

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY
Monday, April 26, 2010
4:00 p.m.
Council Chambers
Administration Building

Citizens may participate in the public comment periods and public hearings from a telecast site at the Hilton Head Island Branch Library.

4:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. REVIEW OF MINUTES – [February 8, 2010](#)
5. PROCLAMATIONS
 - Foster Care Month
 - Be Kind to Animals Week
6. PUBLIC COMMENT
7. [COUNTY ADMINISTRATOR'S REPORT](#)
 - Mr. Gary Kubic, County Administrator
 - The County Channel / Broadcast Update
 - Two-Week Progress Report
 - Presentation / US Highway 278 Corridor Signal System
 - Mr. Colin Kinton, Traffic and Transportation Engineer
 - Achievement / Government Finance Officers Association (GFOA) - Beaufort County Receives Certificate of Achievement for Excellence in Financial Reporting for the year ended June 30, 2009

Over



8. DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Bryan Hill, Deputy County Administrator

- [Two-Week Progress Report](#)
- [2011 Budget Concepts](#)

CONSENT AGENDA

Items 9 through 11

9. SELECTION OF ARCHITECTURAL FIRM FOR DESIGN AND DEVELOPMENT OF THE ST. HELENA LIBRARY AT PENN CENTER ([Backup](#))
- Public Facilities and Community Services Committees discussion and recommendation to approve occurred April 19, 2010 / Vote 7:0
 - Contract award: Liollo Architecture, Charleston, South Carolina
 - Contract amount: Variable design fee based on building size \$585,750; Fixed design fees \$625,887
 - Funding source: \$8.5 million USDA Grant and \$1.5 million Community Enrichment Grant
 - Council Management Agenda 2010 / Top Priority: St. Helena Library at Penn Center
10. AMENDMENT TO THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD) TO EXTEND THE SUNSET DATE TO JANUARY 1, 2011
- Consideration of second reading approval to occur April 26, 2010 ([Backup](#))
 - Public hearing to occur Monday, May 10, 2010, beginning at 6:00 p.m. in Council Chambers of the Administration, 100 Ribaut Road, Beaufort
 - First reading approval occurred April 12, 2010 / Vote 11:0
 - Natural Resources Committee discussion and recommendation to approve occurred April 5, 2010 / Vote 6:1
11. TEXT AMENDMENTS TO CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE (Rewrite of Ordinance) ([Backup](#))
- Consideration of third and final reading approval to occur April 26, 2010
 - Public hearing was held April 12, 2010
 - Second reading approval occurred March 29, 2010 / Vote 8:0
 - First reading approval occurred March 15, 2010 / Vote 10:0
 - Public Safety Committee discussion and recommendation to approve occurred March 1, 2010 / Vote 7:0

PUBLIC HEARING
 Item 12

- 6:00 p.m.** 12. AN ORDINANCE TO AMEND CHAPTER 18 OF ARTICLE III (BUSINESS AND PROFESSIONAL LICENSE)
- Public hearing **only**
 - Second reading approval occurred April 12, 2010 / Vote 11:0
 - First reading approval occurred March 29, 2010 / Vote 8:0
 - Finance Committee discussion and recommendation to approve occurred March 22, 2010 / Vote 6:0
13. [COMMITTEE REPORTS](#)
14. PUBLIC COMMENT
15. ADJOURNMENT

County Council Meeting Location Changes

May 24, 2010
 From: Hilton Head Island Branch Library
 To: Council Chambers, Administration Building

June 14, 2010
 From: Council Chambers, Administration Building
 To: Hilton Head Island Branch Library

County TV Rebroadcast	
Wednesday	11:00 p.m.
Friday	9:00 a.m.
Saturday	12:00 p.m.
Sunday	6:30 a.m.

Cable Casting of County Council Meetings <i>The County Channel</i>	
Charter Cable	CH 20
Comcast	CH 2
Hargray Cable	CH 252
Hargray Video on Demand	600
Time Warner Hilton Head Cable	CH 66
Time Warner Sun City Cable	CH 63

Official Proceedings
County Council of Beaufort County
February 8, 2010

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

The regularly scheduled meeting of the County Council of Beaufort County was held at 4:00 p.m. on Monday, February 8, 2010, in Council Chambers of the Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Councilman McBride gave the Invocation.

MOMENT OF SILENCE

The Chairman called for a moment of silence in remembrance Mrs. Estelle Criscitiello, mother of Mr. Tony Criscitiello, Division-Director Planning and Development, who died February 1, 2010.

ANNOUNCEMENTS

Chairman Newton welcomed Senator Tom Davis and Representative Shannon Erickson.

2010 Census Questionnaires

The Chairman announced the Beaufort County Complete Count Committee (appointed by County Council) reminds everyone the 2010 Census questionnaires will start arriving at your home address in mid-March. Participating in the 2010 Census helps all of us. It insures we receive proper funding and representation. By law all private information is kept private and secure. So please participate. It's our future. It is 10 questions, takes 10 minutes and secures our fair share of state and federal funding for 10 years!

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JANUARY 25, 2010

It was moved by Mr. Rodman, seconded by Mr. Baer, that Council approves the minutes of the regular meeting held January 25, 2010. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson and Mr. Sommerville. The motion passed.

PROCLAMATION

Boy Scouts of America, Centennial Celebration Day

Chairman Newton proclaimed February 8, 2010, as Boy Scouts of America, Centennial Celebration Day in Beaufort County, and encouraged all citizens to join him in recognizing the Boy Scouts of America for 100 years of service to youth in our community. Mr. Matt Miller, District Executive for the Lowcountry, accepted the proclamation.

PUBLIC COMMENT

The Chairman recognized Ms. Ashley Landess, President of the South Carolina Policy Council, who discussed incentive deals (S.1054). She reviewed the assumptions and opinions about incentives. Independent economists analyzed incentives in South Carolina and concluded free market American capitalism is the best approach. South Carolina now has the 12th slowest-growing economy which she tied to investment in incentives. She said a College of Charleston economist is concerned about the proposed Sembler project. He feels it will not create jobs or growth but will only shift sales. She feels that across the board tax relief for all businesses will lead to better return on investment.

Chairman Newton said Council passed a unanimous resolution opposing the use of a sales tax abatement program.

Mr. Tom Hatfield, as Hilton Head Island resident, spoke about House Bill H.4344, passed a couple of weeks before, which is meant to attract tourists to Beaufort County. Up to 30% of the money can be used to off-set property taxes. He is receiving many comments opposed to the increase in taxes. He feels there is no limit to what the tax applies to except groceries. He said the tax is supposed to draw tourists in, but then it punishes them by raising taxes on accommodations, beverages, etc. Horry County/Myrtle Beach has such a tax and is used as a comparison, but Mr. Hatfield does not believe it is apt. He feels the legislation will have unintended consequences, and he hopes the Legislature and Governor will kill the legislation.

Senator Tom Davis addressed the legislation of Senate Bill S.1054 which Ms. Landess addressed. He said in regard to the bill not increasing new sales, a specific estimate of the bill done by the South Carolina chief economist found it will shift sales from existing retailers. National studies are not necessary; the state economist says it will come at the expense of

existing stores. He said it is unfair to expect some retailers to compete by upgrading through borrowing on their own when a competitor can get public tax dollars to do so. Furthermore, the bill might be unconstitutional. He cited the Attorney General's opinion on the matter, which is that the benefit to the public is negligible and it gives an unfair advantage to certain businesses over others. He thanked the Council for a unanimous resolution opposing it.

Mr. Maurice Ungaro, a Beaufort City resident, addressed the environmental issues around Senate Bill S.1054. In 1997, Beaufort County planning staff started the Clean Water Task Force to look at the Okatie River, which was imperiled by the development of Berkeley Hall and continues to deteriorate. He cited other examples of back-room deals leading to environmental degradation. He cited traffic impact on US Highway 278 and SC Highway 170, though the deal is with Jasper County. He asked questions with regard to land use and the acquisition of property. He asked "Why us and why now?" regarding incentives and questioned why the area is so attractive for Sembler. Georgia, its home state, does not offer incentives for Sembler. Rather than helping Tanger and Shelter Cove he suggested not helping any retail. He believes there is no reason to give the incentives, and he finds it unconstitutional and applied unfairly to some, not all, retail operations.

Mrs. Barbara Wells, who lives in Riverbend, Sun City, said Mr. Stewart is her representative. He told her the Sembler property has been annexed into the City of Hardeeville so Beaufort County has no standing in the matter, but she is sure it is of concern. She cited the problems with the rivers. The Sembler property has long been designated for a shopping center. She and her husband want to live near shopping. At a Forum meeting, 550 people in Sun City met and 90% were in favor of the shopping center. She called Sembler a first-class developer willing to work with Beaufort County on stormwater, traffic, etc. If Sembler goes away, other developers might not be willing to work with the County and City of Hardeeville's standards are not as high as the county's. She wants to know if this will ever be built in her lifetime.

Mr. Dick Stewart, speaking on behalf of the Port Royal Sound Fund, said he does not want to stop the project but wants to work to protect the water quality in Port Royal Sound. The group has met with Sembler and said they have agreed verbally to use best management practices to design and develop their project. They will also pay to have outflow measured for content and volume. Still pending is whether they will pay to repair damages caused to outflow due to the project. The group thinks they are a good developer and want to be environmentally responsible. They ask that Council work with other parties to firm up the "yeses" and to turn the pending matter into a "yes."

Mrs. Kate Keep, a Hilton Head Island resident, urged Council to stick to its unanimous resolution and not undermine free competition and take the money out of taxpayers' pockets to give to a retail developer.

Representative Shannon Erickson offered an answer to the unanimous resolution and wanted to let Council know what she is doing on the state level to uphold it. She said she is thrilled to have developers bringing jobs, but she is concerned about the way it is written and finds parts vague. She said she is concerned the incentives are based on loosely worded terminology. Regarding

jobs, it is difficult to have a definition. She said she is concerned about the shift of employees and is trying to address that. Their investment can be those soft dollars and she does not feel that is how it is intended and can muddy the situation. On the water issues, she knows Council will be diligent. She said they should not be swayed; there are 20 million square feet of already existing empty storefront in South Carolina.

