

COUNTY COUNCIL OF BEAUFORT COUNTY

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WM. WESTON J. NEWTON
CHAIRMAN

D. PAUL SOMMERVILLE
VICE CHAIRMAN

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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, November 14, 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 – October 24, 2011 ([backup](#))
7. PROCLAMATION
A. America Recycles Day
Mr. Jim Minor, Supervisor, Solid Waste and Recycling
8. PUBLIC COMMENT
9. COUNTY ADMINISTRATOR'S REPORT
Mr. Gary Kubic, County Administrator
A. The County Channel / Broadcast Update ([backup](#))
B. Two-Week Progress Report ([backup](#))
C. Presentation of 2011 Beaufort County Rural and Critical Lands Calendar

Over



- D. Presentation / Highlights / 2011 Comprehensive Annual Financial Report (CAFR) ([backup](#))
- E. Acceptance of South Carolina Aeronautics Commission Grant Offer to Develop a Master Plan for Hilton Head Airport (Enclosure) ([backup](#))
- F. Beaufort County Magistrate / Petition to Readdress Grievances Concerning Retroactive Census-Based Compensation
Butch Bowers, Esquire

10. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy, County Administrator

A. Two-Week Progress Report ([backup](#))

B. Construction Project Updates

Mr. Rob 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

Capital Improvement Projects:

Disabilities and Special Needs Adult Day Care Center

C. Update / Master Plans Beaufort County (Lady's Island) and Hilton Head Island Airports

Mr. Paul Andres, Airports Director

11. CONSENT AGENDA – ITEMS A THROUGH F

A. AN ORDINANCE AUTHORIZING THE PLACEMENT OF A QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE CONDUCTED NOVEMBER 6, 2012, CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO ([backup](#))

1. Consideration of second reading approval to occur November 14, 2011
2. Public hearing to be held Monday, November 28, 2011, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
3. First reading approval occurred October 24, 2011 / Vote 11:0
4. Finance Committee discussion and recommendation of borrowing amount occurred October 10, 2011 /Vote 8:0
5. Natural Resources Committee discussion and recommendation to proceed with referendum October 3, 2011 / Vote 7:0

B. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED JOINTLY BY BEAUFORT COUNTY AND THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

1. First reading approval to occur November 14, 2011 ([backup](#))
2. Public Facilities Committee discussion and recommendation occurred October 25, 2011 /Vote 5:0

- C. AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP) PLANS (backup)
 - 1. Public Facilities Committee discussion and recommendation to approve occurred October 25, 2011 / Vote 5:0
 - 2. Funding: Local matching shares will be reflected in each Airports Annual Operating Budget as appropriate.

 - D. WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY
 - 1. Natural Resources Committee discussion and recommendation to approve occurred November 7, 2011 / Vote 5:0 (backup)
 - 2. Contract Award: GEL Engineering, Charleston, South Carolina
 - 3. Contract Amount: \$96,506 (north of Broad River \$58,506; south of Broad River \$36,588). The two scopes are necessary because Beaufort City and Port Royal Town will be contributing approximately 25% of the cost for monitoring north of Broad River.
 - 4. Funding: Stormwater Utility fund account 13531-51160.

 - E. ELECTRONIC MONITORING SERVICES FOR THE FOURTEENTH JUDICIAL CIRCUIT COURT, SOLICITOR'S OFFICE, BEAUFORT, SOUTH CAROLINA
 - 1. Governmental Committee discussion and recommendation to approve occurred November 7, 2011 / Vote 6:0 (backup)
 - 2. Contract Award: Offender Management Services, Cummings, Georgia
 - 3. Contract Amount: Services are paid by the offender at no cost to Beaufort County.

 - F. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$10,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.
 - 1. Consideration of first reading approval to occur November 14, 2011 (backup)
12. COMMITTEE REPORTS (backup)
13. PUBLIC COMMENT
14. EXECUTIVE SESSION
- A. Discussion regarding the development of security personnel and devices
 - B. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
 - C. Discussion of employment of a person regulated by the County Council
15. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
October 24, 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, October 24, 2011 in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

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

Vice Chairman Sommerville chaired the meeting until the Chairman arrived.

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) Division-Director Planning and Development has reviewed and agrees with the incorporation of language in paragraph 6, Buffer Disturbance, "devised, view corridors, and other allowable disturbances authorized under Article 7, Division 4, outlined in this ordinance. (ii) Regarding a possible change in form of government, Council members had raised the question with respect to the salary for the Treasurer and Auditor. The state picks up a portion of their salary. The question was if we go to the Manager form of government, would we continue to receive the state supplement portion of their salary. Mr. Josh Gruber, staff attorney, confirmed there is no wording in the statute that differentiates between an elected or an appointed Auditor and Treasurer. He also checked with Greenwood County, that actually has this Council / Manager form of government, with appointed Auditor and Treasurer, and they still continue to receive their salary supplements from the state. (iii) A question was raised as to why Council is now, one-third of the way through the fiscal year, determining the Together for Beaufort County 2011 agency funding recommendations rather than in May or June. Staff noted Council must first approve the fiscal year budget. The fiscal year 2012 budget was approved June 27, 2011, effective July 1. Together for Beaufort County budget approval was in the amount of \$605,000. A two-month application process was held. Recommendations were then made to the Community Services Committee meeting of October 17, 2011, and were then forwarded to Council today for consideration and approval. (iv) Natural Resources Committee members asked administration to examine the funding classification for Beaufort Soil and Water Conservation District, *i.e.*, moving it from Together for Beaufort County funding stream and including it as part of the fiscal year budget deliberations. Perhaps this agency funding allocation should be discussed during budget deliberations. (v) Regarding the ordinance

proposal to change the form of government, some people believe that this is a slap in the face of our current Treasurer. That is absolutely not the case. This is an opportunity for voters to speak, not to say anything disparaging about the Treasurer or Auditor, but an opportunity for the people to decide if they want to continue to elect them or not. (vi) Regarding the ordinance proposal to authorize the placement of a question on the official ballot to issue general obligation bonds to acquire lands for preservation, this issue was first discussed by members of the Rural and Critical Lands Board in 2010. The timing is such that the issue takes a while to go through the process, *i.e.*, Rural and Critical Lands Board, Natural Resources Committee, three readings and a public hearing at Council, and US Justice Department approval. It could not be held in 2010 mechanically, it would have been 2011. Since 2011 is an off year, it was pretty well agreed that we wanted as much voter turnout as possible on any issue of this importance. You will get that type of turn out, particularly, on a Presidential election. Also, there was still a \$10 million bonding that had been approved by the voters that had not been bonded yet. (vii) A question was asked about language in the land referendum ordinance, “Bond funds may be used only for the purposes stated in the ballot question. None of the funds may be used for any other purpose, or for administrative salaries.” That portion of the language came directly from the land bond referendum; therefore, we have been operating under that language for some time now. The intention was to apply to county administration for those funds, maybe, not necessarily to our contractor. Perhaps, Council should consider amending the language to allow for what is currently happening today. (viii) Council members will serve out their four-year term for their geographic boundary of the new district, even though some people in the district will not have voted for the councilman. That way you always maintain staggered districts. (ix) Mr. Rodman apologized to each member of Council for having called for the resignation of a Board of Education member. He acted inappropriately. It was not personal, in any form, from Mr. Dawson. If we have a personal issue we would have gone to Matthew 18:15-17 to start to resolve it. Mr. Rodman was very offended by the fact that we, as a group, were called racists. That was very upsetting to him. Mr. Rodman was also not the only Council member to call for Board member’s resignation in private. The Board member has been duly embarrassed in terms that: he is the one who elected to make the email public, he was the one who was given responsibility by the School District to interface with Council and elected not to do that, which is the root of the problem, and lastly, he was unaware that we were advised that the NAACP had actually endorsed the Redistricting Plan.

The Vice Chairman passed the gavel to the Chairman in order to chair the meeting.

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. on Monday, October 24, 2011 in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, 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 Vice Chairman led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Councilman Stu Rodman gave the invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD OCTOBER 10, 2011

It was moved by Mr. Glaze, seconded by Mr. McBride, that Council approve the minutes of the regular meeting held October 10, 2011. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze and Mr. Newton. The motion passed.

The Chairman arrived at 5:05 p.m.

PROCLAMATION

Veterans Day

The Chairman announced in observance of Veterans Day, Friday, November 11, 2011, Beaufort County proudly joins the rest of the nation in saluting and giving special honor to those men and women who served in the armed forces, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom. Mr. Ed Ray, Veterans Affairs Director, accepted the proclamation.

RECOGNITION / FORMER BOARD AND COMMISSION MEMBERS

2011 Citizen Volunteers / County Boards and Commissions

The Chairman recognized seven citizens for their volunteer service on the County's various agencies, boards, commissions and authorities: Robert Anderson, Parks and Leisure Services Board, May 2008 – August 2011; Walter Becker, Solid Waste and Recycling Board, October 2006 – March 2011; Martha Crapse, Southern Corridor Review Board, March 2000 – February 2011; Patricia Fennell, Bluffton Township Fire District Commission, July 1994 – February 2011; Mona Huff, Foster Care Review Board, September 2007 – January 2011; Jakie Lee, Southern Corridor Review Board, April 2006 – April 2011; and Ilyse Queen, Accommodations Tax Board, September 2009 – October 2010.

PUBLIC COMMENT

The Chairman recognized Mrs. Carol Weir, a resident of Hidden Lakes, Bluffton and an employee of the *Island Packet*, is before Council tonight as a Mom. She is not in the same

league as Warren Buffet. In fact, she earns \$36,000 per year. She is here to make a symbolic donation in the form of a voluntary tax payment of \$50, which she gave to Mr. Kubic for deposit in the general operating fund. Things are going from bad to worse in the amenities department. First library hours were cut and then all libraries were closed on Sunday. Then the Bluffton pool was closed on Saturday. A friend told her the Parks and Leisure Services Department may not sponsor play-offs and all stars this season because of lack of money to pay referees. We, the citizens of Beaufort County, including everybody sitting here, except for her kids, have already paid for these fields, these pools, and these libraries. It is sad and shameful that we cannot operate them to their potential as well as use them at a time and day convenient to working families. No one has ever asked her husband or her if we would be willing to pay more taxes to operate our amenities. Could we have maybe a referendum about this or at least a questionnaire? Thank you very much.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced The County Channel, taped for rebroadcast and provided audio support for the groundbreaking for the St. Helena Branch Library at Penn Center. The program was well attended and was broadcast Friday night after the event. It is also available on Video-On-Demand. The County Channel continues to broadcast Parks and Leisure Services sports games. This past weekend we covered the 8 to 9 year old and 10 to 11 football playoffs. They were broadcast live and will also be available on Video-On-Demand.

The County Channel covered the State of the Region Breakfast at the Westin Hotel on Hilton Head Island. The keynote speaker was Governor Nikki Haley. This event was rebroadcast on The County Channel and will be available for Video-On-Demand.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from October 10, 2011 through October 21, 2011.

Over the Bridge and Back Yonder for Children's Charities

Ms. Von Harten announced Beaufort County is working in cooperation with the Exchange Club of Beaufort to organize the Over the Bridge and Back Yonder (O BABY) 5K Run and Fun Walk planned for Saturday, October 29. Runners have an opportunity to see first-hand the improvements to the new McTeer Bridge

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, presented his Two-Week Progress Report, which summarized his activities from October 10, 2011 through October 21, 2011.

Budget Schedule FY 2013

Mr. Bryan Hill, Deputy County Administrator, presented the budget schedule FY 2013.

Halloween Carnival and Haunted House

Mr. Bryan Hill, Deputy County Administrator, announced Parks and Leisure Services is hosting two Halloween events at Buckwalter Regional Park. A carnival is scheduled Saturday, October 29, between 2:00 p.m. and 5:00 p.m. and haunted house October 17 through October 29, beginning at 7:00 p.m.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$50,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REFUNDING AND IMPROVEMENT REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2011; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT, A REFUNDING ESCROW DEPOSIT AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO

This item comes before Council under the Consent Agenda. It was discussed at the September 12, 2011 Finance Committee.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on third and final reading an ordinance authorizing the issuance of not exceeding \$50,000,000 aggregate principal amount of Hospital Refunding and Improvement Revenue Bonds (Beaufort Memorial Hospital) Series 2011; authorizing the execution and delivery of a bond purchase and loan agreement, a refunding escrow deposit agreement in connection therewith; authorizing proper officers to do all things necessary or advisable; and other matters incidental thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE VII, SEC. 106-1845(6) BUFFER DISTURBANCE (ADDS RIVER BUFFER DISTURBANCE STANDARDS)

This item comes before Council under the Consent Agenda. It was discussed at the September 6, 2011 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on third and final reading a text amendment to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article VII, Sec. 106-1845(6) Buffer Disturbance (adds river buffer disturbance standards), including the following language, “. . . devices, view corridors and other

allowable disturbances authorized under Article 7, Division 4, outlined in this ordinance.” The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

AN ORDINANCE TO CALL FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO RETAIN THE COUNCIL/ADMINISTRATOR FORM OF GOVERNMENT OR CHANGE TO THE COUNCIL/MANAGER FORM OF GOVERNMENT

This item comes before Council under the Consent Agenda.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on third and final reading a ballot referendum to change the form of Beaufort County government from Council / Administrator to Council / Manager. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS – Mr. Dawson. ABSENT – Mr. Glaze. The motion passed.

2012 COUNTY EMPLOYEE INSURANCE BENEFIT PROGRAM

This item comes before Council under the Consent Agenda. It was discussed at the October 10, 2011 Finance Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve the 2012 County Employee Insurance Benefit Program with no rate increase from vendors. The employee contribution rate for the basic plan will decrease by 6% and the contribution rate for the premium plan will increase by 5%. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

TOGETHER FOR BEAUFORT COUNTY / 2011 AGENCY FUNDING RECOMMENDATIONS

This item comes before Council under the Consent Agenda. It was discussed at the October 17, 2011 Community Services Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve the Together for Beaufort County 2012 agency funding recommendations as follows: LRTA \$240,000; Coastal Empire Community Mental Health Center \$110,000, DHEC \$60,000; Senior Services of Beaufort County \$50,000; Child Abuse Prevention Association \$28,000; Beaufort Soil and Water Conservation District \$18,000; Citizens Opposed to Domestic Abuse \$14,000; HOPE Haven \$14,000; Literacy Volunteers of the Lowcountry \$9,000; Beaufort-Jasper Economic Opportunity Commission \$5,000; and Clemson University Extension \$5,000, and Alliance activities \$52,000. These recommendations total \$605,000. The vote was: YEAS - Mr.

Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE CONDUCTED NOVEMBER 6, 2012, CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO

This item comes before Council under the Consent Agenda. It was discussed at the October 10, 2011 Finance Committee meeting as well as the October 3, 2011 Natural Resources Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on first reading an ordinance authorizing the placement of a question on the official ballot for the general election to be conducted November 6, 2012, concerning a proposition authorizing Beaufort County to issue general obligation bonds to acquire lands for preservation and to pay certain costs and debt service related thereto. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

Mr. Glaze arrived at 5:30 p.m.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Dawson, seconded by Mr. Flewelling, that Council go immediately into executive session for the purpose of receiving legal advice relating to proposed contractual arrangements and proposed purchase of property. 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

RECOVENE OF REGULAR SESSION

AN ORDINANCE TO AMEND ORDINANCE NO. 2011-25 SO AS TO ALLOW FOR THE RENUMBERING OF THE ELEVEN SEPARATE BEAUFORT COUNTY COUNCIL DISTRICTS AND BEAUFORT COUNTY BOARD OF EDUCATION DISTRICTS

The Chairman opened a public hearing at 6:02 p.m. for the purpose of receiving information from the public regarding an ordinance to allow for the renumbering of the 11 separate Beaufort County Council Districts and Beaufort County Board of Education Districts. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:03 p.m.

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council approve on third and final reading an ordinance to amend Ordinance No. 2011-25 so as to allow for the renumbering of the eleven separate Beaufort County Council Districts and Beaufort County Board of Education Districts. 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

Finance Committee

Accommodations Tax Board

Ms. Olivia Young

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. Ms. Olivia Young, hospitality-lodging, garnered the six votes required to serve as a member on the Accommodations Tax Board.

