
 - 2. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public roadway or a residential, commercial, or industrial site.
 - 3. The material to be burned must have been generated onsite and not moved to the site from another location:

4. The amount of dirt on the material being burned must be minimized;
5. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned;
6. The initial burning must be started only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day;
7. No more than two piles 30' x 30' or equivalent may be burned within a six-acre area at one time; and
8. In the case of land clearing, all salvageable timber and pulpwood must be removed.

F. Fires set for the purposes of training fire-fighting personnel and conducted at permanent fire-fighter training facilities. Prior Department approval is required in order to obtain the exemption as a permanently established training site. Fires set for the purpose of fire-fighter training at non-permanent locations must receive Department approval prior to the initiation of any burning activity. Materials used for fire-fighter training cannot contain asbestos, heavy oils, asphaltic material, plastic or rubber without express written consent from the Department.

G. Open burning on the property where it occurs of residential construction waste from building and construction operations will be exempt only if the following conditions are met:

1. The material being burned is residential construction waste associated with the building and construction of one and two family dwellings only;
2. The location of the burning is at least five hundred (500) feet from any occupied structure other than a dwelling or structure located on the property on which the burning is conducted;
3. Heavy oils, treated wood products, asphaltic materials, items containing natural or synthetic rubber, or any other trade wastes which produce smoke in excess of forty (40) percent opacity are not burned;
4. The burning does not occur during the ozone season (April 1 through October 30); and
5. The burning is conducted only between the hours of 9:00 a.m. and 3:00 p.m.;

H. Open burning, in remote or specified areas:

1. For non-recurring unusual circumstances.
2. For experimental burning for purposes of data gathering and research.

However, prior approval for these types of burning (in subparagraph H above) must be obtained from the Department.

SECTION II - General

A. A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in appropriate legal action.

B. Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation.

C. The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above, whenever in the judgment of the Department such is necessary to realize the purpose of this Regulation.

R. 61-62.2 History - *South Carolina State Register*:

Vol. 7, Issue No. 4, (Doc. No. 296), April 22, 1983.

Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985.

Vol. 28, Issue No. 6, (Doc. No. 2872), June 25, 2004.

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

**REGULATION 61-62.4
HAZARDOUS AIR POLLUTION CONDITIONS**

A. DEFINITIONS

The following words and phrases when used in this regulation shall have the meanings respectively ascribed to them:

1. Hazardous Conditions (or hazardous levels) — Conditions created by the release or discharge into the ambient air of one or more air contaminants which because of the characteristics and/or quantity of material involved may pose an imminent threat to the health of anyone who might come in contact with the material through this release as well as involving substantial risk of injury, to include injury to property or plant and animal life. This includes the indirect threat to human life and property by the creation of traffic hazards.

2. Traffic Hazards — Impairment of visibility whenever the concentration of dust, fumes, condensed vapor, or any other substance is such that the horizontal visibility at or near ground level is reduced to 2400 feet or less.

B. GENERAL

The owner or operator of any source, in addition to complying with all applicable regulations and standards, shall take all steps necessary to protect human health and welfare and otherwise minimize the effects of unintended, short-term or other releases of air contaminants and other substances which produce unintended hazardous conditions.

C. TRAFFIC HAZARDS

The emission of smoke, dust, fumes, condensed vapor, or any other substance which creates a traffic hazard on public roads by impairment of visibility, or intensifies an existing condition to the extent that a traffic hazard is created is prohibited.

D. EMERGENCY ACTIONS

In the event that releases of dust, fumes, smoke, gases, mists, vapors or other substances occur in such quantity as to create imminently hazardous levels, the owner or operator of the source shall take all necessary emergency acts to cause the release to cease, to notify nearby residents and occupants, to assist in evacuation if deemed necessary, to notify the Department immediately and to take such other action as responsible officials deem advisable.

E. CLEANUP

If releases to the atmosphere of air contaminants result from spillage and cause such concentrations as to produce an imminently hazardous level, clean up activities shall begin as soon as possible and shall be completed to the satisfaction of the Commissioner.

F. NOTIFICATION

The affected public, the Department, the South Carolina Disaster Preparedness Agency, and all law enforcement officials having jurisdiction shall be notified promptly by the owner or operator of the source in the event of releases of material which may cause imminently hazardous levels. If traffic hazards are created, notification shall be made to appropriate state or local agencies of the possible existence of such a condition and of the corresponding need for posting of appropriate signs, warning devices or flagmen. When the concentrations of materials are reduced sufficiently as to no longer present an imminent hazard, public announcement will be made, and normal operations may resume.

R. 61-62.4 History - *South Carolina State Register*:
Vol. 2, Issue No. 5, (Doc. No. ?), May 29, 1978;
Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985.

RESOLUTION

In accordance with Section I of Ordinance 2011 / 23 County Council of Beaufort County hereby adopts the following millage rates for Fiscal Year 2011 / 2012:

	<u>As Adopted</u> ¹	<u>Debt</u> ↑	<u>Rural & Critical</u> ↑
County Operations	40.21	40.21	40.21
Purchase of Real Property Program	2.76	2.96 (.20↑)	2.96 (.20↑)
County Debt Service	4.57	5.41 (.84↑)	4.57

Adopted this ____ day of August, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

