

COUNTY COUNCIL OF BEAUFORT COUNTY

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D. PAUL SOMMERVILLE
CHAIRMAN

STEWART H. RODMAN
VICE CHAIRMAN

COUNCIL MEMBERS

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RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
WILLIAM L. MCBRIDE
GERALD W. STEWART
ROBERTS "TABOR" VAUX, JR.
LAURA L. VON HARTEN

GARY KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA COUNTY COUNCIL OF BEAUFORT COUNTY Monday, September 22, 2014 4:00 p.m. Large Meeting Room, Bluffton Branch Library 120 Palmetto Way, Bluffton

Citizens may participate in the public comment periods and public hearings from telecast sites at County Council Chambers, Beaufort as well as Mary Field School, Daufuskie Island.

1. CAUCUS - 4:00 P.M.
 - A. Discussion of Consent Agenda
 - B. Discussion is not limited to agenda items
 - C. Executive Session
 1. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
 2. Receipt of legal advice for pending or threatened claims
2. REGULAR MEETING - 5:00 P.M.
3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INVOCATION – Councilwoman Cynthia Bensch
6. PROCLAMATIONS
 - A. Water Quality Protection Week
Mrs. Mary O'Neill, Historic Bluffton Arts and Seafood Festival
 - B. Archaeology Month
Mrs. Natalie Hefter, Coastal Discovery Museum
7. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – August 25, 2014 and September 8, 2014 ([backup](#))
 - B. Receipt of County Administrator's Two-Week Progress Report ([backup](#))



C. Committee Reports (next meeting)

1. Community Services (October 27 at 2:00 p.m., Hilton Head Island Branch Library)
2. Executive (December 8 at 2:00 p.m., ECR)
3. Finance (October 20 at 2:00 p.m., BIV #3)
 - a. Minutes – August 25, 2014 ([backup](#))
4. Governmental (October 6 at 4:00 p.m., ECR)
5. Natural Resources (October 13 at 2:00 p.m., ECR)
 - a. Minutes – September 2, 2014 ([backup](#))
6. Public Facilities (October 20 at 4:00 p.m., BIV #3)

D. Appointments to Boards and Commissions([backup](#))

8. PUBLIC COMMENT

9. CONSENT AGENDA

A. AUTHORIZATION TO APPROPRIATE \$200,000 (\$190,000 FINANCIAL CONTRIBUTION AND \$10,000 MEMBERSHIP DUES) TO THE LOWCOUNTRY ECONOMIC ALLIANCE

1. Governmental Committee meeting occurred September 16, 2014
2. Governmental Committee discussion and recommendation to approve occurred September 2, 2014 / Vote 5:1

B. A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BEAUFORT COUNTY, SOUTH CAROLINA, OF ITS HOSPITAL REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2014, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$21,000,000, PURSUANT TO THE PROVISIONS OF TITLE 44, CHAPTER 7, ARTICLE 11, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED ([backup](#))

1. Finance Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0

C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$21,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2014; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO ([backup](#))

1. Consideration of first reading to occur September 22, 2014
2. Public Hearing Announcement – Monday, October 13, 2014, beginning at 6:00 p.m. in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort
3. Finance Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0

- D. TALBERT & BRIGHT WORK AUTHORIZATION AT HILTON HEAD ISLAND AIRPORT / HXD ([backup](#))
1. Project: No. 2119-1405, Engineering and Planning Services for Airfield Stormwater Master Plan Project
 2. Cost of Services: The method of payment shall be in accordance with Article 6 of the contract. The work shall be performed in accordance with the Master Contract as a lump sum of \$47,376.00 including \$1,475.00 for expenses. Special services shall be performed on a not-to-exceed basis with a budget of \$113,850.00, which includes reimbursable expenses. For a total of \$162,701.00.
 3. Finance Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0
- E. TALBERT & BRIGHT WORK AUTHORIZATION AT HILTON HEAD ISLAND AIRPORT / HXD ([backup](#))
1. Project: No. 2119-1407, Removal of Tree Obstructions within the 20:1 and 30:1 Approaches to Runway 03 Project - \$177,828.47
 2. Cost of Services: The method of payment shall be in accordance with Article 6 of the Master Contract. The work shall be performed in accordance with the Master Contract as lump sum of \$177,828.47.
 3. Finance Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0
- F. CONDEMNATION OF THE EASEMENT FOR HONEYBEE ISLAND ROAD, DALE IN ORDER TO FACILITATE CONNECTION TO A COUNTY-OWNED PAVED ROAD ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0
- G. DESIGNATION OF TROTTERS LOOP ROAD, LADY'S ISLAND AS A PRIVATE ROAD ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0
- H. DESIGNATION OF OLD POLOWANA ROAD, ST. HELENA ISLAND AS A PRIVATE ROAD ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0
- I. PURCHASE OF FUEL FROM MANSFIELD OIL COMPANY ([backup](#))
1. Contract award: Mansfield Oil Company, Gainesville, Georgia
 2. Contract amount: \$2,700,000
 3. Funding source: Costs are charged to various County departments and outside agencies based on usage
 4. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote: 6:0.

- J. AN ORDINANCE AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR PIN DROP LANE, BEAUFORT ([backup](#))
1. Consideration of first reading to occur September 22, 2014
 2. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0

- K. CONDEMNATION REQUEST FOR EASEMENT AT CRYSTAL LAKE PARK PHASE 2 ([backup](#))
1. Public Facilities Committee discussion and recommendation to approve occurred September 15, 2014 / Vote 6:0

10. PUBLIC HEARINGS – 6:00 P.M.

- A. AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT ([backup](#))
1. Consideration of third and final reading to occur September 22, 2014
 2. Second reading approval occurred September 8, 2014 / Vote 9:1
 3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
 4. Finance Committee discussion and recommendation to approve occurred August 25, 2014 / Vote 6:0
 5. Finance Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 6:0
- B. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO ADJUST THE SCHOOL DISTRICT MILLAGE RATE FROM 101.70 TO 103.5 TO ACHIEVE THE SAME APPROPRIATED REVENUE AMOUNT OF \$114,868,815 TO BE DERIVED FROM TAX COLLECTIONS([backup](#))
1. Consideration of third and final reading to occur September 22, 2014
 2. Second reading approval occurred September 8, 2014 / Vote 8:2
 3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
 4. Finance Committee discussion occurred August 25, 2014 / Vote 4:1
 5. Finance Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 6:0
- C. AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES ([backup](#))
1. Consideration of third and final reading to occur September 22, 2014
 2. Second reading approval occurred September 8, 2014 / 9:1
 3. First reading approval occurred August 25, 2014 / Vote 10:0
 4. Public Facilities Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 7:0

D. AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS WITH THE BEAUFORT COUNTY SCHOOL DISTRICT ([backup](#))

1. Consideration of third and final reading to occur September 22, 2014
2. Second reading approval occurred September 8, 2014 / 9:1
3. First reading, by title only, approval occurred August 25, 2014 / Vote 10:0
4. Public Facilities Committee discussion and recommendation to approve occurred August 18, 2014 / Vote 7:0

11. COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator

- A. Presentation / Stormwater Management - Clean Water Act / MS4 ([backup](#))

12. PUBLIC COMMENT

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
September 8, 2014

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

CAUCUS

A caucus of the County Council of Beaufort County was held Monday, September 8, 2014 beginning at 4:00 p.m., in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Gerald Dawson, Brian Flewelling, Steven Fobes, William McBride, Gerald Stewart, Roberts "Tabor" Vaux and Laura Von Harten. Rick Caporale absent.

PLEDGE OF ALLEGIANCE

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

DISCUSSION ITEMS

Council discussed removing three items from the consent agenda:

An ordinance of Beaufort County Council creating a special tax assessment for rehabilitated historic properties in the municipal boundaries of the City of Beaufort.

An ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the School District millage rate from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections.

Authorization to appropriate \$200,000 (\$190,000 financial contribution and \$10,000 membership dues) to The Lowcountry Economic Alliance.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Ms. Von Harten, that Council go immediately into executive session regarding receipt of legal advice for pending or threatened claims. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

EXECUTIVE SESSION

REGULAR SESSION

The regular meeting of the County Council of Beaufort County was held Monday, September 8, 2014 beginning at 4:00 p.m., in Council Chambers of the Administration Building, Government Center, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Gerald Dawson, Brian Flewelling, Steven Fobes, William McBride, Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten. Rick Caporale absent.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilwoman Laura Von Harten gave the Invocation.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

ADMINISTRATIVE CONSENT AGENDA

County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from August 11, 2014 through August 22, 2014.

Committee Reports

Governmental Committee

Mr. Stewart, as Governmental Committee Chairman, announced a joint meeting of the Committee and member of the Lowcountry Economic Alliance Board on September 16, 2014 beginning at 4:00 p.m. in Council Chambers of the Administration Building.

Natural Resources Committee

Planning Commission

Mr. Flewelling, as Chairman of the Natural Resources Committee, nominated Mr. George Johnston, representing Comprehensive Plan Planning Area Lady's Island, to serve as a member of the Planning Commission.

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

PUBLIC COMMENT

The Chairman recognized Mrs. Phyllis White, School District Chief Operational Services Officer, who requested the County and School District work toward setting a standard collection and discount rate that is the same for both entities.

Mr. Jeffrey Moss, School District Superintendent, stated last year's collection rate was 97% and the District was about \$5.0 million short. The County recognizes that issue and builds that into its budget, which is sound financial planning. The District has asked for the same recognition.

Mr. William Ladson, a resident of Dale, submitted a petition containing 75 signatures requesting an adjustment to the traffic signal timing, at the intersection of Big Estate Road and Jacob White Road, to a minimum green time of 20 seconds to allow adequate time for crossing and turning.

Mr. Edgar Williams, a resident of Yemassee, asked Council to evaluate the traffic signal timing at the intersection of Big Estate Road and Jacob White Road. Please rename the Government Complex the "Robert Smalls Government Complex."

Mrs. Charlotte Pazant Brown, a graduate of Robert Smalls High School Class of 1967, asked Council to consider renaming the Government Complex the "Robert Smalls Government Complex."

Mr. George Singleton supports renaming the Government Complex the "Robert Smalls Government Complex."

Mr. John Dickerson, owner of Sleep in History, encouraged Council to adopt an ordinance creating a special tax assessment for rehabilitated historic properties in the municipal boundaries of the City of Beaufort, *a.k.a.*, The Bailey Bill.

Ms. Carolyn Bennett supports renaming the Government Complex the "Robert Smalls Government Complex."

Ms. Rose Bennett supports renaming the Government Complex the "Robert Smalls Government Complex."

Mr. Jim Williams supports renaming the Government Complex the "Robert Smalls Government Complex."

Ms. Margie Allen supports renaming the Government Complex the “Robert Smalls Government Complex.”

Mr. Herbert Glaze, a former member of County Council, spoke in support of renaming the Government Complex the “Robert Smalls Government Complex.” The main purpose of the School District is to educate the child. If you do not educate the child, you will jail the adult.

CONSENT AGENDA

AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve on second reading an ordinance establishing, developing and constructing multi-use recreation trails and restricting the use thereof for non-motorized activities. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing Monday, September 22, 2014, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS WITH THE BEAUFORT COUNTY SCHOOL DISTRICT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

The Chairman announced a public hearing Monday, September 22, 2014, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council approve on second reading an ordinance authorizing the Bluffton Township Fire District to give and receive mutual access easements with the Beaufort County School District. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT

Main motion: It was moved by Mr. Fobes, as Vice Chairman of the Finance Committee, that Council approve on second reading an ordinance of Beaufort County Council creating a special tax assessment for rehabilitated historic properties in the municipal boundaries of the City of Beaufort.

Motion to amend by addition: It was moved by Mrs. Bensch, seconded by Mr. Fobes, that Council amend the motion to include the Town of Port Royal.

Mr. Flewelling requested Council not include the Town of Port Royal until receipt of a program and their elected officials have passed an ordinance similar to the City of Beaufort.

Mrs. Bensch, as the maker of the motion to amend by addition, and Mr. Fobes, who seconded the motion, agreed to withdraw the motion.

Vote on the main motion: Council approve on second reading an ordinance of Beaufort County Council creating a special tax assessment for rehabilitated historic properties in the municipal boundaries of the City of Beaufort. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS - Mr. McBride. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing Monday, September 22, 2014, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO ADJUST THE MILLAGE RATE FROM 101.70 TO 103.5 TO ACHIEVE THE SAME APPROPRIATED REVENUE AMOUNT OF \$114,868,815 TO BE DERIVED FROM TAX COLLECTIONS

It was moved by Ms. Von Harten, seconded by Mr. Fobes, that Council approve on second reading an ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the millage rate from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections. The vote: YEAS - Mrs. Bensch, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Dawson and Mr. McBride. ABSENT – Mr. Caporale. The motion passed.

The Chairman announced a public hearing Monday, September 22, 2014, beginning at 6:00 p.m. in the large meeting room of the Bluffton Branch Library, 120 Palmetto Way, Bluffton, South Carolina.

AUTHORIZATION TO APPROPRIATE \$200,000 (\$190,000 FINANCIAL CONTRIBUTION AND \$10,000 MEMBERSHIP DUES) TO THE LOWCOUNTRY ECONOMIC ALLIANCE

It was moved by Mr. Vaux, seconded by Mr. Flewelling, that Council postpone consideration of a motion to appropriate \$200,000 (\$190,000 financial contribution and \$10,000 membership dues) to The Lowcountry Economic Alliance until after the September 16, 2014 joint meeting with The Lowcountry Economic Alliance. The vote: YEAS - Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Ms. Von Harten. ABSENT – Mr. Caporale. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Edgar Williams, a resident of Yemassee, who asked Council to consider renaming the Government Complex the “Robert Smalls Government Complex.”

Ms. Mary Cordray, a member of the Board of Education, stated that as of the 15th day of school there are 664 more students than last year at this time. That is equivalent to a new school and that is not included in the budget the District submitted to Council this operating year.

Ms. Charlotte Pazant Brown, a graduate of Robert Smalls High School Class of 1967, asked Council to consider renaming the Government Complex the “Robert Smalls Government Complex.”

Mr. Earl Campbell, a member of the Board of Education, stated if Council wants to expand the jail, it finds the money; but it cannot find the money to educate the children. This is sad.

Mr. Bill Payne, a member of the Board of Education, stated there is tremendous growth in Bluffton as well as other areas of this County. Please take into consideration the appropriate funding to educate our students properly.

ADJOURNMENT

Council adjourned at 6:05 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:

Official Proceedings
County Council of Beaufort County
August 25, 2014

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

CAUCUS

A caucus of the County Council of Beaufort County was held Monday, August 25, 2014 beginning at 4:00 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 D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Gerald Stewart, Roberts "Tabor" Vaux and Laura Von Harten. William McBride absent.

PLEDGE OF ALLEGIANCE

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

DISCUSSION ITEMS

Council discussed removing one item from the consent agenda: an ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the millage rate from 101.70 to an amount to be determined to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Stewart, seconded by Mr. Fobes, that Council go immediately into executive session for the purpose of receiving information regarding negotiations incident to proposed contractual arrangements and proposed purchase of property as well as receipt of legal advice for pending or threatened claims. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

Mr. Vaux recused himself, left the room, and was not present for any of the discussion regarding negotiations incident to proposed contractual arrangements.

EXECUTIVE SESSION

REGULAR SESSION

The regular meeting of the County Council of Beaufort County was held Monday, August 25, 2014 beginning at 4:00 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 D. Paul Sommerville, Vice Chairman Stewart Rodman and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Gerald Stewart, Roberts “Tabor” Vaux and Laura Von Harten. William McBride absent.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman Roberts “Tabor” Vaux gave the Invocation.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

ADMINISTRATIVE CONSENT AGENDA

Review of Proceedings of the Regular Meeting held August 11, 2014

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Fobes, seconded by Mrs. Bensch, that Council approve the minutes of the regular meeting held August 11, 2014. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from August 11, 2014 through August 22, 2014.

Deputy County Administrator’s Two-Week Progress Report

This item comes before Council under the Administrative Consent Agenda.

Mr. Gary Kubic, County Administrator, on behalf of the Deputy County Administrator, Mr. Bryan Hill, presented his Two-Week Progress Report, which summarized his activities from August 11, 2014 through August 22, 2014.

Committee Reports

Community Services Committee

It was moved by Mr. Vaux, seconded by Mr. Stewart, that Council approve the purchase of residential property located at 75 Lakes Crossing Drive, Bluffton in the amount of \$289,000 for the Disabilities and Special Needs Program. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

It was moved by Mr. Vaux, seconded by Mr. Stewart, that Council approve the purchase of residential property located at 210 Pinecrest Circle, Bluffton for the purchase price of \$285,000 for the Disabilities and Special Needs Program. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

Public Facilities Committee

It was moved by Mr. Dawson, seconded by Ms. Von Harten, that Council waive the right of first refusal on the purchase of the Beaufort County Voter Registration Building. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

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

PUBLIC COMMENT

The Chairman recognized Mrs. Kerstin Taylor, a resident of Bluffton, who stated Beaufort County roads and medians need cleaning. Bluffton Parkway has a large amount of sand and debris along the curb and the intersections have piles of trash from car accidents. There is trash in the medians on U.S. Highway 278.

Ms. Joni Dimond, a resident of Hilton Head Island, spoke of corruption in Beaufort County when Wexford Plantation sued her for interference with landscape maintenance workers.

Ms. Catherine Donaldson, a real estate agent representing Bluffton and Hilton Head Island, is opposed to the recommended or proposed increase in millage rate of the School District.

Mr. Bill Evans, Board of Education Chairman, stated the Board of Education passed a resolution August 19, 2014 requesting County Council establish a millage rate sufficient to generate revenue equal to the June 2014 appropriation amount. He submitted a proposal to create a process to establish millage value and rate.

Mr. Jeffrey Moss, School District Superintendent, stated Council should consider treating the School District in the same manner it treats itself, *i.e.*, the County tax collection discount rate is over 5%, while the District rate is 3%.

Mrs. Jocelyn Staigar, representing the Sun City Association of Realtors, is opposed to the recommended or proposed increase in millage rate of the School District.

Mr. Andy Twisdale, a resident of Hilton Head Island, is opposed to the recommended or proposed increase in millage rate of the School District.

Mrs. Geri Kinton, a member of the Board of Education, stated students cannot learn and teachers cannot teach in classrooms with 30+ students per teacher. The only way to meet the demands the millage rate will impose on the District, is to reduce teachers.

Mr. Walter Nester, a lawyer with the McNair Law Firm representing Cherokee Beaufort, LLC, thanked the Planning staff and the Development Agreement Subcommittee on this application and, asked Council to approve the Development Agreement this evening.

Ms. Cathie Rash, a resident of Hilton Head Island, stated there has to be some way that the 4% property owner can help support the schools, rather than to place the burden on 6% property owners and 10.5% business owners.

Mr. Sonny Huntley, a real estate broker and resident of Hilton Head Island, stated Council has a responsibility to all the citizens, not just the students or just the Board of Education. Council is saddled with the consequences of the onerous State Act 388. He implored Council to figure out some way to get around this issue of school funding, which is placing an onerous burden on 6% property owners and 10.5% business owners.

CONSENT AGENDA

NWN CORPORATION SMARTNET LICENSE CONTRACT RENEWAL FOR MIS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Community Services Committee.

It was moved by Mr. Flewelling (no second required), that Council award a contract renewal to NWN Corporation, Greensboro, North Carolina for a Smartnet license in the amount of \$173,000. Funding for this renewal will come from account 10001150-51110, Maintenance Contracts. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

MANATRON, INC. ANNUAL MAINTENANCE SUPPORT CONTRACT RENEWAL FOR MIS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Finance Committee.

It was moved by Mr. Flewelling (no second required), that Council award a contract renewal to Manatron, Inc., Chicago, Illinois for annual maintenance and support for the property tax software used by the Treasurer, Assessor, and Auditor Departments in the amount of \$163,630. Funding for this renewal will come from account 10001150-51110, Maintenance Contracts. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

COMPUCOM MICROSOFT LICENSE SUPPORT CONTRACT RENEWAL FOR MIS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Finance Committee.

It was moved by Mr. Flewelling (no second required), that Council award a contract renewal to CompuCom, Dallas, Texas to provide Microsoft license support in the amount of \$139,468. Funding for this renewal will come from account 10001150-51110, Maintenance Contracts. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Finance Committee.

It was moved by Mr. Flewelling (no second required), that Council approve on first reading, by title only, an ordinance of Beaufort County Council creating a special tax assessment for rehabilitated historic properties in the municipal boundaries of the City of Beaufort. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr.

Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

BUCKWALTER REGIONAL PARK COMMUNITY CENTER PHASE 2 EXPANSION DESIGN BUILD PROJECT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling (no second required), that Council award a contract to Mashburn Construction Company, Inc., Charleston, South Carolina to design and build the Phase 2 Expansion in the amount of \$6,100,000. Funding would come from Bluffton Parks and Leisure Services impact fees. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

GOVERNMENT COMPLEX PARKING LOT STORMWATER RETROFIT PROJECT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling (no second required), that Council award a contract to JS Construction, Bluffton, South Carolina in the amount of \$299,653 for the County Government Complex parking lot stormwater retrofit. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

DRAINAGE EASEMENT ACQUISITION POLICY

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling (no second required), that Council adopt the Standard Operating Procedure for the acquisition of all drainage easements and maintenance of the stormwater system. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling (no second required), that Council approve on first reading an ordinance establishing, developing and constructing multi-use recreation trails and restricting the use thereof for non-motorized activities. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS WITH THE BEAUFORT COUNTY SCHOOL DISTRICT

This item comes before Council under the Consent Agenda. Discussion occurred at the August 18, 2014 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling (no second required), that Council approve on first reading an ordinance authorizing the Bluffton Township Fire District to give and receive Mutual Access Easements with the Beaufort County School District. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO ADJUST THE MILLAGE RATE FROM 101.70 TO AN AMOUNT TO BE DETERMINED TO ACHIEVE THE SAME APPROPRIATED REVENUE AMOUNT OF \$114,868,815 TO BE DERIVED FROM TAX COLLECTIONS

Main motion: It was moved by Mr. Caporale, as Finance Committee Chairman, no second required, that Council approve on first reading an ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the millage rate from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections.

Motion to amend by substitution: It was moved by Mr. Dawson, seconded by Ms. Von Harten, that Council adjust the millage rate from 101.70 to 105.28. The vote: YEAS – Mr. Dawson, Mr. Fobes and Ms. Von Harten. NAYS - Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion failed.

Vote on the main motion: Council approve on first reading an ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the millage rate from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections. The vote: YEAS - Mr. Caporale, Mr. Flewelling, Mr. Rodman, Mr. Stewart and Mr. Vaux. NAYS – Mrs. Bensch, Mr. Dawson, Mr. Fobes, Mr. Sommerville and Ms. Von Harten. ABSENT – Mr. McBride. The motion failed.

Motion to reconsider: It was moved by Ms. Von Harten, seconded by Mr. Fobes, that Council reconsider the main motion to adjust the millage rate from 101.70 to 103.5. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr.

Stewart, Mr. Vaux and Ms. Von Harten. NAYS – Mr. Dawson. ABSENT – Mr. McBride. The motion failed.

Main motion: It was moved by Ms. Von Harten, seconded by Mr. Fobes, that Council approve on first reading an ordinance to amend Beaufort County Ordinance No. 2014/15 so as to adjust the millage rate from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

PUBLIC HEARING

AN ORDINANCE TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN CHEROKEE BEAUFORT, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, AND THE COUNTY OF BEAUFORT, SOUTH CAROLINA PURSUANT TO SECTION 6-31-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED

The Chairman opened the second of two required public hearings at 6:00 p.m. for the purpose of receiving public comment on an ordinance to approve a Development Agreement between Cherokee Beaufort, LLC, a South Carolina Limited Liability Company, and the County of Beaufort, South Carolina pursuant to Section 6-31-30 of the *Code of Laws of South Carolina*, 1976, as amended. 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. Flewelling (no second required), that Council approve on third and final reading an ordinance to approve a Development Agreement between Cherokee Beaufort, LLC, a South Carolina Limited Liability Company, and the County of Beaufort, South Carolina pursuant to Section 6-31-30 of the Code of Laws of South Carolina, 1976, as amended. The vote: YEAS - Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Rodman, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. ABSENT – Mr. McBride. The motion passed.

COUNTY ADMINISTRATOR'S REPORT

Retirement of Wlodek Zaryczny

Mr. Gary Kubic, County Administrator, announced Mr. Wlodek Zaryczny, Library Director, has submitted his desire to retire. This individual dedicated his life to library service. He had led the way to the very innovative and well done St. Helena Island Branch Library, utilizing federal, state and local resources; but, more importantly, opening our arms up to the Penn Center Board of Directors and the community to have a role in the design of this state-of-the-art library. On behalf of the County, Mr. Kubic wishes Mr. Zaryczny and his family all the best on behalf of County Administration and Council.