Senator Clementa Pinckney cited accomplishments working with the county. He addressed the impact of the project and asked the county to reconsider its unanimous vote in opposition to the Sembler project. He said the state is suffering from double-digit unemployment, and this kind of development can help revitalize the tourism and recreational Lowcountry economy. He sought to clarify the incentives; those being considered by the Legislature have been categorized as give-aways. Those given to Boeing before they did anything are give-aways, and South Carolina did them because of the promise of the impact they will have on the Greater Charleston area. Another example of a give-away is a tax incentive to the Mall of South Carolina to create the mall in Myrtle Beach. He cited other give-aways. This incentive, he said is not a give-away but an earned incentive after Sembler invests \$100 million in the site, hires at least 1,000 people and generates at least \$6 million in sales. Then the state will reimburse to the county three cents out of the four state sales tax cents, not including money for education or local options. These will be new tax dollars not in anyone's budget. These will be reimbursed for infrastructure only. If something goes wrong, the counties will not be left holding the bag. Once they have accomplished the benchmarks, the money goes back to the county which can give it back to the developer. He said the Finance Committee chairman supports the project and feels the floor should at least be to create 1,250 jobs and maintain 625 jobs. Also, if the developer does not meet the benchmarks, the state will take back incentives given in the previous years. The economic impact study missed some important elements owing to insufficient information, he said; he said this was said off the record and he is going to ask them for further study. He called this a great opportunity and asked the county to reconsider.

Chairman Newton said participation in the multi-county business park was voted against because Council could not get sufficient answers to its concerns about traffic challenges and the environment. The multi-park business park ordinance received first and second reading approval, and when Council did not receive answers, and given the environmental and traffic impact to the county, it declined to participate. Council's questions still exist; Senator Pinckney said he hoped he could answer them.

COUNTY ADMINISTRATOR'S REPORT

Two-Week Progress Report

Mr. Gary Kubic, County Administrator, circulated copies of his Two-Week Progress Report, which summarized his activities from January 25, 2010 through February 6, 2010. He had a promising meeting February 4 with Mr. McBride and a representative of the USDA of South Carolina. The federal government has an initiative which emphasizes new library development to rural communities. The grant is potentially a combination of a 40-year loan and grants associated

with that. They will begin due diligence, will report through the Finance Committee and meet with the Penn Center Board, the county's partner.

Mr. Kubic said The Friends of Fort Fremont is inviting groups and interested parties to a winter planting February 13.

Report on Bond Sale Rating / Moody's and Standard & Poor's

Mr. Kubic reported there were meetings with Standard and Poor's and Moody's regarding the upcoming bond sale. Highlights from the discussion were the management structure; the five-year budget; no new taxes; no full-time employee cuts; spending under receipts by \$1 million which went to the general fund reserve; transparency through broadcasting (more than 9,000 hours of broadcasting last year); military presence and support as an economic engine; interest in tourism; and new reporting, i.e., the CAFR was turned in early this year. The objective was not to ask for a rating upgrade but to re-establish who we are and what we are doing.

Presentation/ The Sembler Company

Mr. Gary Kubic, County Administrator, introduced Mr. Jeff Fuqua, President of The Sembler Company. Mr. Fuqua showed a PowerPoint presentation on their project. Chairman Newton said there would be no official permitting decisions about this matter; it was for information for the public and Council about their proposal.

Mr. Fuqua said The Sembler Company ("Sembler") is a private company founded 50 years ago. He showed slides some of their projects developed around the country, particularly in the Southeast, i.e., Atlanta and Florida. He showed the site on US Highway 278. They are the third or fourth developer to take over the site. Many retailers in the area want to duplicate their operations. Some of those in their site plan are duplicates interested in more sales, not closing their other stores. There are two shopping centers on their site plan, including a luxury manufacturers' outlet mall meant to attract 15 million tourists who can reach it within 2 hours. There is no one serving this market at this time. The site plan is not just big box tenants, which are more typical and are designed to serve the close market; tourists would be served by the luxury center.

A hundred of the 280 acres are in Beaufort County, which will be an enormous tax and fee boom that Mr. Fuqua said the county should not walk away from. It is potentially \$215 million over five years for the county. He said these will be good retail jobs with good salaries and benefits. He said the resolution Council passed was because they believed the development would take tax dollars from Tanger and move jobs down the street. He showed a slide of a project in San Antonio, Texas. Three years after it was built, Tanger opened two malls next door. Mr. Fuqua said if Tanger felt this project would affect theirs, they would not have developed next door. The project is so large because retailers want that as a regional draw. He said this scenario happens again all over the country.

Mr. Fuqua said Senator Pinckney was correct when he said Sembler will not get a cent until they have invested money, created jobs, paid taxes, etc. Then they are eligible to apply for a piece of the abatement. It is earned tax abatement. He said this is the biggest tourism driver in the region. Retailers require them to spend advertising money to draw people to the stores from farther reaches. There are also benefits to the state, including employment; their payroll dollars go into tax coffers. Every retailer wants to create net new sales. He said the other real estate investment that follows such a development is tremendous. They have spent \$18 million so far chasing this project so he said that clearly shows they think they can build a project of this scale. Most investment and construction has stopped in the current economy and no project like this is being considered anywhere in the United States but this. He said they are committed to creating water and traffic plans that the county will be happy with.

Mr. Greer Scoggins, Director of Construction, made a presentation about water and traffic. He said that at a presentation in Sun City, they uncovered some other issues they had not approached previously, so he would share those with Council: architectural elements, access issues, site lighting and landscape buffers. To that end, he showed pictures of the site lay-outs for both The Mall, which is the big box retailer, and “The Colony,” which is the luxury mall. He showed the landscape buffers that are in the plan and one that will be added. Regarding site lighting, he showed a diagram of the types of lights that would be used, since Sun City residents were concerned about light bleed into their development. There is a plan for interior signs and monument signs for access points into the project. There will also be a handful of signs on US Highway 278 that say, “The Colony.”

Mr. Scoggins said a Sun City concern was golf cart access and handicapped parking. They devised a plan for them to enter over the bridge and will build a cart path separate from the street. He showed access and delivery truck routes through the project and said they would do it when there was little customer traffic.

Mr. Scoggins said the biggest component of the project was stormwater. They understand the importance of the rivers to the sporting life of the area. The development and design team’s goals were to set the benchmark for a development of this size regarding stormwater. He said they told each other that they know everyone wants us to meet environmental regulations but no one wants us to achieve them. They want their design to be bulletproof and use means and methods typical of the area. They will monitor the system so the engineers get it right. They will also share the methods they come up with. The stormwater design has not been provided because the people who have asked for it want to see the full engineering package, which is nearly done but not totally. He showed slides representing what is in that package.

Mr. Scoggins went on to make a presentation about the life of a water molecule. He had thought stormwater was only run-off. He learned how much rainfall went back into the atmosphere from plants and evaporation. He showed the area’s rainfall history over the last 100 years. He showed the site’s proximity to the rivers and the discharge points. He showed the current conditions of the four drainage basins. They own half the property and the other half is already developed and the infrastructure is in there, so their hands are tied there. After their engineering to shuttle as much water as possible to the Great Swamp, they will get as much run-off to the area that is at

the farthest distance from the area in order to let it achieve its most natural state before getting to the river.

Mr. Scoggins said volume control will be achieved through irrigation reuse, infiltration and evaporation. Also peak flow control to control the volume it leaves the site: they want a garden hose as opposed to a fire hose. He showed landscaping scenarios for reuse. They hope to reuse 92 million gallons. Leadership in Energy and Environmental Design (LEED) recommends use of plants that use as little water as possible. Sembler wants to use plants that need more water but they will give them the minimum they can use and survive.

He showed ponds used for evaporation with summer and winter rates. For infiltration, they will use a wet pond and an infiltration pond. They will remove the fatty clay layer and replace it with basically beach sand. He said they want to mimic nature. The site has 65% evaporated or infiltrated on-site. Post-development, it will reduce the stormwater run-off from 35% to 31%. Engineers have said they can handle 152 million gallons a year that never leaves the site. The end-game is reducing the volume discharge and they calculate it will be almost 12%. When they finish the project, they will have reduced it by 12%. Peak flows can be reduced by 70% in the drainage basins.

Regarding traffic, there will be improvements to SC Highway 170 for entrances. He showed a slide of a scenario developed with staff about traffic improvements that includes the county only repaving a shoulder when the highway is widened in the future.

Mr. Baer said he would like to see the model showing how many customers come from where and how much new business there is.

Mr. Flewelling said in their analysis of stormwater run-off, Mr. Scoggins initially said there has been no site specific work done and that the model shown was for more regional approaches. He asked if there is site specific information he could give about the amount of water that runs off the site today.

Mr. Scoggins said there are models for that, and the engineers need it to calculate; site specific information would be submitted in the package they present.

Mr. Flewelling asked if there has been an environmental impact assessment on the area. Mr. Scoggins said they have done studies and will present them.

Mr. Flewelling told Mr. Fuqua he had seen a copy of the Development Agreement with the City of Hardeeville, and he is concerned about the enforcement paragraph. He reads that as saying that either party can seek enforcement of the agreement, but he is concerned it appears that they will not be responsible for damages to property or environmental concerns.

Mr. Fuqua said he is not familiar with the clause and would look into it. Mr. Flewelling said it is signed by Sembler of Atlanta, Inc. Ms. Christie Brooks said she worked on the Development Agreement and that clause only references the Development Company and the City. She said it

has no ramifications other than enforcement of the city and Sembler. Mr. Flewelling showed a similar paragraph in a Beaufort County development agreement and said he assumes any court action would be in Jasper County. Mr. Flewelling said it does not mention jurisdiction. He also said Sembler is not registered with the Secretary of State to do business in the State of South Carolina. Ms. Brooks said these questions are related to the City of Hardeeville. The document was agreeable to them and to Sembler, which is why they signed it.

