

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE
MICHAEL E. COVERT
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
YORK GLOVER, SR.
ALICE G. HOWARD
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
REGULAR SESSION
Monday, March 12, 2018
6:00 p.m.

Council Chambers, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

1. CALL TO ORDER - 6:00 P.M.
2. REGULAR SESSION
3. PLEDGE OF ALLEGIANCE
4. INVOCATION – Councilman Stewart Rodman
5. RECOGNITION / AWARDS PRESENTED BY THE SOUTH CAROLINA LITTER CONTROL ASSOCIATION
6. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes
 1. February 19, 2018 Caucus ([backup](#))
 2. February 19, 2018 Regular Session ([backup](#))
 - B. Committee Reports (next meeting)
 1. Community Services (March 19, 2018 at 4:00 p.m., ECR)
 - a. Minutes – February 19, 2017 ([backup](#))
 2. Executive (April 9, 2018 at 3:00 p.m., ECR)
 3. Finance (April 2, 2018 at 2:00 p.m., ECR)
 4. Governmental (April 2, 2018 at 4:00 p.m., ECR)
 - a. Minutes – March 5, 2018 ([backup](#))
 5. Natural Resources (March 19, 2018 at 2:00 p.m., ECR)
 - a. Minutes – February 19, 2018 ([backup](#))
 6. Public Facilities (March 26, 2018 at 3:00 p.m., HHI)
 - C. Boards and Commissions ([backup](#))



7. PROCLAMATIONS
 - A. Red Cross Month
 - B. Disabilities Awareness Month
8. PUBLIC COMMENT – Speaker sign-up encouraged no later than 5:45 p.m. day of meeting.
9. CONSENT AGENDA
 - A. AN TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS AND COMMISSIONS, SECTION 2-193(B)(5), MEMBERSHIP (ALLOWS COUNCIL DISTRICT APPOINTEES TO SERVE OUT OF COUNCIL DISTRICT) ([backup](#))
 1. Consideration of approval on first reading to occur March 12, 2018
 2. Governmental Committee discussion and recommendation to approve ordinance occurred March 5, 2018 / Vote 5:0
 - B. AN ORDINANCE AUTHORIZING AND APPROVING (I) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC., A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT LEE, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (II) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE “PARK”), SUCH PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (III) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH BEAUFORT COUNTY AS THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUE AND EXPENSES OF THE PARK; (IV) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN JASPER COUNTY; AND (V) OTHER MATTERS RELATED THERETO ([backup](#))
 1. Consideration of approval on second reading to occur March 12, 2018
 2. Public hearing - Monday, March 26, 2018 beginning at 6:30 p.m., in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
 3. First reading approval occurred February 19, 2018 / Vote 11:0
 4. Executive Committee discussion and recommendation to approve ordinance on first reading occurred February 5, 2018 / Vote 5:0

- C. AN ORDINANCE CALLING FOR A REFERENDUM TO ALLOW THE QUALIFIED ELECTORS OF BEAUFORT COUNTY, SOUTH CAROLINA TO VOTE TO CHANGE THE FORM OF GOVERNMENT TO COUNCIL/MANAGER OR TO RETAIN THE COUNCIL/ADMINISTRATOR FORM OF GOVERNMENT ([backup](#))
1. Consideration of approval on second reading to occur March 12, 2018
 2. Public hearing - Monday, March 26, 2018 beginning at 6:30 p.m., in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
 3. First reading approval occurred February 19, 2018 / Vote 8:3
 4. Executive Committee discussion and recommendation to approve ordinance on first reading occurred February 5, 2018 / Vote 4:1
 5. Council Work Session for receipt of public input occurred October 25, 2017
 6. Executive Committee discussion and recommendation to approve ordinance, contingent upon the Executive Committee holding two work sessions to receive public input occurred October 9, 2017 / Vote 5:1
- D. AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER EXTENSION CDBG GRANT ([backup](#))
1. Consideration of approval on second reading to occur March 12, 2018
 2. Public hearing - Monday, March 26, 2018 beginning at 6:30 p.m., in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island
 3. First reading approval occurred February 19, 2018 / Vote 11:0
 4. Finance Committee discussion occurred January 8, 2018

10. PUBLIC HEARINGS

- A. AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2016/38 AS ADOPTED OCTOBER 24, 2016 TO PROVIDE FOR THE DEFINITION OF “DEVELOPMENT” AND EXEMPTIONS RELATED TO COUNTY DIRT ROAD PAVING ([backup](#))
1. Consideration of approval on third and final reading to occur March 12, 2018
 2. Second reading approval occurred February 19, 2018 / Vote 11:0
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
 5. Stormwater Management Utility Board discussion and recommendation to approve occurred January 10, 2018 / Vote 6:1

- B. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1, SECTION 1.3.50 EXEMPTIONS (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART OF THE COUNTY’S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE CDC) ([backup](#))
1. Consideration of approval on third and final reading to occur March 12, 2018
 2. Second reading approval occurred February 19, 2018 / Vote 11:0
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
- C. LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER) ([backup](#))
1. Consideration of approval on third and final reading to occur March 12, 2018
 2. Second reading approval occurred February 19, 2018 / Vote 11:0
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Natural Resources Committee discussion and recommendation to approve on first reading occurred January 16, 2018 / Vote 5:0
- D. AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))
1. Consideration of approval on third and final reading to occur March 12, 2018
 2. Second reading approval occurred February 19, 2018 / Vote 11:0
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Finance Committee discussion and recommendation to approve on first reading occurred January 8, 2018 / Vote 7:0
- E. AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED GENERAL OBLIGATION BONDS (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF BEAUFORT COUNTY, SOUTH CAROLINA IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,150,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO ([backup](#))
1. Consideration of approval on third and final reading to occur March 12, 2018
 2. Second reading approval occurred February 19, 2018 / Vote 11:0
 3. First reading approval occurred January 22, 2018 / Vote 10:0
 4. Finance Committee discussion occurred January 8, 2018

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
February 19, 2018

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

A caucus of the County Council of Beaufort County was held Monday, February 19, 2018 beginning at 5:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, and Council members Rick Caporale, Michael Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux present.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

CALL FOR EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council go immediately into executive session regarding (1) receipt of legal advice regarding possible reimbursement of legal fees incident to Ethics Commission Investigation; (2) receipt of legal advice incident to the potential purchase of real property (Project Poseidon); (3) receipt of legal advice regarding selection of executive search firm and contractual negotiations incident thereto; (4) receipt of legal advice relating to pending litigation (Molloy litigation); (5) receipt of legal advice relating pending litigation (Scratch Golf); and (6) receipt of legal advice incident to contractual negotiations and the potential purchase of real property (St. James Baptist Church). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Rodman recused himself during discussions relative to reimbursement of legal fees incident to Ethics Commission Investigation (the legal fees were incurred by Mr. Rodman).

EXECUIVE SESSION

RECESS

Council recessed at 6:00 p.m. in order to convene regular session.

RECONVENE OF EXECUTIVE SESSION

Council reconvened executive session at 6:53 p.m.

EXECUTIVE SESSION

ADJOURNMENT

Council adjourned at 7:20 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
February 19, 2018

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

The regular session of the County Council of Beaufort County was held Monday, February 19, 2018 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart, Council members Rick Caporale, Mr. Covert, Gerald Dawson, Brian Flewelling, Steven Fobes, York Glover, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux present.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Council member Roberts "Tabor" Vaux gave the Invocation.

RECOGNITION / ADOPT-A-HIGHWAY VOLUNTEER GROUPS

Chairman Paul Sommerville introduced representatives from Callawassie Island Ecology Club, Haven Helping Hands, Omega Psi Phi, and Walling Grove Adopt-A-Highway volunteer groups. On behalf of Council, he thanked them for their invaluable service to Beaufort County.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held January 22, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve the minutes of the caucus held January 22, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSTAIN – Mr. Fobes. The motion passed.

Review of the Proceedings of the Regular Session held January 22, 2018

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Covert, seconded by Mr. Rodman, that Council approve the minutes of the regular session held January 22, 2018. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSTAIN – Mr. Fobes. The motion passed.

Committee Reports

Community Services Committee

Beaufort Memorial Hospital Board

Community Services Committee nominated Mr. William Himmelsbach for reappointment to serve as a member of the Beaufort Memorial Hospital Board.

Disabilities and Special Needs Board

Robert Blok

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Blok garnered the six votes required for appointment to serve as a member of the Disabilities and Special Needs Board.

Grace Dennis

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Dennis garnered the ten votes required for reappointment to serve as a member of the Disabilities and Special Needs Board.

Terry Gibson

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Gibson garnered the six votes required for appointment to serve as a member of the Disabilities and Special Needs Board.

Library Board

Community Services Committee nominated Mr. Joseph Bogacz, representing Council District 11; Ms. Lynn Miller, representing Council District 10; and Ms. Anna Marie Tabernik, representing Council District 6, for reappointment to serve as members of the Library Board.

Bernard Kole

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Kole, representing Council District 3, garnered the ten votes required for reappointment to serve as a member of the Library Board.

Janet Elaine Porter

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Porter, representing Council District 8, garnered the six votes required for appointment to serve as a member of the Library Board.

Brenda Powell

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Powell, representing Council District 1, garnered the eight votes required for reappointment to serve as a member of the Library Board.

Rosalie Richman

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Richman, representing Council District 7, garnered the eight votes required for reappointment to serve as a member of the Library Board.

Laura Sturkie

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Sturkie, representing Council District 9, garnered the eight votes required for reappointment to serve as a member of the Library Board.

Terry Thomas

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Thomas, representing Council District 2, garnered the six votes required for appointment to serve as a member of the Library Board.

Finance Committee

Accommodations (State 2%) Tax Board

Finance Committee nominated Mrs. Anita Singleton-Prather, representing cultural, for reappointment to serve as a member of the Accommodations Tax (2% State) Board.

Airports Board

Finance Committee nominated Mr. Lex Brown, representing active pilot and aircraft owner at Lady's Island Airport, for reappointment, and Mr. Mark Bailey, representing qualifications, for appointment, to serve as members of the Airports Board.

Governmental Committee

Governmental Committee Chairman Gerald Dawson announced at the last meeting of the Governmental Committee (February 5, 2018), the Committee recommended Council approve executing a memorandum of agreement between Beaufort County and the Beaufort County Sheriff's Office, Emergency Management Division, to prepare and administer an Incident Emergency Response and Re-entry Pass System for Beaufort County.

Bluffton Township Fire District Board

Governmental Committee nominated Mr. Thomas Mike, representing Council District 5; Mr. Joseph Paolo, representing Council District 7; and Mr. Mike Raymond, representing Bluffton Town Council appointee, for reappointment to serve as members of the Bluffton Township Fire District Board.

Daufuskie Island Fire District Board

Governmental Committee nominated Mr. George Jenkins and Mr. Gary Stewart for reappointment to serve as members of the Daufuskie Island Fire District Board.

Lowcountry Regional Transportation Authority

Governmental Committee nominated Mrs. Barbara Childs for reappointment to serve as a member of the Lowcountry Regional Transportation Authority.

Parks and Leisure Services Board

Governmental Committee nominated Mr. Bruce Yeager, representing southern Beaufort County, for reappointment to serve as a member of the Parks and Leisure Services Board.

Natural Resource Committee

Natural Resources Committee Chairman Brian Flewelling announced the Natural Resources Committee met earlier today, February 19, 2018. At that meeting, the Committee delayed consideration of a text amendment to the Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of lodging to Multi-Family Residential and Master Plan Amendment Request for Osprey Point (Malind Bluff) PUD and River Oaks (Malind Pointe) PUD. Discussion of these items will occur at the next regularly scheduled meeting of the Natural Resources Committee.

Design Review Board

Natural Resources Committee nominated Ms. Sallie Bridgewater, representing architect, landscape architect, building design, civil engineer, for appointment to serve as a member of the Design Review Board.

James Atkins

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Atkins, representing registered architect, garnered the eight votes required for reappointment to serve as a member of the Design Review Board.

John Michael Brock

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Brock, representing registered landscape architect, garnered the eight votes required for reappointment to serve as a member of the Design Review Board.

Historic Preservation Review Board

Natural Resources Committee nominated Ms. Cheryl Steele, representing Port Royal Island, for appointment to serve as a member of the Historic Review Board.

Rosalyn Brown

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Ms. Browne, representing St. Helena Island, garnered the ten votes required for reappointment to serve as a member of the Historic Preservation Review Board.

Planning Commission

Natural Resources Committee nominated Mr. Robert Semmler, representing at-large, for reappointment and Ms. Cecily McMillan, representing St. Helena Island, for appointment to serve as members of the Planning Commission.

Solid Waste and Recycling Board

Lawrence P. Bryan

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Bryan, representing Solid Waste District 5 – Sheldon, garnered the six votes required for appointment to serve as a member of the Solid Waste and Recycling Board.

Southern Beaufort County Corridor Beautification Board

Todd Theodore

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Theodore, representing Town of Hilton Head Island, garnered the eight votes required for reappointment to serve as a member of the Southern Beaufort County Corridor Beautification Board.

Stormwater Management Utility Board

Allyn Schneider

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Schneider, representing Stormwater District 9 – Unincorporated Bluffton Township and Daufuskie Island, garnered the ten votes required for reappointment to serve as a member of the Stormwater Management Utility Board.

Donald Smith

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Smith, representing Stormwater District 5 – Unincorporated Sheldon Township, garnered the ten votes required for reappointment to serve as a member of the Stormwater Management Utility Board.

Zoning Board of Appeals

William Cecil Mitchell

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Mitchell, representing northern Beaufort County, garnered the ten votes required for reappointment to serve as a member of the Zoning Board of Appeals.

Joseph Passiment

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Passiment, representing southern Beaufort County, garnered the six votes required for reappointment to serve as a member of the Zoning Board of Appeals.

Chester Williams

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Williams, representing southern Beaufort County attorney, garnered the ten votes required for reappointment to serve as a member of the Zoning Board of Appeals.

Edgar Williams

The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed. Mr. Williams, representing northern Beaufort County, garnered the ten votes required for reappointment to serve as a member of the Zoning Board of Appeals.

Public Facilities Committee

County Transportation Committee

Public Facilities Committee nominated Mr. Steve Hill, representing District 9, to serve as a member of the County Transportation Committee.