Public Facilities Committee

Solid Waste and Recycling Board

Ben Wheatley

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 -- Mr. Wheatley is married to a family a member. Mr. Ben Wheatley, Solid Waste District 7, garnered the six votes required to serve as a member on the Solid Waste and Recycling Board.

Public Facilities Committee

Potentially Naming New Two-Lane Bridge that Parallels the McTeer Bridge

Mr. Newton assigned to Public Facilities Committee a request from the Legislative Delegation to potentially name the new two-lane bridge that parallels the McTeer Bridge.

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

PUBLIC COMEMNT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:05 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

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DEPUTY COUNTY ADMINISTRATOR

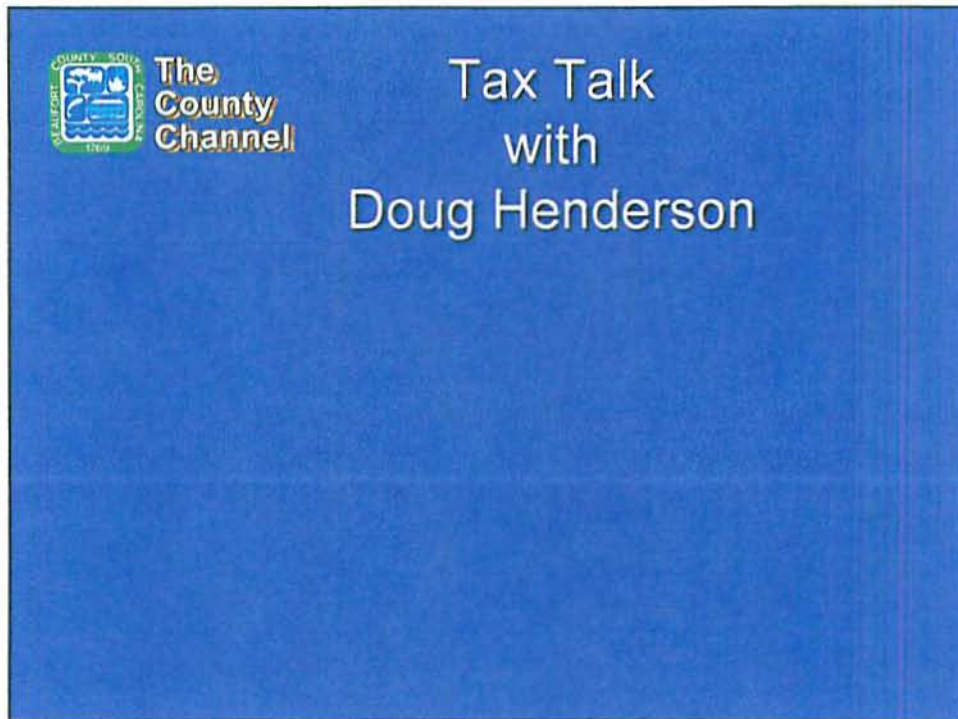
JOSH GRUBER
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

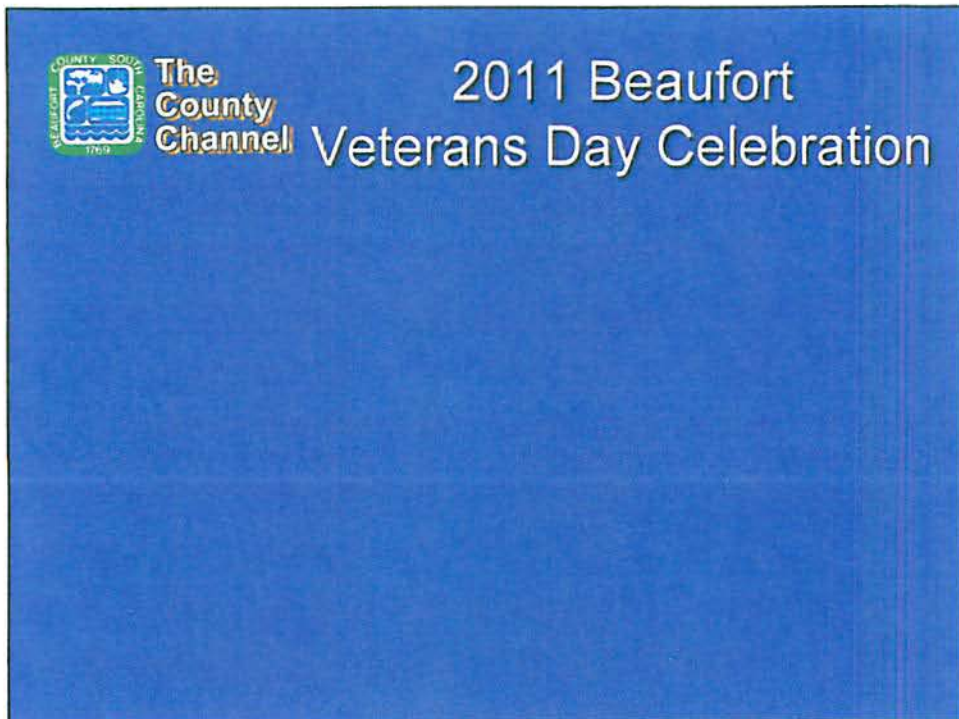
**Monday, November 14, 2011
5:00 p.m.
County Council Chambers**

ACTION / INFORMATION ITEMS:

- The County Channel / Broadcast Update (Enclosure)
- Two-Week Progress Report (Enclosure)
- Presentation of 2011 Beaufort County Rural and Critical Lands Calendar
- Presentation / Highlights / 2011 Comprehensive Annual Financial Report (CAFR)
- Acceptance of South Carolina Aeronautics Commission Grant Offer to Develop a Master Plan for Hilton Head Airport (Enclosure)
- Beaufort County Magistrate / Petition to Readdress Grievances Concerning Retroactive Census-Based Compensation
Butch Bowers, Esquire



{VIDEO PLAYS, low audio} The County Channel recently taped, and is now airing the Tax Talk program. Our Treasurer, Doug Henderson, explains what to expect when paying your county taxes this year. The Treasurer has made several changes, and hopes to create a process that has been streamlined for the public.



{VIDEO PLAYS, low audio} The County Channel will once again cover the Veterans Day Celebration at the National Cemetery in Beaufort. The event will be at 11:00 AM. This tribute to our nation's heroes will be recorded live, and played back on The County Channel, and on the web.



Memorandum

DATE: November 10, 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 October 24, 2011 through November 11, 2011:

October 24, 2011

- County Council Caucus meeting
- County Council meeting

October 25, 2011

- Management training in Council Chambers
- Guest speaker - Leadership Class at USCB
- Public Facilities Committee meeting (unable to attend due to speaking engagement at USCB)

October 26, 2011

- Guest speaker – Retired Old Men Eating Out (ROMEIO's) at Sun City

October 27, 2011

- Staff meeting re: Beaufort County complex renovations
- Meeting with Attorney David Tigges and Frannie Heizer

October 28, 2011

- Meeting with Frank Turano, of Bluffton
- Interview re: Building Codes Director's position

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County Council
November 10, 2011
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- Meeting with Weston Newton, Council Chairman, and Ashley Feaster, Executive Officer, Hilton Head Area Home Builders Association (HBA) re: HBA stormwater concerns

November 1, 2011

- Conference call with Ted Felder, Andy Fulghum and Ed Blakely re: Bluffton Parkway Phases 6 & 7

November 2, 2011

- Meeting with Dr. Jane Upshaw, Chancellor, USCB, and Al Stokes, Director of Waddell Mariculture Center re: Mariculture Center
- Staff meeting with Staff Attorney Josh Gruber, Bryan Hill, Deputy County Administrator, and Lad Howell re: beach access issues at Land's End
- Meeting with Staff Attorney Josh Gruber re: Phase 1 environmental assessment at former Lobeco chemical company site
- Conference with Ann Kole, Associate Producer of "Today in America" re: Promotion film about Beaufort County

November 3, 2011

- Meeting with Dr. Jane Upshaw and Representative Bill re: Waddell Mariculture Center

November 4, 2011

- Meeting with Councilman Jerry Stewart

November 7, 2011

- Natural Resources Committee meeting
- Governmental Committee

November 8, 2011

- Weekly conference call with Ted Felder, Andy Fulghum and Ed Blakely re: Bluffton Parkway Phases 6 & 7
- Meeting with Tom Leitzel, President of Technical College of the Lowcountry

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**County Council
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November 9, 2011

- **Agenda review with Chairman, Vice Chairman and Executive Staff**
- **Property site visits in Bluffton**

November 10, 2011

- **Pre - BTAG meeting with Chairman Weston Newton**
- **New River Tax Increment Financing District meeting**

November 11, 2011

- **County holiday (Veterans Day)**

Beaufort County, SC
County Analysis
Fiscal Years 2007 - 2011

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
General Fund Revenues	84,712,419	88,449,510	100,141,228	99,089,538	96,974,092
Continuing Education Revenues	4,584,924	4,861,661	-	-	-
Indigent Care Revenues	2,288,551	2,398,613	-	-	-
Combined General Fund, Continuing Education, & Indigent Care Revenues	91,585,894	95,709,784	100,141,228	99,089,538	96,974,092
County GO Debt Revenues	11,361,505	33,132,523	11,933,864	64,200,647	22,572,303
County Purchase Property Revenues	3,798,836	4,257,217	3,996,206	3,882,664	5,018,601
Total Revenues	106,746,235	133,099,524	116,071,298	167,172,849	124,564,996
General Fund Expenditures	83,359,961	90,335,039	98,958,075	101,788,889	96,495,146
Continuing Education Expenditures	4,584,924	4,861,661	-	-	-
Indigent Care Expenditures	2,288,551	2,398,613	-	-	-
Combined General Fund, Continuing Education, & Indigent Care Expenditures	90,233,436	97,595,313	98,958,075	101,788,889	96,495,146
County GO Debt Expenditures	11,553,617	12,416,747	29,380,048	61,454,701	15,445,513
County Purchase Property Expenditures	3,058,927	4,276,576	4,192,361	4,248,619	4,945,124
Total Expenditures	104,845,980	114,288,636	132,530,484	167,492,209	116,885,783
General Fund Net Change in Fund Balance	1,352,458	(1,885,529)	1,183,153	(2,699,351)	478,946
Continuing Education Net Change in Fund Balance	-	-	-	-	-
Indigent Care Net Change in Fund Balance	-	-	-	-	-
County GO Debt Net Change in Fund Balance	(192,112)	20,715,776	(17,446,184)	2,745,946	7,126,790
County Purchase Property Net Change in Fund Balance	739,909	(19,359)	(196,155)	(365,955)	73,477
Total Net Change in Fund Balance	1,900,255	18,810,888	(16,459,186)	(319,360)	7,679,213
General Fund Beginning Fund Balance	20,290,062	21,642,520	19,756,991	20,940,144	18,240,793
Continuing Education Beginning Fund Balance	-	-	-	-	-
Indigent Care Beginning Fund Balance	-	-	-	-	-
County GO Debt Beginning Fund Balance	1,283,952	1,091,840	21,807,616	4,361,432	7,107,378
County Purchase Property Beginning Fund Balance	1,839,684	2,579,593	2,560,234	2,364,079	1,998,124
Total Beginning Fund Balance	23,413,698	25,313,953	44,124,841	27,665,655	27,346,295
General Fund Ending Fund Balance	21,642,520	19,756,991	20,940,144	18,240,793	18,719,739
Continuing Education Ending Fund Balance	-	-	-	-	-
Indigent Care Ending Fund Balance	-	-	-	-	-
County GO Debt Ending Fund Balance	1,091,840	21,807,616	4,361,432	7,107,378	14,234,168
County Purchase Property Ending Fund Balance	2,579,593	2,560,234	2,364,079	1,998,124	2,071,601
Total Ending Fund Balance	25,313,953	44,124,841	27,665,655	27,346,295	35,025,508
General Fund Millage	36.70	38.90	45.50	40.21	40.21
Continuing Education Millage	3.00	3.00	0.00	0.00	0.00
Indigent Care Millage	1.50	1.50	0.00	0.00	0.00
County GO Debt Millage	5.40	5.80	4.00	3.62	4.57
County Purchase Property Millage	2.50	2.70	2.40	2.13	2.76
Total Millage	49.10	51.90	51.90	45.96	47.54

Note 1 : The County's continuing education and indigent care millages were rolled up into the general fund's millage in fiscal year 2009.

Note 2: Fiscal year 2009's general fund millage included a 2.1 mil swap with the County's debt millages. As such there was no net millage increase from fiscal year 2008.

Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County
General Fund (Includes Continuing Education & Indigent Care) Revenue and Expenditure Analysis
Fiscal Years 2007 - 2011

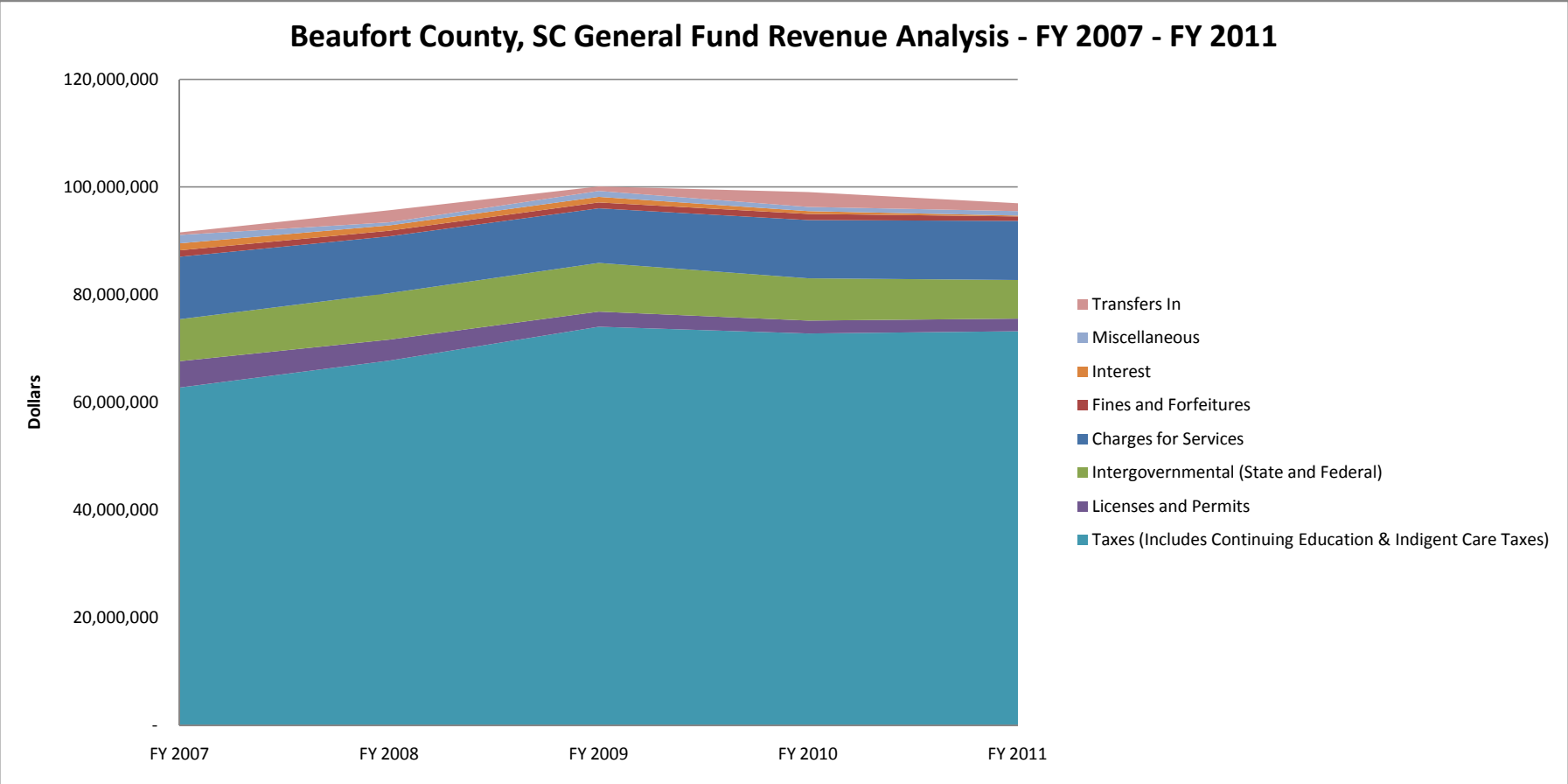
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues					
Taxes (Includes Continuing Education & Indigent Care Taxes)	62,746,129	67,735,094	74,049,850	72,781,606	73,219,927
Licenses and Permits	4,879,471	3,894,583	2,787,597	2,406,781	2,324,230
Intergovernmental (State and Federal)	7,813,256	8,649,634	9,064,132	7,840,690	7,209,034
Charges for Services	11,643,392	10,568,767	10,181,054	10,871,664	10,961,275
Fines and Forfeitures	1,150,081	1,029,600	1,063,709	1,114,192	836,282
Interest	1,336,688	1,015,196	1,033,426	535,064	172,209
Miscellaneous	1,561,330	565,823	1,091,778	784,642	822,243
Transfers In	455,547	2,251,087	869,682	2,754,899	1,428,892
Total General Fund Revenues	91,585,894	95,709,784	100,141,228	99,089,538	96,974,092
Expenditures					
General Government	18,956,722	20,963,806	21,049,036	22,860,412	20,453,044
Public Safety	35,583,070	38,617,353	40,265,774	40,518,669	40,698,406
Public Works	15,434,287	15,946,656	15,392,335	15,196,987	14,291,550
Public Health (Includes Indigent Care)	5,020,274	5,373,897	5,151,909	5,249,166	4,730,347
Public Welfare	867,699	931,321	932,425	871,631	872,652
Cultural and Recreation (Includes Continuing Education)	12,523,043	13,520,392	13,354,314	13,098,203	12,070,198
Transfers Out	1,848,341	2,241,888	2,812,282	3,993,821	3,378,949
Total General Fund Expenditures	90,233,436	97,595,313	98,958,075	101,788,889	96,495,146
Net Change in Fund Balance	1,352,458	(1,885,529)	1,183,153	(2,699,351)	478,946

Note 1 : The County's continuing education and indigent care millages were rolled up into the general fund's millage in fiscal year 2009.

