

COUNTY COUNCIL OF BEAUFORT COUNTY

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VICE CHAIRMAN

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GERALD W. STEWART
LAURA VON HARTEN

GARY KUBIC
COUNTY ADMINISTRATOR

BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, March 26, 2012

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
2. REGULAR MEETING - 5:00 P.M.
Council Chambers
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION
6. REVIEW OF MINUTES – [February 13](#), [February 27](#) and [March 12, 2012](#)
7. PROCLAMATION AND RECOGNITIONS
 - A. Second Helpings
Mr. John Geisler, PRP Hilton Head Island
 - B. Sea Island Regional Science Fair Competition
Mr. Harold Hauer, President, Judging Committee
8. PUBLIC COMMENT
9. COUNTY ADMINISTRATOR'S REPORT ([backup](#))
 - Mr. Gary Kubic, County Administrator
 - A. The County Channel / Broadcast Update ([backup](#))
 - B. Two-Week Progress Report ([backup](#))

Over



- C. Presentation / Outstanding Safety Achievement Award: Opticom Infrared / GPS and Emergency Vehicle Preemption (EVP) Systems
Mr. John Henderson, Director of Risk Management Services, SCAC
- D. Resolution / Fair Housing Month ([backup](#))
- E. Recognition / Retirement - Darlene Smith, Former Chief Magistrate

10. DEPUTY COUNTY ADMINISTRATOR'S REPORT

- Mr. Bryan Hill, Deputy, County Administrator
- A. Two-Week Progress Report ([backup](#))
 - B. Update / US 278 Widening / Hampton Parkway Intersection
Mr. Rob McFee, Division-Director, Engineering and Infrastructure
 - C. Construction Project Updates
Mr. Rob McFee, Division-Director Engineering and Infrastructure
 - One Cent Sales Tax Referendum Projects:
 - U.S. Highway 278 Construction Project
 - Bluffton Parkway Phase 5A Roadway
 - Capital Improvement Projects:
 - St. Helena Island Branch Library at Penn Center
 - Lady's Island Community Park
 - Burton Wells Regional Park Phase II

11. CONSENT AGENDA – ITEMS A THROUGH H

- A. AN ORDINANCE AUTHORIZING THE PLEASANT FARM SPECIAL TAX DISTRICT TO BORROW FUNDS FROM A QUALIFIED LENDING INSTITUTION IN AN AMOUNT NOT TO EXCEED \$60,000 FOR PURPOSES OF PROVIDING INFRASTRUCTURE IMPROVEMENTS AS PROVIDED FOR IN ORDINANCE NO. 2006/4 ([backup](#))
 - 1. Consideration of first reading approval to occur March 26, 2012
 - 2. Finance Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 7:0
- B. A RESOLUTION AUTHORIZING BEAUFORT COUNTY ADMINISTRATION TO CALCULATE THE WITHHOLDING OF FUNDS FROM TAX INCREMENT FINANCING DISTRICTS FROM TIER III REIMBURSEMENT RATHER THAN FROM AD VALOREM PROPERTY TAX COLLECTIONS ([backup](#))
 - 1. Consideration of adoption to occur March 26, 2012
 - 2. Finance Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 7:0
- C. FINANCIAL ADVISORY SERVICES OF BEAUFORT COUNTY DEBT ISSUES ([backup](#))
 - 1. Contract award: First Southwest, Charlotte, North Carolina
 - 2. Contract amount: \$125,000 for a five-year contract
 - 3. Funding: Services are paid from the County's debt service funds and purchase property fund from the action taken by the service provider.
 - 4. Finance Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 7:0

- D. PURCHASE OF 150 VIRTUAL MACHINE LICENSES, WIRELESS G. CONTROLLERS FOR WIRELESS CONTROL PROJECT AND UPS REFRESH EQUIPMENT ([backup](#))
1. Mobile Data Project
 - a. Contract award: New Century System, Charlotte, North Carolina
 - b. Contract amount: \$35,000
 - c. Funding: Account 11439-54209, MDCS Special Capital Equipment
 2. Wireless Controller Project
 - a. Contract award: Computer Software Innovations, Easley, South Carolina
 - b. Contract amount: \$45,000
 - c. Funding: Account 15060-54110, Data Processing Equipment
 3. UPS Refresh Equipment
 - a. Contract award: Graybar, Beaufort, South Carolina
 - b. Contract amount: \$25,110
 - c. Funding: Account 15060-62611, Data Processing Equipment
 4. Finance Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 7:0
- E. PUBLIC / PRIVATE PARTNERSHIP CONTRACT BETWEEN BEAUFORT COUNTY AND DIRECT INSTRUCTION SUPPORT SYSTEMS, INC., AN OHIO NON-PROFIT CORPORATION, DBA, GO ZIP HILTON HEAD FOR THE CREATION AND DEVELOPMENT OF CERTAIN EDUCATIONAL AND RECREATIONAL ACTIVITIES IN THE OKATIE REGIONAL PARK TO BE CALLED "GOZIPHILTONHEAD"
1. Consideration of approval to occur March 26, 2012
 2. Finance Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 7:0
- F. PARTNERSHIP CONTRACT BETWEEN CIRCLE OF HOPE COALITION AND BEAUFORT COUNTY TO LEASE THE CHARLES LIND BROWN COMMUNITY ACTIVITY CENTER FOR A PERIOD OF ONE YEAR TO PROVIDE EVENING PROGRAMS AND ACTIVITIES ([backup](#))
1. Consideration of approval to occur March 26, 2012
 2. Community Services Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 6:0
- G. M.C. RILEY COMPLEX MULTIPURPOSE FIELD LIGHTING ([backup](#))
1. Consideration of approval to occur March 26, 2012
 2. Project cost: \$175,000
 3. Funding: Bluffton Parks and Leisure Services Impact Fees
 4. Community Services Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 6:0
- H. RESOLUTION TO DISTRIBUTE SOUTH CAROLINA PARKS AND RECREATION DEVELOPMENT FUNDS TO BEAUFORT COUNTY MUNICIPALITIES AND BEAUFORT COUNTY ([backup](#))
1. Consideration of adoption to occur March 26, 2012

- a. Beaufort County - \$35,535.56 (Basil Green Complex \$21,772.10 (2011 PARD funds)) (Bluffton Recreation Center (\$13,763.46 (2012 PARD funds))
 - b. City of Beaufort - \$4,974.97, Basil Green Complex
 - c. Town of Bluffton - \$5,039.59, DuBoise Park Phase I
 - d. Town of Hilton Head Island, \$14,795.71 Jarvis Creek
 - e. Town of Port Royal - \$4,624.26, John S. Parker Playground (Casablanca Park)
2. Community Services Committee discussion and recommendation to approve occurred March 19, 2012 / Vote 6:0

12. PUBLIC HEARING

A. AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES TO PROVIDE FUNDS FOR THE ACQUISITION OF THE BUILDING AND REAL PROPERTY KNOWN AS THE MYRTLE PARK COUNTY ADMINISTRATION BUILDING, LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA ([backup](#))

1. Consideration of third and final reading approval to occur March 26, 2012
2. Second reading approval occurred March 12, 2012 / Vote 11:0
3. First reading approval occurred February 27, 2012 / Vote 11:0
4. Finance Committee discussion and recommendation to approve occurred February 20, 2012 / Vote 7:0

13. COMMITTEE REPORTS ([backup](#))

14. PUBLIC COMMENT

15. EXECUTIVE SESSION - Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property

16. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
February 13, 2012

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, February 13, 2012 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) status of holding a charrette for the Laurel Bay area, (ii) potential Myrtle Park building lease rent and maintenance costs, (iii) State Transportation Infrastructure Bank award of a \$24.9 million grant for phase 1 and 2 of SC Highway 170 safety and widening project from SC Highway 46 and US Highway 278, and (iv) funding, shifting, managing of one cent sales tax road projects.

REGULAR MEETING

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

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Glaze gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD DECEMBER 12, 2011

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve the minutes of the regular meeting held December 12, 2011. 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.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JANUARY 9, 2012

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve the minutes of the regular meeting held January 9, 2012. 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.

REVIEW OF PROCEEDINGS OF THE JOINT SESSION MEETING HELD JANUARY 18, 2012

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve the minutes of the joint session meeting held January 18, 2012. 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.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JANUARY 23, 2012

It was moved by Mr. Stewart, seconded by Mr. Flewelling, that Council approve the minutes of the regular meeting held January 23, 2012. 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.

PUBLIC COMMENT

The Chairman recognized Mrs. Delila Mendes, a resident of Beaufort, who is before Council with a very simple request -- fairness. Sometime in December, Officer Anthony Vaughn, hand-delivered to her business address, Sea Island Parkway, a summary court summon for her to appear in Magistrates Court in regards to a trash and litter Code violation. Unfortunately, she misread the date, January 29, which was actually January 10, eight days late. She spoke with Mrs. Antonacci, who suggested she file a motion hearing, which she did. Her lot is completely clear of trash and litter. She received a reply, dated January 18, from Beaufort Magistrates

Court, “Please be advised that this letter is to inform you that you have failed to meet your obligations to the court. Attached to this letter is a copy of the bench warrant issued for your arrest. Payments must be received. There will be no partial payments accepted. Payment is due in five days.” She was fined \$548 and a bench warrant. She would like to see the situation rectified. She wants to see a Magistrate. She has checked with legal aid to see if they can represent her. If anybody can advocate on my behalf, she would really appreciate it.

Mr. Gary Rowe, a resident of Bluffton, stated he is here to ask Council for support in preventing the closing of the east-bound deceleration lane at Hampton Parkway on Highway 278. Hampton Parkway is a 1.6 mile public connector road which runs south from Highway 278 and connects to Bluffton Parkway at the entrance to Hampton Lakes. It was built with private funds in 2005 and 2006 to provide access to properties in Buckwalter PUD including the communities of Baynard Park, Parkside, as well as Highway 278 access to Hampton Lakes. It his belief that SCDOT’s refusal to date to provide for the decal lane is in part due to the lack of support from Beaufort County. He appreciates the opportunity to speak to Council about this important safety issue which directly impacts several hundred Beaufort County residents, who utilize Hampton Parkway to get to their homes on a daily basis. In addition to being a current property owner on Hampton Parkway, he was also a member of the LLC which funded the construction of the existing Parkway at a cost of approximately \$3.5 million. This construction was paid for with private funds and included the existing decal lane on Highway 278 as well as the existing median cut which is also scheduled to be prematurely closed because of the widening of 278. He says prematurely closed because it was anticipated by everyone at the time that this road was built that another connector road would be built approximately 1,200 feet to the east of the existing one with a full-lighted intersection. This road was to be built in conjunction with Harris Teeter shopping center which was planned by an out-of-town developer at the time. The current median cut was expected to be closed when the new road was built. Due to the recession and other factors beyond anyone’s control, the shopping center was not constructed and an additional connector was not built. Some questions he hopes Council will ask of SCDOT and others include: (i) If the decal lane was required when the road was originally built, why is it not now? (ii) If the new third lane is sufficient as a decal lane, as has been suggested, why are there a total of 26 decel lanes on the existing five-mile stretch of Highway 278 where six lanes already exist? and (iii) If the decal lane is not warranted because of a 2009 traffic study as was stated by SCDOT, why are the next three decal lanes going east on 278 scheduled to be left in place and why wasn’t the traffic study consulted for those? Not to mention that additional traffic will be turning right on Hampton Parkway because of the closing of the median. In other words, people are going to be going up to Highway 170, coming back, it is about a 1.4 mile trip and it is going to make it even more dangerous not to have the decal land there, in his opinion. If the answers to these questions are that it costs too much, he submits that the \$25 million budget to widen Highway 278 there is a way to make it work so the residents can use this road and be safe. In closing, he would like to thank Council for its service to the citizens of Beaufort County and for allowing him to share his thoughts on this important safety issue. It is his opinion that this is one of those rare times that the system is not working as it should to protect its citizens and it’s up to you as their last resort to help see that it does.

Mr. Matt Green, a resident along Hampton Parkway, stated that Mr. Rowe summed it up pretty well in terms of there is a long history here and there is a lot of moving parts where this has to happen and that has to happen. He realizes that the decal lane is potentially going to be eliminated and the third lane is going to be added to Highway 278. The decal lane right now is a challenge on the turn; we all realize that. His concern is that if you add a third lane it is going to make it even more dangerous. Slowing down in the third lane with cars traveling 55 mph versus the decel lane, is quite challenging. Please look at the other end based on the decisions that are made because the residents who live back there, close to 400 to 500 homes, seems to warrant a potential traffic stop.

Mr. John Cashen, a resident of Dataw Island and Chairman of the Marsh Association Committee for FEMA Reimbursement, thanked Beaufort County staff involved in debris removal following a severe disaster, the Public Facilities Committee for investigating the issue and the Council for considering the recommended debris removal procedure revision. Your approval of the procedures would be a large step in the right direction. If it is approved, we would suggest that you create a task force peopled by staff, Council members, and residents that could accomplish three things: (i) Continue the dialog that has been started. (ii) Create a compliance package that would enable each private community to more easily comply with the FEMA and County regulations to qualify for reimbursement. (iii) Find a way to somehow reduce or remove the potential of up to 25% surcharge that would be imposed on 29,000 residents of private communities that is not charged to other residents. This still remains a matter of fairness to all residents.

Master Sergeant Joseph Esway, an active duty Marine stationed aboard Parris Island and a member of Parkside Homeowners Board of Advisors, is representing those residents here this evening. He addressed the loss of the median turning lane and the potential loss of the deceleration lane on Highway 278. He pointed out that the median turning lane, if you go up Highway 278, both east and west bound, every single business on either side of 278 is afforded an opportunity to have traffic coming in and out of their businesses. They do not have nearly the amount of traffic that the Hampton Parkway does with all the residents who live both at Baynard Park, Parkside at Baynard Park, and on down the line into Hampton Lake. That is a valuable way point for us to get to and from, especially those of us traveling to Beaufort, to go to work. We may be a little bit nearsighted in getting rid of this median turning lane as well as the deceleration lane because that land that is at the edge of the Hampton Parkway eventually will be built out. There's been talk of a Parker's, there's been talk of grocery stores and I think we're going to have to revisit this later down the road which in turn is going to cost more money later down the road if we don't take a better look at it right now. Thank you very much for your time.

Mr. David Gasque, a resident of Lady's Island, is here as a favor to Tim Schwartz, who has an item on today agenda today, item 10C, about a piece of property being rezoned or asked for being rezoned. Mr. Schwarz started this process in 2001, 2012. In 1999 when we passed a Comprehensive Plan, he wore the button, "just pass it". And we said, "don't do that, let's iron this out." You realize Beaufort Academy was not zoned for a school and it sat there for years. There are things that we overlooked and we just did not pay attention to it. We did not have zoning for many warehouses at that time. We had to go back and fix that. There are rules in that

ordinance that do not come from the citizens, that come from planners or the experts, who do not have the same vested interest as the community. He knows for a fact that Mr. Schwartz went to the County and talked to them in 2001 and told him he would have to go for a rezoning. After doing tree and topos and surveys and line adjustments, trying to pacify everybody, 2007 he had to get some business together. We got to make a living. He had to get some business taken care of in 2007. He comes back up and told to wait for the comprehensive plan. Well, so he waits. He waits a little while. Now he finally has got somebody interested to buy the property to do a commercial and, by the way, he is being taxed as vacant commercial. Mr. Gasque does not understand how property can be zoned one thing and then pay high taxes because it is vacant commercial. He does not understand, but will get that education later. But the bottom line is he went back in a few months ago and was told again to wait for a charrette. You know what the word charrettes does to a development – stops it. The buyer ain't going to buy it because he doesn't know what he's getting, the seller is not going to sell it because they don't know what they're giving away. That's a word that will stop growth – the word charrettes. It's not necessarily a bad thing but they asked him not to come forward until the charrette was done. Well, when is it scheduled? Mr. Gasque attended the one on Lady's Island. He did not see anything except for a nice pretty drawing come out. I don't know when they're kicking in; I don't know when we can rely upon it. He is here just to let Council know this man has been trying and he needs to be heard and at least be considered.

Mr. Tim Schwartz, the rezoning applicant, spoke to agenda item 10C -- a piece of property being rezoned or asked for being rezoned. "Mr. Chairman, County Council, thank you for letting me speak tonight. I just wanted to make you aware that I am here and when my rezoning request comes up for review or discussion, I'm available for questioning and I thought Mr. Glaze had a really good opening prayer. What he stated was let's see what's good for the community not just one family or their immediate relatives. There are a lot of people in that district and developing that property would only improve the local area. It would create jobs, services, tax base for Beaufort County. Right now if it continues, I'm not going to be able to keep that business running. There's too much land up there that's being unused. I would like to be brought up for questioning if you have any questions when this comes up for discussion and then also please keep my name on the list for public comments at the end. Thank you very much."

Ms. Beulah Chisholm, a resident of St. Helena Island, stated that about five years ago, she purchased a home on heirs' property on St. Helena Island. That home was sold and several weeks ago another family member placed another home on that property and because this is heirs' property we have to seek a lawyer trying to get that person to move that home off that property. When we purchased that property, Beaufort County charged us impact fees, we had to have that land surveyed, and we had to have the soil tested in order to put that home there. Now anyone can come and use. She was informed that anyone, because of the heirs' property, any family member could come and use that property as they wish to. Her concern is that when you spend that kind of money to Beaufort County to have this done, why is it that they are letting anyone put a mobile home there without any concern. The only question that is asked is that if there is a resistance, septic system there and you say yes, they could place that there. They do not ask for three family members to sign which she had to do when she put that there, she had three family members to sign that you could put a home on that property. Now someone else is

going to have to ask that question. They could come in and say okay, yes it is. They have their permission to put that home there. They do not have to pay no impact fee. They don't have to test the soil. They don't have to do anything but just put that trailer there. Beaufort County needs to look into that matter.

Mr. McBride said Ms. Chisolm paid the impact fees and had a septic tank installed and later she sold the mobile home she had placed there. She went back up north for a while and another relative came and used that same site with the septic tank and impact fees already paid for that unit.

Mrs. Emily Holyoak, a resident of Baynard Park and member of the Homeowners Advisory Committee, said as a homeowner she goes out onto Highway 278 daily. Safety is the number one concern being a mother of a small child. Please reconsider taking away the deceleration lane and the median for future purposes.

Mr. Newton replied the county engineer will make a presentation on this issue. But, just one point of clarification, this is a SCDOT project. Beaufort County is not the one taking out the median or decel lane. Mr. McFee's presentation will be enlightening to all of us. And as Mr. Rowe said, there are a number of questions that a number of people want answers to.

COUNTY ADMINISTRATOR'S REPORT

The County Channel

Mr. Gary Kubic, County Administrator, announced that The County Channel is working with Beaufort County historian Ian Hill and public information officer Suzanne Larson to produce a short segment about the recent tri-centennial of St. Helena Episcopal Church in downtown Beaufort. The church is the second-oldest Episcopal Parish in South Carolina. Hundreds attended to mark the celebration, which including the ringing of a bell gifted to the church in 1749.

The County Channel was out in full force last week, as the Bluffton High School Bobcats took on the Battery Creek Dolphins. Both the boys and girls games were recorded live, and played back on The County Channel. There was spectacular play in both match-ups.

Beaufort County recently dedicated the new Disabilities and Special Needs Day Program and Administration Building. The 25,000 square foot building is located in the Town of Port Royal, and contains activity rooms, a pottery making facilities, and a cafeteria. Chairman Newton, members of County Council as well as local dignitaries were in attendance. Donations are being sought for the ABLE Garden in the closed courtyard, including plants, trees, fountains, benches, bird feeders, etc.

Three-Week Progress Report

Mr. Kubic presented his Three-Week Progress Report, which summarized his activities from January 23, 2012 through February 10, 2012.

Introduction / Mr. Rod H. Sproatt, Beaufort County Chief Magistrate

Mr. Kubic introduced Mr. Rod Sproatt, newly appointed Chief Magistrate for Beaufort County.

Resolution Authorizing the County Administrator to Execute a Lease Agreement with Option to Purchase Real Property located at 4819 Bluffton Parkway, Bluffton, South Carolina

Mr. Kubic explained that Myrtle Plantation Partnership, LLC., own an approximately 22,244 square feet office building and associated parking facilities situated on 6.117 acres of real property located at 4815 Bluffton Parkway, Bluffton, South Carolina. Beaufort County has previously rented this property to Beaufort County for the purposes of providing office space for Beaufort County departments, elected officials, and various state agencies in the Bluffton area. Myrtle Plantation Partnership, LLC and Beaufort County desire to enter into an agreement providing for an extension of the County's current lease agreement for a period of five years based upon terms to be mutually agreeable to both parties. Beaufort County desires an option to purchase this property for and in consideration of the sum \$3,062,000 in exchange for a limited warranty deed together with a bill of sale for the personal property appurtenant to the property.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council adopt a resolution authorizing the County Administrator to execute a lease agreement with option to purchase real property located at 4819 Bluffton Parkway, Bluffton, South Carolina. 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.

Home Consortium Update and 2012 Funding

Ms. Barbara Johnson, Affordable Housing Manager, Lowcountry Council of Governments, gave an overview briefly explaining the Lowcountry Regional Home Consortium (Consortium). The Consortium was estimated in 2006. It includes Beaufort, Colleton, Hampton and Jasper County. The region received \$4.3 million and Beaufort County's allocation was \$1.5 million. Activities included single family rehabilitation, down payment assistance, affordable housing new construction, tenant-based rental assistance. Activities funded in Beaufort County are: single-family rehabilitation \$674,000, down payment assistance \$257,000, affordable housing new construction \$363,910 and tenant-based rental assistance \$25,000.

Presentation / Beaufort County's New Vendor List

Ms. Monica Spells, Procurement Officer, Purchasing Department, presented the Vendor list. Vendors are listed by 61 alphabetized services types. The list gives local businesses free

advertising. The vendor application is available on the county website. Minority-owned and construction-related businesses are encouraged to submit a vendor application.

Refinancing of 2003 General Obligation Bonds

Mr. David Starkey, Chief Financial Officer, gave a PowerPoint presentation on the 2003 General Obligation and Rural and Critical Lands Bonds. In June 2003 the County borrowed \$25.5 million. The Balance due as of June 30, 2011 is \$18,900,000. The interest rates are 2.0% to 5.0%. The call date is February 1, 2013. The major projects for funds borrowed include \$10 million of the Rural and Critical Lands Program, \$5 million for various dirt road paving projects and \$10.5 million for communications equipment, various County parks improvements, south County office space, and various other capital improvements.

Council approved the partial refunding through three readings a public hearing on September 26, 2011. On January 24, 2012, the County borrowed \$15,295,000 to be used to pay off \$15,295,000 of the 2003 bonds on the call date of February 1, 2013. The interest rates on the new bonds are 2.0% to 4.0%. The premium realized on the borrowing is \$2,130,998. The effective interest rate of borrowing is 1.59%. The total savings to the County over the next 11 years is \$2,270,156 (net of fees). The reasons for the large savings follow: (i) interest rates are much lower now than in 2003; County Moody's bond rating is Aa1 (second highest in their rankings); County S&P bond rating is AA+ (second highest in their rankings); timing of borrowing (after December 31) was a critical success point of the cost savings; and there were 16 bidders (record breaking).

Regarding the effect on future debt millage, in FY 2013 there will be no difference in County debt millage, but starting FY 2014 onward the County will save 0.1 mills of debt (netted out between both debt and purchase property) based on the fact that the FY 2003 borrowing was for both general obligation and rural and critical lands bonds. This is a cost savings to the taxpayer going forward.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Three-Week Progress Report

Mr. Bryan Hill, Deputy County Administrator, presented his Three-Week Progress Report, which summarized his activities from January 23, 2012 through February 10, 2012.

FY 2012 Budget Update

Mr. Hill submitted a financial snapshot of the County receipt projections. Ad valorem taxes are stable based upon the FY 2012, but there are some anomalies in fees for services in some other areas which staff will provide Council with a detailed document of what changes are happening and hopefully present some scenarios as to why they are happening.

Mrs. Alicia Holland, Comptroller, will facilitate preparation of the FY 2013 budget.