Farewell of Bryan Hill

Mr. Gary Kubic, County Administrator, announced that Mr. Bryan J. Hill, Deputy County Administrator, has accepted the position of County Administrator in James City County, Virginia. Mr. Hill is simply the best. We owe him a round of applause.

PUBLIC COMMENT

The Chairman recognized Mrs. Jocelyn Staigar, representing the Sun City Association of Realtors, who said the whole discussion about the School District millage is not about realtors and schools. This is a discussion about the County as a whole. We have to stop pitting schools against businesses.

ADJOURNMENT

Council adjourned at 6:48 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST _____
Suzanne M. Rainey, Clerk to Council

Ratified:



Memorandum

DATE: September 19, 2014

TO: County Council

FROM: Gary Kubic, County Administrator *Gary Kubic*

SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place September 8, 2014 through September 19, 2014:

September 8, 2014

- Employee orientation
- Meeting with Councilman Brian Flewelling
- Conference call with Josh Gruber, County Attorney, and Morris Campbell, Director of Community Services re: Beaufort County Senior Services Program
- Meeting with Councilwoman Cynthia Bensch
- Caucus meeting
- County Council meeting

September 9, 2014

- Meeting with Josh Gruber, County Attorney; Tony Criscitiello, Division Director-Planning and Development; Amanda Flake, Natural Resource Planner; and Robert Lee, Executive Director of Heroes on Horseback re: Okatie Park
- Staff meeting with Josh Gruber, County Attorney; Audra Antonacci, Director of Code Enforcement; and Chuck Atkinson, Director of Building Codes re: 16 Dory Court (Riverbend) unfit dwelling complaint
- Staff meeting with Josh Gruber, County Attorney, and Mark Roseneau, Director of Facilities Management re: Potential lease at City of Beaufort Complex
- Meeting with Rob McFee, Division Director-Engineering and Infrastructure, and Eric Larson, Stormwater Manager re: East and West Morgan Roads – Acceptance into County Road Program

September 10, 2014

- Development Agreement Subcommittee of Natural Resources Committee meeting (Osprey Point)
- Meeting with Scott Dadson, City Manager
- Meeting with Councilman Jerry Stewart

September 11, 2014

- Meeting with Josh Gruber, County Attorney; Robert McFee, Division Director - Engineering and Infrastructure; and Van Willis, Port Royal Town Manager re: Spanish Moss Trail

September 12, 2014

- Staff meeting with Josh Gruber, County Attorney; Eric Larson, Stormwater Manager; and Alicia Holland, Chief Financial Officer re: Stormwater fees
- Meeting with Ivan Glover re: Public Works issues

September 15, 2014

- Compensation Review Subcommittee meeting
- Finance Committee meeting
- Public Facilities Committee meeting

September 16, 2014

- Meeting with Department Heads
- Development Agreement Subcommittee of Natural Resources Committee meeting (Osprey Point)
- Joint meeting of Governmental Committee and Lowcountry Economic Alliance

September 17, 2014

- Meeting with Ed Hughes, Assessor, and Doug Henderson, Treasurer re: John Faulkner property tax issues
- Agenda review with Chairman, Vice Chairman, and Executive Staff re: Review draft agenda for September 22, 2014 Council meeting

September 18, 2014

- Meeting with John Faulkner re: Property tax issues
- Beaufort County / Town of Bluffton bimonthly meeting re: County / Town issues

September 19, 2014

- Public Works departmental visit

FINANCE COMMITTEE

August 25, 2014

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

The Finance Committee met Monday, August 25, 2014 beginning at 2:00 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman Rick Caporale, Vice Chairman Steven Fobes and members Brian Flewelling, Paul Sommerville, Stu Rodman and Jerry Stewart. Non-Committee members Cynthia Bensch, Gerald Dawson and Laura Von Harten present. Committee member William McBride absent. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Morris Campbell, Division Director-Community Services; Joshua Gruber, County Attorney; Gary Kubic, County Administrator; Dan Morgan, MIS Director; Dave Thomas, Purchasing Director; and Wlodek Zaryczny, Library Director.

School District: Bill Evans, Chairman, Board of Education; Jeffrey Moss, Superintendent, and Phyllis White, School District Chief Operational Services Officer.

Councilman Caporale chaired the meeting.

ACTION ITEM

1. Presentation / Beaufort County School District

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

Discussion: Mr. Bill Evans, Board of Education Chairman, introduced Mrs. Phyllis White, District Chief Operations Officer, and Dr. Jeffrey Moss, Superintendent, who provided the Committee with a PowerPoint presentation on the District's millage analysis versus County's staff millage estimate. The millage rate established by Ordinance 2014/15 was 101.7. The District estimates a mill rate of 105.69 in order to generate the appropriated revenue of \$114,868,815. The County provided an estimate of 105.28 mills. Discussions regarding the following occurred:

- Discount rate for the County Council's budget and the School District's budget
- Value of the mill
- Comparison between number of mills set and collections

Mr. Kubic stated he sees a learning experience here. He likes to look at the demographics, which can develop a clear trend, which establishes stability in this process. Do we want to go through this type of debate next year? He had the Assessor run a report on the history of the 4% and 6% properties in Beaufort County for a ten-year period commencing in 2005. The reasoning was to see if we could extrapolate a trend of conversion. Those reports showed we had 95,000 6% properties in 2005, and in 2014, we have 83,000. The reserve policy is there because we only know one thing is that "the certainty in the system is uncertain." We do not know what will happen today forward. The next challenge is the stability of a system that will attack that gap. The County's margin from actual revenue received to appropriated revenue is less than 2%. He challenged anyone to look at estimates and come in with 98% spent and 2% savings. We need to focus in on how to utilize the reserve policy in this discussion.

Motion: It was moved by Mr. Sommerville, seconded by Mr. Fobes, that Finance Committee approve and recommend Council approve on first reading an amendment to Ordinance 2014/15 that would change the School Operations millage rate from 101.70 to 105.28 in order to produce tax collections in the amount of \$114,868,815. The vote: YEAS – Mr. Fobes and Mr. Sommerville. NAYS – Mr. Caporale, Mr. Flewelling, Mr. Rodman and Mr. Stewart. ABSENT – Mr. McBride. The motion failed.

Mr. Caporale suggested meeting halfway between the mill amount established by ordinance and the School District is estimated mills needed to generate revenue needed.

Motion: It was moved by Mr. Rodman, seconded by Mr. Stewart, that Finance Committee approve and recommend Council approve on first reading an amendment to Ordinance 2014/15 that would change the School Operations millage rate from 101.70 to 103.50 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections. In addition, Finance Committee will commit to reviewing a process for establishing the millage rate and value. The vote: YEAS – Mr. Caporale, Mr. Flewelling, Mr. Rodman and Mr. Stewart. NAYS – Mr. Fobes and Mr. Sommerville. ABSENT – Mr. McBride. The motion passed.

Recommendation: Council approve on first reading an amendment to Ordinance 2014/15 that would change the School Operations millage rate from 101.70 to 103.50 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections. In addition, Finance Committee will commit to reviewing a process for establishing the millage rate and value.

INFORMATION ITEMS

2. Consideration of Contract Award / Hilton Head Island Branch Library Audio Acoustical Renovation Project (>100,000)

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

Discussion: Mr. Morris Campbell, Division Director – Community Services, reviewed this contract award with the Committee. This award is for the installation of sound proofing material for the Hilton Head Island Branch Library’s large meeting room and adjacent hallway, carpet in the hallway, new electrical outlets and modification of the audio control workroom in the back of the meeting room. A mandatory pre-bid meeting was held on February 27, 2014 at the Hilton Head Island Branch Library with only one contractor attending, Beaufort Construction, Inc., Beaufort, South Carolina. They submitted a bid in the amount of \$80,505 to be funded by Hilton Head Island Library Impact Fees Fund-Renovations to Existing Buildings, Account 26000011-54420.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Finance Committee award a contract to Beaufort Construction, Inc., Beaufort, South Carolina in the amount of \$80,505 for the Hilton Head Island Library Audio Acoustical Renovation Project. Funding will come from the Hilton Head Island Library Impact Fees Fund-Renovations to Existing Buildings, Account 26000011-54420. The vote: YEAS – Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. Rodman and Mr. Stewart. ABSENT – Mr. McBride. The motion passed.

Status: Committee awarded a contract to Beaufort Construction, Inc., Beaufort, South Carolina in the amount of \$80,505 for the Hilton Head Island Library Audio Acoustical Renovation Project. Funding will come from the Hilton Head Island Library Impact Fees Fund-Renovations to Existing Buildings, Account 26000011-54420.

3. Discussion / Bailey Bill Ordinance

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

Discussion: County Attorney Joshua Gruber reviewed this item with the Committee. This issue came before the Committee previously and the Committee did forward it to County Council. At that time, there was not an ordinance attached to that recommendation in order to proceed forward. It was not specifically clarified that the ordinance in front of the City of Beaufort was the same language the County would like to move forward.

Mr. Flewelling stated his previous recommendation was to forward the resolution the City of Beaufort used with the appropriate modifications for County language.

Mr. Kubic stated at the agenda review meeting, he asked for clarification if the ordinance before Council for consideration would be a complete umbrella ordinance that would apply to all municipalities as well as all unincorporated areas. If Bluffton wanted to come forward with a special tax district, we are in a position with this legislation to accommodate the request.

Mr. Flewelling suggested due to time constraints, to move forward with approving the City of Beaufort resolution, and delay action on a comprehensive ordinance to allow adequate time for discussions with our other counterparts.

Status: Information only.

DRAFT

NATURAL RESOURCES COMMITTEE

September 2, 2014

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

The Natural Resources Committee met Tuesday, September 2, 2014 beginning at 2:00 p.m., in the Executive Conference Room of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Cynthia Bensch and members Gerald Dawson, William McBride, Jerry Stewart, Tabor Vaux and Laura Von Harten present. Non-committee members Stewart Rodman and Paul Sommerville present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County Staff: Tony Criscitiello, Division Director–Planning and Development, and Joshua Gruber, County Attorney.

Public: Reed Armstrong, Beaufort Office of the Coastal Conservation League; Marvin Day; Dickson; Louis Hammett, Lawyer; Jonathan Mullen, Lawyer; Sandra Simmons; David Tedder, Lawyer; Jim Tiller, Osprey Point; and Joshua Tiller, Osprey Point applicant.

Media: Joe Croley, Hilton Head Island-Bluffton Chamber of Commerce, and Zach Murdaugh, *The Island Packet/The Beaufort Gazette*.

Mr. Flewelling chaired the meeting.

ACTION ITEM

1. Reappointments and Appointments
 - Planning Commission

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

Motion: It was moved by Mr. Sommerville, seconded by Mr. Stewart, that Natural Resources Committee recommend Council nominate George Johnston, representing Comprehensive Plan Planning Area Lady's Island, to serve as a member of the Planning Commission. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Sommerville, Mr. Stewart, Mr. Vaux and Ms. Von Harten. NAYS - Mrs. Bensch. The motion passed.

Recommendation: Council nominate George Johnston, representing Comprehensive Plan Planning Area Lady's Island, to serve as a member of the Planning Commission.

INFORMATION ITEMS

2. Chairman's Remarks / Acknowledgement of Receipt of Request for Consideration by Chairman Sommerville Regarding the Offloading and Processing of Cannonball Jellyfish in Beaufort County

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

Discussion: Committee Chairman Brian Flewelling reviewed this item with the Committee. This is a request to change the Community Development Code as it relates to Village Overlay Districts.

Mr. Tony Criscitiello, Division Director – Planning and Development, stated this item would be reviewed by the Planning Commission on Thursday, September 4, 2014 beginning at 6:00 p.m. The recommendation of the Commission will then be forwarded back the Natural Resources Committee for consideration.

Status: Information only.

3. Consideration / Osprey Point

- **Southern Beaufort County Planned Unit Development (PUD) Amendment for Osprey Point (R603-013-000-0006-0000) (119.75 acres along S.C. Highway 170, Bluffton); Owner: LCP III LLC (J. Nathan Duggins III), Applicant/Agent: Joshua Tiller**
- **Osprey Point Development Agreement**

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

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, provided the Committee an overview of this request. Osprey Point Planned Unit Development (PUD) is part of a larger coordinated PUD that included Okatie Marsh, Osprey Point and River Oaks. Okatie Marsh was acquired as part of the Rural and Critical Lands Program. River Oaks is not ready for development. Due the current outcome of the other two developments, an amendment to the Master Plan is being requested.

Committee Chairman Brian Flewelling informed the Committee that this item has not gone through the Development Agreement Subcommittee for review and recommendation. He requests no action be taken until the Subcommittee brings forth a recommendation.

Status: This item will be reviewed by the Development Agreement Subcommittee.

4. Consideration / Community Development Code Proposal

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

Discussion: Mr. Tony Criscitiello, Division Director – Planning and Development, presented the Committee with a plan that provides an example of what is permitted by-right development under the current Code. He then presented the Committee with a plan of the same example parcel with the proposed Community Development Code applied. This exercise demonstrates how closely the two codes match. The compatibility between the current ZDSO and the proposed Community Development Code are becoming visibly consistent. Mr. Criscitiello reviewed all questions and concerns with the Committee.

Status: No action required.

5. Reappointments and Appointments

- Northern Corridor Review Board

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

Status: No nominations at this time.

6. Reappointments and Appointments

- Rural and Critical Lands Preservation Review Board

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

Status: No nominations at this time.

7. Reappointments and Appointments

- Southern Corridor Review Board

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

Status: No nominations at this time.

8. Reappointments and Appointments

- Stormwater Management Utility Board

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

Status: No nominations at this time.

9. Executive Session

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

Motion: It was moved by Mr. Stewart, seconded by Mr. McBride, that Natural Resources Committee go immediately into executive session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote: YEAS – Mrs. Bensch, Mr. Dawson, Mr. Flewelling, Mr. McBride, Mr. Stewart, Mr. Vaux and Ms. Von Harten. The motion passed.

DRAFT

**REAPPOINTMENTS AND APPOINTMENTS
TO
BOARDS AND COMMISSIONS**

September 22, 2014

1. Natural Resources Committee

① Planning Commission

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
09.08.14	George Johnston	Comprehensive Plan Planning Area - Lady's Island	Appoint	6 of 11 (1 st term)

2. Public Facilities Committee

① Seabrook Point Special Purpose Tax District

<i>Nominate</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint/Appoint</i>	<i>Votes Required</i>
09.22.14	Clifford Dey	At-Large	Appoint	6 of 11 (1 st term)
09.22.14	Marvin Goodwin	At-Large	Appoint	6 of 11 (1 st term)

RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BEAUFORT COUNTY, SOUTH CAROLINA, OF ITS HOSPITAL REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2014, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$21,000,000, PURSUANT TO THE PROVISIONS OF TITLE 44, CHAPTER 7, ARTICLE 11, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.

WHEREAS, Beaufort County, South Carolina (the "**County**"), acting by and through its County Council (the "**County Council**"), is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "**Act**"), to promote the public health and welfare by providing for the constructing, equipping and providing of hospital facilities to serve the people of the State of South Carolina (the "**State**") and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities; and

WHEREAS, the County is further authorized to issue revenue bonds, defined in the Act to include notes, for the purpose of defraying the cost of providing hospital facilities, made or given by a hospital or public agency for the cost of hospital facilities; and

WHEREAS, the County is further authorized to make the proceeds of any revenue bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement; and

WHEREAS, the County is further authorized to pledge or assign any money, rents, charges, fees or other revenues, including any proceeds of insurance or condemnation awards pursuant to any loan agreement to the payment of the bonds issued pursuant to such loan agreement; and

WHEREAS, Beaufort County Memorial Hospital, d/b/a Beaufort Memorial Hospital (the "**Hospital**") is duly organized under the laws of the State established pursuant to Act No. 1197 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1966, as amended ("**Act 1197**"), and is a "public agency" within the meaning of such term in the Act; and

WHEREAS, Act 1197 authorizes the County to issue revenue bonds for the purpose of providing hospital facilities for the residents of the County, which facilities are to be operated by the Hospital; and

WHEREAS, the Board of Trustees (the "**Board**") of the Hospital has advised the County that the Board has determined that it is necessary to finance the acquisition, construction, renovation, improvement, and equipping of hospital facilities more fully described on **Exhibit A** attached hereto (the "**Project**") in order to provide adequate hospital and other healthcare facilities for citizens of the County and surrounding areas; and

WHEREAS, in order to provide funds necessary for such purpose, the Board has requested that the County make provision for the issuance of not exceeding \$21,000,000 aggregate principal amount Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014 (the "**Series 2014 Bonds**") payable from revenues derived by the Board from the operation of its hospital facilities; the proceeds of the 2014 Bonds, along with other funds, will be used to pay for the Project and certain costs of issuance of the 2014 Bonds; and

WHEREAS, the County proposes to issue the Series 2014 Bonds under and pursuant to the Act, and to make certain of the proceeds of the Series 2014 Bonds available to the Hospital by way of a loan for the purpose of undertaking the Project and paying certain costs of issuance of the Series 2014 Bonds; and

WHEREAS, the Project constitutes “Hospital Facilities” as defined in the Act; and

WHEREAS, it is now deemed advisable by the County Council to file with the State Budget and Control Board, in compliance with Section 44-7-1590 of the Act, the petition of the County requesting approval of the proposed financing by the State Budget and Control Board;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared as follows:

(a) The County Council constitutes the “County Board” as that term is defined in the Act.

(b) The Hospital is a public agency as defined in the Act with established credit and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Bond Purchase and Loan Agreement by and among the County, the Hospital, and a financial institution as purchaser with respect to the Series 2014 Bonds (the “*Purchase Agreement*”); and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Purchase Agreement with respect to the Series 2014 Bonds.

(c) Adequate provisions shall be made for the payment of principal of, interest thereon and premium, if any, on the Series 2014 Bonds, and any necessary reserves therefor, and for the operation, repair and maintenance of the Hospital Facilities financed with the proceeds of the Series 2014 Bonds at the expense of the Hospital.

(d) The public facilities, including utilities and public services necessary for the Hospital Facilities, will be made available to the Project financed with the Series 2014 Bonds.

(e) The issuance of the Series 2014 Bonds will subserve the purposes and in all respects conform to the provisions and requirements of the Act.

(f) Neither the Hospital Facilities financed with a portion of the proceeds of the Series 2014 Bonds, nor any documents or agreements entered into by the County in connection therewith will constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

(g) The issuance of the Series 2014 Bonds in the aggregate principal amount of not exceeding \$21,000,000 will be required in order to loan the proceeds thereof to the Hospital for the purpose of defraying the cost of the Project.

Section 2. There is hereby authorized and directed to be submitted, on behalf of the County, a petition of this County Council requesting the approval of the proposed financing by the State Budget and Control Board pursuant to the provisions of Section 44-7-1590 of the Act, said petition to be in substantially

the form attached hereto as **Exhibit B** with such changes, insertions and omissions as may be approved by the Chairman of County Council, said execution being conclusive evidence of such approval.

Section 3. The Chairman of the County Council is hereby authorized and directed to execute said petition in the name and on behalf of the County and the Clerk to County Council is hereby authorized and directed to affix the seal of the County Council to said petition and to attest the same and thereafter to submit an executed copy of this resolution along with said petition to the State Budget and Control Board in Columbia, South Carolina.

Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed and this Resolution shall take effect and be in full force from and after its passage and approval.

Passed and approved this 22nd day of September, 2014.

BEAUFORT COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

EXHIBIT A

The Project consists of (i) the acquisition of the Beaufort Medical Plaza, an existing 61,175 square foot medical office building located on the Hospital's main campus in Beaufort, South Carolina, (ii) the acquisition of a 13,628 square foot outpatient surgery center located near the Hospital's campus, (iii) acquiring certain hospital equipment, and (iv) reimbursement for certain capital expenditures related to the above capital improvements.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

)
TO THE STATE BUDGET AND CONTROL)
)
BOARD OF SOUTH CAROLINA)
_____)

PETITION

This Petition of the County Council (the **“County Board”**) of Beaufort County, South Carolina (the **“County”**), is submitted pursuant to Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the **“Act”**), and specifically Section 44-7-1590 thereof, and respectfully shows:

1. The County Board is the governing body of the County, and as such constitutes a “County Board” as referred to in the Act with respect to hospital facilities located in such County.

2. The Act, among other things, empowers the County, functioning through its County Board, subject to obtaining approval from the State Budget and Control Board (the **“State Board”**), required by Section 44-7-1590 of the Act and from the Department of Health and Environmental Control (**“DHEC”**), if applicable, required by Section 44-7-1490 of the Act to enter into agreements with any hospital agency or public agency necessary or incidental to the issuance of bonds as defined in the Act to include notes; to enter into loan agreements with any hospital agency or public agency, prescribing the payments to be made by the hospital agency or public agency to the County or its assignee to meet the payments that shall become due on the bonds, including terms and conditions relative to the acquisition and use of hospital facilities and the issuance of bonds; to issue bonds for the purpose of defraying the cost of providing hospital facilities and to secure the payment of such bonds; to issue bonds to refinance or refund outstanding obligations, mortgages or advances heretofore or hereafter issued, made or given by a hospital agency or public agency for the cost of hospital facilities; and to make the proceeds of any bonds available by way of a loan to a hospital agency or public agency pursuant to a loan agreement.

3. The County Board has agreed with Beaufort County Memorial Hospital, d/b/a Beaufort Memorial Hospital, a public agency under the Act (the **“Hospital”**), having hospital facilities as defined in the Act in the County, that the County Board will undertake to issue not exceeding \$21,000,000 Beaufort County, South Carolina, Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014 (the **“Series 2014 Bonds”**), pursuant to the Act, to undertake certain additions, improvements and renovations to the Hospital’s facilities in the County, including (i) the acquisition of the Beaufort Medical Plaza, an existing 61,175 square foot medical office building located on the Hospital’s main campus in Beaufort, South Carolina, (ii) the acquisition of a 13,628 square foot outpatient surgery center located near the Hospital’s campus, (iii) acquiring certain hospital equipment, and (iv) reimbursement for certain capital expenditures related to the above capital improvements (collectively, the **“Project”**) and pay certain costs of issuance in connection therewith.

4. The Project constitutes “Hospital Facilities” as defined in the Act.

5. The County Board has found and determined that:

(a) A portion of the proceeds of the Series 2014 Bonds will be used to defray the cost of the Project and there is a need for the Project to be located in the County.

(b) The Hospital is a public agency as defined in the Act with established credit and is financially responsible and capable of fulfilling its obligations and discharging its responsibilities which may be imposed under the Bond Purchase and Loan Agreement to be entered into by the County, the Hospital and a financial institution as purchaser with respect to the Series 2014 Bonds.

(d) Adequate provision shall be made for the payment of principal, interest, and redemption premium, if any, on the Series 2014 Bonds, and any necessary reserves therefor, and for the operation, repair and maintenance of the Hospital Facilities financed with the proceeds of the Series 2014 Bonds at the expense of the Hospital. The Hospital is unconditionally obligated to pay, as and when they become due and payable, amounts sufficient to pay the principal, interest and redemption premium, if any, on the Series 2014 Bonds. The Hospital is also obligated to pay the operation, repair and maintenance of the Hospital Facilities.

(e) The public facilities, including utilities and public services necessary for the Hospital Facilities, will be made available to the Project to be financed with the proceeds of the Series 2014 Bonds.

(f) The issuance of the Series 2014 Bonds will subserve the purposes and in all respects comply with the provisions and requirements of the Act.

(g) Neither the Project, the Series 2014 Bonds, nor any documents or agreements entered into by the County in connection therewith will constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation nor ever constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

6. Pursuant to Section 44-7-1590 of the Act, the County Board sets forth the following information:

(a) In connection with the Project, DHEC has issued its Certificates of Need with respect to any portion of the Project requiring a Certificate of Need as determined by DHEC.

(b) In general, the terms and conditions of the proposed Purchase Agreement for the Series 2014 Bonds provide that:

(i) The County will, at the request of the Hospital, issue its not exceeding \$21,000,000 Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014, to defray the cost of the Project, together with any interest, premium, if any, then or thereafter to become due, and certain other expenses to be incurred in connection therewith.

(ii) The Purchase Agreement contains no provisions imposing an indebtedness on the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

(iii) The Purchase Agreement contains provisions whereby the Hospital pledges and assigns to the County and agrees to pay to the bondholder, for the benefit of the County, certain gross revenues of the Hospital.