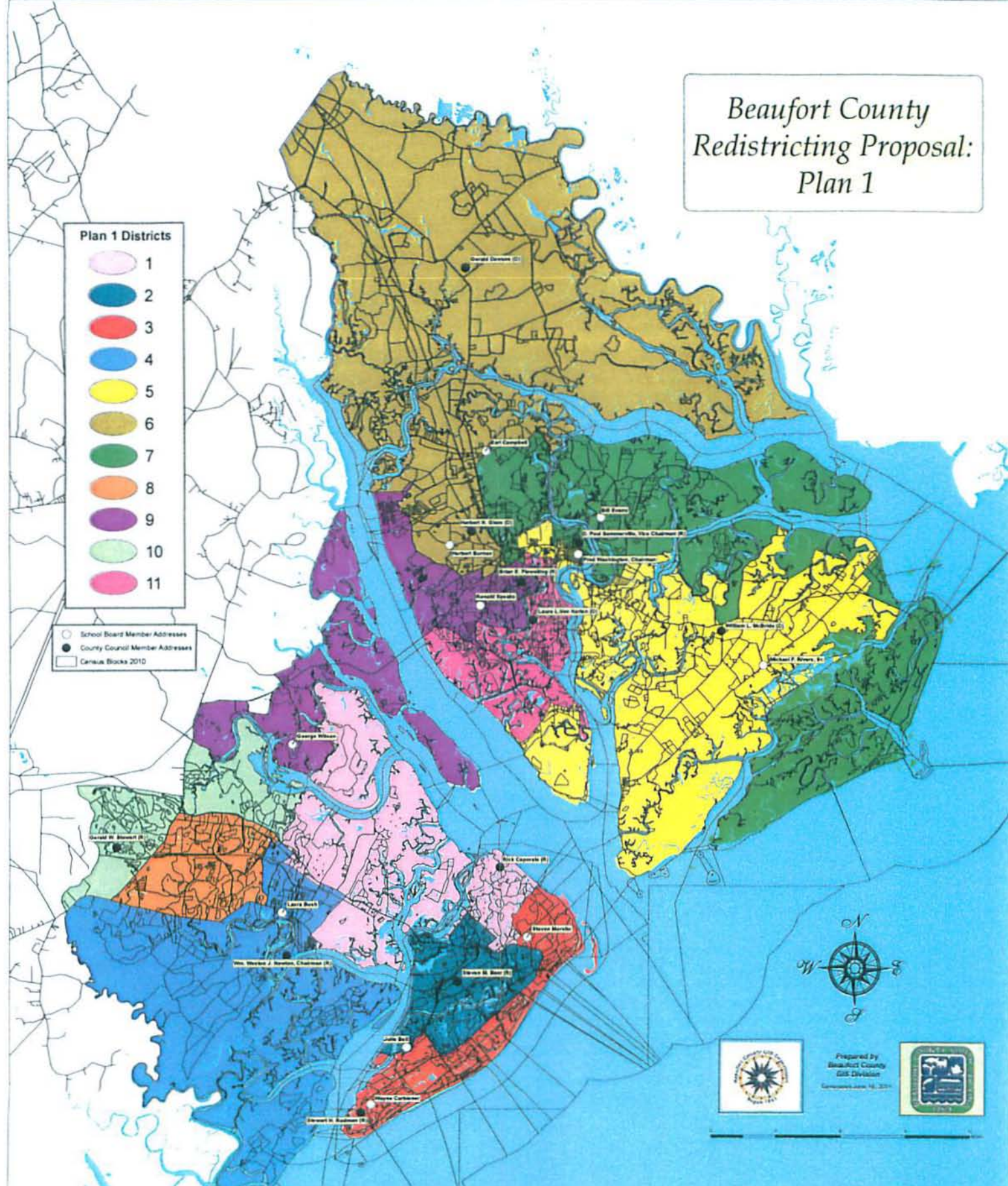
¹ Ordinance 2011/23, adopted June 27, 2011

Beaufort County Redistricting Proposal: Plan 1

Plan 1 Districts

- 1 (Pink)
- 2 (Dark Blue)
- 3 (Red)
- 4 (Light Blue)
- 5 (Yellow)
- 6 (Olive Green)
- 7 (Green)
- 8 (Orange)
- 9 (Purple)
- 10 (Light Green)
- 11 (Magenta)

- School Board Member Addresses
- County Council Member Addresses
- Census Blocks 2010