Keep Beaufort County Beautiful Board

Public Facilities Committee nominate Mr. Michael Murphy, representing Council District 2; Ms. Pamela Floyd, representing Council District 3; Ms. Kathleen Bray, representing Council District 4; Ms. Joan Gualdoni, representing Council District 6; Mr. Randy Boehme, representing Council District 9, and Ms. Jean Fruth, representing Council District 11, to serve as members of the Keep Beaufort County Beautiful Board.

PUBLIC COMMENT

Ms. Ruthie Johnson, a resident of St. Helena Island, submitted a petition, signed by 408 residents of St. Helena Island, requesting Council to install a left turn signal at the intersection of Martin Luther King Drive and Sea Island Parkway. This is a serious problem in need of correction before someone is seriously hurt.

TIME-SENSITIVE ITEMS POTENTIALLY COMING FROM FEBRUARY 19, 2018 COMMITTEE MEETINGS FOR COUNCIL CONSIDERATION

CONTRACT AWARD / LANDSCAPING SERVICES FOR HIGHWAY 278 TRAFFIC MEDIANS BETWEEN TANGER 1 AND TANGER 2

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council award a contract to Hilton Head Island Landscapes, LLC, in the amount of \$268,198.69 for landscaping services for the U.S. Highway 278 traffic medians between Tanger 1 and Tanger 2. This project will be funded from the Tree Reforestation Fund. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLE 3, SECTION 3.3.50 REGIONAL CENTER MIXED USE (C5) ZONE STANDARDS (TO ALLOW HOTEL TO APARTMENT CONVERSION ON UNIT-TO-UNIT BASIS); APPLICANT: MICHAEL KRONIMUS

Natural Resources Committee Chairman Brian Flewelling announced that at the February 19, 2018 meeting of the Natural Resources Committee, the Committee delayed action regarding a text amendment to the Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of lodging to Multi-Family Residential, until the next regularly scheduled meeting of the Natural Resources Committee.

FUNDING REQUEST / MITCHELVILLE PRESERVATION PROJECT / PHASE 1

It was moved by Mr. Flewelling, as Natural Resources Committee Chairman, no second required, that Council approve \$250,000 of Rural and Critical Lands Preservation funds to the Mitchelville Preservation Project for the master planning component of the Project, contingent upon compliance with Beaufort County's Procurement Policy and staff's evaluation of the request and overall prioritization of projects. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

ITEM REMOVED FROM CONSENT AGENDA

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

Mr. Caporale removed this item from the Consent Agenda. Council asked this same question of the voters in 2014 and, should not be loading up the ballot referendum questions. We need to let go of this issue.

It was moved by Mr. Stewart, seconded by Mr. Dawson, that Council approve on first reading an ordinance calling for a referendum to allow the qualified electors of Beaufort County, South Carolina to vote to change the form of government to Council/Manager or to retain the Council/Administrator form of government. The vote: YEAS –Mr. Covert, Mr. Dawson, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. NAYS – Mr. Caporale, Mr. Flewelling and Mr. Glover. The motion passed.

CONSENT AGENDA

CONTRACT AWARD / 2018 5100E JOHN DEERE, WITH ONE 18' ALAMO SAMURAI SIDE-ARM MOWER FOR PUBLIC WORKS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the February 12, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council award a contract to Blanchard Equipment, Saint George, South Carolina, a state contract vendor, in the amount of \$107,308.79, for the purchase of one new 2018 5100E John Deere Tractor, with one 18' Alamo Samurai Side-Arm Mower. Funding will come from account 10001320-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

CONTRACT AWARD / 2018 SCHWARZE A7 TORNADO SWEEPER FOR PUBLIC WORKS DEPARTMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the February 12, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council award a National Joint Powers Association Cooperation contract to Carolina Environmental Systems Inc., Kernersville, North Carolina, for one 2018 Schwarze A7 Tornado Sweeper, in the amount of \$244,943, for the Public Works Department. Funding will come from account 5020011-54200, Specialized Equipment. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

CONTRACT AWARD / ENGINEERING AND CONSULTING SERVICES FOR DESIGN BUILDING CONSTRUCTION / BEAUFORT COUNTY WHITEHALL BOAT RAMP IMPROVEMENTS

This item comes before Council under the Consent Agenda. Discussion occurred at the February 12, 2018 meeting of the Public Facilities Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council award Whitehall Boat Ramp improvement design service to O'Quinn Marine Construction of Beaufort, South Carolina, in the amount of \$184,438, funded by Hospitality Tax Funds. Additionally, Council approve the project budget to include a 5% contingency, for a total budget of \$193,660. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE AUTHORIZING AND APPROVING (I) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC., A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT LEE, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (II) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE “PARK”), SUCH PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (III) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH BEAUFORT COUNTY AS THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF AD VALOREM TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUE AND EXPENSES OF THE PARK; (IV) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN JASPER COUNTY; AND (V) OTHER MATTERS RELATED THERETO

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Executive Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on first reading an ordinance authorizing and approving (i) the diminishing of the boundaries of an existing multi-county industrial business park (RiverPort) pursuant to Section 4-1-170 of the *Code of Laws of South Carolina*, 1976, as amended, to remove therefrom certain property now or to be owned and/or operated by Waste Management of Georgia, Inc., a company previously identified as Project LEE, one or more affiliates, and/or other Project Sponsors; (ii) development of a new Joint County Industrial and Business Park pursuant to Section 4-1-170 of the of the *Code of Laws of South Carolina*, 1976, as amended, in conjunction with Beaufort County (the “Park”), such Park to be, at the time of its initial development, geographically located in Jasper County and to include the aforementioned property; (iii) the execution and delivery of a written Park Agreement with Beaufort County as the requirement of payments of Fee in Lieu of *Ad Valorem* Taxes with respect to Park Property and the sharing of the revenue and expenses of the Park; (iv) the distribution of revenues from the Park within Jasper County; and (v) other matters related thereto. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

A RESOLUTION REPEALING AND REPLACING RESOLUTION NUMBER 1999/27 TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT FOR THE COLLECTION OF LIBRARY IMPACT FEES IN THE CITY OF BEAUFORT AND THE TOWN OF PORT ROYAL

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Finance Committee. Mrs. Howard removed this item from the Consent Agenda for discussion only and added it back to the Consent Agenda for a matter of vote. She commented this is a positive thing of Beaufort County, City of Beaufort and the Town of Port Royal working together to resolve a long-term impasse and this is a resolution to such.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council adopt a resolution repealing and replacing Resolution 1999/27 and to authorize an intergovernmental agreement for the collection of library impact fees in the City of Beaufort and the Town of Port Royal. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

TALBERT, BRIGHT AND ELLINGTON / WORK AUTHORIZATION 17-04 FOR BEAUFORT COUNTY AIRPORT / DESIGN, BID AND CONSTRUCTION PROJECT TO REPAIR AND REPLACE DAMAGED ELECTRICAL ITEMS

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Finance Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council authorize engineering and planning services for preparation, design and bidding of the contract drawings for the proposed Airfield Electrical Rehabilitation, for the Beaufort County Airport, in accordance with the Master Contract with Talbert, Bright and Ellington, as a lump sum of \$103,232, and special services not to exceed \$32,815, for a total of \$136,047. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

MEMORANDUM OF AGREEMENT BETWEEN BEAUFORT COUNTY AND BEAUFORT COUNTY EMERGENCY MANAGEMENT REGARDING INCIDENT EMERGENCY RESPONSE PASSES AND INCIDENT RE-ENTRY PASSES

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Governmental Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council authorize the Interim County Administrator to execute a Memorandum of Agreement between Beaufort County and the Beaufort County Sheriff's Office, Emergency Management Division, to prepare and administer an Incident Emergency Response and Re-entry Pass System. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION OF REAPPOINTMENT OF MIKE ALSKO TO
SOUTHERNCAROLINA REGIONAL DEVELOPMENT ALLIANCE, BOARD OF
DIRECTORS**

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Governmental Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council appoint Mr. Mike Alsko for reappointment to serve as a member of the SouthernCarolina Regional Development Alliance, Board of Directors. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**ACKNOWLEDGEMENT OF AMENDED ARTICLES OF INCORPORATION AND
BYLAWS FOR BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION**

This item comes before Council under the Consent Agenda. Discussion occurred at the February 5, 2018 meeting of the Governmental Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council acknowledge the amended Articles of Incorporation and amended Bylaws of the Beaufort County Economic Development Corporation. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

**A RESOLUTION TO SUPPORT THE NATIONAL ASSOCIATION OF COUNTIES
INITIATIVE “STEPPING UP” TO REDUCE THE NUMBER OF PEOPLE WITH
MENTAL ILLNESSES IN JAILS**

This item comes before Council under the Consent Agenda. Discussion occurred at the January 22, 2018 meeting of the Governmental Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council adopt a resolution to support the National Association of Counties initiative “Stepping Up” to reduce the number of people with mental illnesses in jail. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

CONTRACT AWARD / FORT FREMONT HISTORICAL PARK INTERPRETIVE CENTER

This item comes before Council under the Consent Agenda. Discussion occurred at the January 22, 2018 and February 19, 2018 meetings of the Natural Resources Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council award a contract to Savannah Construction & Preservation, Savannah, Georgia in the amount of \$1,029,755 to construct an Interpretive Center at Fort Fremont Historic Park. Funding will come from Account #45000011-54405, Fort Fremont - Beaufort County Community Development Department. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER

This item comes before Council under the Consent Agenda. Discussion occurred at the January 8, 2018 meeting of the Finance Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on first reading an ordinance to amend Beaufort County Ordinance 2017/15, for FY 2017-2018 Beaufort County Budget to provide for additional revenue received from the Town of Hilton Head Island; to provide for a reallocation of funds to meet increased mandatory PEBA Contributions, to provide for reallocation of funds for the Employee Compensation Plan; to provide for a reallocation of funds for increased expenditures for the Daufuskie Island Ferry Operations; and to provide for a supplemental expenditure for matching funds for the Bon Aire Circle Sewer Extension CDBG Grant. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2016/38 AS ADOPTED OCTOBER 24, 2016 TO PROVIDE FOR THE DEFINITION OF “DEVELOPMENT” AND EXEMPTIONS RELATED TO COUNTY DIRT ROAD PAVING

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on second reading an ordinance to amend the Stormwater Management Utility Ordinance 2016/38, as adopted October 24, 2016, to provide for the definition of “development” and exemptions related to County dirt road paving. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, March 12, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1, SECTION 1.3.50 EXEMPTIONS (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART OF THE COUNTY’S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE CDC)

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on second reading text amendments to the Community Development Code (CDC): Article 1, Section 1.3.50 Exemptions (to exempt existing dirt roads paved as part of the County’s Dirt Road Paving Program from the standards of the CDC). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, March 12, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER)

This item comes before Council under the Consent Agenda. Discussion occurred at the January 16, 2018 meeting of the Natural Resources Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on second reading a Lady’s Island Zoning Map Amendment for R200 019 000 013A 0000 (0.21 acres at 391 Sea Island Parkway) from T2-RN (Rural Neighborhood) to T2-RC (Rural Center). The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, March 12, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

This item comes before Council under the Consent Agenda. Discussion occurred at the January 8, 2018 meeting of the Finance Committee. Mr. Caporale removed this item from the Consent Agenda for discussion only and added it back to the Consent Agenda for a matter of vote. He supports the work at the Airport. The Town of Hilton Head Island has finally decided to contribute to these types of projects, under the stipulation that Beaufort County contribute an additional \$200,000. This will come straight of the taxpayers’ pockets by way of a bond. He is not convinced that the airports are keeping up with their own expenses. He does not want to add to the burden of repayment. He is not opposed to the work, but feels the \$200,000 should come out of Accommodations Tax Funds. He asked that the item come before the Finance Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on second reading an ordinance authorizing the issuance and sale of General Obligation Bonds, Series 2018A, or such other appropriate series designation, of Beaufort County, South Carolina, in the principal amount of not to exceed \$11,250,000; fixing the form and details of the bonds; authorizing the Interim County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, March 12, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED GENERAL OBLIGATION BONDS (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF BEAUFORT COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

This item comes before Council under the Consent Agenda. Discussion occurred at the January 8, 2018 meeting of the Finance Committee.

It was moved by Mr. Fobes, seconded by Mr. Covert, that Council approve on second reading an ordinance authorizing for the issuance and sale of limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B or such other appropriate series designation of Beaufort County, South Carolina; fixing the form and details of the bonds; authorizing the Interim County Administrator or his lawfully authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and disposition of the proceeds thereof; and other matters relating thereto. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

The Chairman announced a public hearing Monday, March 12, 2018 beginning at 6:30 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road.

MATTERS ARISING OUT OF EXECUTIVE SESSION

It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Council authorize the Interim County Administrator to reimburse Councilman Stu Rodman for legal fees incurred in defending a complaint filed and dismissed by the State Ethics Commission. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. RECUSED – Mr. Rodman recused himself during discussions relative to reimbursement of legal fees incident to Ethics Commission Investigation (legal fees incurred by Mr. Rodman). The motion passed.

It was moved by Mr. Covert, seconded by Mr. Vaux, that Council authorize the Interim County Administration to incur certain expenses associated with the potential purchase of property known as Project Poseidon. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

It was moved by Mr. Rodman, seconded by Mr. Fobes, that Council appoint Councilmen Gerald Dawson, Brian Flewelling and Paul Sommerville to serve as members of a subcommittee to (i) review and evaluate the executive search firm proposals which LCOG received relating to the selection of our next County Administrator, (ii) select one or more search firms, (ii) interview the firms, and (iii) authorize the Interim County Administrator to enter into a contract for professional services in accordance with Beaufort County’s Procurement Code for an amount not to exceed \$25,000, plus reasonable expenses. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. The motion passed.

PUBLIC COMMENT

Mr. Steve Linn, President, Friends of Fort Fremont Board, thanked Council for its support in making the interpretive center at Fort Fremont a reality.

ANNOUNCEMENT

Vice Chairman Jerry Stewart announced that he is not seeking reelection representing Council District 6. It has been an honor and pleasure to serve the citizens of Beaufort County.