(iv) The Purchase Agreement contains covenants (i) obligating the Hospital to effect the completion of the Project if the proceeds of the Series 2014 Bonds prove insufficient, and (ii) obligating the Hospital to make payments which shall be sufficient (a) to pay the principal of and interest on the Series 2014 Bonds, (b) to build up and maintain any reserves deemed by the County Board to be advisable in connection therewith, and (c) to pay the costs of maintaining the Hospital Facilities financed with the proceeds of the Series 2014 Bonds in good repair and the cost of keeping all such Hospital Facilities, including the Project, properly insured.

Upon the basis of the foregoing, the County Board respectfully prays:

That the State Budget and Control Board (i) accept the filing of the Petition presented herewith; (ii) as soon as practicable, make such review as it deems appropriate of the Project, with any interest then or thereafter to become due, and certain other expenses to be incurred in connection therewith, and the terms and provisions of the Purchase Agreement, as it deems advisable; (iii) thereafter make a finding that the issuance of the Series 2014 Bonds to defray the cost of the Project is intended to promote the purposes of the Act and that it is reasonably anticipated the issuance of the Series 2014 Bonds will effect such results; (iv) make a finding that the proposed financing is economically feasible, and on the basis of such finding, approve the issuance of the Series 2014 Bonds in the principal amount of not exceeding \$21,000,000, including changes in any details of the said financing as finally consummated which do not materially affect the issuance of the Series 2014 Bonds, together with any interest and premium, if any, then or thereafter to become due, and certain other expenses to be incurred in connection therewith; and (v) give published notice of its approval in the manner set forth in Section 44-7-1590 of the Act.

Respectfully submitted,

(SEAL)

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Chairman, County Council

ATTEST:

By: _____
Clerk to County Council

Dated:

ORDINANCE

AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$21,000,000 AGGREGATE PRINCIPAL AMOUNT OF HOSPITAL REVENUE BONDS (BEAUFORT MEMORIAL HOSPITAL) SERIES 2014; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT; AUTHORIZING PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND OTHER MATTERS INCIDENTAL THERETO.

WHEREAS, Beaufort County, South Carolina (the "**County**"), acting by and through its County Council (the "**County Council**"), is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7, Article 11, Code of Laws of South Carolina 1976, as amended (the "**Act**"), to promote the public health and welfare by providing for the financing, refinancing, acquiring, enlarging, improving, constructing and equipping of hospital facilities (as defined in the Act) to serve the people of the State of South Carolina (the "**State**") and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities; and

WHEREAS, the County is further authorized to issue revenue bonds for the purpose of defraying the cost of providing hospital facilities made or given by a hospital or public agency for the cost of hospital facilities; and

WHEREAS, the County is further authorized to make the proceeds of any revenue bonds available by way of a loan to a hospital or public agency pursuant to a loan agreement; and

WHEREAS, the Beaufort County Memorial Hospital, d/b/a Beaufort Memorial Hospital (the "**Hospital**") is organized and existing under the laws of the State established pursuant to Act 1197 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1966 as amended, is empowered to operate and maintain hospital facilities, and is a "public agency" as defined in the Act; and

WHEREAS, the Board of Trustees (the "**Board**") of the Hospital has advised the County that the Hospital has deemed it necessary and desirable to undertake certain additions, improvements and renovations to its hospital facilities, including the acquisition of equipment therefor, and to reimburse the Hospital for certain prior capital expenditures heretofore incurred for hospital facilities which the Hospital expressed an intent to finance more fully described on **Exhibit A** attached hereto (collectively, the "**Project**") in order to provide adequate hospital and other healthcare facilities for citizens of the County; and

WHEREAS, in order to provide funds necessary for such purpose, the Board has requested that the County make provision for the issuance of not exceeding \$21,000,000 Beaufort County, South Carolina, Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014 (the "**Series 2014 Bonds**") payable from revenues derived by the Board from the operation of its hospital facilities; the proceeds of the 2014 Bonds, along with other funds, will be used to pay for the Project and certain costs of issuance of the 2014 Bonds; and

WHEREAS, the South Carolina Department of Health and Environmental Control ("**DHEC**") has issued Certificates of Need with respect to those items of the Project requiring a Certificate of Need as determined by DHEC; and

WHEREAS, the Hospital and the County propose to enter into a Bond Purchase and Loan Agreement with a financial institution selected by the Hospital dated as of the first day of the month in which the Series 2014 Bonds are delivered, or such other date as determined by the Hospital (the ***“Purchase Agreement”***), with respect to the financing of the Project; and

WHEREAS, the County desires to authorize the issuance of the Series 2014 Bonds for the purpose of defraying the cost of the Project, including reimbursing the Hospital for certain capital expenditures heretofore made by the Hospital which it expressed an intent to finance and paying costs of issuance; and

WHEREAS, the County and the Hospital now desire to proceed with the financing of the Project; and

WHEREAS, there have been prepared and submitted to the County the form of the Purchase Agreement;

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

Section 1. To defray the cost of the Project, including permitting the Hospital to be reimbursed for certain capital expenditures heretofore made which the Hospital expressed an intent to finance, the issuance of hospital revenue bonds to be designated “not exceeding \$21,000,000 Beaufort County, South Carolina, Hospital Revenue Bonds (Beaufort Memorial Hospital) Series 2014,” is hereby authorized subject to the provisions of this Ordinance and the Purchase Agreement. The Series 2014 Bonds shall be dated; shall be issued in such denominations; shall be payable as to principal, interest and redemption premium, if any; shall bear interest; shall mature; shall be in the form; and shall contain provisions for execution, authentication, payment, registration, redemption and numbering as shall be set forth in the Purchase Agreement.

Section 2. The Series 2014 Bonds shall be secured by a pledge effected by the Purchase Agreement and shall be limited obligations of the County payable solely from and secured by a pledge of the gross revenues and receipts derived by the County from or in connection with the Purchase Agreement hereinafter authorized. The Series 2014 Bonds do not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

Section 3. The form of the Purchase Agreement for the Series 2014 Bonds and as submitted to this meeting and appended hereto as ***Exhibit B*** and made a part of this Ordinance as though set forth in full herein, be and the same are hereby approved. The Chairman of the County Council (the ***“Chairman”***) is hereby authorized and directed to execute and deliver the Purchase Agreement with such changes, insertions and omissions as may be approved by said Chairman upon advice of counsel, said execution being conclusive evidence of such approval; and the Clerk of the County Council (the ***“Clerk”***) is hereby authorized and directed to affix the corporate seal of the County to the Purchase Agreement and to attest the same.

Section 4. The Chairman and the Clerk, and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver the tax agreement and any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. This Ordinance shall become effective and be in full force immediately.

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council

ATTEST:

Clerk to County Council

First Reading: September 22, 2014
Second Reading: October 13, 2014
Public Hearing: October 13, 2014
Third Reading: October 27, 2014

EXHIBIT A

The Project consists of (i) the acquisition of the Beaufort Medical Plaza, an existing 61,175 square foot medical office building located on the Hospital's main campus in Beaufort, South Carolina, (ii) the acquisition of a 13,628 square foot outpatient surgery center located near the Hospital's campus, (iii) acquiring certain hospital equipment, and (iv) reimbursement for certain capital expenditures related to the above capital improvements.

EXHIBIT B

FORM OF PURCHASE AGREEMENT

**HILTON HEAD ISLAND AIRPORT
HILTON HEAD ISLAND, SOUTH CAROLINA
WORK AUTHORIZATION 14-05
July 1, 2014
PROJECT NO.: TBI NO. 2119-1405**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

Description of Work Authorized: Talbert, Bright & Ellington, Inc. (TBE) will provide engineering and planning services for Airfield Storm Water Master Plan project at the Hilton Head Island Airport as described below. A basic topographic survey is proposed in this work authorization to provide the needed topography and planimetrics for this study and will not be in accordance with FAA Advisory Circular 150/5300-18B, *General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards*.

Task 1: Stormwater Master Plan Design Phase

TBE will provide the following stormwater master plan services to develop the overall airfield projects identified in the current CIP and to identify the proposed impacts to the existing linear conveyance ditch between Taxiway "F" and Runway 3-21, along with the associated regulatory permitting requirements:

- Coordinate with Beaufort County on proposed improvements and the likely impact to existing stormwater infrastructure.
- Develop conceptual stormwater plan to replace impacted stormwater infrastructure and provide for new stormwater BMPs.
- Use soils report and field surveying to prepare an updated storm-water model including:
 - Pre-post attenuation requirement for added impervious area
 - OCRM and Beaufort County first flush water quality analysis
 - Beaufort County Volume Control Analysis
- Update the proposed ditch fill cross section based on the results of the geotechnical study, the topographic survey, and the revised storm-water model.
- Prepare written Stormwater Master Plan Report to include stormwater model results and exhibits

Task 2: Geotechnical Investigation

The following additional Geotechnical information will be provided to support the engineering and permitting process:

- Estimation of current groundwater elevation in project area
- Estimation of seasonal high groundwater elevation using analysis of soils mottling
- Infiltration rate using double ring infiltrometer test

The above Geotechnical tests are known to be needed at three locations within the existing ditch between Taxiway “F” and Runway 3-21: northeast end of existing ditch, southwest end of existing ditch, and center of existing ditch. Additional bore locations may be needed depending on the results of the Stormwater Master Plan phase.

Task 3: Topographic Surveying

TBE will provide the following surveying services related to supporting the design and permitting for the proposed stormwater design and wetland impacts:

- Topographic 75-ft cross-sections of both ditches onsite
- Existing drainage pipes from Western to Eastern edge of property along Jurisdictional connection
- Existing drainage pipe at Dillon Road

Aerial LiDAR topography data is assumed to be adequate for the offsite design support services and therefore, no ground surveying will be provided offsite. The proposed survey will be on the same datum as the LiDAR Data.

Task 4: Civil Engineering Design

TBE will prepare preliminary design plans detailing the civil construction associated with this project sufficient to identify proposed drainage impacts to be permitted. Design drawings will show:

- Cover Sheet
- Construction Safety and Phasing Plan
- Staking/Demolition Plan
- Site grading plans and pavement sections
- Sedimentation and soil erosion control plans

- Storm drainage conveyance plans (consistent with master-planned storm-water system with adequate capacity to handle the site improvements)
- Construction details and specification related to drainage improvements and erosion control.

Task 5: Site Development Permitting

The following permitting services are anticipated to handle the local and state approvals for the development of the property:

- Town of Hilton Head Island
- SCDHEC-OCRM
- Regulatory requirements and permitting the proposed impacts:
 - Prepare engineering exhibits for the Interagency Review Team (pre-application) meeting.
 - Attend the Pre-application meeting for the project and provide information about the proposed storm-water system.
 - Update the “Storm-water Quality Assessment” to focus content toward the requirements of a typical 401 Water Quality Demonstration. The Demonstration is needed to get the 401 Water Quality Certification required for the wetland impact permitting.
 - Provide plans and calculations for 401 WQ Certification wetland permitting.
 - Prepare exhibits for wetland impact permit application.
 - Provide permitting process and address questions from permit stakeholders.

Task 6: Regulatory Design Permitting Support

TBE will sub-consult with James Gentry to provide the following services to confirm the regulatory and permitting requirements for the proposed jurisdictional connection impacts:

- Review available information including existing wetland delineation and final impact plan and linear conveyance impact section. We understand the wetlands have been delineated and the request for verification by the USACE has been received. A permit application is the follow-on step in this process for the project. The scope outlined below provides for the assembly and submittal of this application.

- Submittal and attendance at an Interagency Review Team (Pre-application) meeting to confirm the permitting and mitigation plan requirements.
- The provided scope does not include any mitigation credit expenses or future actual mitigation plan implementation monitoring beyond confirming the requirements.
- Budget assumes three meetings (pre-application and two site visits) with USACE personnel
- Prepare wetlands permitting applications for submittal to the Charleston District of the US Army Corps of Engineers (USACE) associated with the proposed linear conveyance impacts.
- Specific elements of this task include:
 - Collection of front-end field data in proper format for submittal
 - SCDHEC-OCRM Coastal Zone Consistency Determination (CZM Certification)
 - Documentation regarding conformance with Sect 401 Water Quality Certification, outlined and provided in preceding tasks
 - Wetland permitting exhibits, provided in preceding tasks
 - Mitigation estimate
 - Coordination of public notice advertisements and notification
 - Attend meetings as necessary to coordinate permit details
 - Project coordination with permitting and certifying agencies (USACE, SCDHEC, US Fish & Wildlife Service)
 - Receive and respond to agency comments

Please note we will discuss the project with USACE to confirm the final necessary mitigation plan and wetland permitting requirements. Our proposed wetland services scope is based on best available information and the proposed fee assumes a routine review and approval process. Accordingly, the scope and budget may need to be adjusted to account for any additional unforeseen requests once the permitting effort is initiated with USACE & SCDHEC-OCRM. If there are significant (unexpected) objections from agencies or from the general public, additional services associated with those items will be identified to Beaufort County and written approval for TBE to proceed will be provided by Beaufort County prior to TBE performing any such additional services.

Note: This Work Authorization does not include bidding phase or construction phase services, nor does it include any permitting fees or mitigation fees.

Estimated Time Schedule: Work shall be completed in accordance with the schedule established and agreed upon by the Owner and Engineer.

Cost of Services: The method of payment shall be in accordance with Article 6 of the contract. The work shall be performed in accordance with the Master Contract as a lump sum of **\$47,376.00** including **\$1,475.00** for expenses. Special services shall be performed on a not to exceed basis with a budget of **\$113,850.00**, which includes reimbursable expenses. For a total of **\$162,701.00**.

Agreed as to Scope of Services, Time Schedule and Budget:

APPROVED:
BEAUFORT COUNTY

APPROVED:
TALBERT, BRIGHT & ELLINGTON,
INC.

_____	_____
_____	Vice President
Title	Title:
_____	_____
Date:	Date:
_____	_____
Witness:	Witness:

SUMMARY OF FEES

AIRFIELD STORM WATER MASTER PLAN

HILTON HEAD ISLAND AIRPORT

BEAUFORT, SOUTH CAROLINA

AIP PROJECT NO:

SCAA PROJECT NO:

CLIENT PROJECT NO:

TBI PROJECT NO: 2119-1405

June 24, 2014

DESCRIPTION	ESTIMATED COST
BASIC SERVICES	
PROJECT FORMULATION/DEVELOPMENT PHASE (01)	\$ 7,702.00
DESIGN PHASE (04)	\$ 39,674.00
SUBTOTAL	\$ 47,376.00
EXPENSES	\$ 1,475.00
SUBTOTAL	\$ 48,851.00
SUBCONSULTANTS	\$ 113,850.00
TOTAL	\$ 162,701.00

MANHOUR ESTIMATE

AIRFIELD STORM WATER MASTER PLAN
 HILTON HEAD ISLAND AIRPORT
 BEAUFORT, SOUTH CAROLINA
 AIP PROJECT NO:
 SCAA PROJECT NO:
 CLIENT PROJECT NO:
 TBI PROJECT NO: 2119-1405

June 24, 2014

PROJECT FORMULATION/DEVELOPMENT PHASE (01)

DESCRIPTION	PRIN \$ 168	PM \$ 158	SP \$ 125	E6 \$ 142	E4 \$ 108	E2 \$ 78	E1 \$ 68	T5 \$ 98	T3 \$ 69	AD5 \$ 74	AD3 \$ 53
Preliminary Project Review w/Owner	1	1	1	0	0	0	0	0	1	0	0
Develop Project Scope/Contract	2	2	2	0	0	0	0	0	0	0	0
Coordination with Subconsultants	2	16	12	0	4	0	0	0	2	4	0
Determine Project Approach	1	1	0	0	0	0	0	0	0	0	0
Develop Preliminary Estimate	1	1	0	0	0	1	0	0	0	0	0
Project Scope/Contract Revisions	0	0	1	1	0	0	0	0	0	0	1
MANHOUR TOTAL	7	21	16	1	4	1	0	0	3	4	1

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MTRS	EST. COST
Principal	PRIN	\$ 168	7	\$ 1,176
Project Manager	PM	\$ 158	21	\$ 3,318
Senior Planner	SP	\$ 125	16	\$ 2,000
Engineer V	E6	\$ 142	1	\$ 142
Engineer III	E4	\$ 108	4	\$ 432
Engineer II	E2	\$ 78	1	\$ 78
Engineer I	E1	\$ 68	-	\$ -
Technician V	T5	\$ 98	-	\$ -
Technician III	T3	\$ 69	3	\$ 207
Admin. Assistant IV	AD5	\$ 74	4	\$ 296
Admin. Assistant III	AD3	\$ 53	1	\$ 53
		Total	58	
<i>SUBTOTAL</i>				<i>\$ 7,702.00</i>

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Postage	LS	\$ 50	1	\$ 50
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 75	1	\$ 75
Travel	LS	\$ 250	1	\$ 250
<i>SUBTOTAL</i>				<i>\$ 375.00</i>

SCOPE OF SUCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
	NTE		1	\$ -
	NTE		1	\$ -
<i>SUBTOTAL</i>				<i>\$ -</i>

TOTAL PRELIMINARY COST: \$ 8,077.00

MANHOUR ESTIMATE

AIRFIELD STORM WATER MASTER PLAN

HILTON HEAD ISLAND AIRPORT

BEAUFORT, SOUTH CAROLINA

AIP PROJECT NO:

SCAA PROJECT NO:

CLIENT PROJECT NO:

TBI PROJECT NO: 2119-1405

June 24, 2014

DESIGN PHASE (04)

DESCRIPTION	PRIN \$ 168	PM \$ 158	SP \$ 125	E6 \$ 142	E4 \$ 108	E2 \$ 78	E1 \$ 68	T5 \$ 98	T3 \$ 69	AD5 \$ 74	AD3 \$ 53
CONCEPTUAL PLANS											
Cover Sheet (1)	0	1	0	0	0	1	0	0	1	0	0
Construction Safety and Phasing Plan (1)	0	3	0	0	8	2	0	0	2	0	0
Grading and Drainage Plan (4)	2	8	0	4	6	0	0	24	0	0	0
Typical Section Details (1)	0	1	0	1	0	1	0	2	4	0	0
Drainage Details (1)	0	1	0	1	0	2	2	4	2	0	0
Drainage Cross Sections	1	2	0	4	6	0	0	0	16	0	0
Sediment and Erosion Control Plans	0	4	0	0	0	0	0	2	4	0	0
Sediment and Erosion Control Details (1)	0	1	0	0	2	0	0	0	4	0	0
Drainage Profiles (1)	0	1	0	4	0	0	0	8	8	0	0
DESIGN											
Coordination/Meetings with Owner	16	16	0	0	2	0	0	0	1	0	1
Permit Meetings with Regulatory Agencies	8	16	16	0	0	0	0	0	1	0	1
Grading Design	0	2	0	0	4	0	0	8	0	0	0
Drainage Design	2	2	0	8	0	0	0	1	0	0	0
Erosion Control Design	0	2	0	2	4	4	0	0	0	0	0
Quantities and Construction Estimate	0	1	0	0	2	4	4	2	0	0	0
Design Review Meeting (1)	8	8	0	0	0	0	0	0	2	0	0
Quality Assurance Plan	2	4	0	0	0	0	0	0	0	0	0
Preliminary Design Report	1	2	0	0	0	0	0	0	0	0	1
Final Design Report	1	2	0	0	0	0	0	0	0	1	1
Revisions	0	2	0	2	2	4	2	2	2	1	1
MANHOUR TOTAL	41	79	16	26	36	18	8	53	47	1	5

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRs	EST. COST
Principal	PRIN	\$ 168	41	\$ 6,888
Project Manager	PM	\$ 158	79	\$ 12,482
Senior Planner	SP	\$ 125	16	\$ 2,000
Engineer V	E6	\$ 142	26	\$ 3,692
Engineer III	E4	\$ 108	36	\$ 3,888
Engineer II	E2	\$ 78	18	\$ 1,404
Engineer I	E1	\$ 68	8	\$ 544
Technician V	T5	\$ 98	53	\$ 5,194
Technician III	T3	\$ 69	47	\$ 3,243
Admin. Assistant IV	AD5	\$ 74	1	\$ 74
Admin. Assistant III	AD3	\$ 53	5	\$ 265
		Total	330	
SUBTOTAL				\$ 39,674.00

MANHOUR ESTIMATE

AIRFIELD STORM WATER MASTER PLAN
HILTON HEAD ISLAND AIRPORT
BEAUFORT, SOUTH CAROLINA
AIP PROJECT NO:
SCAA PROJECT NO:
CLIENT PROJECT NO:
TBI PROJECT NO: 2119-1405

June 24, 2014

DESIGN PHASE (04)

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Postage	LS	\$ 150	1	\$ 150.00
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 200	1	\$ 200.00
Travel	LS	\$ 750	1	\$ 750.00
<i>SUBTOTAL</i>				<i>\$ 1,100.00</i>

SCOPE OF SUCONTRACTED SERVICES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Stormwater Master Plan Phase	NTE	\$ 16,500.00	1	\$ 16,500.00
Geotechnical Investigation	NTE	\$ 8,250.00		\$ 8,250.00
Topographic Surveying	NTE	\$ 16,500.00		\$ 16,500.00
Drainage Design Assistance	LS	\$ 35,750.00		\$ 35,750.00
Regulatory Design Permitting Assistance	LS	\$ 14,850.00		\$ 14,850.00
Site Development Permitting Phase Assist.	NTE	\$ 22,000.00	1	\$ 22,000.00
<i>SUBTOTAL</i>				<i>\$ 113,850.00</i>
TOTAL DESIGN COST:				\$ 154,624.00

**HILTON HEAD ISLAND AIRPORT
HILTON HEAD ISLAND, SOUTH CAROLINA
WORK AUTHORIZATION 14-07
July 1, 2014
PROJECT NO.: TBE NO. 2119-1407**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

Description of Work Authorized: Beaufort County (COUNTY) proposes to remove tree obstructions within the 20:1 and 30:1 approaches to Runway 03 at the Hilton Head Island Airport (HXD)

This work authorization presents Talbert, Bright & Ellington, Inc.'s (TBE) scope of services relating to the preparation of an environmental assessment (EA) for the previously described projects.

In fulfilling this scope of work, numerous objectives will be achieved including: environmental inventory, evaluation, and analysis; state, federal, and local agency coordination; draft and final environmental documentation; and a public workshop (if deemed necessary). The environmental documentation will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ), FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects* (April 28, 2006), and FAA Order 1050.1E Change 1 *Environmental Impacts: Policies and Procedures* (March 20, 2006). The Federal Aviation Administration (FAA) has agreed to review and approve the documentation.

It is the intent of this environmental assessment (EA) process to review of up to three build alternatives in addition to the no build alternative. Determination of potential impacts to water quality, the unknown extent of wetlands or jurisdictional waters of the United States, road relocation, impact on adjacent residential development from noise, and possible controversial development because of adjacent neighborhood, are issues that will be addressed during the preparation of this EA.

The following tasks are required to achieve the aforementioned output.

TASK 1: PROJECT MANAGEMENT

Project goals and objectives will be determined through coordination and consultation with the COUNTY, in order to create a flow chart of activities and a milestone schedule.

These two items will provide the **COUNTY** and **TBE** with a sequential scheme of events and the anticipated dates to achieve the project goals.

ASSUMPTIONS:

1. *For budgeting purposes, it was assumed that the project should take 6 months, not including review by resource and regulatory agencies and public review.*
2. *If additional field work is required by the resource agencies (for example, a Phase II Cultural Resources Survey), the schedule below will be modified under a contract amendment*

Work Item	Time (Days)	Cumulative Time (Days)
Notice to Proceed	0	0
Scoping Meeting	1	1
Field Work	45	46
Document Preparation/In-house Review	60	101
FAA/Client Review	TBD	TBD
Draft Document Finalization	30	131

DELIVERABLES:

1. *A flow chart of activities and milestone schedule.*
2. *Attendance at three (3) meetings, not including the public workshops.*

TASK 2: STATE, FEDERAL, AND LOCAL AGENCY COORDINATION

Coordination will include ongoing public relation activities to ensure that the agencies are kept informed of the project’s progress. Activities to be conducted for this task are as follows:

- A. Continuing research and communication with state, federal, and local environmental agencies.
- B. Preparation of a scoping letter for the South Carolina State Clearinghouse advising of the **COUNTY**’s intent to proceed with the preparation of an environmental assessment.
- C. **TBE** will conduct a scoping meeting with state, federal, and local environmental agencies to receive input on specific issues pertaining to the agencies area of expertise.

DELIVERABLE:

1. *TBE will prepare the scoping letter.*

TASK 3: ENVIRONMENTAL INVENTORY, EVALUATION, AND ANALYSIS

The environmental inventory, evaluation, and analysis will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ), FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects* (April 28, 2006), and FAA Order 1050.1E Change 1 *Environmental Impacts: Policies and Procedures* (March 20, 2006).