Prepared by
Beaufort County
GIS Division
Cartography Date: 04/2010



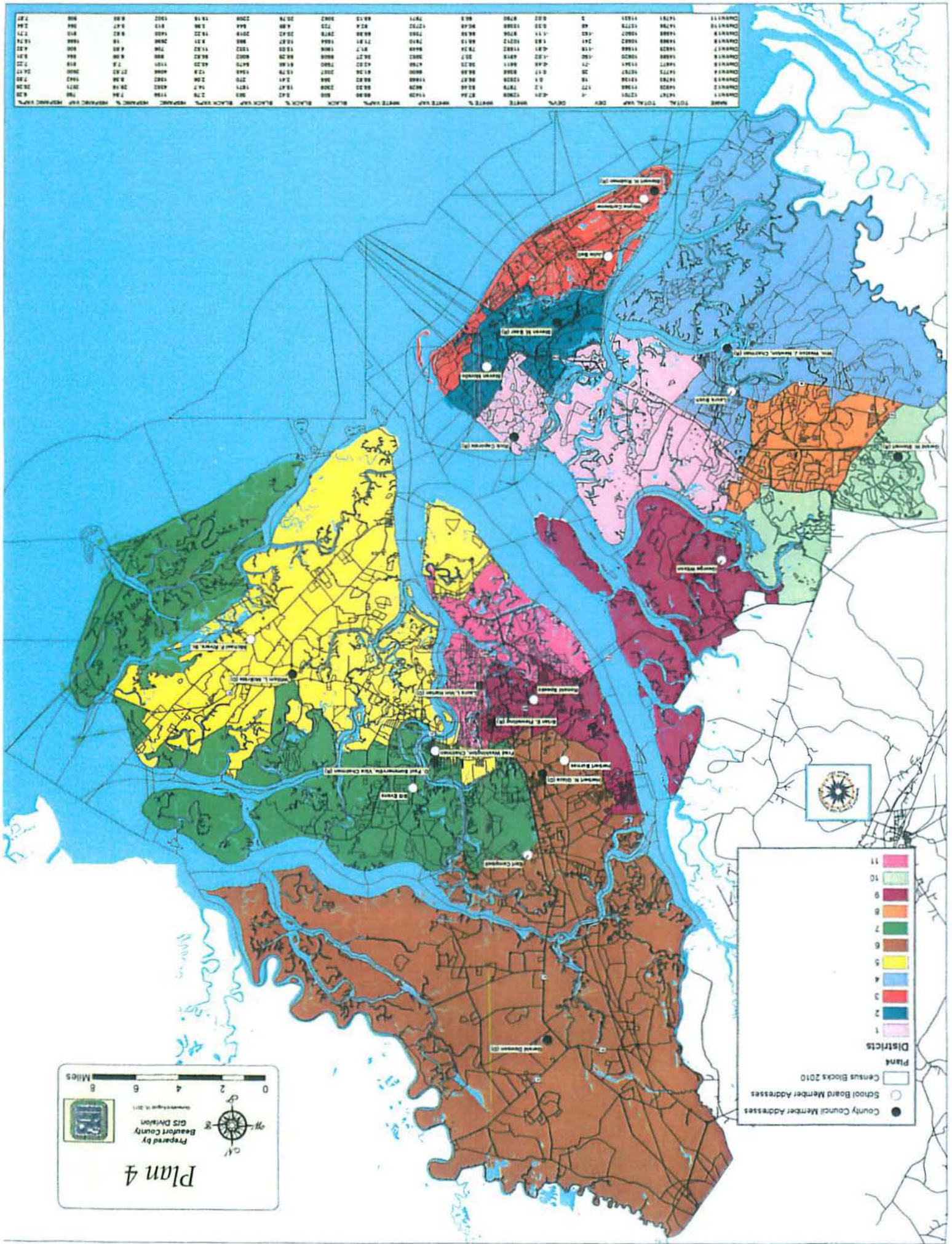
DISTRICT	NAME	TOTAL	TOTAL VAP	TOTAL DEV	TOTAL DEV%	WHITE	WHITE %	WHITE VAP	WHITE VAP%	BLACK	BLACK %	BLACK VAP	BLACK VAP%	HISPANIC	HISPANIC %	HISPANIC VAP	HISPANIC VAP%	
District 1	14668	13228	-148	-1.08	12842	88.98	11195	86.85	1647	12.07	1406	11.79	2318	15.82	826	3.56	808	8.82
District 2	16918	15818	-100	-0.59	9600	56.74	8287	86.60	1313	13.67	1406	11.79	2318	15.82	2041	14.21	1908	14.21
District 3	14778	13720	-1058	-7.17	11347	76.79	10213	90.28	1134	9.84	828	7.81	2520	17.47	2674	18.74	2414	16.94
District 4	14628	13668	-960	-6.56	10283	70.29	8839	86.28	1444	13.89	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 5	14677	13341	-1336	-9.11	10211	69.58	8764	85.58	1447	14.14	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 6	14783	13753	-1030	-6.97	10213	69.19	8839	86.28	1444	13.89	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 7	14628	13668	-960	-6.56	10283	70.29	8839	86.28	1444	13.89	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 8	14688	13288	-1400	-9.53	10211	69.58	8764	85.58	1447	14.14	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 9	14692	13784	-908	-6.19	10211	69.58	8764	85.58	1447	14.14	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 10	14788	13783	-1005	-6.80	10213	69.19	8839	86.28	1444	13.89	1546	12.81	4018	29.47	3574	24.14	3274	22.47
District 11	14687	13821	-866	-5.89	10211	69.58	8764	85.58	1447	14.14	1546	12.81	4018	29.47	3574	24.14	3274	22.47

Plan 1 - Effective June 16, 2011

District	TOTAL	TOTAL VAP	DEV	% DEV	WHITE	WHITE %	WHITE VAP	WHITE VAP%	BLACK	BLACK %	BLACK VAP	BLACK VAP%	HISPANIC	HISPANIC %	HISPANIC VAP	HISPANIC VAP%
1	14589	12529	-159	-1.08	12643	86.66	11195	89.35	515	3.53	354	2.83	1253	8.59	855	6.82
2	15018	11916	270	1.83	9680	64.46	8287	69.55	1963	13.07	1405	11.79	3118	20.76	2051	17.21
3	14779	12720	31	0.21	11347	76.78	10212	80.28	686	4.64	529	4.16	2520	17.05	1806	14.20
4	14628	10665	-120	-0.81	8263	56.49	6536	61.28	2037	13.93	1345	12.61	4018	27.47	2574	24.14
5	14677	11341	-71	-0.48	5611	38.23	4765	42.02	7580	51.65	5470	48.23	1101	7.50	819	7.22
6	14763	10701	15	0.10	5013	33.96	3902	36.46	8536	57.82	6018	56.24	917	6.21	574	5.36
7	14629	11566	-119	-0.81	11592	79.24	9449	81.70	1906	13.03	1332	11.52	706	4.83	500	4.32
8	14556	10269	-192	-1.30	9749	66.98	7280	70.89	1579	10.85	983	9.57	2735	18.79	1687	16.43
9	14982	10794	234	1.59	10030	66.95	7576	70.19	3028	20.21	2054	19.03	1424	9.50	832	7.71
10	14755	13763	7	0.05	13494	91.45	12818	93.13	638	4.32	484	3.52	469	3.18	332	2.41
11	14857	11621	109	0.74	9857	66.35	8037	69.16	3080	20.73	2225	19.15	1306	8.79	912	7.85