Parks and Leisure Services Basketball

Mr. Hill announced that his son plays on a Parks and Leisure Services basketball team. On February 27 the county will have a lot of basketball play at the Buckwalter Recreational facilities. Nine and 10 year old All Stars as well as 11 and 12 year old All Stars will be in competition against teams from Barnwell, Orangeburg and Jasper Counties. A nominal entrance fee is associated with this event. The winner of these games will play against Charleston County. The winner moves on to Columbia for the 9-10 year old and to Spartanburg for the 11-12 year olds.

A karate tournament, with more than 40 participants, will be held this weekend of Burton Wells Regional Park. A nominal entrance fee is associated with this event.

Introduction / Mr. Chuck Atkinson, Building Codes Director

Mr. Kubic introduced Mr. Chuck Atkinson, newly hired Building Codes Director.

Update / US 278 Widening / Hampton Parkway Intersection

Mr. Rob McFee, Division-Director, Engineering and Infrastructure, spoke to the US 278 Widening / Hampton Parkway Intersection issue. Mr. McFee displayed a map in order for Council to orient itself. The intersection is listed right there, the bridge is to your left and the Hampton Parkway is in the middle of the frame just about and then the relocated Hampton Parkway to the far right of the frame.

Mr. Newton: The bridge being the bridge at McGarvey's Corner?

Mr. McFee: The bridge being the bridge over Okatie River. The extreme left of this frame is the bridge over the Okatie River. The red shows the intersection cross-over being closed. The reason that cross-over is being closed is the DOT had specific permit requirements when they issued a permit in 2004 and one of the requirements was that this cross-over be closed; temporary cross-over. The other requirement is that if the right-turn lane was to be added or lost at any future date, it could be put back at the developer's expense and that's consistent with the previous correspondence, January 2012 that DOT responded to the developers on. Starting out here, what I'd like to do is have Colin Kinton, County Traffic Engineer, come up and explain some of the constraints that DOT goes through with regard to assessing right-turn lanes and whether or not they should be in and the warrants associated with those and then I can come back up and go through the DOT letters, correspondence and the permit that sets out the criteria for this task.

Colin Kinton: Just to go over briefly about the right-turn lanes. We typically do prefer right-turn lanes on high-speed facilities. In this case, the constraints being the bridge approach on the left of the screen.

Mr. Newton: Colin, just let me stop you and ask you a question so the folks that are watching understand. DOT's project calls, DOT's widening of this facility, calls for this median (red hatch mark) to be closed (Correct) and calls for the existing decel lane to be removed (Correct). I'm not sure everybody fully understands and appreciates what those issues are.

Colin Kinton: And the reason the median is being closed, the widening in this point, and what you can see is the gray on the images (the gray is existing asphalt that is out there now), the blue lines show where the new road is going. Basically, in this section, all the widening is to the inside toward the median and because this is in a curve going into the bridge section, that widening is creating a change in elevation so that the west-bound lanes are going to be a lower elevation than the east-bound lanes to the amount of 4' or 5' feet. Is that right, Rob?

Mr. McFee: Not at this point. This point the grade elevation between the east-bound and west-bound is about 18", just shy of 2'.

Colin Kinton: It increases as it gets close to the bridge. So because of that grade separation, that grad difference between east-bound, west-bound lanes, that's why the median is being closed. In addition, guidelines for right-turn lanes typically require or are based on higher volume right turns. We are provided some traffic counts for the Hampton Park and that's what we passed onto the DOT which indicated fairly low volumes at this intersection.

Mr. Newton: Fairly low volumes as of when? When was the traffic count?

Colin Kinton: I think the traffic counts were 2009.

Mr. Newton: Are there current traffic count numbers?

Colin Kinton: We had those traffic counts available and we passed them onto the DOT for their use.

Mr. Newton: I'm going to let Rob go through his part of it and then we'll see what questions Council members may have. Colin, thank you.

Mr. McFee: If you could, let's bring up the encroachment permit from DOT which allowed this access point. This is very small document, second page if you could, thank you. The middle criteria, the lane configuration will be temporary and again, this is a DOT road. We are just passing on what the permit indicates that configuration will be temporary when the improvements and traffic signal are added the median cross-over just east, 1200' of this location, this access will need to be converted to a right-in, right-out configuration. In addition, at that time, the right-turn deceleration lane will need to be modified to meet DOT design standards. It doesn't meet them today. Modification to a right-in, right-out configuration and modifications to the storage length of the right-turn deceleration lane will be done at the developer's expense. These modifications will need to be done immediately after the new intersection east of the proposed access is completed. I think what, and we can go to the DOT letter, not now, if you want to go through there, I can read that to you as well, but basically it reiterates the conditions

to the developer under what circumstances and requirements he got this access point. So, that's where we are at. It was expressed earlier that perhaps DOT would listen to us, the County; if we were to ask them, hey, let's keep this turn lane. If that's what you want to do, that's certainly what I will pass onto them. In a review of the plans, it's possible that this turn lane could be maintained. The DOT did not maintain it in their design as is their franchise but if we want to go and make those overtures to DOT and the plans change, that could certainly be done but in light of the requirements I don't know how we would handle that with regard to the developer paying the expense.

Mr. Newton: Let me ask you a couple of questions. I've heard Craig Forrest, the DOT Commissioner, say that closing that median is absolute, that it's a matter of safety based on the geometry of the bridge and the roadway. I hadn't heard either one of you all mention that a bit. I heard you all talk about an 18" grade separation.

Mr. McFee: That's a safety requirement. Insofar as the safety issues are concerned. Those certainly are primary. The other component in this is geometry. And of course in the roadway world, geometry and safety are double first cousins. Intimately related. So the first off is obvious. You can't negotiate an 18" drop very effectively in the space that you have to do it here and secondly, is you do have the issue with limited sight distance with regard to barrier wall and that kind of thing as you approach what heretofore is a full-service intersection. At least going back to 2004 or if not probably sooner, the DOT recognized that this as a full-service intersection was not a good, safe idea and wanted to amend it in this way and that's what the permit memorializes.

Mr. Newton: Folks obviously that drove up here tonight deserve a, without being told to drive to Columbia and see the DOT, a full explanation of why DOT has determined leaving that median open is unsafe and that's all I want to make sure we've asked the questions of DOT and we've got ample and adequate answers to be able to provide to the people that have taken their time to come here and tell us we want the median open and if not, why not. Go back to that first slide for me if you will because when this issue first came up a few weeks ago, the map if you will please, you all indicated that, perhaps I misunderstood, that the existing decel lane now would be subsumed (that's my word) but would be paved over by the new road and so it would be utilized by the widened road. Is this blue line show where the new road is?

Mr. McFee: The widening is primarily to the median. Part of the turn lane would be subsumed, part of it would be removed but again, if we want to go and ask the DOT, as the county, to revisit this, we can certainly do that.

Mr. Newton: I think what these guys want and what we ought to want is the safest intersection possible. So the fundamental question is, is part of the decel lane that's there better than no decel lane there? I understand the permit requirements that the developers suppose to pay for it and the developer is RRZ, or at least they were the applicant at the time, I don't know if that's a defunct entity anymore or not and that's out there and ought to be capable of being explored. It just strikes me that our goal ought to make certain that the road that DOT is building with our money, their money, is the safest intersection that can possibly be built at that location given all

the constraints and all the requirements of other parties involved. As the district fellow that represents this area, that's what I want from you. I want assurances from them that this thing is being built with all safety considerations being given as to whether a decel lane is needed to turn in to Hampton Parkway given this roadway is going to six lanes. Is that the case?

Mr. McFee: As far as the safety, two things, first off, I would say that safety and convenience is not necessarily the same thing.

Mr. Newton: I'm not worried about convenience right now.

Mr. McFee: That closure no doubt makes that a safer roadway.

Mr. Newton: Now let's focus on the decel.

Mr. McFee: A sub-standard decel lane, not safe.

Mr. Newton: That's there today?

Mr. McFee: Sub-standard today too.

Mr. Newton: What's there today is safer than having none at all?

Mr. McFee: With three lanes, you've got two lanes in each direction now. Three lanes would be a 50% increase in capacity so there would be, just using the math, half as many vehicles in the given lane that you would be in to turn. As far as trying to tease out a quantifiable loss or increase in safety certainly a full-service turn lane would create a greater level of comfort anecdotally but the question you're asking me would a full-service turn lane be safer than three lanes in each direction? I would say that what we could do is ask DOT to explore putting a full turn lane back in there and it then avoid the exercise in trying to prove whether one particular aspect is more safe than another when it seems to me from what I've heard the desire is to have a right-turn lane. So, why don't we cut to the chase and try a solution with DOT and ask them, will it be less safe? No but from an engineer's standpoint, will it be more safe? I'm not sure that's, if I could provide the right turn lane, why don't I do it? Why doesn't DOT do it? So we should ask them that question.

Mr. Jerry Stewart: Rob, just from a practical standpoint: 1) in driving this all the time, if you're coming off of 170 and merging onto 278 going east, you're right at the bridges, you're on the bridges, and many, many times you are boxed in and you cannot really merge over and I don't care if you put a third lane in there, it creates a problem so your sort of fuzzy math when you say you have less people necessarily in that lane. 2) You're coming off of a corner on a bridge with traffic in that right-hand lane that's going at a relatively high speed and you have somebody in front of you that's going to slow down all of a sudden to make that right-hand turn that is not safe to me at all. I think that is a terrible mistake not to put a deceleration lane there and all I can relate to is every day when I drive up here and you're on Robert Smalls and there are no deceleration lanes at the shopping centers and Lowes, etc., and how often you really come close

to rear-ending somebody who's all of a sudden decides to stop to make a turn into one of those establishments and here I think your speed and coming off the bridge and people not really thinking about anybody making a right-hand turn there, I think that really is a mistake. I think, in my way of thinking, just driving and being a driver in this area, I can't imagine there not be a deceleration lane there in order to have a safe situation and I think that as that area develops, which it's bound to do when the economy turns around, you're going to have more and more traffic. Now that obviously has some impact on the modified or new Hampton Parkway that should be built and hopefully that ultimately will resolve the issue but right now I think we have to deal with the safety of the citizens. Do you have any idea what we're talking about cost-wise to put in a deceleration lane?

Mr. McFee: Would not hazard a guess.

Mr. Stewart: And I would think that there should be some way, again, the chairman brought up, I don't know the status of the developers in today's current situation but it would seem to me that there should be some real serious discussion with the developer and the SCDOT and try to work out some compromise, some workable solution whereby that deceleration lane is put in.

Mr. Caporale: Rob, I'm just trying to understand, I don't think I have a position on this. What's the speed limit there on 278?

Mr. McFee: its 45 now. Work zone will be reduced to 45 mph.

Mr. Stewart: When the work zone goes away though it's 55/60.

Mr. McFee: DOT will make an assessment, it's their road, as they usually do after construction and they'll repost it.

Mr. Caporale: So at the lower end coming off the island that's all 45 all the up right.

Mr. McFee: Correct, the first six-lane section.

Mr. Caporale: I don't know how you deal with it. I almost try to stay out of these arguments because I figure you guys have the training and the background and the experience to make good decisions but I mean, I gotta tell you, that road, if you actually go, and I guess some times I am one of the offenders, the right-hand lane that has become on 278 coming off the island that has become the fast lane, it ain't the slow lane anymore. It's the one everybody jumps into to bypass all the traffic that is making all those left-hand turns along the way. It's just the way it is. I'm kind of baffled at it myself but if there are cars passing me on 278, I guarantee you they are passing me on the right side as I'm coming to Beaufort, as I'm driving off the island. That's where they're passing me. They're not passing me on the left. I could stay in that center lane and I will be passing the traffic on the left. So the whole thing has got turned around and I don't know if you could design roads that compensate for the foolishness of drivers but that's almost where we are and I could tell you that, again, just using that part of 278 that I most often drive on in Bluffton. Anyplace where I have to make a right turn and there's no slow-down lane, I'm always kind of saying a prayer when I get there. People just are not paying attention the way

they use to and tailgating is a hobby on that road. I understand DOT has lots of models and paradigms that probably are based on millions of statistics that are valid but when you get out there and you drive in that traffic almost every day it's getting to be almost nerve-wracking in some places. Anyway, that's all I have to say about it.

Mr. Newton: The thought is if there are 26 decel in the other section, why wouldn't it be included here? If it's a funding issue because there is a requirement as to this permit that the developer pay for it, has the DOT pursued the developer about putting it in? I guess, in part it appears arbitrary that it's included in some and not included in some. Does that make sense? A decel lane. And I think what they're looking for and what we're looking for is clarity to understand that. And if it's a DOT project then they ought to tell us why it's not there and if it's a matter of dollars, has that been run down based on the letter you alluded to a minute ago or not?

Mr. Kubic: One of the things I hope my administration is not responsible for defending or advocating this design. We're not. We're just trying to show the community what they have designed. It's their road. I think your questions regarding whether or not; I think you need to make a presumption that the state would not proffer for bid specifications that they did not consider safe. We do not know what their standards are to reach that conclusion. Can it be made safer I think is the question that Council is trying to engage my administration in and what are those opportunities? One would be is a decel lane reasonable; can it be incorporated into this design and improve the safe conditions so that it would be deemed safer. Maybe it can; maybe it can't. I did see a letter and I don't know if the letter came forward which was a response from the developer to DOT which DOT had indicated clearly that it said that if you want to have a decel lane there it would be, in their opinion, able to be put in at the developer's cost. So, in other words, the state is saying, you can put it in but it has to be funded and their suggestion on funding is that it comes from private sources. I think that's the next issue. What I would like to do is to take the collection of points we've raised and I will forward it to DOT for clarification which is what your question basically said and I'd be glad to do that. I think tonight is an intent to at least explain to the community what that represents and what we have to, what our next steps would be to satisfy and obtain answers for the community. We're willing to do that. But when I read that letter, just on its face, it was my impression that DOT did not say no to a decel, it just said basically fund it.

Mr. Newton: Put it up on the screen and Mr. Kubic I don't want my comments to sound overly critical.

Mr. Kubic: Well, we want to explain it to you but sometimes we don't know.

Mr. Newton: The emails that I sent two or three weeks ago were intended to ask DOT those questions so that we had answers tonight for all these folks. I'm a little disappointed by that but that's okay. My emails were specifically intended to go on and make those inquiries to DOT and if need be to have DOT here to answer the questions as to either why it's not necessary or it could happen but just so that we're not answering questions with more questions.

Mr. Kubic: And when we were in Columbia I pulled the representatives of DOT aside on this issue and said that we may reach a point where we need to have you assist us in clarifying exactly what that road map represents and more importantly, what can we do to reach an understanding, whatever that may be. We will pursue that and I apologize if we didn't get to where we wanted to go. I don't know where that paragraph is in the letter. My recollection is it was somewhere toward the end of the letter itself. In the paragraph; this is at least my interpretation of this: "However, although it is not warranted if a right turn, deceleration lane is to be added per the encroachment permit, the modifications and cost of the right turn lane are the sole responsibility of the applicant." And I'm assuming that the applicant is the developer. "If the applicant is willing to fund the construction of the right turn lane, the department (SCDOT) will allow it and assist in preparing a cost estimate." Now my interpretation of that paragraph is that they are not saying no to a decel lane, they're just saying in maybe their budgetary scheme, they're being a little hesitant to offer funding but then again, if funding is the issue maybe your suggestion about talking to the developer, I don't know if this particular area is in the Town of Bluffton or not, I don't know, but maybe those are pathways we can pursue. Okay?

Mr. Newton: The two points in this letter that I think are probably worthy, as I'm looking at what's on the screen, of additional exploration as well, "the department is confident the design of the newly widened will provide right turning motorists safe access. In addition, we're confident the design will provide safe operation." Those are the kinds of questions that in the absence of funding if there isn't any to add this third lane, what's there now be left? Isn't something better than nothing in terms of providing safer capacity to make a right turn?

Mr. Kubic: The only thing I would comment, Mr. Chairman, is I think as a lawyer comment, not an engineer comment, that you're probably in a more defensible position to put in a full-service decel lane because I could see that a partial would beg potential liability. I would recommend you do it right and you pursue that versus something that's in-between. I'm not an engineer, I haven't seen any traffic studies but that would be my first impression.

Mr. Newton: The long-term solution is to get the road built 1200' to the east (that's correct) with a signal that ties back again to Hampton Parkway where a traffic light is intended to be and hopefully we can figure out a way to make that happen. But in the interim I do think we need to talk to DOT and make sure that's what happening here is the safest as it possibly can be. From a layman's perspective, (I agree) it does seem to make sense

Mr. Kubic: And just so that you know, I've already instructed staff to begin to take a look at the other suggestion and that is finding connectivity perhaps in a different pathway.

Ms. Von Harten: I'd say in summary if there's not been pavement ripped up yet, don't rip up any pavement and just leave what there is. That's what we would like to happen. And can we vote on that? Can we have a resolution calling for them?

Mr. Newton: It's not our project.

Ms. Von Harten: Asking them, asking them as County Council, officially asking them not to pull up that pavement?

Mr. Kubic: I can do that. I'm going to, probably tomorrow, contact SCDOT although it only took about six months to figure out where that application was. I will ask them to respond quickly because it is a real time improvement going on and I'll take a collection of these questions forward.

Ms. Von Harten: It would strengthen your position to have a resolution.

Mr. Newton: Well but, Laura, I think one of the things we need are the answers from the DOT. If they come back and say it's unsafe because, I don't know that I'd feel comfortable voting to keep something that's unsafe but I want the people who are making that determination to stand here and answer those questions. These guys deserve it and you and your staff and we deserve it.

Mr. Kubic: Correct, I agree with that. So I'll try to make those arrangements at our next meeting and I believe it's here in this chamber. Thank you very much. We'll be on Hilton Head which will be closer for the residents. That will be good.

PUBLIC HEARINGS

AN ORDINANCE TO AMEND AND CLARIFY BEAUFORT COUNTY ORDINANCE NO. 2005/9 AND AS SUBSEQUENTLY AMENDED WITH REGARDS TO THE DEFINITION OF ESTABLISHMENTS UNDER THE BEAUFORT COUNTY LOCAL HOSPITALITY TAX

The Chairman opened a public hearing at 6:12 p.m. for the purpose of receiving information from the public regarding an ordinance to amend and clarify Beaufort County Ordinance No. 2005/9 and as subsequently amended with regards to the definition of establishments under the Beaufort County Local Hospitality Tax. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:13 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance to amend and clarify Beaufort County Ordinance No. 2005/9 and as subsequently amended with regards to the definition of establishments under the Beaufort County Local Hospitality Tax. 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.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX S. DAUFUSKIE ISLAND CODE, TABLE 3.8 (SPECIFIC USES D2) SOLID WASTE GATHERING, TRANSFER AND RECYCLING FACILITY, WASTE TRANSFER, BY SPECIAL USE PERMIT

The Chairman opened a public hearing at 6:14 p.m. for the purpose of receiving information from the public regarding text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 3.8 (Specific Uses D2) solid waste gathering, transfer and recycling facility, waste transfer, by special use permit. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:15 p.m.

It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second required), that Council approve on second reading text amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Appendix S. Daufuskie Island Code, Table 3.8 (Specific Uses D2) solid waste gathering, transfer and recycling facility, waste transfer, by special use permit. 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 announced a public hearing will be held by Council on Monday, February 13, 2012 beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort.

COMMUNITY DEVELOPMENT BLOCK GRANT NEEDS ASSESSMENT

Mrs. Michelle Knight, Community & Economic Development Director, stated the public hearing is required to solicit public comment on the S.C. Community Development Block Grant Program (CDBG) for Beaufort County. This will put the County in a position to be able to pursue CDBG funding for the coming year. On February 20, 2010 Council's Community Services Committee will meet for the purpose of ranking priorities and bringing it back to Council for approval. The ranking from last year is as follows: Community Infrastructure, Village Renaissance, Trails to Residential Centers and Business Development.

Mrs. Michelle Knight, Community & Economic Development Director, gave a PowerPoint presentation on the S.C. Community Development Block Grant Program (CDBG). CDBG Program is designed to provide assistance to units of local government in improving economic opportunities and meeting community revitalization needs, particularly for person of low and moderate income (LMI). The program has been funded through the State since 1982 by U.S. Department of Housing and Urban Development under Title I of the Housing Community Development Act of 1974. The annual allocation from HUD for the program is administered by the S.C. Department of Commerce, Division of Grant Administration.

South Carolina has been allotted approximately \$18,074,966 CDBG funds for 2012. This allocation has been divided among the program as follows: Community Development Programs \$14,931,844 and Business Development Programs \$2,000,000. All projects have to meet a national objectives meaning: benefit low and moderate income persons, aid in the prevention or elimination of slums or blight and meet other urgent community needs posing a serious threat to the health or welfare of the community, where other financial resources are not available to meet such needs.

Community Development (CD) Programs are designed to produce outcomes that improve citizens' quality of life and create a competitive environment for jobs and investments by addressing priority community developmental needs. A CD application will compete within the following subcategories that have the same general submission requirements. Category I - Community Infrastructure, \$7,231,844: Must contribute to the creation of healthy and sustainable residential communities through water, sewer, roads, drainage, or other activities that address one or more of the priority listed in order of importance. Category II - Community Enrichment, \$2,000,000: Designed to fund facilities, services and other activities that strengthen existing communities and support a high quality of life within the state priority areas – workforce development, safety and health communities and obstacles or economic competitiveness. Category III Village Renaissance, \$5,000,000: Designed to assist in the development of sustainable communities by revitalizing in-town residential neighborhoods. Projects need to incorporate comprehensive strategies to link commercial revitalization success with improvements to adjacent neighborhoods. Each project should involve a five-year, three-phased program. Phase I requires Neighborhood Revitalization Plan and Phases II and III involve activities to implement the plan. Category IV - "Ready to Go" Public Facilities Program, \$700,000: Designed to stimulate the local economy by encouraging the timely implementation of CDBG eligible public facilities. Project must be eligible under the Community Infrastructure or Community Enrichment program. Only one project is allowed at a time. All required project activities leading up to bidding must be complete prior to submission of application including, but not limited to: project design, environmental review and acquisition of permits.

Business Development Programs involve economic development activities not associated with job creation. Area new or expanding businesses tied to job creation as well as new or expanding businesses that provide essential goods and services in predominately low and moderate income communities.

Applications are due March 16, 2012 at 5:00 p.m. for Community Infrastructure; August 17, 2012 at 5:00 p.m. for Community Enrichment and Village Renaissance; and on-going for "Ready to Go".

The Chairman opened a public hearing at 6:25 p.m. for the purpose of receiving information on the Community Development Block Grant needs assessment. After calling once for public comment, the Chairman recognized Mr. Jim Minor, a Seabrook Point resident, stated that there is a serious public safety issue that exists in that part of the County in that the closest fire hydrant, closest water to us, is two miles on the other side of Highway 21. There are 80 homes in Seabrook Point. He knows that this program is for lower cost housing, but if a structural fire takes place in our community right now there are no freshwater ponds or dry hydrants. Water needs to be closer. Regarding the new Whale Branch High School, the School District funded that hydrant just big enough to supply water to the high school. This is a serious public safety issue. It is one that needs to be possibly addressed under this program to provide infrastructure being water and fire hydrants to that part of the community.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA

This item comes before Council under the Consent Agenda. It was discussed at the January 17, 2012 Finance Committee meeting.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approve on second reading an ordinance authorizing the issuance and sale of not to exceed \$6,000,000 general obligation bonds, series 2012B, or such other appropriate series designation, of Beaufort County, South Carolina. 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 announced the public hearing date of February 27, 2012 beginning at 6:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

It was moved by Mr. Flewelling, seconded by Mr. Caporale, that Council approve debris management and collection process following a disaster: (i) County Public Works Debris teams and/or Contractor will perform initial road clearance on public and private roads; (ii) When directed by County Council, the County Debris Manager will request approval to remove debris from private property using the suggested policy guidelines; and (iii) Private communities will be responsible to the County for any unreimbursed expenses associated with debris removal. 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.