Prior to initiation of the environmental analysis, **TBE** will notify the **COUNTY** and **FAA** of agency concerns resulting from the project agency early coordination process. The required level of detail for each environmental issue will also be discussed. Existing data will be collected from the appropriate agencies; and, through field and map examination; data will be analyzed, and used to determine the potential impacts of the proposed project. Mitigation measures, including avoidance and minimization options, will be investigated for impacts (unless herein noted otherwise).

- A. **AIR QUALITY** – Coordination with the South Carolina Department of Health and Environmental Control Division of Air Quality (SCDHEC-DAQ) to determine whether an air quality analysis and/or air quality permit shall be required, as well as a request for air quality conformity.

ASSUMPTIONS:

- 1. *FAA Emissions and Dispersion Modeling System (EDMS) input and emission levels for the proposed project will not be prepared.*
 - 2. *No monitoring of existing air quality or modeling will be performed as part of this scope of services.*
- B. **COASTAL RESOURCES** –
 - 1. **Coastal Zone Management Program** – Because the study area is located in the South Carolina Coastal Zone, coordination will be conducted with the SCDHEC Office of Coastal Resource Management (OCRM) to ensure consistency with the *South Carolina Coastal Management Program*. In particular, potential direct or indirect impacts to the designated critical areas will be identified. Mitigation measures will be investigated and summarized as necessary. During the preparation of the final environmental document, a final mitigation plan will be prepared, if deemed necessary.
 - 2. **Coastal Barriers** – Coastal barriers protected under the Coastal Barrier Resource Act will be identified. In addition, early coordination will be conducted with the review agencies to identify potential impacts and mitigative measures, if necessary.

- C. COMPATIBLE LAND USE – Existing land use within the study area (study area – 0.5 miles around HXD and the proposed project site) will be inventoried by windshield surveys. Land use plans and zoning codes will be collected and reviewed. Land use types, to be identified, will include residential, commercial, industrial, and noise sensitive sites (parks, schools, churches, etc.). In addition, community facilities and existing utilities will be inventoried. Information collected will be reviewed. Evaluation of existing land use and land use planning will include impacts to existing zoning, conformance with adopted comprehensive plans, impacts to neighborhoods, and cumulative impacts.

ASSUMPTION:

1. *Available land use and zoning data will be provided by the COUNTY and Town of Hilton Head Island.*
- D. CONSTRUCTION IMPACTS – Construction impacts will be evaluated and compared, including: construction noise, air quality, and economic impacts during construction, and water quality.
- E. DEPARTMENT OF TRANSPORTATION ACT, SECTION 4(f) – An early inventory will be conducted to determine the presence of Section 4(f) properties (i.e., parks, recreation areas, wildlife and waterfowl refuges, and/or historic and archaeological sites).
- F. FARMLAND – Soil data (prime, unique, and statewide important) will be evaluated. Information will be submitted on Form AD-1006, Farmland Conversion Impact Rating, Land Evaluation – Site Assessment, to the NRCS for review and comment. Based on the response from the NRCS, an estimate of direct and indirect impacts will be determined on: (1) number of acres that will be directly displaced; (2) areas where agricultural and timberland operations may be disrupted; and (3) indirect effects, such as those related to changes in land use.
1. **Soils** – A soils map of the site will be prepared. Descriptions of each of the soils indicated and their development limitation will be provided. Information regarding the need for potential fill material and clearing and grading will be determined.

ASSUMPTIONS:

1. *Construction requirements (such as, but not limited to, excavation and fill amounts) will be based on preliminary schematics and preliminary engineering.*
2. *Soils will be identified using U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) mapping*
3. *Geotechnical investigation of existing soil conditions will not be performed.*

G. FISH, WILDLIFE AND PLANTS –

1. **Biotic Communities** – A survey of biotic communities that may be affected directly or indirectly by the proposed project will be performed. This survey will be performed in conjunction with Task G.2 – Endangered and Threatened Species of Flora and Fauna. A brief description of the biotic communities will be prepared for inclusion in the environmental document.
2. **Endangered and Threatened Species of Flora and Fauna** – Reference information on threatened, endangered, and other rare species and critical habitats, as listed by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), will be reviewed. Utilizing the reference information collected, field investigations will be conducted to identify habitat that may support the listed species. The location of previously sighted species, critical habitat, and habitat suitable for the legally protected species will be identified on an overlay map. A Section 7 (Endangered Species Act) Biological Assessment will be prepared and forwarded to USFWS and NMFS in conjunction with the draft environmental document regardless of species present. Final agency concurrence with the results of the biological assessment and required mitigation measures will be summarized in the final environmental document, as required.

ASSUMPTION:

1. *The proposed development site will be visited once. Should it be determined by the USFWS that additional site visits will be necessary; these will be performed under a contract amendment.*

- H. FLOODPLAIN – A topographic map with the project boundaries (with 1-foot contour intervals) will be prepared indicating major land surface features. In addition, the 100-year floodplain and floodway boundaries will be identified and described (no field work or flagging of floodplain boundaries will be conducted). In accordance with Executive Order 11988, floodplain impacts will be identified such as effects to existing floodplain values, support of incompatible floodplain development, etc.

ASSUMPTIONS:

1. *Topographic mapping used in the preparation of the Master Plan Update will be used.*
2. *Floodplain boundaries will not be identified in the field*
3. *Existing FEMA mapping will be used to identify floodplains.*

I. HAZARDOUS MATERIALS, POLLUTION PREVENTION, AND SOLID WASTE –

1. **Hazardous Materials/Waste Sites** – A Level I Environmental Site Assessment will be conducted to include a thorough review of the history (50-year maximum) of the proposed project to identify environmental concern for contamination or liability from hazardous materials. In addition, a review of published data and a physical site inspection will be conducted. Documentation of investigation methods used, results obtained (e.g., site overview, site history, regulatory compliance history, site features, and site walkover survey), and a summary of findings and recommendations for further investigation, if necessary, will be provided.

ASSUMPTIONS:

1. *No subsurface investigations will be conducted.*
2. *A Level II - Environmental Site Assessment will not be conducted.*
2. **Pollution Prevention** – Agencies are required to comply with applicable pollution control standards, in the prevention, control, and abatement of environmental pollution; and consult with the federal, state, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution. Pollution prevention strategies should be outlined in the Airport’s Stormwater Pollution Prevention Plan and Spill Prevention, Control, and Countermeasures Plan. These strategies will be discussed.
3. **Solid Waste Impact** – Proposed development, which relates only to airfield development (runways, taxiways, and related items), will not normally include any direct relationship to solid waste collection, control, or disposal other than that associated with the construction itself.

- J. HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES – HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES – A cultural resources survey, to determine the nature and distribution of historical, archaeological, and architectural resources within the study area, will be conducted. This survey will attempt to identify cultural resources and evaluate identified resources for their potential to meet the criteria of significance of the National Register of Historic Places (NRHP). This investigation will involve thorough background research and limited field investigations that will include, at a minimum, a photo-inventory of structures that are likely to be impacted (physically or aesthetically) and that appear to be at least 50 years old. In addition, sufficient information to complete a Standing Structures Form will be collected for each historic structure. This information will provide

the basis for the evaluation of the structure with respect to the criteria of significance of the NRHP.

The cultural resources survey will meet the guidelines set forth by the State Historic Preservation Office (SHPO). The background research is designed to provide a description of the kinds of cultural resources likely to be present in the study area. In addition, this research will outline those aspects of the cultural heritage, evident in the study area, that are significant in the development of the region. This information is necessary to properly evaluate the eligibility of an identified cultural resource for the NRHP. This research will involve the review of historic maps of the region and reports on file with the SHPO and other cultural resource agencies. Field inspection will be limited; a historic-architectural survey team will examine standing structures within the study area and an archaeological team will perform a cursory overview of the study area in search of prehistoric, archaeological, and paleontological resources. A Phase I Cultural Resources Report will be prepared and forwarded to the SHPO requesting compliance with the National Historic Preservation Act of 1966, as amended.

ASSUMPTIONS:

- 1. If the SHPO determines that a Phase II Cultural Resources Survey is necessary, this task will be performed under a contract amendment.*
- 2. Should it be determined that a Memorandum of Understanding (MOU) is required, this will be prepared during the design phase of the proposed project.*

K. LIGHT EMISSIONS AND VISUAL IMPACT –

- 1. Light Emissions** – Consideration of the extent to which any lighting associated with the proposed project will create an annoyance to people in the vicinity of the airport will be determined.
- 2. Visual Impacts** – Visual impact will be identified by examining the visual viewshed, which takes into account the entire landscape and is comprised of two main aspects: views to and views from. If necessary, mitigative measures to avoid adverse visual impacts will be discussed.

L. NATURAL RESOURCES AND ENERGY SUPPLY – In general terms, the potential energy consumption required to implement the project during construction and throughout its life, will be determined. Energy conservation measures will be evaluated, if necessary.

M. NOISE – A noise analysis using computed forecasts will be conducted using the most current version of the FAA Integrated Noise Model (INM). The evaluation will include the existing and planned land uses within the noise contours, as well

as a description of proposed mitigation measures, if deemed necessary, to minimize potential impacts.

- N. **SECONDARY (INDUCED) IMPACTS** – Socio-economic data will be collected and reviewed. Such data includes employment, demographic characteristics, income, retail and service activities, trends, and projections. Impacts to be analyzed include the direct and indirect benefits to the regional, potential impacts on land use and development, and economics.

ASSUMPTION:

1. *Available socioeconomic, census tract, and block group data will be provided by the COUNTY.*

- O. **SOCIOECONOMIC IMPACTS, ENVIRONMENTAL JUSTICE, AND CHILDREN’S HEALTH AND SAFETY RISKS** –

1. **Socioeconomic Impacts** – The impact of the proposed project on potential relocation of residences and/or businesses, changes in surface transportation patterns, disruption of planned development, and significant changes in the potential employment base will be analyzed. Should potential relocations occur, provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, will be utilized to determine compliance.
2. **Environmental Justice** – Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994) states that to the greatest extent practicable and permitted by law, each federal agency should make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. A cursory analysis of population impact will be performed.
3. **Children’s Health and Safety Risks** – Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (April 23, 1997), directs federal agencies to identify and assess environmental health risks and safety risks that may disproportionately affect children. Environmental health risks and safety risks include risks to health or to safety that are attributable to products or substances that a child is likely to come in contact with or ingest, such as air, food, drinking water, recreational waters, soil, or products they might use or be exposed to. A cursory qualitative analysis of potential risks will be performed.

ASSUMPTION:

1. *A detailed quantitative risk assessment will be performed under a contract amendment, if deemed necessary.*
- P. WATER QUALITY – The ambient conditions of streams and other water bodies likely to be impacted by the proposed project will be described. Where available from the review agencies, data for surface water and groundwater quantity and quality will be cited. Potential impacts to water quality will be discussed. Mitigation, in the form of retention/detention basins, runoff channels, etc., will be developed in accordance with **COUNTY** requirements and federal, state, and local stormwater and water quality regulations.
- Q. WETLANDS– Jurisdictional wetland areas will be identified and their size, location, type, and function/value estimated, in consultation with the U.S. Army Corps of Engineers (USACE) and other appropriate federal and state agencies. Available reference materials will be reviewed and field investigations will be conducted. Results of the wetland delineation and a mitigation plan, if necessary, will be prepared.

ASSUMPTIONS:

1. *Surveying of wetland boundaries will be performed by GPS and a jurisdictional determination prepared and submitted to the USACE.*
 2. *Permits will be prepared during the design phase of the proposed project.*
- R. WILD AND SCENIC RIVERS – Wild and scenic rivers within the study area will be identified and potential impacts discussed. Opportunities for the proposed project to provide public access to recreational and scenic amenities at such waterways will be investigated. Mitigative measures, if necessary, will be investigated.
- S. INDIRECT AND CUMULATIVE IMPACTS – **TBE** will discuss the secondary and cumulative impacts on a category-by-category basis for those where impacts will be anticipated. This will include land use, water quality, social, economics, wetlands and other topics for which this discussion will be appropriate.

ASSUMPTION:

1. *Indirect and cumulative impact analysis will be performed under a contract amendment, if deemed necessary.*
- T. PERMITS – Environmental permits required for construction of the proposed project will be identified and a brief description of regulatory requirements will be provided for each.

TASK 4: DRAFT ENVIRONMENTAL DOCUMENTATION

TBE will prepare a draft environmental assessment (DEA) in accordance with the requirements of National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ), FAA Order 5050.4A, *Airport Environmental Handbook*, and FAA Order 1050.1D *Policies and Procedures for Considering Environmental Impacts*, utilizing the technical material previously collected (Task 3). The document will be concise and will include support documents, as necessary. **Four (4)** copies of the preliminary DEA will be distributed for review and comment. Comments will be incorporated and **20** copies of the approved draft document will be prepared for general distribution to the reviewing agencies. The DEA will address the following items:

- A. **PURPOSE AND NEED** – This section will provide a description of the proposed action that addresses, at a minimum:
 - 1. Project purpose
 - 2. Proposed action
 - 3. Relationship of the proposed action to applicable federal, state, and local rules and regulations
 - 4. Public need for the proposed action

- B. **ALTERNATIVES** – This section will discuss a maximum of three build alternatives, and a no-build alternative. Each alternative will be addressed to demonstrate that feasible options were adequately considered.

- C. **AFFECTED ENVIRONMENT** – **TBE** will use the environmental inventory previously conducted to describe the environmental setting in the local, regional, and statewide context. This will serve as the background for preparation of the impacts analysis section of the draft document.

- D. **ENVIRONMENTAL CONSEQUENCES** – The impact and mitigation portion of the DEA will identify and describe the primary, secondary, and cumulative environmental impacts on the natural, human, and economic resources. Primary impacts are environmental changes occurring as a result of the proposed action. Secondary impacts are those impacts that extend to the surrounding area from the implementation of the proposed action. Cumulative impacts are normally those occurring over a long period of time that is precipitated directly or indirectly from implementation of the proposed action. Mitigation plans, if required for unavoidable adverse impact will also be discussed.

- E. **PREPARERS** – A list of persons responsible for preparation of the draft document will be included in the document.

- F. APPENDICES – Appendices will be included only for analytical information that substantiates an analysis pertinent to the document.

ASSUMPTIONS:

1. The **COUNTY** and **FAA** will review the preliminary DEA document concurrently and will provide comments to **TBE**.
2. **TBE** will assume one (1) concurrent independent review by the **COUNTY** and **FAA** prior to approval of the DEA.

DELIVERABLES

1. **Four (4)** copies of the preliminary DEA for review; and,
2. **Twenty (20)** copies of approved DEA.

TASK 5: ADVERTISE, CONDUCT PUBLIC HEARING WORKSHOP, AND EVALUATE COMMENTS

A. PUBLIC HEARING WORKSHOP –

1. The **COUNTY** will arrange for the location of the public hearing workshop.
2. **TBE** will prepare the notice of opportunity for a public hearing workshop.
3. **Preparation for the Public Hearing Workshop** – Prepare two (2) sets of color-coded exhibits that identify inventoried resources associated with the proposed action, comment forms, maps and other graphics, and have on hand ten (10) copies of the DEA.
4. **Public Workshop Hearing Attendance** – **TBE** will attend the public workshop and will provide technical assistance and support to the **COUNTY**. **TBE** will a recorder for oral comments.
5. Public comments received during the public comment period before, during, and after the public hearing workshop will be reviewed, categorized, and evaluated by the **COUNTY** and **TBE**. Appropriate responses will be included in the final document.

ASSUMPTIONS:

1. The **COUNTY** will select and provide the location for the public hearing workshop.
2. **TBE** will provide ten (10) copies of the DEA for the public workshop.
3. **TBE** will provide two (2) sets of graphics for identifying the major environmental resources associated with the proposed project.

4. *TBE will prepare the referenced graphics and written materials normally associated with this task and attend the public hearing workshop.*

TASK 6: FINAL ENVIRONMENTAL DOCUMENTATION

TBE will revise the DEA in accordance with the appropriate regulatory guidance referenced in Task 4. **Four (4)** copies each of the preliminary final environmental assessment (FEA) will be distributed for review and comment. Comments will be incorporated and **10** copies of the approved FEA will be prepared for general distribution to those agencies having provided substantive comments into the FEA. The FEA will include but not be limited to addressing the following issues:

- A. Revise project description to reflect changes as a result of circulation of DEA and input received from the public hearing process.
- B. Revise maps and drawings to reflect changes in location, design, and impact.
- C. Attach written comments received following DEA circulation and public information workshop. Address both verbal and written comments received.
- D. List environmental commitments.

ASSUMPTIONS:

1. *The COUNTY and FAA will review the preliminary FEA concurrently and will provide comments to the TBE.*
2. *TBE will assume one (1) concurrent independent review prior to approval of the FEA.*
3. *FAA will prepare the Finding of No Significant Impact (FONSI).*

DELIVERABLES:

1. *Four (4) copies of the preliminary FEA for review; and,*
2. *Ten (10) copies of approved FEA.*

Estimated Time Schedule: Work shall be completed in accordance with the schedule established and agreed upon by the Owner and Engineer.

Cost of Services: The method of payment shall be in accordance with Article 6 of the Master Contract. The work shall be performed in accordance with the Master Contract as a lump sum of **\$177,828.47**.

Agreed as to Scope of Services, Time Schedule and Budget:

APPROVED:
BEAUFORT COUNTY

APPROVED:
TALBERT, BRIGHT & ELLINGTON,
INC.

Title

Vice President
Title:

Date:

Date:

Witness:

Witness:



HILTON HEAD ISLAND AIRPORT

RUNWAY 3 20:1 AND 30:1 OBSTRUCTION REMOVAL

TALBERT, BRIGHT & ELLINGTON

ENGINEERING & PLANNING CONSULTANTS
 4914 PARKWAY PLAZA, SUITE 350
 CHARLOTTE, NORTH CAROLINA 28217
 PHONE 704-386-8870 FAX 704-386-8300

www.talbertbright.com

MANHOUR ESTIMATE

RUNWAY 03 TREE OBSTRUCTION REMOVAL ENVIRONMENTAL ASESMENT

HILTON HEAD ISLAND AIRPORT
HILTON HEAD ISLAND, SOUTH CAROLINA

AIP PROJECT NO:
SCAC PROJECT NO:
CLIENT PROJECT NO:
TBE PROJECT NO: 2119-1407

July 1, 2014

DESCRIPTION	PRIN	PM	SP	E6	E4	E2	E1	T5	T3	AD5	AD4
	\$ 175	\$ 164	\$ 130	\$ 147	\$ 112	\$ 82	\$ 72	\$ 98	\$ 69	\$ 76	\$ 68
<i>PRELIMINARY PROJECT SCOPING</i>											
Develop Project Scope/Contract	4	4	12	0	0	0	0	0	0	0	0
Subconsultant Negotiation and Management	4	4	24	0	0	0	0	0	0	0	0
<i>TASK 1 - PROJECT MANAGEMENT</i>											
Monthly Meeting	20	0	40	0	0	0	0	0	0	0	0
Monthly Status Reports	0	0	16	0	0	0	0	0	0	0	0
Project Management	8	20	40	0	0	0	0	0	0	16	0
Additional Meetings	20	20	40	0	0	0	0	0	0	16	0
<i>TASK 2 - STATE, FEDERAL, AND LOCAL AGENCY COORDINATION</i>											
Agency Meetings	0	0	16	0	0	0	0	0	0	0	0
Scoping Letter	0	0	4	0	0	0	0	0	0	0	0
Letter of Intent	0	0	4	0	0	0	0	0	0	0	0
<i>TASK 3 - ENVIRONMENTAL INVENTORY, EVALUATION, AND ANALYSIS</i>											
Air Quality	0	0	8	0	0	0	4	0	0	0	0
Coastal Resources	0	0	1	0	0	0	0	0	0	0	0
Compatible Land Use	0	0	4	0	0	0	2	0	0	0	0
Construction Impacts	0	0	4	0	0	0	2	0	0	0	0
Department of Transportation Act: Section 4(f)	0	0	1	0	0	0	0	0	0	0	0
Farmlands	0	0	1	0	0	0	0	0	0	0	0
Fish, Wildlife, and Plants	0	0	4	0	0	0	2	0	0	0	0
Floodplains	0	0	4	0	0	0	2	0	0	0	0
Hazardous Materials, Pollution Prevention, and Solid Waste	0	0	8	0	0	0	4	4	0	0	0
Historical, Architectural, Archaeological, and Cultural Resources	0	0	4	0	0	0	2	0	0	0	0
Light Emissions and Visual Impacts	0	0	8	0	0	0	4	0	0	0	0
Natural Resources, Energy Supply, and Sustainable Design	0	0	8	0	0	0	4	0	0	0	0
Noise	0	0	8	32	0	0	8	8	0	0	0
Secondary (Induced) Impacts	0	0	4	0	0	0	2	0	0	0	0
Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks	0	0	8	0	0	0	4	0	0	0	0
Water Quality	0	0	4	0	0	0	4	4	0	0	0
Wetlands	0	0	8	0	0	0	4	0	0	0	0
Wild and Scenic Rivers	0	0	1	0	0	0	0	0	0	0	0
<i>TASK 4 - DRAFT ENVIRONMENTAL DOCUMENTATION</i>											
Purpose and Need	0	0	8	0	0	0	4	0	0	0	0
Alternatives	0	0	8	0	0	0	4	0	0	0	0
Affected Environment	0	0	8	0	0	0	4	0	0	0	0
Environmental Consequences	0	0	20	0	0	0	24	24	0	0	0
Preparers/Appendices	0	0	2	0	0	0	1	0	0	0	0
Comments and Coordination	0	0	4	0	0	0	2	0	0	0	0
Preliminary Draft Environmental Document	8	8	16	0	0	0	16	16	0	0	0
Final Draft Environmental Document	8	8	16	0	0	0	16	16	0	0	2
<i>TASK 5 - ADVERTISE, CONDUCT PUBLIC HEARING, AND EVALUATE COMMENTS</i>											
Prepare Advertisement	0	0	2	0	0	0	1	0	0	0	1
Prepare Public Hearing Exhibits	0	0	8	0	0	0	16	16	0	0	1
Attend Public Hearing	8	8	8	8	0	0	8	0	0	8	0
Prepare Comment Responses	0	0	8	0	0	0	8	8	0	24	0
<i>TASK 6 - FINAL ENVIRONMENTAL DOCUMENTATION</i>											
Revise Draft Environmental Document	0	0	16	0	0	0	16	16	0	0	2

MANHOOR ESTIMATE

RUNWAY 03 TREE OBSTRUCTION REMOVAL ENVIRONMENTAL ASESMENT

HILTON HEAD ISLAND AIRPORT
HILTON HEAD ISLAND, SOUTH CAROLINA

AIP PROJECT NO:
SCAC PROJECT NO:
CLIENT PROJECT NO:
TBE PROJECT NO: 2119-1407

July 1, 2014

DESCRIPTION	PRIN	PM	SP	E6	E4	E2	E1	T5	T3	AD5	AD4
	\$ 175	\$ 164	\$ 130	\$ 147	\$ 112	\$ 82	\$ 72	\$ 98	\$ 69	\$ 76	\$ 68
Preliminary Final Environmental Document	8	8	8	0	0	0	0	0	0	0	2
Final Environmental Document	8	8	16	0	0	0	16	16	0	0	0
MANHOOR TOTAL	96	88	432	40	0	0	184	128	0	64	8

DIRECT LABOR EXPENSES:

CLASSIFICATION		BILL RATE	EST. MHRS	EST. COST
Principal	PRIN	\$ 175	96	\$ 16,800
Project Manager	PM	\$ 164	88	\$ 14,432
Senior Planner	SP	\$ 130	432	\$ 56,160
Engineer V	E6	\$ 147	40	\$ 5,880
Engineer III	E4	\$ 112	-	\$ -
Engineer II	E2	\$ 82	-	\$ -
Engineer I	E1	\$ 72	184	\$ 13,248
Technician V	T5	\$ 98	128	\$ 12,544
Technician III	T3	\$ 69	-	\$ -
Admin. Assistant IV	AD5	\$ 76	64	\$ 4,864
Admin. Assistant III	AD4	\$ 68	8	\$ 544
			Total	1,040
SUBTOTAL				\$ 124,472.00

DIRECT EXPENSES:

EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Telephone	LS	\$ 250.00	2	\$ 500
Postage	LS	\$ 500.00	2	\$ 1,000
Miscellaneous expenses (prints, faxes, copies)	LS	\$ 500.00	2	\$ 1,000
Travel/Per Diem	LS	\$ 3,000.00	2	\$ 6,000
Draft Environmental Document	EA	\$ 250.00	24	\$ 6,000
Final Environmental Document	EA	\$ 250.00	14	\$ 3,500
Presentation Materials	LS	\$ 2,500.00	1	\$ 2,500
SUBTOTAL				\$ 20,500.00

SCOPE OF SUCONTRACTED SERVICES:


EXPENSE DESCRIPTION	UNIT	UNIT RATE	EST. UNITS	EST. COST
Wetland Jurisdictional Determination and Permitting	LS	\$ 4,070	1	\$ 4,070.00
Cultural Resources Assessment	LS	\$ 13,199	1	\$ 13,199.47
Phase I Site Assessment	LS	\$ 6,600	1	\$ 6,600.00
Threatened and Endangered Species Assessment	LS	\$ 8,987	1	\$ 8,987.00
SUBTOTAL				\$ 32,856.47


TOTAL COST: \$ 177,828.47



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT
104 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator 
Josh Gruber, County Attorney

FROM: Robert McFee, Director of Engineering & Infrastructure 

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way
Condemnation Request – Honeybee Island Road, Dale**

DATE: August 25, 2014

BACKGROUND. Honeybee Island Road is a dirt road located off of Wimbee Creek Road in Dale. Public Works has maintained this approximately 0.3 mile dirt road for over 20 years. Wimbee Creek and Honeybee Island Roads primarily serve AMI Kids Beaufort Inc. These roads subject to extensive maintenance due to the delivery trucks traveling to AMI Kids. Wimbee Landing Road and Wimbee Creek Road are parallel to each other.