Mr. Scoggins said the question is not about who agreed to it but about what is the agreement and who enforces it – Jasper, Hardeeville and the county? - Or should it be a state agreement? Mr. Flewelling agreed.

Mr. Stewart continued that he will entertain the question, but he does not know the answer to it. The engineers are talking to the state, which will be who they permit it through. They just do not have the answers and cannot agree to something they do not understand, but they are working on it.

Ms. Von Harten commented that they are planning 1.3 million square feet of turf, and there is Lowcountry mistrust of turf, which does not filter as well as plants and trees do. She asked that they reconsider this.

Mr. Rodman said the presentation was helpful. He still struggles with whether there is a level playing field if they give a reduction to one entity that is competing with another. He asked for a response or justification at some point. That is the primary issue to him. Mr. Fuqua said their center is being developed at a time when regulations are much stiffer than they were even a few years ago; it is a much larger project than has been done, so there is not a level playing field. That is where it is different. This kind of benefit is only available to a group that wants to spend \$100 million, create so many jobs and \$6 million a year in tax revenue.

Senator Pinckney said it comes down to a policy question. The state created tax incentives for retailers, industrial space and residential development for 100 years. The development in Myrtle Beach was done based on state tax incentives. A variety of incentives have been created. This will help to create jobs. He will provide a study that looks at the economic impact of tourism and recreational projects. The money used is not money currently on the tax rolls and does not come into effect until certain benchmarks are met. That is why he feels many in Columbia think it is a worthwhile incentive.

Mr. Rodman said he understands the argument to be that some sales will be lost by existing retailers just as a matter of course because of the proximity and the reduced sales tax, but it will increase money flowing into South Carolina beyond the shift to a new retail establishment. The incentive given to Boeing is actually a product that will be shipped and create new jobs, and if the retail establishment causes people to spend in South Carolina when they would not otherwise then it is a logical argument. There are potentially some new dollars, but there is also some shift of retail dollars.

Mr. Baer said this is the reason they need to see a model of where the business will come from. There will be a net reduction in sales taxes to the state from retailers in Beaufort, Hilton Head Island, etc. It will produce tax revenue that will go to Sembler not the state, so under some conditions, the state will lose money. They need to see the map of where the customers are coming from to see how the numbers balance. He would also recommend having independent experts look at it.

Senator Pinckney said the stores being considered are not already in South Carolina or the region and that should be considered. The Publix model is all over Beaufort County, and they are expanding to attract new sales. This could bring shoppers home who are going to Georgia to shop. This is not a second Tanger outlet and will draw a different market.

Mr. Caporale agreed the Hilton Head Island market is not as willing to spend for high-end as one might assume. He suggested there is so much evidence on both sides. His position is “We’ll see.” In a state with the economy that South Carolina has, he said he is uncertain how many people will be buying luxury goods. Most important to him is that Sembler works with Mr. Kubic and the environmental groups, particularly Coastal Conservation League, to get more specific answers to the stormwater and traffic questions to get taxpayers to spend dollars. All of it could be for naught if the stormwater plans are a failure and the responsibility will be theirs.

Mr. Stewart commented that he thinks it is unrealistic to make the argument that new tax dollars can be put back into the infrastructure because there are general administration costs, etc. that eat up money. He said unfortunately it does not work that way, so they need to be careful. Since this project is in his district, and people have very definite views about it – and the support for it is not as overwhelming as has been portrayed – he is waiting for the traffic and stormwater details. He thinks the ultimate answers will be in the details when they get them, and staff can get back on the specifics. The Development Agreement was entered into in mid-2008, a lot of things have happened since then, and they still do not entirely have these details. He thinks it would have been a better result if they had the discussions earlier on with Beaufort County since 1/3 of the property is there, even though the property was annexed by the City Hardeeville. Beaufort County has no official say, but they are a significant partner in it.

Mr. Newton said this is a wonderful example of the absolute failure of the priority investment act. It was well-intended to require neighbors to work together on projects but it had no teeth, so after two years, they are addressing these concerns and Sembler is caught in the vortex. There are vast differences in opinions in the various parts of the region. He said he is worried about building a mega-mall nestled in a very fragile area of the county. Traditions development is in foreclosure, and if people are to come off Interstate 95, maybe this project would work better at Traditions, rather than where these fragile waterways are. He wants more environmental details and answers to the questions. They want to know, not believe the possibility, that this will not ruin one of the things that makes Beaufort County special. Regarding traffic, he believes Beaufort County should not have to widen SC Highway 170. If Sembler had been dealing with Beaufort County, the county would have made the developer widen the highway. He said he is concerned about the quality of life because of the strategic location of the mall. For example, deputies coming from the southern part of the county to the detention center will have to drive

past the mega-mall and might be stuck in traffic. Also SC Highway 170 and US Highway 278 are the main corridors in the event of a hurricane or other natural disaster. His final concern is the tax incentive. He feels it is significant to answer the questions of Mr. Rodman and Mr. Baer about where the new business is to come from. Hilton Head has clearly raised an objection. As Mr. Stewart indicated, they are coming to Council to share information, not to get Council's approval, and he appreciates that. The 1,000 new construction jobs is not sufficient justification; Beaufort County citizens will have to live with this, and the prospect of being like larger cities like Atlanta is a lot to get our hands around. Many people have grave concerns that this is the wrong thing in the wrong place.

Ms. Von Harten thanked the people who came from Sembler and Hardeeville to speak. She said the Port and Sembler projects are "brothers and sisters." She said the water quality issue is a serious one, particularly the impact on the May River owing to development. She said native islanders also will feel the impact of such a project, though it would be developed to attract tourists. The Gullah fishermen are concerned about being able to keep fishing, and that is one of a host of concerns about water quality. She said the National Heritage Corridor would benefit from the dollars Sembler might be able to help it with.

Presentation /Advancements in Aerial Photography

This item was postponed until the February 22, 2010 Council meeting.

DEPUTY COUNTY ADMINISTRATOR'S REPORT

Mr. Gary Kubic, County Administrator, in the absence of Mr. Bryan Hill, Deputy County Administrator, circulated copies of Two-Week Progress Report, which summarized his activities from January 25, 2010 through February 6, 2010. Mr. Kubic said in Mr. Hill's progress report there are more than 17 identified budget meetings since the last meeting with Council. The goal is to complete the budgetary process by the end of April.

PUBLIC HEARINGS

BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR THREE (3) LADY'S ISLAND PROPERTIES TOTALING 0.917 ACRE AT THE INTERSECTION OF SAM'S POINT ROAD AND MAYFAIR COURT: R201-015-517 AND R201-015-518 FROM PROFESSIONAL OFFICE DISTRICT/POD TO VILLAGE CENTER/VC, AND R201-105-519 FROM LADY'S ISLAND COMMUNITY PRESERVATION/LICP TO VILLAGE CENTER/VC

Mr. Stewart, as Natural Resources Committee Vice Chairman, said this issue came before Council awhile ago, passed through committee on a split vote, and was sent back to committee after a tie vote before Council last October. He went on to explain what the earlier concerns had been with the property. Subsequent to going back to committee, Public Facilities Committee worked the issues out to the Council's unanimous satisfaction for first and second readings.

The Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public regarding zoning map amendment/rezoning request for three Lady's Island Properties totaling 0.917 acres at the intersection of Sam's Point Road and Mayfair Court (R201-015-517) and (R201-015-518) from Professional Office District (POD) to Village Center (VC) and (R201-105-519) from Lady's Island Community Preservation (LICP) to Village Center (VC). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:01 p.m.

It was moved by Mr. Stewart, as Natural Resources Committee Vice Chairman (no second required), that Council approves on third and final reading a zoning map amendment/rezoning request for three Lady's Island Properties totaling 0.917 acres at the intersection of Sam's Point Road and Mayfair Court (R201-015-517) and (R201-015-518) from Professional Office District (POD) to Village Center (VC) and (R201-105-519) from Lady's Island Community Preservation (LICP) to Village Center (VC). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson and Mr. Sommerville. The motion passed.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES, WITH APPROPRIATE SERIES DESIGNATIONS, OF BEAUFORT COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$48,755,000; AUTHORIZING THE BONDS TO BE ISSUED AS TAX-EXEMPT BONDS OR TAXABLE BUILD AMERICA BONDS; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS LAWFULLY AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO

Mr. Rodman commented that this refinancing is \$20 million for Rural and Critical Lands and the balance for approved county projects. Staff and outside advisors recommended going through a bond anticipation note for a period before going to permanent financing. They now recommend this is the time to make it permanent and there have been no objections along the way.

The Chairman opened a public hearing at 6:03 p.m. for the purpose of receiving information from the public regarding an ordinance authorizing the issuance and sale of general obligation bonds, in one or more series, with appropriate series designations, of Beaufort County, South Carolina, in the principal amount of not exceeding \$48,755,000; authorizing the bonds to be issued as Tax-Exempt Bonds or Taxable Build America Bonds; fixing the form and details of the bonds; authorizing the county administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:04 p.m.

It was moved by Mr. Rodman, as Finance Committee Chairman (no second required), that Council approves on third and final reading an ordinance authorizing the issuance and sale of

general obligation bonds, in one or more series, with appropriate series designations, of Beaufort County, South Carolina, in the principal amount of not exceeding \$48,755,000; authorizing the bonds to be issued as Tax-Exempt Bonds or Taxable Build America Bonds; fixing the form and details of the bonds; authorizing the county administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT – Mr. Dawson and Mr. Sommerville. The motion passed.