PORT ROYAL ISLAND ZONING MAP AMENDMENT / REZONING REQUEST FOR R100 024 000 0020 0000 AND R100 024 000 0416 0000 (2 PARCELS TOTALING 8.29 ACRES AT THE INTERSECTION OF RUG RACK, LAUREL BAY, AND JOE FRAZIER ROADS IN BURTON, SC) FROM RURAL WITH TRANSITIONAL OVERLAY (R-TO) ZONING DISTRICT TO COMMERCIAL SUBURBAN (CS)

Mr. Sommerville stated Council has heard some public comment on this particular request for rezoning – Mr. Gasque and Mr. Schwartz. One of the issue that Mr. Gasque pointed out was that the applicant deserves an up or down answer one way or the other. Mr. Sommerville agrees with that. The Natural Resources Committee recommendation was to postpone it pending a charrette. Mr. Sommerville believes that the applicant is entitled to a quick answer. He cannot give all the history on this property. Council has heard some of it from Mr. Gasque and Mr. Schwartz. Mr. Sommerville became award of this in 2010 when the applicant came forward with a request to rezone it from its current zoning status -- Rural with Transitional Overlay to Commercial Suburban. That was denied. Mr. Sommerville reviewed the deed and Timmark Partners purchased this property in 2001 and it was zoned Rural with Transitional

Overlay then and it still is. He cannot comment on what may or may not have happened between 2001, when they purchased it, and 2010 when he first became aware of it because he was not involved in it. In 2010 when the Timmark Partners came forward and asked for a rezoning, we looked at it and it was denied. One of the things that they did offer at that time was that they had a concern about financing the property because it is a non-conforming use. Mr. Sommerville suggested at that time that the Planning Department suggest to Timmark Partners go to the Zoning Board of Appeals and ask for a special use permit which would have solve the problem as it was described. For whatever reason the Timmark Partners did not do that when it was denied in 2010 and now they have come back and asked a second time to have the property rezoned from Rural with Transitional Overlay to Commercial Suburban. They have not indicated specifically what they would like to do with that property, and they don't have to. The Metropolitan Planning Commission, Planning Commission, Planning Department, neighbors and Council the only thing we can do is look at the permitted use under the requested zoning category and decide whether or not those permitted uses or the most intense of those permitted uses are appropriate for that property. The Metropolitan Planning Commission, Planning Commission, and Planning Department look at it sort of mechanically – is it consistent with the Comprehensive Plan. From Council's standpoint and Mr. Sommerville's he looks at those things as well as what to the neighbors think. We know that some of the neighbors have concerns about some of the intense permitted use under Commercial Suburban. Mr. Sommerville is not un-sympathetic to this and is not unfamiliar with this (he owns a piece of property that has a non-conforming use on it).

The recommendation of the Natural Resources Committee is to defer. Mr. Sommerville does not think it is fair to Timmark Partners or consistent with the County obligation to anyone who comes forward.

Main motion: It was moved by Mr. Sommerville, as Natural Resources Committee Chairman (no second require), that Council defer action on a request the request for rezoning Port Royal Island Zoning Map Amendment / rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-To) Zoning District to Commercial Suburban (CS).

Motion to amend by substitution: It was moved by Mr. Sommerville, seconded by Mr. Glaze, that Council deny the request for rezoning Port Royal Island Zoning Map Amendment / rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-To) Zoning District to Commercial Suburban (CS).

Mr. Sommerville's reasons for denial are: (i) primarily the fact that there are objections to it by the neighbors and (ii) if he understood the partners correctly, in 2010 and from his reading of the minutes of the Planning Commission they are concerns about refinancing or having the bank refinance the initial financing and that can be resolved through the Zoning Board and Appeals. He does not know why they have no availed themselves of that property.

Mr. Flewelling stated this is clearly a problem that we see over and over again in Beaufort County. We seem to be unfriendly to business. Sometimes it is copout. But this property has been used as commercial property for 30 years. It is taxed as commercial property. It is taxed as vacant commercial property. The property next door, the Middleton property, was previously commercial property, but they requested a change to Rural Residential at some point in time between 1999 and today. He does not know why Council cannot give them what they have always had on there. He does not know why there is a problem. There is some fear of what they might do with the property. As an owner of commercial property, he should be just as concerned about what his neighbors are doing – that they are not developing their property as commercial property like it was originally zoned and why he would not be concerned that they changed it to Residential unknowing at that point it was going to affect his future use of his property, as commercial property. Council ought to give him what he asked for.

Mr. Schwartz said a Dollar General was talked about, but he has since lost that. A lot of time has passed. He wants to work with, not against Council. He does not feel that he getting the assistance required. His has contacted every member of Council, more than a year ago, prior to this meeting, and to date, only three members have met with him out of 11. One person had emailed and one person took a phone call. It is his understanding you are a Council; not a vote of one, with a large group or a major of followers. He would like to meet Council at the site and show you exactly what he is doing. Just because your district is on the other end of the Hilton Head Island or in Sheldon or wherever, if you are voting on it you should have the knowledge and background to make an educated and informed decision. His proposals benefit what he is going to do there, whether it a gas station, a Dollar General (which he lost because too much time passed when no action was taken by this Council. There are a thousand people is a very short circle of about one square mile who would really like to get toilet paper because they otherwise would like have to drive 15 minutes to Walmart and wait in line 15 minutes because they only have three out of 28 registers working. They could walk to the store. He needs to grow his people and use the property to its highest potential. He will contact each member of Council individually after the vote, if it is an affirmative vote to at least move to second reading. By passing this rezoning, you are not giving me cart blanche to do whatever his wants. There are hundreds of other ordinances in affect for Council to control what he is going to do with that property. All of the parcels, not just the two that are being rezoned, are being taxed as vacant commercial property and zoned Rural. He is not yet received an answer of how he uses a parcel as commercial vacant and being taxed as commercial vacant.

Mr. Rodman inquired of staff's recommendation?

Mr. Flewelling replied staff recommendation is to approve.

Mr. Rodman said we are going through form-based code for the County. Do we know where this would fall in the form-based code?

Mr. Tony Criscitiello, Division-Director Planning and Development, replied there would be a form-based code district that would exist for this purpose when form-based code is adopted.

Mr. Rodman asked if some of the things Mr. Schwartz might do under the existing code could come in under form-based code.

Mr. Criscitiello agreed in the affirmative. We have always said that we understand that the property is commercial in nature. We never denied that. It was a question of having the right tools in place that would make it a property that would have a high level of attractiveness over a long period of time. The form-based code ordinance is completed; we will have an opportunity to discuss it at the retreat at which time he will show an excerpt from the form-based code and how that would be set up.

Ms. Von Harten is curious about the transfer of development rights. Would this be the first property that would be a receiving property?

Mr. Criscitiello replied part of the staff recommendation came in three parts. One of those parts is that Council, if it chooses to change the zoning to Commercial Suburban that it is recognition / acknowledgement that it is a receiving zone for the transfer of development rights. That was put in place by Council last year.

Mr. Newton asked, “Do you contemplate that the transect zoning under form-based code in this particular area would be intense as Commercial Suburban”?

Mr. Criscitiello replied it would be analogous to Commercial Suburban as the intent.

Mr. Baer said in doing that you would put an intense commercial zone potentially in a residential area and that is why you would have a charrette before you do that. Correct?

Mr. Criscitiello replied one of the steps in creating a form-based code is that you want to field test the districts that are being proposed so you hold a charrette to allow you to look at specific areas and decide whether those standards in those transect zones are actually workable on the ground and the real world. You hold charrettes in order to test the feasibility of that ordinance in a specific location. We held charrettes in a variety of places. We were going to hold one here, but there were five others already on Port Royal Island and it was felt that to be economically feasible to look at least three places in southern Beaufort County that would be able to be field tested. We did that. We did not know at the time that we made that decision that the applicant would come back in for a second request of this. We were going to do this anyway in Burton after adoption of form-based code when we had the opportunity to apply the district in the real world.

Mr. Baer said the process of getting this field test is to have a community meeting, called a charrette, in receive community input.

Mr. Criscitiello replied, “Absolutely, as we did in the other ones.”

Mr. Glaze hopes that the citizens who live in that area would have a better sense of direction to go to Wal Mart if they need toilet tissue rather than going to Food Lion which is down the street. The whole purpose of the charrettes was to find out what the citizens in a particular community want in their community. To not give the residents of his area an opportunity to express their wants and approve this zoning request is wrong. The applicant never spoke with Mr. Glaze prior to today. Mr. Glaze represents this area. If the applicant cannot wait until form-based code is adopted, then Mr. Glaze will vote to deny the rezoning. Government is designed to do for people what they cannot do for themselves.

Mr. Flewelling asked staff to explain the reason why, in 1999, this property was zoned residential. Could it have been a mistake?

Mr. Criscitiello replied 1999 was before his tenure here. It could have been a mistake. There was a staff recommendation that come with stipulations and conditions. If there is a desire of Council to vote in the affirmative, Mr. Criscitiello asked Council to remember what the conditions were.

Mr. Newton asked, “What is the proximity of this property with the Air Station?”

Mr. Criscitiello replied, “Approximately one half mile.”

Mr. Newton stated at the charrette that would be upcoming, will representatives from the Air Station participate in those activities.

Mr. Criscitiello said he presumes that would be a high interest on their part because of its proximity to the Air Station and City of Beaufort. It is the City growth boundary as part of the Northern Regional Implementation Plan. It is in their sphere of influence in terms of the growth boundary. In the original request for rezoning the Air Station recommended denial.

Mr. Newton remarked that given what he has heard about the charrette and given the millions of dollars that we have invested acquiring land around the Air Station to prevent encroachment, which is enough for him.

Mr. Rodman said it sounds like Council will learn some additional information at the retreat. We are dealing with whether we are going to deny a staff recommendation. He does not see any damage in waiting two or three weeks to be more information.

Motion to table: It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council table the motion until the first meeting Council meeting in March 2012.

Mr. Josh Gruber, County Attorney, stated that given the fact that this application had come up previously before Council is significant period of time ago. It would be more than appropriate at this juncture to take action on this application based upon the merits of its application. Mr. Gruber’s recommendation is that Council should not table the motion. The application on this

rezoning request was received by Council more than a year ago. It has been stale since that time.

Mr. Rodman, as maker of the motion, and Mr. Flewelling, who seconded the motion, agreed to withdraw the motion to table.

Mr. Flewelling comment the property is actually several miles from the Air Station. It is very close to Laurel Bay housing. It is not within the AICUZ. He does not the Air Station rationale recommending denial of the original request, but it was not because it is in the AICUZ.

Ms. Von Harten pointed out this property is located across the Laurel Bay shopping center. It is across from this other commercial area. This is a difficult decision because he has always wanted to support the Planning staff and the recommendations that they make. This would be fair to approve this project, but she also wants to be considerate of Mr. Glaze and what Mr. Glaze wants to happen in his district. There has been some expression on Mr. Glaze's part in the past that residents of Burton may not want to be within the growth boundaries of the City of Beaufort and that there might be some changes related to that. She has conflicting desires relating to her vote on this request. It is in a commercial area at present. It has been commercial. It is across from a shopping center, yet it is Mr. Glaze's district and she wants to be respectful of what Mr. Glaze thinks is best for his district.

Mr. Newton thinks that what Mr. Rodman was trying to do was preserve the "status quo" for the benefit of further input. There are number of folks who have questions and concerns. Even the question of why this was zoned rural 12 years ago with transitional and how that interchange based on form-based code. He wanted to support Mr. Rodman's motion until he heard Mr. Gruber's comment. He has a concern that if the Air Station is against it, he would like to know why in weighing the decision as to the specifics of their suggestions. He is disappointed that perhaps that one of the five charrettes that took place would not have encompassed this area. He is pleased to know there is, in short order, a field test charrette planned for this area and the benefit of that is probably helpful in making the ultimate determination for this property. As it relates to the request that, perhaps, has been around as long as Mr. Gruber has said that it has, the landowner is entitled to a response. Mr. Newton's response at this juncture is, no.

Mr. Baer said for the record that at the Natural Resources meeting members had a reasonable compromise that might even have satisfied Mr. Gruber. We were going to have an expedited community meeting, and perhaps not call it a charrette. His vision was to hold that within 30 days, it showed we were pursuing due diligence in getting an answer quickly, but we could have received community input in that period of time. Unfortunately, that seems not to be on the table any more. That would have been his preference.

Mr. Gruber was at the Natural Resources meeting and new that was offered up as a suggestion. The thought from staff on that being that due to the length of time that this has been pending and additionally given the opportunity that citizen input was available through the public hearings at the Development Review Team (DRT), Planning Commission, and at Council

tonight that there has been ample community input available so that that as a reason to delay further would probably not be sufficient given the specific circumstances surrounding this specific application.

Mr. Flewelling remarked that there has been some discussion about Mr. Glaze representing this area. In the redistricting this area is now his district.

Mr. Newton stated with adoption of form-based code as it relates to this area there would be no independent zoning that would have to be sought.

Mr. Criscitiello replied the district map would reflect something of a by-right nature.

Vote of the motion to amend by substitution: AYES - Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville and Mr. Stewart. NAYS – Mr. Caporale, Mr. Flewelling Mr. Rodman and Ms. Von Harten. The motion passed.

Vote on the amended motion which is now the main motion and includes the motion to by substitution: Council deny the request for rezoning Port Royal Island Zoning Map Amendment / rezoning request for R100 024 000 0020 0000 and R100 024 000 0416 0000 (2 parcels totaling 8.29 acres at the intersection of Rug Rack, Laurel Bay, and Joe Frazier Roads in Burton, SC) from Rural with Transitional Overlay (R-To) Zoning District to Commercial Suburban (CS). The vote was: AYES - Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Sommerville and Mr. Stewart. NAYS – Mr. Caporale, Mr. Flewelling Mr. Rodman and Ms. Von Harten. The motion passed.

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

COMMITTEE REPORTS

Community Services Committee

Alcohol and Drug Abuse Board

Mary Johnson

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. Mrs. Mary Johnson garnered the ten votes required for reappointment to serve as a member on the Alcohol and Drug Abuse Board.

Frances Kennedy

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. Mrs.

Frances Kenney garnered the eight votes required for reappointment to serve as a member on the Alcohol and Drug Abuse Board.

Beaufort Memorial Hospital Board

David Tedder

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. Mr. David Tedder garnered the eight votes required for reappointment to serve as a member on the Beaufort Memorial Hospital Board.

David House

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. Mr. David House garnered the six votes required for appointment to serve as a member on the Beaufort Memorial Hospital Board.

Children's Foster Care Review Board

Queen M. Davis

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. Queen M. Davis the six votes required for appointment to serve as a member on the Children's Foster Care Review Board.

Disabilities and Special Needs Board

Jonathan Brown

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. Mr. Jonathan Brown garnered the eight votes required for reappointment to serve as a member on the Disabilities and Special Needs Board.

David Green

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. Mr. David Green garnered the eight votes required for reappointment to serve as a member on the Disabilities and Special Needs Board.

Garden Simmons-White

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. Garden Simmons-White garnered the ten votes required for reappointment to serve as a member on the Disabilities and Special Needs Board.

Library Board

Susan Barnwell

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. Susan Barnwell, representing Council District 2, garnered the eight votes required for reappointment to serve as a member on the Library Board.

Yolanda Riley

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. Yolanda Riley representing Council District 2, garnered the six votes required for appointment to serve as a member on the Library Board.

Bernard Kole

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. Mr. Bernard Kole, representing Council District 7, garnered the six votes required for appointment to serve as a member on the Library Board.

Parks and Leisure Services Board

Tom Ertter

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. Mr. Tom Ertter, representing at-large, garnered the eight votes required for reappointment to serve as a member on the Parks and Leisure Services Board.

Bruce Yeager

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. Mr., Bruce Yeager, representing southern Beaufort County, garnered the six votes required for appointment to serve as a member on the Parks and Leisure Services Board.

Brian Watkins

A vote was not taken on the appointment of Mr. Watkins since Mr. Yeager had garnered the required six votes for appointment to serve Parks and Leisure Services Board.

Finance Committee

Accommodations Tax Board

Anita Singleton-Prather

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. Anita Singleton-Prather, representing cultural, garnered the eight votes required for reappointment to serve as a member on the Accommodations Tax Board.

Tax Equalization Board

Robert Cummins

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. Mr. Robert Cummins, representing St. Helena Township, garnered the ten votes required for reappointment to serve as a member on the Tax Equalization Board.

Merritt Patterson

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. Mr. Robert Cummins, representing Beaufort Township, garnered the ten votes required for reappointment to serve as a member on the Tax Equalization Board.

Governmental Committee

Bluffton Township Fire Commission

Mr. Stewart, as Governmental Committee Chairman, nominated Mr. Jack Bennett, representing Barrel Landing/Pritchardville; and Mr. Terrence Reynolds, representing Moss Cree/Buckingham, to serve as members on the Bluffton Township Fire Commission.

Lowcountry Council of Governments

Mr. Stewart, as Governmental Committee Chairman, nominated Mr. Joseph McDomick, representing at-large minority; and James Outlaw, representing at-large, to serve as members on the Lowcountry Council of Governments.

Sheldon Township Fire Commission

Mr. Stewart, as Governmental Committee Chairman, nominated Mr. Gregory Gilbert, Mr. Rudolph Glover, Mr. George Williams and Mr. John Kerner to serve as members on the Sheldon Township Fire Commission.

Natural Resources Committee

Planning Commission

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Ms. Diane Chemlik, representing at-large; and Mr. Edward Riley, representing Bluffton/Daufuskie Island, to serve as members of the Planning Commission.

Public Facilities Committee

Airports Board

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Dopp, representing proximity to Hilton Head Island Airport; Mr. Ronald Semtek, representing proximity to Hilton Head Island Airport, Mr. Pete Buchanan, representing qualifications; and Mr. Mac Sanders, representing active pilot/airport owner at lady's Island Airport.

Mr. Flewelling nominated Mr. Leonard Law, representing proximity to Hilton Head Island Airport.

Stormwater Management Utility Board

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. John Youmans, representing Stormwater District #6-unincorporated Port Royal Island; and Mr. David Cargile, and representing Stormwater District #7- unincorporated Lady's Island; to serve as members on the Stormwater Management Utility Board.

Beaufort Transportation Advisory Group

Mr. Newton announced will scheduled a Beaufort Transportation Advisory Group (BTAG) meeting in mi-March as soon as we receive clearance from Mr. Kubic as to staff preparation of the expenditure and revenue analysis and with regard to the \$24.9 million and how that changes the recommendation. Even though there had been a recommendation to go Public Facilities Committee, subject to a legal determination as to whether Island West could be included, *i.e.*, the impact from the US Highway 278 widening and Old Miller Road, Mr. Gruber has an answer legally for those two issues that were caveats or questions to the BTAG recommendation. We now have the \$24.9 million and the expenditure and revenue analysis. Since we will have a BTAG meeting in mid-March, rather than take up that recommendation go back to Public

Facilities, we will have the BTAG meeting and then have a full recommendation to come to the Committee.

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

MOTION TO EXTEND BEYOND 8:00 P.M.

It was moved by Mr. McBride, seconded by Mr. Glaze, that Council extend beyond 8:00 p.m. 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.

PUBLIC COMMENT

The Chairman recognized Mr. Gary Rowe, a resident of Bluffton, who said he had not planned on speaking again; but especially since the letter that was shown was addressed to him, he should respond to it. “First of all let me say I’m not an attorney so I’m not going to try to address the legal issues here. All I’m trying to do is I think it’s wrong what may be done without a decel lane on this road and I think it needs to be corrected. I would encourage Beaufort County, it’s an SCDOT road there’s no question about that, but Beaufort County’s concern, in my opinion, should be for the safety of its citizens and I believe the way for the citizens to be the safest would be to have a decel lane. Who should pay for it is another matter and it’s a legal matter and I’m not going to get into that tonight. I would like to, and I will talk as quick as I can because it’s past my bedtime and probably is yours too, I want to address the intent because I was there in 2004 when this encroachment permit was issued. Part of our challenges is trying to deal with a document that we all thought was going to be finished five years ago, okay. We thought the shopping center was going to be built, the new road was going to be built and whoever developed the property there, and it wasn’t the applicant never intended to develop this property, and the encroachment permit but that’s legal so I’m going to back off of that. So we’re dealing with something that was never intended. My understanding of the intent thought was that this median cut would be closed when the new road was built. When the new intersection was done and the traffic light was installed. That’s when the median was supposed to be closed, in my opinion. That’s why I said earlier I think it’s premature. So the intent I believe was that. And the intent was also so I believe and an encroachment permit basically says that the decel lane would stay in place. One other thing I will have to say in my discussions with the SCDOT which I’ve had a few and the letter once again was addressed to me in response to those Beaufort County has significant influence over SCDOT. They’ve made that clear to me and I would encourage you all to act on that basis. The current decel lane was built according to the plans, that’s another point I’d like to make. The way the road was built was approved by SCDOT and it was built according to the plans and the encroachment permits and so if its unsafe and it did say it would have to be brought up to par but it’s much safer in my opinion to have something there that’s there now and I’ve used it hundreds of times than it is to not have anything there. So I would encourage. I understand engineers don’t like things that don’t fit exactly the way they are supposed to. I’m not an engineer either so to me don’t let perfect be the enemy of something that’s okay or something that could help. The 2009 traffic study, I want to address that quickly,

is out-of-date, it does not include the additional traffic that will be generated by the median cut being closed for one thing and also there's a lot of homes that have been built in there since then and so I believe that needs to be looked at. I will have to say in my conversations with SCDOT I said well what is a traffic study say about the next decel lanes that are staying on the next three exits off of 278 and they said they didn't look at it. And so why are we looking at this one then and didn't get a good answer. But I will send everyone here and all the Council members a copy of my response to SCDOT. One last point I want to make to the gentleman in the back who I believe was a retired fire person is response time for first responders. They're going to be much longer with the median cut closed especially and I guess that's the issue on the median cut. You have to go 1.4 miles to get down and come back to turn right on that Hampton Parkway so I think that's something that both staff I would hope and Council would consider. Thank you very much.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Rodman, seconded by Mr. Glaze, that Council go immediately into executive session for the purpose of receiving legal advice relating to pending and potential claims as well as negotiations incident to proposer 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

RECONVENE OF REGULAR SESSION

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council approve an amendment to the contract with the fixed based operator at the Hilton Head Island Airport. The basic features of that are: (i) to extend the current option period by five years, (ii) to take the fuel surcharge that is currently at 3% and effective February 1, 2012 that would move to 6% for two years, then move to 7% the next two years, and 8% the next two years. If we end up increasing the take off length of the runway to 5,000 feet, then it would kick in at 9% at that point in time. The addendum for the landing fee would be that if we were to implement a landing fee then those percentages above-described would revert to those in effect December 2011.

Mr. Newton remarked these landing fees are offered in lieu of landing fees airport to generate the same or more revenue than was proposed at one point in time by way of a landing fee. It does not preclude a landing fee discussion, but these substitute revenues would be removed or revert to the current rates if a landing fee was ever put in place.

Mr. Rodman commented it is also fair to say that this would be much more acceptable to the South Carolina Aeronautics Commission and to the FAA, both of which have expressed concern about potential landing fee. They are a major funder.

Mr. Newton said the projected increases are higher than the estimated and projected revenues to be generated by the landing fee that was proposed at one point in time by the Airports Board.

Mr. Caporale said there are a couple of other enhancements as well. If all works out the way we hope, the new contract will produce three times as much money as the landing fees. That would be the most optimistic possibility. It looks very doable. Signatures willingness to work with us is uncommon and Mr. Caporale really appreciates it. It does not change his mind about landing fees, he still likes them, but in this case he likes Signature's offer more.

Mr. Baer congratulated Signature for working with the County to eliminate a past injustice where most of the cost of the Airport was born by taxpayers and commercial passengers. This at least gets some share born by private aviation as well. He is very pleased with this.

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

ADJOURNMENT

Council adjourned at 8:59 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
February 27, 2012

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, February 27, 2012 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.