Legend

Dev. = deviation
 %Dev.= percentage deviation
 VAP= voting age population



DISTRICT	TOTAL VAP	DEM	REP	DEM %	REP %
DISTRICT 1	14781	12791	1990	86.5	13.5
DISTRICT 2	14796	11778	3018	79.6	20.4
DISTRICT 3	14802	10202	4600	68.9	31.1
DISTRICT 4	14808	10202	4606	68.9	31.1
DISTRICT 5	14823	11982	2841	80.8	19.2
DISTRICT 6	14888	10202	4686	68.9	31.1
DISTRICT 7	14923	11982	2941	80.8	19.2
DISTRICT 8	14988	10202	4786	68.9	31.1
DISTRICT 9	14977	11982	2995	80.8	19.2
DISTRICT 10	14773	11982	2791	81.2	18.8
DISTRICT 11	14785	11982	2793	81.1	18.9
DISTRICT 12	14823	11982	2841	80.8	19.2
DISTRICT 13	14823	11982	2841	80.8	19.2
DISTRICT 14	14823	11982	2841	80.8	19.2
DISTRICT 15	14823	11982	2841	80.8	19.2
DISTRICT 16	14823	11982	2841	80.8	19.2
DISTRICT 17	14823	11982	2841	80.8	19.2
DISTRICT 18	14823	11982	2841	80.8	19.2
DISTRICT 19	14823	11982	2841	80.8	19.2
DISTRICT 20	14823	11982	2841	80.8	19.2
DISTRICT 21	14823	11982	2841	80.8	19.2
DISTRICT 22	14823	11982	2841	80.8	19.2
DISTRICT 23	14823	11982	2841	80.8	19.2
DISTRICT 24	14823	11982	2841	80.8	19.2
DISTRICT 25	14823	11982	2841	80.8	19.2
DISTRICT 26	14823	11982	2841	80.8	19.2
DISTRICT 27	14823	11982	2841	80.8	19.2
DISTRICT 28	14823	11982	2841	80.8	19.2
DISTRICT 29	14823	11982	2841	80.8	19.2
DISTRICT 30	14823	11982	2841	80.8	19.2
DISTRICT 31	14823	11982	2841	80.8	19.2
DISTRICT 32	14823	11982	2841	80.8	19.2
DISTRICT 33	14823	11982	2841	80.8	19.2
DISTRICT 34	14823	11982	2841	80.8	19.2
DISTRICT 35	14823	11982	2841	80.8	19.2
DISTRICT 36	14823	11982	2841	80.8	19.2
DISTRICT 37	14823	11982	2841	80.8	19.2
DISTRICT 38	14823	11982	2841	80.8	19.2
DISTRICT 39	14823	11982	2841	80.8	19.2
DISTRICT 40	14823	11982	2841	80.8	19.2
DISTRICT 41	14823	11982	2841	80.8	19.2
DISTRICT 42	14823	11982	2841	80.8	19.2
DISTRICT 43	14823	11982	2841	80.8	19.2
DISTRICT 44	14823	11982	2841	80.8	19.2
DISTRICT 45	14823	11982	2841	80.8	19.2
DISTRICT 46	14823	11982	2841	80.8	19.2
DISTRICT 47	14823	11982	2841	80.8	19.2
DISTRICT 48	14823	11982	2841	80.8	19.2
DISTRICT 49	14823	11982	2841	80.8	19.2
DISTRICT 50	14823	11982	2841	80.8	19.2

Plan 4

Prepared by
Beaufort County
GIS Division
November 10, 2011

Districts

- 11
- 10
- 9
- 8
- 7
- 6
- 5
- 4
- 3
- 2
- 1

Point

- County Council Member Addresses
- School Board Member Addresses
- Census Blocks 2010

Plan 4 - Effective August 18, 2011

NAME	TOTAL	TOTAL VAP	DEV	DEV%	WHITE	WHITE%	WHITE VAP	WHITE VAP%	BLACK	BLACK%	BLACK VAP	BLACK VAP%	HISPANIC	HISPANIC%	HISPANIC VAP	HISPANIC VAP%
1	14747	12701	-1	-0.01	12909	87.54	11428	89.98	505	3.42	353	2.78	1156	7.84	798	6.28
2	14925	11365	177	1.20	7979	53.46	6629	58.33	2309	15.47	1671	14.70	4352	29.16	2871	25.26
3	14763	13136	15	0.10	12825	86.87	11668	88.82	356	2.41	270	2.06	1382	9.36	1042	7.93
4	14773	10757	25	0.17	8358	56.58	6600	61.36	2037	13.79	1345	12.50	4066	27.52	2600	24.17
5	14677	11341	-71	-0.48	5611	38.23	4765	42.02	7580	51.65	5470	48.23	1101	7.50	819	7.22
6	14598	10620	-150	-1.02	4919	33.70	3852	36.27	8508	58.28	6002	56.52	888	6.08	564	5.31
7	14629	11566	-119	-0.81	11592	79.24	9449	81.70	1906	13.03	1332	11.52	706	4.83	500	4.32
8	14989	10582	241	1.63	10212	68.13	7610	71.91	1584	10.57	985	9.31	2698	18.00	1666	15.74
9	14585	10507	-163	-1.11	9706	66.55	7353	69.98	2978	20.42	2019	19.22	1403	9.62	810	7.71
10	14796	13779	48	0.33	13388	90.48	12732	92.40	723	4.89	544	3.95	513	3.47	364	2.64
11	14751	11531	3	0.02	9780	66.30	7971	69.13	3062	20.76	2208	19.15	1302	8.83	908	7.87

Legend	
Dev. =	deviation
%Dev. =	percentage deviation
VAP =	voting age population

Committee Reports

August 22, 2011

A. COMMITTEES REPORTING

1. Community Services

- ① [Minutes](#) are provided from the August 15 meeting. Action is required.
See main agenda items 10C and 10D.
- ② Children's Foster Care Review Board

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
08/22/11	Curtis McDaniel	At-Large	Appoint	6 of 11

2. Finance

- ① [Minutes](#) are provided from the August 15 meeting. Action is required.
See main agenda items 10E, 10F, 10G, and 11.

3. Governmental

- ① [Minutes](#) provided from the August 15 meeting. Action is required. See main agenda items 10H.