RESOLUTION ADOPTING THE TRANSPORTATION ADVISORY (BTAG) RECOMMENDATIONS

Chairman Newton said this recommendation comes from the Public Facilities Committee and the Transportation Advisory Group (hereinafter “BTAG”). Chairman Newton said Rob McFee, Division-Director Engineering and Infrastructure, was present to give a briefing on staff’s recommendation.

Mr. McFee said Council received minutes of a January 20, 2010 Transportation Advisory Group meeting that outlined how they achieved a priority listing and how the rankings are north and south. He reviewed the “governing criteria” for determining a project’s prioritization. South of the Broad River, the projects developed are Highway 278 connector road; completing Bluffton Parkway 5A; US 278 widening to Buckwalter Parkway; Highway 170 improvements; Bluffton Pkwy 5B. North of the Broad River, the projects are the Northern Bypass and the Boundary Street Project. Staff recommends proceeding with the engineering, then obtaining bids on the first part of the construction of the parallel road to Hogarth. This will be a significant capacity improvement as well as improvements to safety and establishing inter-connectivity.

Mr. McFee said the City of Beaufort (hereinafter “City”) does not agree that the best option for the Northern Bypass is Bellamy Curve but understands other alternatives are problematic and were all vetted completely. The City desires the consultant do a full environmental impact study to determine the likelihood of successful permitting. The City will select the routing for further study. Depending on the outcome of this study, they will either proceed with Phase Two of the Northern Bypass study or put the remaining Northern Bypass money into the Boundary Street Project.

Mr. McFee said there had been considerable discussion of the recommendations. It was decided to move forward with staff recommendations with two exceptions: BTAG felt they should go all the way to SC Highway 170 with the US 278 widening and defer Bluffton Parkway 5A bridge.

Mr. Glaze said the Public Services Committee asked staff to further study those two exceptions and bring back to BTAG advice regarding what to do with the residuals. Chairman Newton clarified that the resolution was to accept staff’s recommendation with two exceptions. He asked Mr. McFee about continuing the widening of US Highway 278. Staff recommended stopping at Buckwalter. He asked if the continuation out required the use of more sales tax dollars than were originally projected to be spent. Mr. McFee said at this point, they are unsure of the magnitude of

the environmental accommodations; he said it appears it is going to be “very close.” Chairman Newton clarified that no project has been cancelled; only deferred, should Council adopt the resolution and proceed with everything in the recommendation with two exceptions. Mr. Glaze and Mr. McFee said that is both of their understanding.

Mr. Stewart said he is confused about the BTAG meeting where he heard the SC Highway 170 project from US Highway 278 to SC Highway 46 was being put on hold awaiting further study. He said it appears it is being proposed to go from US Highway 278 to Bluffton Parkway. He asked for clarification from Mr. McFee. Mr. McFee said from Bluffton Parkway to US Highway 278, in staff discussions the Town of Bluffton felt this was a better place for a first phase, then going to the SC Highway 46 roundabout as a second phase. SC Highway 170 is primarily funded by impact fees, so it was decided that more could be done when impact fees “come back.” Mr. Kubic and he have spoken with SCDOT about maintenance on SC Highway 170. Mr. Stewart asked if there was discussion about any other recommended changes to other projects that could allow the SC Highway 170 portion to move up in priority. He sees SC Highway 170 as a dangerous road, and he does not know that the number of accidents have been taken into account.

Chairman Newton said by deferring the 5A bridge, some of the money would be reallocated to continue the US Highway 278 widening all the way out which Mr. Winn, Sheriff Tanner, and others see as important. Considering the allocation of other dollars has been deferred to a later date, the challenge of Highway 170 lies in two-thirds of its funding by impact fees. The first section from US Highway 278 to the Bluffton Parkway can potentially be done with the formerly recommended bridge money. Mr. Stewart wants to keep it on the table for safety reasons.

Mr. Flewelling asked about discussion at the committee level about the Boundary Street Project engineering funds. Chairman Newton said there was miscommunication that BTAG and the committee only said to delay the 5A bridge and push the U.S. 278 widening. That was not the case. The reality was to accept staff’s recommendations with two exceptions. They recommend doing the engineering on all of the Boundary Street Project and to begin construction in phases. Mr. Flewelling asked if the motion made concerning the Boundary Street Project was superfluous. Chairman Newton said yes. Mr. McFee said he did the recommendation and was unable to speak to the intent of all parties. He had recounted it incorrectly.

Mr. Rodman clarified that there was an \$85 million shortfall and if this is passed and 5B and the flyover are delayed, that reduces it to \$25 million and SC Highway 170 could benefit from it, as could 5A and the Boundary Street Project. Chairman Newton reiterated that 5A is going forward but for the bridge.

Mr. Stewart said Bluffton asked for reconsideration of SC Highway 170 widening or slowing it down. He asked where working with Bluffton stands. Mr. McFee said the previous Bluffton administration and staff were satisfied with what was being done for improvements. They prefer traffic circles to signaled intersections. Anything done has to be consistent with SCDOT guidelines. He gave the example of unrealistically low speed limits. Staff and consultants need time to see how to answer their concerns and develop a facility they can be happy with.

Mr. Baer said there are unfounded allegations that some funds have been moved from another SCDOT road project to US Highway 278. If those are ever proved or not disproved, he feels those funds need to be repaid to the Marshland Road project. If it is not funded some other way, and it is discovered that the 1% projects borrowed money, it needs to be repaid. Chairman Newton said they can verify the accusations to be absolutely false and incorrect. He went on to explain the situation and how the rumor began, as he was party to the original discussions.

Mr. McFee said Marshland Road is in the process of being programmed for re-surfacing through the federal DOT. He clarified that there has been a discussion of SCDOT oversight costs. For the portion of US Highway 278 that has been paved, it is \$104,000. The \$600,000 comes from a strict reading of the Intergovernmental Agreement but means nothing. Mr. McFee said they will continue to maintain open communication with Council. Chairman Newton said he does not feel like they will return relatively soon because of time to do design and costing. Mr. McFee said the biggest hurdle is the threshold, to be met in March. Chairman Newton said it was suggested that SCDOT does not have to conform to stormwater regulations for the county. He asked if there was any truth to that. Mr. McFee said the partnership of Beaufort County and the SCDOT has enabled them to do a lot of things they otherwise could not have done. Mr. McFee said it is difficult to conform to everyone's ordinances. In this case, the county will be successful in complying with its own ordinance.

Mr. Baer said at the Public Facilities committee they authorized \$550,000 for the Boundary Street Project engineering study. He asked Mr. McFee if there are any other anticipated expenditures that Public Facilities committee will be expected to vote on. Mr. McFee said most pressing is getting the design for the Boundary Street Project in order to get a solid construction cost. He does not anticipate any additional contract costs soon.

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council adopts a resolution as it relates to a motion passed by the Beaufort Transportation Advisory Group to accept the joint staff recommendations regarding the penny sales tax road projects with two exceptions: (1) delay bridge construction on Bluffton Parkway Phase 5A; and (2) maintain the widening on U.S. 278 all the way to SC 170. Further, the recommendations approved by the Beaufort Transportation Advisory Group be adopted as current official policy of Beaufort County with reference to the completion and/or delay of the projects approved by referendum. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. The motion passed.

Mr. McFee said the content on the monthly report is good but difficult to follow because of its formatting. They will change it to give a better feel through the concept and design.

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMPREHNSIVE PLAN, POPULATION AND DEMOGRAPHICS, CHAPTER 2 (REPLACES EXISTING CHAPTER IN-KIND)

Mr. Stewart, as Natural Resources Committee Vice Chairman, said changes were recommended in committee and they have been made.

Mr. Baer said he would vote for this, but in committee there was skepticism about the data regarding tourism numbers. As this moves along, he urged a review of the data in the particular table.

Mr. Caporale asked if timeshares and villa rentals were included with hotel rooms and Mr. Stewart said they were. Mr. Baer said it seems very low. Chairman Newton said it is an average daily population.

Mr. Baer said the approximately 8,000 tourists' daily numbers are clearly wrong. There are 2.2 million tourists per year just to Hilton Head, and the average would be about 40,000 tourists per day just on Hilton Head. He said it would be helpful to have the underlying data used to plot the curves in chart form. He thought numbers that consider the seasonal effect - when different groups come at different times - would also be useful. He said he is skeptical about the idea that the Hilton Head population will grow by 50%; conventional wisdom is that they are at build-out, for all practical purposes.

It was moved by Mr. Stewart, as Natural Resources Committee Vice Chairman (no second required that Council approves on first reading a text amendment to the Beaufort County Comprehensive Plan, Population and Demographics, Chapter 2 (replaces in-kind). The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. The motion passed.

COLLECTION SERVICES FOR BEAUFORT COUNTY EMS

This item comes before Council under the Consent Agenda. It was discussed and approved at the January 19, 2010 Finance Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council award a contract Security Collection Agency of Edenton, North Carolina, the top-ranked firm, for Beaufort County EMS collection services for one year with an anticipated cost per year of \$15,000. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT- Mr. Dawson and Mr. Sommerville. The motion passed.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XIII, SEC. 106-2729. STREET DESIGN STANDARDS (TO ESTABLISH CONSTRUCTION STANDARDS FOR UNPAVED ROADS AND TO PERMIT ACCEPTANCE OF UNPAVED ROADS BY THE COUNTY FOR MAINTENANCE OR OWNERSHIP FOR AFFORDABLE HOUSING DEVELOPMENTS WHEN APPROVED BY COUNTY COUNCIL)

This item comes before Council under the Consent Agenda. It was discussed and approved at the February 1, 2010 Natural Resources Committee meeting.

It was moved by Mr. Rodman, seconded by Mr. Flewelling, that Council approves on first reading a text amendment to the Zoning and Development Standards Ordinance (ZDSO), Article III, Section 106-2729. Street Design Standards (to establish construction standards for unpaved roads and to permit acceptance of unpaved roads by the county for maintenance or ownership for affordable housing when approved by County Council). The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT- Mr. Dawson and Mr. Sommerville. The motion passed.