The Beaufort County Transportation Committee has approved paving of the adjacent Wimbee Landing Road (county owned) to include a new connection into Honeybee Island Road. This will allow traffic to AMI Kids to travel primarily on paved road to reach Honeybee Island Road. It also will allow the County to discontinue maintenance on the unowned section of Wimbee Creek Road. All large parcels located on Wimbee Creek Road will have new access from the paved Wimbee Landing Road.

The Engineering Department has met with the property owner to request a 50-foot wide easement for Honeybee Island Road to facilitate the connection and future paving of Honeybee Island Road. While the owner has twice verbally agreed to grant the easement, staff has not been able to secure the signed document from the owner. The timeline associated with this process has been over 12 months and now requires closure to achieve the interconnection of Honeybee Island Road into Wimbee Landing Road as part of recently awarded Dirt Road Paving Contract 48.

Staff efforts to-date to obtain easement/right of way for Honeybee Island Road includes, researching ownership, meeting with the owner, preparing letters and documents, obtaining a survey for the requested easement, and providing time for owner consideration and questions or discussions.

The Public Works and Engineering Departments jointly recommend that the committee approve condemnation of the easement for Honeybee Island Road in order to connect Honeybee Island Road into a soon to be paved Wimbee Landing Road. This request for condemnation is contingent upon failure to obtain a signed agreement by September 30, 2014.

FOR ACTION. Public Facilities Committee Meeting on September 15, 2014.

RECOMMENDATION. The Public Facilities Committee approves and recommend to County Council to approve condemnation of the easement for Honeybee Island Road in order to facilitate connection to a county owned paved road.

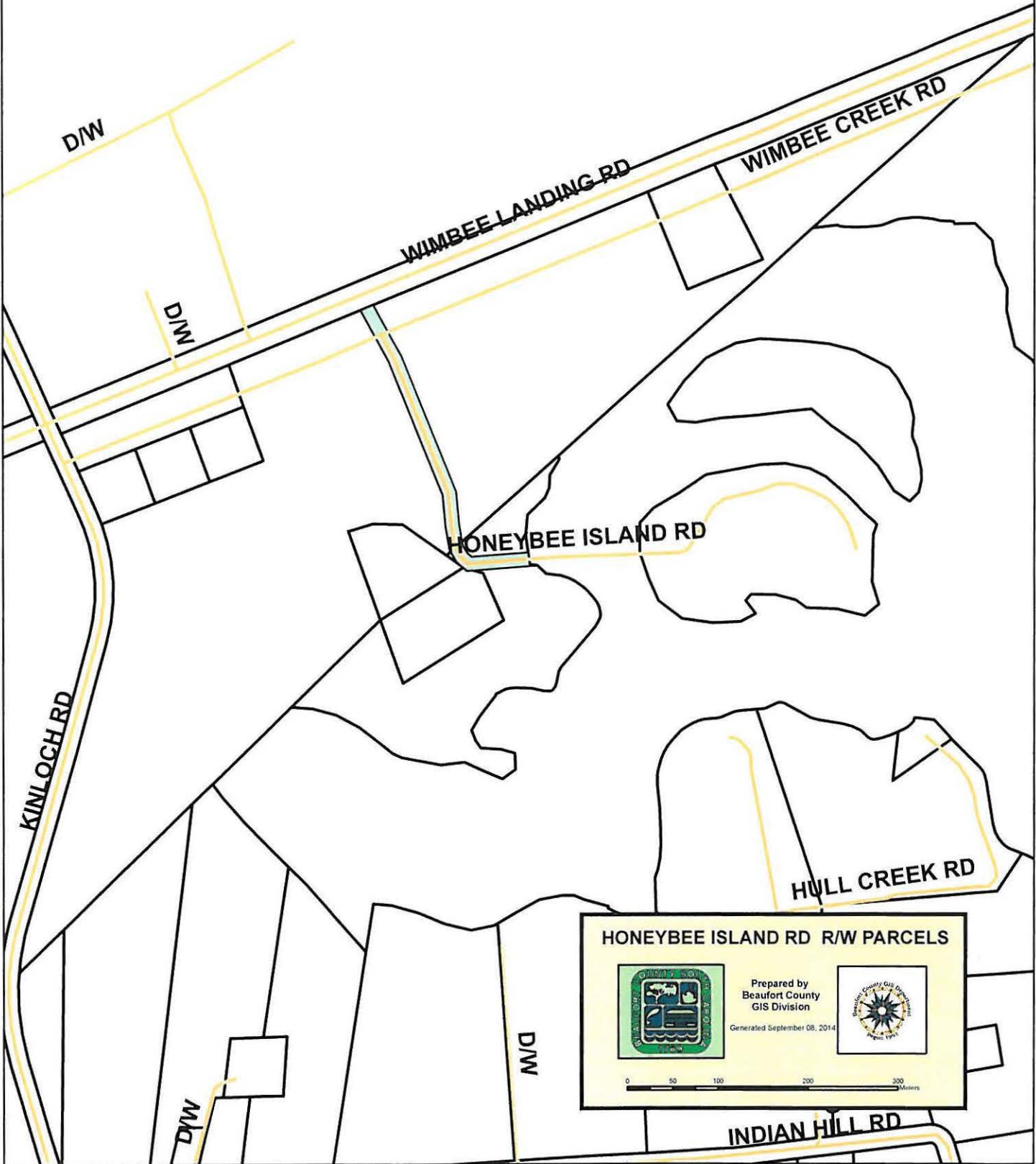
JRM/DS/mjh

Attachment: 1) Location Map 2) Sample Right of Way Request Letters

cc: Eddie Bellamy

Legend

-  STREETS
-  NOT GRANTED R/W
-  WATER



HONEYBEE ISLAND RD R/W PARCELS



Prepared by
Beaufort County
GIS Division

Generated September 08, 2014





0 50 100 200 300 Meters

May 15, 2013

Essex Farms, LLC
c/o Wm McLeod Rhodes
1820 Savannah Highway
Charleston, SC 29407

Re: Beaufort County Dirt Road Paving Contract 48- Wimbee Creek Road/Honeybee Island Road

Dear Mr. Rhodes: Tax Map #: R300 029 000 0054 0000

The Beaufort County Council and the Beaufort County Transportation Committee have selected Wimbee Creek Road to be paved as part of the Beaufort County Dirt Road Paving Program. Beaufort County is requesting right-of-way from all adjacent property owners where right-of-way does not currently exist. We are also requesting all property owners give up any right to the existing platted right-of-way by quitclaiming to Beaufort County any interest you may have as a property owner along the road.

The signed documents will grant Beaufort County the legal right to claim ownership of a 50' right-of-way along Wimbee Creek Road. With all property owners' approval to grant the right-of-way, the County will pave a new 20' wide asphalt section and provide accompanying drainage and utility improvements. The County will be responsible for relocating all utilities, mailboxes, and other structures located within the deeded right-of-way that require moving to accommodate the proposed work. It appears this work will be very minimal and we will work around these items including trees, vegetation, and landscaping wherever possible. If you have any immediate concerns, we are available to meet onsite to review the plans with you and/or your neighbors. We have enclosed a site plan that demonstrates both the existing and proposed right-of-way locations along with the proposed limits of work. As shown on the plan, the County is requesting 134,430 square feet (3.09 acres) in parcel R300 029 000 0098 0000 in order to pave the road.

A right-of-way deed has been enclosed. Please sign the deed, have it witnessed and notarized, and return it to the Engineering Division in the self-addressed envelope provided. You may bring the deed to the office of the Engineering Division if you prefer, and they will witness and notarize the document. If you do not wish to grant the right-of-way, please notify the Engineering Division as soon as possible and return the unsigned deed to us. Please note that without all signed right-of-way deeds, the paving cannot occur. Wimbee Creek Road may be re-classified as a private road and removed from the Beaufort County maintenance inventory. Property owners along the road would then assume the responsibility and costs of maintaining the road and drainage ditches.

We feel these improvements will provide a great benefit to you and your community, and we strongly recommend encouraging your neighbors to grant the right-of-way requested in this letter. We look forward to working with you so that together, we can ensure that Wimbee Creek Road does not remain a dirt road.

Sincerely,

Robert E. Klink, PE
Beaufort County Engineer

REK/EWK/cvs
Enclosures: Deed, Map



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT
104 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Bryan Hill, Deputy County Administrator
Josh Gruber, County Attorney *JG*

FROM: Robert McFee, Director of Engineering & Infrastructure *RMcFee*

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way – Remove from Road Maintenance Inventory - Trotters Loop Road, Lady's Island**

DATE: May 6, 2014

BACKGROUND. Trotters Loop Road is a dirt road located on Lady's Island off of Pleasant Point Drive. Public Works has maintained the 1.1 mile dirt road for over 20 years. Trotters Loop Road was selected for paving in the FY 09/10 – FY 12/13 Dirt Road Paving Program and has been programed for paving improvements in Dirt Road Paving Contract #47.

In accordance with Section 106.2797 of the ZDSO and Policy Statement 17, the County should have deeded 50 – foot right of way before the road can be advertised for a dirt road paving contract. The County does not own right of way for the property parcels adjacent to Trotters Loop Road.

Engineering has completed two written requests to the 33 property owners to contribute right of way in order to pave Trotters Loop Road. Six owners agreed to grant the right of way and 21 property owners have been non-responsive to both written requests. Six property owners did respond by declining to grant right of way, but no additional deeds have been received.

Right of way acquisition requests to property owners includes a comment that if right of way is not acquired, Trotters Loop Road may be reclassified as a private road and removed from the Beaufort County maintenance inventory. Property owners along the road would then assume the responsibility and costs of maintaining the road and drainage ditches.

Efforts to date to obtain signed deeds for Trotters Loop Road include obtaining a cost for survey, initiating a survey agreement, performing the field survey, researching ownership, preparing letters and deeds, and providing time for owner consideration and questions or discussions. The timeline associated with the process has been approximately twelve months, with only 6 of the 33 property owners agreeing to right of way requests.

As part of the road improvement process, staff had considered the potential for a project to pave less than the full existing road; however, the declined right of way will not allow an alternate approach. With only 6 owners granting right of way on Trotters Loop Road, staff would not recommend condemnation actions for the balance of right of way required to pave the road.

The Engineering and Public Works Departments jointly recommend that Trotters Loop Road be designated as a private road and that the County perform no further work or maintenance on this road.

FOR ACTION. Public Facilities Committee Meeting on May 19, 2014.

RECOMMENDATION. The Public Facilities Committee approves and recommend to County Council to designate Trotters Loop Road as a private road.

REK/DS/mjh

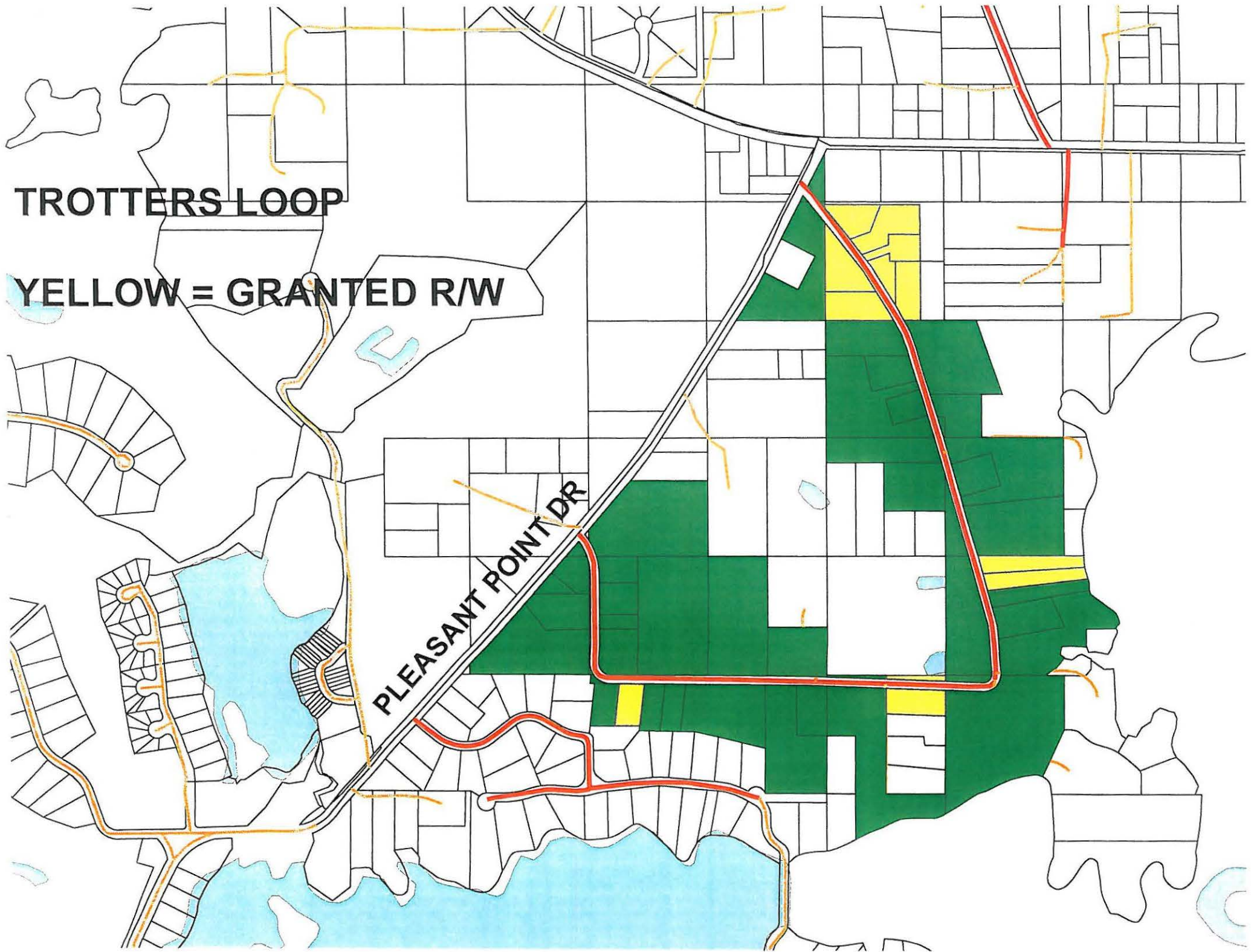
Attachment: 1) Location Map 2) Sample Right of Way Request Letters

cc: Eddie Bellamy

TROTTERS LOOP

YELLOW = GRANTED R/W

PLEASANT POINT DR



August 7, 2013

Shizue K. Aiken
Edwin Hiroki Kato Aiken
71 Trotters Loop
Beaufort, SC 29907

Re: Beaufort County Dirt Road Paving Contract 47- Trotters Loop

Dear Property Owners: Tax Map #: R200 004 000 0105 0000

The Beaufort County Transportation Committee (CTC) has selected Trotters Loop to be included in County's ongoing Dirt Road Paving Program. Before the road can be paved, however, the County must first acquire a 50'-wide road right-of-way from the adjacent property owners. The 50' right-of-way allows the CTC to fund the paving project with money derived from the State gasoline tax. If the project goes forward, the County will pave a new 20' wide asphalt section and provide accompanying drainage improvements. The County will be responsible for relocating all utilities, mailboxes, and other structures located within the deeded right-of-way that require moving to accommodate the proposed work. It appears this work will be very minimal and we will work around these items including trees, vegetation, and landscaping wherever possible.

Our road survey indicates that Trotters Loop already has a platted 50' right-of-way as it passes by or through your property. Therefore, we are only requesting that you convey your interest, if any, in the 50' right-of-way itself. You will not be giving up any part of your land. A quitclaim deed has been enclosed for this purpose.

If you want Trotters Loop to be paved, we ask that you sign the deed, have it notarized, and return it to our office in the enclosed self-addressed envelope. If you do not wish to convey the requested strip of land, please return the unsigned deed to us as soon as possible.

Please consider our request carefully. If we are unable to acquire the 50' right-of-way, Trotter's Loop will not be paved. It may also be reclassified as a private road and removed from the County's maintenance inventory. This means that you and the other adjoining property owners would bear the costs of any future road maintenance.

If you have any questions or concerns, please contact Don Smith or Eric Klatt at (843) 255-2700.

Sincerely,

J. Robert McFee, PE
Division Director, Engineering and Infrastructure

JRM/EWK/cvs

Enclosures: Deed, Map

September 10, 2013

2ND REQUEST

Jonathan H. Gray
P.O. Box 272
Port Royal, SC 29935

Re: Beaufort County Dirt Road Paving Contract 47 - Trotters Loop

Dear Mr. Gray: Tax Map #: R200 004 000 0068 0000 and R200 004 000 0135 0000

The Beaufort County Transportation Committee (CTC) has selected Trotters Loop to be included in County's ongoing Dirt Road Paving Program. Before the road can be paved, however, the County must first acquire a 50'-wide road right-of-way from the adjacent property owners. The 50' right-of-way allows the CTC to fund the paving project with money derived from the State gasoline tax. If the project goes forward, the County will pave a new 20' wide asphalt section and provide accompanying drainage improvements. The County will be responsible for relocating all utilities, mailboxes, and other structures located within the deeded right-of-way that require moving to accommodate the proposed work. It appears this work will be very minimal and we will work around these items including trees, vegetation, and landscaping wherever possible.

Our road survey indicates that Trotters Loop already has a platted 50' right-of-way as it passes by or through your property. Therefore, we are only requesting that you convey your interest, if any, in the 50' right-of-way itself. You will not be giving up any part of your land. A quitclaim deed has been enclosed for this purpose.

If you want Trotters Loop to be paved, we ask that you sign the deed, have it notarized, and return it to our office in the enclosed self-addressed envelope. If you do not wish to convey the requested strip of land, please return the unsigned deed to us as soon as possible.

Please consider our request carefully. If we are unable to acquire the 50' right-of-way, Trotter's Loop will not be paved. It may also be reclassified as a private road and removed from the County's maintenance inventory. This means that you and the other adjoining property owners would bear the costs of any future road maintenance.

If you have any questions or concerns, please contact Don Smith or Eric Klatt at (843) 255-2700.

Sincerely,

J. Robert McFee, PE
Division Director, Engineering and Infrastructure

JRM/EWK/cvs

Enclosures: Deed, map



**COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT
104 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420**

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*
Josh Gruber, County Attorney *JGruber*

FROM: Robert McFee, Director of Engineering & Infrastructure *RMcFee*

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way Documentation – Remove from Road Maintenance Inventory - Old Polowana Road, St. Helena**

DATE: September 3, 2014

BACKGROUND. Old Polowana Road is a dirt road located on St. Helena Island off of US 21. Public Works has maintained approximately 0.4 mile dirt road for over 20 years. Old Polowana Road was selected for paving in the FY 09/10 – FY 12/13 Dirt Road Paving Program and had been planned for paving in the solicitation for Dirt Road Paving Contract #48.

In accordance with Section 106.2797 of the ZDSO and Policy Statement 17, the County should have a deeded 50 – foot right of way before the road can be advertised for a dirt road paving contract. The County does not own right of way for the property parcels adjacent to Old Polowana Road.

Engineering has completed written requests to the 13 property owners to contribute right of way in order to pave Old Polowana Road. No property owners have responded to grant right of way. Right of way acquisition requests to property owners includes a comment that if right of way is not acquired, Old Polowana Road may be reclassified as a private road and removed from the Beaufort County maintenance inventory. Property owners along the road would then assume the responsibility and costs of maintaining the road and drainage ditches.

Efforts to date to obtain signed deeds for Old Polowana Road include obtaining a cost for survey, initiating a survey agreement, performing the field survey, researching ownership, preparing letters and deeds, and providing time for owner consideration and questions or discussions. The timeline associated with the process has been over twelve months, with no property owners agreeing to right of way requests. Since only specific property owners can grant or deny a right of way request, there is no benefit in conducting a public meeting with attendees who cannot grant or deny the requested right of way.

The Engineering and Public Works Departments jointly recommend that the committee that Old Polowana Road be designated as a private road and that the County perform no further work or maintenance on this road.

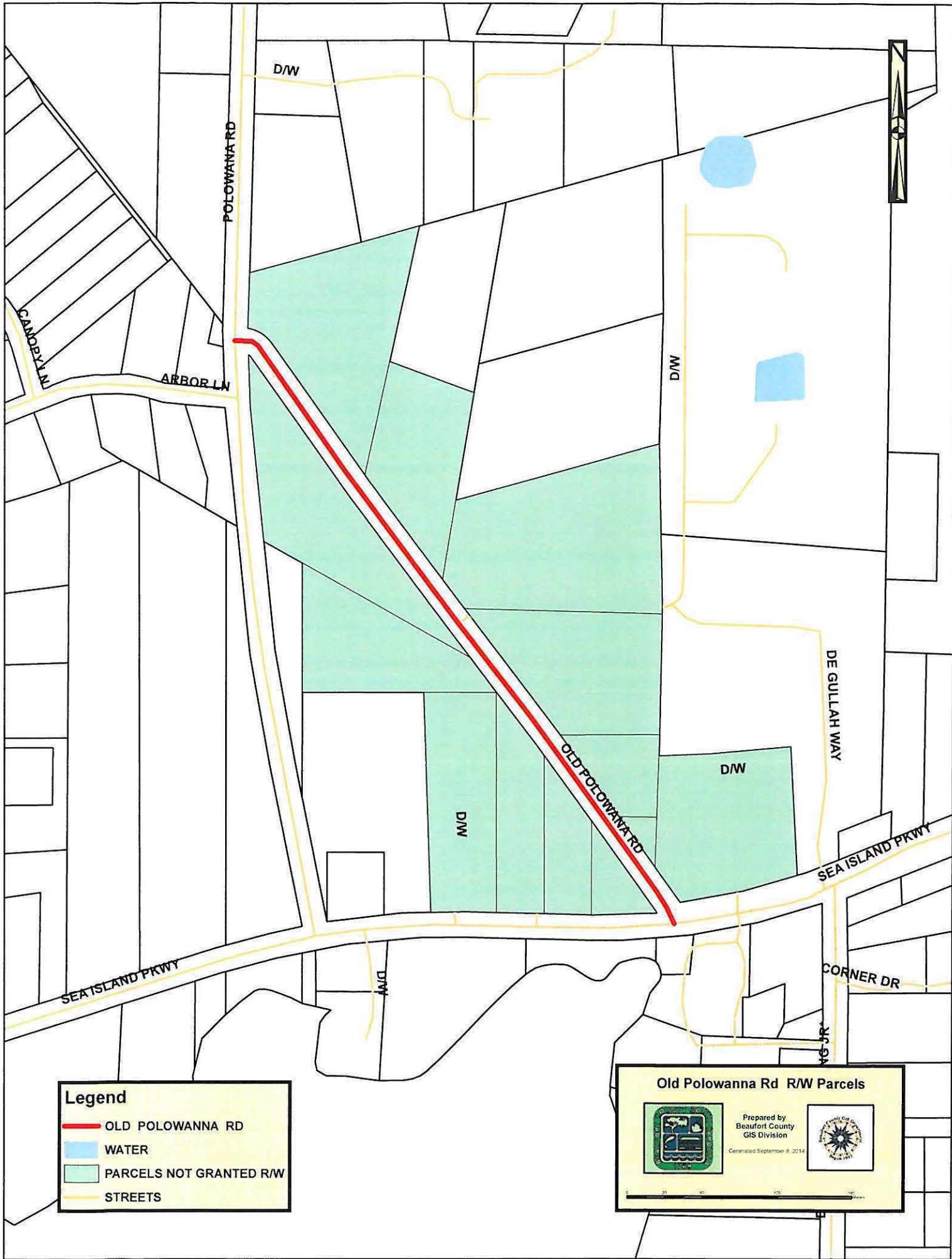
FOR ACTION. Public Facilities Committee Meeting on September 15, 2014.