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) Boards and Commissions members' term limits; (ii) possible text amendments to the Airports Board charter; (iii) removal of agenda item B, Hampton Parkway, from today's agenda; (iv) Mr. Newton and Mr. Kubic met with State Highway Commissioner Craig Forrest and SCDOT Executive Director Robert St. Onge and talked about Hampton Parkway, grass cutting the roundabout on the Parkway, SIB strategy, and understanding what the \$15 million matching grant from SCDOT limits are and what it can be used for; (v) status of Daufuskie Island park; (vi) Finance Committee recommendation to decline Federal Transit Administration Bus Livability grant offer; (vii) possibility of combining \$6.0 million and \$2.5 million general obligation bonds issuances; (viii) methodology and reporting process of Council policy and management agendas 2012; (ix) drafting of a memorandum of agreement relative to a partnership between the Circle of Hope Coalition and Beaufort County to lease the Charles Lind Brown Community Activity Center; (x) an invitation has been extended to Mr. Miles Glick, a forensic expert, to attend a Council caucus to talk about the county courthouse regarding the renovation project; and (xi) Council discussion at its retreat regarding possible closing of recycling centers.

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 pending and potential claims covered by the attorney-client privilege. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

EXECUTIVE SESSION

RECONVENE OF REGULAR MEETING

REGULAR MEETING

The regularly scheduled meeting of the County Council of Beaufort County was held at 5:00 p.m. 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 Chairman led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Councilman Rodman gave the Invocation.

PROCLAMATION

The Chairman directed that all flags on County buildings be flown at half staff on May 15, 2012, in recognition and honoring of Peace Officers' Memorial Day and in memory of those law enforcement officers, who through their courageous deeds, have made the ultimate sacrifice in the service of their community or have become disabled in the performance of their duty, and to honor those law enforcement officers presently serving this community.

PUBLIC COMMENT

The Chairman recognized Rev. James C. Hudson, Sr., a resident of Savannah, Georgia, who commented on the proposed park to be developed on Frances Jones Boulevard on Daufuskie Island. He submitted several documents for the record. One of documents is a letter from the Daufuskie Island Foundation supporting the park in the historic neighborhood of Daufuskie Island. The second document is a December 2009 letter to the County Council informing the body of the existence of County-owned park land on Daufuskie Island. The language specifically referring to the park is highlighted in yellow on the document. Another document is a February 2010 letter from Ms. Cushman stating the need for the County to follow through with building the park. Her response is due March 8. There is an article from *USA Today*. Rev. Hudson has read *Beaufort Gazette* articles about the park that is due to Daufuskie Island. Can

this Council confirm that when you respond to the letter from Ms. Cushman on March 8 you will, in fact, submit a detailed plan for building the park on Frances Jones Boulevard?

Mr. Gary Rowe, a resident of Bluffton, said he just found out that representatives of SCDOT are going to attend a Council meeting in a couple of weeks; therefore, he plans on reserving his comments until after the presentation tonight. He is here on Hampton Parkway decel lane. Mr. Gary Wiggin, who was the engineer with Thomas & Hutton when the road was built and when the encroachment permit was received, and who was involved in it more than most anybody else, is going to speak tonight. He will give you the information that he has about it because he may not be able to attend the next meeting. Mr. Wiggin is not with Thomas & Hutton anymore. Hopefully, all of you have received an email from Mr. Rowe this morning responding to the letter from SCDOT that he received. It was talked about and discussed at the last meeting. The reason he got his email out this morning, and apologized for not getting it earlier, was because the issue is on today's agenda. The letter was on the agenda as an exhibit. The encroachment permit was on the agenda as an exhibit. As it turns out, there are two encroachment permits that say two different things. Mr. Kubic is going to give his version of why that is, and Mr. Rowe will leave it at that.

Mr. Gary Wiggin, stated he was the permitting engineer with Thomas & Hutton when this permit was granted. It was a collaborative effort between the County, SCDOT, and the applicant. There are two copies to that permit because part of the conditions of that permit was that Hampton Parkway was to be built all the way down to the future Bluffton Parkway which was nothing more than pine trees at the time. At that point, the road was built only so far because there were delays in extending it. With those delays of that extension, we had to get an extension of the SCDOT permit, *i.e.*, the encroachment permit, to complete the construction of that road to maintain access. An extension was granted; but there was additional language added in the special conditions, and he is not exactly sure why. At that point, he was not involved in the day-to-day operations of that permitting process. He has not been involved with the 278 widening nor followed it, but Mr. Rowe has given him a quick update. It sounds like there is going to be a closing of the decel lane that actually goes into this temporary access into Hampton Parkway today. There was a lot of collaboration on why that decel lane was there; and that access point, it always thought by everybody, that there was going to be light traffic there. Most of the traffic would be utilizing that future full access point just east which was permitted and the access was built, but not the road continuing through. That decel lane was built because it was going to be light traffic because of future volume traffic on 278 which is high and is probably going to get higher. In fact, everybody agrees that light traffic, giving them a chance to get out of the way and turn in, was what everybody thought was advantageous to people driving. That being removed, nobody thought that, that was a good idea. Matter of fact, everybody thought just the opposite -- how could we make it bigger and longer -- but with the restrictions of the bridge allowed that -- because it is such light traffic then the shorter decel lane would work and it would operate okay.

Mr. Bob Richardson, a resident of Hilton Head Island, spoke as a concerned citizen referencing the tree work and the tree trimming and clear-cutting that has occurred on airport property. Several things have happened subsequent to that, and he wanted to point out that there were

several photos of the area that had been sent to the County Council members who are Hilton Head Island residents. He has been able to get copies of the arborist's report from the Town and there are a lot of questions in those reports. Therefore, he asked for further information. But, most importantly, we are looking to have a clear and complete understanding of what the noise and what the visual mitigation will be on-airport property to attenuate the noise and improve the visual devastation that you see today. We are obviously adjacent neighbors and concerned that if the methodology for the selective trimming that was used in the buffer zones is consistent with the proposed methodology for off-properties then there will be several concerns because of the resultant trimming on the airport property.

Mr. Bill Kronimus, a resident of Island West for the past nine years and a member of the Island West Board for three of those years, has two concerns that he would like to bring to Council's attention for that entire area. With the closing of the crossovers on 278 at the Hampton Parkway, west-bound traffic on Route 278 needing to use the Hampton Parkway, must exit at 170 and make a u-turn. With the crossovers at Goodwill and the Toyota dealer closing also will add to that traffic. The traffic light on the north side of 278, at the junction of 170, has been approved and, to the best of his knowledge, is part of the contract to expand 278. SCDOT should move forward with the installation of this light as soon as possible to relieve the congestion and make it easier for traffic, not only making the u-turn, but trying to go south or even north on 170. In the past few years this intersection has become more congested during the afternoon rush and the morning rush with people trying to go to and get home from work, and with the crossovers now being closed, it's difficult to negotiate any type of turn from 278 or 170. He asked Council to consider requiring SCDOT to install this traffic light at its earliest convenience. Also due to the closures and the expansion of Route 278 to six lanes the following problems arise: (i) A safe access from Baynard Park, Parkside, Island West, Goodwill, Toyota dealership, and coming soon Enmark, no longer exist. (ii) School buses, police, fire trucks, ambulances and everyday maintenance service vehicles, not to mention the residents, must try to do their best to enter and exit a soon to be high-speed six-lane highway without the use of accel lanes and limited to only right-in and right-out. At the last Council meeting he heard Mr. Kubic say he was looking into how the County could complete the relocation of Hampton Parkway. If this relocation can be done, it would not only remove the problems just mentioned, but it would help greatly with many of the other residents in southern Beaufort County. The relocation would give the area another connection between 278 and Bluffton Parkway. This would allow faster response time for emergency vehicles, not only to the developments along Hampton Parkway, but also to the community of Hampton Lakes and anything else that will soon be developed and built along Bluffton Parkway. With spring coming, so does the hurricane season and this connection could help evacuation from the area. The way it is now, with 278 and that road not being connected, 170 gets very, very congested and there's a lot of other roads that turn out onto that 170 so we would have major problem with back-ups in that area. At this time, for the benefit of all the residents of southern Beaufort County, he would like to request that Council look into and try to find a way to complete the relocation of Hampton Parkway including the light at the connection to 278.

Mr. Perry White, a resident of Beach City Road, who lives just a couple of blocks north of Dillon Road, is here to report to Council the result of an effort that he has been involved in fighting

against since 1973 -- the cutting of trees, removing of trees, and the expanding the Hilton Head Island airport. Now that one phase of it is completed, he asked Council members to please take a trip and see the result of the work that has been approved by this Council. It is simply raping of the land in a community that has been designated as a green community -- and that's the Town of Hilton Head and also in the County that has prided itself in the preservation of our environment and also asking us to fund the acquisition of public land to protect the environment from destruction. What we've got down there is the opposite of what the County said it would like to do. The option to do what has been done or to take a lesser measure was available to the County and one-time funding, would be once and forever. But, we also had the option to do it incrementally or on an as-needed basis to maintain the flight path or the glide path at that airport. As a resident nearby the noise factor has increased many-fold. There is no longer in his home house a quiet moment if and when an engine on an aircraft if starting up, landing, taking off or just ground level noise. He knows Council is having trouble at Lady's Island, and invites the residents of Lady's Island, who feel strongly against tree removal at that community, to come to Hilton Head and take a look and see what the result is.

Mr. Drew Laughlin, Hilton Head Island Town Mayor, thanked Council for having a meeting here on Hilton Head Island. Council has heard from both Mr. White and Mr. Richardson. Mayor Laughlin expressed to Council the importance of performing all the mitigation required under the Town permits for the work on the airport in a full and complete and timely manner. Like Mr. White, he would invite those of you who have not seen it, to see the current condition out there. Those of you who have seen it will understand why it is so important to this community, not just the folks who live around the airport. Although it is certainly important to them, it is important to all of us.

Mr. Emory Campbell, representing the Gullah-Geechee Cultural Heritage Corridor Commission charged with trying to preserve the Gullah culture between Wilmington, North Carolina; Jacksonville, Florida and from the ocean to 30 miles inland, invited Council to be its partner in doing that. What came to the members' attention recently is that the County proposes a park on Daufuskie Island, and members would love for that to happen. Parks are great allies to us in that they tend to help preserve the natural landscape as well as the culture. If there is an opportunity for a park to be located there, we urge you to do so because if and when Daufuskie gets its bridge, you would find that space for a park will be hard to come by. Please support that effort and in doing so you will be supporting ours as well.

COUNTY ADMINISTRATOR'S REPORT

Highway Commissioner, Second Congressional District

Mr. Gary Kubic, County Administrator, said here in the State of South Carolina, we have a seven-member Highway Commission Board. The Governor has one appointment. There are six other members and those members coincide with the congressional districts and the appointment is made by the Legislative Delegation. Mr. Craig Forrest, our Highway Commissioner, Second Congressional District, had an opportunity to meet with Chairman Newton and him recently

wherein we discussed some of the financial opportunities presented by the \$15 million offer to be applied toward what we call the “fly over” concept for the Bluffton Parkway 5A.

Mr. Craig Forrest, Highway Commissioner, Second Congressional District, talked about the \$15 million grant from SCDOT for the Bluffton Parkway 5A fly-over bridges as it relates to the connection to Bluffton Parkway and 278. The projects considered for this program will be selected based on a Commission-approved application process. In fact, we have a mandatory application process that happens in August and September. This past year we received several requests for projects to be approved for the \$15 million federal grant program. One of the requests was approved by the Commission at its January meeting. We approved the fly-over and \$15 million to go to that. In order to accommodate a request, it must be federal aid eligible. In other words, it must be on a federal aid system. It must be shovel-ready, *i.e.*, it must have gone through the National Environmental Policy Act procedure, have all rights-of-way in hand, have all permits in hand, and ready to go tomorrow. Funding requests should only supplement local funding efforts where the original estimate in the project has been exceeded. Mr. Forrest believes that the \$15 million is approximately 50% of the request. There needs to be a minimum project need in the application of \$5 million and it must be tied in to the state system. We have the third year of the federal match program coming up and the criteria are changing for the 2013 federal match program. It is going to be highly weighted on resurfacing. The resurfacing request is going to be a 50/50 match and the only time we will be able to accommodate it, a request such as the 5A fly-over, is if there are funds left over from the amount dedicated by the Commission in the new match program. You may not use the \$15 million on another project. It is his opinion that if there would be a desire to not do the project, as submitted and approved by the Commission, it would more than likely have to come back for Commission approval. A scope change would constitute a change and a project that was not approved by the Commission. Also, it would bring into question, should there be changes or anticipated changes, is it now shovel-ready and that begs the question. With that, we have the \$15 million in hand. It was Mr. Forrest’s pleasure to lobby the rest of the Commission in order to get the \$15 million request. The cooperation between the SCDOT and Beaufort County staff is outstanding. We have a tremendous amount of respect for one another. We give one another heads up and we work hand-in-hand to bring home projects such as the fly-over.

Mr. Newton asked, “In lobbying for this \$15 million, what is your opinion as to the functionality of the Bluffton Parkway with or without the fly-over bridges”?

Mr. Forrest replied it is his opinion that you are not going to receive the diversions that you were promised should the fly-over bridges not be completed. Certainly, the new section that is scheduled to open in several weeks made the fly-over or the connections to 278 even more critical. In his opinion the fly-over bridges or the connection to 278 is instrumental. When we looked at this project many years ago, before his term as a Commissioner, he would assume that the project went through a scoping process and a process of identifying the average daily traffic in a horizon year and usually they are approved numbers that come out of a Lowcountry Council of Government, your consultant, so on, that takes into consideration the population, the housing, the income, and so on. They were based on those particular aspects of an analysis. You have your approvals. And that is one of the key issues also. You have your permits in hand. Going

back and taking a look at a potential change or potential scope addition is probably going to prolong the process and perhaps endanger your permits that you already have. From his particular standpoint, if you are serious about this project and you want the project, you want a connection to Bluffton Parkway that also aids in the evacuation route and so on, you're going in the right direction and hopefully, our efforts, the commission's efforts, to supply your \$15 million is going to be very fruitful as the project is concerned.

Mr. Newton asked, "Do you see or has the DOT looked at and does the DOT have any concern about a negative impact when the bridges need to be widened? I know you personally have been very involved with Windmill Harbour and the entrance and that. Do you view this as being a deterrent or hindrance to either of those two situations, bridges replacement one day or Windmill Harbour"?

Mr. Forrest replied, "I don't see them as an impediment. I don't see them as a detriment from an engineering point of view and from a planning point of view. Certainly as we talked about the other day, should future funding become available, and by the way those bridges are safe, our engineering, our people with the county have looked at them over the years, but we do know that re-decking or a possible widening of those bridges is probably inevitable at some point in time. I don't see the fly-overs as a detriment to that particular project."

Mr. Newton asked, "When you said, 'if the submission was changed', does that mean that if we decided to do one side and not both sides that that is something that likely would have to go back to the commission to determine whether that \$15 million might still be available or not?"

Mr. Forrest replied, "It's my opinion that that's not the project the commission approved. The issue is going to be the timeframe for submissions to the 2012 match program have long since closed; I'm not even sure that it could go back to the commission. And, again, should there be changes made, does that negate the issue of being shovel-ready and what does that open up as far as the National Environmental Policy Act is concerned. So I'd be a little concerned about that. As I said, you have your permits; once you take a re-look then other issues could crop up and we're talking about a process that may open Pandora's Box."

Mr. Newton inquired as to the timeframe. Is there a timeframe Transportation Advisory Group (BTAG) and this Council needs to make the determination as to whether to accept this \$15 million grant or not? Is there a drop-dead date?

Mr. Forrest replied that if one of the criteria is shovel-ready, we are going to have to need some indication from you all that you're going to proceed with the projects as submitted to the SCDOT.

Mr. Baer thanked Mr. Forrest for helping the County receive the grant. He is very pleased to hear you removed the ambiguity that is cropped up over the last months, and very pleased to hear what you just said.

Mr. Newton stated it is repatriating the dollars and bringing them back here. It is great work and we are fortunate to have our Highway Commissioner from here in the Lowcountry. You are doing a great job and would like to echo your comments about the mutual respect among the staff but also to you as well and we appreciate everything you're doing.

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, announced The County Channel is working with Beaufort County historian Ian Hill, and public information officer Suzanne Larson to produce a series of short segments about the history and culture of Beaufort County. The informational videos will cover some of the historic site like Fort Fremont and Penn Center as well as the history of our municipalities. The segments will be five minutes each, and will air on The County Chanel in between programs and on the web.

The County Channel partnered with local science educator Kristen Marshall Mattsen to produce a series of short informational videos about astronomy. We are fortunate in our county to have low levels of light pollution that produce excellent opportunities for star-gazing. We are in production on our second video. The first covered the topic of light pollution, and can be viewed on our website. These videos air as a part of our science and nature programming initiative, along with Costal Kingdom.

Two-Week Progress Report

Mr. Kubic presented his Two-Week Progress Report, which summarized his activities from February 12, 2012 through February 24, 2012.

Announcement / Center for Heirs' Property Preservation Educational Presentation / Hall

Mr. Kubic announced the Center for Heirs' Property Preservation will host an educational workshop on Tuesday, February 28 beginning at 2:00 p.m. at Beaufort City Hall.

County Council Retreat: Policy / Management Agendas 2012

Mr. Kubic reported that Council held its annual planning meeting February 16, 17 and 18. A summary of the Policy and Management Agendas 2012 follows:

The Policy Agenda: (i) Top - Solid Waste Management and Recycling; Debt / Reserve Policy; BRAC Strategy; County Economic Development Policy and Framework; Major Road Projects: Priority, Funding; Courthouse and Campus Development. (ii) High - Community Development Code / Process; County Services (Essential / Non-Essential); Mitchelville Historic Site; Sea Pines Dredging; Economic Alliance: County Participation; Business License Fee; Burton Wells Regional Park Phase III Funding; Buckwater Park: Phase II Regional Park; Daufuskie Ferry. (iii) Other - Millage Rate Policy 2013 (no millage increase); Water Quality Office.

The Management Agenda: (i) Top - State Infrastructure Bank (Road Project Funding), Restoration Projects -- Battery Creek, Okatie River, May River; MIS Relocation; Salary Adjustment / Bonus. (ii) High - Ditch Maintenance and Dredging; Bridges Replacement Plan; Joint Use of School Facilities; Marathon through Marsh / Rails to Trails Plan; Sports Complex / Ballfields; Needs Assessment; Economic Analysis; Heirs Property Public Awareness. (iii) Other - Stormwater Retrofit Plan; Short-Term Buckwalter and Windmill Harbour Study.

PUBLIC HEARING

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA

The Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of not to exceed \$6,000,000 general obligation bonds, Series 2012B, or such other appropriate series designation, of Beaufort County, South Carolina for the development of the St. Helena Island Branch Library at Penn Center. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:01 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approve on third and final reading an ordinance authorizing the issuance and sale of not to exceed \$6,000,000 general obligation bonds, Series 2012B, or such other appropriate series designation, of Beaufort County, South Carolina for the development of the St. Helena Island Branch Library at Penn Center. 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.

DEPUTY COUNTY ADMINISTRATOR REPORT

Two-Week Progress Report

Mr. Hill, Deputy County Administrator, presented his Two-Week Progress Report, which summarized his activities from February 12, 2012 through February 24, 2012. Staff has submitted their department mission and objections 2013. Alicia Holland, Comptroller, will be providing updates to the Finance Committee regarding the FY 2013 budget preparation. We are in the process of detailing how much we need for those initiatives that Council has put forward in its top and high priorities.

Budget FY 2012

Mr. Hill submitted a financial overview of a comparison through January as well as up-to-date through February 23. The Finance Team is looking at the finances of the county at every level. Revenue projects are about level to this time last year. Staff is managing around revenues, not

expenditures. When the FY 2012 budget was set July 2011 at \$96,303,492, staff is hopefully we will be exactly at that mark or somewhere close to it at the end of the fiscal year.

Subdistrict Championship

The Subdistrict Championship was held at the Buckwalter Recreation Facilities. More than 800 people attended the event. Twelve teams played 24 games over the weekend. Beaufort County Parks and Leisure Services will send two teams to the Final Four. The U-Ten Team will be going to Clemson. They will be playing the winner there of the Western District in Seneca on Saturday, March 3. If they advance, they will be playing for the State Championship that afternoon. The U-Twelve Team, a.k.a. the Dream Team, will be heading to Columbia. If they win their first game they will play that same afternoon. Best wishes to both teams. Hopefully, they will bring back two State Championships.

Construction Project Update

US Highway 278 Roadway Construction

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves widening of a total of 4.8 miles of US Highway 278 including the bridges over the Okatie River. The contractor is APAC Southeast of Savannah, Georgia. The cost is \$23,637,119. The contract completion date is November 2013. Clearing is complete and erosion control measures are in place. Drainage pipe between SC Highway 170 and Okatie River at 95% complete.

Bluffton Parkway Phase 5A Roadway

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves construction of 2.31 miles of new four lane divided highway between Burnt Church Road and Buckingham Plantation Road. The contractor is Cleland Construction of Ridgeland, South Carolina. The cost is \$11,578,729. The contract completion date is July 2012. Storm drainage work is 95% complete. Prep work is underway for paving of mainline final surface between Burnt Church and Malphrus Roads.

St. Helena Library at Penn Center

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a 25,000 square foot library facility (LEED certified) and associated infrastructure. The contractor is Choate Construction Company of Pooler, Georgia. The cost is \$7,332,403. The contract completion date is October 2012. The contractor has completed all water, sewer and access infrastructure. All water, sewer and access infrastructure block work and steel erection is complete. Structural wood framing is 90% complete.

Lady's Island Community Park

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project is a design / build contract covering the first two phases of this facility including two multi-use fields, playground and pavilion with bathrooms and picnic tables. The contractor is JoCo Construction of Beaufort, South Carolina. The cost is \$746,090. The contract completion date was December 2011. Fields and picnic pavilion are complete. Infield clay diamonds are under final construction. Grass sprigging is awaiting 68 degree soil temperature.

Burton Wells Park

Mr. Rob McFee, Division Director-Engineering and Infrastructure, reported this project involves construction of Phase II improvements including terraced lawn amphitheater, pond development and pavilion, pedestrian trails, landscaping and restrooms. The contractor is Beaufort Engineering Services of Beaufort, South Carolina. The cost is \$1,812,011. The contract completion date is February 2012. Pond excavation, fencing, irrigation and dog park complete. Asphalt trail complete. Pavilions are 95% complete. Pavilions are 85% complete. Plantings are 90% complete.

PRIORITIZATION OF 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECTS

This item comes before Council under the Consent Agenda. It was discussed at the February 20, 2012 Community Services Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve the prioritization of 2012 Community Development Block Grant Program Projects as follows: Community Infrastructure, Community Enrichment, Village Renaissance, and Business Development. 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.

EMS AMBULANCE 2012 TYPE I VEHICLE

This item comes before Council under the Consent Agenda. It was discussed at the February 20, 2012 Community Services Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council award a contract for one new 2012 Ford F-450 ambulance in the amount of \$140,575 to Taylor Made Ambulance, Newport, Arkansas, the lowest responsive/responsible bidder. 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.

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES TO PROVIDE FUNDS FOR THE ACQUISITION OF THE BUILDING AND REAL PROPERTY KNOWN AS THE MYRTLE PARK COUNTY ADMINISTRATION BUILDING, LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA

This item comes before Council under the Consent Agenda. It was discussed at the February 20, 2012 Community Services Committee meeting.

It was moved by Mr. Sommerville, seconded by Mr. Flewelling, that Council approve on first reading authorizing the issuance and sale of not exceeding \$2,500,000 of general obligation bond anticipation notes to provide funds for the acquisition of the building and real property known as the Myrtle Park County Administration Building, located at 4815 Bluffton Parkway, Bluffton, South Carolina. 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.

HILTON HEAD ISLAND AIRPORT THROUGH-THE-FENCE AGREEMENT

It was moved by Mr. Roadman, as Finance Committee Chairman (no second reading), that Council enter into amended and restated access easement and through-the-fence access agreement with Exec Air Property Owners Association, Inc. and the Exec Air/Hilton Head Hangar Owners Association, Inc.

Mr. Caporale remarked that he will vote in favor of this agreement, but is not as happy with this one as the Signature Flight Support agreement. He feels staff did a much better job on that one, but a good job on both overall. Regarding the issue of tail numbers, it continues to be of some concern. The leasee, Exec Air, has been adamant about not providing us the tail numbers of the airplanes stored within their facilities. Why is Exec Air so adamant about not provided tail numbers? Failure to deliver that information does not in any way constitute any kind of a security threat.