COMMITTEE REPORTS

Community Services Committee

Disabilities and Special Needs Board

Margret Gatch

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mrs. Gatch garnered the eight votes required to serve as a member of the Disabilities and Special Needs Board.

Helen Gruber

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mrs. Gruber garnered the eight votes required to serve as a member of the Disabilities and Special Needs Board.

Library Board

Mr. Stewart recused himself from the Library Board vote because candidate Norma Stewart is his wife.

Valerie Donaldson

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mrs. Donaldson, representing Council District 8, garnered the eight votes required to serve as a member of the Library Board.

Eileen Fitzgerald

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mrs. Fitzgerald, representing Council District 3, garnered the eight votes required to serve as a member of the Library Board.

Patsy Hand

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mrs. Hand, representing Council District 5, garnered the eight votes required to serve as a member of the Library Board.

Norma Stewart

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman and Ms. Von Harten. ABSTAINED – Mr. Stewart. ABSENT- Mr. Dawson and Mr. Sommerville. Mrs. Stewart, representing Council District 10, garnered eight votes required to serve as a member of the Library Board.

Mr. McBride, as Community Services Committee Chairman, nominated Mrs. Katrina Johnston, representing Council District 6, and Mrs. Janet Kutchler, representing Council District 4, to serve as members of the Library Board.

Hospital Board

Dr. Patricia Thompson

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Dr. Thompson garnered the eight votes required to serve as a member of the Hospital Board.

Finance Committee

Accommodations Tax Board

Jeff Thomas

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. Mr. Thomas, representing hospitality, garnered six votes required to serve as a member of the Accommodations Tax Board.

Tax Equalization Board

Jimmy Mackey

The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT- Mr. Dawson and Mr. Sommerville. Mr. Mackey, representing at large, garnered the eight votes required to serve as a member of the Tax Equalization Board.

Natural Resources Committee

Construction Adjustment and Appeals Board

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Herbert Brown, representing design professional, for reappointment to serve as a member of the Construction Adjustment and Appeals Board.

Historic Preservation Review Board

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mrs. Caroline Donaghy, representing Port Royal Island, for reappointment to serve as a member of the Historic Preservation Review Board.

Northern Corridor Review Board

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Kevin Farruggio, representing landscape architect, for reappointment to serve as a member of the Northern Corridor Review Board.

Planning Commission

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mrs. Mary Rivers LeGree, representing Comprehensive Plan Planning Area St. Helena Township, for reappointment to serve as a member of the Planning Commission.

Southern Corridor Review Board

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Ed Pinckney, representing resident of area served, and Mr. James Tiller, representing landscape architect, for reappointment to serve as members of the Southern Corridor Review Board.

Stormwater Management Utility Board

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Donald Smith, representing Stormwater District 5, and Mr. Allyn Schneider, representing Stormwater District 9, for reappointment to serve as members of the Stormwater Management Utility Board,

Zoning Board of Appeals

Mr. Sommerville, as Natural Resources Committee Chairman, nominated Mr. Edgar Williams, representing north of Whale Branch River, for reappointment to serve as a member of the Zoning Board of Appeals.

Public Facilities Committee

Airports Board

Mr. Glaze, as Public Facilities Committee Chairman, nominated Mr. Pete Buchanan, representing qualifications; Mr. Will Dopp, representing proximity to Hilton Head Island Airport; Mr. Paul Jorgensen, representing proximity to Beaufort County Airport; Mr. Leonard Law, representing proximity to Hilton Head Island Airport; Mr. Jared Newman, representing proximity to Beaufort County Airport; and Mr. Ross “Mac” Sanders, representing active pilot/aircraft owner at Beaufort County Airport, for reappointment to serve as members of the Airports Board.

Public Safety Committee

Bluffton Fire District

Mr. Stewart, as Public Safety Committee Chairman, nominated Mrs. Rainie Steedley, representing at large, for reappointment to serve as a member of the Bluffton Fire District.

Daufuskie Island Fire District

Mr. Stewart, as Public Safety Committee Chairman, nominated Mr. Jon Michael Bryant and Mr. George Jenkins to serve as members of the Daufuskie Island Fire District.

Lowcountry Regional Transportation Authority

Mr. Stewart, as Public Safety Committee Chairman, nominated Mr. Craig Forrest and Mr. Dick Stewart to serve as members of the Lowcountry Regional Transportation Authority.

Water Budget Contract with South Carolina Department of Natural Resources

Mr. Stewart, as Natural Resources Committee Chairman, commented this proposal is a joint project in which the county purchases equipment and has one technician, while the Department of Natural Resources provides the other manpower. The county will pick up roughly half of the cost of the project.

It was moved by Mr. Stewart, as Natural Resources Committee Chairman, that Council approves entering into an Intergovernmental Agreement with the South Carolina Department of Natural Resources, Hydrology Office to conduct a Water Budget Study of the May River to be used in planning and strategy for stormwater usage; and that Beaufort County Council approves \$115,878 to conduct the study, funded by stormwater utility funds. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT - Mr. Dawson and Mr. Sommerville. The motion passed.

Public Facilities Committee

Burton Wells Regional Park - Phase 2 Master Plan and Phase 2A Construction Plan

It was moved by Mr. Glaze, as Public Facilities Committee Chairman (no second required), that Council approves the Burton Wells Regional Park Phase 2 Master Plan and 2A Construction Plan for Burton Wells Regional Park. The vote was: FOR - Mr. Baer, Mr. Caporale, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Stewart and Ms. Von Harten. ABSENT- Mr. Dawson and Mr. Sommerville. The motion passed.

Non-profit Thrift Stores

Mr. Glaze, Public Facilities Committee Chairman, said that regarding the non-profit thrift stores use of the convenience centers, after discussion about the issue, the committee approved staff's request to deny the thrift stores' use of the convenience centers.

ADJOURNMENT

Council adjourned at 7:35 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Wm. Weston J. Newton, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council
Ratified:

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

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

LADSON F. HOWELL
STAFF ATTORNEY

**COUNTY ADMINISTRATOR'S REPORT
Monday, April 26, 2010
County Council Chambers**

INFORMATION ITEMS:

- The County Channel / Broadcast Update
- Two-week Progress Report (Enclosure)
- Presentation / US Highway 278 Corridor Signal System
Mr. Colin Kinton, Traffic and Transportation Engineer
- Achievement / Government Finance Officers Association (GFOA) - Beaufort County Receives Certificate of Achievement for Excellence in Financial Reporting for the year ended June 30, 2009



Memorandum

DATE: April 23, 2010
TO: County Council
FROM: Gary Kubic, County Administrator
SUBJ: County Administrator's Progress Report

The following is a summary of activities that took place April 12, 2010 through April 23, 2010:

April 12, 2010

- Staff meeting with Bryan Hill, Deputy County Administrator, Morris Campbell, Director of Community Services, and Cristina Roberson, Director of Parks and Leisure Services (PALS) to discuss PALS issues
- Finance Committee meeting
- County Council meeting

April 13, 2010

- Meeting with Bryan Hill, Deputy County Administrator
- Traffic management software demonstration at Emergency Operations Center
- Meeting regarding Camp St. Mary

April 14, 2010

- Guest speaker - The League of Women Voters of Hilton Head Island April meeting

April 15, 2010 (County Administrator Bluffton Office Hours)

- Meeting with Gary Rowe of Bluffton
- Meeting with Calendar photographers

April 16, 2010

- Personal leave

April 19, 2010

- Applicant interview #1 / Deputy Director of Facilities Management

- Meeting with Bryan Hill, Deputy County Administrator, and Ed Modzelewski, of Applied Technology Management
- Applicant interview #2 / Deputy Director of Facilities Management
- Finance Committee meeting
- Joint meeting of Public Facilities and Community Services Committees

April 20, 2010

- Staff rehearsal / CIP Power Point presentation to County Council on April 22, 2010

April 21, 2010

- Agenda review
- Staff meeting re: St. Helena Library at Penn Center
- Presentation by Dr. Donald Schunk at Magnolia Hall, Sun City

April 22, 2010

- Meeting with William Winn, Director of Public Safety, and Beaufort County Animal Care Agencies to discuss their ideas and concepts for protecting animals in Beaufort County at Bluffton Library

April 23, 2010

- Tour of Brown properties on St. Helena Island with Roland Gardner, Executive Director of Beaufort –Jasper – Hampton – Colleton Comprehensive Health Services
- Meeting with Walter Mack, Executive Director of Penn Center
- Meeting with Planning staff to discuss Rural Residential Zoning



Memorandum

DATE: April 23, 2010
TO: County Council
FROM: Bryan Hill, Deputy County Administrator
SUBJECT: Deputy County Administrator's Progress Report

The following is a summary of activities that took place April 12, 2010 thru April 23, 2010:

April 12, 2010 (Monday):

- Meet with Cris Roberson, PALS, Morris Campbell and Gary Kubic to discuss fees
- Meet with Suzanne Larson, PIO re: VOIP
- Finance Committee Meeting
- County Council

April 13, 2010 (Tuesday):

- Attend CIP Meeting with David Starkey, CFO
- Meet with William Winn, Director of Public Safety
- Attend Benefits Consultant RFP Meeting

April 14, 2010 (Wednesday):

- Attend Public Works Interview for Assistant Facilities Manager

April 15, 2010 (Thursday)--Bluffton:

- Meet with Gary Kubic and Duffie Stone, Solicitor
- Work on Budget

April 16, 2010 (Friday):

- Meet with Ladson Howell, Staff Attorney
- Meet with David Starkey and Fire Chief re: Budget
- Meet with Judge Smith re: Budget
- Meet with William Winn, Public Safety Director

April 19, 2010 (Monday):

- DA Meeting
- Attend Interview
- Meet with Gary Kubic and Ed Modzelewski
- Attend Interview
- Finance Committee Meeting
- Joint Meeting of Public Facilities and Community Services

April 20, 2010 (Tuesday):