RECOMMENDATION. The Public Facilities Committee approves and recommend to County Council to designate Old Polowana Road as a private road.

JRM/DS/mjh

Attachment: 1) Location Map 2) Sample Right of Way Request Letters

cc: Eddie Bellamy






Legend

- OLD POLOWANNA RD
- WATER
- PARCELS NOT GRANTED R/W
- STREETS

Old Polowanna Rd R/W Parcels

Prepared by
Beaufort County
GIS Division

Generated September 8, 2014



May 13, 2013

James L. Smith and Joyce T. Smith
PO Box 23
St. Helena Island, SC 29920-0023

Re: Beaufort County Dirt Road Paving Contract 48-Old Polowana Road

Dear Mr. and Ms. Smith: Tax Map #: R300 016 000 0132 0000

The Beaufort County Council and the Beaufort County Transportation Committee have selected Old Polowana Road to be paved as part of the Beaufort County Dirt Road Paving Program. We are now required to obtain 50 feet of right of way with deeds for all such paving projects, and unfortunately there is no documentation of the right of way for Old Polowana Road. Our recent survey shows that the property lines for all adjacent properties stop at the edge of the existing road, but the road remains un-deeded.

Beaufort County is requesting right-of-way from all adjacent property owners, to include any interest you may have in the existing road right of way as an adjacent property owner, and any additional right of way needed to have 25 feet of right of way (from the existing road centerline) on your side of the existing road. The signed documents from all owners will grant Beaufort County the legal right to claim ownership of a (total of) 50' right-of-way along Old Polowana Road. With all property owners' approval to grant the right-of-way, the County will pave a new 20' wide asphalt section and provide accompanying drainage and utility improvements. The County will be responsible for relocating all utilities, mailboxes, and other structures located within the deeded right-of-way that require moving to accommodate the proposed work. All efforts will be made to minimize impacts on adjacent properties and we will work around these items including trees, vegetation, and landscaping wherever possible. If you have any immediate concerns, we are available to meet onsite to review the plans with you and/or your neighbors. We have enclosed a site plan that demonstrates both the existing and proposed right-of-way locations along with the proposed limits of work. As shown on the plan, the County is requesting 16 square feet (0.00 acre) from parcel R300 016 000 0132 0000 in order to pave the road.

A right-of-way deed has been enclosed. Please sign the deed, have it witnessed and notarized, and return it to the Engineering Division in the self-addressed envelope provided. You may bring the deed to the office of the Engineering Division if you prefer, and they will witness and notarize the document. If you do not wish to grant the right-of-way, please notify the Engineering Division as soon as possible and return the unsigned deed to us. Please note that without all signed right-of-way deeds, the paving cannot occur. Old Polowana Road may be re-classified as a private road and removed from the Beaufort County maintenance inventory. Property owners along the road would then assume the responsibility and costs of maintaining the road and drainage ditches.

We feel these improvements will provide a great benefit to you and your community, and we strongly recommend encouraging your neighbors to grant the right-of-way requested in this letter. We look forward to working with you so that together, we can ensure that Old Polowana Road does not remain a dirt road.

Should you have any questions or concerns, please contact Eric Klatt, Beaufort County Right of Way Manager at (843) 255-2698. He and other staff are available to answer any questions over the phone and/or meet onsite. Thank you for your assistance in this matter.

Sincerely,

Robert E. Klink, PE
Beaufort County Engineer

REK/EWK/cvs
Enclosures: Deed

Feb 18, 2014

Seaside Farm Inc.
PO Box 218
St. Helena Island, SC 29920-0218

SECOND REQUEST

Re: Beaufort County Dirt Road Paving Contract 48- Old Polowana Road

Dear Sir or Madam: Tax Map #: R300 016 000 0053 0000

The Beaufort County Council and the Beaufort County Transportation Committee have selected Old Polowana Road to be paved as part of the Beaufort County Dirt Road Paving Program. We are now required to obtain 50 feet of right of way with deeds for all such paving projects, and unfortunately there is no documentation of the right of way for Old Polowana Road. Our recent survey shows that the property lines for all adjacent properties stop at the edge of the existing road, but the road remains un-deeded.

Beaufort County is requesting right-of-way from all adjacent property owners, to include any interest you may have in the existing road right of way as an adjacent property owner, and any additional right of way needed to have 25 feet of right of way (from the existing road centerline) on your side of the existing road. The signed documents from all owners will grant Beaufort County the legal right to claim ownership of a (total of) 50' right-of-way along Old Polowana Road. With all property owners' approval to grant the right-of-way, the County will pave a new 20' wide asphalt section and provide accompanying drainage and utility improvements. The County will be responsible for relocating all utilities, mailboxes, and other structures located within the deeded right-of-way that require moving to accommodate the proposed work. All efforts will be made to minimize impacts on adjacent properties and we will work around these items including trees, vegetation, and landscaping wherever possible. If you have any immediate concerns, we are available to meet onsite to review the plans with you and/or your neighbors. We have enclosed a site plan that demonstrates both the existing and proposed right-of-way locations along with the proposed limits of work. As shown on the plan, the County is requesting 33 square feet (0.00 acre) from parcel R300 016 000 0053 0000 in order to pave the road.

A right-of-way deed has been enclosed. Please sign the deed, have it witnessed and notarized, and return it to the Engineering Division in the self-addressed envelope provided. You may bring the deed to the office of the Engineering Division if you prefer, and they will witness and notarize the document. If you do not wish to grant the right-of-way, please notify the Engineering Division as soon as possible and return the unsigned deed to us. Please note that without all signed right-of-way deeds, the paving cannot occur. Old Polowana Road may be re-classified as a private road and removed from the Beaufort County maintenance inventory. Property owners along the road would then assume the responsibility and costs of maintaining the road and drainage ditches.

We feel these improvements will provide a great benefit to you and your community, and we strongly recommend encouraging your neighbors to grant the right-of-way requested in this letter. We look forward to working with you so that together, we can ensure that Old Polowana Road does not remain a dirt road.

Should you have any questions or concerns, please contact Eric Klatt, Beaufort County Right of Way Manager at (843) 255-2698 for assistance in this matter.

Sincerely,

Robert E. Klink, PE
Beaufort County Engineer

REK/EWK/cvs
Enclosures: Deed



COUNTY COUNCIL OF BEAUFORT COUNTY
PURCHASING DEPARTMENT
106 Industrial Village Road, Building 2
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee
FROM: Dave Thomas, CPPO, Purchasing Director *DT*
SUBJ: **Recommendation for the Purchase of Fuel from Mansfield Oil Company**
DATE: September 15, 2014

BACKGROUND: Beaufort County has a current contract with First Vehicle Services (FVS). On June 24, 2013, the FVS contract renewal was approved by County Council with an annual cost of \$1,396,095 and term ending on June 30, 2015. FVS currently performs the preventive maintenance services and repairs for County vehicles and equipment. In addition to the maintenance and repair service, FVS also manages the County's fuel operations. Beaufort County purchases fuel directly from Mansfield Oil Company for delivery to the two (2) fuel facilities and is charged based on the fuel that is used. The unit price of the fuel is based on the OPIS (Oil Price Information Service) daily average. It is estimated that Beaufort County will need a blanket purchase order in the amount of \$2,700,000 for Fiscal Year 2015 for fuel purchases from Mansfield Oil Company.

FUNDING: Costs are charged to various County departments based on the usage reports provided by First Vehicle Services.

PRIOR FISCAL YEAR COST: Fiscal Year 2014 - \$2.7 million. Fiscal Year 2013 - \$3 million

FOR ACTION: Public Facilities Committee meeting occurring September 15, 2014.

RECOMMENDATION: The Purchasing Department recommends that the Public Facilities Committee approve and recommend to County Council the estimated annual fuel purchases of \$2.7 million.

CC: Gary Kubic, County Administrator *EKUBIC*
Joshua Gruber, County Attorney *JG*
Alicia Holland, Chief Financial Officer *AH*
Rob McFee, Director of Engineering and Infrastructure *RM*
Eddie Bellamy, Public Works Director

Att: Amendment One to the Fleet Management and Maintenance Contract with First Vehicle Services

RFP# 3961/090668

AMENDMENT ONE TO THE
FLEET MANAGEMENT AND MAINTENANCE CONTRACT
DATED JANUARY 1, 2010
BETWEEN
BEAUFORT COUNTY, SOUTH CAROLINA
AND
FIRST VEHICLE SERVICES, INC.

SCANNED



RECEIVED

SEP 01 2010

PURCHASING DEPT.

WHEREAS, Beaufort County, SC ("County") and First Vehicle Services, Inc. ("Contractor") entered into a Fleet Maintenance Contract on January 1, 2010 ("Contract").

WHEREAS, the County and the Contractor now desire to amend the Contract this TH day of SEPT., 2010.

NOW, THEREFORE, in consideration of the mutual benefits, rights and obligations derived from the Contract, the County and the Contractor hereby agree to amend and reaffirm Section 11.13 of the Contract as follows:

11.13 Fuel Management Services - The Contractor will provide the County with the following Fuel Management Services:

- a) The Contractor shall manage and supply Unleaded and Low Ultra Diesel Fuel to the County's two fuel sites located at 106 Shanklin Road, Beaufort, SC 29806 (one USL 20,000 UST and one DSL 12,000 UST) and 25 Benton Field Road, Bluffton, SC 29910 (one USL 12,000 UST and two DSL 12,000 UST). Both sites are open 24 hours a day/365 days a year and are automated.
- b) The Contractor will charge the County for the fuel dispensed from the County's two fuel sites using the weighted average of the inventory value based on the delivery price of the fuel using the OPIS daily average and will invoice the County on a monthly basis. The Contractor shall consolidate bills by department and by outside government agency and will process a payment request to the County Finance Department. If the County obtains fuel from sources other than the two FVS managed fuel sites, the County will be responsible for all charges for such fuel.
- c) The Contractor will provide fuel cards for all County owned vehicles included in the Contract and other outside governmental agencies as requested in writing by the County. Only authorized individuals with fuel cards are permitted to dispense fuel at the two County fueling sites.
- d) The Contractor shall manage the Fuel Card Program including issuing new and replacement cards to County employees and other authorized governmental agencies

and providing training to the users as necessary. The contractor will supply emergency services during storm conditions.

- e) The contractor will have the capability to adjust the credit cards hierarchy levels for travel and retail use during storm emergency's from level three to level two controls.
- f) The Contractor shall provide and maintain a permanent, detailed automated record of fuel usage for each vehicle in order to provide a basis for optimum fleet management and operating information for the County.
- g) The Contractor will be responsible for obtaining fuel tax permits, preparing and filing fuel and mileage tax returns and remitting taxes imposed upon the purchase and consumption of fuel by County with respect to the vehicles.
- h) The Contractor will manage the County fuel sites including maintenance, repairs, fuel monitoring, fuel ordering.
- i) The Contractor will be responsible for contacting the County and a third party contractor when maintenance and repair is required for the tanks, pumps, automated fuel system, fire suppression equipment, line leak detectors, automatic leak detection units, associated conduit and wiring, phone lines, modems for data communication etc. and the cost will be billed to the County as a direct pass through.
- j) The Contractor will be responsible for replacing hoses, nozzles and filters and other minor maintenance.
- k) The Contractor will be responsible for maintaining the facilities in a clean, neat and professional manner. The Contractor will maintain emergency spill kits at both locations.
- l) The Contractor will monitor the level of water in all tanks on a weekly basis at both fuel sites. When the water level exceeds two (2") inches in depth, as measured by either the automatic tank monitoring system or manually by a fuel measuring stick, the Contractor will verbally notify the County and a third party fuel site maintenance provider immediately and in writing within 24 hours. The Contractor will be responsible for managing the third party fuel site maintenance provider in the removal and disposal of the water according to EPA and State regulations.
- m) Any problems noted during an on-site inspection or through off-site monitoring will be corrected immediately per EPA and State regulations. The Provider will notify the County immediately upon discovery of an actual or suspected fuel leak or spill. Verbal notification will be followed up with a written notification within 24 hours of verbal notification. The County and Contractor will notify other appropriate authorities as required.

n) The Contractor shall be on-call 24 hours a day, seven days a week to respond to fuel system problems that may occur and must respond within sixty (60) minutes after notification from the County.

EXCEPT as expressly modified, amended or supplemented herein, the Contract is hereby reaffirmed and ratified by the County and the Contractor in its entirety.

IN WITNESS WHEREOF, the County and Contractor hereto have affixed their respective signatures as of the date indicated below:

ATTEST:

BEAUFORT COUNTY, SOUTH CAROLINA

Chris Harris

By:

Gary Kubic
Gary Kubic County Administrator

ATTEST:

FIRST VEHICLE SERVICES, INC.

Dale R. Domish
Signature

By:

Dale R. Domish
Dale R Domish, SVP

Date: *8/27/10*

TO HAVE AND TO HOLD the said described Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

IN WITNESS WHEREOF, the undersigned have signed sealed and delivered this instrument the day and year first written above.

Signed, sealed and delivered
in the presence of:

GRANTOR:

**BEAUFORT COUNTY, SOUTH
CAROLINA**

Witness

By: _____

Witness

Its: _____

Attest: _____

Its: _____

STATE OF _____
COUNTY OF _____

I _____ (name of notary) do hereby certify that _____ (name of signer 1) and _____ (name of signer 2), acting in their capacities as _____ (office of signer 1) and _____ (office of signer 2), of Beaufort County, South Carolina (the "County"), personally appeared before me this day and acknowledged the due execution of the foregoing instrument as the act and deed of the County for the purposes stated in this instrument, and they are personally known to me.

Witness my hand and official seal this the _____ day of _____, 2014.

My commission expires:

[NOTARY SEAL]

EXHIBIT AA@

All that certain lot, tract or parcel of land situate, lying and being located in Beaufort County, South Carolina and being shown as a 50' R/W Access Easement on that plat entitled "Plat Prepared For United Telephone Company of the Carolinas, Inc., Beaufort County, South Carolina", prepared by R.D. Trogdon, Jr., R.L.S., dated November 21, 1977, and recorded in Plat Book 26, page 132, Beaufort County, South Carolina, records; said plat being incorporated herein and made a part hereof by this reference.

Said property being a portion of that property conveyed from John M. Trask, a/k/a John M. Trask, Sr., to Burton Properties, by Title to Real Estate Deed, dated October 6, 1975, and recorded in Deed Book 232, page 156, Beaufort County, South Carolina, records.

TMS #: None Assigned

Prepared by:

Robert B. Brannen, Jr., Esq.
Bouhan Falligant LLP
447 Bull Street
Savannah, Georgia 31401



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DEPARTMENT
104 Industrial Village Road, Building #3, Beaufort, SC 29906
Post Office Drawer 1228, Beaufort, SC 29901-1228
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Gerald Dawson, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *OK GKUBIC*
Josh Gruber, County Attorney *JG*

FROM: Robert McFee, Director of Engineering & Infrastructure *JRM*

SUBJ: **Crystal Lake Park Condemnation Request for Sewer Line Easement**

DATE: September 8, 2014

BACKGROUND. Crystal Lake is a Beaufort County property located on Lady's Island and is being redeveloped into a public use County Park. In order to provide public restrooms, the Beaufort Jasper Water and Sewer Authority's gravity sewer line needs to be extended to the site to provide a connection. Unfortunately, efforts to-date to acquire an easement to extend the gravity sewer line have not been successful. The County Attorney's office attempted to contact the representative of the Property Owners Association via phone and mail without success. In a final effort the Assistant Staff Attorney traveled to the POA Representative's practice and requested to speak with him, at which point he replied that he was not interested in assisting the County with an easement for a sewer connection.

The expansion of the gravity sewer system through this project will add value to the adjacent community by making public sewer available for use in this environmentally sensitive area. The cost of the condemnation has been identified in the attached appraisal from Compass South as being \$4,000.00 plus legal/administrative fees and is included in the budget of the project. The Beaufort County Engineering Department recommends that the committee approve condemnation of the easement shown in Exhibit "A" in order to facilitate Public Restrooms at Crystal Lake Park.

FOR ACTION. Public Facilities Committee on September 15, 2014.

RECOMMENDATION. The Public Facilities Committee approve and recommend to County Council to approve condemnation of the easement shown in Exhibit "A" in order to facilitate Public Restrooms at Crystal Lake Park.

JRM/DDC/mjh

Attachments: 1) Exhibit "A" Easement
2) Appraisal Summary
3) Operating Permit
4) Sewer Permit

cc: Anthony Criscitello

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

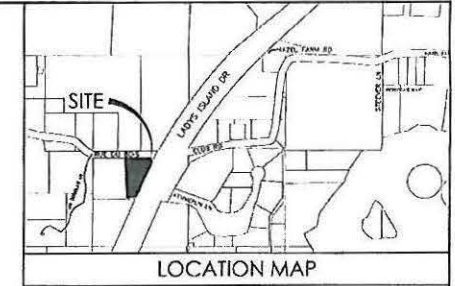
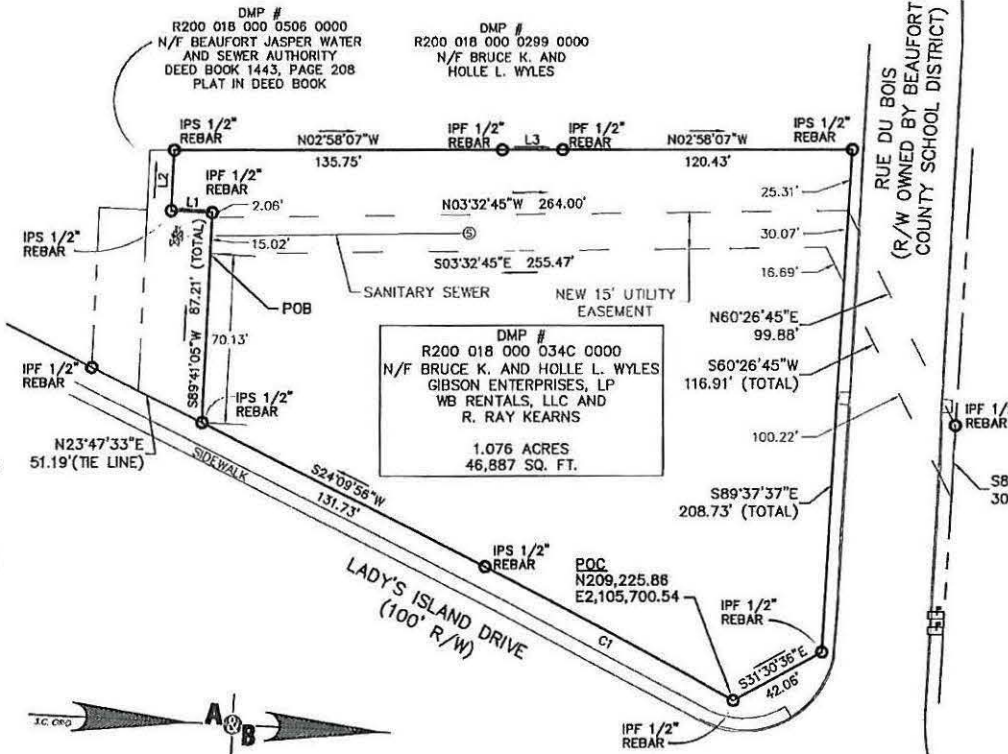
EASEMENT DESCRIPTION

COMMENCING AT AN IRON PIN AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY OF LADY'S ISLAND DRIVE AND THE SOUTHERN INTERSECTION OF RUE DU BOIS LABELED AS "POC" AND HAVING SOUTH CAROLINA STATE PLANE COORDINATES N209,225.86, E2,105,700.54, AND RUNNING WITH THE WESTERN RIGHT-OF-WAY OF LADY'S ISLAND DRIVE IN A SOUTHERLY DIRECTION AROUND A CURVE WITH AN ARC DISTANCE OF 117.02', HAVING A RADIUS OF 2964.70', AND A CHORD OF S25°17'46"W 117.01' TO AN IRON PIN, THENCE CONTINUING WITH SAID RIGHT-OF-WAY S24°09'56"W FOR A DISTANCE OF 131.73' TO AN IRON PIN, THENCE TURNING AND DEPARTING SAID RIGHT-OF-WAY ALONG THE COMMON BOUNDARY WITH N/F BJWSA S89°41'05"W FOR A DISTANCE OF 70.13' TO A POINT BEING THE TRUE POINT-OF-BEGINNING AND LABELED AS "POB" HEREON, THENCE CONTINUING WITH SAID PROPERTY LINE S89°41'05"W FOR A DISTANCE OF 15.02' TO A POINT, THENCE TURNING AND RUNNING N03°32'45"W FOR A DISTANCE OF 264.00' TO A POINT ON THE SOUTHERN RIGHT-OF-WAY OF RUE DU BOIS, THENCE TURNING AND CROSSING SAID RIGHT-OF-WAY N80°26'45"E FOR A DISTANCE OF 99.88' TO AN IRON PIN ON THE NORTHERN RIGHT-OF-WAY OF RUE DU BOIS, THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY S89°56'48"E FOR A DISTANCE OF 30.36' TO A POINT, THENCE TURNING AND CROSSING SAID RIGHT-OF-WAY S80°26'45"W FOR A DISTANCE OF 116.91' TO A POINT, THENCE TURNING AND RUNNING S03°32'45"E FOR A DISTANCE OF 255.47' TO THE POINT OF BEGINNING AND CONTAINING 0.127 ACRES OR 5,522 SQ. FT.

LOCATION	SQ. FT.	ACRES
WYLES PARCEL	4,021	0.092
RUE DE BOIS R/W	1,501	0.034

LINE #	BEARING	LENGTH
L1	S00°18'55"E	17.00'
L2	S89°41'45"W	25.11'
L3	N02°58'07"W	25.00'

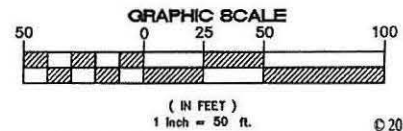
CURVE #	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	2964.70'	2°15'41"	117.02'	S25°17'46"W	117.01'



LEGEND:

- CMF CONCRETE MONUMENT FOUND
- IPF IRON PIN FOUND
- IPS IRON PIN SET (1/2" REBAR)
- ⊙ SSMH SANITARY SEWER MANHOLE
- ⊗ SV SEWER VALVE

- NOTES:**
1. BEARINGS ARE BASED ON SC STATE PLANE COORDINATE SYSTEM.
 2. FIELDWORK COMPLETED SEPTEMBER 22, 2013.
 3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 450025 0100 D REVISED SEPTEMBER 29, 1988, THE SUBJECT PROPERTY LIES IN FLOOD ZONE "A9" (ELEV. 13').
 4. THE SAME BEING SHOWN AS A PORTION OF LOT 22 ON A PLAT PREPARED FOR BRUCE K. AND HOLLE L. WYLES DATED AUGUST 9, 1988 BY R.D. TROGDON, JR. AND RECORDED IN THE R.O.D. OFFICE FOR BEAUFORT COUNTY IN PLAT BOOK 35 AT PAGE 231.
 5. REFERENCE DEED: DEED BOOK 2949, PAGE 2560; PLAT BOOK 67, PAGE 25



PLS: GARY B. BURGESS
PLS NO: 15229

REF. PLAT BOOK:	35, PAGE 231
REF. DEED BOOK:	507, PAGE 2059
TAX MAP:	R200 018 000 034C
PARTY CHIEF:	J.T.
DRAWN BY:	N.R.
CHECKED BY:	G.B.
DATE DRAWN:	02/03/14
LAST REVISED:	08/15/14
JOB:	100020.05

EASEMENT PLAT
Prepared for
BJWSA
134 LADY'S ISLAND DRIVE - A PORTION OF LOT #22
AND RUE DE BOIS RIGHT-OF-WAY
LADY'S ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA

Andrews & Burgess Inc.
Engineering & Surveying
2712 Bull Street Suite A
Beaufort, SC 29902
843.379.2222
Fax 843.379.2223



September 5, 2014

Eric Klatt, R/W Manager
Beaufort County Engineering Department
P.O. Box 1228
104 Industrial Village Road
Beaufort, SC 29906

Re: Imposition of an easement by eminent domain on: 134 Lady's Island Drive, Beaufort, South Carolina 29907

Dear Mr. Klatt:

In fulfillment of the agreement outlined in our engagement letter dated August 14, 2014, we are pleased to present the attached appraisal report for the above referenced property as of August 22, 2014. The report, which is qualified by the definitions, limitations and certifications set forth therein, sets forth our opinion of the market value of the proposed taking by imposition of an easement on the subject property in the amount of \$4,000 together with the data and reasoning which form the basis of that opinion.