Note 2: Fiscal year 2009's general fund millage included a 2.1 mil swap with the County's debt millages. As such there was no net millage increase from fiscal year 2008.

Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County, SC General Fund Revenue Analysis - FY 2007 - FY 2011

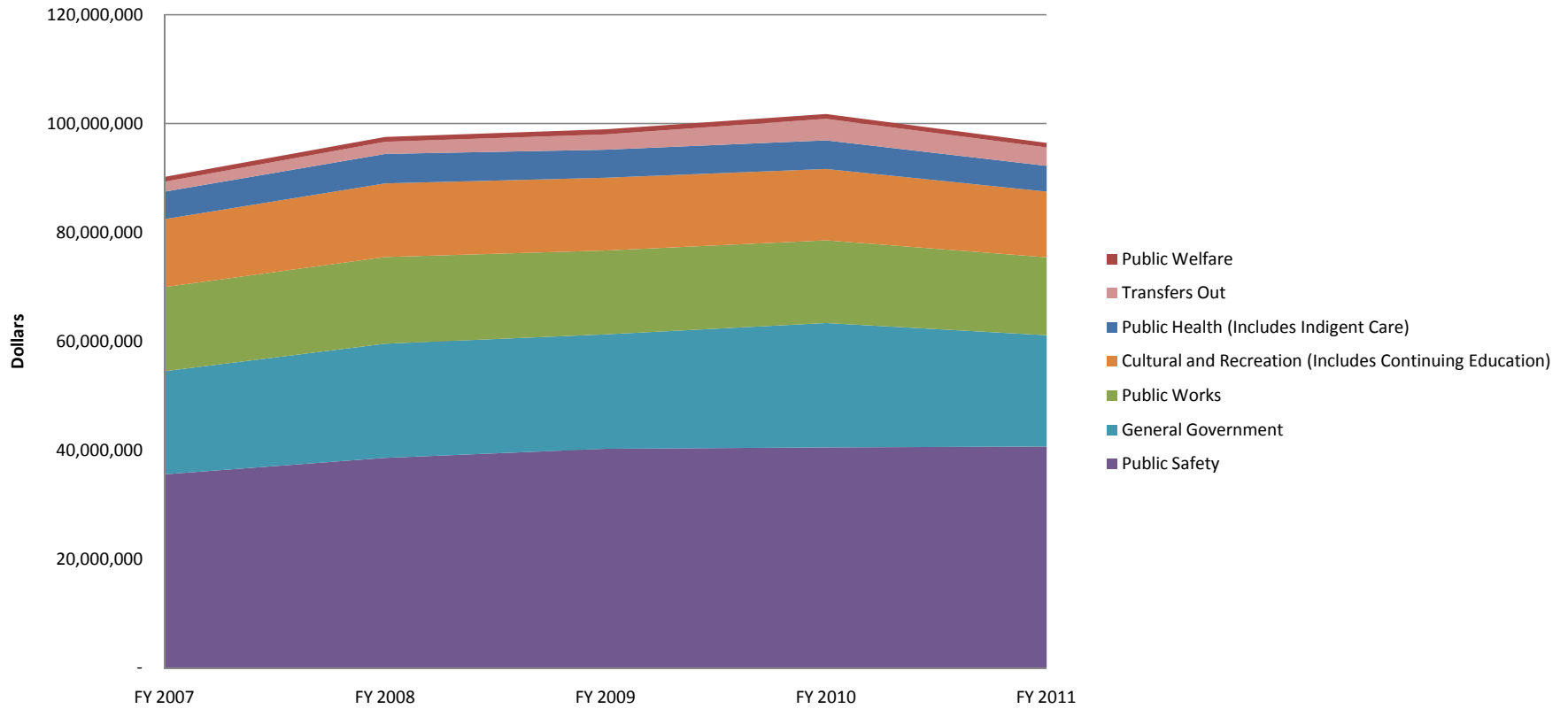


Note 1 : The County's continuing education and indigent care millages were rolled up into the general fund's millage in fiscal year 2009.

Note 2: Fiscal year 2009's general fund millage included a mil swap with the County's general obligation debt millage. As such there was no net millage increase from fiscal year 2008.

Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County, SC General Fund Expenditure Analysis - FY 2007 - FY 2011

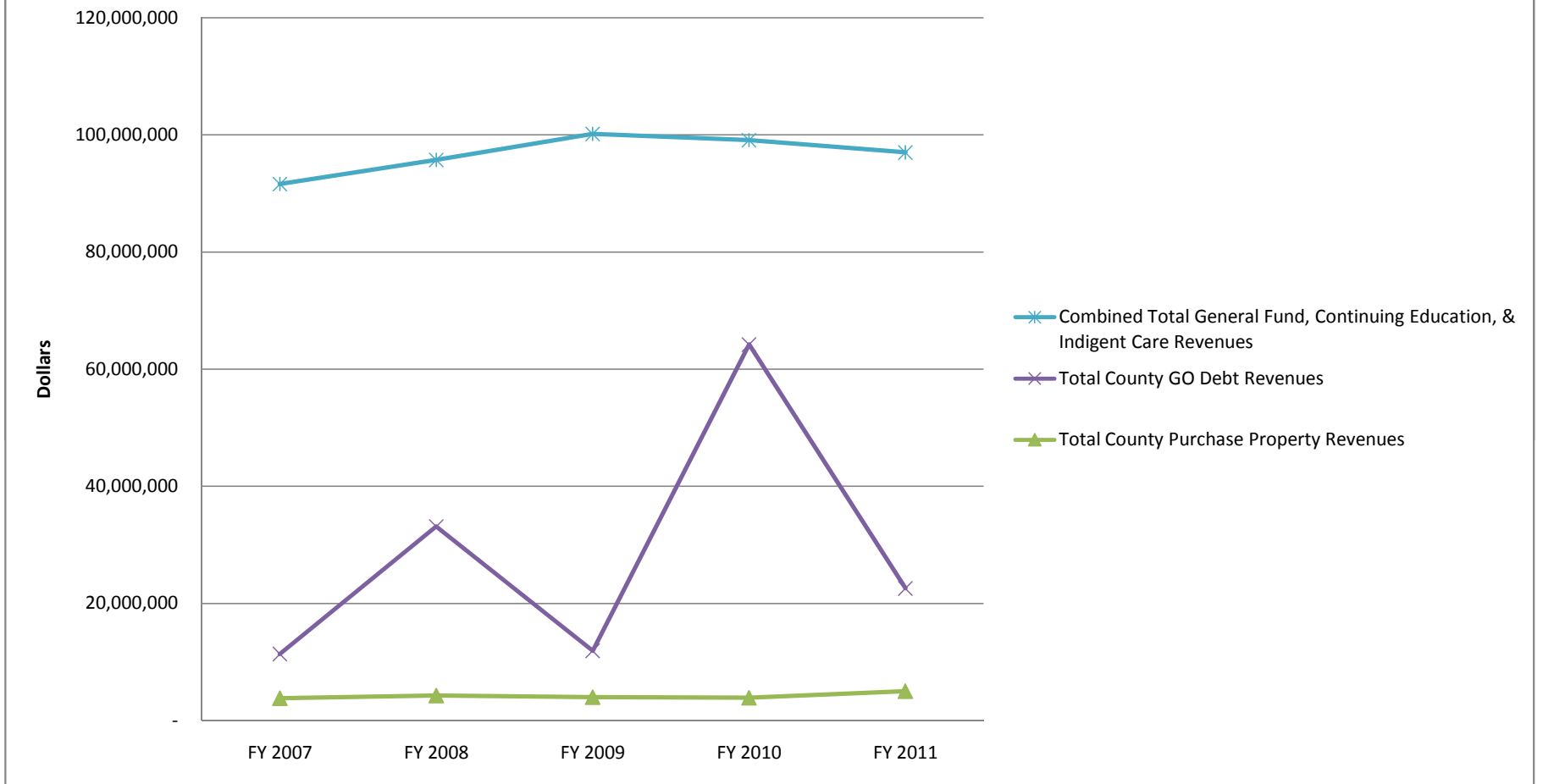


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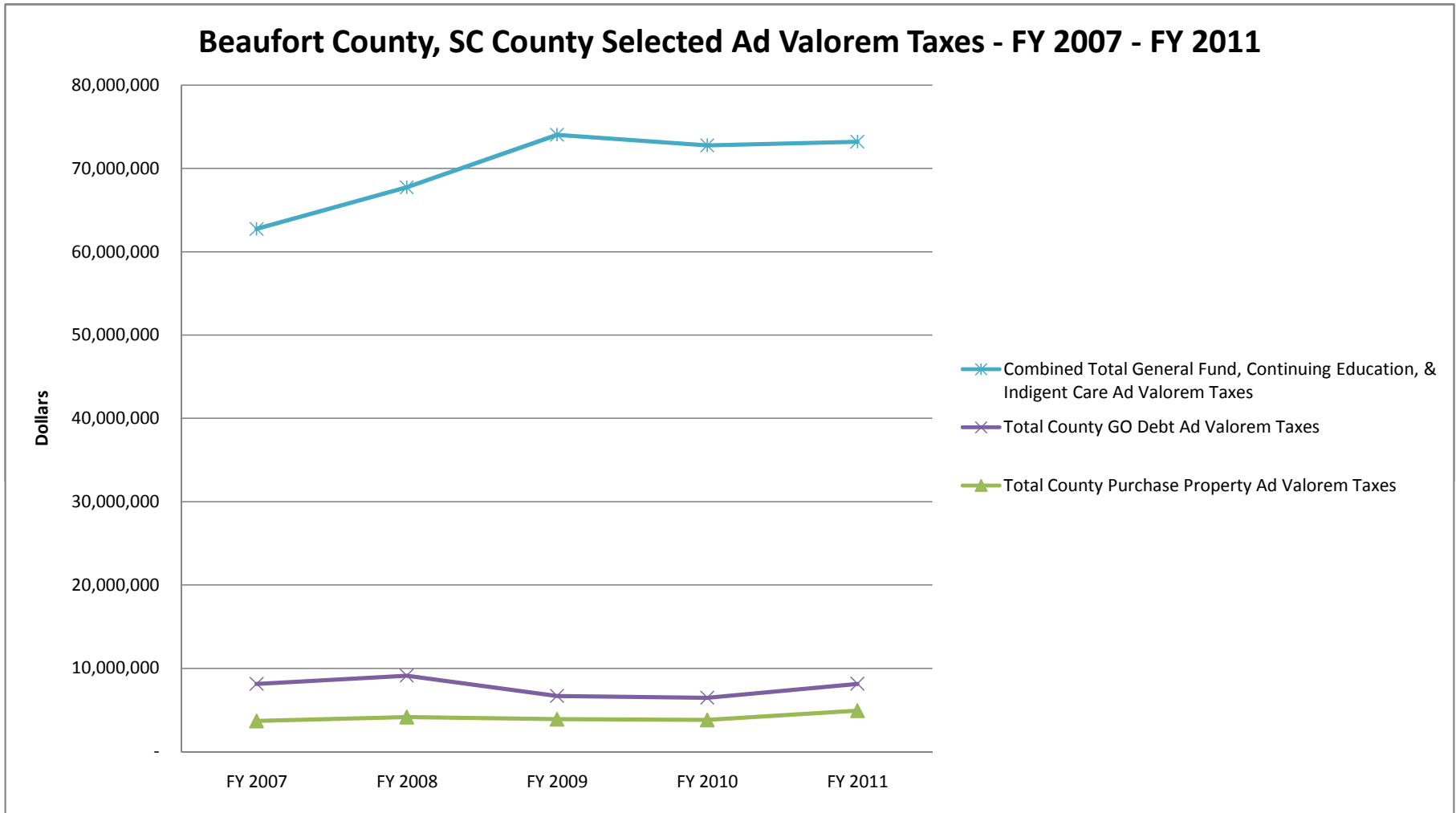
Beaufort County, SC Selected County Revenues - FY 2007 - FY 2011



Note 1 : The County's continuing education and indigent care millages were rolled up into the general fund's millage in fiscal year 2009.