4. Redistricting

- ① Minutes provided September 13 from the August 18 meeting. Action is required.
See main agenda item 12A.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, September 19 at 4:00 p.m., BIV #2

2. Executive

Weston Newton, Chairman

➔ Next Meeting – September 2011

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, September 19 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Tuesday, September 6 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Tuesday, September 6 at 2:00 p.m., ECR

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, August 23 at 4:00 p.m., ECR

7. Redistricting

Weston Newton, Chairman

William McBride, Vice Chairman

➔ Public Hearings

- May 23, 2011, 6 p.m., Council Chambers, 100 Ribaut Road
- June 15, 2011, 6 p.m., Hilton Head Island Branch Library, 11 Beach City Road
- July 18, 2011, 6 p.m., Bluffton Branch Library, 120 Palmetto Way
- August 22, 2011, 6 p.m., Council Chambers, 100 Ribaut Road
- September 12, 2011, 6 p.m., Hilton Head Island Regional Library, 11 Beach City Road

8. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – September 2011

COMMUNITY SERVICES COMMITTEE

August 15, 2011

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

The Community Services Committee met on Monday, August 15, 2011 at 4:00 p.m., in the Executive Conference Room, Administration Building, Beaufort, SC

ATTENDANCE

Community Services Committee Members: Chairman William McBride, Vice Chairman Gerald Dawson and members Steven Baer, Rick Caporale, Herbert Glaze, Paul Sommerville, and Laura Von Harten. Non-Committee member Jerry Stewart was also present.

County staff: Amanda Brewer, Library; Morris Campbell, Division Director – Community Services; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; Jan O'Rourke, Assistant Library Director; Monica Spells, Compliance Officer; David Starkey, Chief Financial Officer; and Dave Thomas, Purchasing Director.

Media: Joe Croley, Hilton Head Association of Realtors.

Public: Jack Frazier, Barefoot Farms and Gullah Farmers; Jayson Gardner, Beaufort Regional Chamber of Commerce; York Glover, Clemson Extension; Walter Mack, Penn Center; Joe McDonald, Gullah Farmers; Phyllis White, Chief Financial Officer Beaufort County School District; and Larry Wilson, Sodexo.

Councilman McBride chaired the meeting.

1. An Ordinance To Amend Part I, Chapter 46, Article III Of The Beaufort County Code Of Ordinances Relating To The Beaufort County Disabilities And Special Needs Board

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

Discussion: This ordinance is a house-cleaning procedure. When Disabilities and Special Needs became a part of the County system in the late 1980s, there were some changes made to the charter/ordinance that regulated how the Board operated. Since then the operation has been continuously in a changing process. The ordinance changes are being proposed to reflect what the Board is doing presently. The composition of the Board has not been changed. There were discussions among Committee members relative to some of the language within the proposed ordinance, from which it was agreed that it needed legal review prior to going before full Council.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Caporale, that the Community Services Committee approves and recommends County Council approves an ordinance to amend Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances relating to the Beaufort County Disabilities and Special Needs Board, pending legal review of the language. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Sommerville and Ms. Von Harten. The motion passed.

Recommendation: County Council approves an ordinance to amend Part I, Chapter 46, Article III of the Beaufort County Code of Ordinances relating to the Beaufort County Disabilities and Special Needs Board, pending legal review of the language.

2. An Ordinance Authorizing Funds In The Amount Of \$30,000.00 To Penn Center For The Development Of A Lowcountry Farmers / School District Economic Partnership

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

Discussion: Mr. York Glover, Clemson Extension, reviewed this item with the Committee. The previous action on this item by the Community Service Committee was a recommendation that County Council approves a request that Beaufort County, South Carolina provides a \$30,000 grant to retrofit the South Carolina Coastal Community Development Corporation room on St. Helena Island, South Carolina for the purpose of the room's use as a food processing facility for the Gullah Farmers Cooperative Association, contingent upon the United States Department of Agriculture awarding a \$245,000 equipment grant to Penn Center, Inc. Also, they request that Council approves the loan of \$245,000 to Penn Center, Inc., as submitter of the application to the United States Department of Agriculture for a \$245,000 equipment grant, as upfront funding. Further, approval of the loan by Beaufort County, South Carolina is contingent upon the approval of the United States Department of Agriculture \$245,000 equipment grant and submission of a business plan for the food processing facility for the Gullah Farmers Cooperative Association. Since that time the Gullah Farmers Cooperative Association received a USDA-Rural Development grant in the amount of \$100,000 and has moved the processing operation to another site at Penn Center. They are here today to ask that Council continues to endorse the previously requested \$30,000 to retrofit the room.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Glaze, that the Community Services Committee recommends Council approves, on second reading, an ordinance to authorize funds in the amount of \$30,000 for the Development of a Lowcountry Farmers/School District Economic Partnership. This includes a language change of recipient due to the location change since first reading. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Sommerville and Ms. Von Harten. The motion passed.

Recommendation: Council approves, on second reading, an ordinance to authorize funds in the amount of \$30,000 to Penn Center for the Development of a Lowcountry Farmers/School District Economic Partnership.

3. Presentation / New Harmonies Smithsonian Exhibit At Beaufort Branch Library

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

Discussion: Ms. Amanda Brewer, Library, presented the Committee with a PowerPoint on the New Harmonies Smithsonian Exhibit coming to the Beaufort Branch Library and the benefits it will provide to the local community.

Motion: It was moved by Ms. Glaze, seconded by Mr. Baer, that the Community Services Committee endorses the New Harmonies Smithsonian Exhibit at the Beaufort Branch Library. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Sommerville and Ms. Von Harten. The motion passed.

Status: This item was for informational purposes only.

4. Update / Local Vendor Preference Ordinance

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

Discussion: Mr. Dave Thomas, Purchasing Director, and Ms. Monica Spells, Compliance Officer, presented the Committee with a PowerPoint on local preference as it currently stands and where they are headed.

Status: This item was for informational purposes only.

5. Consideration Of Reappointments And Appointments

- **Library Board**

Status: This item was postponed until the following meeting.

- **Children's Foster Care Review Board**

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

Motion: It was moved by Ms. Dawson, seconded by Mr. Glaze, that the Community Services Committee recommends Mr. Curtis McDaniels to serve as a member of the Children's Foster Care Review Board. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Sommerville and Ms. Von Harten. The motion passed.

Status: Council nominates Mr. Curtis McDaniels to serve as a member of the Children's Foster Care Review Board.