Mr. Andres, Airports Directors, replied he cannot speak for Exec Air, with the exception that in our discussion the Board members did not feel comfortable providing information about individual members within their association. To address that issue regarding tail numbers of aircraft, they will be providing us twice yearly a list of current tenants and occupants in all of the hangars. We can very easily obtain that information from the FAA. Failure to deliver tail numbers is not a security threat because they have “badge for security access” to the airport.

Mr. Caporale commented the owners are entitled to lease their space if they wish.

Mr. Andres replied they can rent their hangar subject to a commercial operating agreement with the Airport as well.

Mr. Gruber, staff attorney, stated what we have requested from the entity that we are negotiating with and who we are negotiating with is the regime owners association and the property owners association as a collective, not the individual property owners in the singular. The information that the regime owners and the property owners association is entitled to receive by their covenants and restrictions is the information that they are going to turn over to us. Utilizing that information we will be able to obtain all of that information from the FAA based upon the leasee and owners information of those hangars. While they cannot provide it to us directly, we will be able to obtain that information.

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.

FEDERAL TRANSIT ADMINISTRATION BUS LIVABILITY GRANT

It was moved by Mr. Roadman, as Finance Committee Chairman (no second reading), that Council decline the Federal Transit Administration \$3.1 million Bus Livability Grant due to stipulations required in acceptance of the Grant.

Ms. Von Harten does not feel comfortable for it and is planning to vote against it. She wishes we had the vision and political will to do more to jump-start public transportation in northern Beaufort County even if it required a tax increase. She would like to see us take on this project. She understands there is not the political will do it.

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. NAYS – Ms. Von Harten. The motion passed.

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

COMMITTEE REPORTS

Community Services Committee

Disabilities and Special Needs Board

Mr. McBride, as Community Services Committee Chairman, nominated Mr. Robert Collar to serve as a member of the Disabilities and Special Needs Board.

Library Board

Mr. McBride, as Community Services Committee Chairman, nominated Ms. Peggy Martin, representing Council District 9, to serve as a member of the Library Board.

Finance Committee

Beaufort County School District Resolved / Unresolved Issues

Mr. Rodman, as Finance Committee Chairman, gave an update on School District (District) issues. The District brought forward several issues for Council to consider.

Issue 1 – The District budget ordinance probably lends itself to be somewhat streamlined. Mr. Gruber, staff attorney, has drafted an ordinance and it has been sent to the District for consideration; and, mostly likely, will reach a general agreement on that document.

Issue 2 – The District would like Council to address what is a reasonable fund balance. Council also prioritized that issue as a 2012 policy agenda item.

Issue 3 – The District brought up the concept that since the New River Tax Increment Financing District is going to be recalled at the end of this year, there may be an opportunity to borrow some money at the low interest rate and save some interest on the bonds that would have to be held in reserve for a while. Bond counsel is taking a look at the issue of whether the savings more than offset the cost to doing that.

Issue 4 – The District brought up the issue of a payment out of the fund on a per pupil basis for the students who are in the District. Council agreed with that in June 2011 and was part of the FY 2012 budget.

Issue 5 – The District brought up that issue of Act 388. Historically, before Act 388 the money came out of property taxes to make the New River Tax Increment Financing payment. Six percent still continues that way. However, with Act 388 there are no local property taxes for school operations for the owner-occupied (4%). The consensus is that it makes sense going forward to actually take that out of the flow of money that is coming back to the District from the one cent penny sales tax that was used to eliminate the property tax on owner-occupied. It seems kind of logical. This issue was referred to administration for implementation.

Issue 6 – The District brought up the issue of whether or not they have been harmed in the original New River Tax Increment Financing District agreement. This issue will be discussed with District representatives in the immediate future.

Governmental Committee

Bluffton Township Fire Commission

Jack Bennett

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. Mr. Bennett, representing Barrel Landing/Prichardville, garnered the eight votes required for reappointment to serve as a member of the Bluffton Township Fire Commission.

Terrence Reynolds

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. Mr. Reynolds, representing Moss Creek/Buckingham, garnered the eight votes required for reappointment to serve as a member of the Bluffton Township Fire Commission.

Lowcountry Council of Governments

Joseph McDomick

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. Mr. McDomick, representing at-large minority, garnered the ten votes required for reappointment to serve as a member of the Lowcountry Council of Governments Board.

James Outlaw

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. Mr. Outlaw, representing at-large, garnered the ten votes required for reappointment to serve as a member of the Lowcountry Council of Governments Board.

Sheldon Township Fire Commission

Greggory Gilbert

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. Mr. Gilbert garnered the ten votes required for reappointment to serve as a member of the Sheldon Township Fire Commission.

Rudolph Glover

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. Mr. Gilbert garnered the eight votes required for reappointment to serve as a member of the Sheldon Township Fire Commission.

George Williams

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. Mr. Williams garnered the ten votes required for reappointment to serve as a member of the Sheldon Township Fire Commission.

John Kerner

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. Mr. Kerner garnered the six votes required for appointment to serve as a member of the Sheldon Township Fire Commission.

Natural Resources Committee

Planning Commission

Diane Chemlik

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. Chemlik, representing at-large, garnered the ten votes required for reappointment to serve as a member of the Planning Commission.

Edward Riley

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. Mr. Riley, representing Bluffton/Daufuskie Island, garnered the eight votes required for reappointment to serve as a member of the Planning Commission.

Public Facilities Committee

Airports Board

Will Dopp

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. Mr. Dopp, representing proximity to Hilton Head Island Airport, garnered the ten votes required for reappointment to serve as a member of the Airports Board.

Leonard Law and Ronald Smetek have been nominated to fill the position of proximity to Hilton Head Island Airport.

There are two names in nomination for one seat.

Leonard Law

The vote was: YEAS – Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville and Mr. Stewart. Mr. Law, representing proximity to Hilton Head Island Airport, failed to garner the ten votes required for reappointment to serve as a member of the Airports Board.

Ronald Smetek

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze and Ms. Von Harten. Mr. Smetek, representing proximity to Hilton Head Island Airport, garnered the six votes required for appointment to serve as a member of the Airports Board.

Stormwater Management Utility Board

John Youmans

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. Mr. Youmans, representing Stormwater District #6-unincorporated Port Royal Island, garnered the ten votes required for reappointment to serve as a member of the Stormwater Management Utility Board.

David Cargile

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. Mr. Cargile, representing Stormwater District #7-unincorporated Lady's Island, garnered the ten votes required for reappointment to serve as a member of the Stormwater Management Utility Board.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Wm. Weston J. Newton, Chairman

ATTEST _____

Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
March 12, 2012

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, March 12, 2012 in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

DISCUSSION ITEMS

Topics discussed during the caucus included: (i) County indigent health care funding to Beaufort Memorial Hospital; (ii) Employee Services Director presentation of all general fund funded positions, all general fund vacancy positions, all hospitalization, as well as tables of what a 1% COLA would mean by each of those categories to occur at the April 9 Council meeting; (iii) The \$377,000 the County paid for a waterline in the Beaufort Commerce Park as part of some sort of agreement for a developer to build or occupy a building there; (iv) FY 2012 budget includes \$150,000 for economic development. How much of the \$150,000 has been spent, on what, and anticipated drawal from that \$150,000? (iv) Lowcountry Economic Alliance policy and procedures update at the April 2 meeting of Governmental Committee; (v) Transportation Advisory Group Summary Report; (vi) Senate Bill S.40; (vii) New River Tax Increment Financing District open issues with School District; (viii) Operating Reserve Policy; (ix) Hilton Head Island on-airport pre-tree cutting; (x) State Legislature's concern about the upcoming BRAC in 2013 when rescission kicks-ins and one half trillion dollars being cut out of the Defense budget. How much is Beaufort County willing to put on the table for a 2013 BRAC effort in the event money is needed? (xi) County Administrator's March 9, 2012 letter to the Town of Hilton Head Island regarding replanting requirements for on-airport tree trimming/removal project and request for reconsideration due to safety concerns.

REGULAR MEETING

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

ATTENDANCE

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. Weston Newton was absent.

Vice Chairman Paul Sommerville chaired the meeting.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Vice Chairman Sommerville gave the Invocation.

MOMENT OF SILENCE

The Vice Chairman called for a moment of silence in remembrance of Reece Gibson and Rev. Dr. Horace Williams, Jr.

Former County Council Chairman Reece Gibson passed away in Madison, Mississippi on February 9. He served as chairman from January 1967 to January 1968. He was in the construction business and was a former Vice President of Sea Pines Home Builders on Hilton Head Island. He also served on the joint planning board and was a member of the Exchange Club and Rotary Club and was active in the chamber of commerce. He moved to Mississippi in 1980 for a position managing the construction of Junior Food Mart Stores in several states.

Rev. Dr. Horace Williams, Jr., who served as chaplain of the Beaufort County Detention Center, passed away March 4. Dr. Williams ministered to inmates and officers alike at the detention center for the past fifteen years. He was pastor of Faith Memorial Baptist Church on St. Helena Island. He was a former school teacher and principal of Battery Creek High School. He also taught night classes and authored three books, *Never Give Up*, *Life in a Cage* and *We are Able*. In his first book he wrote these words of advice, “Things will not always be right... Be strong and never give up.”

PROCLAMATION

The Chairman proclaimed March 2012 as Disabilities Awareness Month and encouraged our citizens to recognize the many contributions made by people with disabilities in their communities, and to work together to promote increased opportunities for people with disabilities. Mr. Jonathan Brown, board member, accepted the proclamation.

PUBLIC COMMENT

The Chairman recognized Mr. Joseph Dunkle, a resident of Beaufort, who said he sees a lot of Crown Victoria vehicles marked PALS Department. This type vehicle gets 16 to 18 miles per gallon. The County should look at maybe setting a standard of 40 miles per gallon or more. Prius, Focus, Fiesta are higher mile per gallon vehicles which would probably cut fuel expenses in half.

COUNTY ADMINISTRATOR'S REPORT

The County Channel / Broadcast Update

Mr. Gary Kubic, County Administrator, announced The County Channel continues racking up accolades. This time we have won the South Carolina State Firefighters' Association Media Award. The award is given to a public media station for outstanding promotion of the Fire Services in a community. We take pride in positively representing our firefighters, as well as disseminating important information to the public.

The County Channel is working with the Town of Port Royal officials, naturalist Chris Marsh, and our own planner, Amanda Flake, to produce a short video on the Port Royal Cypress Wetlands project. The project includes low-impact construction of boardwalks and an amphitheater on Paris Avenue. The walking park will feature great views of some rare birds that have nested in the two islands in the middle of the wetland.

Two-Week Progress Reports

Mr. Kubic presented his Two-Week Progress Report as well as the Deputy County Administrator's, which summarized their activities from February 12, 2012 through February 24, 2012.

Announcement / Certificate of Achievement for Excellence in Financial Reporting

Mr. Gary Kubic, County Administrator, announced the Certificate of Achievement for Excellence in Financial Reporting has been awarded to Beaufort County by the Government Finance Officers Associate (GFOA) for our Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by the government and its management. An award of Financial Reporting Achievement has been awarded to the Finance Department of Beaufort County. The GFOA has stated that our program shows the spirit of full disclosure in an attempt to clearly communicate the financial story, motivate potential users to ready the CAFR, and enjoy what information that is there about the County.

Mr. Kubic congratulated Mr. David Starkey, Chief Financial Officer. The County will be receiving the Certificate of Achievement plaque in about eight week at which time we will have a more formal ceremony.

Presentation / Center for Heirs' Property Preservation

Mr. Kubic commented that at the annual planning meeting, Council had indicated to administration that one of its priorities, for exploring and researching and communicating with our residents, is the issue of heirs' property -- what it means to the residents who are a part of a heirs' property, how to adequately address all of the issues associated with heirs' property from how to gain a clear title, how to do financial planning, how to prepare a will, how to pass the land on the next generation and more importantly what to do when those legal devises are not available.

Ms. Jennie Stephens, Executive Director, Center for Heirs' Property Preservation, will be working with our staff to conduct some seminars on behalf of Council initiatives at the retreat. We will be inviting the general public along with elected officials on this topic.

Ms. Stephens said the Center of Heirs' Property Preservation (Center) started out as a project in 2003 of Coastal Community Foundation. The Center became a non-profit in 2005. Since 2005 the Center has cleared 72 titles of which about 15% were in Beaufort County. The Center has the mission of serving, supporting and empowering heirs' property owners. The Center serves six counties of which Beaufort County is one. The other five counties are Berkeley, Charleston, Colleton, Dorchester and Georgetown. Every applicant receives one hour of advice and counsel regardless of whether they sell their land. The Center does not accept people to receive legal services who are selling their property. In this case, they are referred to for-profit attorneys. If the applicant meets the Center's criteria, the Center will provide direct legal services for free. However, the Center asks that the applicant/client pay for any associated costs -- title search, survey, filing fees, publication – approximately \$1,200 which is quite costly for a low-income person.

There are two ways the Center addresses the issue of heirs' property – prevention and resolution. (i) Prevention involves the Center attorney holding educational seminars which last about one hour. Topics include: what does it mean to own heirs' property, how can you protect it, and what are the steps one should take. What is heirs' property? Most heirs' property in the Lowcountry is land that was either purchased by or deeded to African Americans after emancipation. Much of this land has been passed down through generations without the benefit of a will so that the land is owned in common by all of the heirs, regardless of whether they live on the land, pay the taxes, or have ever set foot on the land. Owners of heirs' property cannot get a mortgage. If they are living in a home, which may be in need of repairs, they cannot access state or federal grants in order to make those repairs. These individuals are sitting on an asset that they really cannot use. The Center's job is to make it a usable asset. The Center provides will preparation service. If land is one's primary asset, the Center charges \$50 to prepare a simple will. The Center holds community meetings and seeks attorneys' volunteer assistants to help prepare simple wills on site. (ii) Resolution involves agreement among the families. The

Center offers a family-presentation seminar customized for a particular family. Often times the issues that are preventing the resolution of heirs' property, has nothing to do with the land. It is about family dynamics.

Introduction / Tallulah Trice, New Animal Shelter Director

Mr. Kubic introduced Ms. Tallulah Trice, the County's new Animal Shelter Director. She has a knack of putting things together. She has vision, is very well respected throughout Beaufort County with human associations, and brings a depth of knowledge in new ways of doing old business. The last area where she worked in an animal care trust, she was aggressive and successful in getting grants from foundations and government to move those missions ahead. The idea with Ms. Trice is not only to reorganize the operation of the Animal Shelter, but to create a new psychology within Beaufort County as to how we treat our animals. Her mission is to create a positive attitude that once there, the County is doing everything it can to satisfy the interest of the community at large, that these animals are well-cared for.

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES TO PROVIDE FUNDS FOR THE ACQUISITION OF THE BUILDING AND REAL PROPERTY KNOWN AS THE MYRTLE PARK COUNTY ADMINISTRATION BUILDING, LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA

This item comes before Council under the Consent Agenda. It was discussed at the February 20, 2012 Community Services Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council approve on second reading an ordinance authorizing the issuance and sale of not exceeding \$2,500,000 of general obligation bond anticipation notes to provide funds for the acquisition of the building and real property known as the Myrtle Park County Administration Building, located at 4815 Bluffton Parkway, Bluffton, South Carolina. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

The Chairman announced that the public hearing on the issue is scheduled Monday, March 26, 2012, beginning at 6:00 p.m. in Council Chambers of the Administration Building.

RESOLUTION / AUTHORIZING INSTALLATION OF TRAFFIC CONTROL SIGNS

This item comes before Council under the Consent Agenda. It was discussed at the February 28, 2012 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council adopt a resolution authorizing the posting of the following traffic control devices upon the identified county maintained roadway: (i) No Through Trucks: Malphrus Road from Bluffton Parkway to Foreman Hill Road; (ii) No Through Trucks: Foreman Hill Road (iii) No Through Trucks: Old Jericho

Road from Parris Island Gateway north to Robert Smalls Parkway; (iv) No Through Trucks: St. Paul's Church Road from Parris Island Gateway to Josephine Drive; (v) No Through Trucks: Rue Du Bois Road from Meridian Road to Beaufort High School Driveway. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

ARCHITECTURAL DESIGN AND CONSTRUCTION SERVICES FOR A NEW BLUFFTON FIRE STATION FOR THE BLUFFTON TOWNSHIP FIRE DISTRICT

This item comes before Council under the Consent Agenda. It was discussed at the February 28, 2012 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council award a contract to Fraser Construction and Court Atkins Architects, the top ranked team, for a not-to-exceed contract award of \$2,200,000 for design build and construction services for the Bluffton Township Fire District's new fire station #30. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

DESIGN BUILD CONSTRUCTION FOR DIRT ROAD PAVING CONTRACT #45

This item comes before Council under the Consent Agenda. It was discussed at the February 28, 2012 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council award a contract to REA Contracting, LLC/Andrews & Burgess, Inc. to design and build the Dirt Road Paving Contract #45 in the amount of \$912,158.40. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

DESIGN BUILD CONSTRUCTION FOR DIRT ROAD PAVING CONTRACT #46

This item comes before Council under the Consent Agenda. It was discussed at the February 28, 2012 Public Facilities Committee meeting.

It was moved by Mr. Caporale, seconded by Mr. Glaze, that Council award a contract to REA Contracting, LLC/Andrews & Burgess, Inc. to design and build the Dirt Road Paving Contract #46 in the amount of \$1,658,752.30. The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. The motion passed.

US HIGHWAY 278 WATER QUALITY ENHANCEMENT PLAN

Mr. Baer will vote against all items under the consent agenda having to do with the one percent sales tax because he would categorize those as cost increases and cost overruns. They are good projects. He is sorry to have to vote against them, but has been spending months trying to understand where the money is going in the one percent sales tax projects. He has not gotten where he wants to get. He wrote another memorandum today to staff and Council outlining the data that Council needs to really understand these projects. Until he has a good understanding of how the public's money is being spent, he cannot, in good conscience, vote for any more. For example, one of the one percent sales tax projects is \$16 million over budget. Why did that happen? Mr. Baer is voting against them simply to send up a flag that people will take notice that we have some answers that we need.

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council approve the US Highway 278 Water Quality Enhancement Initiative and award a contract to Coleman Snow for design of services totaling \$56,000. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS - Mr. Baer. ABSENT – Mr. Newton. The motion passed.

SC HIGHWAY 170 WIDENING DESIGN SERVICES

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council authorize (i) additional engineering services and inspection fees for Thomas & Hutton totaling \$68,815. This authorization will pay December 20, 2011 and January 2012 invoices and complete any remaining items for SC 170 Phase I; and (ii) Public Facilities Committee approve and recommend to County Council the approval of the SC 170 Phase 2 Scope of Services totaling \$129,200. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS - Mr. Baer. ABSENT – Mr. Newton. The motion passed.

F&ME CONSULTANTS – CONSTRUCTION MANAGEMENT, ENGINEERING AND INSPECTION SERVICES FOR SC 802 WIDENING AND NEW BRIDGE CONSTRUCTION

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council authorize the additional construction management/engineering and inspection fees for F&ME totaling \$180,000. This authorization will pay F&ME January 2012 invoice and extend F&ME contract through March 2012. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS - Mr. Baer. ABSENT – Mr. Newton. The motion passed.

SC HIGHWAY 802 WIDENING FROM RIBAUT ROAD TO US 21 (SEGMENT A) AND SC 802 WIDENING FROM SC HIGHWAY 170 TO SC HIGHWAY 280 (SEGMENT B)

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council authorize the November and December 2011 pay applications totaling \$472,967.26 and change orders 38 through 45 for \$59,502.25 to Sanders Brothers Construction Company, Inc., from sales tax project funds. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS - Mr. Baer. ABSENT – Mr. Newton. The motion passed.

PALMETTO ELECTRIC COOPERATIVE SUPPLEMENTAL AGREEMENT FOR BLUFFTON PARKWAY PHASE 5A INFRASTRUCTURE RELOCATION

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council approve the increase of \$162,235.71 in material costs for Palmetto Electric Cooperative Utility Infrastructure Relocation Agreement #2 for a total cost of \$509,205.64. The vote was: YEAS - Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. NAYS - Mr. Baer. ABSENT – Mr. Newton. The motion passed.

COMMITTEE REPORTS

Community Services Committee

Disabilities and Special Needs Board

Robert Collar

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Mr. Collar garnered the six votes required for appointment to serve as a member of the Disabilities and Special Needs Board.

Library Board

Peggy Martin

The vote was: YEAS - Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Newton. Ms. Martin, representing Council District 9, garnered the six votes required for appointment to serve as a member of the Library Board.

Public Facilities Committee

Solid Waste / Recycling Board

Mr. Glaze, as Public Facilities Committee, nominated Mr. LaShonda Scott, representing Solid Waste District #5, to serve as a member of the Solid Waste / Recycling Board.

PUBLIC COMMENT

There were no requests to speak during public comment.

ADJOURNMENT

Council adjourned at 6:10 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

ADMINISTRATION BUILDING
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
STAFF ATTORNEY

COUNTY ADMINISTRATOR'S REPORT

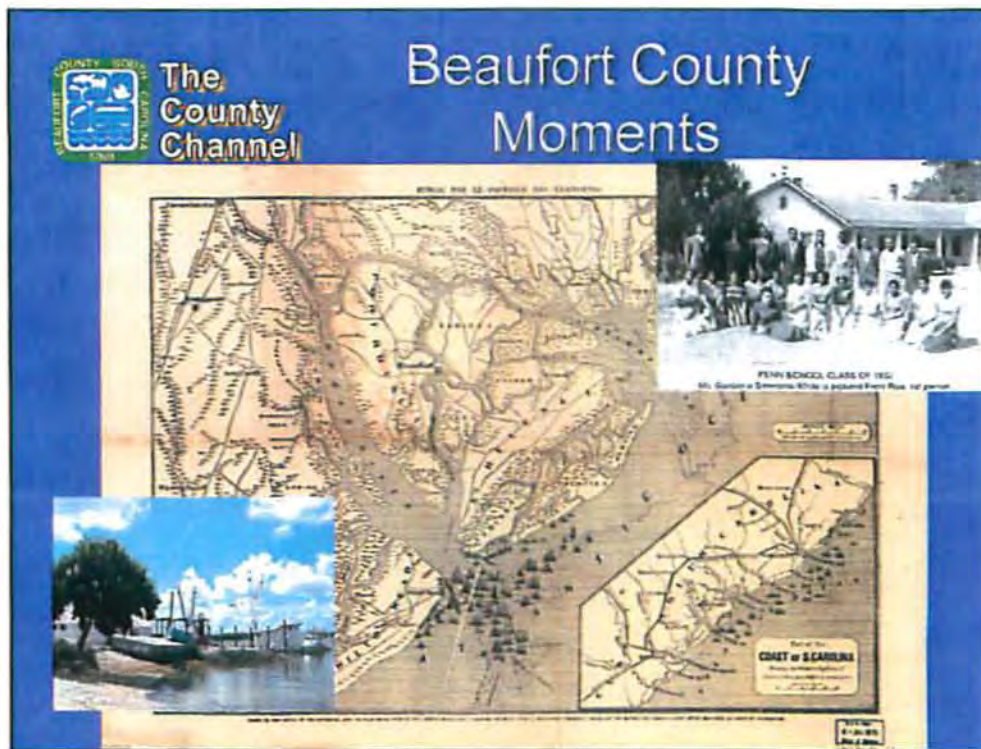
Monday, March 26, 2012

5:00 p.m.