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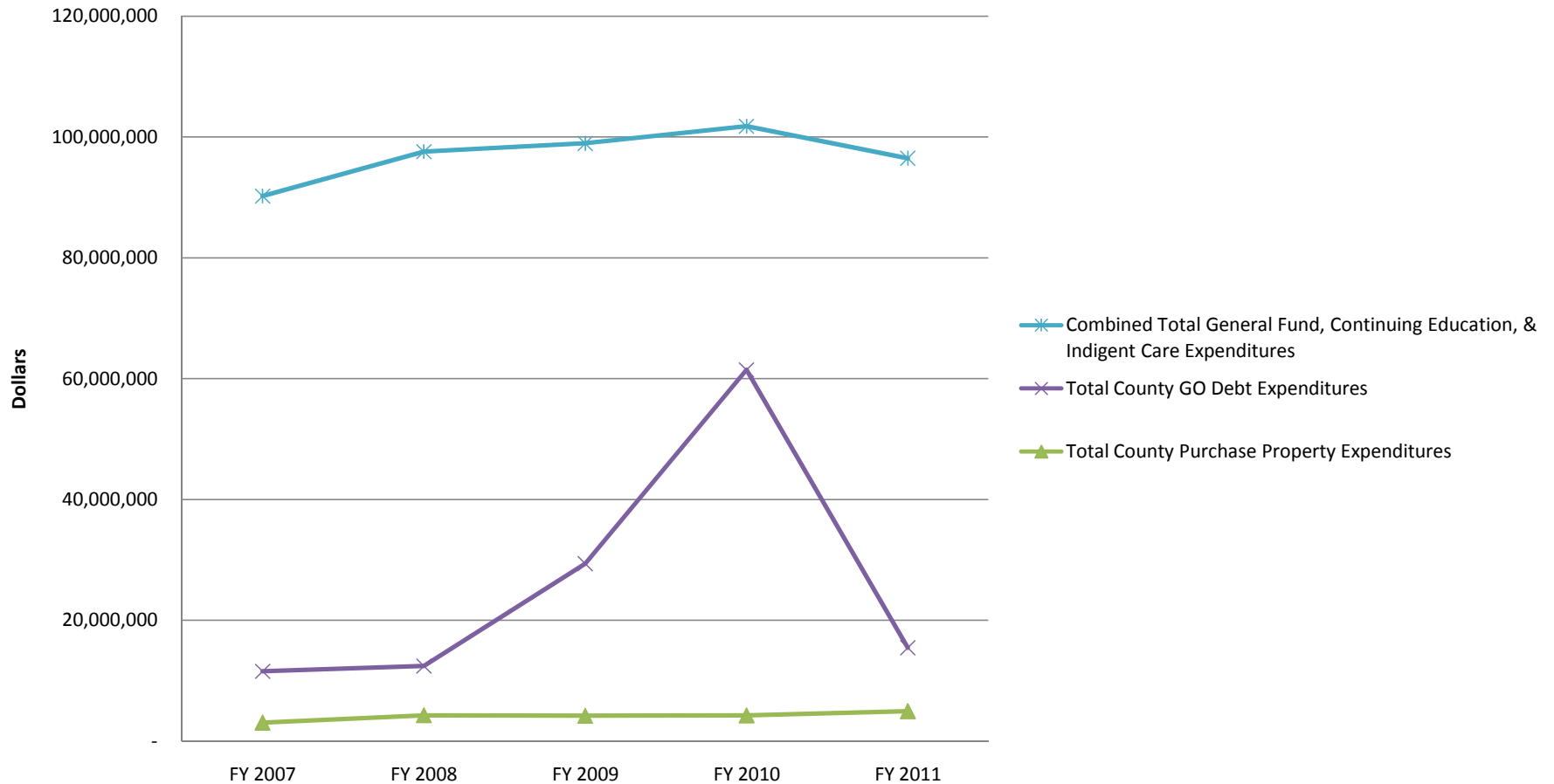


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Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County, SC Selected County Expenditures - FY 2007 - FY 2011

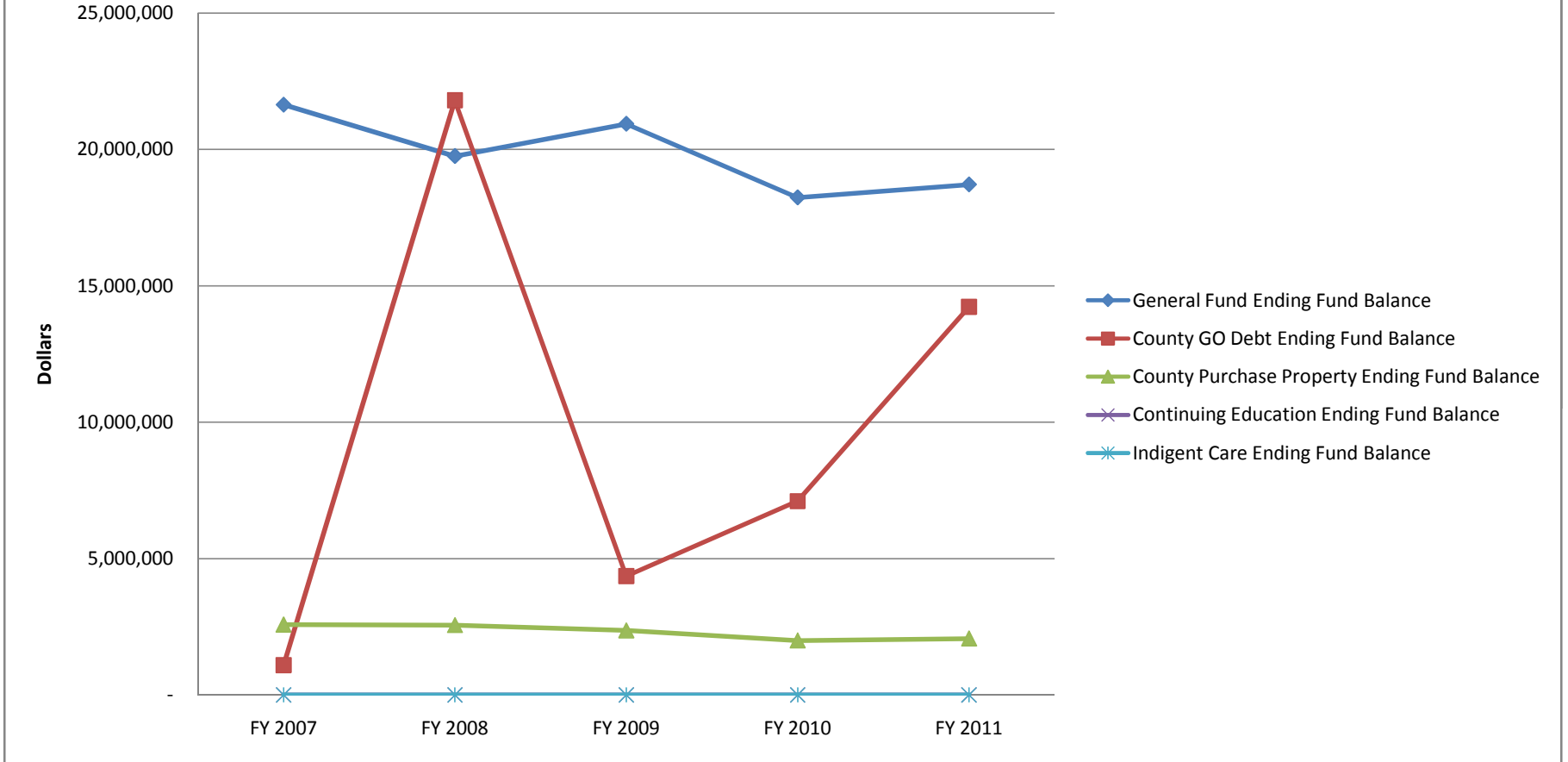


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Note 2: Fiscal year 2009's general fund millage included a 2.1 mil swap with the County's debt millages. As such there was no net millage increase from fiscal year 2008.

Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County, SC Selected County Fund Balances - Fiscal Years Ended June 30, 2007 - 2011

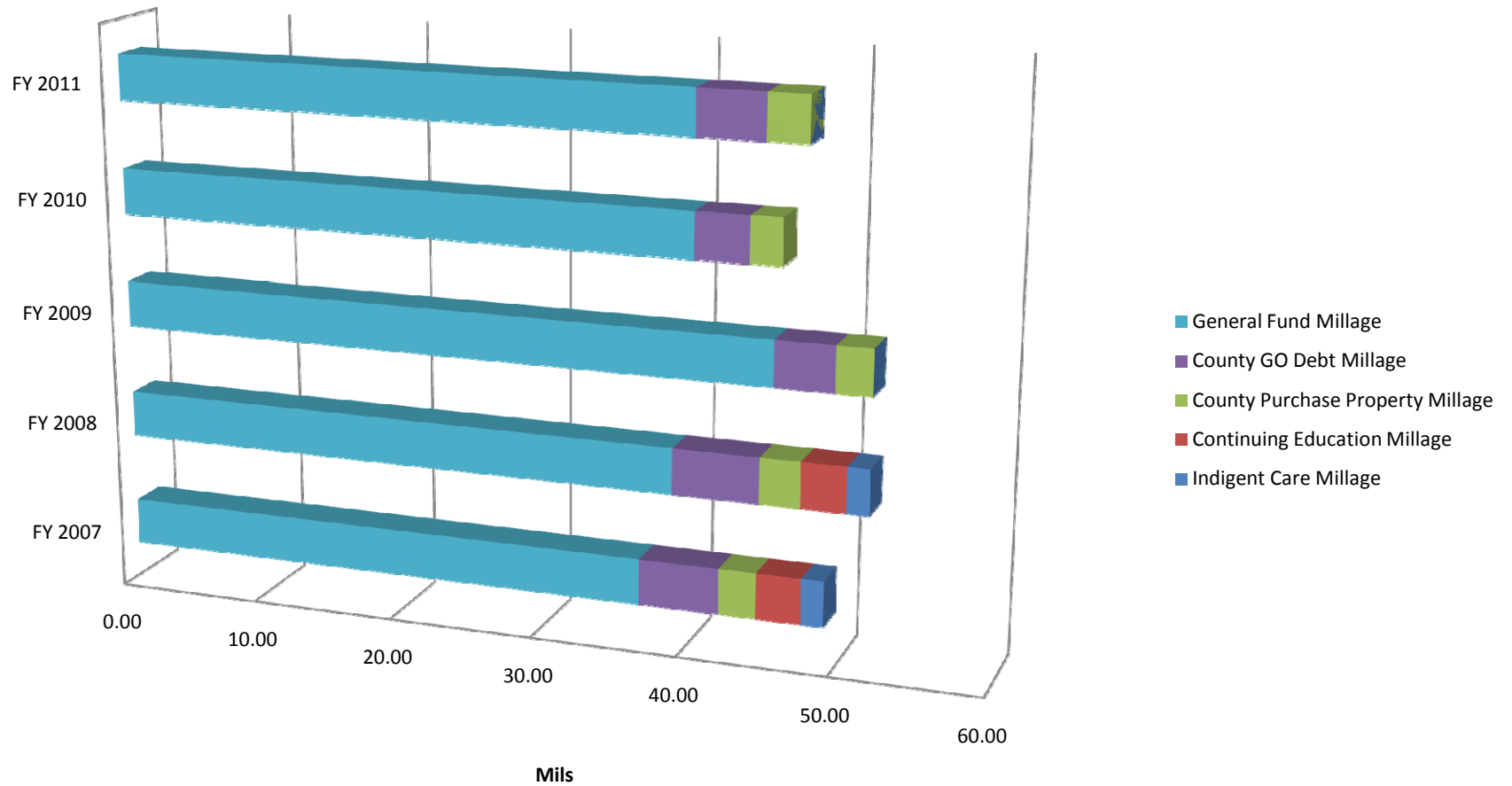


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Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.

Beaufort County, SC Combined County Millage - FY 2007 - FY 2011



Note 1 : The County's continuing education and indigent care millages were rolled up into the general fund's millage in fiscal year 2009.

Note 2: Fiscal year 2009's general fund millage included a 2.1 mil swap with the County's debt millages. As such there was no net millage increase from fiscal year 2008.

Note 3: Fiscal year 2010 was a reassessment year. There were no changes to any County millages in that process.



Nikki R. Haley
Governor

SOUTH CAROLINA
Aeronautics Commission



AERONAUTICS
COMMISSION

November 1, 2011

Chairman
Delphin A.
Gantt, Jr.

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

District 1
Vacant

Re: South Carolina Aeronautics Commission
Project No. 11-014, Hilton Head Airport

Dear Mr. Kubic:

District 2
Frank W.
Young

I am pleased to inform you that the South Carolina Aeronautics Commission (SCAC) has approved your project application and awarded up to \$6,859 to Hilton Head Airport to develop a master plan for Hilton Head Airport per State Statutory Law 55-5-87. This grant was approved based on your representation of local funding availability and your ability to proceed promptly with the project.

District 3
Vice-
Chairman
Ira E. "Bud"
Coward

Please execute the enclosed grant agreements and return one original to SCAC at your earliest convenience.

District 4
Robert E.
Walker

This project qualifies for the Federal Aviation Administration grant program where 95 percent of the cost is funded by a federal grant and five percent by state and local government. Project cost and funding are as indicated below:

Total project cost	\$274,370
Federal grant	\$260,652
State grant	\$ 6,859
Local government	\$ 6,859

District 5
Barry G.
Avent

We are pleased to provide this assistance. If we can be of further assistance, please do not hesitate to call.

District 6
Secretary
Dennis L.
Dabney

Sincerely,

Paul G. Werts
Executive Director

PGW/tr

Enclosures: Grant

cc: Governor Nikki Haley
Chairman Delphin A. Gantt, Jr.
Representative Bill Herbkersman, Chairman, Beaufort County Delegation
Commissioner, Frank W. Young, M.D., District 2
Judy Elder, Project Manager, Talbert & Bright, Inc.

GRANT AGREEMENT
Part 1 - OFFER

Date of Offer: **October 27, 2011**

Project No. 11-014

TO: **Beaufort County**
(herein referred to as the "Sponsor")

FROM: The State of South Carolina (acting through the South Carolina Aeronautics Commission, herein referred to as "Aeronautics").

WHEREAS, The Sponsor has submitted to Aeronautics a Project Application dated **October 11, 2011**, a grant of State Funds for a project for development of the **Hilton Head Airport** together with plans and specifications for such a project, with Project Applications, as approved by Aeronautics is hereby incorporated herein and made a part hereof:

and

WHEREAS, Aeronautics has approved a project for development of the Airport ("herein called the "Project") consisting of the following described airport development:

Develop a master plan for Hilton Head Airport

All as more particularly described in the property map and plans and specifications incorporated in the said Project Application:

NOW THEREFORE, pursuant to and for the purposes of carrying out the provisions of this grant and in consideration of (a) the Sponsor's adoption and ratification of the acceptance of this offer and agreement, as hereinafter provided, and (b) the benefits to accrue to the State of South Carolina and the public from the accomplishment of the project and the operation and maintenance of the Airport, as herein provided.

THE STATE OF SOUTH CAROLINA ACTING THROUGH THE SOUTH CAROLINA AERONAUTICS COMMISSION, HEREBY OFFERS AND AGREES to pay, as South Carolina's matching share of the allowable cost incurred in accomplishing the project as per the following schedule:

<u>Funding Source</u>	<u>Amount</u>
State	\$ 6,859
Federal	\$260,652
Sponsor	\$ 6,859
Other	\$ 0

for a total cost of **\$274,370** subject to the following:

PART II - SPONSOR ASSURANCES

1. The Sponsor shall:
 - a. begin accomplishment of the Project within a reasonable time after acceptance of this Offer, but no later than one year from award of this Offer;
 - b. carryout and complete the project in accordance with the terms of this agreement, applicable policies of Aeronautics, and applicable statutes, regulations and fiscal policies of the State of South Carolina, and any applicable local ordinances;
 - c. carryout and complete the project in accordance with the plans and specifications and property map incorporated herein, including any revisions or modifications approved in writing by Aeronautics. Sponsor further agrees to copy Aeronautics as to all construction progress reports, payment applications, and completion documents and related correspondence within ten (10) days of document development or receipt.
 - d. submit all planning documents to Aeronautics for review and approval; and
 - e. notify Aeronautics, in writing, of any improvements to the airport so that same may be incorporated into the South Carolina Airport System Plan.
2. The Sponsor shall operate and maintain the Airport as provided in the Project Application.
3. Any misrepresentations or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this Offer shall terminate the obligation of the State of South Carolina and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, Aeronautics of Aeronautics, on behalf of the State of South Carolina, may demand and recover from Sponsor all grant payments made, plus interest at the legal rate prevailing at date of demand.
4. The Sponsor shall maintain the approaches to the airport in compliance with appropriate guidelines set forth in FAA Part 77 or other guidelines approved in writing by Aeronautics. Failure on the part of the Sponsor to take appropriate action to remove any and all obstructions in the approaches may result in withholding of any payment of the funds established by this agreement for the herein described project until such time as the necessary actions are taken.
5. The Sponsor shall maintain property insurance on the project to cover any and all losses. The amount of the coverage shall, at a minimum, be equal to the total cost of the project.
6. The Sponsor's Request for Final Reimbursement must have been received within ninety (90) calendar days after the Final Inspection has been accomplished in order to close out the project in a timely manner.

PART III - ACCEPTANCE

_____ (Sponsor) does hereby ratify and adopt all statements, representations, warranties, covenants, sponsor assurances and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby unconditionally accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this _____ day of _____, 2011

(Name of Sponsor)

(Signature By)

(Title)

(Seal)

Attest _____

Title _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as attorney for _____ do hereby certify: That I have examined the foregoing Grant Agreement and the proceedings taken by said _____ relating thereto, and find the Acceptance by Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of South Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated this _____ day of _____, 2011

Signature By _____

Title _____



Memorandum

DATE: November 11, 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 October 24, 2011 through November 11, 2011:

October 24, 2011 (Monday)--Bluffton:

- Bluffton Hours
- Prepare for County Council
- County Council

October 25, 2011 (Tuesday):

- Review EMS Call Statistics
- Meet with USDA Representatives, George Hicks and Rusty Craven and Joshua Gruber, Staff Attorney re: St. Helena Library Grant Documents
- Meet with Suzanne Gregory, Employee Services
- Meet with Suzanne Rainey, Clerk to Council
- Meet with Linda Edwards, Esquire
- Attend Public Facilities Committee Meeting

October 26, 2011 (Wednesday):

- Attend Management Training
- Bluffton Hours P.M.