FINANCE COMMITTEE

August 15, 2011

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

The Finance Committee met on Monday, August 15, 2011 at 2:00 p.m., in the Council Chambers, Administration Building, Beaufort, South Carolina.

ATTENDANCE

Finance Committee Members: Chairman Stu Rodman, Vice Chairman Rick Caporale, and members Steven Baer, Brian Flewelling, William McBride, Paul Sommerville and Jerry Stewart were present. Non Committee members Gerald Dawson and Herbert Glaze were also present.

County staff: Bryan Hill, Deputy County Administrator; Ed Hughes, Assessor; Gary Kubic, County Administrator; Monica Spells, Compliance Officer; David Starkey, Chief Financial Officer; and Dave Thomas, Purchasing Director.

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

Beaufort City Council: Mayor Billy Keyserling and Council members Donnie Beer, Mike McFee, George O'Kelley and Mike Sutton.

Beaufort City staff: Scott Dadson, City Manager.

Town of Port Royal staff: Van Willis, Town Manager.

Public: Jimmy Boozer, Beaufort Regional Chamber Board; Garrett Budds, Beaufort Open Land Trust Director of Land Protection; Frankie Denmark, Beaufort Regional Chamber Board; Dick Farmer, Accommodations Tax Board Chairman; Larry Holman, President, Beaufort Black Chamber of Commerce; Bob Moquin, Executive Director of Beaufort Regional Chamber of Commerce Visitor & Convention Bureau; Steven Murray, Beaufort Regional Chamber Board; John Rembel, Chairman, Board of Beaufort Regional Chamber of Commerce; Jeff Thomas, Past President of Beaufort Regional Chamber of Commerce Visitor & Convention Bureau; Valerie Truesdale, School District Superintendent; Phyllis White, Chief Financial Officer, School District; Blakely Williams, President, Beaufort Regional Chamber; George Wilson, School Board; David Zunker, Associate Director of Sales & Marketing, Hilton Head Island Convention Bureau.

Councilman Rodman chaired the meeting.

ACTION ITEMS

1. Resolution – Adopting the County and Fire District Fiscal Year 2011/2012 Millage Rates

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

Discussion: The millage rates are the numbers approved June 27, 2011 by ordinance, with one exception. Over the last several years, the Lady's Island / St. Helena Island Fire District and Daufuskie Island Fire District have required millage adjustments. Those adjustments are based on the fact that in fiscal year 2005 their mill values were undervalued. As such, their granted millage was under what it should have been. Last year, Daufuskie Island Fire District eliminated their debt millage and transferred some of that to their operations millage (2.23 millage went away and 0.6 mills came in). Those two entities would require an adjustment to get their millage back to where it should be. At this point in time, due to the caps, they would be where they should be by the end of this year. The remaining Fire Districts' millage rates were kept flat as requested.

Main Motion: It was moved by Mr. Caporale, seconded by Mr. Sommerville, that the Finance Committee approves and recommends that County Council approves a resolution adopting the following mill rates for FY2011/2012: Bluffton Fire District Operations 19.67; Bluffton Fire District Debt Service 0.38; Burton Fire District Operations 55.87; Burton Fire District Debt Service 5.53; Daufuskie Island Fire District Operations 30.71; Daufuskie Island Fire District Debt Service 0.00; Lady's Island/St. Helena Fire District Operations 31.00; Lady's Island/St. Helena Fire District Debt Service 1.50; Sheldon Fire District Operations 32.22; and Sheldon Fire District Debt Service 2.18. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Reconsideration of Main Motion: It was moved by Mr. Caporale, seconded by Mr. Flewelling, that the Committee reconsider the previously adopted motion to include the County. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Amended motion: It was moved by Mr. Flewelling, seconded by Mr. Caporale that the Finance Committee approves and recommends County Council approves a resolution adopting the following mill rates for FY2011/2012: County Operations 40.21, Purchase of Real Property Program 2.76; County Debt Service 4.57; Bluffton Fire District Operations 19.67; Bluffton Fire District Debt Service 0.38; Burton Fire District Operations 55.87; Burton Fire District Debt Service 5.53; Daufuskie Island Fire District Operations 30.71; Daufuskie Island Fire District Debt Service 0.00; Lady's Island/St. Helena Fire District Operations 31.00; Lady's Island/St. Helena Fire District Debt Service 1.50; Sheldon Fire District Operations 32.22; and Sheldon Fire District Debt Service 2.18.

Discussions occurred relative to not collecting as much in ad valorem revenue as projected and from where the additional monies would come. Mr. David Starkey, Chief

Financial Officer, spoke to Council's decision to keep fund balances neutral. Due to the fact that general obligation debt millage and county purchased property millage stayed level while debt service increased, the County will either need to do one of two things: (i) transfer those monies from the general fund into the those funds; or (ii) pull monies from fund balances of both of those two funds. A previous schedule showed the two ways this could occur and the corresponding affect.

Mr. Gary Kubic, County Administrator, remarked staff has no opinion as to whether Council wants to use reserve monies, raise millage, or transfer monies from general fund or a combination therein. That is a policy matter. Staff operated under the guidelines they were provided — no millage increase and no decrease of reserves.

Motion to amend by addition: It was moved by Mr. Stewart, seconded by Mr. McBride, to amend the millage value in order to avoid taking monies from county operations to cover purchase of real property program and county debt service

Mr. Stewart, as maker of the motion, and Mr. McBride, as the seconder, withdrew the motion to amend by addition,

Motion to postpone to a certain date: It was moved by Mr. Rodman, seconded by Mr. Flewelling, to postpone consideration of this item until the August 22, 2011 Council meeting. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Status: This item was postponed until the August 22, 2011 Council meeting.

2. Resolution – Adopting the School District Fiscal Year 2011/2012 Millage Rates

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

Discussion: The millage rates remain the same as approved June 27, 2011 by ordinance.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Baer, that the Finance Committee approves and recommends County Council approves a resolution adopting the School District FY 2011 / 2012 millage rates: School Operations 90.26 mills and School Debt Service 28.00 mills. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves a resolution adopting the School District Fiscal Year 2011/2012 millage rates school operations 90.26 and school debt service 28.00.