- Meet with Ted Anderson, Management Information Systems
- Meet with Gary Kubic, Robert McFee and David Starkey re: CIP Presentation to County Council
- Meet with Ed Hughes, Assessor re: Budget

April 21, 2010 (Wednesday):

- Attend Towne Center vs. Beaufort County Condemnation (Bluffton Parkway) Mediation in Charleston

April 22, 2010 (Thursday):

- Meet with David Starkey re: CIP Presentation
- Meet with Judge Kenneth Fulp, Probate Court re: Budget
- Meet with Jerri Roseneau, Clerk of Court re: Budget
- Meet with Suzanne Cook, Sheriff's Office Comptroller re: Budget
- Meet with Marvin Dukes, Master-in-Equity re: Budget
- Meet with George Hicks, USDA re: Penn Center St. Helena Library
- CIP Presentation to County Council

April 23, 2010 (Friday)--Bluffton:

- Tour BROCC Facility in Hampton with David Zeoli



Beaufort County, South Carolina

Beaufort County Current Budget Overview FY-2011

April 26, 2010



Budget FY-2011

- ❖ Description of Services, February 5th
- ❖ Goals and Objectives, February 5th
- ❖ Personnel requests March 5th
- ❖ Five(5) year budget submission, March 12th
- ❖ Requests totaled \$112,234,838
- ❖ Projected FY2011 budget:
 - ❖ ~\$104, 000,000



Budget Assumptions:

- No millage increase
- No growth in the mil
- Operation millage – 40.3
- General Obligation County Debt – 3.73*
- No COLA
- Removal of vehicle purchases
- Vacancy factors
- Unfunded GASB liability



Revenue

- Collection rates
 - Property tax
 - Building codes
 - Register of Deeds
 - State aid
 - PALS
 - Foreclosure rates
 - Federal Grants



Expenditures

- Increases in Health Insurance
 - Group Health
 - Dental
- Fuel
- Utilities
- Garage repairs
- Specialized Auditing
- Outside funding



FY2011 Assumptions

- FY 2010 – mandated 30 open lines
- Semi- Hiring Freeze
 - FY 2011 – mandated 40-60 open lines
- Removal of Airport contribution
- Reduce Ecology initiatives
- Millage value assumptions
- Continued grant submissions
- Description of services



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY ENGINEERING DIVISION
Building 3, 102 Industrial Village Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2625 Fax: (843) 470-2630

TO: Councilman Herbert N Glaze, Chairman, Public Facilities Committee
Councilman William L. McBride, Chairman, Community Services Committee

VIA: Gary Kubic, County Administrator
Bryan Hill, Deputy Administrator
David Starkey, Chief Financial Officer
Robert McFee, Director of Engineering and Infrastructure

FROM: Bob Klink, County Engineer

SUBJ: Architectural and Engineering Design Services for the Design of the Beaufort County St. Helena Island Public Library - RFQ # 2909/090456

DATE: April 14, 2010

BACKGROUND. Beaufort County Council adopted a resolution on April 12, 2010 to utilize a 10-acre parcel donated by Penn Center, an \$8.5 million dollar USDA grant/loan package and a \$1.5 million dollar Community Enrichment Grant (CDBG) to develop and construct the St. Helena Island Public Library at Penn Center.

Beaufort County advertised a Request for Qualifications (RFQ's) from design firms for architectural, landscape architectural and engineering design services for the St. Helena Island Public Library. On 5/07/09, Beaufort County received 24 RFQ's from the following firms:

LS3P Associates Limited
205 1/2 King Street
Charleston, SC

FWA Group
10 Executive Park Road
Hilton Head Island, SC

McCleskey Architects
62 Arrow Road
Hilton Head Island, SC

McKellar & Associates
941 Houston Northcut Boulevard
Mt Pleasant, SC

Perkins & Will
1382 Peach Tree Street NE
Atlanta, GA

Design Group
515 east Main Street
Columbus, OH

AAG Associates
37 Marsh Ellen Drive
Beaufort, SC

Rosenblum Coe Architects Inc
121 Wentworth Street
Charleston, SC

Creech & Associates
127 West Worthington Ave
Charlotte, NC

Giffels, LLC
127 Dunbar Street
Spartanburg, SC

Neal Prince Architects
110 West North Street Suite 300
Greenville, SC

Allison Ramsey Architects
1003 Charles St.
Beaufort, SC

R.W. Chambers
127 Dunbar Street
Spartanburg, SC

Watson Tate Savory Architects
1316 Washington St.
Columbia, SC

Holzheimer Bolek - Meehan
7227 Chagrin Road
Chagrin Falls, OH

Gant Huberman Architects
500 North Tryon Street
Charlotte, NC

DP3 Architects
211 East Broad Street
Greenville, SC

Hecht Burdeshaw Architects, Inc.
8th thru 11th St. Suite 300
Columbus, GA

Thomas & Denzinger Architects
73 1/2 State Street
Charleston, SC

David Manning Architects
508 Walnut Street
Camden, SC

Montgomery Architecture
404 Ribaut Road
Beaufort, SC

Coast Architects
671 St. Andrews Blvd
Charleston, SC

Greenline Architecture
28 East 35th Street
Savannah, GA

Liollo Architecture
147 Wapoo Creek Dr.
Charleston, SC

A committee consisting of the following individuals was assembled:

- Beaufort County Libraries Director
- Beaufort County Capital Improvement Project Implementation Manger
- Beaufort County Capital Improvement Project Manager
- Beaufort County Community Services Director
- Beaufort County Libraries Board of Trustees member
- Penn Center Board of Trustees member

The committee was tasked with evaluating and selecting the highest ranking firms based on qualifications and experience. The following four firms were ranked highest and were selected for interviews by the committee:

Allision Ramsey Architects
1003 Charles Street
Beaufort, SC

FWA Group
10 Executive Park Road
Hilton Head, SC

Liollio Architecture
147 Wapoo Creek Dr.
Charleston, SC

DP3 Architects
211 East Broad St.
Greenville, SC

As a result of the interviews, Liollio Architecture was ranked number one and was selected for subsequent fee negotiations with the Engineering Division.

Proposed fees are broken into the following two categories:

1. Variable design fee based on building size: The exact size of the building has not yet been determined; therefore, the basic design fee is variable in relationship to the size of the building. This fee equates to 7.1% of construction cost or \$19.525/sf assuming an average construction cost of \$275/sf. For example, the fee for a 30,000 sf facility would cost \$585,750.

Additional examples of fee vs. building size

Building Size Square Feet	Average Cost Per SF	Estimated Construction Cost	Fee Factor	Fee based on Building size
20,000	\$275	\$5,500,000	0.071	\$390,500
25,000	\$275	\$6,875,000	0.071	\$488,125
30,000	\$275	\$8,250,000	0.071	\$585,750
35,000	\$275	\$9,625,000	0.071	\$683,375

2. Fix Design Fees: Fixed fees will remain constant regardless of building size. The proposed fixed fees are listed below:

Fix Design Fees - Additional Services		
2.1	Site Option Studies	\$29,871
2.2	Library Planning	\$48,554
2.3	Cultural Anthropologist	\$18,792
2.4	Cost Control Estimations	\$18,911
2.5	LEED Certification	\$128,357
2.6	On Site Topographic Survey	\$6,960
2.7	On Site Landscape Design	\$24,177
2.8	Acoustical Engineering	\$8,993
2.9	Off-Site Civil - Paved Road to Ernest Drive	\$63,000
2.10	Off-Site Landscape - Paved Road to Ernest Drive	\$18,503
2.11	Off-Site Civil - Pervious Road to MLK Drive	\$35,875
2.12	Off-Site Landscape - Pervious Road to MLK Drive	\$24,925
2.13	Off-Site Water & Sewer	\$21,465
2.14	Off-Site BJHCHS Surveying	\$7,250
2.14A	Off-Site Access, Right-of-Way, & Utility Surveying	\$6,062
2.15	Wetlands Delineation	\$3,930
2.16	Traffic Engineering	\$9,720
2.17	Archeology Phase 1	\$29,228
2.18	Archeology Phase 2	\$86,314
2.19	FF&E	\$35,000
	Total Additional Services	\$625,887

Variable design fee based on building size (assuming 30,000 SF)	\$585,750
Fixed design fees	\$625,887
Total design fee	\$1,211,637

The proposed fees were found to be fair and reasonable. Pricing is in compliance with the office of the State Engineer's offices guidelines for this size project and scope of work. Liollo Architecture proposes to use 40% local sub-consultants. This structure will be elevated to avoid flooding under extreme hurricane conditions, utilize the latest in fiber optic technology and will have back up generator power.

FUNDING. Utilize the \$8.5 million dollar USDA grant/loan package and the \$1.5 million dollar Community Enrichment Grant (CDBG) as described on the attached resolution.

RECOMMENDATION. The Public Facilities Committee and Community Services Committee approve and recommend to County Council approval of a design contract award to Liollo Architecture for the design of the St. Helena Island Public Library at Penn Center in the amount of \$1,211,637 and funded as proposed above.

Attachments: 1) Location Map
2) County Council Resolution #R 2010-9

REK/DH/mjh

cc: Morris Campbell, Dave Thomas, Wlodek Zaryczyny

RFQ/St.HelenaLib/PFCapp

2010 /

AMENDMENT TO THE VILLAGE AT LADY'S ISLAND PLANNED UNIT DEVELOPMENT (PUD) TO EXTEND THE SUNSET DATE TO JANUARY 1, 2011.