October 27, 2011 (Thursday):

- Attend Beaufort County Government Complex Renovations Meeting
- Meet with Tellulah Trice, HAND re: Animal Shelter
- Meet with Suzanne Gregory, Employee Services
- Attend Port Royal Form-Based Code Charrette Meeting

October 28, 2011 (Friday):

- Meet with Suzanne Gregory, Employee Services Director
- Meet and Greet Building Codes Director Candidate
- Meet with Sean Thornton, Solicitor's Office
- Bluffton Hours P.M.

October 31, 2011 (Monday):

- Meet with Monica Spells, Compliance Officer, and Ladson Howell and Joshua Gruber, Staff Attorneys re: Courthouse Reskin Project
- Meet with MIS Staff re: Computer Issues
- Bluffton Hours P.M.

November 1, 2011 (Tuesday):

- Attend Public Safety Directors Meeting
- Meet with Donna Ownby, EMS Director and Todd Ferguson, Emergency Management Director re: CRA Study
- Meet with Dave Thomas, Purchasing Director and Mark Roseneau, Facilities Maintenance Director re: Bluffton Office Space RFP
- Meet with Sheriff's Office re: Animal Control

November 2, 2011 (Wednesday):

- Meet with Animal Shelter Staff
- Meet with Audra Antonacci, Codes Enforcement Director
- Meet with Gary Kubic, County Administrator, Ladson Howell and Joshua Gruber, Staff Attorneys re: Beach Access Stairs at Land's End
- Meet with Jim Minor, Public Works
- Speak to Boys and Girls Club at Detention Center
- Attend Forman Hill Road Connector Public Meeting in Bluffton

November 3, 2011 (Thursday):

- Meet with Clyde Smith and Wilmot Schott, Building Codes re: Contractor Issue
- Meet with Morris Campbell, Community Services Director
- Meet with Suzanne Gregory, Employee Services Director

November 4, 2011 (Friday):

- Meet with David Starkey and Alicia Holland, Finance re: CIP
- Meet with Suzanne Gregory, Employee Services Director
- Meet with Alicia Holland, Controller re: Budget Adjustments

November 7, 2011 (Monday):

- DA Meeting
- Attend Legislative Delegation Meeting
- Meet with Dale Butts, Register of Deeds
- Meet with David Starkey, CFO
- Attend Natural Resources Committee Meeting
- Meet with Suzanne Gregory, Employee Services Director

November 8, 2011 (Tuesday)--Bluffton:

- Conference call with Gary Kubic, County Administrator and Robert McFee, Engineering and Infrastructure Director re: State Infrastructure Bank
- Bluffton Hours
- Conference with Duffie Stone, Solicitor
- Work on Budget Snapshot for Council

November 9, 2011 (Wednesday):

- Agenda Review
- Attend BTAG Meeting
- Visit Potential Bluffton Office Sites - P.M.

November 10, 2011 (Thursday)--Bluffton:

- Attend Pre-BTAG Meeting
- Meeting with Robert McFee, Engineering and Infrastructure Director re: SIB Application
- Meeting with Gary Kubic, County Administrator and David Starkey, CFO re: Funding Requests to SCDOT
- Bluffton Hours P.M.

November 11, 2011 (Friday)--VETERAN'S DAY:

- Closed

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE CONDUCTED NOVEMBER 6, 2012, CONCERNING A PROPOSITION AUTHORIZING BEAUFORT COUNTY TO ISSUE GENERAL OBLIGATION BONDS TO ACQUIRE LANDS FOR PRESERVATION AND TO PAY CERTAIN COSTS AND DEBT SERVICE RELATED THERETO.

WHEREAS, Beaufort County has experienced a very high rate of growth during the last decade and the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County's quality of life; and

WHEREAS, Beaufort County has created a citizen advisory committee known as the Beaufort County Rural and Critical Lands Preservation Board for the purpose of identifying and evaluating potential lands for preservation based upon an official criteria and ranking system established for the County; and

WHEREAS, the Beaufort County Rural and Critical Lands Preservation Board has requested that the County conduct a referendum that if favorably approved by the citizens of Beaufort County, would allocate 1 mill in ad valorem taxes for the express purpose of continuing the acquisition of lands for conservation and recreation purposes; and

WHEREAS, the Beaufort County Rural and Critical Lands Preservation Board has additionally requested that an amount not to exceed twenty percent (20%) of the total amounts borrowed under this referendum be allowed for use in the making of improvements, outside the scope of general property maintenance, to those lands which have been acquired by the County under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing; and

WHEREAS, Policy 8 under the Transportation Programs section of the Beaufort County Comprehensive Plan recognizes the fact that portions of the County's roadway system's long term capacity is constrained and additional roadway infrastructure cannot resolve all of the county's roadway capacity problems; and

WHEREAS, Beaufort County forecasts the that a levy of 1 mill as requested by the Beaufort County Rural and Critical Lands Preservation will raise sufficient revenue to finance the issuance of \$20,000,000 in general obligation bonds; and

WHEREAS, the purposes of the bond proceeds are to provide for and protect natural areas and open space, to protect water quality from harmful effects of over-development, to preserve land for recreational activities, to alleviate traffic congestion, to preserve farm and forest land, to preserve the rural character of Beaufort County and to protect other environmentally sensitive areas such as

wetlands, marsh lands and headwater areas;

NOW, THEREFORE, BE IT RESOLVED by the Beaufort County Council that pursuant to the provisions of Section 4-9-30, *et seq.* of the *Code of Laws of South Carolina, 1976*, as amended, the Beaufort County Council hereby directs the Beaufort County Board of Elections and Registration to print on the official ballot to be used in the General Election to be held on November 6, 2012 the following public question:

OFFICIAL BALLOT, REFERENDUM
GENERAL OBLIGATION BONDS, NOT TO EXCEED \$20,000,000
FOR LAND PRESERVATION TO PROTECT NATURAL LAND, FARMLAND AND
WATER QUALITY AND TO ALLEVIATE TRAFFIC CONGESTION
NOVEMBER 6, 2012

“Shall Beaufort County, South Carolina issue general obligation bonds, not to exceed \$20,000,000, for the purpose of land preservation, by purchasing open land, development rights and conservation easements in all areas of Beaufort County, in order to alleviate traffic congestion in high growth areas and to protect water quality, natural lands, wildlife areas, farmland, parkland, recreational areas, coastal areas, rivers and wetlands, provided that all expenditures shall be prioritized based upon an official criteria and ranking system established for the County, and subject to an annual independent audit and provide that an amount, not to exceed twenty percent (20%) of the amount borrowed may be spent on improvements, outside the scope of general property maintenance, to those lands which have been acquired by Beaufort County, South Carolina under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing?”

If the voter wishes to vote in favor of the question, place a check or cross mark in the square after the words “In favor of the question”; if the voter wishes to vote against the question, place a check or cross mark in the square after the words “Opposed to the question.”

YES	In favor of the question	
NO	Opposed to the question	 ”

If this question is approved, then Beaufort County will be authorized to issue general obligation bonds in an amount not to exceed \$20 million. The bond funds will allow Beaufort County to continue to preserve open land as well as making improvements to such lands. Bond funds may be used only for the purposes stated in the ballot question. None of the funds may be used for any other purpose, or for administrative expenses of Beaufort County. However, the County shall be permitted to expend bond funds to engage a qualifying organization(s) in the management of the Beaufort County Rural and Critical Lands Preservation Program. An annual audit will verify that the funds are used as required by law.

BE IT FURTHER RESOLVED that certified copies of this Ordinance be forwarded to the Beaufort County Board of Elections and Registration, Clerk of Beaufort County, Mayors and Clerks of Beaufort County municipalities, State legislators, Beaufort County Council, Director of Finance, Planning Director, Director of Parks and Recreation, County Auditor, and the Chairman of the Beaufort County Rural and Critical Land Preservation Board.

Adopted this _____ day of _____, 2011.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

APPROVED AS TO FORM:

Joshua A. Gruber, County Attorney

First Reading: October 24, 2011

Second Reading:

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED JOINTLY BY BEAUFORT COUNTY AND THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA.

WHEREAS, Beaufort County and the Town of Hilton Head, South Carolina, jointly own real property located on U.S. Highway 278, which is more particularly known and described as:

All that certain piece, parcel or lot of land situate, lying and being located in the Town of Hilton Head Island, South Carolina, containing 3.02 acres, more or less, which is more fully delineated on a plat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freisleben, P.E. & P.L.S., S.C. # 4624, County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991, and revised September 11, 1992, entitled "A 3.02 Acre and 3.73 Acre subdivision of a part of Honey Horn Plantation, Hilton Head Island, South Carolina," said Plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 45 at Page 67.

AND ALSO:

All that certain piece, parcel or lot of land situate, lying and being located in the Town of Hilton Head Island, South Carolina, containing 3.73 acres, more or less, which is more fully delineated on a plat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freisleben, P.E. & P.L.S., S.C. # 4624, County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991, and revised September 11, 1992, entitled "A 3.02 Acre and 3.73 Acre subdivision of a part of Honey Horn Plantation, Hilton Head Island, South Carolina," said Plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 45 at Page 67 (hereinafter collectively referred to as the Town and County Property"); and

WHEREAS, Aurora Loan Services, L.L.C., has become the owner of the below described property:

All that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, South Carolina, and being more particularly described as 0.27 acres, more or less, on the marshes of Jarvis Creek. Said property is more particularly shown on that certain plat dated September 29, 1988, prepared by Jerry L. Richardson, RLS # 4784, titled "A plat of A subdivision of .0543 acres of Sara James property located in the Fairfield/Stoney area, Hilton Head Island, SC," and being recorded in the Office of the Register of Deeds for

Beaufort County, South Carolina, in Plat Book 36 at page 180 (hereinafter, the “Aurora Property.”)

WHEREAS, access to the Aurora Property is over an unpaved road known as “Adrianna Lane,” which lies on the Town and County Property, but there is no formal easement allowing for access to the Aurora Property over “Adrianna Lane”; and,

WHEREAS, Aurora has requested that the Town and Beaufort County grant an Access Easement for ingress and egress to and from the Aurora Property from U.S. Hwy. 278 over “Adrianna Lane” which lies across the Town and County Property; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the execution and delivery of the requested Easement attached hereto and incorporated by reference as “Exhibit A.”; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL AS FOLLOWS:

SECTION 1. Execution of Easement encumbering County Owned Land:

- (a) The County Administrator is hereby authorized to execute the Easement which is attached hereto as “Exhibit A”; and,
- (b) The County Administrator is authorized to deliver the Easement which is attached hereto as “Exhibit A” at such time as the Town of Hilton Head Island, South Carolina, executes and is prepared to deliver and Easement similar in form and substance to the Easement which is attached hereto as Exhibit “A”; and,
- (c) The County Administrator is hereby authorized to take all other and further actions as may be necessary to complete the conveyance of the Easements.

SECTION 2. Severability:

If any section, phrase, sentence or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction,

then such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and shall not affect the remaining portion thereof.

SECTION 3. Effective Date:

This Ordinance shall become effective upon its adoption by Beaufort County Council.

**ADOPTED BY BEAUFORT COUNTY COUNCIL, BEAUFORT, SOUTH CAROLINA,
ON 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:

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACCESS EASEMENT

This Access Easement Agreement is made this _____ day of _____, 2011, by and between Beaufort County, South Carolina, having an address of Post Office Box 1128, Beaufort, South Carolina (hereinafter, "Beaufort County"), The Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, SC, 29928 (hereinafter, the "Town"), and Aurora Loan Services, L. L. C., having an address of 601 Fifth Avenue, Scottsbluff NE, 69361 (hereinafter, "Aurora").

WITNESSETH

WHEREAS, Beaufort County and th Town jointly own real property which is known and described as follows:

All that certain piece, parcel or lot of land situate, lying and being located in The Town of Hilton Head Island, South Carolina, containing 3.02 acres, more or less, which is more fully delineated on a pat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freisleben, P.E. & P.L.S., S. C. # 4624, County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991, and revised September 11, 1992, entitled "A 3.02 Acre and a 3.73 Acre subdivision of a Part of Honey Horn Plantation, Hilton Head Island, South Carolina", said Plat being recorded in the the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 45 at Page 67.

AND ALSO:

All that certain piece, parcel or lot of land situate, lying and being located in The Town of Hilton Head Island, South Carolina, containing 3.73 acres, more or less, which is more fully delineated on a pat prepared by Beaufort County Public Works Engineering Department, by Erik H. Freisleben, P.E. & P.L.S., S. C. # 4624, County Engineer/Surveyor for Beaufort County Council, dated November 13, 1991, and revised September 11, 1992, entitled "A 3.02 Acre and a 3.73 Acre subdivision of a Part of Honey Horn Plantation, Hilton Head Island, South Carolina", said Plat being recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 45 at Page 67 (hereinafter collectively referred to as the "Town and County Property".)

WHEREAS, as Aurora is the owner of the below described property:

All that certain piece, parcel or lot of land situate, lying and being on Hilton head Island, South Carolina, and being more particularly described as 0.27 acres, more or less, on the marshes of Jarvis Creek. Said property is more particularly shown on that certain plat dated September 29, 1988, prepared by Jerry L. Richardson, RLS #4784, titled "A plat of A Subdivision of 0.543 acres of Sara James property located in the Fairfield/Stoney area, Hilton head Island, SC," and being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 36 at page 180 (hereinafter, the "Aurora Property").

WHEREAS, Aurora has requested that the Town and Beaufort County grant an Access Easement for ingress and egress to and from the Aurora property from U S Hwy. 278 over an existing unpaved roadway known as "Adrianna Lane" across the Town and County Property; and,

WHEREAS, the Town and Beaufort County has agreed to grant the requested Access Easement upon the terms and conditions set forth below.

NOW, THEREFORE, know all men by these presents, the Town of Hilton Head Island, South Carolina, and Beaufort County, South Carolina, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt and sufficiency whereof is acknowledged, have bargained, granted, and sold and by these presents do hereby bargain, grant, and sell to Aurora Loan Services, L.L.C., its successors and assigns, temporary, non-exclusive Access Easement on, over and across a portion of the Town and County Property as is described below:

All that certain parcel being Twenty (20') feet in width, centered on the existing unpaved roadway known as "Adrianna Lane", commencing at the existing curb cut on U.S. Highway 278 where "Adrianna Lane" intersects the right-of-way of U.S. Highway 278, and following the course of "Adrianna Lane", to the point where "Adrianna Lane" intersects the boundary of the Aurora Property (hereinafter, the "Easement Property"),

for the purpose of providing ingress and egress to and from the Aurora Property from U.S. Highway 278.

This Access Easement is granted by the Town and Beaufort County and accepted by Aurora subject to the following terms:

1. This Access Easement is conveyed subject to all other easements, licenses, and conveyances of record and is subject to the rights herein reserved by the Town and Beaufort County, and their successors and assigns, to utilize the Town and County Property at any time, in any manner, and for any purpose, provided, however, that such use by the Town and Beaufort County shall not be inconsistent with nor prevent the full utilization by Aurora of the rights and privileges granted herein.
2. This Access Easement is for the sole purpose of providing ingress and egress to and from the Aurora Property from U. S. Highway 278, and the rights granted hereunder are for such purpose only. Any other use of the Easement Property is a violation of the terms of this Access Easement and is prohibited.
3. The Town and Beaufort County may relocate, move or replace "Adrianna Lane" and the Easement Property to any other location on the Town and County Property as the Town and Beaufort County, in their discretion, may deem advisable, and may close move and relocate the existing curb cut where "Adrianna Lane" intersects with U. S. Highway 278, to such other location as the Town and Beaufort County, in their discretion, may deem advisable, so long as the moved or relocated curb cut, "Adrianna Lane", any replacement for "Adrianna Lane", and the Easement Property provide access to and from U. S. Highway 278 across the Town and County Property to the boundary of the Aurora Property.
4. This Access Easement will terminate at such time as any public road is built and

opened for use by the general public that fronts on any boundary of the Aurora Property. At such time as any such public road is built and open for use by the general public, the then owner of the Aurora Property will execute and deliver a recordable Termination of this Access Easement, upon request by the town and/or Beaufort County, on a form to be provided by the Town and/or Beaufort County to the then owner of the Aurora Property.