3. Available 2011 2% Accommodations Tax Monies

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

Discussion: Mr. Rodman presented a spreadsheet of current accommodations dollars and those in previous years. The Committee discussed the appropriate number of accommodations tax dollars that should be allocated. This number will be used by the Accommodations Tax Board in determining grant allocation recommendations to tourism-related organizations.

Motion: It was moved by Mr. Stewart, seconded by Mr. Caporale, that the Finance Committee approves \$250,000 of 2% accommodations tax monies to be used by the Accommodations Tax Board in determining grant allocation recommendations to tourism-related organizations.

Motion to amend to substitution: It was moved by Mr. Flewelling, seconded by Mr. Stewart, to amend the amount in the previous motion to \$252,000. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Vote on amended motion: The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Status: Committee approved of \$252,000 for 2% accommodations tax monies to be used by the Accommodations Tax Board in coming up with grant allocation recommendations to tourism-related organizations.

4. Off Agenda – Bond Refinance

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

Discussion: Mr. David Starkey, Chief Financial Officer, stated after ten years of holding bonds, the County is allowed to call those bonds. We have done so with our 2001 and 2002 bonds for a positive cost differential. Financial advisor, Ross Sinclair, prepared a schedule of current bond market conditions and found that if we refinance at a projected date of October 13, 2011, we would have roughly \$1.3 million in a positive differential. This will help our fund balance within the debt side and it will help our millage rate to the positive. Staff recommends Council approves moving forward with bond refinancing.

Mr. Rodman asked about Tax Anticipation Notes. Mr. Starkey said now that the County is coupling potential Rural and Critical Lands we will look into it. It may be possible to shrink the time to holding the monies or to borrow the monies if an emergency. We will meet with bond council in the next couple of days.

Motion: It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that the Finance Committee approves and recommends County Council approves, on first reading, an ordinance authorizing the issuance and sale of general obligation refunding bonds, in the principal amount of: not exceeding \$18,250,000. The vote was: FOR – Mr. Baer, Mr. Caporale,

Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville and Mr. Stewart. The motion passed.

Recommendation: Council approves, on first reading, an ordinance authorizing the issuance and sale of general obligation refunding bonds, in the principal amount of not exceeding \$18,250,000.

INFORMATION ITEMS

5. Expectations of Our Designated Marketing Organization (Beaufort County and City of Beaufort)

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

Discussion: Council previously had discussion relative to the state and local accommodations tax ordinances and the designated marketing organization (DMO). The 2% state accommodations tax ordinance states that the first \$25,000 of revenues received from accommodations tax is to be placed in the County's general fund with no restrictions on the expenditure. Thereafter, five (5%) percent of the balance must be allocated to the general fund with no restrictions on expenditures. Thirty percent (30%) of the remaining balance is split with half going to the Beaufort Regional Chamber of Commerce and half going to the Hilton Head Island – Bluffton Chamber of Commerce as the County has designated both entities to serve as the DMOs. The balance of that then goes to the Accommodation's Tax Board, which brings forth their recommendations to Council as to how the monies should be spent.

Regarding the 3% local accommodations tax, the first \$350,000 goes to the three Chambers of Commerce for advertisement and promotion programs related to tourism development. The breakdown of allocation is as follows: \$150,000 to the Beaufort Regional Chamber of Commerce; \$150,000 Hilton Head – Bluffton Chamber of Commerce; and \$50,000 Beaufort Black Chamber of Commerce. The remaining balance is then spent in a percentage basis. Twenty (20%) percent is used to establish a reserve fund for emergency or other unforeseen needs. Twenty (20%) percent is used for river/beach access and renourishment. Sixty (60%) percent for tourism-related buildings, including but not limited to, civic centers, coliseums and aquariums; cultural, recreational or historic facilities; highways, roads, streets, bridges and boat ramps providing access to tourist destinations; water and sewer infrastructure to serve tourism-related demand; the operation and maintenance, including police, fire protection, emergency medical services, and emergency preparedness operating directly attendant to those facilities referenced; and for all other proper purposes.

Committee Chairman Stu Rodman reviewed with the Committee a chart, which showed what happened last year with the dollars. County Council and City Council members discussed future approach of DMOs.

Status: A small working committee will be set up to include City Council members, County Council members, staff, and designated marketing organizations in order to allow

adequate discussion to come up with a consensus on a path forward. The recommendation of that working committee will then come back before the Finance and Governmental Committees.

6. Preliminary FY2011 Year-End Standard Operating Procedures

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

Discussion: Mr. Baer wants to add three numbers to SOP chart: total cumulative revenue total cumulative expense, and Reserve.

Status: This item was for informational purposes only.

7. Discussion / FY 2011-2012 County Budget

a. Transfer of Funds to Rural and Critical Lands Program and Debt Service

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

Discussion: Mr. Garrett Budds, Director of Land Protection, Open Land Trust, stated the balance of the fund is \$2.9 million and that excludes the \$10 million that has not yet been bonded. In March 2011, the Board passed a resolution formally asking for the remaining \$10 million to be drawn down in order to maintain some fluidity in the Program. In March 2011, the Natural Resources Committee discussed the issue and elected to pass it on to Finance Committee at the appropriate time. To date the only issue is timing, *i.e.*, when to bond the \$10 million in order to continue the project work and the Program. Of that \$2.9 million, there are several projects pending which will draw that balance down somewhat further; and a good portion, if not the remainder of that, has been earmarked for upcoming projects that are in the near future. As reported to Council in April 2011, the money was not needed prior to the budget vote (June 27, 2011) thus it was moved to a later time. It is now time to bond the remaining \$10 million.

Mr. Rodman's perception is that administration move forward on bonding the remaining \$10 million this year.

Status: This item was an update and for information purposes only.