ADJOURNMENT

Council adjourned at 6:54 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Ashley M. Bennett, Clerk to Council

Ratified:

DRAFT

COMMUNITY SERVICES COMMITTEE

February 19, 2018

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

The Community Services Committee met Monday, February 19, 2018 beginning at 4:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Alice Howard, Vice Chairman Rick Caporale and members Michael Covert, Steven Fobes, York Glover and Roberts "Tabor" Vaux present. Non-committee members Gerald Dawson, D. Paul Sommerville and Jerry Stewart 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: Phil Foot, Assistant County Administrator-Public Safety; Joshua Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Bill Love, Director, Disabilities and Special Needs Department; Wanda Maise, Deputy Director, Disabilities and Special Needs Department; and Monica Spells, Assistant County Administrator-Civic Engagement and Outreach.

Public: Michelle Knight, Director, Community and Economic Development Director, Lowcountry Council of Governments.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilwoman Howard chaired the meeting.

ACTION ITEMS

1. Consideration of Reappointments and Appointments / Beaufort Memorial Hospital Board

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

Motion: It was moved by Mr. Caporale, seconded by Mr. Glover, that Committee approve and recommend Council nominate Mr. William Himmelsbach for reappointment to serve as a member of the Beaufort Memorial Hospital Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. William Himmelsbach to serve as a member of the Beaufort Memorial Hospital Board.

2. Consideration of Reappointments and Appointments / Library Board

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

Motion: It was moved by Mr. Fobes, seconded by Mr. Vaux, that Committee approve and recommend Council nominate Mr. Joseph Bogacz, representing Council District 11; Ms. Lynn Miller, representing Council District 10; and Ms. Anna Marie Tabernik, representing Council District 6, for reappointment to serve as members of the Library Board. The vote: YEAS – Mr. Caporale, Mr. Covert, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. The motion passed.

Recommendation: Council nominate Mr. Joseph Bogacz, representing Council District 11, Ms. Lynn Miller, representing Council District 10; and Ms. Anna Marie Tabernik, representing Council District 6, for reappointment to serve as members of the Library Board.

INFORMATION ITEMS

3. Prioritization / 2018 Community Development Block Grant Needs

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

Discussion: Ms. Monica Spells, Assistant Administrator–Civic Engagement and Outreach, presented this item to the Committee. Based on a recent review and discussion by Administrative staff of potential projects that may qualify for the Community Development Block Grant (CDBG) Program, we submit the following recommendation of rankings for consideration and approval. A public hearing seeking public input on community needs and priorities for housing, public facilities, and economic development occurred during the regular meeting of Beaufort County Council on January 22, 2018.

Project Type Priorities:

1. Neighborhood Improvement Projects (multiple activities) in low-to-moderate income (LMI) areas or others as identified.
2. Public Infrastructure and Facilities Projects, which may include water/sewer improvements or upgrades and sanitary sewer extensions, in LMI areas or others as identified.
3. Community Infrastructure or Enrichment Projects to support new and/or existing businesses and/or education and workforce development.

Status: Committee agreed with Community Block Grant (CDBG) Program rankings: (1) Neighborhood Improvement Projects (multiple activities) in low-to-moderate income (LMI) areas or others as identified; (2) Public Infrastructure and Facilities Projects, which may include water/sewer improvements or upgrades and sanitary sewer extensions, in LMI areas or others as identified; (3) Community Infrastructure and Enrichment Projects to support new and/or existing businesses and/or education and workforce.

4. Update / Beaufort County Disabilities and Special Needs Program

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

Discussion: Mr. Bill Love, Director, Disabilities and Special Needs Department (Department), briefed members on a situation involving a female consumer, living independently, who was removed from an apartment complex where the manager has been accused of repeatedly assaulting the consumer over a two-year period. The woman, with the help of a representative of the Department, has been removed from her apartment, is staying in a hotel, is receiving routine monitoring, and is receiving crisis counseling from a victim advocate of Hopeful Horizon. The manager has been charged with third-degree criminal sexual conduct.

Mr. Love provided an overview of the Supervised Living Program (SLP), 911 Address Advisory Program, Community Resident Care Facility, Community Training Homes (CTH), and Community Training Homes Two (CTH2).

Status: Information only.

5. Update / Beaufort County Alcohol and Drug Abuse Department

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

Discussion: Ms. Monica Spells, Assistant County Administrator–Civic Engagement and Outreach, noted that Mr. Bud Boyne retired in September 2017 after 40+ years of service as Department Director. The position was advertised, however, we did not receive our desired response. In the meantime, serving as interim-director has given her the opportunity to spend more time with this particular Department and to work with the staff more closely. We have started fine-tuning some operative processes, looking how to streamline some tasks, introducing new efficiencies, enhancing the programs that are in place, and preparing the department for internal renovations – painting, site repairs, and change flooring to improve the aesthetics of the department. The employees serve a huge clientele.

Status: Information only.

GOVERNMENTAL COMMITTEE

March 5, 2018

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

The Governmental Committee met Monday, March 5, 2018 beginning at 3:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Gerald Dawson, Vice Chairman Steven Fobes, and members Brian Flewelling, York Glover and Roberts “Tabor” Vaux present. Michael Covert and Jerry Stewart absent. Non-committee member Alice Howard present.

County staff: Pamela Cobb, Disaster Recovery Coordinator; Phil Foot, Assistant County Administrator-Public Safety; Chris Inglese, Assistant County Attorney; Tom Keaveny, County Attorney; Eric Larson, Division Director–Environmental Engineering and Land Management; and Dave Thomas, Purchasing Director.

Media: Joe Croley, *Lowcountry Inside Track*.

Councilman Dawson chaired the meeting.

ACTION ITEM

- 1. Text Amendment to the Beaufort County Code of Ordinances, Chapter 2, Administration; Article V, Boards and Commissions, Section 2-193(B)(5), Membership (to allow Council District appointees to serve out of Council District)**

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

Discussion: This text amendment would allow for vacancies on any County board, which requires appointment by district, to be filled by a resident of another Council District, with the consent of the Council member who represents the district with the vacancy.

Mr. Vaux asked to possibly include language to allow a member, who moves out of the Council District, to continue serving in that capacity with consent of the Council member whose District they represent.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Vaux, that Committee recommend Council approve on first reading a text amendment to the Beaufort County Code of Ordinances, Chapter 2, Administration; Article V, Boards and Commissions, Section 2-193(B)(5), Membership (to allow Council District appointees to serve out of Council District and to allow the continuance of a member to continue serving on a Board following the relocation from the district, subject to approval from the Council member who represents the district in which they serve). The vote: YEAS –Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling and Mr. Vaux. ABSENT – Mr. Covert and Mr. Stewart. The motion passed.

Recommendation: Council approve on first reading a text amendment to the Beaufort County Code of Ordinances, Chapter 2, Administration; Article V, Boards and Commissions, Section 2-193(B)(5), Membership (to allow Council District appointees to serve out of Council District and to allow the continuance of a member to continue serving on a Board following the relocation from the district, subject to approval from the Council member who represents the district in which they serve).

INFORMATION ITEMS

2. Consideration of Contract Award / Replacement/Retrofit of Integrated Electronic Security Systems of the Detention Center

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

Discussion: The Purchasing Department received six responses from qualified firms to provide engineering design and project management services for the replacement/retrofit of the integrated Electronic Security Systems for the Detention Center. The selected firm will cover phase one of the project and include design, bid evaluation assistance and project management. Phase two will be bid later for the cost of any construction, equipment, and installation. The evaluation committee interviewed four of the six firms in which the top two firms -- Buford Goff & Associates, Inc., and Mead and Hunt -- tied in the initial scoring following the interviews. With this result, they both were selected to provide a security needs assessment, a cost proposal for design, and provide project management services which includes the bidding process for our software and equipment needs. After reviewing the final proposals from the top two mentioned firms, Buford Goff & Associates, Inc., was selected as the number one ranked firm by the evaluation committee.

The evaluation committee recommends that phase one be awarded to Buford Goff & Associates Inc., for design/engineering services in the amount of \$73,880. Staff is requesting a 10% project contingency of \$7,388, making the total budget \$81,268. Funding will come from account 40100011-54115, 2017A GO Bond, Security Upgrades Detention Center.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Fobes, that Committee approve a contract award in the amount of \$73,880 to Bufford Goff & Associates, Inc.,

Columbia, South Carolina, for design and project management services (Phase I) for the replacement/retrofit of the integrated Electronic Security Systems for the Detention Center. Additionally, the Committee approved a 10% project contingency for a total project budget of \$81,268. Funding will come from account 40100011-54115, 2017A General Obligation Bond, Security Upgrades Detention Center. The vote: YEAS –Mr. Dawson, Mr. Fobes, Mr. Glover, Mr. Flewelling and Mr. Vaux. ABSENT – Mr. Covert and Mr. Stewart. The motion passed.

Status: Committee approved a contract award in the amount of \$73,880 to Bufford Goff & Associates, Inc., Columbia, South Carolina, for design and project management services (Phase I) for the replacement/retrofit of the integrated Electronic Security Systems for the Detention Center. Additionally, the Committee approved a 10% project contingency for a total project budget of \$81,268. Funding will come from account 40100011-54115, 2017A General Obligation Bond, Security Upgrades Detention Center.

3. Discussion / Warning Siren Project / Hazard Mitigation Grant Program

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

Discussion: Ms. Pamela Cobb, Disaster Recover Coordinator, provided the Committee with a PowerPoint Presentation on the pending Warning Siren Project. The presentation included an overview of the Hazard Mitigation Grant Program, integrated solutions, locations of these proposed warning sirens, implementation time frame and cost as follows: total cost of \$520,768.30, with Beaufort County's cost share portion of \$187,475.

Status: Information only.

4. Consideration of Reappointments and Appointments / Construction Adjustments and Appeals Board

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

Status: No action at this time.

NATURAL RESOURCES COMMITTEE

February 19, 2018

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

The Natural Resources Committee met Monday, February 19, 2018 beginning at 1:30 p.m. in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Tabor Vaux, and members Gerald Dawson, Steven Fobes, York Glover and Alice Howard present. Committee member Rick Caporale absent. Non-committee members Michael Covert, Stu Rodman, D. Paul Sommerville and Jerry Stewart also 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, Community Development Director; Amanda Flake, Natural Resource Planner, Community Development Department; Phil Foot, Assistant County Administrator–Public Safety; Eric Greenway, Community Development Director; Josh Gruber, Interim County Administrator; Chris Inglese, Assistant County Attorney; Thomas Keaveny, County Attorney; Colin Kinton, Division Director-Transportation Engineering. Rob McFee, Division Director–Facilities and Construction Engineering; Rob Merchant, Deputy Director Community Development; Monica Spells, Assistant County Administrator–Civic Outreach and Engagement; and Dave Thomas, Purchasing Director.

Public: John Bender, Title I Realty; David Bennett, Mayor, Town of Hilton Head Island; Jennifer Bihl, Bihl Engineering; Randy Boehme, Southern Beaufort County Corridor Beautification Board; Sallie Bridgewater, Southern Beaufort County Corridor Beautification Board; Keith Duncan, Ward Edwards Engineering; Katherine McCloud, Hilton Head Island Rotary; Charles Norris, Paulte Homes; Keven Grainer, architect; Louis Hammett, lawyer representing Okatie Village; Shirley Peterson, Chairman, Mitchelville Board; Coleman Peterson, Hilton Head Island resident; Steve Riley, Manager, Town of Hilton Head Island; Kathy Scott, Okatie resident; Glen Stanford, Chairman, Southern Beaufort County Corridor Beautification Board; Richard Schwartz; Village Park Homes; Josh Tiller, J.K. Tiller Associates; Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers; and Ahmad Ward, Executive Director, Mitchelville Preservation Project.

Media: Joe Croley, *Lowcountry Inside Track*.

Committee Chairman Flewelling chaired the meeting.

ACTION ITEMS

1. Consideration of Contract Award / Landscaping at Tanger Outlet Medians on U.S. Highway

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

Discussion: On December 14, 2017, Beaufort County received three proposals for landscaping services for the U.S. Highway 278 traffic medians between Tanger 1 and Tanger 2 in Bluffton, South Carolina. This service includes project oversight by a Registered South Carolina Landscape Architect, site preparation/grading, twelve month hand-watering, warranty and maintenance program to facilitate plant establishment, cost of plants and installation of plants, and the cost of pine straw mulch with installation. In addition to the 12-month maintenance program which is estimated to begin on May 6, 2018, the service also includes an additional four years of landscape maintenance for a total of five years of landscape maintenance which is estimated to end on May 6, 2023. The evaluation committee consisting of Amanda Flake, Beaufort County Natural Resources Planner, Robert Merchant, Interim Planning Director and Nancy Moss, Community Development Planner interviewed/evaluated the following three firms: Hilton Head Landscapes, LLC; The Greenery and BrightView Landscape Services, Inc., on January 12, 2018. They selected Hilton Head Landscapes, LLC, in the amount of \$268,198.69 as the number one ranked firm. This project would be funded through a development agreement passed by a resolution by Beaufort County Council and COROC on October 12, 2015, to accept a bond in the amount of \$323,865 which was received by Beaufort County on March 11, 2016. The receipt was credited to the Tree Reforestation Fund and assigned to this project.

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Committee approve and recommend Council award a contract to Hilton Head Island Landscapes, LLC, in the amount of \$268,198.69 for landscaping services for the U.S. Highway 278 traffic medians between Tanger 1 and Tanger 2. This project will be funded from the Tree Reforestation Fund. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard and Mr. Vaux. NAYS – Mr. Glover. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council award a contract to Hilton Head Island Landscapes, LLC, in the amount of \$268,198.69 for landscaping services for the U.S. Highway 278 traffic medians between Tanger 1 and Tanger 2. This project will be funded from the Tree Reforestation Fund.

2. Update / Fort Fremont Historical Park Interpretive Center

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

Discussion: Mr. Josh Gruber, Interim County Administrator, provided the Committee with an update on a contract award for the construction of the Fort Fremont Historical Park

Interpretive Center. On January 16, 2018, the Natural Resources Committee recommended Council award a contract to C. Merrill Construction, Statesboro, Georgia in the amount of \$1,000,980 to construct an Interpretive Center at Fort Fremont Historic Park, contingent upon verification and compliance of the vendor. Since then, it was determined that C. Merrill Construction, failed to complete all good faith outreach efforts, as outlined in the bid documents, and is thereby unresponsive. It was determined that Savannah Construction & Preservation was the lowest responsive/responsible bidder.