In Witness whereof, the Parties hereto have caused the within Access Easement to be executed by their duly authorized officers on this _____ day of _____, 2011.

(Signatures Begin on Following Page)

WITNESSES:

**THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA**

By: _____

Attest: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

UNIFORM ACKNOWLEDGMENT
S. C. CODE ANN. § 30-5-30 (SUPP. 2011)

I, the undersigned Notary Public do hereby certify that the duly authorized officers of The Town of Hilton Head Island, South Carolina, personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of The Town of Hilton Head Island, South Carolina .

Sworn to and Subscribed before me
on this _____ Day of _____, 2011.

Notary Public for South Carolina
My Commission Expires: _____

WITNESSES:

**BEAUFORT COUNTY,
SOUTH CAROLINA**

By: _____

Attest: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

UNIFORM ACKNOWLEDGMENT
S. C. CODE ANN. § 30-5-30 (SUPP. 2011)

I, the undersigned Notary Public do hereby certify that the duly authorized officers of Beaufort County, South Carolina, personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of Beaufort County, South Carolina .

Sworn to and Subscribed before me
on this _____ Day of _____, 2011.

Notary Public for South Carolina
My Commission Expires: _____

WITNESSES:

AURORA LOAN SERVICES, L. L. C.

By: _____

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

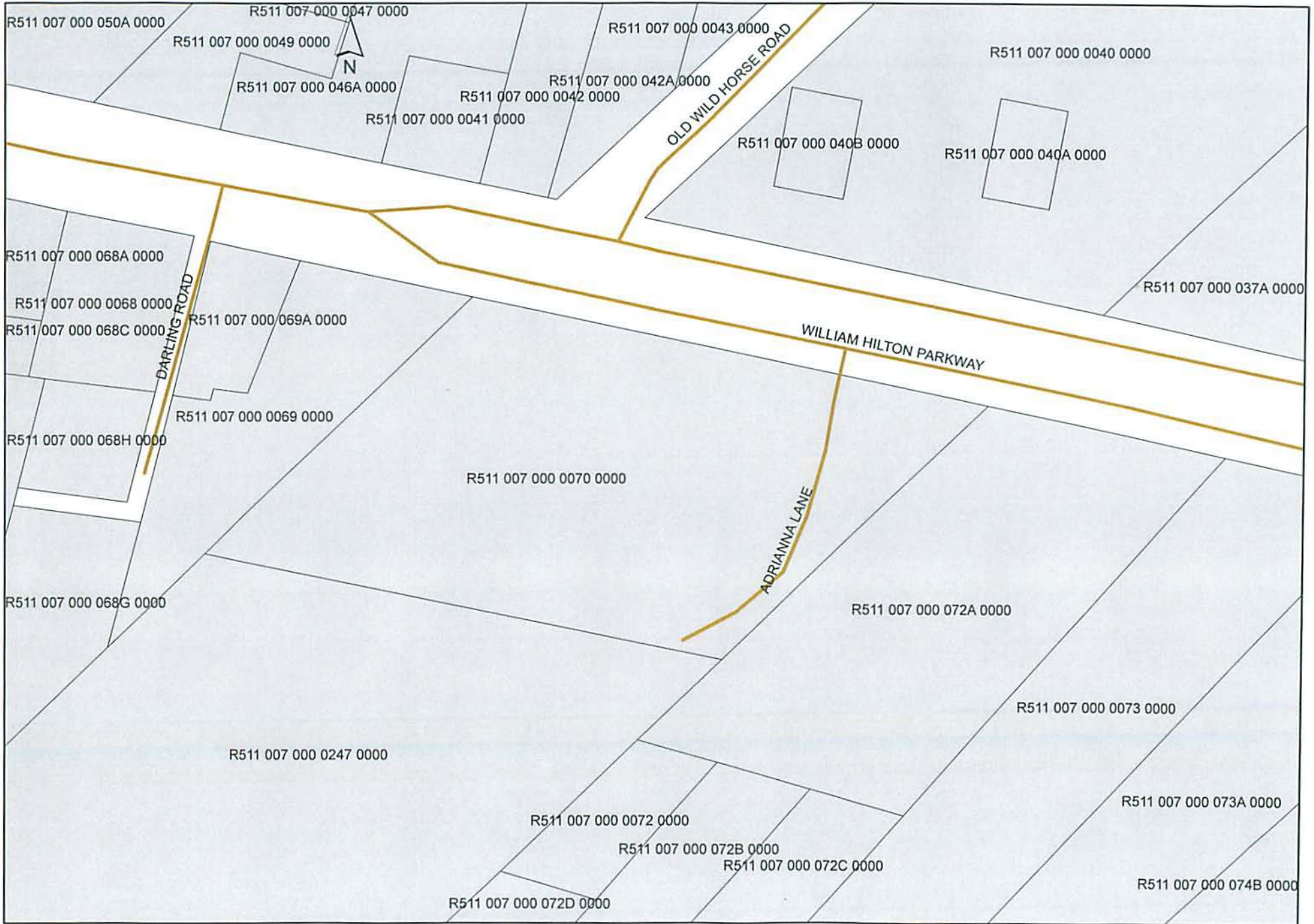
UNIFORM ACKNOWLEDGMENT
S. C. CODE ANN. § 30-5-30 (SUPP. 2011)

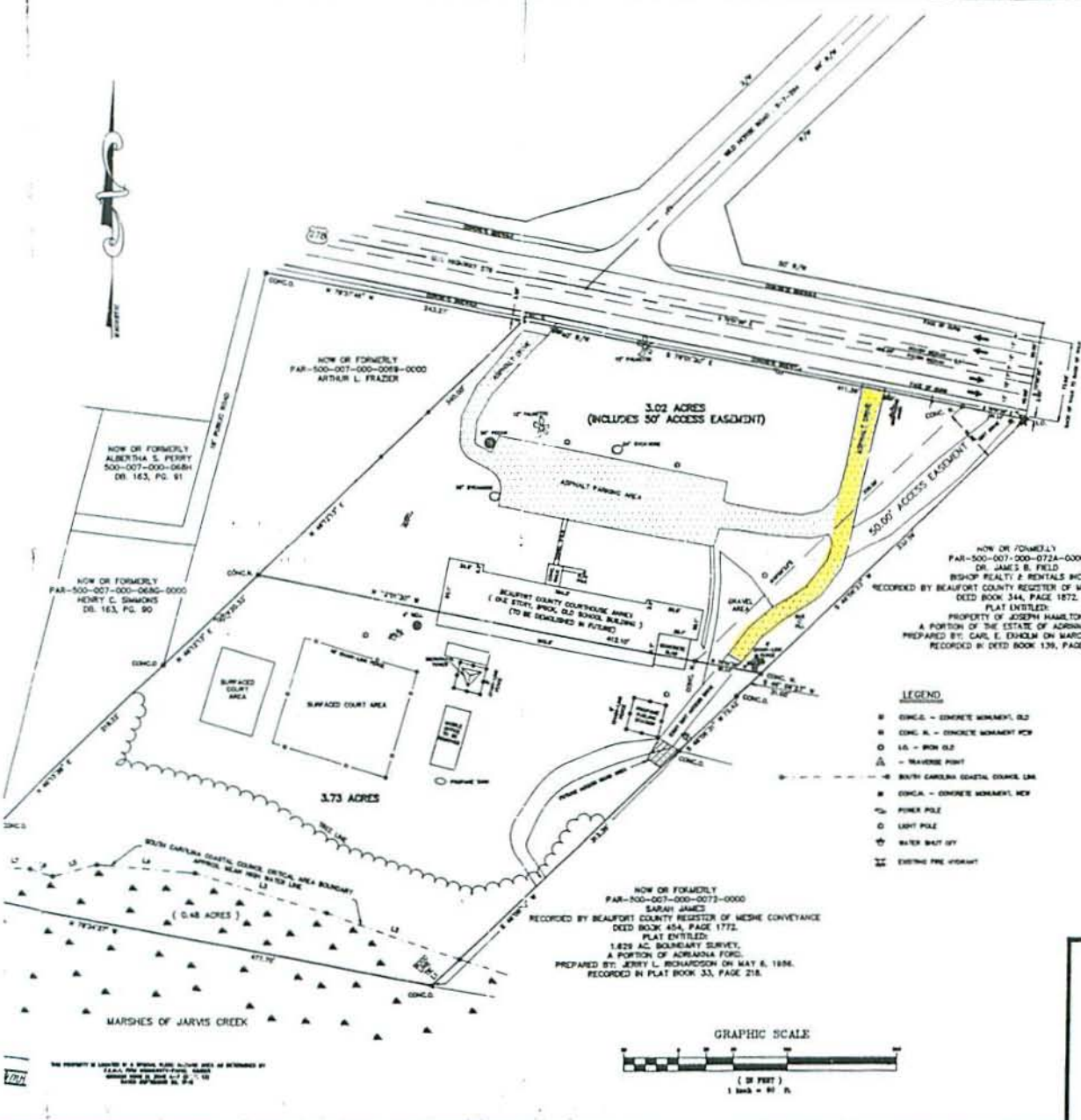
I, the undersigned Notary Public for the State of _____, do hereby certify that the duly authorized officers of Aurora Loan Services, L. L. C., personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument on behalf of Aurora Loan Services, L. L. C.

Sworn to and Subscribed before me
on this _____ Day of _____, 2011.

Notary Public for: _____
My Commission Expires: _____

Site Location Map





NOW OR FORMERLY
 PAR-500-007-000-0008-0000
 ARTHUR L. FRAZER

NOW OR FORMERLY
 ALBERTHA S. PERRY
 500-007-000-0080-0000
 DB. 163, PG. 91

NOW OR FORMERLY
 PAR-500-007-000-0080-0000
 HENRY C. SIMMONS
 DB. 163, PG. 90

BEAUFORT COUNTY COURTHOUSE ANNEX
 (ONE STORY BRICK OLD SCHOOL BUILDING)
 (TO BE DEMOLISHED IN FUTURE)

NOW OR FORMERLY
 PAR-500-007-000-072A-0000
 DR. JAMES B. FIELD
 BISHOP REALTY & RENTALS INC.
 RECORDED BY BEAUFORT COUNTY REGISTER OF MESSE CONVEYANCE
 DEED BOOK 344, PAGE 1872.
 PLAT ENTITLED:
 PROPERTY OF JOSEPH HAMILTON,
 A PORTION OF THE ESTATE OF AGRIMONA FORD
 PREPARED BY: CARL E. ENCKEL ON MARCH 26, 1966.
 RECORDED IN DEED BOOK 139, PAGE 195.

- LEGEND**
- CONC.C. - CONCRETE MONUMENT, OLD
 - CONC.N. - CONCRETE MONUMENT NEW
 - I.G. - IRON OLD
 - △ - TRAVELER POINT
 - SOUTH CAROLINA GEODETIC CONTROL MARK
 - CONC.C. - CONCRETE MONUMENT, NEW
 - ⊕ POWER POLE
 - LIGHT POLE
 - ⊕ WATER MAIN OFF
 - ⊕ EXISTING FIRE HYDRANT

NOW OR FORMERLY
 PAR-500-007-000-0073-0000
 SARAH JAMES
 RECORDED BY BEAUFORT COUNTY REGISTER OF MESSE CONVEYANCE
 DEED BOOK 454, PAGE 1772.
 PLAT ENTITLED:
 1.829 AC. BOUNDARY SURVEY,
 A PORTION OF AGRIMONA FORD.
 PREPARED BY: JERRY L. RICHARDSON ON MAY 8, 1984.
 RECORDED IN PLAT BOOK 33, PAGE 218.

PROPERTY OF BEAUFORT COUNTY
 RECORDED BY THE BEAUFORT COUNTY
 REGISTER OF MESSE CONVEYANCE IN
 DEED BOOK 228, PAGE 578.
 REFERENCE PLAT RECORDED IN
 PLAT BOOK 19, PAGE 111
 A PORTION OF
 HONEY HORN PLANTATION PROPERTIES
 PREPARED BY:
 FRED C. HALL ON OCTOBER 15, 1971

A SUBDIVISION PLAN FOR
 BEAUFORT COUNTY COUNCIL
 A 3.02 ACRE AND A 3.73 ACRE
 SUBDIVISION OF A PART
 OF HONEY HORN PLANTATION
 HILTON HEAD ISLAND, SOUTH CAROLINA

PREPARED BY:
 BEAUFORT COUNTY PUBLIC WORKS
 ENGINEERING DEPARTMENT
 ROUTE 8, BOX 274, SHAWHOLM ROAD
 BEAUFORT, SOUTH CAROLINA 29902
 NOVEMBER 13, 1991
 REVISED SEPT. 11, 1992 TO CLARIFY ACCESS EASEMENT



THE PROPERTY IS SHOWN IN A SPECIAL PLAIN SECTION AREA AS DETERMINED BY
 LOCAL PLAIN SECTION SURVEY. THESE
 SURVEYS ARE MADE BY S.A. 10
 1/201



County Council of Beaufort County
Hilton Head Island Airport – www.hiltonheadairport.com
Beaufort County Airport – www.beaufortcoairport.com
Post Office Box 23739 – 120 Beach City Road
Hilton Head Island, South Carolina 29925-3739
Phone: (843) 255-2950 - Fax: (843) 255-9424

TO: Councilman Herbert Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator
David Starkey, Chief Financial Officer *DS*
Rob McFee, Division Director, Engineering and Infrastructure *JRM/TA*

FROM: Paul Andres, Director of Airports *PA*

SUBJ: Airport Capital Improvement Program (ACIP) Plans

DATE: October 20, 2011

BACKGROUND. Every year the Airports are required to submit an updated ACIP Plan for the upcoming fiscal year along with a five year ACIP projection. Attached are the FY-2012 Updates and Five Year ACIP Plans for both the Hilton Head Island and Beaufort County Airports. The FAA uses these submissions to arrange funding for future grant offers. These plans are consistent with those previously submitted and reflect the recommendations contained in each of the respective Airport Master Plan Updates. These ACIP Plans are due to the FAA by January 1, 2012. The Airports Board favorably endorses these plans.

FUNDING. Funding of the local matching share will be reflected in each Airport's Annual Operating Budget as appropriate.

RECOMMENDATION. That the Public Facilities Committee approve and recommend to County Council approval of the FY-2012 Updates and Five Year ACIP Plans for both airports for submission to the FAA.