8. Consideration of Reappointments and Vacancies

a. Accommodations Tax Board

Status: Due to lack of time this item was delayed until the next meeting

GOVERNMENTAL COMMITTEE

August 16, 2011

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

The Governmental Committee met on Tuesday, August 16, 2011 at 2:30 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Governmental Committee Members: Chairman Jerry Stewart, Vice Chairman Laura Von Harten and Committee members Rick Caporale and Gerald Dawson attended the meeting. Committee member Stu Rodman participated telephonically. Non-Committee members William McBride and Paul Sommerville also attended.

County Staff: Audra Antonnaci, Codes Enforcement; Doug Henderson, County Treasurer; Bryan Hill, Deputy County Administrator; Gregg Hunt, Mosquito Control; Gary Kubic, County Administrator.

Legislative Delegation: Senator Tom Davis.

Public: Russell Berry, Director Region 8 Office Department of Health and Environmental Control; Robert Croom, Deputy General Counsel and Director of Legal and Legislative Affairs for the South Carolina Association of Counties; Emerson Dixon, Beaufort County resident; Jayson Garden, Beaufort Regional Chamber of Commerce; Shane Johnson, Air Quality Department of Health and Environmental Control Region 8; Darryl Jones, Forest Protection Chief South Carolina Forestry Commission; Bruce Kline, Lady's Island/St. Helena Island Fire District Chief; Harry Rountree, Burton Fire District Fire Chief; Tom Webb, Burton Fire District Deputy Chief;

Mr. Stewart chaired the meeting.

ACTION ITEM

- 1. Update / An Ordinance to Regulate Outdoor Burning within the Unincorporated Areas of Beaufort County; to Provide for the Enforcement Thereof, and Matters Related Thereto**

Discussion: Mr. Stewart informed the Committee members the document included in the meeting packet changed and Chief Kline handed out an updated version. Chief Bruce Kline reviewed the revised burning ordinance with the Governmental Committee. He said representatives from various County departments, as well as the South Carolina Department of Health and Environmental Control (DHEC) and South Carolina Forestry Commission, were involved in drafting

the ordinance. Chief Kline said DHEC asked that the document includes, under Section 8. D, verbiage in regard to coordination with DHEC for the training of firefighters.

Mr. Stewart questioned whether Section 6. Criteria for Determining When Open Burning Deemed Hazardous, “reasonable criteria shall be established by Beaufort County Council to assist in determining what conditions are present that may pose a hazardous situation for the burning of outdoor fires” means Council must create a list of criteria. Mr. Jones said it is intentionally broad to allow for criteria to be established on-site. Mr. Stewart requested that this be outlined in the ordinance; the Council is not looking to establish new criteria but it is left open to allow flexibility.

Mr. Stewart pointed out with the 75-foot requirement it would mean in higher density areas most homes do not have the 75-foot distance from another, thereby precluding these areas from burning. Chief Kline explained those are the exact areas they do not want burning. Mr. Stewart also said there is no specific mention of trash burning being forbidden, to which Chief Kline answered it is referenced by the state regulations. Mr. Stewart asked that the state regulations referenced in the ordinance be spelled out and incorporated in the ordinance rather than simply referring to them.

Committee members discussed the requirement for burning notification. Currently people who wish to burn are required to notify the state. Mr. Stewart noted he thinks it could be more effective if notification was to the local authorities. Mr. Jones noted in the current system the cost of the call system is carried by the state rather than duplicating the cost in each county, and local fire chief receive the notification automatically.

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

Motion: It was moved by Ms. Von Harten, seconded by Mr. Caporale, that the Governmental Committee approves and forwards to Council recommending approval of an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto. Additionally, the ordinance will incorporate the changes suggested today. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Flewelling Mr. Glaze and Mr. Rodman. The motion passed.

Recommendation: Council approves on first reading an ordinance to regulate outdoor burning within the unincorporated areas of Beaufort County; to provide for the enforcement thereof, and matters related thereto.

INFORMATIONAL ITEMS

1. Discussion / County Forms of Government

Discussion: Mr. Robert Croom, S.C. Association of Counties, presented to the Governmental Committee a comparison of the manager form of government and administrator form of government. He also explained what the requirements and possible timeline to change the county form of government would be.

Following Mr. Croom’s presentation and discussion by Committee members, Mr. Stewart explained the intent for this discussion is to take the topic under advisement.

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

Status: Information to be taken under advisement. No action necessary.

2. Discussion / Legislative Policy Issues

Discussion: Mr. Stewart presented a summary document outlining legislative policy issues, some from the prior year with a few additions. The discussion of legislative policy issues was prompted by the annual request of the S.C. Association of Counties for counties to submit a list of topics and corresponding stances in order for the association to develop its annual strategy. Particular attention and discussion was paid to matters related to Act 388, electronic public notifications and illegal immigration, with Senator Tom Davis and Mr. Robert Croom weighing in. Mr. Stewart asked Committee members to submit any changes or additions to him by close of business Friday, August 19.

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

Status: Governmental Committee members may submit changes or additions to Mr. Stewart by close of business Friday, August 19. Mr. Stewart will compile a list of Beaufort County’s Legislative Policy Issues and submit to the S.C. Association of Counties.

3. Update / Public Safety Division – Codes Enforcement Department and Mosquito Control Department

Discussion: Due to time constraints, the update on Public Safety Division’s Codes Enforcement Department and Mosquito Control Department will be postponed until the September meeting.

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

Status: Postponed until the Governmental Committee’s September 6, 2011 meeting.

4. Consideration of Reappointments and Vacancies

Discussion:

Burton Fire District Commission

Committee members decided to postpone consideration in Mr. Glaze’s absence.

Lowcountry Regional Transportation Authority

Committee members postponed consideration for further review until the next meeting.

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

Status: Consideration of reappointments and vacancies for the Burton Fire District Commission and the Lowcountry Regional Transportation Authority will be revisited at the September 6, 2011 Governmental Committee meeting.

DRAFT