This report was specifically prepared for the Beaufort County Engineering Department and is intended for use only by that person or entity, its associates, professional advisers and appropriate regulatory authorities, if applicable. It may not be distributed to or relied upon by any other persons or entities without our prior written permission.

If you have any questions concerning this report, please contact the undersigned.

A handwritten signature in blue ink that reads "Travis Lee Avant".

Travis Lee Avant, ASA, GAA
SC Certified General Real Estate Appraiser CG 4749

A handwritten signature in blue ink that reads "Philip Austin Rizer".

Philip Austin Rizer
SC Real Estate Apprentice Appraiser, AA 6987

Summary Information

Identity of Client

This appraisal has been prepared for and on behalf of the Beaufort County Engineering Department.

Effective Date of the Appraisal

August 22, 2014.

Exercise of Eminent Domain to Acquire an Easement

Beaufort County intends to exercise its power of eminent domain to acquire an easement for a sanitary sewer that will impact 3,959 square feet of the western section of the subject property.

Summary Description of the Subject Property

The subject site totals 1.076 acres, or 46,887 square feet and is located at the intersection of Lady's Island Drive and Rue Du Bois at 134 Lady's Island Drive in Beaufort, South Carolina 29907. The site is improved with an office building and approximately 36 parking spaces.

Appraised Value of the Imposed Easement

Based on the scope of work, methodologies and analysis performed, and set forth herein, the value of the proposed easement, as of the effective date of the appraisal, was \$4,000.

Type of Report

This appraisal has been prepared as an 'Appraisal Report', as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). Accordingly, this report summarizes our analysis and the rationale for our conclusion.

Date of the Report

September 5, 2014.

Real Property Interest Appraised

The property has been appraised on the understanding that the owner's interest is 'fee simple', which is 'an absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation,

eminent domain, police power, and escheat'. [Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 5th ed. (Chicago: Appraisal Institute, 2010).]

Intended User

On the basis of instructions received at the time of the assignment, the client is recognized as the intended user of this appraisal report.

Intended Use of the Appraisal

We have been informed that the intended user expects to employ the information contained in this appraisal report for the purpose of establishing a value for an eminent domain taking through the imposition of an easement on the subject property.



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

February 28, 2014

TONY CRISCITIELLO
BEAUFORT COUNTY
PO BOX 1228
BEAUFORT SC 29901

RE: CRYSTAL LAKE PARK INTERPRETIVE CENTER, Beaufort County
File Number: 07-13-11-05
NPDES Coverage Number: SCR10T193

Dear Tony Criscitiello:

The Department of Health and Environmental Control (Department or DHEC) has approved the Stormwater Pollution Prevention Plan (SWPPP) for the referenced project on **February 28, 2014**. Based on your submission of the Notice of Intent (NOI) and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (CGP), this project has been granted coverage under the CGP. This project's general permit coverage number is **SCR10T193**. The total disturbed area for this site is **2.1 acres**.

Additional sets of final plans must be provided to the Department so that stamped, final plans are available for use on site, as required by the CGP.

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification approved 12/20/2013 for additional conditions related to the Coastal Zone Consistency determination.

The CGP can be downloaded at the following website:

<http://www.scdhec.gov/environment/water/swater/docs/CGP-permit.pdf> or you may request a copy from us via email (stormwatercgp@dhec.sc.gov). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify this DHEC EQC Regional Office prior to starting any land-disturbing activity. The address and telephone number of the EQC office are as follows:

Beaufort EQC Office
104 PARKER DR
BEAUFORT SC 29906
843-846-1030

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the SWPPP that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by the Department. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy the CGP, contractor certifications, inspection records, rainfall data, etc), NOI, and CGP coverage letter from DHEC must be retained and available at the construction site (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. Annual Blanket Utility Providers must provide a copy of their annual blanket registration information. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when one of the conditions listed in Section 5.1 of the CGP has been met. You must submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

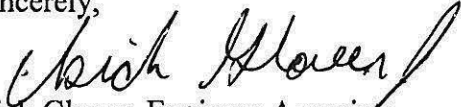
You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)896-4261 or via e-mail at AskMines@dhec.sc.gov.

Please see the enclosed "Notice of Appeal Procedure" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-0200.

Sincerely,

A handwritten signature in cursive script that reads "Isiah Glover". The signature is written in black ink and is positioned above the typed name.

Isiah Glover, Engineer Associate
Coastal Stormwater Permitting
SCDHEC-Bureau of Water

cc: Steven Andrews—ANDREWS & BURGESS ENGINEERING INC
Region 8, Beaufort EQC Office



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

**South Carolina Board of Health and Environmental Control
Guide to Board Review
Pursuant to S.C. Code Ann. § 44-1-60
Effective April 1, 2013**

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested; and
 - a copy of the decision for which review is requested.
3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

4. The filing fee may be paid by cash, certified check or credit card. If a RFR is filed by facsimile or electronic mail, the filing fee may be mailed to the Clerk of the Board and the envelope must be postmarked within the time allowed for filing a RFR.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor.
7. The Clerk will email the RFR to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. A copy of the Notice of Appeal Procedure will be included with the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

8. If the RFR is to be considered by the RFR Committee, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response to the RFR should be provided by Department staff to the Clerk within eight (8) working days after the RFR is forwarded.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.



NOTICE OF INTENT (NOI)
For Coverage(s) of Primary Permittees
Under South Carolina NPDES General Permit
For Stormwater Discharges From Construction Activities SCR100000
 (Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number: _____
 Permit Number: 8CR10
 Submittal Package Complete: _____

Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR1000000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the Instructions.

SOUTH CAROLINA
 DEPT OF HEALTH AND ENVIRONMENTAL CONTROL
 ENVIRONMENTAL QUALITY CONTROL
 STORMWATER PERMITTING SECTION
 APPROVED - FOR CONSTRUCTION ONLY

DHEC PERMIT #: SCR10T193
 FILE #: 07-13-11-05
 DATE ISSUED: 2/28/14
 BY: Chad Elbia

Date: 11/07/2013

Project/Site Name: Crystal Lake Park Interpretive Center County: Beaufort
 (Modification or Change of Information Only) Prior Approved NPDES Permit or File Number: _____

Do you want this project to be considered for the Expedited Review Program (ERP)? Yes or No (See Instructions)

I. Notice of Intent (NOI) Application Type(s)

A. Project (Application/Review) Type(s) (Select **ALL** that apply):

- New Project (Initial Notification) Ongoing Project: Permitted or Un-Permitted
- Late Notification Low Impact Development (LID) or Project Design Above Regulatory Requirements
- New Owner/Operator or Company Name Change (see Instructions, attach Form A (Transfer of Ownership))
- Major Modification: (see Instructions, attach Form B (Major Modifications))
- MS4 Project Review
- Ocean and Coastal Resource Management (OCRM) Review
- Change of Information/Other (Specify): _____

B. If Applicable, identify the entity designated as MS4 Reviewer and MS4 Operator (i.e., Lexington County, City of Greer, etc.): MS4 Reviewer: _____ MS4 Operator: _____

II. Primary Permittee Information

Person or Company If a Company, are you a Lending Institution or Government Entity?
 Company EIN (if applicable): EIN: 27000311

A. Primary Permittee Name: Beaufort County

Mailing Address: P.O. Drawer 1228 City: Beaufort State: SC Zip: 29901
 Phone: 843-255-2140 Fax: 843-540-9432 Email Address: tonya@bagov.net

B. Contact /ODSA Name (if different from above OR if owner is a company): Tony Crisantiello

Mailing Address: BAA City: _____ State: _____ Zip: _____
 Phone: BBA Fax: BBA Email Address: BBA

C. Property Owner Name (if different from above): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email Address: _____

III. Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) Preparer Information Change of Information

A. C-SWPPP Preparer Name: Steve Andrews

B. Registered Professional Engineer Landscape Architect Tier B Land Surveyor S. C. Registration #: 12860

C. Company/Firm Name: Andrews & Burgess S. C. COA #: 00008

Mailing Address: 2712 Bull Street, Suite A City: Beaufort State: SC Zip: 29902
 Phone: 843-379-2222 Fax: 843-379-2223 Email Address: ryan@andrewsburgess.com

IV. Project/Site Information

A. Type of Construction Activity(ies) (Select **ALL** that apply):

- Commercial Industrial Institutional Mass Grading Linear Utility/Infrastructure
- Residential: Single-family Residential: Multi-family Multi-use (Commercial & Residential)
- Site Preparation (No New Impervious Area) Other (Specify) _____

B. Site Address/Location (street address, nearest intersection, etc.) Intersection of HWY-91 and Ru Du Bois

City/Town (if in limits): Beaufort Zip Code: 29902

Latitude: 32° 24' 30" N Longitude: - 80° 39' 27" W (Source): GPS Web Site: Google Earth

Tax Map Number (s) (List all): R200 018 000 020B 000, R200 018 000 0271 0000, R200 018 000 0656 000,

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Stormwater & Agriculture Permitting Division

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C. Is this site located on Indian land? Yes No
 D. Proposed Start Date: 02/01/2014 Proposed Completion Date: 01/01/2016
 E. Disturbed Area (nearest tenth of an acre): 1.3 Total Area (acres): 8.8
 F. Modification Only: (nearest tenth of an acre): Disturbed Area: Current (Approved) Area: _____
 Disturbed Area Change (Increase Only): _____ Total Disturbed Area (After Change): _____
 G. Is this project part of a larger Common Plan for Development or Sale (LCP)? Yes No
 LCP/ Overall Development Name: Crystal Lake Park Ph 2 Check here if this is the First Phase.
 Previous State Permit/File Number: _____ Previous NPDES Coverage Number: SCR10

H. Any Flooding Problems exist downstream of or adjacent to this site? Yes No (If yes, provide detailed description of flooding problems and applicable roadway/flood zone information in the C-SWPPP).
 I. Active S.C. DHEC Warning Notice, Notice to Comply or Notice of Violation for this site or LCP? Yes No
 J. List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, list None.
 None

K. Any Waiver(s)/Variances/Exceptions Requested for this Project? (If yes, identify below and include Waiver Request and Justification in the C-SWPPP for each proposed request).
 1. Small Construction Activity Waiver(s) from NPDES permitting (Section 1.4 & Appendix B)? Yes No
 If yes, identify requested waiver: Rainfall Erosivity Waiver TMDL Waiver Equivalent Analysis Waiver
 2. Delinquent Waiver (72-302(b))? Yes No 3. Other (Specify): _____

V. Waterbody Information (Attach additional sheet(s) as needed) Change of Information

A. Receiving Waterbody(s) (RWD) Information (List the nearest and next nearest receiving waterbodies to which the sites stormwater discharges will drain. If stormwater discharges drain to multiple waterbodies, list all such waterbodies).

1. Name of Receiving Waterbodies (RWD)	2. Distance to RWD (feet)	3. Classification of RWD
a. Nearest: <u>Distant Island Creek</u>	<u>3,840</u>	<u>SPH</u>
b. Next Nearest: <u>Cowen Creek</u>	<u>33,600</u>	<u>SPH</u>
c. Coastal Zone ONLY: Coastal Receiving Water (CRW): <u>Marbled Ox Creek</u>	<u>320</u>	<u>Not Applicable</u>
d. Other Waterbodies: _____		

B. Waters of the U.S. / State Information (Attach additional sheet(s) as needed)

Waters of the U.S. / State	1. On the site?	2. Delineated/Identified?	3. Impacts?	4. Amount of Impacts
a. Jurisdictional wetlands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	____ Ac
b. Non-jurisdictional wetlands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	____ Ac
c. Other Water(s): _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	____ Ac _____ Feet
d. Coastal Zone ONLY: Direct Critical Area	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	____ Ac _____ Feet

5. If yes for impacts in D.3, describe each impact and activity, and list all permits (e.g., USACOE Nationwide Permit, DHEC General Permit) and certifications that have been applied for or obtained for each impact:

C. S.C. Navigable Waters (SCNW) Information (Section 2.6.6) The Department will address any issues related to State Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP for activities that will NOT require a 404 permit or a 401 certification. (Attach additional sheet(s) as needed).

1. Are S. C. Navigable Waters (SCNW) on the site? Yes No
 a. If no, do not complete this question. Proceed to Section D (Impaired Waterbodies).
 b. If yes, provide the name of S.C. Navigable Waters (SCNW) on the site: _____
 2. If yes for C.1, will construction activities cross over or occur in, under, or thru the SCNW? Yes No
 If yes, describe SCNW activities (e.g., road crossing, sub-aqueous utility line, temporary or permanent structures, etc.) and proceed to Section C.3:
 3. Identify permits providing coverage of SCNW activities proposed for your site. If NONE, list none.

Permits/Certifications	Permit or Certification No.	Corresponding Covered SCNW Activity(ies)
a. DHEC General/ Other DHEC Permit		
b. USACOE 404 Permit or 401 Certification		
c. SCNW Permit If applied for or issued, identify date applied for or issued:		<input type="checkbox"/> All Activities or <input type="checkbox"/> Some Activities (Describe):

 d. If a SCNW Permit has NOT been applied for provide an additional plan sheet that shows plan and profile views (drawn to scale) of the SCNW and associated activities. Include a description of all proposed activities on this plan.

D. Impaired Waterbodies Information (Attach additional sheet(s) as needed)

1. 303(d) Listed Impaired Waterbodies					
a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?		b. Is this WQMS(s) listed on the most current 303(d) list? If No, proceed to Section 2 of this table. If Yes, complete items c thru f.	c. List the pollutant(s) identified as "CAUSES" of the impairment	d. Will any pollutants causing the impairment be present in your site's construction stormwater discharges?	e. If yes for d, list the "USI SUPPORT" Impairment(s) affected by the pollutant(s) identified in c.
15-23	Cowen Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
RO-08354	Cowen Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	

f. If yes for d above, will use of the DMPs proposed for your project ensure the site's discharges will NOT contribute to or cause further WQS violations for the impairment(s) listed in c? Yes No
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

2. TMDL Impaired Waterbodies					
a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4?		b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f of this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
15-23		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
RO-08354		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)? Yes No
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

VI. Signatures and Certifications DO NOT SIGN IN BLACK INK! Read the Certifications below (in entirety). Provide date, printed name, and signatures below. If you are a New Owner/Operator, as Primary Permittee you must also sign and date the applicable Comprehensive SWPPP Acceptance & Compliance Agreement below.

C-SWPPP PREPARER: "One copy of the C-SWPPP, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000." (This should be the person identified in Section III).

Steve Andrews
 Printed Name of C-SWPPP Preparer
 Signature of C-SWPPP Preparer
 12860
 S. C. Registration #

PRIMARY PERMITEE: "I or I (on behalf of my company and its contractors and agents), as the case may be, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that DHEC enforcement actions may be taken if the terms and conditions of the C-SWPPP are not met and I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"I or I (on behalf of my company and its contractors and agents), as the case may be, also hereby certify that all land-disturbing construction and associated activity pertaining to this site shall be conducted pursuant to and in keeping with the terms and conditions of the approved plans and SCR100000. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to the to S. C. Department of Health and Environmental Control (DHEC) and/or the local implementing agency the right of access to the site at all times for the purpose of on site inspections during the course of construction and to perform maintenance inspections following the completion of the land-disturbing activity." (See Section 122.22 of S.C. Reg. 61-9 for signatory authority information.) Having understood the above information, I am signing this certification as Primary Permittee to the aforementioned NPDES general permit."

Tony Crisafello
 Printed Name of Primary Permittee
 Signature of Primary Permittee
 Planning Director
 Title/Position
 11/18/13
 Date Signed

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Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Coastal Zone Consistency Certification

To: Isiah Glover, Project Manager – BOW Coastal
From: Christine Koczera, Project Manager - OCRM, Coastal Zone Consistency Section 
Cc: Curtis Joyner, Section Manager - OCRM, Coastal Zone Consistency Section
Re: Crystal Lake Park Interpretive Center
Site location: Hwy 21 and Ru Du Bois, Beaufort, Beaufort County
Tax Map No: R200 018 000 020B 0000, R200 018 000 0271 0000, R200 018 000 0656 0000,
R200 018 000 034C 0000
Date: December 20, 2013
CZC #: CZC-13-1076
PN#: SCR10T193

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the above referenced Coastal Zone Consistency request for land disturbance activity, including the installation of gravity sewer, parking, a boardwalk and stormwater infrastructure, as well as, building improvements for the interpretive center and certifies that the above referenced project is **Consistent** with the Commercial Development Policies, Transportation Facilities (Parking Facilities) and the Stormwater Management (Runoff) Guidelines contained in the S.C. Coastal Zone Management Program provided that:

- in the event that any historic or cultural resources and archaeological or paleontological remains are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology pursuant to South Carolina Code of Laws. Historic or cultural resources consist of those sites named to the National Register and those sites that are eligible for the National Register and other areas of special historic significance. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (ie, older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons and;
- demonstrate that storage of the first ½ inch of run-off from the entire site or storage of the first one (1) inch of run-off through retention, detention, or infiltration systems, from the built upon portion of the property, whichever is greater.

This Coastal Zone Consistency did not include a review and authorization for any direct or indirect wetland impacts to freshwater wetlands or critical area. Any impacts to Critical Areas as determined by SCDHEC-OCRM, and/or freshwater wetlands, as determined by the U. S. Army Corps of Engineers must be authorized by the appropriate agency.

This certification shall serve as the final DHEC OCRM Coastal Zone Consistency approval and does not alleviate the applicant's responsibility to obtain other required local, state or federal approvals.

Wastewater Construction Permit Bureau of Water



PROJECT NAME: CRYSTAL LAKE PARK, PHASE 2	COUNTY: BEAUFORT
LOCATION: Northeast corner of the intersection of Rue Du Bois and Lady's Island Drive (Highway 21)	

PERMISSION IS HEREBY GRANTED TO: **BEAUFORT COUNTY**
P.O. DRAWER 1228
BEAUFORT, SC 29901

for the construction of a sanitary sewer system in accordance with the construction plans, specifications, design calculations and the Construction Permit Application signed by Steven W. Andrews, Registered Professional Engineer, S.C. Registration Number: 12860.

PROJECT DESCRIPTION: Installation of approximately 700 LF of 8" gravity sewer line, 70 LF of 6" sewer lateral, 4 manholes, and all associated appurtenances.

TREATMENT FACILITY: The wastewater will be discharged to the Beaufort-Jasper Water & Sewer Authority (BJWSA) (NPDES permit SC0048348) at a design flow rate of 600 gallons per day (GPD).

STANDARD CONDITION:

NOTE: In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection. This is a permit for construction only and does not constitute DHEC approval, temporary or otherwise, to place the system in operation. An Approval to Place in Operation is required and can be obtained following the completion of construction by contacting the **BEAUFORT EQC OFFICE** at 843-846-1030. Additional permits may be required prior to construction (e.g., Stormwater).

SPECIAL CONDITIONS:

1. All construction/materials for this project must conform to the Standard Specifications for the BJWSA.
2. This construction permit is being issued based on the technical review being provided by the BJWSA under the Delegated Review Program. An approval to place in operation will not be granted if there are certain deficiencies that are noted regarding the requirements of R.61-67.

PERMIT NUMBER:	38107-WW
ISSUANCE DATE:	April 23, 2014
EXPIRATION DATES:	Construction must be completed and the Approval to Place in Operation granted prior to April 23, 2017 or this permit will expire.

A handwritten signature in cursive script that reads 'Ann R. Clark'.

Ann R. Clark, Director
Stormwater, Construction, and Agriculture
Permitting Division

AC (DRP)

ORDINANCE NO. _____

AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE MUNICIPAL BOUNDARIES OF THE CITY OF BEAUFORT

WHEREAS, Section 4-9-195 of the South Carolina Code of Laws (Supp. 2013), as amended (“S.C. Code”), provides that counties may by ordinance grant special property tax assessments to real property which qualifies as “rehabilitated historic property”; and

WHEREAS, the City of Beaufort, South Carolina (“the City”) contains a substantial amount of historic property, the preservation of which is beneficial for the economic development of the County and for its citizens; and

WHEREAS, Beaufort County Council (the “County Council”) has determined that it is in the best interests of the County and its citizens to allow for a special property tax assessments available and as set forth in S.C. Code §4-9-195 to qualifying properties located within the municipal boundaries of the City of Beaufort; and

WHEREAS, the County Council finds that providing for this special property tax assessment will (1) encourage the restoration of historic properties, (2) promote community development and redevelopment, (3) encourage sound community planning, and (4) promote the general health, safety, and welfare of the community; and

WHEREAS, pursuant to S.C. Code §4-9-195, the County must specify the minimum investment threshold and the number of years in which the special assessment shall apply, and in the absence of a board of architectural review the County may name an appropriate reviewing authority to consider proposed rehabilitation plans and actual rehabilitation work.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Chapter 66, Article III of the Beaufort County Code of Ordinances is hereby amended as follows:

ITEMS THAT ARE UNDERLINED ARE ADDED, ITEMS THAT ~~STRIKE THROUGH~~ ARE REMOVED.

Division 4. Special Assessment Ratio for Rehabilitated Historic Properties

Section 66-150. Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties located within the municipal boundaries of the City of Beaufort for 10 years equal to the appraised value of the property at the time of preliminary certification.

Section 66-151. Purpose.

It is the purpose of this division to:

- (a) Encourage the restoration of historic properties;
- (b) Promote community development and redevelopment;
- (c) Encourage sound community planning; and
- (d) Promote the general health, safety, and welfare of the community.

Section 66-152. Eligible properties.

(a) Certification. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) To receive preliminary certification a property must meet the following conditions:

- a. The property has received historic designation from the City of Beaufort.
- b. The proposed rehabilitation work receives approval from the City of Beaufort's Historic District Review Board (HRB); and
- c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.

(2) To receive final certification, a property must have met the following conditions:

- a. The property has received preliminary certification.
- b. The minimum expenditures for rehabilitation were incurred and paid.
- c. The completed rehabilitation receives approval from the City of Beaufort's Director of Planning and Development Services as being consistent with the plans approved by HRB as part of preliminary certification.

(b) Historic designation. As used in this section, "Historic Designation" means:

- (1) The structure is at least 50 years old and is located in the Historic District as designated by the City of Beaufort;
- (2) The structure is located outside the Historic District and is listed on the National Register of Historic Places; or

- (3) The structure is listed on the “1997 Beaufort County Above Ground Historic Sites Survey,” and has been designated as “historic” according to Section 3.21 of the Unified Development Ordinance and its successors.

Section 66-153. Eligible rehabilitation.

- (a) Standards for rehabilitation work. To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district. This is achieved through adherence to the standards set forth by the City of Beaufort.
- (b) Work to be reviewed. The following work will be reviewed according to the standards set forth above:
- (1) Repairs to the exterior of the designated building.
 - (2) Alterations to the exterior of the designated building.
 - (3) New construction on the property on which the building is located.
 - (4) Alterations to interior primary public spaces.
 - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- (c) Minimum expenditures for rehabilitation means the owner rehabilitates the building, with expenditures for rehabilitation exceeding 75 percent of the fair market value of the building. Fair market value means the appraised value as certified to the HRB by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Beaufort County Tax Assessor.
- (d) Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:
- (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.

- (e) Scope. The special tax assessment may apply to the following:
- (1) Structure(s) rehabilitated.
 - (2) Real property on which the building is located.
- (f) Time limits. To be eligible for the special tax assessment, rehabilitation must be completed within two years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

Section 66-154. Process.

- (a) Fee required. A fee as set out in the City of Beaufort's Fee Schedule shall be required for final certification for each application.
- (b) Plan required. Owners of property seeking approval of rehabilitation work must submit an HRB application with supporting documentation and application fee prior to beginning work.
- (c) Preliminary certification. Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the HRB to determine if the project is consistent with the standards for rehabilitation in subsection 10-1004(a). After the HRB makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:
- (1) If the application is approved, begin rehabilitation;
 - (2) If the application is not approved, may revise such application in accordance with comments provided by the HRB;
- (d) Substantive changes. Once preliminary certification is granted to an application, substantive changes must be approved by the HRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.
- (e) Final certification. Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The City of Beaufort's Director of Planning and Development Services will inspect completed projects to determine if the work is consistent with the approval granted by the HRB pursuant to Section 10-1004 (a). Final

certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made in accordance with Section 10-004 (c) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

- (f) Additional work. For the remainder of the special assessment period after final certification, the property owner shall notify the HRB of any additional work, other than ordinary maintenance. The HRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.
- (g) Decertification. When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:
 - (1) Written notice from the owner to the HRB and the Beaufort County Auditor requesting removal of the preferential assessment; or
 - (2) Rescission of the approval of rehabilitation by the HRB because of alterations or renovation by the owner or the owner's estate, which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Beaufort County Assessor, Auditor, and Treasurer.