Motion: It was moved by Mr. Glover, seconded by Mr. Fobes, that Committee approve and recommend Council award a contract to Savannah Construction & Preservation, Savannah, Georgia in the amount of \$1,029,755 to construct an Interpretive Center at Fort Fremont Historic Park. Funding will come from Account #45000011-54405, Fort Fremont - Beaufort County Community Development Department. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council award a contract to Savannah Construction & Preservation, Savannah, Georgia in the amount of \$1,029,755 to construct an Interpretive Center at Fort Fremont Historic Park. Funding will come from Account #45000011-54405, Fort Fremont - Beaufort County Community Development Department.

3. Funding Request / Mitchelville Preservation Project / Phase 1

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

Discussion: Mr. Ahmad Ward, Executive Director, Mitchelville Preservation Project, distributed to the Committee documents that provide an overview of the history of Mitchelville and the proposal to Beaufort County for master planning and phase 1 development of Historic Mitchelville Freedom Park (MPP). Mr. Ward provided the Committee with a PowerPoint Presentation that included an overview of the following:

Mission

The Mitchelville Preservation Project is a 501(c) non-profit organization whose mission is to replicate, preserve and sustain a historically significant site and to educate the public about the sacrifice, resilience and perseverance of the freedmen of Mitchelville, which, in 1862, was the first self-governed town of freed slaves in America.

Summary

MPP, in cooperation with the Town of Hilton Head and Beaufort County, endeavors to establish an active public park in the historic Mitchelville area, which will be known as “Historic Mitchelville Freedom Park.”

Request

The Mitchelville Preservation Project is seeking a total of \$1,400,000 to develop a comprehensive master plan and implement the first stages of construction at Historic Mitchelville Freedom Park.

The immediate phase is the Master Plan, which will include an interpretive plan, site development plan, archaeological mitigation plan, business and financial plans, along with other components. Approximately \$250,000 is reserved for the master planning component of the project. The subsequent \$1,150,000 would be for implementing Phase 1 improvements.

Master Plan Task Description

Project Initiative, Community Outreach and Case Study Tours - \$40,000
Historical Research, Surveys, Archaeology and Site Inventory/Analysis - \$40,000
Conceptual Master Plan Development - \$110,000
Final Master Plan Implementation - \$60,000
All Services Total - \$250,000

Phase 1 Components

Archaeology - \$150,000
Land Surveying and Environmental Services - \$50,000
Roads, Parking and Pathway System - \$350,000
Signage and Site Improvements - \$150,000
Phase 1 Buildings, Structures/Site Improvements - \$450,000
Component Total - \$1,150,000

Motion: It was moved by Mr. Glover, seconded by Mr. Fobes, that Committee recommend Council approve \$250,000 of Rural and Critical Lands Preservation funds to Mitchelville Preservation Project for the master planning component of the Project, contingent upon compliance with Beaufort County's Procurement Policy and staff's evaluation of the request and overall prioritization of projects. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council approve \$250,000 of Rural and Critical Lands Preservation funds to Mitchelville Preservation Project for the master planning component of the Project, contingent compliance with Beaufort County's Procurement Policy and staff's evaluation of the request and overall prioritization of projects.

4. Consideration of Reappointments and Appointments / Design Review Board

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

Motion: It was moved by Mr. Vaux, seconded by Mr. Fobes, that Natural Resources Committee recommend Council nominate Ms. Sallie Bridgewater, representing architect, landscape architect, building design, civil engineer, for appointment to serve as a member of the Design Review Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council nominate Ms. Sallie Bridgewater, representing architect, landscape architect, building design, civil engineer, for appointment to serve as a member of the Design Review Board.

5. Consideration of Reappointments and Appointments / Historic Preservation Review Board

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

Motion: It was moved by Mr. Sommerville, seconded by Mrs. Howard, that Natural Resources Committee recommend Council nominate Ms. Cheryl Steele, representing Port Royal Island, for appointment to serve as a member of the Historic Review Board. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council nominate Ms. Cheryl Steele, representing Port Royal Island, for appointment to serve as a member of the Historic Review Board.

6. Consideration of Reappointments and Appointments / Planning Commission

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

Motion: It was moved by Mr. Glover, seconded by Mr. Vaux, that Committee approve and recommend Council nominate Mr. Robert Semmler, representing at-large, for reappointment to serve as a member of the Planning Commission. The vote: YEAS - Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Recommendation: Council nominate Mr. Robert Semmler, representing at-large, for reappointment to serve as a member of the Planning Commission.

INFORMATION ITEMS

7. Update / Previous Planning Commission Meeting

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

Discussion: Mr. Josh Gruber, Interim County Administrator, introduced Beaufort County newly hired Community Development Director, Mr. Eric Greenway.

Mr. Rob Merchant, Deputy Director Community Development, provided the Committee an update on the Planning Commission meeting of February 5, 2018.

Status: Information only.

8. Update / Previous Southern Lowcountry Regional Planning Commission Meeting

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

Discussion: Mr. Rob Merchant, Deputy Director Community Development, provided the Committee an update on the last meeting of the Southern Lowcountry Regional Planning Commission.

Status: Information only.

9. Text Amendment to the Beaufort County Community Development Code (CDC), Article 3, Section 3.3.50 Regional Center Mixed Use (C5) Zone Standards (To Allow Hotel to Apartment Conversion on Unit-to-Unit Basis); Applicant: Michael Kronimus

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

Discussion: The Community Development Department was approached by the new owner of Suburban Lodge in Bluffton about the possibility of converting the extended-stay hotel into an apartment building. The Suburban Lodge has 150 extended-stay units on 3.13 acres. The new owner wanted to convert the hotel unit per unit to efficiency apartments with long-term leases. The property is located in C5 Regional Mixed-Use where both hotels and multi-family are permitted uses. Multi-family, however, has a maximum density of 15 dwelling units per acre.

The project was not able to move forward because the unit-per-unit conversion would result in a multi-family development with triple the density than what is permitted in the district.

Proposed Amendment

Staff directed the applicant to consider a text amendment that would allow for hotels that convert to multi-family developments to exceed the maximum permitted density with appropriate conditions attached. The applicant responded with a formal zoning amendment request that allows for a unit-to-unit conversion with the following conditions:

- The hotel shall have been in continuous operation for a minimum of five years.
- To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.
- The site shall meet the parking requirements for multi-family residential as established in Article 5, Division 5.5.

Impact on Parking and Transportation

In analyzing the potential impacts of this proposed amendment, staff identified parking as the greatest concern. The Community Development Code only requires hotels to have one parking space per unit, while it requires efficiency apartments 1.25 spaces per unit. Converting from extended stay to permanent residency, there is a greater likelihood of households having more than one vehicle, and for residents to have visitors. Therefore, any conversion would need to provide adequate parking. Traffic impacts were not a major concern. The change of use would only result in a modest increase in trip generation (6 to 12%). For example, the conversion of an extended stay hotel of 150 units would increase the daily trips from 936 to 998; a.m. Peak hour trips from 72 to 77; and p.m. peak hour trips from 83 to 93.

Council requested the following:

- Correspondence from the School District and municipalities regarding their feedback on this proposed amendment.
- Staff address impact on School District.

Motion: It was moved by Mr. Vaux, seconded by Mr. Glover, that Committee delay action on a text amendment to the Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of lodging to Multi-Family Residential, until the next regularly scheduled meeting of the Natural Resources Committee. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. ABSENT – Mr. Caporale. The motion passed.

Status: Committee delayed action on text amendment to the Community Development Code (CDC): Article 3, Section 3.3.50 Regional Center Mixed-Use to permit unit-per-unit conversion of lodging to Multi-Family Residential, until the next regularly scheduled meeting of the Natural Resources Committee.

10. Southern Beaufort County Map Amendment / Osprey Point (Malind Bluff) PUD Master Plan Amendment Request for R600 013 000 0006 0000 (119.90 acres east of S.C. Highway 170, Okatie); Owner / Applicant: LCP III, LLC / Mr. J. Nathan Duggins, Agent: Josh Tiller

Southern Beaufort County Map Amendment / River Oaks (Malind Pointe) PUD Master Plan Amendment Request For R600 013 000 008c 0000 (+/- 63.54 acres east of S.C. Highway 170, Okatie); Owner / Applicant: BBI Holding / Mr. Roger L. Saunders; Agent: Josh Tiller

Discussion: These two items were taken together for purposes of discussion.

Osprey Point PUD

The applicant is requesting revisions to the Osprey Point PUD. This amendment is being sought in conjunction with revisions to the River Oaks PUD located to the south of this site. This is the second time that the Osprey Point PUD is being requested to be revised. The PUD was originally approved in 2008. In 2014, Beaufort County Council approved a significant revision to the original PUD, changing it from a mixed-use, traditional community to a gated, age restricted residential community. With this current PUD amendment, the most significant change is removing the age restrictions and gates on the residential portion of the development. There are also changes in the road network that improve access from S.C. Highway 170 into the site and access between this PUD and River Oaks to the south. The 2014 PUD had a mix of lot sizes ranging from 45 to 60 feet wide. This proposal only has 53 foot wide lots. There is also a small increase in total open space from 45.8 acres to 49 acres (39% to 41%).

Changes from the September 7, 2017 Planning Commission meeting: The applicant has made some moderate revisions to the PUD master plan since the September 7, 2017 meeting. These revisions are due in part to changes in the wetland delineations and a change in the proposed homebuilder to the Pulte Group. The following is a summary of the revisions:

- There is a second vehicular access point to the north south connector road that separates the commercial and residential portions of the PUD.
- All of the lots are now 53” x 120” where the September plan had a mixture of 53 and 60 foot wide lots.
- The amenity center was moved from the marsh front to the center of the development.
- With the exception of the amenity center and a small green toward the eastern end of the site, open spaces and lagoons are located behind houses rather than fronting streets.
- There is improved connectivity between this PUD and River Oaks with no proposed gate and more direct means of egress.
- The Master Plan no longer identifies a 13-acre County park north of this site on the marsh that would be managed by Malind Bluff (Osprey Point).
- The total number of workforce housing units to be supplied in the Osprey Point and River Oaks PUDs has been reduced from 45 to 40.

River Oaks PUD

The River Oaks PUD is located in the Okatie area on Cherry Point Road approximately 2,000 feet from S.C. Highway 170. The property is immediately to the East of the Okatie Elementary school and south of the Osprey Point PUD. The applicant is requesting to amend the PUD by changing it from a senior village to a single-family subdivision. The revised master plan consists of 315 single-family houses. 124 of the lots will be 4,400 square feet (40' x 110'); and the remaining 191 lots will be 3,300 square feet (30' x 110'). The main entrance of the subdivision is off Cherry Point Road. The PUD proposes a connection to the Osprey Point PUD. The revised master plan provides a network of pedestrian sidewalks with a connection to the property line of Okatie Elementary. The lots along the perimeter of the property are proposed to be 4,400 square feet and be accessed from the front. The remaining lots will be 3,300 square feet and will be accessed by alleys. The applicant is proposing to develop 45 affordable housing units in the combined Osprey Point and River Oaks PUDs.

Changes from the September 7, 2017 Planning Commission Meeting: The applicant revised the plan to address some of the concerns of the Planning Commission. They reconfigured the master plan to provide for a more traditional pattern of streets and blocks. In the original plan, all of the 315 lots were accessed from the street. In the revised plan, 60% of the lots are accessed from the rear via alleys. The open spaces were largely reconfigured to be surrounded by streets rather than located at the rear of the lots. While these revisions are improvements on the previously submitted master plan, it should be noted that the total number of workforce housing units to be supplied in the combined PUDs has been reduced from 45 to 40.

Mr. Rob Merchant, Deputy Community Development Director, provided the Committee with a PowerPoint presentation that gave an overview of the master plan and recommendations as follows:

Osprey Point PUD

Staff Recommends:

Approval with conditions:

- Eliminate the right-in/right-out intersection with S.C. Highway 170.
- Conduct a Traffic Impact Analysis (TIA) that looks at the combined impacts of the Osprey Point and River Oaks PUDs.
- Incorporate the County's existing Stormwater BMP Manual and future revisions into PUD document.
- Indicate that the 13-acre park located north of the site will be managed by Malind Bluff (Osprey Point).

Planning Commission Recommends:

Denial due to concerns about the impacts on roads, schools and stormwater.

River Oaks PUD

Staff Recommends:

Approval with conditions:

- The revised PUD document needs to clearly incorporate the County's existing Stormwater BMP Manual and any revisions that are made in the future.
- A Traffic Impact Analysis (TIA) needs to be conducted for the combined impact of the Osprey Point and River Oaks PUDs. This TIA needs to look at existing traffic volumes and utilize the Lowcountry Regional Model. Any recommended improvements resulting from the findings of the TIA need to be incorporated into the PUD document before approval by County Council.

Planning Commission Recommends:

Denial due to concerns about the impacts on roads, schools and stormwater.

Mr. Josh Tiller, applicant, and Mr. Louis Hammett, attorney representing applicant, distributed to the Committee the following: Osprey Point and River Oaks at Okatie Village amended requests and a traffic impact analysis for Okatie Village. Mr. Tiller also provided the Committee with a PowerPoint presentation outlining the following:

- Okatie Village Composite Plan Development Summary for June 13, 2017 and February 2, 2018
- Amended Master Plan for Osprey Point
- Trails and Open Space Plan for Osprey Point
- Proposed drainage system for Osprey Point
- Proposed water distribution system for Osprey Point
- Proposed sanitary sewer system for Osprey Point
- Master Plan for Okatie River Passive Park
- Transect Map for Osprey Point
- Letter from School District Superintendent, Jeffery Moss, regarding the proposed amendment.
- Proposed terms of agreement between Beaufort County School District and developers of Osprey Pointe and River Oaks.
- Amended Master Plan for River Oaks
- Trails and Open Space Plan for Osprey Point
- Proposed drainage system for River Oaks
- Proposed water distribution system for River Oaks
- Proposed sanitary sewer system for River Oaks
- Various images depicting design

Council asked for staff's opinions regarding the traffic impact analysis. Mr. Colin Kinton, Division Director, Transportation Engineering, stated to date, the document has not been fully vetted.