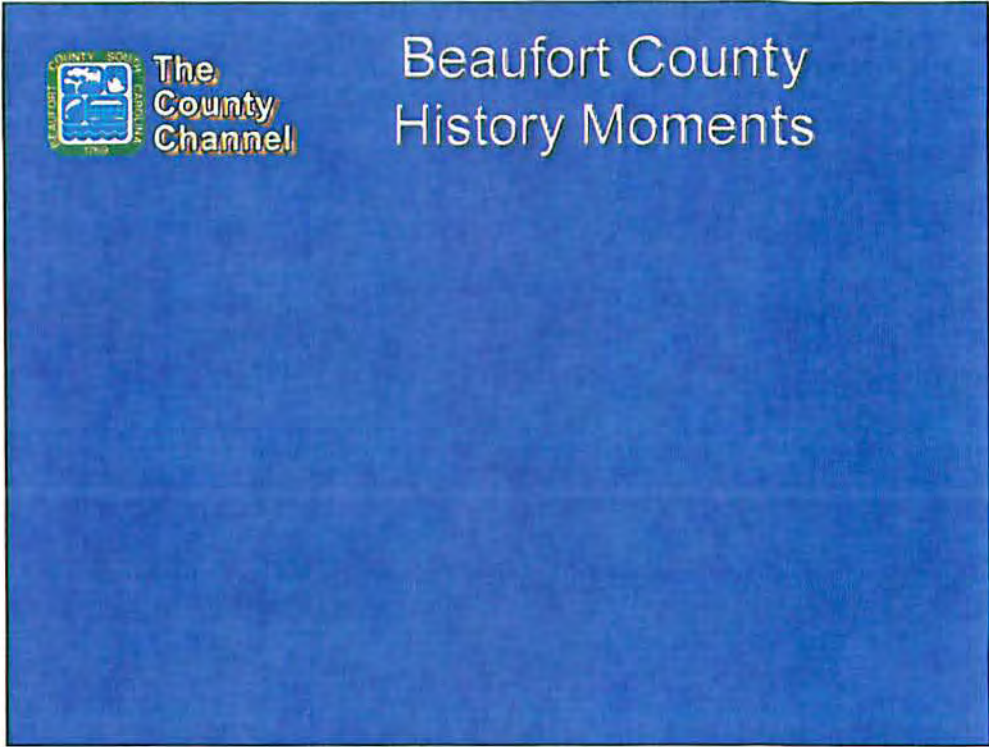
**County Council Chambers
Administration Building**

ACTION / INFORMATION ITEMS:

- **The County Channel / Broadcast Update (Enclosure)**
- **Two-Week Progress Report (Enclosure)**
- **Presentation / Outstanding Safety Achievement Award: Opticom Infrared / GPS and Emergency Vehicle Preemption (EVP) Systems
Mr. John Henderson, Director of Risk Management Services, SCAC**
- **Resolution / Fair Housing Month (Enclosure)**
- **Recognition / Retirement - Darlene Smith, Former Chief Magistrate**



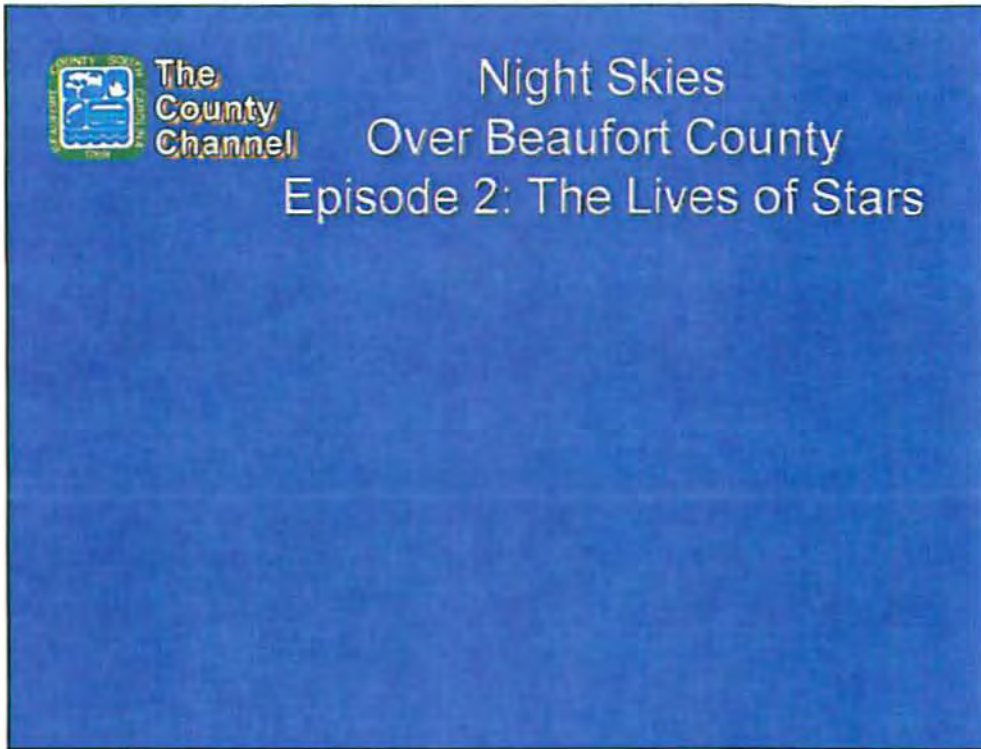
The County Channel has been working with the Planning Department, the Beaufort County Libraries, and County Historian Ian Hill to produce video shorts on “Little-Know” facts about Beaufort County history. The “Beaufort County Moments” will include such topics as the Gold Eagle Tavern, Frogmore Stew, and Snapping Shrimp. These segments will be featured on the County Channel, and on the Beaufort County Library’s website. Here is Dennis Adams with our first Beaufort County Moment.... {NEXT SLIDE, WITH VIDEO}



{VIDEO PLAYS WITH AUDIO}



The County Channel has completed another episode in its Night Skies series. The series is hosted by environmental educator Kristen Marshall Mattson, of the LowCountry Institute. This one is titled "The Lives of Stars." On the screen you see the Orion Nebula on the left, a region where stars are being born; and the Crab Nebula on the right, which is the remnants of a dead star that ended its life in a supernova. Both of these formations are visible in Beaufort county because we have low levels of light pollution, and excellent stargazing opportunities. The video is featured on the County Channel, and on our website. Here is a clip from the latest show. {NEXT SLIDE WITH VIDEO}



{VIDEO PLAYS WITH AUDIO}



Memorandum

DATE: March 23, 2012

TO: County Council

FROM: Gary Kubic, County Administrator

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place March 12, 2012 through March 23, 2012:

March 12, 2012

- Meeting with Vice Chairman Paul Sommerville
- Caucus / County Council meeting

March 13, 2012

- No scheduled meetings

March 14, 2012

- Meeting with Kim Statler, Executive Director of Lowcountry Economic Alliance
- Staff meeting re: Public Information Officer's position advertisement

March 15, 2012

- Conference call with Jim Westmoreland, of Stantec, and Traffic Engineer Colin Kinton to further discuss the Daufuskie Island Ferry service
- Staff meeting re: Stormwater audit

March 16, 2012

- Staff meeting re: Emergency Medical Services (EMS)
- Staff briefing re: St. Helena Island Library at Penn Center

March 19, 2012

- Development Agreement Subcommittee meeting

- Finance Committee meeting
- Community Services Committee meeting

March 20, 2012

- Meeting with Windmill Harbour POA representatives, Colin Kinton, Traffic Engineer and Councilman Rick Caporale re: US 278 entrance and a secondary access
- Video conference meeting with Chairman Weston Newton, Bryan Hill, Deputy County Administrator, David Starkey, Chief Financial Officer, Robert McFee, Division Director of Engineering and Infrastructure, and Josh Gruber, Staff Attorney Re: March 22, 2012 BTAG meeting
- Meetings with Big-Estate community property owners re: Property boundary issues at Whale Branch Early College High School

March 21, 2012

- Agenda review with Chairman, Vice Chairman and Executive Staff re: Draft agenda for March 26th County Council meeting
- Daufuskie Island transportation meeting

March 22, 2012

- Staff meeting re: New Modeling for Reassessment
- Beaufort Area Transportation Advisory Group meeting

March 23, 2012

- Center for Heirs Property Preservation educational session with staff

FAIR HOUSING RESOLUTION

WHEREAS, April 11, 2012, marks the 44th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, and the State of South Carolina enacted the South Carolina Fair Housing Law in 1989, that both support the policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the County Council of Beaufort County is committed to addressing discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every citizen of their right to fair housing; and

WHEREAS, the County Council of Beaufort County rejects discrimination on the basis of race, religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the County Council of Beaufort County desires that all its citizens be afforded the opportunity to attain decent, safe, and sound living environment.

NOW, THEREFORE, BE IT RESOLVED, that County Council of Beaufort County does hereby designate April 2012 as Fair Housing Month and, the County Council of Beaufort County recognize the policy supporting Fair Housing in encouraging all citizens to endorse Fair Housing opportunities for all not only during Fair Housing month but throughout the year.

Adopted this 26th day of March, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Clerk to Council



Memorandum

DATE: March 23, 2012
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 March 12, 2012 through March 23, 2012:

March 12, 2012 (Monday):

- Meet with Alicia Holland, Controller re: Budget
- Meet with Phillip Foot, Public Safety Director
- County Council

March 13, 2012 (Tuesday):

- Meet with Mark Roseneau, Public Facilities re: CIP
- Meet with Bruce Kline, Fire District Chief re: Budget
- Meet with Eddie Bellamy, Public Works Director and Jim Minor, Solid Waste re: City of Beaufort Commercial Waste Issue

March 14, 2012 (Wednesday)--Bluffton:

- Check on Construction Progress at Solicitor's Office and Installation of Video Equipment
- Meet with Alicia Holland, Controller re: Budget
- Meet with Steve Murphy re: Electronic Monitoring
- Attend Staff Meeting re: PIO's Position Advertisement
- Bluffton Hours

March 15, 2012 (Thursday)--Bluffton:

- Work with Alicia Holland, Controller on Budget
- Conference Call with David Starkey, CFO and Stewart Rodman, Councilman re: Finance Committee Items
- Bluffton Hours

March 16, 2012 (Friday):

- Meet with David Starkey, CFO re: BTAG Preparation
- Meet with Gary Kubic, County Administrator, Donna Ownby, EMS Director and Suzanne Gregory, Employee Services re: Reorganization
- Attend Full Briefing of the St. Helena Island Branch Library Project
- Meet with Phillip Foot, Public Safety Director re: Public Safety Meetings
- Meet with David Starkey, CFO and Maria Walls re: Financial Advisory Service Meeting
- Meet with Joe Penale, PALS

March 19, 2012 (Monday):

- Attend Development Agreement Subcommittee Meeting at Bluffton Government Center
- Meet with Tony Criscitiello, Planning Director re: Opticos
- Meet with David Starkey, CFO
- Attend Finance Committee Meeting
- Attend Community Services Committee Meeting

March 20, 2012 (Tuesday):

- Meet with Phillip Foot, Public Safety Director and Tallulah Trice, Animal Shelter Director
- Prepare for Video Conference Meeting with Weston Newton, Council Chairman
- Attend Video Conference Meeting with Weston Newton, Council Chairman

March 21, 2012 (Wednesday):

- Agenda Review
- Attend Ferry Transportation Discussion

March 22, 2012 (Thursday):

- DA Meeting
- Attend Meeting re: New Modeling for Reassessment
- Interview Prospective PALS Director
- Attend BTAG Meeting

March 23, 2012 (Friday)--Bluffton:

- Work on Budget with Alicia Holland, Controller
- Bluffton Hours

Budget FY 2012			Actual 4 Year Comparison				March 22, 2012	Adopted	Budget	Revised		
As of 3/22/2012			For the Period Ending February 29th				Actual to Date	Budget	Xfers/Adj	Budget		
Description	Organization	ORG	FY 2009	FY 2010	FY 2011	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012		
	Taxes	41000	(68,054,269)	(68,235,347)	(68,489,951)	(68,145,806)	(69,030,189)	(72,130,243)	-	(72,130,243)		
	Licenses & Permits	42000	(1,335,204)	(1,112,622)	(989,153)	(1,345,125)	(1,440,497)	(2,567,500)	(600)	(2,568,100)		
	Intergovernmental	43000	(3,819,895)	(3,064,773)	(2,729,810)	(2,972,575)	(3,001,573)	(7,422,875)	102,285	(7,320,590)		
	Charges for Services	44000	(5,642,848)	(6,000,149)	(6,822,311)	(6,181,280)	(6,527,757)	(11,226,774)	(14,950)	(11,241,724)		
	Fines & Forfeitures	45000	(641,726)	(793,195)	(580,442)	(542,234)	(542,996)	(953,000)	(7,200)	(960,200)		
	Interest	46000	(157,000)	(78,707)	(73,419)	(105,147)	(125,358)	(141,000)	(30,550)	(171,550)		
	Miscellaneous	47000	(804,280)	(434,649)	(406,183)	(344,577)	(353,959)	(705,600)	(48,985)	(754,585)		
	Other Financing Sources	48000	(572,038)	(894,699)	(790,607)	(784,998)	(876,665)	(1,156,500)	-	(1,156,500)		
	General Fund Revenue		(81,027,260)	(80,614,141)	(80,881,876)	(80,421,742)	(81,898,994)	(96,303,492)	-	(96,303,492)		
General	Newton	Elected	COUNTY COUNCIL	11000	555,854	419,623	464,219	401,798	425,810	623,982	-	623,982
General	Burriss	Elected	AUDITOR	11010	424,485	419,820	363,966	336,161	358,012	623,510	-	623,510
General	Henderson	Elected	TREASURER	11020	694,170	603,533	578,184	457,616	488,912	645,070	-	645,070
General	Henderson	Elected	TREASURER TAX BILLS & CC FEES	11021	-	539,055	424,060	174,586	174,586	481,000	-	481,000
General	Roseneau	Elected	CLERK OF COURT	11030	748,666	620,409	553,832	532,561	562,075	831,574	-	831,574
General	Roseneau	Elected	FAMILY COURT	11031	299,264	225,326	152,351	135,594	143,814	249,668	-	249,668
General	Simon	Elected	PROBATE COURT	11040	562,536	566,575	481,918	487,906	516,784	756,659	-	756,659
General	Allen	Elected	CORONER	11060	298,087	246,769	202,818	247,351	256,863	391,938	-	391,938
General	Smith	State	HILTON HEAD MAGISTRATE	11100	65,022	30,663	510	-	-	-	-	-
General	Smith	State	BEAUFORT MAGISTRATE	11101	378,519	442,583	443,890	484,932	519,238	606,062	-	606,062
General	Smith	State	BLUFFTON MAGISTRATE	11102	380,723	345,925	259,810	261,145	281,729	401,125	-	401,125
General	Smith	State	SHELDON MAGISTRATE	11103	35,907	41,622	43,159	44,172	47,128	66,618	-	66,618
General	Smith	State	ST HELENA MAGISTRATE	11104	65,830	54,916	56,831	45,624	46,059	82,508	-	82,508
General	Smith	State	MAGISTRATE BOND COURT	11105	54,586	56,489	53,131	61,835	66,000	90,681	-	90,681
General	Smith	State	MAGISTRATE AT-LARGE	11106	70,039	48,391	68,980	80,773	86,686	101,058	-	101,058
General	Dukes	State	MASTER IN EQUITY	11110	204,719	204,862	190,381	191,726	204,611	295,937	-	295,937
General	Allocation	Allocation	GEN GOVT DIRECT SUBSIDIES	11199	813,176	1,205,138	875,646	652,227	733,755	1,128,340	-	1,128,340
General	Admin	Admin	COUNTY ADMINISTRATOR	12000	311,806	495,289	423,027	359,338	383,955	567,747	-	567,747
General	Planning	Admin	HOUSING	12003	(615)	-	-	-	-	-	-	-
General	Admin	Admin	PUBLIC INFORMATION OFFICER	12005	190,792	280,166	67,623	55,752	58,959	85,218	-	85,218
General	Admin	Admin	BROADCAST SERVICES	12006	-	-	124,891	138,253	146,618	221,467	-	221,467
General	Admin	Admin	STAFF ATTORNEY	12010	485,727	375,897	376,655	436,011	445,357	497,661	-	497,661
General	Finance	Admin	INTERNAL AUDITOR	12015	27,951	74,617	30,398	39,220	39,639	66,091	-	66,091
General	Hood	State	PUBLIC DEFENDER	12020	163,657	1,156	-	-	-	-	-	-
General	Community	Admin	VOTER REGISTRATION/ELECT	12030	610,626	409,275	412,700	417,676	444,221	598,260	-	598,260

Budget FY 2012			Actual 4 Year Comparison					March 22, 2012	Adopted	Budget	Revised	
As of 3/22/2012			For the Period Ending February 29th					Actual to Date	Budget	Xfers/Adj	Budget	
Description	Organization	ORG	FY 2009	FY 2010	FY 2011	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012	
General	Community	Admin	ELECTION WORKERS	12031	1,569	(1,050)	211	940	940	-	-	-
General	Real	Admin	ASSESSOR	12040	1,570,424	1,632,663	1,258,481	1,154,232	1,228,345	2,053,520	-	2,053,520
General	Real	Admin	ASSESSOR	12041	-	-	-	-	-	-	-	-
General	Real	Admin	REGISTER OF DEEDS	12050	472,367	387,079	325,020	309,921	325,316	469,563	-	469,563
General	Finance	Admin	RISK MANAGEMENT	12060	86,539	87,026	62,061	59,501	64,114	96,495	-	96,495
General	Delegation	State	LEGISLATIVE DELEGATION	12080	56,692	55,716	44,499	45,174	48,217	67,535	-	67,535
General	Planning	Admin	ZONING & DEVELOPMENT ADM	13330	164,650	159,692	127,826	128,291	135,355	204,643	-	204,643
General	Planning	Admin	PLANNING	13340	599,819	574,460	476,648	470,175	502,375	696,539	-	696,539
General	Planning	Admin	COMPREHENSIVE PLAN	13341	57,170	438	293,841	138,829	138,829	126,475	-	126,475
General	MIS	Admin	AUTOMATED MAPPING/GIS	13350	315,106	316,938	272,724	217,594	229,813	407,316	-	407,316
General	Community	Admin	DIRECTOR OF COMMUNITY SER	14000	181,706	124,457	90,379	82,006	86,551	127,785	-	127,785
General	Admin	Admin	STAFF SERVICES	14010	337,864	267,001	233,639	197,454	217,268	353,193	-	353,193
General	Employee	Admin	EMPLOYEE SERVICES	14020	537,000	640,789	617,849	565,050	587,000	872,760	-	872,760
General	MIS	Admin	RECORDS MANAGEMENT	14030	185,930	135,120	101,398	172,149	201,753	208,385	-	208,385
General	Finance	Admin	FINANCE DEPARTMENT	15010	431,726	360,827	358,142	402,467	427,282	593,166	-	593,166
General	Finance	Admin	PURCHASING	15040	152,064	175,527	139,717	148,658	156,368	235,383	-	235,383
General	Finance	Admin	BUSINESS LICENSES	15050	457,509	324,141	139,309	34,221	35,895	97,537	-	97,537
General	MIS	Admin	MANAGEMENT INFORMATION SYS	15060	1,347,888	1,643,082	1,476,118	1,313,973	1,369,214	2,360,307	-	2,360,307
General	MIS	Admin	MANAGEMENT INFORMATION SYS	15061	837	1,128	-	-	-	-	-	-
General	Engineering	Admin	DIRECTOR OF PUBLIC SERVICES	17000	163,420	178,005	140,324	139,414	149,036	205,382	-	205,382
General	Fringe	Fringe	GENERAL GOVT BENEFITS POOL	19199	-	-	1,553,266	1,435,994	1,612,244	2,177,360	-	2,177,360
Public Safety	Tanner	Elected	SHERIFF	21051	4,353,217	4,542,225	4,760,521	4,058,345	4,311,184	6,567,860	(141,441)	6,426,419
Public Safety	Tanner	Elected	SHERIFF	21052	8,150,589	7,709,808	8,290,186	7,051,815	7,438,566	10,655,494	145,804	10,801,298
Public Safety	Tanner	Elected	SHERIFF	21053	-	-	-	406,488	427,479	555,457	-	555,457
Public Safety	Tanner	Elected	SHERIFF	21054	-	252	-	-	-	-	-	-
Public Safety	Tanner	Elected	SHERIFF	21055	778,054	879,357	849,597	735,448	783,616	1,302,274	(26,460)	1,275,814
Public Safety	Public Safety	Admin	EMERGENCY MANAGEMENT	23140	437,832	454,856	322,818	310,088	325,957	440,327	-	440,327
Public Safety	Public Safety	Admin	EMERGENCY MANAGEMENT	23141	22,653	-	-	-	-	-	-	-
Public Safety	Public Safety	Admin	EMERGENCY MANAGEMENT	23142	-	-	100,699	73,389	74,193	91,586	-	91,586
Public Safety	Public Safety	Admin	EMERGENCY MANAGE - Comm	23150	3,015,444	2,714,498	2,732,122	3,234,202	3,354,066	4,602,211	-	4,602,211
Public Safety	Public Safety	Admin	EMERGENCY MANAGE- Data	23155	313,972	482,829	327,573	370,606	387,884	692,857	-	692,857
Public Safety	Public Safety	Admin	EMERGENCY MEDICAL SER	23160	4,158,075	4,096,611	3,415,877	3,325,758	3,516,459	4,898,239	-	4,898,239
Public Safety	Public Safety	Admin	DETENTION CENTER	23170	4,490,841	4,344,295	3,778,511	3,385,474	3,632,667	5,433,000	-	5,433,000
Public Safety	Public Safety	Admin	TRAFFIC - Signal Management	23322	234,344	200,825	155,007	171,160	182,507	307,314	-	307,314
Public Safety	Public Safety	Admin	TRAFFIC - Signal Management	23323	-	47,929	70,041	94,718	97,624	116,000	-	116,000
Public Safety	Public Safety	Admin	BUILDING CODES	23360	1,000,747	880,572	636,824	447,893	482,332	624,837	-	624,837