PAA/paa

Attachments: Hilton Head Island Airport FY-2012 Update and 5 Year ACIP Plans
Beaufort County Airport FY-2012 Update and 5 Year ACIP Plans

NPIAS 45-0008
 CITY: Beaufort, South Carolina

BEAUFORT COUNTY AIRPORT (ARW)

AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)
 FUNDING SCENARIO

FISCAL YEAR	PROJECT DESCRIPTION	TOTAL EST. COST	FAA SHARE	ENTITLEMENT FUNDS	DISCRETIONARY FUNDS	STATE SHARE	LOCAL SHARE
12	Runway 07 Tree Removal Phase III (Construction and Migration)	\$800,000	\$780,000	\$150,000	\$810,000	\$20,000	\$20,000
	2013 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$810,000	\$789,500	\$150,000	\$819,500	\$20,250	\$20,250

BEAUFORT COUNTY AIRPORT (ARW)							
NPIAS 45-0003							
CITY: Beaufort, South Carolina							
AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)							
FUNDING SCENARIO (FY '13 to '17)							
FISCAL YEAR	PROJECT DESCRIPTION	TOTAL EST. COST	FAA SHARE	ENTITLEMENT FUNDS	DISCRETIONARY FUNDS	STATE SHARE	LOCAL SHARE
13	Runway Safety Area Improvements and Partial Parallel Taxiway Extension (EA)	\$350,000	\$332,500	\$150,000	\$182,500	\$8,750	\$8,750
	Parking Lot Relocation and Utility Connection to Terminal (Design)	\$100,000	\$95,000	\$0	\$95,000	\$2,500	\$2,500
	2014 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$460,000	\$437,000	\$150,000	\$287,000	\$11,500	\$11,500
14	Runway Safety Area Improvements (Design and Permitting)	\$600,000	\$570,000	\$150,000	\$420,000	\$15,000	\$15,000
	Parking Lot Relocation and Utility Connection to Terminal (Construction)	\$650,000	\$617,500	\$0	\$617,500	\$18,250	\$18,250
	2015 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$1,260,000	\$1,197,000	\$150,000	\$1,047,000	\$33,500	\$33,500
15	Runway Safety Area Improvements (Construction)	\$3,370,000	\$3,201,500	\$150,000	\$3,051,500	\$84,250	\$84,250
	2018 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$3,380,000	\$3,211,000	\$150,000	\$3,061,000	\$84,500	\$84,500
16	Partial Parallel Taxiway and Apron Expansion (Design and Permitting)	\$200,000	\$190,000	\$150,000	\$40,000	\$5,000	\$5,000
	Holdpad (Design and Construction)	\$75,000	\$71,250	\$0	\$71,250	\$1,875	\$1,875
	2017 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$285,000	\$270,750	\$150,000	\$120,750	\$7,125	\$7,125
17	Partial Parallel Taxiway and Apron Expansion (Construction)	\$1,120,000	\$1,094,000	\$150,000	\$914,000	\$28,000	\$28,000
	Terminal Expansion (Design and Construction)	\$250,000	\$237,500	\$0	\$237,500	\$8,250	\$8,250
	2018 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$1,380,000	\$1,311,000	\$150,000	\$1,161,000	\$34,500	\$34,500
GRAND TOTAL		\$6,765,000	\$6,428,750	\$760,000	\$5,678,750	\$169,125	\$169,125

MILTON HEAD ISLAND AIRPORT (HXD)							
NPIAS 45-0030							
CITY: Hilton Head Island, South Carolina		AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)					
FUNDING SCENARIO							
FISCAL YEAR	PROJECT DESCRIPTION	TOTAL EST. COST	FAA SHARE	ENTITLEMENT FUNDS	DISCRETIONARY FUNDS	STATE SHARE	LOCAL SHARE
12	Part 150 Noise Compatibility Study (Reimbursement)	\$320,404	\$304,384	\$304,384	\$0	\$8,010	\$8,010
	ARFF Building - Phase II (Reimbursement)	\$250,000	\$237,500	\$237,500	\$0	\$8,250	\$8,250
	Runway 03 Off Airport Approach Tree Removal (Construction and Mitigation)	\$1,500,000	\$1,425,000	\$131,128	\$1,283,874	\$37,500	\$37,500
	Runway 03/21 Lighted Sign Relocation (Construction)	\$334,200	\$317,490	\$317,490	\$0	\$8,355	\$8,355
	2013 DBE Plan	\$10,000	\$9,500	\$9,500	\$0	\$250	\$250
	Total	\$2,414,604	\$2,293,874	\$1,000,000	\$1,293,874	\$60,366	\$60,366

WILTON HEAD ISLAND AIRPORT (HXD)							
NPIAS 45-0030							
CITY: Hilton Head Island, South Carolina							
AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)							
FUNDING SCENARIO (FY '13 to '17)							
FISCAL YEAR	PROJECT DESCRIPTION	TOTAL EST. COST	FAA SHARE	ENTITLEMENT FUNDS	DISCRETIONARY FUNDS	STATE SHARE	LOCAL SHARE
13	Commercial Service Terminal Improvements (Construction)	\$1,900,000	\$1,605,000	\$1,000,000	\$805,000	\$47,500	\$47,500
	Runway 03/21 Airfield Standards, Extension to 5,000 Feet (including Runway 03 EMAS), and Runway Safety Area East-West Drainage Improvements (Design Services Only)	\$1,040,000	\$988,000	\$0	\$988,000	\$26,000	\$26,000
	Land Acquisition (Runway 03 End)	\$3,600,000	\$3,420,000	\$0	\$3,420,000	\$0	\$180,000
	Land Acquisition (Runway 21 End)	\$5,100,000	\$4,845,000	\$0	\$4,845,000	\$0	\$255,000
	2014 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$11,650,000	\$11,067,500	\$1,000,000	\$10,067,500	\$73,750	\$508,750
14	Runway 03/21 Airfield Standards, Extension to 5,000 Feet (including Runway 03 EMAS), and Runway Safety Area East-West Drainage Improvements (Construction, Mitigation, and Engineering Construction Services)	\$7,748,600	\$7,359,270	\$1,000,000	\$6,359,270	\$193,685	\$193,685
	2015 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
	Total	\$7,758,600	\$7,368,770	\$1,000,000	\$6,368,770	\$193,915	\$193,915
16	Transition Surface Tree Removal (Design Services Only)	\$300,000	\$285,000	\$285,000	\$0	\$7,500	\$7,500
	VPG Runway 21 (Design Services Only)	\$75,000	\$71,250	\$71,250	\$0	\$1,875	\$1,875
	2016 DBE Plan	\$10,000	\$9,500	\$9,500	\$0	\$250	\$250
Total	\$385,000	\$365,750	\$365,750	\$0	\$9,625	\$9,625	
16	Transition Surface Tree Removal (Construction and Mitigation)	\$1,700,000	\$1,615,000	\$1,000,000	\$615,000	\$42,500	\$42,500
	2017 DBE Plan	\$10,000	\$9,500	\$0	\$9,500	\$250	\$250
Total	\$1,710,000	\$1,624,500	\$1,000,000	\$624,500	\$42,750	\$42,750	
17	ARFF Vehicle Replacement	\$350,000	\$332,500	\$332,500	\$0	\$8,750	\$8,750
	2018 DBE Plan	\$10,000	\$9,500	\$9,500	\$0	\$250	\$250
Total	\$360,000	\$342,000	\$342,000	\$0	\$9,000	\$9,000	
GRAND TOTAL		\$21,651,600	\$20,768,620	\$3,707,750	\$17,060,770	\$329,040	\$764,040



BEAUFORT COUNTY STORMWATER UTILITY
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2801 Facsimile (843) 255-9478



TO: Councilman Paul Sommerville, Chairman, Natural Resources Committee

VIA: Gary Kubic, County Administrator *OK*
Bryan Hill, Deputy Administrator *BH*
David Starkey, Chief Financial Officer *DS*
David Thomas, Purchasing Director *DT 10-24-11*
Rob McFee, P.E., Director of Engineering & Infrastructure *RM*
Robert Klink, P.E., County Engineer *RK*
Monica Spells, Compliance Officer *MS*

FROM: Dan Ahern, P.E., Stormwater Manager *DA*

SUBJ: **WATER QUALITY MONITORING CONTRACT FOR BEAUFORT COUNTY**

DATE: October 20, 2011

BACKGROUND. The GEL Engineering firm was selected in a major joint County/Municipal selection process in 2009. The solicitation stated that the contract may be extended up to 5 years. The solicitation process is described in the attached September 30, 2009 memo to the committee. This is the third year of this 5 year cycle. This year's contract will be for \$95,094 and reflects the reduced costs of fewer monitoring sites. We have collected the needed data at certain existing water quality monitoring sites and have discontinued monitoring at these sites. Last year's contract was for \$123,543 and was less than the first year's contract of \$169,535.

The proposed contract with GEL will have two separate scopes of services. They are for monitoring north (\$58,506) and south (\$36,588) of the Broad River. The two scopes are necessary because the City of Beaufort and Town of Port Royal will be contributing approximately 25% of the cost for monitoring north of the Broad River. The Towns of Bluffton and Hilton Head Island will continue to negotiate with separate contractors for monitoring. This effort is budgeted from the Stormwater Utility fund account 13531-51160.

RECOMMENDATION. That the Natural Resources Committee approve a one year extension of the Water Quality Monitoring contract for \$95,506 to GEL Engineering and recommend County Council Approval.

Attachment
September 30, 2009 memo
GEL Engineering proposal



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

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

TO: Councilman Jerry Stewart, Chairman, Governmental Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
David Starkey, Chief Financial Officer *DStarkey*
Duffie Stone, 14th Circuit Solicitor *DStone*
Monica Spells, Compliance Officer *MSpells*

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

SUBJ: RFP # 3952/120704 Electronic Monitoring Services for the Fourteenth Judicial Circuit Court, Solicitor's Office, Beaufort, South Carolina

Date: November 2, 2011

EVALUATION COMMITTEE NOTES: Beaufort County issued Request for Proposals (RFP) to firms capable of providing offender monitoring services for home detention at a fair and reasonable fee structure, while capable of providing all services as requested in the RFP. The services include providing staff for administration, GPS tracking, alcohol monitoring, equipment, installation, maintenance, reporting, and software. The evaluation committee consisted of Steven Murphy, Special Investigator, Daniel Brownstein, Communication Officer, Solicitor's Office, and Colonel Phil Foot, Detention Center Director. The evaluation committee interviewed the top three firms and selected Offender Management Services as the number one ranked firm. This is a new service for the Solicitor's Office and will be at no cost to the County. See the attached presentation for cost and service details.

FINAL RANKING

- 1 Offender Management, Cumming, GA
- 2 Judicial Monitoring Services, Peachtree City, GA
- 3 RMOMS, Westminster, CO
- 4 ICU, Rock Hill, SC

FUNDING: Services are paid by the offender at no cost to Beaufort County.

RECOMMENDATION: The Governmental Committee approve and recommend to County Council the contract award to Offender Management Services, the top ranked firm, with no cost to the County for an initial one (1) year contract with four (4) one (1) year annual renewals subject to approval by Beaufort County Council.

cc: Richard HineLine, Elizabeth Wooten
att: PowerPoint Presentation

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$10,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) In a referendum (the "Referendum") held in the County on November 7, 2006, the following question was submitted to the qualified electors of the County:

Shall the County be empowered to issue, either at one time as a single issue or from time to time as several separate issues, general obligation bonds of the County in the aggregate principal amount not to exceed \$50,000,000, the proceeds of which shall be used for the purpose of defraying the costs of the County Rural and Critical Land Preservation Program which preserves land by purchasing open land, development rights and conversation easements in all areas of Beaufort County, in order to alleviate traffic

congestion in high growth areas and to protect water quality, natural lands, wildlife areas, farmland, parkland, coastal areas, rivers and wetlands, legal fees and costs of issuance of such bonds, provided that all expenditures shall be prioritized based upon the official criteria and ranking system established for the County and subject to annual audit?

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the issuance of the general obligation bonds. The bonds (hereinafter defined) authorized herein are being issued pursuant to the Referendum in that the bonds are being issued in the fifth calendar year from the date of the Referendum. If this determination is found to be inaccurate or contrary to state law, Council finds that the County has sufficient constitutional 8% debt capacity within which to issue the bonds.

(f) The assessed value of all the taxable property in the County as of June 30, 2011, is \$1,833,479,546. Eight percent of the assessed value is \$146,678,364. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$93,722,603. Thus, the County may incur not exceeding \$52,955,761 of additional general obligation debt within its applicable debt limitation.

(g) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$10,000,000 aggregate principal amount general obligation bonds of the County, the proceeds of which along with other available funds of the County will be used for the following purposes: (i) funding referendum-approved projects; (ii) paying legal and financial advisor fees and other costs of issuance of the bonds; and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$10,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$10,000,000 (or such lesser amount issued) General Obligation Bonds (appropriate series designation), of Beaufort County, South Carolina" (the "Bonds"), for the purpose set forth in Section 1(g) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

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.

Wells Fargo Bank, N.A. shall serve as registrar and paying agent (the "Registrar/Paying Agent") for the Bonds.

SECTION 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. Without further authorization, 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) award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

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

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

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

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or

proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

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

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

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

SECTION 11. Initiative and Referendum. The County Council hereby delegates to the County Administrator and/or his lawfully-authorized designee the authority to determine whether the Notice prescribed under the provisions of Section 5 of Title 11, Chapter 27 of the Code relating to the initiative and referendum provisions contained in Title 4, Chapter 9, Article 13 of the Code shall be given with respect to this Ordinance. If said Notice is given, the County Administrator and/or his lawfully-

authorized designee are authorized to cause such Notice to be published in a newspaper of general circulation in the County, in substantially the form attached hereto as Exhibit C.

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

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

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

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

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

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

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute

and deliver to the successor securities depository Bonds of the same principal amount, interest rate, and maturity registered in the name of such successor.

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

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

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

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the County Treasurer in a special fund and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds, except that any premium shall be placed in the sinking fund established for the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

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

SECTION 21. Authorization to Issue General Obligation Bond Anticipation Notes. Pursuant to the Constitution and Title 11, Chapter 17, pending the issuance of the Bonds, County Council hereby authorizes the issuance of general obligation bond anticipation notes in an amount not to exceed \$10,000,000 (the “Notes”) for the purposes set forth in Section 1(g) herein. In the event, Notes are issued prior to issuing the Bonds, County Council will adopt a resolution prior to the issuance thereof setting forth the details of the Notes.

SECTION 22. Miscellaneous. The County Council hereby authorizes the County Administrator, Chair of the County Council, the Clerk to the County Council and County Attorney to execute such documents and instruments as necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as bond counsel and Ross, Sinclair & Associates, LLC, as financial advisor in connection with the issuance of the Bonds.

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

Enacted this ____ day of _____, 2011.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION BOND, SERIES 2011_

No. R-

<u>INTEREST</u>	<u>MATURITY</u>	<u>ORIGINAL</u>	
<u>RATE</u>	<u>DATE</u>	<u>ISSUE DATE</u>	<u>CUSIP</u>

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Beaufort County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of Wells Fargo Bank, N.A., in Atlanta, Georgia (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable _____ 1, 20__, and semiannually on _____ 1 and _____ 1 of each year thereafter, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently Wells Fargo Bank, N.A. in Atlanta, Georgia (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, 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 this Bond as they respectively mature and to create such sinking fund as may be necessary therefor.

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

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Beaufort County, South Carolina.

_____ as Registrar

By: _____ Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

JT TEN - As joint tenants with right of survivorship and not as tenants in common

under Uniform Gifts to Minors

(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

_____ (Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

(Authorizing Officer)

Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agents Medallion Program ("STAMP") or similar program.

NOTICE: The signature to this agreement this agreement must correspond with the name of the registered holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

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 OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:00 p.m. on _____, 2011.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not exceeding \$10,000,000 (the "Bonds"). The proceeds of the bonds will be used for: (i) funding referendum-approved projects; (ii) paying legal and financial advisor fees and other costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

The full faith, credit, and taxing power of the County will be pledged for the payment of the principal of and interest on the Bonds and a tax, without limit, will be levied on and collected annually, in the same manner other County taxes are levied and collected, on all taxable property in the County sufficient to pay to principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

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. _____ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$10,000,000; 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" (the "Ordinance").

The proceeds of the bonds will be used together with other available funds of the County for the following purposes: (i) funding referendum-approved projects; (ii) paying legal and financial advisor fees and other 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

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2011_,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Beaufort County, South Carolina (the "County"), _____, Beaufort, South Carolina, until 11:00 a.m, South Carolina time, on _____, _____, 2011, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2011_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2011_, Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of the County Administrator, fax number (843) _____.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 1359 Broadway, 2nd Floor, New York, New York 10018, Customer Support, telephone (212) 849-5021.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

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>
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*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: Wells Fargo Bank, N.A., shall serve as Registrar/Paying Agent for the Bonds.

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 all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: 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 Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the County sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2011_ of Beaufort County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the "Official Statement") in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a continuing disclosure certificate, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, which opinion shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

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

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT**DISCLOSURE DISSEMINATION AGENT AGREEMENT**

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2011, is executed and delivered by Beaufort County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repository.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Bonds” means the obligations of the Issuer as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repository under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Chief Financial Officer, the senior member of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means the Annual Financial Information, the Audited Financial Statements (if any) the Notice Event notices, and the Voluntary Reports.

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds as listed on Appendix A.

“Repository” means the MSRB through its Electronic Municipal Market Access (“EMMA”) system at www.emma.msrb.org.