Motion: It was moved by Mr. Vaux, that Committee form a Development Agreement Subcommittee to address the Osprey Point and River Oaks map amendments. The motion died for lack of a second.

Motion: It was moved by Mrs. Howard, seconded by Mr. Fobes, that Committee postpone consideration of the Osprey Point Planned Unit Development Master Plan and River Oaks Planned Unit Development Master Plan amendments until the next regularly scheduled meeting of the Natural Resources Committee, and staff's review of the traffic impact analysis. The vote: YEAS – Mr. Dawson, Mr. Fobes, Mr. Glover, Mrs. Howard and Mr. Vaux. NAYS – Mr. Flewelling. ABSENT – Mr. Caporale. The motion passed.

Status: Committee postponed consideration of the Osprey Point Planned Unit Development Master Plan and River Oaks Planned Unit Development Master Plan amendments until the next regularly scheduled meeting of the Natural Resources Committee, and staff's review of the traffic impact analysis.

11. Consideration of 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.

12. Consideration of Reappointments and Appointments / Southern Beaufort County Corridor Beautification 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.

Boards and Commissions
Reappointments and Appointments
March 12, 2018

1 Community Services Committee

Beaufort Memorial Hospital Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	William Himmelsbach	At-Large	Reappoint	8/11	4	2/22

Library Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Joseph Bogacz	Council District 11	Reappoint	8/11	4	2/22
02.19.18	Lynn Miller	Council District 10	Reappoint	8/11	4	2/22
02.19.18	Anna Marie Tabernik	Council District 6	Reappoint	8/11	4	2/22

2 Finance Committee

Accommodations (State 2%) Tax Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Anita Singleton-Prather	Cultural	Reappoint	8/11	4	2/22

Airports Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Lex Brown	Active Pilot / Aircraft Owner at LI Airport	Reappoint	8/11	2	2/20
02.19.18	Mark Bailey	Qualifications	Appoint	6/11	2	2/20

3 Governmental Committee

Bluffton Township Fire District Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Thomas Mike	Council District 5	Reappoint	8/11	4	2/22
02.19.18	Joseph Paolo	Council District 7	Reappoint	8/11	4	2/22
02.19.18	Mike Raymond	Bluffton Town Council appointee	Reappoint	10/11	4	2/22

Daufuskie Island Fire District Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	George Jenkins	Fire Service Area	Reappoint	10/11	4	2/22
02.19.18	Gary Stewart	Fire Service Area	Reappoint	8/11	4	2/22

Lowcountry Regional Transportation Authority

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Barbara Childs	At-Large	Reappoint	10/11	4	2/22

Parks and Leisure Services Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Bruce Yeager	Southern Beaufort County	Reappoint	10/11	4	2/22

4 Natural Resources Committee

Design Review Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Sallie Bridgwater	Architect, Landscape Architect, Design	Appoint	6/11	Partial-term	2/20

Historic Preservation Review Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Cheryl Steele	Port Royal Island	Appoint	6/11	4	2/22

Planning Commission

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Cecily McMillan	St. Helena Island	Appoint	6/11	3	2/21
02.19.18	Robert Semmler	At-Large	Reappoint	10/11	3	2/21

5 Public Facilities Committee

County Transportation Committee

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Stephen Hill	Council District 9	Appoint	6/11	Partial-term	2/21

Keep Beaufort County Beautiful Board

<u>Nominated</u>	<u>Name</u>	<u>Position/Area/Expertise</u>	<u>Reappoint/Appoint</u>	<u>Votes Required</u>	<u>Term/Years</u>	<u>Expiration</u>
02.19.18	Michael Murphy	Council District 2	Appoint	6/11	2	2/20
02.19.18	Pamela Floyd	Council District 3	Appoint	6/11	2	2/20
02.19.18	Kathleen Bray	Council District 4	Appoint	6/11	2	2/20
02.19.18	Joan Gualdoni	Council District 6	Appoint	6/11	2	2/20
02.19.18	Randy Boehme	Council District 9	Appoint	6/11	4	2/22
02.19.18	Jean Fruh	Council District 11	Appoint	6/11	4	2/22

2018 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS AND COMMISSIONS, SECTION 2-193(B)(5), MEMBERSHIP (ALLOWS COUNCIL DISTRICT APPOINTEES TO SERVE OUT OF COUNCIL DISTRICT)

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

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final:

Sec. 2-193. Membership.

(b) *Term.*

- (1) Board, agency or commission members shall serve at the pleasure of council for a whole-year term up to four years, subject to the following voting requirements for their appointment:
 - a. First term, 6/11 or more of the full council.
 - b. Second term, 8/11 or more of the full council.
 - c. Third term or more, 10/11 or more of the full council.
- (2) Any partial term in excess of one-half plus one day of a full term shall count as a full term for determination of the voting requirements specified in subsection (b).
- (3) Half the members of a board, agency or commission shall be appointed every two years during the month of February beginning in February 1989. (Members to be appointed will be determined by lottery held among the board, agency or commission members.)
- (4) Members shall serve until their successors are appointed and qualified.
- (5) Members shall be a resident of the district in which they serve for their entire term. Relocation from the district constitutes a resignation unless, within 30 days of the date Council becomes aware of the relocation, the Council member whose district the member represents notifies Council that the member wishes to remain on the board, agency or commission until the expiration of the term. ~~Exception: vacancies on the Beaufort County Library Board or the Corridor Review Boards may be filled by appointment of a member at-large if the county council member who represents the district in which the vacancy exists consents.~~
- (6) A vacancy on any Board which requires appointment by district may, with the consent of the Council member who represents the district with the vacancy, be filled by a resident of another district.
- (7) No reappointment can be considered more than 30 days prior to the expiration of a particular term

Beaufort County, South Carolina
Multi-County Park

ORDINANCE NO. _____
(WASTE MANAGEMENT-RIVERPORT MULTI-COUNTY PARK)

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DIMINISHING OF THE BOUNDARIES OF AN EXISTING MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO REMOVE THEREFROM CERTAIN PROPERTY NOW OR TO BE OWNED AND/OR OPERATED BY WASTE MANAGEMENT OF GEORGIA, INC, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS; (2) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY AND TO INCLUDE THE AFOREMENTIONED PROPERTY; (3) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH JASPER COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (4) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN BEAUFORT COUNTY; AND (5) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Multi-County Park Act"), Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County"), effective as of August 5, 2011, entered into that certain Agreement for the Establishment of Multi-County Industrial/Business Park (RiverPort) (the "RiverPort Multi-County Park Agreement"), which included certain property in Jasper County in the RiverPort Park (the "RiverPort Multi-County Park Property"); and

WHEREAS, Beaufort County and Jasper County, as authorized under the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, now desire to remove certain property from the RiverPort Multi-County Park; and

WHEREAS, in order to promote economic development and thus encourage investment and provide additional employment opportunities, Beaufort County and Jasper County, as authorized under the Multi-County Park Act, now propose to establish jointly a multi-county industrial/business park upon such removed property that is located in Jasper County, and more particularly described in Exhibit A hereto (the "Waste Management Property") and which will now be owned and/or operated by Waste Management of Georgia, Inc. (the "Waste Management-RiverPort Multi-County Park"); and

WHEREAS, Beaufort County and Jasper County have agreed to the specific terms and conditions of such arrangement as set forth in that certain Agreement for Establishment of a Multi-County Industrial/ Business Park (Waste Management-RiverPort) proposed to be entered into by and between Beaufort County and Jasper County as of such date as may be agreed to by Beaufort County and Jasper County (the “Waste Management–RiverPort Multi-County Park Agreement”), a form of which Waste Management–Riverport Multi-County Park Agreement has been presented to this meeting; and

WHEREAS, it appears that the Waste Management-RiverPort Multi-County Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Beaufort County for the purposes intended.

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

Section 1. Removal of Waste Management Property from RiverPort Multi-County Park. In accordance with the Multi-County Park Act and Section 3(A) of the RiverPort Multi-County Park Agreement, Beaufort County hereby approves the removal of the Waste Management Property from the RiverPort Multi-County Park. In accordance with Section 3(B) of the RiverPort Multi-County Park Agreement, Beaufort County shall, together with Jasper County, create a revised Exhibit A to the RiverPort Multi-County Park Agreement to be attached thereto reflecting such removal.

Section 2. Establishment of Waste Management-RiverPort Multi-County Park; Approval of the Waste Management-RiverPort Multi-County Park Agreement. There is hereby authorized to be established, in conjunction with Jasper County, a multi-county industrial/business park to be known as the Waste Management-RiverPort Multi-County Park and to include therein the Waste Management Property. The form, provisions, terms and conditions of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting and filed with the Clerk to Beaufort County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Waste Management-RiverPort Multi-County Park Agreement were set out in this Ordinance in its entirety. The Chairman of Beaufort County Council is hereby authorized, directed, and empowered to execute the Waste Management-RiverPort Multi-County Park Agreement in the name and on behalf of Beaufort County; the Clerk to Beaufort County Council is hereby authorized, directed, and empowered to attest the same; and the Chairman of Beaufort County Council is further authorized, directed, and empowered to deliver the Waste Management-RiverPort Multi-County Park Agreement to Jasper County.

The Waste Management-RiverPort Multi-County Park Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Beaufort County thereunder and as shall be approved by the officials of Beaufort County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Waste Management-RiverPort Multi-County Park Agreement now before this meeting.

The Chairman of Beaufort County Council, the County Administrator of Beaufort County, and the Clerk to the Beaufort County Council, for and on behalf of Beaufort County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Waste Management-RiverPort Multi-County Park and the performance of all obligations of Beaufort County under and pursuant to the Waste Management-RiverPort Multi-County Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 3. Payment of Fee in Lieu of Tax. The businesses and industries located in the Waste Management-RiverPort Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Waste Management-RiverPort Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Jasper County. That portion of the fee allocated pursuant to the Waste Management-RiverPort Multi-County Park Agreement to Beaufort County shall, upon receipt by the Treasurer of Jasper County, be paid to the Treasurer of Beaufort County in accordance with the terms of the Waste Management-RiverPort Multi-County Park Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. Beaufort County and Jasper County, acting by and through the Treasurer of Jasper County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Jasper County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision in South Carolina law.

The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 4. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Waste Management-RiverPort Multi-County Park by Beaufort County and Jasper County shall be as set forth in the Waste Management-RiverPort Multi-County Park Agreement.

Section 5. Distribution of Revenues within Beaufort County. Revenues generated from industries and businesses located in the Waste Management-RiverPort Multi-County Park and received by Beaufort County shall be distributed by Beaufort County **[in accordance with an ordinance to be passed by Beaufort County Council.]**

Section 6. Governing Laws and Regulations. The ordinances of the City of Hardeeville, South Carolina (the “City”) and Jasper County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Waste Management-RiverPort Multi-County Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the Waste Management-RiverPort Multi-County Park. The Beaufort County Code of Ordinances shall in no way apply to the Waste Management-RiverPort Multi-County Park.

Section 7. Applicable Ordinances and Regulations. Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the Waste Management-RiverPort Multi-County Park properties located in Jasper County unless the properties are within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

Section 8. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Waste Management-RiverPort Multi-County Park properties is vested with the Sheriff's Department of Jasper County. If any of the Waste Management-RiverPort Multi-County Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 9. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Beaufort County Code or other Beaufort County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 10. Severability. If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 11. Effectiveness. This Ordinance shall be effective upon third and final reading.

[End of Ordinance - Signature page to follow]

Enacted and approved, in meeting duly assembled, this ___ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: February 19, 2018
Second Reading:
Public Hearing:
Third and Final Reading:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 COUNTY OF BEAUFORT)

**AGREEMENT FOR THE ESTABLISHMENT OF
 MULTI-COUNTY INDUSTRIAL/BUSINESS PARK
 (WASTE MANAGEMENT RIVER PORT)**

THIS AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (PROJECT LEE) for the establishment of a multi-county industrial/business park to be located within Jasper County and Beaufort County is made and entered into as of [____], 2018, by and between Jasper County, South Carolina (“Jasper County”) and Beaufort County, South Carolina (“Beaufort County”).

RECITALS

WHEREAS, Jasper County and Beaufort County are contiguous counties which, pursuant to Ordinance No. [____], enacted by Jasper County Council on [____], 2018, and Ordinance No. [____] enacted by Beaufort County Council on [____], 2018, have each determined that, in order to promote economic development and thus encourage investment and provide additional employment opportunities within both of said counties, there should be established in Jasper County a multi-county industrial/business park (the “Park”), to be located upon property more particularly described in Exhibit A (Jasper); and

WHEREAS, as a consequence of the establishment of the Park, property comprising the Park and all property having a situs therein is exempt from *ad valorem* taxation pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equivalent to the property taxes or other in-lieu-of payments that would have been due and payable except for such exemption.

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Binding Agreement.** This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Jasper County and Beaufort County, their successors and assigns.

2. **Authorization.** Article VIII, Section 13(D) of the South Carolina Constitution provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in South Carolina. The Code of Laws of South Carolina, 1976, as amended (the “Code”) and particularly, Section 4-1-170 thereof, satisfies the conditions imposed by Article VIII, Section 13(D) of the South Carolina Constitution and provides the statutory vehicle whereby a multi-county industrial or business park may be created.

3. **Location of the Park.**

(A) The Park consists of property that is located in Jasper County and which now or will be owned and/or operated by Waste Management of Georgia, Inc. one or more affiliates, and/or other project sponsors, as more particularly described in Exhibit A hereto. It is specifically recognized that the Park may from time to time consist of non-contiguous properties within Jasper County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinance of the county council of both Jasper County resolution of the county council and Beaufort County. If any property proposed for inclusion in the Park is located, at the time

such inclusion is proposed, within the boundaries of a municipality, then the municipality must give its consent prior to the inclusion of the property in the Park.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A which shall contain a legal description of the boundaries of the Park as enlarged or diminished, together with a copy of the ordinance of Jasper County Council and resolution of Beaufort County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the enactment by Jasper County Council of its ordinance authorizing the diminution of the boundaries of the Park, a public hearings shall first be held by Jasper County Council. Notice of such public hearing shall be published in a newspaper of general circulation in Jasper County, at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearing shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any property which would be excluded from the Park by virtue of the diminution.