Budget FY 2012				Actual 4 Year Comparison					March 22, 2012	Adopted	Budget	Revised
As of 3/22/2012				For the Period Ending February 29th					Actual to Date	Budget	Xfers/Adj	Budget
Description			Organization	ORG	FY 2009	FY 2010	FY 2011	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012
Public Safety	Public Safety	Admin	BUILDING CODES ENFORCE	23361	-	-	-	123,130	130,153	219,393	-	219,393
Public Safety	Fringe	Fringe	PUBLIC SAFETY BENEFITS POOL	29299	-	-	1,980,124	3,405,490	3,832,257	5,372,376	-	5,372,376
Public Works	Engineering	Admin	FACILITIES MANAGEMENT	33020	1,411,750	1,404,014	1,400,997	1,140,655	1,196,088	2,055,403	-	2,055,403
Public Works	Engineering	Admin	BUILDINGS MAINTENANCE	33030	768,553	665,021	745,401	697,355	727,290	1,061,572	-	1,061,572
Public Works	Engineering	Admin	GROUNDS MAINTENANCE - N	33040	904,822	888,669	733,867	791,962	828,448	1,759,275	100,000	1,859,275
Public Works	Engineering	Admin	GROUNDS MAINTENANCE - S	33042	774,524	762,250	607,240	389,915	414,034	-	-	-
Public Works	Engineering	Admin	PUBLIC WORKS GEN SUPPORT	33300	588,757	642,020	454,566	448,641	474,106	709,671	(9,200)	700,471
Public Works	Engineering	Admin	ROADS/DRAINAGE - NORTH	33301	682,528	675,684	575,461	517,449	539,656	801,181	-	801,181
Public Works	Engineering	Admin	ROADS/DRAINAGE - SOUTH	33302	359,916	447,388	423,328	298,813	313,345	539,706	(90,800)	448,906
Public Works	Engineering	Admin	PUBLIC WORKS ADMIN	33305	287,568	254,169	188,515	181,447	193,361	248,018	-	248,018
Public Works	Engineering	Admin	ENGINEERING	33320	697,427	293,544	220,796	161,948	171,618	338,283	-	338,283
Public Works	Engineering	Admin	SWR ADMINISTRATION	33390	728,163	3,356,684	2,673,631	2,718,928	2,781,332	4,744,454	(7,600)	4,736,854
Public Works	Engineering	Admin	SWR	33391	115,008	-	-	-	-	-	-	-
Public Works	Engineering	Admin	SWR	33392	155,466	-	-	-	-	-	-	-
Public Works	Engineering	Admin	SWR HILTON HEAD	33393	662,161	68,003	72,042	68,459	72,838	100,693	-	100,693
Public Works	Engineering	Admin	SWR BLUFFTON	33394	730,671	108,330	94,862	99,122	105,497	145,790	-	145,790
Public Works	Engineering	Admin	SWR BURTON	33395	411,189	104,071	110,454	94,152	100,317	177,521	1,000	178,521
Public Works	Engineering	Admin	SWR DAUFUSKIE	33396	230,334	33,024	203	127	127	49,356	-	49,356
Public Works	Engineering	Admin	SWR ST HELENA	33397	331,568	93,573	91,284	93,725	101,824	163,455	3,400	166,855
Public Works	Engineering	Admin	SWR SHELDON	33398	168,968	74,816	73,119	68,554	73,131	101,993	3,200	105,193
Public Works	Engineering	Fringe	PUBLIC WORKS BENEFITS POOL	39399	40,934	-	1,129,547	895,198	1,010,615	1,429,893	-	1,429,893
Public Health	Public Safety	Admin	ANIMAL SHELTER & CONTROL	43180	655,412	583,768	505,019	545,123	572,113	774,061	-	774,061
Public Health	Public Safety	Admin	MOSQUITO CONTROL	43190	1,134,063	1,186,770	752,881	665,584	751,881	1,091,325	-	1,091,325
Public Health	Community	Allocation	PUBLIC HEALTH DIRECT SUBSIDIES	44199	1,758,011	1,753,689	1,740,986	1,298,628	1,391,041	1,800,511	105,000	1,905,511
Public Health	Fringe	Fringe	PUBLIC HEALTH BENEFITS POOL	49499	-	-	251,246	202,194	228,444	325,265	-	325,265
Public Welfare	Community	Admin	VETERANS AFFAIRS	54050	153,055	135,182	93,110	93,457	100,304	143,034	-	143,034
Public Welfare	Community	State	DEPT OF SOCIAL SERVICES	54060	135,921	136,395	130,383	141,744	149,053	195,700	-	195,700
Public Welfare	Community	Allocation	PUBLIC WELFARE DIRECT SUBSIDIES	54299	261,481	274,320	292,830	212,180	231,680	540,000	(105,000)	435,000
Public Welfare	Engineering	Fringe	PUBLIC WELFARE BENEFITS POOL	59599	-	-	28,488	19,467	21,845	29,572	-	29,572
Cultural	Community	Admin	PALS CENTRAL ADMINISTRATION	63310	235,863	276,021	257,737	167,037	175,522	264,628	20,000	284,628
Cultural	Community	Admin	PALS SUMMER PROGRAM	63311	99,782	93,502	104,438	94,416	94,416	120,450	-	120,450
Cultural	Community	Admin	PALS AQUATICS PROGRAM	63312	769,430	791,821	717,231	658,809	694,006	924,044	-	924,044
Cultural	Community	Admin	PALS HILTON HEAD PROGRAMS	63313	237,738	61,031	60,000	60,000	60,000	80,000	-	80,000
Cultural	Community	Admin	PALS BLUFFTON PROGRAMS	63314	424,867	542,597	525,903	81,614	85,571	145,500	-	145,500
Cultural	Community	Admin	PALS ATHLETIC PROGRAMS	63316	427,835	328,883	269,394	481,337	511,482	917,492	(36,073)	881,419
Cultural	Community	Admin	PALS RECREATION CENTERS	63317	664,001	588,080	422,752	403,747	425,613	717,584	16,073	733,657

Budget FY 2012			Actual 4 Year Comparison					March 22, 2012	Adopted	Budget	Revised	
As of 3/22/2012			For the Period Ending February 29th					Actual to Date	Budget	Xfers/Adj	Budget	
Description	Organization	ORG	FY 2009	FY 2010	FY 2011	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012	FY 2012	
Cultural	Community	Admin	LIBRARY ADMINISTRATION	64070	588,105	557,215	423,171	424,665	446,850	651,166	13,225	664,391
Cultural	Community	Admin	LIBRARY BEAUFORT BRANCH	64071	461,582	444,684	343,762	326,543	346,271	512,347	(100)	512,247
Cultural	Community	Admin	LIBRARY BLUFFTON BRANCH	64072	554,232	524,304	401,080	298,813	316,256	509,272	(6,650)	502,622
Cultural	Community	Admin	LIBRARY HILTON HEAD BRANCH	64073	520,680	476,804	426,752	360,818	380,163	572,403	(2,550)	569,853
Cultural	Community	Admin	LIBRARY LOBECO BRANCH	64074	132,233	147,984	76,224	86,300	91,420	128,087	(1,500)	126,587
Cultural	Community	Admin	LIBRARY ST HELENA BRANCH	64075	66,415	65,885	62,505	60,603	64,614	91,919	(100)	91,819
Cultural	Community	Admin	LIBRARY TECHNICAL SERVICES	64078	565,041	573,400	474,698	303,689	315,624	579,194	(1,225)	577,969
Cultural	Community	Admin	LIBRARY SC ROOM	64079	73,649	73,973	64,750	65,620	69,658	99,178	(1,100)	98,078
Cultural	Community	Fringe	CULTURAL & RECRE BENEFITS POOL	69699	-	-	682,088	545,502	613,169	834,815	-	834,815
			General Fund Expenditures		61,487,278	60,612,763	60,483,073	56,516,644	60,164,293	89,118,554	(22,097)	89,096,457
Transfers	Allocation	Allocation	GENERAL FUND XFERS OUT	99100								
			Miscellaneous Grant		6,667	-	-	-	-	-	-	-
			Daufuskie Ferry		50,000	50,000	66,667	66,667	75,000	100,000	-	100,000
			Public Safety Grants		-	-	-	2,472	2,472	-	-	-
			EMS Grants		-	4,000	4,000	4,000	4,500	6,000	-	6,000
			Tire Recycling		-	3,000	-	-	-	-	-	-
			Real Property		-	-	-	-	-	333,859	-	333,859
			Dale Water Line		-	-	34,939	-	-	-	-	-
			PALS Programs Fund		-	-	2,999	-	-	-	-	-
			DSN Programs Fund		1,171,446	1,242,797	1,080,408	906,333	1,019,625	1,359,500	-	1,359,500
			A&D Programs Fund		336,445	326,976	243,042	199,791	224,765	299,687	-	299,687
			DNA Laboratory		215,586	212,278	221,663	-	-	-	-	-
			Victims Assistance		135,718	200,139	62,556	71,757	80,726	107,635	-	107,635
			School Resource Officer		76,689	76,689	97,237	88,967	100,088	133,451	-	133,451
			Sheriff Grant		15,946	6,311	18,143	3,204	3,605	4,806	-	4,806
			DNA Grant Fund		-	-	-	22,097	22,097	-	22,097	22,097
			COSY Program		28,000	86,667	86,667	93,333	105,000	140,000	-	140,000
			Debt Service Fund		-	-	-	-	-	400,000	-	400,000
			LI Airport		-	66,667	-	-	-	-	-	-
			HHI Airport		-	100,000	12,500	-	-	-	-	-
			Public Defender		120,000	435,575	335,223	200,000	225,000	300,000	-	300,000
			Sheriff's Trust		-	-	10,000	15,000	15,000	-	-	-
			Total General Fund Transfers Out		2,156,497	2,811,099	2,276,044	1,673,621	1,877,878	3,184,938	22,097	3,207,035

Budget FY 2012 As of 3/22/2012				Actual 4 Year Comparison For the Period Ending February 29th				March 22, 2012	Adopted	Budget	Revised	
				FY 2009	FY 2010	FY 2011	FY 2012	Actual to Date	Budget	Xfers/Adj	Budget	
Description	Organization			ORG	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>	<u>FY 2012</u>	<u>FY 2012</u>	<u>FY 2012</u>
Education	Education	Education	Education Allocation	64399	2,358,150	2,358,150	2,358,150	2,000,000	2,666,667	4,000,000	-	4,000,000
					(15,025,335)	(14,832,129)	(15,764,609)	(20,231,477)	(17,190,156)	-	-	-

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PLEASANT FARM SPECIAL TAX DISTRICT TO BORROW FUNDS FROM A QUALIFIED LENDING INSTITUTION IN AN AMOUNT NOT TO EXCEED \$60,000 FOR PURPOSES OF PROVIDING INFRASTRUCTURE IMPROVEMENTS AS PROVIDED FOR IN ORDINANCE NO. 2006/4

WHEREAS, Beaufort County Ordinance No. 2006/4 created the Pleasant Farm Special Tax District for the purposes of assessing a uniform fee on each residential lot within the District to raise revenue for the replacement of certain facilities and the improvement of infrastructure within the geographical boundaries of the County; and

WHEREAS, pursuant to Ordinance No. 2006/4, the Pleasant Farm Special Tax District shall be in existence for a period of ten (10) years or until it has collected TWO HUNDRED THOUSAND AND NO/100 Dollars (\$200,000) in revenue; and

WHEREAS, the Pleasant Farm Special Tax District desires to borrow funds in an amount not to exceed SIXTY THOUSAND AND NO/100 Dollars (\$60,000) in order to install certain infrastructure improvements as provided for under the Ordinance creating the District; and

WHEREAS, the revenue needed to repay the funds borrowed by the Pleasant Farm Special Tax District is to be pledged from the special assessment collected by the County under the terms of Ordinance No. 2006/4.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council hereby authorizes the Pleasant Farm Special Tax District to borrow funds from a qualified financial institution in an amount not to exceed \$60,000 for purposes of installing infrastructure improvements with said funds being repaid from the revenue collected by special assessment under Ordinance No. 2006/4.

Done this ____ day of _____ 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING BEAUFORT COUNTY ADMINISTRATION TO
CALCULATE THE WITHHOLDING OF FUNDS FROM TAX INCREMENT FINANCING
DISTRICTS FROM TIER III REIMBURSEMENT RATHER THAN FROM AD VALOREM
PROPERTY TAX COLLECTIONS**

WHEREAS, There exists multiple Tax Increment Financing Districts within the geographic boundaries of Beaufort County that have been created to facilitate the development and redevelopment of various areas within the unincorporated and municipal boundaries of the County; and

WHEREAS, Beaufort County is responsible for calculating the withholding of an appropriate amount of incremental tax revenue attributable to the District for purposes of paying down bonds and other liabilities that have been expended to construct public infrastructure improvements within the District; and

WHEREAS, Beaufort County has consistently calculated the withholding of these from general ad valorem tax revenue attributable to the District; and

WHEREAS, Beaufort County Council believes that it is in the best interest of the citizens of Beaufort County to perform these necessary calculations by an alternative method thereby reducing the incremental tax revenue from the Tier III reimbursements that are provided to the Beaufort County School District rather than reducing general ad valorem tax revenue; and

WHEREAS, This new method of calculation will be applied to all Tax Increment Financing Districts located within the County to the greatest extent possible with said calculation being made effective as of November 1, 2011, and continuing forward until expiration or termination of each Tax Increment Financing District.

NOW, THEREFORE, BE IT RESOLVED, at a duly called meeting of Beaufort County Council that County Administration is hereby directed to calculate the incremental tax revenue withholdings consistent with the provisions contained above.

Done this ____ day of _____, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council



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 Stewart H. Rodman, Chairman, Finance Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
David Starkey, Chief Financial Officer *DStarkey*
Maria Walls, Treasurer Chief Financial Officer *MWalls*

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

SUBJ: RFP # 3961/120323 Financial Advisory Services for Beaufort County Debt Issues

EVALUATION COMMITTEE NOTES: The evaluation committee consisted of Bryan Hill, Deputy County Administrator, David Starkey, Chief Financial Officer, and Maria Walls, Treasurer Chief Financial Officer. The evaluation committee reviewed the four responses to the RFP and ranked First Southwest as the number one ranked firm.

FINAL EVALUATION RANKING:

1. First Southwest, Charlotte, NC
2. Southwest Securities, Columbia, SC
3. Public Financial Management, Inc., Atlanta, GA
4. Davenport & Company, LLC, Charlotte, NC

FUNDING: Services are paid from the County's debt service funds and purchase property fund from the actions taken by the service provider.

RECOMMENDATION: The Finance Committee approve and recommend to County Council the contract award to First Southwest, the top ranked firm, with the anticipated cost per year of \$25,000 for a five year contract totaling \$125,000.

cc: Elizabeth Wooten



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 255-9437

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

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator *BHill*
David Starkey, Chief Financial Officer *DStarkey*
Dan Morgan, MIS Director *DMorgan*

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

SUBJ: Request to Purchase 150 Virtual Machine (VM) Licenses, Wireless Controllers for the Wireless Controller Project and UPS Refresh Equipment from the South Carolina State Contract

DATE: March 19, 2012

BACKGROUND: The MIS Department is requesting to purchase computer software and equipment from three different State contract vendors in support of three separate projects. The first project, Mobile Data Project (MDP) was approved by County Council in February 2011, which included purchasing the Terminal Services licenses from Microsoft as part of the \$2.2 million dollar MDP. Since that time, technology has changed to allow Beaufort County to leverage more scalable enterprise software, which will require the County to purchase the new software license from Hewlett Packard (HP). The second purchase request involves purchasing equipment for the Wireless Controller Project. This project will allow MIS to have the visibility and control needed to cost-effectively manage, secure, and optimize the performance of their wireless network. The third project involves upgrades to the Beaufort County Fiber Network by refreshing the Uninterruptible Power Supply (UPS) equipment. Many of the UPS units have met their life cycle and are beginning to fail. This project will ensure business continuity moving forward.

<u>STATE CONTRACT VENDORS:</u>	<u>Cost</u>	<u>Project</u>
1. New Century Systems, Charlotte, NC, HP reseller	\$35,000	Mobile Data Project
2. Computer Software Innovations,	\$45,000	Wireless Controller Project
3. Graybar, Beaufort, SC	\$25,100	UPS Refresh Equipment

<u>FUNDING:</u>	<u>Balance</u>
1. Mobile Data Project, Account # 11439-54209 MDCS Special Capital Equipment	\$47,331
2. Wireless Controller Project, Account # 15060-54110 Data Processing Equipment	\$71,199
3. UPS Refresh Equipment, Account # 15060-52611 Data Processing Equipment	\$43,014

RECOMMENDATION: The Finance Committee approves the purchases from the aforementioned State contract vendors for a total amount of \$105,100.

cc: Elizabeth Wooten



**COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT**

Building 2, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 255-2353 Fax: (843) 255-9437

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RECOMMENDATION: The Finance Committee approves the purchases from the aforementioned State contract vendors for a total amount of \$105,100.

cc: Elizabeth Wooten



**COUNTY COUNCIL OF BEAUFORT COUNTY
DIVISION OF PARKS AND LEISURE SERVICES
1 Middleton Recreation Drive - Burton, SC 29906
Phone (843) 255-6680 FAX (843) 255-9430**

MEMORANDUM

TO: Bryan Hill, Deputy County Administrator
FROM: Joseph Penale, PALS Interim Director
DATE: February 13, 2012
SUBJECT: CIRCLE OF HOPE & BEAUFORT COUNTY PARTNERSHIP

The Beaufort County PALS Advisory Board met on February 2, 2012 and approved the partnership between the Circle of Hope Coalition and Beaufort County to lease the Charles Lind Brown Community Activity Center. The Advisory Board approved for the following:

CIRCLE OF HOPE COALITION RESPONSIBILITIES:

1. Provide community program administration and activities.
2. Provide an administrator to coordinate activities with a PALS representative.
3. The Circle of Hope will be given exclusive use of two offices identified by PALS.
4. Will conduct and provide PALS background checks on all program providers.
5. The Circle of Hope will provide PALS information on proposed programs for PALS approval.
6. The Circle of Hope will operate programs at Center from 6:00 pm to 11:00 pm Monday through Friday and on Saturday from 9:00 am to 10:00 pm except for when rental is necessary during these time periods.
7. Insurance: Circle of Hope will provide evidence of general liability insurance coverage only as long as their programs are administered by volunteers. However, if anyone is compensated for a service rendered, Circle of Hope will be required to provide Worker's Compensation insurance.

BEAUFORT COUNTY RESPONSIBILITIES:

1. Provide required space at Lind Brown Center during agreed upon hours.
2. Provide janitorial services.
3. Provide utilities and building maintenance.
4. Assist administratively when feasible.
5. PALS will operate the Center from 9:00 am through 6:00 pm Monday through Friday except when a rental is required during this time period.
6. If space becomes available during PALS operating hours, Circle of Hope would be able to use that space for programming.
7. PALS has exclusive use of the remaining two offices and the large back room with the outside entrance.

The Board also approved a lease agreement for a period of one (1) year with the option for two (2) additional years.

CC: Morris Campbell



**COUNTY COUNCIL OF BEAUFORT COUNTY
DIVISION OF PARKS AND LEISURE SERVICES**

1 Middleton Recreation Drive

Burton, SC 29906

Phone (843) 255-6680 Fax (843) 255-9430

MEMORANDUM

TO: Bryan Hill, Deputy County Administrator

FROM: Joseph Penale, PALS Interim Director

DATE: February 13, 2012

SUBJECT: M.C. RIELLY MULTIPURPOSE FIELD LIGHTING

The Beaufort County PALS Advisory Board met on February 2, 2012 and approved the proposal for the lighting in connection with the MC Riley Community multipurpose field. The estimated cost is \$175,000.00. Funding is to come from the Bluffton Impact fees. A copy of the impact fee as of January 2012 is attached. Would you please process this request?

xc: Morris Campbell

Beaufort County
PALS Impact Fees
January 31, 2012 - Unaudited and Preliminary

	Bluffton
Beginning Fund Balance	1,384,749
Revenues	
Licenses and Permits	122,489
Interest	-
	122,489
Expenditures	
Capital	
Buckwalter Park & Skate Park	
New South Construction	-
JS Construction Services	(445,225)
Sun Belt Rentals	-
Beaufort Engineering Services	-
Beaufort County Building Codes	-
BJWSA	-
SCE&G	-
JDL Lesco	-
John Deere Mowers	(101,689)
Lowe's	-
Thomas & Hutton	(13,894)
William Fielder, PE	-
Patterson Construction	-
Accurate Reproductions	(10)
Island Packet	-
Whitaker Laboratory	(743)
JOCO Construction	-
Gasque & Associates	-
Bobcat of Savannah	-
	(561,561)
Total Revenues	122,489
Total Expenditures	(561,561)
Net Revenues (Expenditures)	(439,072)
Encumbered Portion of Fund Balance	48,135
Unencumbered Portion of Fund Balance	897,542
Ending Fund Balance	945,677

**RESOLUTION TO DISTRIBUTE
SOUTH CAROLINA PARKS AND RECREATION DEVELOPMENT FUNDS TO
BEAUFORT COUNTY MUNICIPALITIES AND BEAUFORT COUNTY**

WHEREAS, The South Carolina Department of Parks, Recreation and Tourism has provided a one-time appropriation of funds through Provisio 73.12 of the 11/12 State Budget for Parks and Recreation Development (PARD) funds for projects within Beaufort County; and

WHEREAS, Beaufort County's 2011 PARD allocation is \$39,585.63 and 2012 PARD allocation is \$25,024.46; and

WHEREAS, Beaufort County has received applications for eligible projects from local municipalities for final approval by the Legislative Delegation; and

WHEREAS, the following PARD projects are submitted for approval:

Beaufort County

- Basil Green Complex (2011 PARD funds) \$21,772.10
- Bluffton Recreation Center (2012 PARD funds) \$13,763.46

City of Beaufort

- Basil Green Complex \$4,974.97

Town of Bluffton

- DuBois Park Phase I \$5,039.59

Town of Hilton Head Island

- Jarvis Creek \$14,795.71

Town of Port Royal

- John S. Parker Playground (Casablanca Park) \$4,624.26

NOW, THEREFORE, BE IT RESOLVED, that Beaufort County Council hereby approves the 2011/2012 Parks and Recreation Development (PARD) Fund projects as submitted by the local municipalities.

Dated this _____ day of March, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

JURISDICTION	FY2011 PARD ALLOCATION	FY2012 PARD ALLOCATION	COMMENTS
City of Beaufort and Beaufort County	\$3,048.09 \$21,772.10	\$1,926.88	Create a total of 68 additional on street parking spaces (on Rogers Avenue, Lafayette Street, and Nairine Street) at Basil Green Complex. \$21,772.10 Beaufort County 2011 PARD funds \$ 4,974.97 City of Beaufort 2011 & 2012 PARD \$16,000.00 Additional funds by Beaufort County/City of Beaufort <u>\$ 5,349.41</u> 20% matching on all PARD money \$48,096.49 TOTAL COST
Beaufort County		\$13,763.46	Scoreboard and bleachers for the Bluffton Recreation Center . (Use FY2012 PARD)
Town of Hilton Head	\$9,065.11	\$5,730.60	Installation of children's play structure with related landscaping and hardscaping at Jarvis Creek Park. (Total Cost - \$14,795.71)
Town of Bluffton	\$3,087.68	\$1,951.91	DuBois Park Phase I construction work targeted for February - April 2012. Adding 4 arbors with bench swings and installing a fence to separate the playground area from the road. (Total Cost - \$5,039.59)
Town of Port Royal	\$2,612.65	\$1,651.61	John S. Parker Playground Renovation (Casablanca Park). Replace the existing, outdated, non ADA compliant playground equipment with new playground apparatus. \$ 4,624.26 Town of Port Royal 2011 & 2012 PARD <u>\$ 5,375.74</u> Additional funds by Town of Port Royal \$10,000.00 TOTAL COST

ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES TO PROVIDE FUNDS FOR THE ACQUISITION OF THE BUILDING AND REAL PROPERTY KNOWN AS THE MYRTLE PARK COUNTY ADMINISTRATION BUILDING, LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE NOTES; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTES; PROVIDING FOR THE PAYMENT OF THE NOTES 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) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that counties may incur general obligation bonded indebtedness upon such terms and conditions as the General Assembly may prescribe by general law subject to the following limitations: (i) such debt must be incurred only for a purpose which is a public purpose and a corporate purpose for a county and (ii) unless excepted from the bonded debt limit, such debt may be issued in an amount not exceeding eight percent of the assessed value of all taxable property of such county.

(b) Pursuant to Chapter 15, Title 4, Code of Laws of South Carolina 1976, as amended (the same being and hereinafter referred to as the "County Bond Act"), the governing body of any of the counties of the State may issue general obligation bonds for any authorized purpose and in any amount not exceeding such county's applicable constitutional debt limit.

(c) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and result favorably thereto. Chapter 27, Title 11, Code of Laws of South Carolina 1976, as amended (the "Article X Enabling Act") provides that if an election be prescribed by the provisions of the County Bond Act, but is not required by the provisions of Article X, 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.

(d) 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 not more than \$93,722,603. Thus, the County may incur not exceeding \$52,955,761 of additional general obligation debt within its applicable debt limitation.

(e) Article X, Section 15 of the Constitution further provides that general obligation bond anticipation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued under such terms and conditions that the General Assembly may prescribe by law.

(f) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended (“Title 11, Chapter 17”), any county, whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of the bonds. Such provisions also provide that if any approval be necessary prior to the issuance of bonds by the county, the county must obtain the same approval prior to the issuance of temporary financing provided therein.

(g) The County Council finds that pending the issuance and sale of general obligation bonds it is necessary and in the best interest of the County to provide for the issuance and sale of general obligation bond anticipation notes of the County pursuant to the provisions of the Constitution and laws of the State of South Carolina for the purposes of providing funds: (i) to defray the costs of the acquisition of the building and real property known as the Myrtle Park County Administration building, located at 4815 Bluffton Parkway, Bluffton, South Carolina; and (ii) to pay the costs of issuance of the Notes.

SECTION 2. Authorization and Details of Bonds. Pursuant to the provisions of the Constitution and laws of the State of South Carolina, there is hereby authorized to be issued general obligation bonds of the County in an amount sufficient to pay the principal and interest on the Notes (hereinafter defined) together with additional amounts authorized for other capital projects. The bonds authorized hereunder shall be identified as “General Obligation Bonds of Beaufort County, South Carolina” (the “Bonds”). In order to reduce issuance costs, the Bonds may be issued as part of another issue of bonds comprising the Bonds and separately authorized bonds. The Bonds may be designated with such further series description and designation as shall be determined by the County Administrator of the County prior to any sale. The Bonds may be issued in one or more series and may be sold in conjunction with any other bonds heretofore or hereafter authorized.