- (h) Notification. The city shall, upon final certification of a property, notify the Beaufort County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.
- (i) Date effective. If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(j) Application. Once the HRB has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Beaufort County Auditor for the special assessment provided for herein.

SECTIONS 66-155 through 66-160. Reserved.

This ordinance shall become effective immediately upon adoption.

DONE, this _____ of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014

Second Reading: September 8, 2014

Public Hearing:

Third and Final Reading:

ORDINANCE NO. 2014 /

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NO. 2014/15 SO AS TO REFLECT AN INCREASE IN MILLAGE RATE.

WHEREAS, on June 23, 2014, Beaufort County Council adopted Ordinance No. 2014/15 establishing the fiscal year 2014 - 2015 budget for the Beaufort County School District; and

WHEREAS, Ordinance 2014/15 established a millage rate at 101.70 appropriating \$114,868,815 in local tax revenue; and

WHEREAS, Beaufort County Council has determined that it is in the best interests of its citizens to amend the previously established millage rate.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Beaufort County Ordinance No. 2014/15 is hereby amended to reflect a millage rate increase from 101.70 to 103.5 to achieve the same appropriated revenue amount of \$114,868,815 to be derived from tax collections.

Adopted this ____ day of September, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014

Second Reading: September 8, 2014

Public Hearing:

Third and Final Reading:

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING, DEVELOPING AND CONSTRUCTING MULTI-USE RECREATION TRAILS AND RESTRICTING THE USE THEREOF TO NON-MOTORIZED ACTIVITIES

WHEREAS, Beaufort County, South Carolina is establishing, developing and constructing multi – use recreational trails to include, but not be limited to the Spanish Moss Trail; and

WHEREAS, these multi – use trails are for the intended use of non-motorized activities such as walking, jogging, inline skating, roller blading, skate boarding and bicycling; and

WHEREAS, in order to provide for the safe use of these trails, it is necessary to adopt an ordinance regulating the use of same; and

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Part II, Chapter 90 of the Beaufort County Code of Ordinances by adding Article V thereto and to provide for additional terms to said Article; and

WHEREAS, all text that is underscored shall be added text;

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Article V of the Beaufort County Code is hereby amended as follows:

Sec. 90-100. Purpose

The Beaufort County Council recognizes that the multi-use recreational trails in Beaufort County, South Carolina are for the use and enjoyment of its citizens and that it is in the public’s interest that laws be promulgated to protect the safety and welfare of its patrons while using these trails.

Sec. 90-101. Definitions

Multi – use trail means any trail or path designated by County Council to be used for pleasure or as an alternative mode of transportation for use by walking, jogging, inline skating, roller blading, skate boarding, bicycling, and other non-motorized recreation.

Motorized vehicle means any motorized conveyance including, but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four-by-four’s, golf carts, motorized scooters, minibikes, dune buggies or ATV’s. This shall not include motorized wheelchairs or other devices, which are necessary to facilitate movement due to a disability.

Sec. 90-102 Prohibitions

- (1) Vehicles. No person shall operate a motorized vehicle of any kind or nature over, through, across or upon the multi-use trail, provided that county vehicles operated while cleaning or working on the trail and law enforcement and emergency vehicles shall be exempt from the application of this section.

- (2) Hours of Use. No person shall be allowed access to or use a multi – use recreational trail from one hour after sunset to one hour before sunrise unless specially authorized by the Beaufort County Council.

- (3) Alcoholic Beverages. The consumption and possession of alcoholic beverages shall be prohibited on any multi-use recreational trail.

- (4) Litter. Throwing, depositing or causing or permitting to be thrown or deposited any glass, bottle, glassware, can or pieces thereof or any garbage, waste or refuse of any kind on the multi – use trail or the lands adjacent thereto shall be unlawful. All trash or litter shall be placed in designated trash receptacles.

- (5) Animals. No person shall fail to exercise proper care and control of his animal while using the multi – use trail. All animals must be on a leash and properly restrained. All animal refuse shall be placed in designated trash receptacles.

Sec. 90-103 Penalties

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof shall pay such penalties as the court may decide, not to exceed \$500.00 or 30 days imprisonment for each violation.

DONE this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D . Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

First Reading: August 25, 2014
Second Reading: September 8, 2014
Public Hearing:
Third and Final Reading:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE BLUFFTON TOWNSHIP FIRE DISTRICT
TO GIVE AND RECEIVE MUTUAL ACCESS EASEMENTS
WITH THE BEAUFORT COUNTY SCHOOL DISTRICT**

WHEREAS, the Bluffton Township Fire District, is the owner of real property adjacent to the Beaufort County School District; and

WHEREAS, the Bluffton Township Fire District, by and through its Fire District Board does hereby wish to give and receive mutual easements for ingress and egress with the Beaufort County School District to as to be to access their respective properties from the future Hampton Parkway; and

WHEREAS, a copy of the proposed access easement between the two parties is attached to this Ordinance and incorporated herein by reference; and

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

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

The Bluffton Township Fire District is hereby authorized to execute any and all documents necessary to effectuate the giving and receiving of mutual access easements with the Beaufort County School District for access to the future Hampton Parkway.

ADOPTED this ____ day of _____, 2014.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: August 25, 2014

Second Reading: September 8, 2014

Public Hearing:

Third and Final Reading:

Status of the Stormwater Utility related to Pending MS4 Implementation

A Report to Beaufort County Council
September 22, 2014



Outline

- Goals of the Utility
- Introduction of MS4
- MS4 Coverage Area
- MS4 Program Elements
- Capital Needs
- Implementation Strategy
- Fiscal / Legal Impacts
- Wrap up



What are our Core Values?

- Protect the estuaries' water quality
- Protect the commercial fishing industry
- Promote Tourism
- Protect recreational opportunities
- Maintain the Low Country's "quality of life"



What is MS4?

- US EPA's Clean Water Act
 - Enacted in 1972
 - Amended in 1987
- Point source pollution
- Non-point source pollution
 - Municipal Separate Stormsewer Systems (MS4)
 - Phase I – 1999
 - Phase 2 – 2003
- 2010 U.S. Census expands urban areas of County and SC-DHEC responds



What does MS4 mean to us?

- We will expand our scope of services
- Regulations will get tougher
- MS4 Requirements will dictate more effort & resources
- Our focus going forward will change even though core values won't
- Cost saving can be found through partnerships



Where is the MS4(s)?

- The Urbanized Area of southern Beaufort County
- Urban Clusters north of the Broad River not included
- Significant overlap between the Towns of Hilton Head Island and Bluffton and unincorporated areas of the County within the Urbanized Area



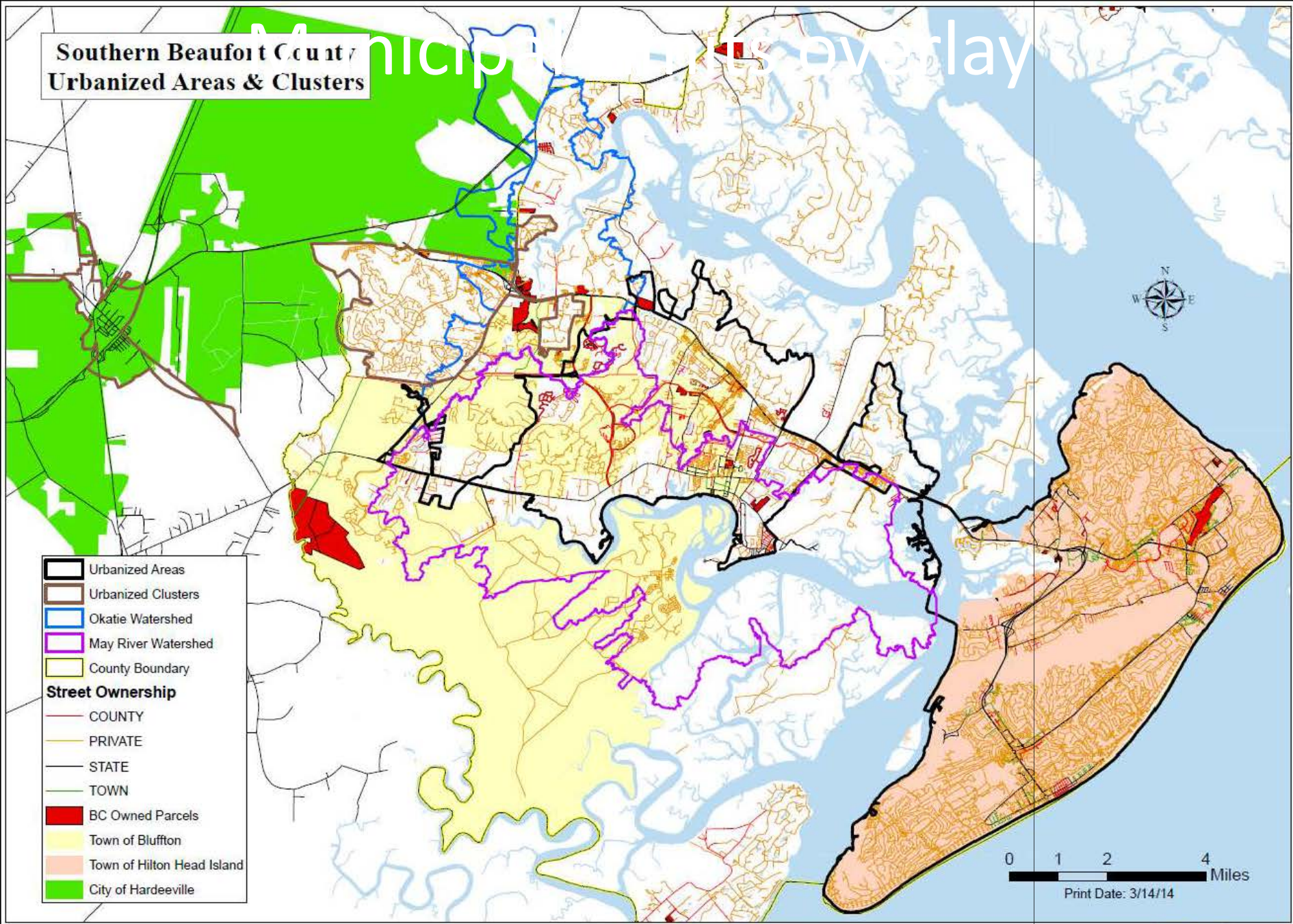
Southern Beaufort County Municipalities Urbanized Areas & Clusters

Municipalities Overlay

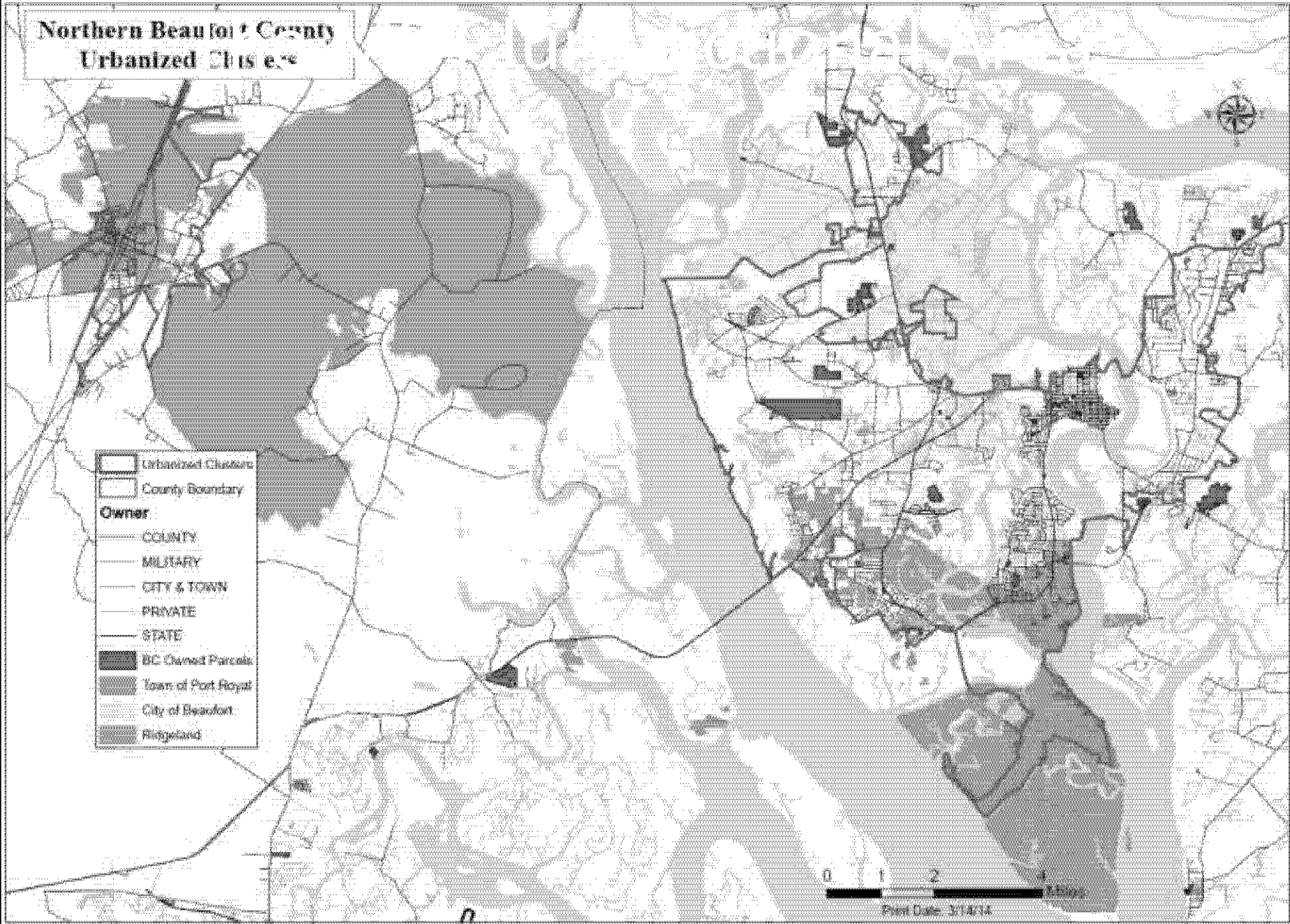
- Urbanized Areas
- Urbanized Clusters
- Okatie Watershed
- May River Watershed
- County Boundary
- Street Ownership**
- COUNTY
- PRIVATE
- STATE
- TOWN
- BC Owned Parcels
- Town of Bluffton
- Town of Hilton Head Island
- City of Hardeeville



Print Date: 3/14/14



Northern Beaufort County Urbanized Districts



- Urbanized Districts
- County Boundary
- Owner**
- COUNTY
- MILITARY
- CITY & TOWN
- PRIVATE
- STATE
- BC Owned Parcels
- Town of Port Royal
- City of Beaufort
- Ringeland

0 1 2 4 Miles
Print Date: 3/14/14

How is an MS4 implemented?

- Beaufort County has been a leader in water quality for over a decade, however...
- This “unfunded mandate” by the federal and state governments has numerous program elements that must be established.
- These elements are referred to as “Minimum Control Measures”



The MS4 Program Elements

- Minimum Control Measures (MCM)
 1. Public Education
 2. Public Outreach and Involvement
 3. Illicit Discharge, Detection, and Elimination (IDDE)
 4. Construction Run-Off
 5. Post – Construction Best Management Practices (PC-BMP)
 6. Good Housekeeping in Municipal Operations

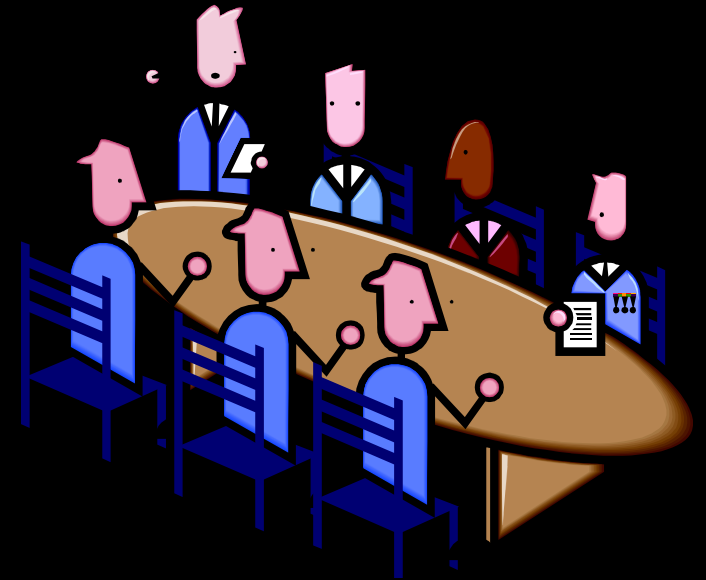


MCM1 - Public Education

- Permit requires:
 - Identify target audiences
 - Develop focused messages
- Goal = Continue past efforts and grow the program with an unified message
- Our greatest opportunity for partnerships among municipalities
- Includes employee training in all six MCMs



MCM 2 – Public Outreach and Involvement



- Permit requires
 - Development of informal advisory groups
 - Create involvement opportunities
 - Storm drain marking
 - Stream clean up
 - Volunteer stream monitoring programs
 - Speaking / Exhibiting at public events
 - Educating students via school curriculum



MCM 3 - IDDE

- Permit requires
 - System map
 - Ordinance prohibiting non-stormwater flows
 - Inspection program
 - Enforcement
- Pushes DHEC authority to the local level
- Consistent countywide regulation is needed



System Mapping

- GIS estimates 60% - 80% of County owned ditches, pipes, and catch basins are mapped
- Still needing to be inventoried:
 - County owned Best Management Practices (stormwater basins, porous pavements, etc.)
 - Private owned systems and BMPs
 - State owned systems and BMPs
 - Other municipal owned systems and BMPs



Mapping Summary

- Over 2,000 miles ditches
- Over 100 miles pipes
- Approx. 12,000 catch basins
- Approx. 1,000 stormwater ponds
- Over 400,000 sq. ft. porous pavement
- Approx. 50 other BMP sites (flap gates, underground storage, pre-treatment devices, etc.)

- Manpower needs to inventory and inspect = 2 full time employees



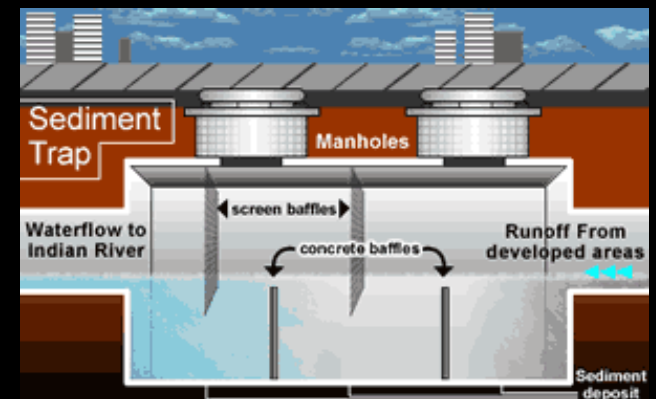
MCM 4 – Construction Run Off

- Permit requires
 - Ordinance requiring local erosion control program, including Stormwater Pollution Prevention Plans (SWPPP)
 - Inspection
 - Enforcement
- Like IDDE, a consistent program is needed as DHEC jurisdiction is delegated to multiple municipalities in the County



MCM 5 – PC-BMP

- Permit requires
 - Ordinance requiring PC-BMPs
 - Plan review and inspection (public AND private)
 - Enforcement
- Our stormwater management plan will include revisiting the On-lot Volume Control and BMP Manual
 - Add the program components not in place



MCM6 – Good Housekeeping

- Permit requires
 - Inventory and assessment of the “MS4”
 - Buildings and facilities, stormsewers, BMPs
 - Identify high priority areas
 - Inspect annually
 - Have plan to prevent pollution in ALL maintenance activities
 - Have a program to maintain the “MS4”
- Goal = Assess our “Assets” and develop a strategy for long term maintenance and operations that protects water quality



Estimated workload for MCM 4, 5 & 6

- In 2013, there were approx. 270 building permits issued for new construction
- In the past 4 years, there are approx. 150 development plans approved through Zoning
- The County has approx. 18 facilities that will require plan development and annual inspection
- Manpower needs to review plans and inspect sites = 2 to 3 full time employees PLUS cross-training in other departments



Monitoring

- Permit requires
 - Identification of Outfalls (See IDDE)
 - Wet and Dry Weather screening
 - Constituents for testing will grow from our current list
 - Lab and field analysis
- TMDL requires additional effort
- Manpower needs to perform monitoring = 1 to 2 full time employees



Capital needs

- We currently have 14 projects identified to:
 - Alleviate road flooding
 - Stormwater runoff volume reduction
 - Pollutant removal
 - Infrastructure rehabilitation
 - Promote growth



Capital needs cont.

- The Utility has the following projects under design and / or construction:
 - US 278 widening drainage - \$359,400 ('13)
 - Admin. Complex parking retrofit - \$327,768 ('13)
 - Burton Hill M2 (aka Battery Creek 319) - \$132,609 (county portion of cost share) ('12)
 - SC170 widening drainage / Okatie West - \$2,193,000 ('14)



Capital needs cont.

- The 2006 Stormwater Management Plan identified numerous capital projects:
 - Salt Creek South M1 - \$2,045,000 ('06)
 - Shanklin Road M2 - \$3,340,000 ('06)
 - Factory Creek M2 - \$1,740,000 ('06)
 - Grober Hill M2 - \$2,555,000 ('06)
 - Camp St. Mary M2 - \$3,757,000 ('06)
 - Battery Creek West M1 - \$4,140,000 ('06)
 - Paige Point Overtopping - \$335,000 ('06)



Capital needs cont.

- Other projects and needs have been identified since 2006:
 - Buckingham Plantation infrastructure rehabilitation - \$900,000 ('14)
 - Sawmill Creek overtopping (aka Forby site) - \$150,000 ('14)
 - Brewer Memorial Park Demonstration wet pond - \$79,500 ('14)

\$22 million total



Next Steps?

- Submit our permit application on or before Dec. 2, 2014
- Permit becomes effective on or about Jan. 1, 2015
- Within 12 months
 - Develop a Stormwater Management Plan
 - Develop program and Identify priority areas for MCM 3
- Within 18 months
 - Develop the MCM 4 and MCM 5 program
- Within 24 months
 - Stormwater Ordinances in place to enforce SWMP
 - Develop a municipal facility assessment plan for MCM 6
 - TMDL monitoring plan
- Annual reporting



Moving Forward

- Build partnerships and gain support
- Continue to develop the water quality lab at USCB
 - Expand use of the lab in the County
 - The lab is the key to expanded monitoring success
 - USCB's program will benefit all aspects of the MS4 program



Moving Forward – cont.

- Update of the 2006 Beaufort County Stormwater Management Plan
 - On-lot Volume Control and MS4 have changed the direction of stormwater management in the County
 - System inventory will likely identify new needs
 - Revisiting our capital needs will set the course for the Utility going forward



Moving Forward – cont.

- Revisit our Level of Service Plan
- Revise our Extent of Service Plan
- Update our rate structure
- Utilize the Credits Program more effectively
 - Promote its use
 - Expand credit options
 - Provide incentive programs will encourage private retrofits



Penalties for non-compliance

- The County enters into the MS4 program in the third cycle since the EPA implemented Phase II
- EPA has stated multiple times that the “ramp-up” period is over. They are shifting focus from “hand holding” to “enforcement”
- Fines can be as high as \$37,500 per day
 - Criminal penalties possible for knowingly violating the permit or negligent acts



Example of enforcement

Richland County MS4

- Failed to:
 - Establish management structure, standardized procedures, and data management
 - conduct scheduled inspections of SW system and industrial facilities
 - Establish maintenance and runoff management programs
 - Create adequate monitoring program
- Joint enforcement action by EPA and DHEC
 - Entered into Consent Order and fined **\$830,549** by DHEC
- AND, they still had to implement the program that they had been permitted to do



Current Utility Fees in B.C.

(Rates per single family unit)

- Town of Hilton Head = \$108.70
- City of Beaufort = \$105
- Town of Bluffton = \$98
- Beaufort County = \$50

Other Utility Fees in SC

- City of Charleston = \$72
- City of North Myrtle Beach = \$72
- Georgetown County = \$ 51.60
- City of Columbia = \$47.40



Summary

- Permit requirements will expand our scope of services
- Things are getting tougher, not easier
- Requirements will dictate more effort, manpower, activities, resources
- Our future will not look the same as the past
- Cost saving are being realized with partnerships with other departments, other MS4s, and volunteers
- **Beaufort County can maintain our Core Values and continue to lead by example**