4. **Fee in Lieu of Taxes.** Pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, all property located in the Park is exempt from all *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of *ad valorem* taxes) equivalent to the *ad valorem* taxes or other in-lieu-of payments that would have been due and payable but for the location of such property within the Park.

5. **Allocation of Expenses.** Jasper County and Beaufort County shall bear expenses incurred in connection with the Park, including, but not limited to, those incurred in the administration, development, operation, maintenance and promotion of the Park, in the following proportions:

A. Jasper County	100%
B. Beaufort County	0%

6. **Allocation of Revenues.** Jasper County and Beaufort County shall receive an allocation of all revenues generated by the Park through payment of fees in lieu of *ad valorem* taxes in the following proportions:

A. Jasper County	99%
B. Beaufort County	1%

Any payment from Jasper County to Beaufort County of Beaufort County's allocable share of Park revenues: (I) shall be made no later than thirty (30) days following the end of the calendar quarter in which Jasper County receives such Park revenues; and (II) shall be accompanied by a statement showing the manner in which total payment and each County's share were calculated. If any Park revenues are received by Jasper County through payment by any owner, or any lessee/tenant, or any other taxpayer is made under protest, or otherwise as part of a dispute, then Jasper County is not obligated to pay Beaufort County more than Beaufort County's share of the undisputed portion of the Park revenues until thirty (30) days after the final resolution of the protest or dispute.

7. **Revenue Allocation within Each County.** Park revenues generated shall be distributed to and within the County as follows:

(A) Revenues generated by the Park through the payment of fees in lieu of *ad valorem* taxes shall be distributed to Jasper County and to Beaufort County, as the case may be, according to the proportions established by this Agreement. With respect to revenues allocable to Jasper County by way of fees in lieu of *ad valorem* taxes generated from properties within the Park, such revenue shall be distributed within Jasper County in the manner provided by ordinance of the county council of Jasper County; provided, that (i) each taxing entity which overlaps the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such revenue-generating portion, and (ii) with respect to amounts received in any fiscal year by a taxing entity, the governing body of such taxing entity shall allocate the revenues received to operations and/or debt service of such entity, (iii) all taxing entities other than the foregoing shall receive zero percent (0%) of such revenues.

(B) Revenues allocable to Beaufort County by way of fees in lieu of *ad valorem* taxes generated from properties located in the Jasper County portion of the Park shall be distributed solely to Beaufort County.

8. **Fees in Lieu of *Ad Valorem* Taxes Pursuant to Title 4 or Title 12 of the Code.** It is hereby agreed that the entry by Jasper County into any one or more fee in lieu of *ad valorem* tax agreements pursuant to Title 4 or Title 12 of the Code or any successor or comparable statutes (“Negotiated Fee in Lieu of Tax Agreements”), with respect to property located within the Park and the terms of such agreements shall be at the sole discretion of Jasper County.

9. **Assessed Valuation.** For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to Jasper County and Beaufort County and to each of the taxing entities within the participating counties shall be in accordance with the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to **Sections 6 and 7** herein.

10. **Governing Laws and Regulations.** Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties located in the Jasper County portion of the Park unless any such property is within the boundaries of a municipality in which case, the municipality’s applicable ordinances and regulations shall apply.

11. **South Carolina Law Controlling.** This Agreement has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with South Carolina law.

12. **Severability.** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision of this Agreement.

13. **Counterpart Execution.** This Agreement may be executed in multiple counterparts.

14. **Additional Parties.** This Agreement may be amended from time to time to add additional counties located in South Carolina, subject to Article VIII, Section 13(D) of the Constitution of South Carolina and Title 4, Chapter 1 of the Code, by ordinance of the county council of Jasper County, and by resolution of the county council of Beaufort County; provided, however, that to the extent permitted by law, additional counties may be added as parties hereto with only the enactment of an ordinance of the county council of Jasper County only in the event that such additional county’s allocation of Park Revenues hereunder shall be allocated solely out of Jasper County’s residual net share of the Park Revenues provided for its use and distribution pursuant to **Section 7** hereof.

15. **Term; Termination.** Except as specifically provided in this **Section 15**, Jasper County and Beaufort County agree that this Agreement may not be terminated in its entirety by any party and shall remain in effect for a period equal to the shorter of (i) thirty (30) years commencing with the effective date of this Agreement or (ii) a period of time of sufficient length to facilitate the any special source revenue credits due with respect to Park property; provided, however, that this Agreement shall automatically terminate in its entirety on the 30th day after provision or payment in full, or termination, of all special source revenue credits or due with respect to Park property. Notwithstanding anything in this Agreement to the contrary, this Agreement may not be terminated to the extent that Jasper County has outstanding contractual commitments to any owner or in the event the County is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code, lessee/tenant, or other taxpayer of or with respect to Park property requiring designation of such property as part of a multi-county industrial/business park pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina and/or Title 4, Chapter 1 of the Code (the “Act”), unless Jasper County shall first (i) obtain the written the consent of such owner, lessee/tenant, or other taxpayer or (ii) designate such parcel as part of another multi-county industrial/business park pursuant to the Act effective immediately upon termination of this Agreement. Additionally, in the event that Jasper County complies with the preceding sentence, Jasper County may terminate this Agreement upon providing thirty (30) days notice to Beaufort County and any owner or in the event the County

is the owner pursuant to a negotiated fee-in-lieu-of-tax agreement under Title 4, Chapter 29 or Chapter 12 of the Code, lessee/tenant, or other taxpayer of or with respect to Park property.

16. **Law Enforcement Jurisdiction.** Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties is vested with the Sheriff's Office of Jasper County, for matters within their jurisdiction. If any of the Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is also vested with the law enforcement officials of the municipality for matters within their jurisdiction.

[End of Agreement – Execution Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and the year first above written.

JASPER COUNTY, SOUTH CAROLINA

By: _____
L. Martin Sauls, IV, Chairman, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____
Judy Frank, County Council Clerk
Jasper County, South Carolina

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
D. Paul Sommerville, Chairman, County Council
Beaufort County, South Carolina

[SEAL]

Attest:

By: _____
Ashley Bennett, County Council Clerk
Beaufort County, South Carolina

Exhibit A (Jasper)

PARK PROPERTY

ALL that certain piece, parcel or lot of land, situate, lying and being in the City of Hardeeville, Jasper County, South Carolina, shown as "Parcel 13-B" containing 21.05 acres, more or less, as more particularly shown and described on a plat entitled "Subdivision Plat, Parcel 13-A and Parcel 13-B, Riverport Phase 1, Formerly Parcel 13, Hardeeville Tract", dated July 20, 2017, prepared by Thomas & Hutton, certified by Robert K. Morgan III, SCPLS No. 26957, and reordered in the Jasper County Records in Plat Book ___ at Page ___. For a more detailed description as to the courses, metes and bounds of the above mentioned parcels, reference is had to said plat.

A portion of Jasper County Tax Map Parcel 031-00-00-016.

The remainder of this page intentionally left blank.

Exhibit B (Beaufort)

BEAUFORT COUNTY PROPERTY

None.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) ORDINANCE 2018 / _____

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

WHEREAS, this Ordinance is authorized pursuant to Section 4-9-10 of the South Carolina Code of Laws (1976), as amended. The purpose of this Ordinance shall be to provide for a referendum to allow the qualified electors of Beaufort County, South Carolina to vote to retain the current Council-Administrator form of government or to change to the Council-Manager form of government; and

WHEREAS, the Beaufort County Board of Elections and Registration shall take all such steps as are necessary and appropriate in order to hold a referendum in conjunction with the general election to be held on November 7, 2018 to allow the qualified electors of Beaufort County, South Carolina to vote on the issue of retaining the current Council-Administrator form of government or changing to the Council-Manager form of government as provided for in Section 4-9-810, *et seq.*, of the South Carolina Code of Laws (1976) as amended; and

WHEREAS, the question for such referendum shall be stated as follows:

Should the form of Beaufort County's government be changed from that of a Council-Administrator form of government as set forth in S.C. Code of Laws Title 4, Chapter 9, Article 7 (1976, as amended) to that of a Council-Manager form of government as set forth in S.C. Code of Laws Title 4, Chapter 9, Article 9 (1976, as amended)?

[] Yes (A "yes" vote is a vote in favor of changing the current form of government to a Council-Manager form of government)

[] No (A "no" vote is a vote to retain the current Council-Administrator form of government)

NOW, THEREFORE BE IT ORDAINED, the Beaufort County Board of Elections and Registration shall conduct a referendum as stated above and in accordance with state law and shall verify the results of such referendum as provided by law.

Should the present form of government receive a majority favorable vote of those qualified electors voting, the present form shall continue without further action by the Beaufort County Council. Should the Council-Manager form of government receive a majority favorable vote of those qualified electors voting, then, and only in such event,

the Beaufort County Council shall enact an Ordinance establishing the new form of government in accordance with the provisions of applicable law.

APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: February 19, 2018

Second Reading:

Public Hearing:

Third and Final Reading:

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2017/15, FOR FY 2017-2018 BEAUFORT COUNTY BUDGET TO PROVIDE FOR ADDITIONAL REVENUE RECEIVED FROM THE TOWN OF HILTON HEAD ISLAND; TO PROVIDE FOR A REALLOCATION OF FUNDS TO MEET INCREASED MANDATORY PEBA CONTRIBUTIONS; TO PROVIDE FOR REALLOCATION OF FUNDS FOR THE EMPLOYEE COMPENSATION PLAN; TO PROVIDE FOR A REALLOCATION OF FUNDS FOR INCREASED EXPENDITURES FOR THE DAUFUSKIE ISLAND FERRY OPERATIONS; AND TO PROVIDE FOR A SUPPLEMENTAL EXPENDITURE FOR MATCHING FUNDS FOR THE BON AIRE CIRCLE SEWER EXTENSION CDBG GRANT.

WHEREAS, on June 12, 2017, Beaufort County Council adopted Ordinance No. 2017/15 which sets the County's FY 2017-2018 budget and associated expenditures; and

WHEREAS, additional revenues have been realized through negotiations between the Beaufort County Sheriff and the Town of Hilton Head Island; and

WHEREAS, certain additional expenditures not previously contemplated are necessary and in the best interest of the safety, health and welfare of the citizens of Beaufort County; and

WHEREAS, certain reallocation of funds is necessary to meet the priorities and objectives of County Council and are shown on the attached Exhibit A; and

WHEREAS, Beaufort County Council has determined it to be in the best interest of its citizens to acknowledge additional revenues and to approve certain supplemental expenditures as provided herein.

NOW, THEREFORE, BE IT ORDAINED, by Beaufort County Council that the FY 2017-2018 Beaufort County Budget Ordinance (Ordinance 2017/15) is hereby amended as shown on the attached Exhibit A in the following manner:

1. Ordinance 2017/15 Section 4 is hereby amended to include in the Sheriff's total approved appropriation an additional \$234,370 contributed by the Town of Hilton Head Island to the Sheriff's budget.
2. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide for mandated increase of PEBA employer contributions in the amount of \$1,156,606.
3. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide \$1,000,000 for the employee compensation program.
4. Ordinance 2017/15 is hereby amended to reflect a reallocation of funds to provide for \$112,075 for Daufuskie Island Ferry operations.

5. Ordinance 2017/15 is hereby amended so as to provide a supplemental appropriation from the General Fund/Reserve balance in the amount of \$607,419 to provide for Beaufort County's matching funds for the Bon Aire Circle Sewer Extension CDBG grant project. Resolution 2016/6 is hereby modified to provide for the necessary expenditures for completion of the sewer extension.

DONE this ___ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: February 19, 2018

Second Reading:

Public Hearing:

Third and Final Reading:

	<u>ORDINANCE</u> <u>2017/15</u>	<u>BCSO/TOHH</u> <u>Revenue</u> <u>Amendment</u>	<u>PEBA Mandated</u> <u>Increase</u> <u>(distribution of</u> <u>allocation)</u>	<u>Compensation Plan</u> <u>Implementation</u> <u>(distribution of</u> <u>allocation)</u>	<u>Distribution of</u> <u>allocations (IT</u> <u>Capital Equip &</u> <u>Daufuskie Ferry)</u>	<u>Bonaire</u> <u>Estates</u> <u>Sewer</u> <u>Project</u>	<u>FINAL AMENDED</u> <u>FY 2018</u> <u>APPROPRIATION</u> <u>AMOUNTS</u>
SECTION 4. COUNTY OPERATIONS APPROPRIATION							
I. Elected Officials and State Appropriations:							
A. Sheriff	\$ 22,304,949	\$ 234,370	\$ 371,904	\$ -	\$ -	\$ -	\$ 22,911,223
Emergency Management	\$ 7,693,069	\$ -	\$ 55,755	\$ -	\$ -	\$ -	\$ 7,748,824
B. Magistrate	\$ 1,894,965	\$ -	\$ 31,157	\$ 5,671	\$ -	\$ -	\$ 1,931,793
C. Solicitor	\$ 1,245,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,245,000
D. Clerk of Court	\$ 1,110,126	\$ -	\$ 15,225	\$ 25,254	\$ -	\$ -	\$ 1,150,605
E. Treasurer	\$ 1,094,659	\$ -	\$ 16,811	\$ 76,747	\$ -	\$ -	\$ 1,188,217
F. Auditor	\$ 855,551	\$ -	\$ 11,994	\$ 24,033	\$ -	\$ -	\$ 891,578
G. Public Defender	\$ 819,293	\$ -	\$ 30,516	\$ -	\$ -	\$ -	\$ 849,809
H. Probate Court	\$ 761,622	\$ -	\$ 11,454	\$ 17,181	\$ -	\$ -	\$ 790,257
I. County Council	\$ 623,418	\$ -	\$ 5,539	\$ 2,440	\$ -	\$ -	\$ 631,397
J. Coroner	\$ 530,310	\$ -	\$ 5,046	\$ 10,965	\$ -	\$ -	\$ 546,321
K. Master-in-Equity	\$ 314,129	\$ -	\$ 4,429	\$ 3,334	\$ -	\$ -	\$ 321,892
L. Social Services	\$ 147,349	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 147,349
M. Legislative Delegation	\$ 65,175	\$ -	\$ 585	\$ -	\$ -	\$ -	\$ 65,760
Total Elected Officials and State Appropriations	\$ 39,459,615	\$ 234,370	\$ 560,415	\$ 165,625	\$ -	\$ -	\$ 40,420,025
II. County Administration Operations:							
A. Public Works	\$ 16,746,565	\$ -	\$ 86,713	\$ 472,820	\$ -	\$ -	\$ 17,306,098
B. Administration	\$ 9,327,350	\$ -	\$ 63,103	\$ (1,838,839)	\$ 1,000,000	\$ -	\$ 8,551,614
C. Emergency Medical Services	\$ 6,800,786	\$ -	\$ 93,245	\$ 191,568	\$ -	\$ -	\$ 7,085,599
D. Detention Center	\$ 5,884,728	\$ -	\$ 82,432	\$ 157,054	\$ -	\$ -	\$ 6,124,214
E. Community Services	\$ 3,752,480	\$ -	\$ 102,124	\$ 911,520	\$ 112,075	\$ 607,419	\$ 5,485,618
F. Library	\$ 3,752,948	\$ -	\$ 49,896	\$ 355,629	\$ -	\$ -	\$ 4,158,473
G. Parks and Leisure Services	\$ 3,428,584	\$ -	\$ 17,888	\$ 71,655	\$ -	\$ -	\$ 3,518,127
H. Assessor	\$ 2,176,021	\$ -	\$ 33,045	\$ 212,534	\$ -	\$ -	\$ 2,421,600
I. Mosquito Control	\$ 1,701,066	\$ -	\$ 10,470	\$ 66,023	\$ -	\$ -	\$ 1,777,559
J. Building Codes and Enforcement	\$ 1,137,874	\$ -	\$ 14,069	\$ 40,299	\$ -	\$ -	\$ 1,192,242
K. Public Health	\$ 1,081,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,081,000
L. Animal Services	\$ 937,793	\$ -	\$ 8,391	\$ 33,033	\$ -	\$ -	\$ 979,217
M. Employee Services	\$ 807,724	\$ -	\$ 5,210	\$ 36,245	\$ -	\$ -	\$ 849,179
N. Voter Registration	\$ 718,261	\$ -	\$ 7,397	\$ 24,131	\$ -	\$ -	\$ 749,789
O. Planning	\$ 675,219	\$ -	\$ 10,873	\$ 49,707	\$ -	\$ -	\$ 735,799
P. General Government Subsidies	\$ 585,579	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 585,579
Q. Traffic Engineering	\$ 570,789	\$ -	\$ 4,821	\$ 19,713	\$ -	\$ -	\$ 595,323
R. Register of Deeds	\$ 506,613	\$ -	\$ 6,514	\$ 32,097	\$ -	\$ -	\$ 545,224
S. Zoning	\$ 181,401	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 181,401
T. Employer Provided Benefits	\$ 18,811,964	\$ -	\$ (1,156,606)	\$ (1,000,814)	\$ (1,112,075)	\$ -	\$ 15,542,469
Total County Administration Operations	\$ 79,584,745	\$ -	\$ (560,415)	\$ (165,625)	\$ -	\$ 607,419	\$ 79,466,124

FISCAL YEAR 2017/2018 BEAUFORT COUNTY BUDGET AMENDMENTS/REALLOCATIONS

	<u>ORDINANCE</u> <u>2017/15</u>	<u>BCSO/TOHH</u> <u>Revenue</u> <u>Amendment</u>	<u>PEBA Mandated</u> <u>Increase</u> <u>(distribution of</u> <u>allocation)</u>	<u>Compensation Plan</u> <u>Implementation</u> <u>(distribution of</u> <u>allocation)</u>	<u>Distribution of</u> <u>allocations (IT</u> <u>Capital Equip &</u> <u>Daufuskie Ferry)</u>	<u>Bonaire</u> <u>Estates</u> <u>Sewer</u> <u>Project</u>	<u>FINAL AMENDED</u> <u>FY 2018</u> <u>APPROPRIATION</u> <u>AMOUNTS</u>
SECTION 5. HIGHER EDUCATION ALLOCATION							
A. The Technical College of the Lowcountry	\$ 2,171,720	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,171,720
B. University of South Carolina - Beaufort	\$ 2,171,720	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,171,720
Total Higher Education Allocation	\$ 4,343,440	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,343,440
Grand Total of Expenditures	\$ 123,387,800	\$ 234,370	\$ -	\$ -	\$ -	\$ 607,419	\$ 124,229,589
SECTION 6. COUNTY OPERATIONS REVENUES							
A. Ad Valorem Tax Collections	\$ 96,435,749	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 96,435,749
B. Charges for Services	\$ 11,702,715	\$ 234,370	\$ -	\$ -	\$ -	\$ -	\$ 11,937,085
C. Intergovernmental Revenue Sources	\$ 9,197,645	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,197,645
D. Licenses and Permits	\$ 3,429,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,429,000
E. Interfund Transfers	\$ 1,568,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,568,750
F. Fines and Forfeitures' collections	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750,000
G. Miscellaneous revenue sources	\$ 251,136	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 251,136
H. Interest on investments	\$ 52,805	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 52,805
Total County Operations Revenues	\$ 123,387,800	\$ 234,370	\$ -	\$ -	\$ -	\$ -	\$ 123,622,170
<i>Use of General Fund Balance (reserve)</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (607,419)	\$ (607,419)

ORDINANCE 2018 /

AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE 2016/38 AS ADOPTED OCTOBER 24, 2016 TO PROVIDE FOR THE DEFINITION OF “DEVELOPMENT” AND EXEMPTIONS RELATED TO COUNTY DIRT ROAD PAVING

WHEREAS, Act 283 of 1975, The Home Rule Act, vested Beaufort County Council with the independent authority to control all acts and powers of local governmental authority that are not expressly prohibited by South Carolina law; and

WHEREAS, Chapter 99, Article II, “Stormwater Management Utility” was adopted on August 27, 2001 and was modified by Ordinance on August 22, 2005, September 28, 2015, September 26, 2016, and October 24, 2016; and

WHEREAS, Stormwater Management Utility was established for the purpose of managing, acquiring, constructing, protecting, operating, maintaining, enhancing, controlling, and regulating the use of stormwater drainage systems in the county; and

WHEREAS, to meet the increasing demands on the Stormwater Management Utility in the areas of federally mandated municipal Separate Stormsewer Systems (MS4) permitting, capital project needs, and cost of service of operations and maintenance, as well as an evolving understanding of the impacts of the urban environment on water quality, the Stormwater Management Utility finds it necessary to amend the structure in which rates are determined and adjust the rates charged to the citizens of Beaufort County to meet said demands in a fair and equitable manner; and

WHEREAS, the administrative structure of the Stormwater Management Utility needs to be amended to reflect the organization of the current administration; and

WHEREAS, further amendments are needed to make adjustments to the rate structure to address the differences in taxation and billing for condominiums and parcels affected by standing water or tidal impacts; and

WHEREAS, pursuant to the requirements mandated by the Municipal Separate Stormsewer System (MS4) permit issued by the South Carolina Department of Health and Environmental Control (DHEC) on December 1, 2015, Beaufort County is required to adopt standards related to stormwater management and create an regulatory framework to enforce the same; and

WHEREAS, the Beaufort County Stormwater Utility Board has amended the Manual for Stormwater Best Management and Design Practices (BMP Manual) as the source of the technical stormwater standards used in the development of Stormwater Plans and adopted the same on September 14, 2016; and

WHEREAS, the Stormwater Utility Board has determined that limited road improvement functions, specifically dirt road paving, should not be subject to certain stormwater requirements typically required for development; and

WHEREAS, Beaufort County Council believes to best provide for the health, safety, and welfare of its citizens it is appropriate to amend Chapter 99 of the Beaufort County Code and to provide for additional terms to said Article; and

WHEREAS, text that is underscored shall be added text and text ~~lined through~~ shall be deleted text.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, that Chapter 99 of the Beaufort County Code is hereby amended and replaced with the following:

Chapter 99 - STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Secs. 99-1—99-100. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY

Sec. 99-106. - Definitions.

Unless the context specifically indicates otherwise, the meaning of words and terms used in this article shall be as set forth in S.C. Code § 48-14-20, and 26 S.C. Code Regulation 72-301, mutatis mutandis.

Developed land. Developed land shall mean property altered from its natural state by construction or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events. Existing County maintained dirt roads which are improved and or paved as part of Beaufort County's Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17 and existing private dirt roads which are improved or paved and where the project is not related to a pending or proposed development of adjacent land are deemed not to constitute "developed land".

Article III. – REGULATORY GENERAL PROVISIONS

Sec. 99-203. - Definitions

The following definitions shall apply in Articles III, IV, V, and VI this Ordinance. Any term not herein defined shall be given the definition, if any, as is found elsewhere in the Code of Ordinances of Beaufort County, including the Community Development Code (CDC) Ordinance.

Development. All project construction, modification, or use of any lot, parcel, building, or structure on land and on water. Existing dirt roads which are improved and or paved as part of Beaufort County's Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17 and existing private dirt roads which are improved or paved and where the project is not related to a pending or proposed development of adjacent land are deemed not to constitute "development".

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley Bennett, Clerk to Council

First Reading: January 22, 2018
Second Reading: February 19, 2018
Public Hearing:
Third and Final Reading:

2018 /

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1, SECTION 1.3.50 EXEMPTIONS (TO EXEMPT EXISTING DIRT ROADS PAVED AS PART OF THE COUNTY'S DIRT ROAD PAVING PROGRAM FROM THE STANDARDS OF THE CDC)

WHEREAS, added text is highlighted in yellow and deleted text is struck through.

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: January 22, 2018

Second Reading: February 19, 2018

Public Hearing:

Third and Final Reading:

1.3.50 Exemptions

- A. The provisions of this Development Code shall not require formal subdivision of land as a result of actions taken by the State of South Carolina and its political subdivisions to acquire land or interests in land for public right-of-way and easements.
- B. County Council, public utilities, or County agencies may be exempt from the provisions of this Development Code when an emergency exists such that it is impossible to submit to the normal procedures and standards of this Development Code and quick and instant action is necessary to secure the public health, safety, or welfare. The County Council shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.
- C. A public utility or public infrastructure installation (water, sewer, roads, gas, stormwater, telephone, cable, etc.) is exempt from the standards of this Development Code, except:
 - 1. Thoroughfare standards, in Division 2.9 (Thoroughfare Standards);
 - 2. Wetland standards, in Section 5.11.30 (Tidal Wetlands), and Section 5.11.40 (Non-Tidal Wetlands);
 - 3. River Buffer standards, in Section 5.11.60 (River Buffer);
 - 4. Tree Protection standards, in Section 5.11.90 (Tree Protection);
 - 5. Stormwater management standards, in Section 5.12.30 (Stormwater Standards);
 - 6. Utility standards, in Section 4.1.210 (Regional (Major) Utility);
 - 7. Wireless communication facilities standards, in Section 4.1.320 (Wireless Communications Facility).
 - 8. Historic Preservation standards, in Division 5.10 (Historic Preservation).
- D. The Department of Defense shall be exempt from the standards of this Development Code.
- E. The paving of dirt roads are deemed not to constitute “development” and shall be exempt from the standards of this Development Code if the action meets one of the following conditions:
 - 1. Existing County maintained dirt roads which are improved and/or paved as part of Beaufort County’s Dirt Road Paving Program as set forth in Beaufort County Policy Statement 15 and Policy Statement 17;
 - 2. Private dirt roads with adequate existing Stormwater conveyance systems where the project is not related to a pending or proposed development of adjacent land, and the proposed paving meets the Thoroughfare Construction Specifications in Section 2.9.80. Private dirt roads without adequate existing Stormwater conveyance systems will be required to construct a conveyance system per the County’s Stormwater Best Management Practices (BMP) Manual but will not be required to meet the Effective Impervious Values in Table 5.12.30.A or provide Retention / Detention Facilities.”

2018 / __

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 R200 019 000 013A 0000 (0.21 ACRES AT 391 SEA ISLAND PARKWAY) FROM T2-RN (RURAL NEIGHBORHOOD) TO T2-RC (RURAL CENTER)

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

Adopted this ___ day of ____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: January 22, 2018
Second Reading: February 19, 2018
Public Hearing:
Third and Final Reading:

Existing Zoning



Proposed Zoning



ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

(e) Pursuant to Ordinance No. 2012/10 adopted on August 13, 2012, the County Council adopted Written Procedures related to Tax-Exempt Debt.

(f) The assessed value of all the taxable property in the County as of June 30, 2017, is \$1,818,238,632. Eight percent of the assessed value is \$145,459,091. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is 130,644,359. Thus, the County may incur \$14,814,732 of additional general obligation debt within its applicable debt limitation.

(g) It is now in the best interest of the County for County Council to provide for the issuance and sale of not to exceed \$11,250,000 principal amount general obligation bonds of the County to provide funds for the following purposes: (i) capital improvements; (ii) paying costs of issuance of the Bonds (hereinafter defined); and (iii) such other lawful purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not to exceed \$11,250,000 aggregate principal amount of general obligation bonds of the County to be designated “11,250,000 (or such lesser amount issued) General Obligation Bonds, (appropriate series designation), of Beaufort County, South Carolina” (the “Bonds”), for the purposes set forth in Section 1(g) and other costs incidental thereto, including without limiting the generality of such other costs, engineering, financial and legal fees.

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

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. Regions Bank, Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

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

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

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

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

aggregate principal amount, interest rate, and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

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

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

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

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

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

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "IRC") and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the IRC.

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

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

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

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate, and maturity registered in the name of such successor.

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

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

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

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

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

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

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

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

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

“Government Obligations” shall mean any of the following:

- (i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (iii) general obligation bonds of the State, its institutions, agencies, counties and political subdivisions, which, at the time of purchase, carry a AAA rating from Standard & Poor’s or a Aaa rating from Moody’s Investors Service.