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 _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

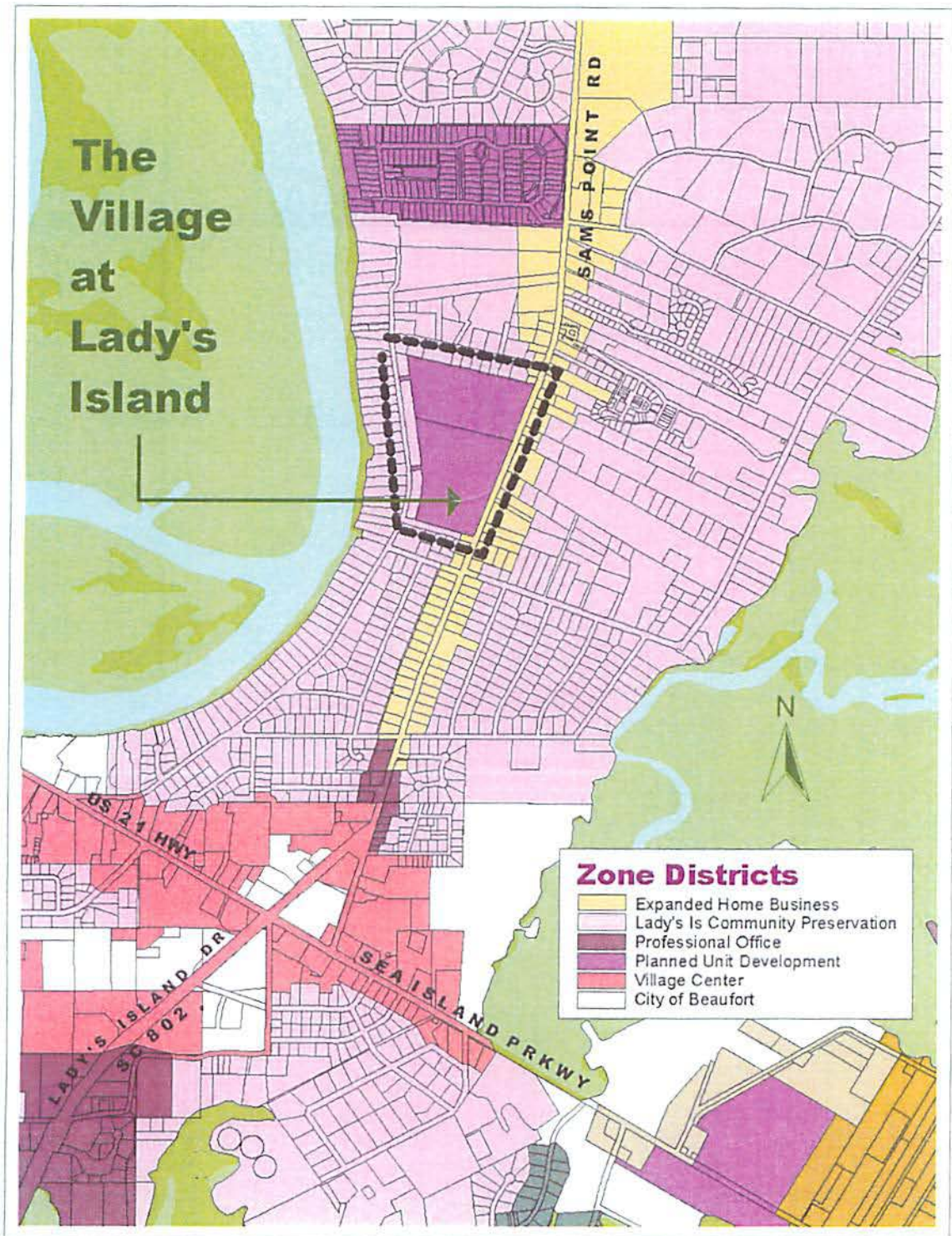
Suzanne M. Rainey, Clerk to Council

First Reading: April 12, 2010

Second Reading:

Public Hearing:

Third and Final Reading:



AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE.

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any domestic, live, vertebrate creature. ~~domestic or wild.~~

Animal control director means any person so appointed by the county administrator.

Animal control officer means any person designated by the county administrator and/or commissioned to perform such duties under the laws of the county and the state.

Animal shelter means any facility so designated by the county council.

Confined means kept in an enclosure designed to restrain an animal from leaving the owner's premises; a fully fenced pen or kennel.

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

~~— *Licensing authority* means any participating veterinary hospital or animal shelter.~~

Owner means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more (S.C. Code 1976, § 47-5-20).

Pet means any animal kept for pleasure rather than utility.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, screeches or crows in an excessive, continuous or untimely fashion.
- (7) Causes harm to the public's health, safety or well being.

Restraint means an animal secured by a leash or lead, under the control of a responsible person within the boundaries of the owner's property or any public property.

Running at large means a pet or domestic animal which is off the property or premises of the owner and which is not under the physical control of owner by means of a leash or confinement.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any warm-blooded animal such as a monkey (subhuman primate), raccoon, opossum, squirrel, rat, leopard, panther, tiger, lion, lynx, or other warm-blooded animal which can normally be found in the wild state.

(Code 1982, § 4-6)

Cross references: Definitions generally, § 1-2.

Sec. 14-27. Sterilization and microchip identification.

- (a) *Sterilization.* No impounded pet may be redeemed without (a) first having been surgically sterilized and a fee paid therefore, which fee shall not exceed the fee charged by the shelter for the sterilization of animals prior to adoption, or (b) paying a redemption fee of Two Hundred Dollars (\$200) to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a calendar year, the intact redemption fee shall be One Thousand Dollars (\$1,000). These provisions shall apply to pets whose owners' residence is within Beaufort County.

Sterilization under this section may not take place sooner than after the fifth (5th) working day following the pet's placement in the custody of the shelter, or when the owner appears at the shelter to redeem the animal, whichever is sooner.

If the owner declines to pay the intact redemption fee, such owner may arrange for the pet to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If an owner chooses this method, the shelter shall transport the animal to the veterinarian for sterilization, unless the

veterinarian or his/her designee transports the pet to the veterinary facility. The owner may retrieve the pet from the veterinarian's office following sterilization. The owner must provide proof of sterilization to the shelter.

The shelter must give written notice of the policies and options regarding redemption and sterilization set forth herein to owners seeking to redeem their pets.

(b) *Microchip identification and fee.* When a dog or cat is adopted from the county animal shelter, the animal shelter may implant a microchip in the dog or cat identifying the owner and all other information as provided by law. The county animal shelter shall charge a fee for implantation of a microchip in an amount recommended by the County Administrator.

(c) *Fee for redemption of a microchipped animal.* A microchipped animal returned to the county animal shelter may be reclaimed by the owner upon the owner's payment to the county animal shelter of a redemption fee. A redemption fee shall be in the amount recommended by the County Administrator.

Sec. 14-28. Restraint of animals by owners.

- (a) *Running at large.* It shall be unlawful for any owner or custodian of any dog, cat, or other animal to permit the dog, cat, or other animal to run at large at any time upon any street or highway or other property within the county (S.C. Code 1976 § 47-7-110).
- (b) *Control of animals generally.* No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) *Female dogs and cats in heat.* Every female dog and cat in heat shall be confined in a building or veterinary hospital in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Sec. 14-29. Impoundment.

- (a) *Seizure of animals running at large generally.* Any dog, cat, dangerous animal, or other animal running at large may be seized by an animal control officer and transported to the county animal shelter and there confined in a humane manner for a period of not less than five (5) working days and may thereafter be disposed of in a humane manner if not claimed by the owner.
- (b) *Disposition of animals at large.* When an animal is found running at large and its ownership is known to an animal control officer, such animal need not be impounded but can be returned to the owner, and the officer may cite the owner of such animal to appear before a county magistrate to answer to charges of violation of this Article. Upon the seizure of any animal found running at large with a

rabies tag, the county animal shelter and control will screen the rabies records and attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held by a shelter for disposition (S.C. Code 1976, § 47-3-540). All animals will be scanned for microchip identification.

- (c) *Disposition of unclaimed animals.* Animals not claimed by their owners after notification or attempted notification or before the expiration of five (5) working days, shall become the property of a county animal shelter and control and may be placed for adoption or euthanized at the discretion of the director of the county animal shelter and control.
- (d) *Records of impounded animals.* It shall be the duty of the director of the county animal shelter and control or other persons designated by the county council to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody and to file this report with the county administrator or his designee each month. Any reports prepared by a designee shall also be filed with the director of the county animal shelter and control.
- (e) *Abandoned animals.* When determined that an animal has been left unattended for a period of twenty-four (24) hours or longer, it will be considered abandoned. The animal control officers may enter the property for the purpose of removing the animal. The animal will then be taken to the animal shelter and confined there for a period five (5) working days. It is unlawful to abandon an animal.
- (f) *Diseased animals.* Any diseased animal presented to a county animal shelter and control whose condition endangers the health of other animals in the shelter or any severely injured animal may be euthanized immediately, notwithstanding the five (5) working day holding period, as specified in subsections (a) and (c) of this section.
- (g) *Shelter space allocations.* At any time the number of animals presented to the county animal shelter and control for holding exceeds the holding space available, the animal shelter director shall ration the available spaces among the municipal, county and military animal control officers and the general public.

(Code 1982, § 4-9)

Sec. 14-30. Redemption of impounded animals.

- (a) *Procedure.* The owner shall be entitled to resume possession of any impounded animal upon proof of ownership and payment of impoundment fees as set forth in this section.
- (b) *Failure to redeem within holding period.* The owner of an animal impounded and not redeemed within the required holding period shall be responsible for any costs incidental to impoundment in the amount set forth in this section.

- (c) *Payment of fees.* Any impounded animal may be redeemed as provided in this section upon payment of the fees by the owner to the county animal shelter and control.
- (d) *Redemption fees.* The redemption fee shall be One Hundred Dollars (\$100) for the first twenty-four (24) hours of confinement for the first impoundment; the redemption fee for the second impoundment will be Two Hundred Fifty Dollars (\$250), and the redemption fee for the third impoundment and each subsequent offense will be Five Hundred Dollars (\$500). The Director of the Animal Shelter has discretion to reduce or waive fees.
- (e) *Boarding fee.* A boarding fee not to exceed Twenty-Five Dollars (\$25) a day will be imposed following the first twenty-four (24) hours.
- (f) *Posting of fees.* All fees shall be published and posted in a prominent place within the county animal shelter and control.
- (g) *Proof of rabies.* In order to redeem an impounded animal from the county animal shelter and control, a current and valid rabies certificate must be presented at the time of redemption or obtained from a licensed veterinarian within three (3) business days and provided to the county animal shelter. Proof of the rabies vaccination certificate must be presented or obtained at the time of the redemption.