SECTION 3. Authorization and Details of Notes. Pursuant to the provisions of the Constitution and laws of the State of South Carolina, there is hereby authorized to be issued general obligation bond anticipation notes of the County for the purposes set forth in Section 1(e) above in an aggregate amount not exceeding \$2,500,000. The notes authorized hereunder shall be identified as “General Obligation Bond Anticipation Notes of Beaufort County, South Carolina” (the “Notes”).

The Notes will initially be issued under the DTC Book-Entry-Only System in the form of a single fully registered note, registered in the name of Cede & Co. as the registered owner and nominee of The Depository Trust Company, New York, New York, which will act as securities depository for the Notes. The Notes shall be dated as of the first day of the month in which the Notes are delivered to the initial purchaser(s) thereof or such other date as shall be selected by the County Administrator; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Notes; shall be numbered from R-1 with an appropriate series designation, if any; shall bear interest from their date as may be accepted by the County Administrator at the time of the sale thereof; and shall mature in annual installments as determined by the County Administrator.

Both the principal of and interest on the Notes shall be 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.

SECTION 4. Delegation of Authority to the County Administrator. The County Council hereby expressly delegates to the County Administrator the authority, with respect to the Notes, to determine (a) the principal amount, the date of sale, and the maturity date of the Notes; (b) the redemption provisions, if any, for the Notes; (c) the Registrar/Paying agent for the Notes; (d) whether to publish notice of the adoption of this ordinance under the provisions of Section 11-27-40(8), Code of Laws of South Carolina, 1976, as amended; and (e) such other matters regarding the Notes as are necessary or

appropriate. The County Administrator is further directed to consult with the County's financial advisor and bond counsel in making any such decisions.

The County Administrator is hereby authorized and directed to conduct the sale of the Notes pursuant to the provisions of Section 13 hereof. The County Council hereby expressly delegates to the County Administrator the authority to award the sale of the Notes in accordance with a notice of sale referenced in Section 13, provided that the net interest cost of the Notes shall not exceed 3% unless authorized by a separate resolution of the County Council.

SECTION 5. Registrar/Paying Agent. Both the principal of and interest on the Notes shall be 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. Within twenty-four hours of the sales of the Notes, the County shall appoint a Registrar/Paying Agent therefor.

SECTION 6. Registration and Transfer. 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 Notes. 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 Notes under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Note 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 Note, the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully registered Note, of the same aggregate principal amount, interest rate, and maturity as the surrendered Note. Any such Note surrendered in exchange for a new registered Note 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 Note shall be registered upon the registry books as the absolute owner of such Note, whether such Note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Note 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 Note 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 Notes is exercised, the County shall execute and the Registrar/Paying Agent shall authenticate and deliver Notes 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 Notes during the period beginning on the day after the 15th calendar day of the month next preceding an interest payment date on such Notes and ending on such interest payment date.

SECTION 7. 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 Notes, and such record date shall be the 15th day of the calendar month next preceding an interest payment date on such Notes or, in the case of any proposed redemption of Notes, such record date shall not be more than 15 days prior to the mailing of notice of redemption of Notes.

SECTION 8. Lost, Stolen, Destroyed, or Defaced Notes. In case the Notes shall at any time become mutilated, 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/Paying Agent shall authenticate and deliver at the

principal office of the Registrar/Paying Agent, or send by registered mail to the owner thereof at his request, risk and expense, a new Note of the same 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 Note, or in lieu of or in substitution for such lost, stolen or destroyed Note. In any such event the applicant for the issuance of a substitute Note shall furnish the County and the Registrar/Paying Agent evidence or proof satisfactory to the County and the Registrar/Paying Agent of the loss, destruction, mutilation, defacement or theft of the original Note, and of the ownership thereof, and also such security and indemnity in such 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/Paying Agent. Any duplicate Note issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Note or in substitution for any allegedly lost, stolen or wholly destroyed Note shall be entitled to the identical benefits under this Ordinance as was the original Note in lieu of which such duplicate Note.

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

SECTION 9. Book-Entry-Only System. The Notes initially issued (the “Initial Notes”) 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 Notes 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 Notes of the same maturity or any integral multiple of \$5,000.

The Initial Notes shall be issued in fully-registered form, one Bond for each of the maturities of the Notes, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Notes 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 Notes or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Notes 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 Notes, 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 Notes together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Notes 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 Notes 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 Notes by mailing an appropriate notice to DTC, upon receipt by the County the Initial Notes together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Notes 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 Notes will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 10. Execution of Notes. The Notes shall be executed in the name of the County with the manual or facsimile signature of the Chair attested by the manual or facsimile signature of the Clerk to County Council under a facsimile of the seal of the County which shall be impressed, imprinted or reproduced thereon. The Notes shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Notes shall bear a certificate of authentication manually executed by the Registrar/Paying Agent in substantially the form attached hereto as Exhibit B.

SECTION 11. Form of Notes. The Notes shall be in substantially the form attached hereto as Exhibit B.

SECTION 12. Security for Notes. For the payment of the principal of and interest, if necessary, on the Notes as they respectively mature there are hereby pledged the proceeds of the Notes and the full faith, credit and taxing power of the County. The County at its option may also utilize any other funds available therefor for the payment of the principal of and interest on the Notes.

SECTION 13. Exemption from Taxation. Both the principal of and interest on the Notes shall be exempt, in accordance with the provisions of Section 12-2-50, Code of Laws of South Carolina, 1976, as amended, from all State, county, municipal, County and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes, but the interest thereon may be includable in certain franchise fees or taxes.

SECTION 14. Sale of Notes, Form of Notice of Sale. The Notes shall be sold at public sale. A summary Notice of Sale shall be published not less than seven days prior to the date fixed for sale, in a newspaper having general circulation in the State of South Carolina and, if deemed appropriate by the County Administrator, in a financial publication published in the City of New York, State of New York. The official Notice of Sale shall be distributed simultaneously with the distribution of the Preliminary Official Statement, if any, prepared in connection with the Notes, and shall be in the form attached hereto as Exhibit C, with such modifications as may be determined to be necessary by the financial advisor, if any, and bond counsel. The County Administrator may determine to establish a fixed date of sale in the notice or provide for the subsequent dissemination in electronic form of the date selected for such sale, in which event such subsequent notice shall be provided not less than 48 hours prior to the time and date fixed for sale. In the event a fixed date of sale is provided in the notice, such date may be modified by a subsequent notice in electronic form not less than 48 hours prior to the date fixed for the rescheduled sale.

SECTION 15. Deposit and Use of Proceeds. The proceeds derived from the sale of the Notes are to be used for the purposes set forth in Section 1(h) above, and shall be applied by the County solely to the purposes for which the Notes have been issued, except that the premium, if any, shall be placed in a sinking fund.

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

SECTION 17. 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 Notes, and such Bond or Notes shall no longer be deemed to be outstanding hereunder when:

(a) such Note or Notes 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 Notes 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 Notes shall no longer be deemed to be outstanding hereunder, such Notes 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”);
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and
- (d) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Note or Notes shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 18. Tax Covenants. The County hereby covenants and agrees with the holders of the Notes that it will not take any action which will, or fail to take any action which failure will, cause interest on the Notes to become includable in the gross income of the holders of the Notes 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 Notes. The County further covenants and agrees with the holders of the Notes that no use of the proceeds of the Notes shall be made which, if such use had been reasonably expected on the date of issue of the Notes would have caused the Notes 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 Notes 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 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Note and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, 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 20. Notice. Pursuant to Section 11-27-40, Paragraph 8, of the Code of Laws of South Carolina, 1976. In order that the Council may proceed as soon as possible to issue and deliver the Notes, the County Administrator may determine that the County avail itself of the provisions of paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended. If such determination is made, the notice prescribed thereby shall be provided in substantially the form attached hereto as Exhibit E.

SECTION 21. Engagement of Bond Counsel. The County Council hereby engages McNair Law Firm, P.A., as bond counsel in connection with the issuance of the Notes. The County Administrator is further authorized to execute such contract, document or engagement letter as may be necessary and appropriate to effectuate the engagement. In addition, the County Administrator is authorized to contract with other professionals, including a financial advisor, he deems appropriate in order to carry out the intent of this ordinance and the issuance of the Notes.

SECTION 22. Authorization to Execute Documents. The County Council hereby authorizes the Chair and Clerk of County Council, the County Administrator and the Chief Financial Officer of the County to execute such documents and instruments as may be necessary to effect the issuance of the Notes.

SECTION 23. General Repealer. All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Notes are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

[Signature Page to Follow]

Adopted this ____ day of _____, 2012.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk to County Council

First Reading: February 27, 2012

Second Reading: March 12, 2012

Public Hearing:

Third and Final Reading:

FORM OF NOTE

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 BEAUFORT COUNTY
 GENERAL OBLIGATION BOND ANTIICIPATION NOTE
 SERIES _____

No. R-

<u>Interest</u> <u>Rate</u>	<u>Maturity</u> <u>Date</u>	<u>Original</u> <u>Issue Date</u>	<u>CUSIP</u>
--------------------------------	--------------------------------	--------------------------------------	--------------

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS that Beaufort County, South Carolina (the “County”) hereby acknowledges itself indebted, and for value received promises to pay to the registered owner hereof, the principal sum of _____ Dollars (\$_____) at the principal office of _____, in the City of _____, State of _____ on the ___ day of _____, 2009, and to pay interest (calculated on the basis of a 360-day year of twelve 30-day months) on said principal sum from the date hereof, at the rate of _____%, payable upon the maturity of this note. This note is not subject to prepayment prior to its maturity.

Both the principal of and interest on this note are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

This note represents a series of general obligation bond anticipation notes (the “Notes”), issued by the County, pursuant to the authorization of Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended, in anticipation of the receipt of the proceeds to be derived from the general obligation bonds of the County to be issued pursuant to and in accordance with the provisions of the Constitution and Laws of the State of South Carolina including Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended; Title 59, Chapter 71, Code of Laws of South Carolina, 1976, as amended, and an ordinance duly enacted by the Beaufort County Council on _____, 2012 (the “Ordinance”). The full faith, credit and taxing power of the County and the proceeds to be derived from the sale of bonds are pledged for the payment of the principal of and interest on the Notes.

The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Ordinance. One certificate registered in the name of the Securities Depository Nominee is being issued and is required to be deposited with the Securities Depository. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in the principal amount of \$5,000 or any

multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be effected on the records of the Securities Depository on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its Participants.

_____ as Registrar/Paying Agent will recognize the Securities Depository Nominee, while the registered owner of the Notes, as the owner of the Notes for all purposes, including payments of principal of and redemption premium, if any, and interest on the Notes, notices and voting. Transfer of principal and interest payments to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Notes by Participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The County and Registrar/Paying Agent will not be responsible or liable for such transfers of payment or for maintaining, supervision or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of the Notes, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on the Notes shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Resolution and the Securities Depository.

This note and the interest hereon are exempt from all State, county, municipal, County, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate and transfer taxes but the interest on this note may be included for certain franchise fees or taxes.

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, or to be performed precedent to or in the issuance of this note, do exist, have happened, and have been performed in regular and due time, form and manner, and the amount of this note, and the issue of which this note is one, does not exceed any constitutional or statutory limitation.

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

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

Chair, County Council

ATTEST:

Clerk to County Council

[FORM OF REGISTRAR/PAYING AGENT'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

[REGISTRAR/PAYING AGENT] as Registrar/Paying Agent

By: _____
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Note, 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
Act _____
(state)

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

(FORM OF ASSIGNMENT)

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

(Name and Address of Transferee)

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

Dated: _____

Signature Guaranteed

(Authorized Officer)

Signature must be guaranteed by
a participant in the Securities Transfer
Agent Medallions Program (STAMP)

Notice: The signature to the assignment must correspond
with the name of the registered owner as it appears
upon the face of the within Note in every particular,
without alteration or enlargement or any change
whatever

FORM OF NOTICE OF SALE

NOTICE OF SALE
\$ _____ GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES _____
OF BEAUFORT COUNTY, SOUTH CAROLINA

Sealed, facsimile and electronic bids for the purchase of all but not part of the above notes (the "Notes") will be received by Beaufort County, South Carolina (the "County"), in the case of sealed and facsimile bids, at the offices of the County Administrator, _____, Beaufort, South Carolina, and in the case of electronic bids, via PARITY (as explained below) until _____ (Eastern Time) on _____, _____, 2012.

BID SUBMISSION: Sealed and facsimile bids must be submitted on bid forms furnished by the County. Sealed bids shall be enclosed in a sealed envelope marked on the outside "Proposal for the Purchase of the County of Beaufort County, South Carolina, \$ _____ General Obligation Bond Anticipation Notes, Series _____." Bids submitted by facsimile should be preceded by a cover sheet addressed to the Superintendent and should be sent only once to (843) _____. 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) 404-8102. The County, McNair Law Firm, P.A. and Ross, Sinclair & Associates, LLC shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

GOOD FAITH DEPOSIT: No good faith deposit will be required.

NOTE DETAILS: The Notes will be issued in book-entry form in the denomination of \$5,000 or any integral multiple thereof. The Notes will be dated as of _____, 2012, the expected date of delivery, and due on _____, 2009. Interest, calculated on the basis of a 360-day year of twelve 30-day months, will be payable at maturity on _____, 2009.

REDEMPTION PROVISIONS: The Notes are not subject to optional redemption prior to maturity.

RATINGS: Moody's and S&P ratings have been applied for.

INTEREST RATES: Bidders must specify the fixed rate of interest the Notes shall bear according to the following restrictions: (a) the interest rate may not exceed six percent (6%) and (b) the interest rate specified must be a multiple of 1/100th of one percent.

REGISTRAR/PAYING AGENT: Within twenty-four hours of the sale of the Notes, the County will designate a registrar/paying agent (the "Registrar/Paying Agent") for the Notes.

BASIS OF AWARD: The Notes will be awarded to the responsive bidder whose bid results in the lowest NET INTEREST COST (the "NIC") to the County. The NIC will be calculated as the total interest from _____, 2012 to _____, 2009, minus any premium. If two or more bids provide for the same lowest NIC, the County shall award the bid to the bidder whose bid is in the best interest of the County to be determined by the County in its sole discretion, and such determination shall be final. Any bid for less than par will be rejected. The County reserves the right to reject any and all bids and to waive informalities in any or all bids.

In order to calculate the yield on the Notes for federal tax law purposes and as a condition precedent to the award of the Notes, the successful bidder will be required to disclose to the County the price (or yield to maturity) at which the Notes will be reoffered to the public.

The Notes will be awarded or all bids will be rejected by no later than 2:00 P.M. (Eastern Time) on the day bids are opened, _____, 2012.

SECURITY: The full faith, credit and taxing power of the County and the proceeds derived from the sale of bonds are pledged to the payment of the principal of and interest on the Notes.

AUTHORIZATION: The Notes are being issued pursuant to Article X, Section 15 of the Constitution of the State of South Carolina, Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended, the favorable results of a referendum, and a resolution duly adopted by the County Council of the County on _____, 2012.

INTEREST AND PRINCIPAL PAYMENTS: Payment of principal of and interest on the Notes will be made directly by the Registrar/Paying Agent to Cede & Co., as the registered owner of the Notes and nominee for The Depository Trust Company ("DTC"), on _____, 2012, in immediately available funds.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Notes, but neither the failure to print such numbers on the Notes nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Notes.

DELIVERY AND PAYMENT: Delivery of the properly executed Notes is expected to be made through DTC on or about _____, 2012. Payment for the Notes shall be made in immediately available funds.

OFFICIAL STATEMENT: The Preliminary Official Statement, dated _____, 2012, has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule. Within seven (7) business days of the bid opening date, the County will deliver the final Official Statement to the successful bidder in sufficient quantity to comply with the Rule.

LEGAL OPINION AND CLOSING CERTIFICATES: The County will furnish upon delivery of the Notes: a Receipt for the Notes; a Signature and No-Litigation Certificate; a Rule 15c2-12 Certificate; a Federal Tax Certificate, and the approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, as Bond Counsel, all without cost to the purchasers.

INFORMATION FROM PURCHASER: At or before delivery, the purchaser of the Notes shall provide a certificate to the County in a form acceptable to Bond Counsel stating the information necessary to enable the County to determine the issue price of the Notes as defined in Section 1273 or 1274 of the Internal Revenue Code of 1986, as amended.

ADDITIONAL INFORMATION: The Preliminary Official Statement, Official Notice of Sale and Official Bid Form of the County with respect to the Notes are available via the internet at <http://www.i-dealprospectus.com> and will be furnished to any person interested in bidding for the Notes upon request to Francenia B. Heizer, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Official Notice of Sale as to the complete information concerning the Notes. For additional information, please contact the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, telephone (803) 799-9800, e-mail: fheizer@mcnair.net

_____, 2012

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"), in the _____, South Carolina, at 6:00 p.m. on Monday, _____, 2012.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bond Anticipation Notes of Beaufort County, South Carolina, in the principal amount of not exceeding \$2,500,000 (the "Notes"). The proceeds of the Notes will be used for the purposes of providing funds (i) to defray the costs of the acquisition of the building and real property known as the Myrtle Park County Administration building, located at 4815 Bluffton Parkway, Bluffton, South Carolina; and (ii) to pay the costs of issuance of the Notes.

The proceeds of general obligation bonds to be issued by the County will be used to pay the principal and interest on the Notes. In addition, 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 of 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 Notes.

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF ADOPTION OF AN ORDINANCE

NOTICE OF ADOPTION OF AN ORDINANCE

Notice is hereby given that on _____, 2012, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____ AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES TO PROVIDE FUNDS FOR THE ACQUISITION OF THE BUILDING AND REAL PROPERTY KNOWN AS THE MYRTLE PARK COUNTY ADMINISTRATION BUILDING, LOCATED AT 4815 BLUFFTON PARKWAY, BLUFFTON, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE NOTES; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTES; PROVIDING FOR THE PAYMENT OF THE NOTES AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance").

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.

By order of the Beaufort County Council, _____, 2012.

Chair, Beaufort County Council

**Committee Reports
March 26, 2012**

A. COMMITTEES REPORTING

1. Community Services

- ① Minutes are provided from the [March 19](#) meeting. Action is required.
See main agenda items 11F, 11G, 11H.

2. Finance

- ① Minutes are provided April 9 from the March 19 meeting. Action is required.
See main agenda items 11A, 11B, 11C, 11D, and 11E.

3. Public Facilities

- ① Solid Waste/Recycling Board

<i>Nominated</i>	<i>Name</i>	<i>Position/Area/Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
3.12.12	LaShonda Scott	Solid Waste District #5- Sheldon Township	Appoint	6/11

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, April 16 at 4:00 p.m., BIV#2

2. Executive

Weston Newton, Chairman

➔ Next Meetings – April 2012 - Topic: Status Report / Policy and Management Agendas 2012

3. Finance

Stu Rodman, Chairman

Rick Caporale, Vice Chairman

➔ Next Meeting – Monday, April 16 at 2:00 p.m., BIV #2

4. Governmental

Jerry Stewart, Chairman

Laura Von Harten, Vice Chairman

➔ Next Meeting – Monday, April 2 at 4:00 p.m., ECR

5. Natural Resources

Paul Sommerville, Chairman

Brian Flewelling, Vice Chairman

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

6. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

➔ Next Meeting – Tuesday, March 27 at 4:30 p.m., ECR

7. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

➔ Next Meeting – To be announced.

COMMUNITY SERVICES COMMITTEE

March 19, 2012

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

The Community Services Committee met on Monday, March 19, 2012 at 4:00 p.m., in the Conference Room, Building 2, Beaufort Industrial Village, 102 Industrial Village Road, Beaufort South Carolina.

ATTENDANCE

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

Public: Denise Draper, Community and Economic Development Specialist, Lowcountry Council of Governments; Alford Givens, Circle of Hope Coalition; Larry Holman, Circle of Hope Coalition; Libby Anderson, Beaufort City Planner; and Josalyn Staigar, Government Affairs Director, Hilton Head Island Area Association of REALTORS.

County staff: Morris Campbell, Division Director – Community Services; Alicia Holland, Comptroller; Josh Gruber, Staff Attorney; David Starkey, Chief Financial Officer; Gray Kubic, County Administrator; and Bryan Hill, Deputy County Administrator.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce; and Anne Christnovitch, *Island Packet/Beaufort Gazette*.

Councilman McBride chaired the meeting.

ACTION ITEMS

1. Circle of Hope Coalition and Beaufort County Partnership

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

Discussion: The Committee considered partnering with Circle of Hope Coalition, a non-profit group, to operate the Lind Brown Center after hours. Mr. Josh Gruber, Staff Attorney, is concerned there may be a precedent set; and although the non-profit concerned is held in high regard, other groups may wish to partner that are not as desirable. Mr. Kubic, County Administrator, said he supports the contract, one year with options, and the cost is minimal to the County.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Caporale, that Committee approve and recommend to Council authorizing the County Administrator to enter into a partnership between Circle of Hope Coalition and Beaufort County to lease the Charles Lind Brown Community Activity Center for a period of one year to provide evening programs and activities. The vote was: AYES – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Sommerville and Mr. Von Harten. ABSENT – Mr. Glaze. The motion passed.

Recommendation: Council authorize the County Administrator to enter into a partnership between the Circle of Hope Coalition and Beaufort County to lease the Charles Lind Brown Community Activity Center for a period of one year to provide evening programs and activities.

2. M.C. Riley Complex Multipurpose Field Lighting

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

Discussion: The Parks and Leisure Services Board met on February 2, 2012 and approved a proposal for lighting a multipurpose field at M.C. Riley Complex. The project cost of \$175,000; the funding source is Bluffton Park and Leisure Services Impact Fees.

Motion: It was moved by Ms. Von Harten, seconded by Mr. Caporale, that Committee approve and recommend to Council approval of the M.C. Riley Complex multipurpose field lighting project in the amount of \$175,000. The funding source is Bluffton Park and Leisure Services Impact Fees. The vote was: AYES – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. McBride, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

Recommendation: Council approve the M.C. Riley Complex multipurpose field lighting project in the amount of \$175,000. The funding source is Bluffton Park and Leisure Services Impact Fees.

3. Resolution to Distribute South Carolina Parks and Recreation Development Funds to Beaufort County Municipalities and 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. Joe Penale, Parks and Leisure Services Department Co-Director – Athletics and Aquatics Program, introduced Mrs. Libby Anderson, City of Beaufort planner, to partner with PALS to improve a city recreational facility, The Basil Green Complex. She hopes to increase parking by adding three additional parking areas. She hopes to have some Parks and Recreation Development (PAR) grant money. The Beaufort City will also donate an additional \$10,000.

Motion: It was moved by Mr. Sommerville, and seconded by Mr. Dawson, that Committee approve and recommend to Council adoption of a resolution to distribute South

Carolina Parks and Recreation Department funds to Beaufort County municipalities and Beaufort County as follows: (1) Beaufort County - \$35,535.56 (Basil Green Complex \$21,772.10 (2011 PARD funds)) (Bluffton Recreation Center (\$13,763.46 (2012 PARD funds)); (ii) City of Beaufort - \$4,974.97, Basil Green Complex; (iii) Town of Bluffton - \$5,039.59, DuBoise Park Phase I; (iv) Town of Hilton Head Island, \$14,795.71 Jarvis Creek; (v) Town of Port Royal - \$4,624.26, John S. Parker Playground (Casablanca Park). The vote was: AYES - Ms. Von Harten, Mr. Caporale, Mr. Baer, Mr. Caporale, Mr. McBride, and Ms. Von Harten. ABSENT – Mr. Glaze. The motion passed.

Recommendation: Council adopt a resolution to distribute South Carolina Parks and Recreation Department funds to Beaufort County municipalities and Beaufort County as follows: (1) Beaufort County - \$35,535.56 (Basil Green Complex \$21,772.10 (2011 PARD funds)) (Bluffton Recreation Center (\$13,763.46 (2012 PARD funds)); (ii) City of Beaufort - \$4,974.97, Basil Green Complex; (iii) Town of Bluffton - \$5,039.59, DuBoise Park Phase I; (iv) Town of Hilton Head Island, \$14,795.71 Jarvis Creek; (v) Town of Port Royal - \$4,624.26, John S. Parker Playground (Casablanca Park).

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