SECTION 21. Miscellaneous. The County Council hereby authorizes the Administrator and the Clerk to County Council to execute such documents and instruments as may be necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as Bond Counsel and Hilltop Securities as Financial Advisor, in connection with the issuance of the Bonds. The Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ____ day of March, 2018.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)

ATTEST:

Clerk, County Council

First Reading: January 22, 2018
Second Reading: February 19, 2018
Public Hearing:
Third and Final Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
GENERAL OBLIGATION BOND, SERIES 2018A

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

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

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

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The County and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended;; and Ordinance No. _____ duly enacted by the County Council on _____, 2018.

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by

law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair of County Council

(SEAL)

ATTEST:

Clerk of County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

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

under Uniform Gifts to Minors

_____ (State)

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

[FORM OF ASSIGNMENT]

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

_____ (Name and address of Transferee)

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

Dated:

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk of County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on _____, 2018.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Beaufort County, South Carolina, in the principal amount of not to exceed \$11,250,000 (the "Bonds"). The proceeds of the Bonds will be used for the following purposes: (i) funding capital improvements; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

Notice is hereby given that on _____, 2018, the Beaufort County Council adopted an ordinance entitled: "ORDINANCE NO. _____ AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,250,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and sale of not to exceed \$11,250,000 General Obligation Bonds, Series 2018A (the "Bonds") of the County.

The proceeds of the Bonds will be used for the following purposes: (i) funding capital improvements; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2018A,
OF BEAUFORT COUNTY, SOUTH CAROLINA

Time of Sale: NOTICE IS HEREBY GIVEN that bids will be received on behalf of Beaufort County, South Carolina (the “County”), until 11:00 a.m, South Carolina time, on _____, _____, 2018, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2018A, of the County (the “Bonds”).

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2018; will be in denominations of \$5,000 or any integral multiple thereof not to exceed the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
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*Preliminary, subject to adjustment.

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

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

[Redemption Provisions]

Registrar/Paying Agent: Regions Bank will serve as Registrar/Paying Agent for the Bonds.

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

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

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

Good Faith Deposit: No good faith deposit is required.

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

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

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

Issue Price Certificate: [TO BE PROVIDED]

Delivery: The Bonds will be delivered on or about _____, 2018, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the successful bidder.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211, Attention: Francenia B. Heizer, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County's Financial Advisor, Jeff Minch, Vice President, Hilltop Securities, 5925 Carnegie Boulevard, Suite 380, Charlotte, North Carolina 28209, telephone (704) 654-3451, e-mail: jeff.minch@hilltopsecurities.com.

BEAUFORT COUNTY, SOUTH CAROLINA

FORM OF CONTINUING DISCLOSURE CERTIFICATE

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Beaufort County, South Carolina (the “County”) in connection with the issuance of \$_____ General Obligation Bonds, Series 2018A, Beaufort County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Bonds**” shall mean the \$_____ General Obligation Bonds, Series 2018A, Beaufort County, South Carolina, dated _____, 2018.

“**Dissemination Agent**” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2019, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than the County;

provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date, unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repository an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The County's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the County, and shall, in addition, contain or incorporate by reference the following information for the most recently completed fiscal year:

- (a) County population;
- (b) Total state appropriations subject to withholding under Article X, Sec. 15, South Carolina Constitution;
- (c) Outstanding Indebtedness of the County;
- (d) Market Value/Assessment Summary of taxable property in County;
- (e) Tax rates for County;
- (f) Tax collections for County; and
- (g) Five largest taxpayers (including fee-in-lieu-of-tax) for County.

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues with respect to which the County is an "obligated person" (as defined by the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Interim County Administrator

Dated: _____, 2018

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Beaufort County, South Carolina
Name of Issue: \$_____ General Obligation Bonds, Series 2018A,
Beaufort County, South Carolina
Date of Issuance: _____, 2018

NOTICE IS HEREBY GIVEN that Beaufort County, South Carolina (the “County”) has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

BEAUFORT COUNTY, SOUTH CAROLINA

ORDINANCE NO. _____

AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED GENERAL OBLIGATION BONDS (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF BEAUFORT COUNTY, SOUTH CAROLINA IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,150,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR OR HIS LAWFULLY-AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law within the limitations set forth in Section 14 and Section 12 of Article X.

(c) Article X, Section 12 of the Constitution provides that no law shall be enacted permitting the incurring of bonded indebtedness by any county for fire protection service benefiting only a particular geographical section of the county unless a special assessment, tax or service charge in an amount designed to provide debt service on bonded indebtedness incurred for such purpose shall be imposed upon the area or persons receiving the benefit therefrom.

(d) Article X, Section 14 of the Constitution further provides that general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County. The power to incur general obligation debt shall include general obligation debt incurred by the County within the limitations prescribed by Article X, Section 12 of the Constitution.

(e) In determining the debt limitations imposed by the provisions of Article X, Section 14 of the Constitution, bonded indebtedness incurred pursuant to Article X, Section 12 shall not be considered.

(f) Pursuant to the provisions of Title 4, Chapter 19 of the Code (the “Act”), the County Council has, among other powers, the power: (1) To designate the areas of the County where fire protection service may be furnished by the County under the Act; and (2) To levy and collect ad valorem taxes without limit as to rate or amount upon all taxable property in the service area where fire protection services are furnished to effect the payment of principal and interest on all bonds issued pursuant to the Act or required for the maintenance and operation of the fire protection system.

(g) Pursuant to the provisions of Ordinance No. 2013/6 enacted by the County Council, the County created the “Bluffton Township Fire District” or the “Fire District.” As such, the Bluffton Township Fire District is a special taxing district.

(h) Pursuant to this Ordinance, the County Council is providing for the levy and collection of an annual ad valorem tax within the Bluffton Township Fire District which will be sufficient to provide for the payment of the principal and interest on the Bonds (hereinafter defined).

(i) In order to continue to provide fire protection services in the Fire District, there is a need to construct and equip a new fire station and renovating an existing facility in the Fire District (the “Project”).

(j) It is necessary and in the best interest of the County and the residents of the Fire District for the County Council to provide for the issuance and sale of not to exceed \$4,150,000 limited general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina (the “State”), the proceeds of which will be used: (a) to defray the cost of the Project; (b) to pay costs of issuance of the Bonds; and (c) for such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorizations and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued limited general obligation bonds of the County in the amount of not to exceed \$4,150,000 to obtain funds for the purposes mentioned in Section 1(j) above which shall be designated “\$4,150,000 (or such lesser amount issued) Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B (or such other appropriate series designation), of Beaufort County, South Carolina” (the “Bonds”).

The Bonds shall be issued as fully-registered bonds; shall be dated as of their date of delivery; shall be in the denomination of \$5,000 or any integral multiple thereof not to exceed the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall bear interest at such times as hereafter designated by the Interim County Administrator or his lawfully-authorized designee (the “Administrator”) at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

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

Regions Bank, Atlanta, Georgia, shall serve as registrar and paying agent (the “Registrar/Paying Agent”) for the Bonds.

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

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

The Administrator may delegate some or all of the duties and responsibilities assigned to him in this Ordinance to a member of County staff of the Fire Chief of the Fire District.

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

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

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

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

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly-destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

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

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

SECTION 9. Security for the Bonds. For the payment of the principal of and interest on the Bonds, as they respectively mature, pursuant to Section 12 of Article X of the Constitution, the Act and this Ordinance, there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Fire District, sufficient to pay the principal of and interest on such Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Council shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the Fire District, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

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

SECTION 11. Initiative and Referendum Provisions. The County Council hereby delegates to the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27 of the Code relating to the initiative and referendum provisions contained in Title 4, Chapter 9, Article 13 of the Code shall be given with respect to this Ordinance. If said Notice is given, the Administrator is authorized to have published in a newspaper of general circulation in the County the notice in substantially the same form as attached hereto as Exhibit B.

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

SECTION 13. Tax Covenants. The County hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986 as amended (the

“IRC”) and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the IRC.

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

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

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

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County of the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

SECTION 15. Sale of Bonds; Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference

shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

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

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

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

SECTION 19. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Beaufort County Treasurer and used to pay costs of the Project and costs of issuance of the Bonds, except that the premium, if any, shall be deposited into the sinking fund for the Bonds.

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

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

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

“Government Obligations” shall mean any of the following:

- (i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and
- (iii) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions, which, at the time of purchase, carry a AAA rating from Standard & Poor’s or a Aaa rating from Moody’s Investors Service.

SECTION 21. Miscellaneous. The County Council hereby authorizes the Administrator and the Clerk to County Council to execute such documents and instruments as may be necessary to effect the issuance of the Bonds. The County Council hereby retains McNair Law Firm, P.A., as Bond Counsel and Hilltop Securities as Financial Advisor, in connection with the issuance of the Bonds. The Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

Enacted this ____ day of March, 2018.

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

ATTEST:

Clerk, County Council

Date of First Reading: January 22, 2018
Date of Second Reading: February 19, 2018
Date of Public Hearing
Date of Third Reading:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
BEAUFORT COUNTY
(BLUFFTON TOWNSHIP FIRE DISTRICT)
LIMITED GENERAL OBLIGATION BOND
SERIES 2018B

No. R-

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

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

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

This Bond shall not be entitled to any benefit under the Ordinance of the County authorizing the Bonds, nor become valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, there shall be levied annually by the Auditor of Beaufort County and collected by the Treasurer of Beaufort County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Bluffton Township Fire District (the "Fire District").

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The County and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, date of maturity, denomination and rate of interest, aggregating _____ and no/100 Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Sections 12 and 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ enacted by the County Council on _____, 2018 (the "Ordinance").

[Redemption Provisions]

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

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

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County does not

exceed the applicable limitation of indebtedness under the laws of the State; and, that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal and interest on this Bond as it respectively matures and to create such sinking fund as may be necessary therefor.

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

BEAUFORT COUNTY, SOUTH CAROLINA

Chair, County Council

ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This Bond is one of the bonds described in the within-mentioned Ordinance of Beaufort County, South Carolina.

_____,
as Registrar

By: _____
Authorized Officer

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

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the
entireties

(Cust) Custodian (Minor)

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

under Uniform Gifts to
Minors Act _____
(state)

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

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____ (Name and Address of Transferee) _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

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

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

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

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

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Beaufort County, South Carolina (the "County"), County Administration Building, 100 Ribaut Road, Beaufort, South Carolina, at 6:30 p.m. on _____, 2018.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds (Bluffton Township Fire District) of Beaufort County, South Carolina, in the principal amount of not to exceed \$4,150,000 (the "Bonds"). The proceeds of the Bonds will be used for the following purposes: (i) constructing and equipping a new fire station and renovating an existing facility in the Bluffton Township Fire District; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful purposes as the County Council shall determine.

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

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE

NOTICE OF ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Beaufort County, South Carolina (the "County"), on _____, 2018, enacted an ordinance entitled "ORDINANCE NO. _____ AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,150,000 LIMITED GENERAL OBLIGATION BONDS OF BEAUFORT COUNTY, SOUTH CAROLINA (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO (the "Ordinance"). The Ordinance authorizes the issuance and sale of not to exceed \$4,150,000 Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B (the "Bonds") of the County.

The proceeds of the Bonds will be used: (a) to defray the cost of constructing and equipping a new fire station and renovating an existing facility in the Bluffton Township Fire District; (b) to pay costs of issuance of the Bonds; and (c) for such other lawful corporate and public purposes as the County Council shall determine.

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

COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA

FORM OF NOTICE OF SALE

OFFICIAL NOTICE OF SALE

\$ _____ LIMITED GENERAL OBLIGATION BONDS
 (BLUFFTON TOWNSHIP FIRE DISTRICT), SERIES 2018B
 BEAUFORT COUNTY, SOUTH CAROLINA

Time of Sale: NOTICE IS HEREBY GIVEN that bids will be received on behalf of Beaufort County, South Carolina (the “County”), until 11:00 a.m, South Carolina time, on _____, _____, 2018, at which time said proposals will be publicly opened for the purchase of \$ _____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B, of the County (the “Bonds”).

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2018; will be in denominations of \$5,000 or any integral multiple thereof not to exceed the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
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*Preliminary, subject to adjustment.

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

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

Redemption Provisions: [TO BE PROVIDED]

Registrar/Paying Agent: Regions Bank, Atlanta, Georgia shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% with no greater difference than two percent (2%) between the highest and lowest rates of interest named by a bidder. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

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

Good Faith Deposit: No good faith deposit is required.

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

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

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

Issue Price Certificate: [TO BE PROVIDED]

Delivery: The Bonds will be delivered on or about _____, 2018 in New York, New York, at the expense of the County or at such other place as may be agreed upon with the purchasers at the expense of the purchaser. The balance of the purchase price then due (including the amount of accrued interest) must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the successful bidder.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211, Attention: Francenia B. Heizer, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County's Financial Advisor, Jeff Minch, Vice President, Hilltop Securities, 5925 Carnegie Boulevard, Suite 380, Charlotte, North Carolina 28209, telephone (704) 654-3451, e-mail: jeff.minch@hilltopsecurities.com

BEAUFORT COUNTY, SOUTH CAROLINA

FORM OF CONTINUING DISCLOSURE CERTIFICATE

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Beaufort County, South Carolina (the “County”) in connection with the issuance of \$ _____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B, Beaufort County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Bonds**” shall mean the \$ _____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B Beaufort County, South Carolina, dated _____, 2018.

“**Dissemination Agent**” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2019, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than

the County; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date, unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repository an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The County's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the County, and shall, in addition, contain or incorporate by reference the following information for the most recently completed fiscal year:

- (a) County population;
- (b) Total state appropriations subject to withholding under Article X, Sec. 15, South Carolina Constitution;
- (c) Outstanding Indebtedness of the County;
- (d) Market Value/Assessment Summary of taxable property in County;
- (e) Tax rates for County;
- (f) Tax collections for County; and
- (g) Five largest taxpayers (including fee-in-lieu-of-tax) for County.

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues with respect to which the County is an "obligated person" (as defined by the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of

reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____
Administrator

Dated: _____, 2018

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Beaufort County, South Carolina

Name of Issue: \$_____ Limited General Obligation Bonds (Bluffton Township Fire District), Series 2018B, Beaufort County, South Carolina

Date of Issuance: _____, 2018

NOTICE IS HEREBY GIVEN that Beaufort County, South Carolina (the "County") has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

BEAUFORT COUNTY, SOUTH CAROLINA