“Trustee” means the institution identified as Registrar/Paying Agent in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the Repository not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2011. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification) no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Notice

Event as described in Section 4(a)(12) has occurred and to immediately send a notice to the Repository in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the Repository in substantially the form attached as Exhibit B.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) upon receipt, promptly file each Annual Report received under Section 2(a) with the Repository;
- (ii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the Repository;
- (iii) upon receipt, promptly file the text of each disclosure to be made with the Repository together with a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:
 - 1. "Principal and interest payment delinquencies," pursuant to Sections 4(c) and 4(a)(1);
 - 2. "Non-Payment related defaults," pursuant to Sections 4(c) and 4(a)(2);
 - 3. "Unscheduled draws on debt service reserves reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(3);
 - 4. "Unscheduled draws on credit enhancements reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(4);
 - 5. "Substitution of credit or liquidity providers, or their failure to perform," pursuant to Sections 4(c) and 4(a)(5);
 - 6. "Adverse tax opinions or events affecting the tax-exempt status of the security," pursuant to Sections 4(c) and 4(a)(6);
 - 7. "Modifications to rights of securities holders," pursuant to Sections 4(c) and 4(a)(7);
 - 8. "Bond calls," pursuant to Sections 4(c) and 4(a)(8);

9. "Defeasances," pursuant to Sections 4(c) and 4(a)(9);
10. "Release, substitution, or sale of property securing repayment of the securities," pursuant to Sections 4(c) and 4(a)(10);
11. "Ratings changes," pursuant to Sections 4(c) and 4(a)(11);
12. "Failure to provide annual financial information as required," pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. "Other material event notice (specify)," pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

- (iv) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the Repository, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement under the headings: "THE BONDS - Security," "DEBT STRUCTURE - Outstanding Indebtedness," "CERTAIN FISCAL MATTERS - Assessed Value of Taxable Property in the County," "- Estimated True Value of All Taxable Property in the County," "- Tax Rates," "- Tax Collections for Last Five Years," and "- Ten Largest Taxpayers."

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the Rule), which have been previously filed with the Repository. If the document incorporated by reference is a final official statement, it must be available from the Repository. The Issuer will clearly identify each such document so incorporated by reference.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;

4. **Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;**
5. **Substitution of credit or liquidity providers, or their failure to perform;**
6. **Adverse tax opinions or events affecting the tax-exempt status of the Bonds;**
7. **Modifications to rights of Bond holders;**
8. **Bond calls;**
9. **Defeasances;**
10. **Release, substitution, or sale of property securing repayment of the Bonds;**
11. **Rating changes on the Bonds;**
12. **Failure to provide annual financial information as required; and**
13. **Other material event notice (specify) _____.**

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within five business days of receipt of such notice, instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the Repository.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the

Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file information with the Repository, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

THE ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10

days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of New York (other than with respect to conflicts of laws), except the capacity of the Issuer to enter into this Disclosure Agreement and its enforceability against the Issuer shall be governed by and construed in accordance with the laws of the State of South Carolina.

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,
as Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

BEAUFORT COUNTY, SOUTH CAROLINA,
as Issuer

By: _____
Name: Gary Kubic
Title: County Administrator

EXHIBIT A
NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer	Beaufort County, South Carolina
Obligated Person(s)	David Starkey Chief Financial Officer
Name of Bond Issue:	General Obligation Bonds, Series 2011_, \$_____
Date of Issuance:	_____, 2011
Date of Official Statement	_____, 2011
 CUSIP Number:	

EXHIBIT B
NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer Beaufort County, South Carolina
Obligated Person(s) David Starkey, Chief Financial Officer
Name of Bond Issue: General Obligation Bonds, Series 2011 _, \$ _____
Date of Issuance: _____, 2011
Date of Official Statement _____, 2011

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of _____, 2011, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent, on behalf of the Issuer

cc: Issuer
 Obligated Person

EXHIBIT C
MATERIAL EVENT NOTICE COVER SHEET

This cover sheet and material event notice should be sent to the Municipal Securities Rulemaking Board or to all Nationally Recognized Municipal Securities Information Repository, and the State Information Depository, if applicable, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name: _____

Issuer's Six-Digit CUSIP Number: _____

or Nine-Digit CUSIP Number(s) of the bonds to which this material event notice relates:

Number of pages of attached material event notice: _____

Description of Material Events Notice (Check One):

1. Principal and interest payment delinquencies
2. Non-Payment related defaults
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions or events affecting the tax-exempt status of the security
7. Modifications to rights of securities holders
8. Bond calls
9. Defeasances
10. Release, substitution, or sale of property securing repayment of the securities
11. Rating changes
12. Failure to provide annual financial information as required
13. Other material event notice (specify)
14. _____

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature: _____

Name: _____ Title: _____

Employer: Digital Assurance Certification, L.L.C.

Address: _____

City, State, Zip Code: _____

Voice Telephone Number: _____

Committee Reports

November 14, 2011

A. COMMITTEES REPORTING

1. Community Services

① Library Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
10.24.11	Douglas Brown	District 8	Appoint	6 of 11

2. Governmental

① Minutes are provided from the [November 7](#) meeting. Action is required. See main agenda item 11E.

② Lowcountry Regional Transportation Authority

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
11.14.11	Barbara Childs	Countywide	Appoint	6 of 11

3. Natural Resources

① Minutes are provided from the [November 7](#) meeting. Action is required. See main agenda item 11D.

② Planning Commission

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
11.14.11	Charles Brown	Comprehensive Plan Planning Area / Sheldon Township	Appoint	6 of 11

4. Public Facilities

① Minutes are provided from the [October 25](#) meeting. Action is required. See main agenda item 11B and 11C.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

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

2. Executive

Weston Newton, Chairman

➔ Next Meeting – October 2011

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

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

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Thursday, November 17 at 3:30 p.m., ECR

➔ Next Meeting – Monday, December 5 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – Monday, December 5 at 2:00 p.m., ECR

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, November 29 at 4:00 p.m., ECR

7. Redistricting

Weston Newton, Chairman

William McBride, Vice Chairman

8. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – Wednesday, December 7 at 3:00 p.m., Council Chambers

GOVERNMENTAL COMMITTEE

November 7, 2011

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

The Governmental Committee met on Monday, November 7, 2011 at 4:00 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, Gerald Dawson, Brian Flewelling, Herbert Glaze and Stu Rodman (telephonically) attended the meeting. Non-Committee members Steven Baer, William McBride, and Paul Sommerville also attended.

County Staff: Daniel Brownstein, Solicitor's Office; Morris Campbell, Division Director – Community Services; Tony Criscitiello, Division Director – Planning and Infrastructure; Mike Eason, Solicitor's Office; Phil Foot, Detention Center Director; Bryan Hill, Deputy County Administrator; Scott Marshall, Voter Registration and Elections Director; Jeri Roseneau, Clerk of Court; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director; and Duffie Stone, Solicitor.

Media: Joe Croley, Hilton Head Island Association of Realtors.

Mr. Stewart chaired the meeting.

ACTION ITEMS

- 1. Consideration of Contract - Electronic Monitoring Services for the Fourteenth Judicial Circuit Court, Solicitor's Office, Beaufort, SC**

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, reviewed this item with the Committee. Beaufort County issued Request for Proposals (RFP) to firms capable of providing offender monitoring services for home detention at a fair and reasonable fee structure, while capable of providing all services as requested in the RFP. The services include providing staff for administration, GPS tracking, alcohol monitoring, equipment installation, maintenance, reporting and software. The evaluation committee consisted of Steven Murphy, Special Investigator; Daniel Brownstein, Solicitor's Office; and Colonel Phil Foot, Detention Center Director. The evaluation committee interviewed the top three firms and selected Offender Management

Services as the number one ranked firm. This is a new service for the Solicitor's Office and will be at no cost to the County.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Flewelling, that the Governmental Committee approves and forwards to Council a contract award to Offender Management Services, the top ranked firm, with no cost to the County for an initial one year contract with four, one-year annual renewals subject to approval by Beaufort County Council. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman (participated telephonically). The motion passed.

Recommendation: Council award a contract to Offender Management Services, the top ranked firm, with no cost to the County for an initial one-year contract with four, one-year annual renewals subject to approval by Beaufort County Council.

2. Consideration of Reappointments and Vacancies

• Lowcountry Regional Transportation Authority

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. Glaze, that the Governmental Committee approves and recommends Council nominate Mrs. Barbara Childs to serve as a member of the Lowcountry Regional Transportation Authority. The vote was: FOR – Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. Newton, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Rodman (participated telephonically). The motion passed.

Recommendation: Council nominate Mrs. Barbara Childs to serve as a member of the Lowcountry Regional Transportation Authority.

INFORMATION ITEMS

3. Department Update - Voter Registration and Elections

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

Discussion: Mr. Scott Marshall, Voter Registration and Elections Director, presented the Committee a PowerPoint presentation on the Presidential Preference Primaries (PPP). The SC Election Commission's position on PPPs is that state and counties are mandated to conduct them in accordance with public law, as confirmed by an opinion rendered by the SC Attorney General. The position of Beaufort County, South Carolina Association of Counties (SCAC), and SC Association of Registration and Election Officials (SCARE) is that there are no statutory

requirements to conduct PPPs and that they are an improper use of public funds, specifically, that county funds will not be used. Mr. Marshall presented the Committee the timeline of events associated with the lawsuit.

Overall, four counties are petitioners in the lawsuit, and an additional 18 counties have officially declared support of the petitioners' position. This is nearly half of all 46 South Carolina counties that are formally opposed to the SC Elections Commissions position on PPPs. These counties represent 58% of the state's population.

Status: This was for informational purposes only.

4. Department Update - Clerk of Court

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

Discussion: Mrs. Jeri Roseneau, Clerk of Court, presented the Committee an update on the Courthouse. She spoke about the completion of the security updates and the new computer system used to keep up with the courts and scheduling. What was previously 45 days behind schedule is now two to three weeks. She spoke about the anticipated renovation of the Courthouse and how currently they are doing the best with what they have.

Status: This was for informational purposes only.

NATURAL RESOURCES COMMITTEE

November 7, 2011

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

The Natural Resources Committee met on Monday, November 7, 2011 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE

Natural Resources Members: Chairman Paul Sommerville, Vice Chairman Brian Flewelling, and committee members Steve Baer, Gerald Dawson, William McBride, Jerry Stewart and Laura Von Harten attended the meeting.

County Staff: Dan Ahern, Stormwater Manager; Tony Criscitiello, Division Director – Planning and Development; Joshua Gruber, County Attorney; Bryan Hill, Deputy County Administrator; David Starkey, Chief Financial Officer.

Public: Garrett Budds, Open Land Trust and Patty Kennedy, Open Land Trust Director.

Media: Joe Croley, Hilton Head Island Association of Realtors.

Mr. Sommerville chaired the meeting.

ACTION ITEM

1. Water Quality Monitoring Contract for Beaufort County

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

Discussion: Mr. Dan Ahern, Stormwater Manager, reviewed this item with the Committee. GEL Engineering was selected in a major joint County/Municipal selection process in 2009. The solicitation stated that the contract may be extended up to five years. This is the third year of this five-year cycle. This year's contract will be for \$95,094 and reflects the reduced costs of fewer monitoring sites. We have collected the needed data at certain existing water quality monitoring sites and have discontinued monitoring at these sites. Last year's contract was \$123,543 and was less than the first year's contract of \$169,535. The proposed contract with GEL will have two separate scopes of services. They are for monitoring north (\$58,506) and south (\$36,588) of the Broad River. The two scopes are necessary because the City of Beaufort and Town of Port Royal will be contributing approximately 25% of the cost for monitoring north of the Broad River. The Towns of Bluffton and Hilton Head Island will continue to negotiate

with separate contractors for monitoring. This effort is budgeted from the Stormwater Utility fund account 13531-51160.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Stewart, that the Natural Resources Committee approves and forward to County Council approval of a one-year extension of the Water Quality Monitoring Contract for \$95,506 to GEL Engineering, Charleston, South Carolina. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville, and Mr. Stewart. ABSENT – Mr. Dawson and Ms. Von Harten. The motion passed.

Recommendation: Council approve a one-year extension of the Water Quality Monitoring Contract for \$95,506 to GEL Engineering, Charleston, South Carolina.

2. Consideration of Reappointments and Appointments

- Planning Commission

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 Mr. Dawson, seconded by Mr. Flewelling, that the Natural Resources Committee approves and forward to County Council the nomination of Mr. Charles Brown, Comprehensive Plan Planning Area / Sheldon Township, to serve as a member of the Planning Commission. The vote was: FOR – Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Sommerville, and Mr. Stewart. ABSENT – Mr. Dawson and Ms. Von Harten. The motion passed.

Recommendation: Council nominate Mr. Charles Brown, Comprehensive Plan Planning Area / Sheldon Township, to serve as a member of the Planning Commission.

- Zoning Board of Appeals

Status: This item will be taken up at a future meeting.

3. Executive Session

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 Mr. Flewelling, seconded by Mr. Dawson, that Committee go immediately into Executive Session to discuss negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, and Mr. Stewart. ABSENT – Ms. Von Harten. The motion passed.

PUBLIC FACILITIES COMMITTEE

October 25, 2011

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

The Public Facilities Committee met on Tuesday, October 25, 2011 at 4:00 p.m., in the Conference Room of Building #2, Beaufort Industrial Village.

ATTENDANCE

Public Facilities Chairman Herbert Glaze, Vice Chairman Steven Baer, and members Gerald Dawson, Brian Flewelling and William McBride. Jerry Stewart was absent.

County staff: Bryan Hill, Deputy County Administrator; David Starkey, Chief Financial Officer; Joshua Gruber, County Attorney; Rob McFee, Division Director – Engineering and Infrastructure; and Paul Andres, Airports Director.

Public: Judy Elder, Talbert & Bright.

Mr. Glaze chaired the meeting.

ACTION ITEMS

1. Airport Capital Improvement Program (ACIP Plans)

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

Discussion: Mr. Paul Andres, Airports Director, and Ms. Judy Elder, Talbert, Bright, and Ellington, Inc., reviewed this item with the Committee. Every year the Airports are required to submit an updated Airport Capital Improvement Program (ACIP Plans) for the upcoming fiscal year along with a five-year ACIP projection. The FY-2012 Updates and Five Year ACIP Plans for both the Hilton Head Island and Beaufort County Airports were presented to committee members. The FAA uses these submissions to arrange funding for future grant offers. These plans are consistent with those previously submitted and reflect the recommendations contained in each of the respective Airport Master Plan Updates. These ACIP Plans are due to the FAA by January 1, 2012. The Airports Board favorably endorses these plans. Local matching shares will be reflected in each Airports Annual Operating Budget as appropriate.

Motion: It was moved by Mr. McBride, seconded by Mr. Flewelling, that Public Facilities Committee approve and recommend to Council approval of the FY 2012 Updates and Five-Year Airport Capital Improvement Plans for both the Hilton Head Island and Beaufort

County Airports for submission to the FAA. The vote was: YEAS - Mr. Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze and Mr. McBride. NAYS - Mr. Stewart. The motion passed.

Recommendation: Council approve the FY 2012 Updates and Five-Year Airport Capital Improvement Plans for both the Hilton Head Island and Beaufort County Airports for submission to the FAA.

2. An Ordinance Authorizing the Execution and Delivery of an Easement Encumbering Property Owned Jointly by Beaufort County and the Town of Hilton Head Island

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

Discussion: This ordinance authorizes an easement on land on Honey Horn Plantation on Hilton Head Island.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Baer, that Public Facilities Committee approve and recommend to Council approval on first reading an ordinance authorizing the execution and delivery of an easement encumbering property owned jointly by Beaufort County and the Town of Hilton Head Island. The vote was: YEAS - Mr. Mr. Baer, Mr. Dawson, Mr. Flewelling, Mr. Glaze and Mr. McBride. NAYS - Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading of an ordinance authorizing the execution and delivery of an easement encumbering property owned jointly by Beaufort County and the Town of Hilton Head Island.

INFORMATION ITEM

3. Request from Representative Erickson Regarding the Possibility of Selecting a Name for new two-lane expansion of McTeer Bridge

Discussion: The committee discussed a request from Representative Shannon Erickson to rename the McTeer Bridge or name the new McTeer span after Randy Wall, a recently deceased educator. They also talked about naming the bridge for two officers who were killed in the line of duty, AJ Coursen and Dana Tate as well as Robert Smalls. The committee took no action on the item.

Status: It was for discussion only.