(Code 1982 § 4-10)

Sec. 14-31. Adoption fees and sterilization.

- (a) *Adoption fee established.* Animal adoption fees shall be established by the administrator and the director of the county animal shelter and control.
- (b) *Sterilization.* Animals adopted from the county animal shelter and control will be sterilized prior to going into the adopted home. Sterilization fees shall be collected by the county animal shelter and control at the time of adoption.
- (c) *Authority to refuse adoption.* The county animal shelter and control director or designee shall have the authority to refuse adoption of an animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to animals. Any person seeking adoption of an animal more frequently than ninety (90) days shall be subject to refusal of adoption. Any person who has been refused adoption of an animal may appeal his case to the deputy administrator for community services.

(Code 1982, § 4-11)

Sec. 14-32. Cruelty.

- (a) *Animals care generally.* No owner shall fail to provide his animals with sufficient, good and wholesome food and water at all times; proper shelter and protection from the weather; a clean and sanitary environment; veterinary care when needed to prevent suffering; and humane care and treatment. Failure to comply with the animal control officer's instructions or directions will result in the animal control officer impounding the animals pending the ruling of the court.
- (b) *Mistreatment.* No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any fight or other combat between animals or animals and humans.
- (c) *Cropping or dubbing of ears, tails, comb, wattles, spurs or earlobes.* No person shall crop or dub an animal's ears or tail or wattle or comb, except a licensed veterinarian who is qualified to perform such an operation.
- (d) *Giving away for commercial purpose.* No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (e) *Striking with motor vehicle.* Any person, as the operator of a vehicle, who strikes a dog or cat should, if reasonably possible, report the accident to the owner, and should call 911 and ask that the animal control division be notified of the time and place of the accident.
- (f) *Poisoning.* No person shall expose any known poisonous substance, whether mixed with food or not, in such a manner as to endanger any domestic animal.
- (g) *Leaving unattended.* No person shall leave an animal unattended for more than twenty-four (24) hours. This shall constitute abandonment. After a twenty-four (24) hour period, if no contact has been made with an owner, the animal control officer will pick up the animal and transport it to the animal shelter.
- (h) *Locking in vehicle.* It shall be illegal for any person to leave an animal unattended in a vehicle. The animal control officer assisted by another law enforcement officer will remove the animal when the officer's opinions are that the animal is in distress.
- (i) *Denial of shelter.* No person shall fail to provide shelter or deny shelter for any animal, fish, bird, fowl or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use.

- (j) *Denial of treatment.* No person shall fail to provide humane treatment or deny humane treatment for any disease, sick or injured animal.

(Code 1982, § 4-12)

Sec. 14-33. Rabies control.

- (a) *State law adopted.* The provisions of S.C. Code 1976, § 47-5-10 et seq. are adopted by this Article.
- (b) *Duty to report animal bites.* It shall be the duty of every physician or other practitioner to report to the county public health department or an authorized agent the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control. Any person bitten by an animal must report the bite to the county health department within twenty-four (24) hours of the incident.
- (c) *Sheriff's office to report animal bites.* It shall be the duty of the Sheriff's department to forward a copy of each report involving an animal bite to the county health department within twenty-four (24) hours of receipt of such report.
- (d) *Uninoculated animals biting humans.* If an uninoculated animal has bitten a person, the animal will be seized and the county health department contacted for necessary forms for processing. After authority is given by DEHEC following a waiting period, the animal will be euthanized at the county animal shelter and taken to a consenting veterinarian, who will remove the head. Once the head is removed, the county health department will pick up and ship the head to the authorities for examination.
- (e) *Inoculated animals biting humans.* When an animal that has been inoculated against rabies is involved in an incident where a person is bitten, the owner of the animal must take the animal to a licensed veterinarian for examination. The owner must also notify the county health department within twenty-four (24) hours of the incident. The county health department will direct the owner to quarantine the animal for ten (10) days at the owner's residence or at a veterinary clinic as the department may determine. Subsequent to the ten (10) days' quarantine, the animal will again be examined by a licensed veterinarian and the results of the examination furnished by the owner to the county health department. If a bite is considered severe by the medical director, the director may process such animal for a determination of rabies contamination as he determines necessary, whether or not the animal has been vaccinated.
- (f) *Uninoculated animal not considered property.* Animals that have not been inoculated against rabies shall not be held to be property in any of the courts of the county.

- (g) *Inoculation of dogs and cats required.* All dogs and cats three (3) months of age or more are required to be inoculated against rabies. A rabies tag issued at the time of rabies inoculation shall be attached to a collar or harness and worn by the animal at all times.

(Code 1982, § 4-16)

Sec. 14-34. Management of Feral Cat Colonies.

Definitions:

Animal means any live, vertebrate creature, domestic or wild.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony.

Caregiver Manager means any person in charge of a caregiver program.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregates. Although not every cat in a colony may be feral, any non-feral cats that routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means Trap, Neuter and Return.

TNA Program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, eartipped or tattooed and returned to the current location of the managed colony.

(a) *Feral cat colonies.*

- (1) Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Section.

- (2) Caregiver Requirements: It shall be the duty of the caregiver to:
- (a) Report bi-annually to the county animal control on the following:
 - (1) Number of colonies in the county if the caretaker maintains more than one colony.
 - (2) Providing the county animal control with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered.
 - (b) Help to resolve any complaints over the conduct of a colony or a cat within a colony.
 - (c) Maintain records on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the colonies.
 - (d) Mandatory vaccination of the colony population for rabies and making reasonable efforts to update the 5-way or equivalent vaccinations on cats that can be recaptured.
 - (e) Mandatory spaying/neutering of all cats within the colony by a licensed veterinarian. In facilitating the spaying/neutering of cats, caregivers shall be presumed to have acted in good faith in concluding that cats routinely congregating within the colony are feral.
 - (f) Providing food, water and suitable shelter for colony cats.
 - (g) Observe the colony cats daily and keeping a record of any illnesses or unusual behavior noticed in any colony cats.
 - (h) Obtaining proper medical attention to any colony cat who appears to require it.
 - (i) Obtaining written approval of the owner of any property, on which the colony resides, or to which the Caregiver requires access, to provide colony care.
 - (j) In the event that kittens are born to a colony cat, the caregiver shall remove the kittens from the colony after they have been weaned and be responsible for the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
 - (k) Caregivers shall make reasonable efforts to find permanent inside homes for colony cats who exhibit the potential for acclimating to such a placement.

- (1) Caregiver shall make reasonable effort to maintain the colony as to prevent the colony from running at large beyond the confines of the designated area. (S.C. Code 1976 § 47-7-110)
- (b) *Ordinance enforcement.* Nothing shall interfere with the animal control officer's ability to:
- (1) Seize/remove a cat from a colony that is creating a nuisance as defined above if the caregiver has failed to cure the nuisance within a reasonable timeframe.
 - (2) Seize/remove a feral cat colony when the caregiver fails to comply with the requirements of this section.

Sec. 14-35. Regulation of Dangerous Animals.

Definition:

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

- (a) *Confinement.* Every dangerous animal, as determined by the animal control officer, magistrate or licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner (S.C. Code 1976, § 47-3-720).
- (1) All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - (2) All pens or other structures designed, constructed or used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined animal.

- (3) All structures erected to house dangerous animals must be adequately lighted and ventilated and kept in a clean and sanitary condition. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.
- (4) No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six (6) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the animal and the leash are under the actual physical control of a person eighteen (18) years of age or older.
- (5) Such animals may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

(b) *Declaring an animal dangerous.*

- (1) An animal control officer, in his or her discretion, observes that a particular animal is a dangerous animal as defined in this Article, may declare such animal a dangerous animal by delivering a written notice of declaration to the owner. The notice shall include a description of the animal and the basis for the declaration of dangerousness. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on the premises if no adult is present.
- (2) The person owning, keeping, sheltering or harboring the animal in question must comply with the requirements as designated in this section within seventy-two (72) hours of the receipt of the animal control officer's declaration.
- (3) Any animal that is alleged to be dangerous and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, until such time that the owner is capable of confining the animal to his/her property in accordance with this section.
- (4) All dangerous animals shall have an identification microchip implant placed under the animal's skin once the animal has been declared dangerous. The owner shall pay the actual fee charged by the shelter or the licensed veterinarian who performed the microchip identification procedure.

Sec. 14-36. Enforcement.

- (a) *Duties.* The division of animal control shall be charged with the responsibility of:
- (1) Cooperating with the health officers of various state government units and assisting in the enforcement of laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies.
 - (2) Investigating all complaints with regard to animals covered by this Article.
 - (3) Enforcing within the unincorporated areas of the county and municipalities, all of the state laws, ordinances enacted by the county and contracts entered into the county for the care, control and custody of animals covered by this Article.
- (b) *Entering the premises.* The animal control officer shall patrol the properties of the county, public and private, for the purpose of checking animals for the following:
- (1) Rabies.
 - (2) Inhumane treatment and the health of animals.
 - (3) Boarding.
- (c) *Interference with officers.* No person shall interfere with or hinder an animal control officer or any such agent of the county in the performance of such officer's duty or seek to release animals in the custody of the animal control officer or any such agent of the county.
- (d) *Penalties.* Any person who violates the provisions of this Article shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine up to Five Hundred Dollars (\$500) or thirty (30) days in jail. Each day's violation of any provision of this Article shall constitute a separate offense.

Cross reference: Health and sanitation, ch. 46.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Ladson F. Howell, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: March 15, 2010
Second Reading: March 29, 2010
Public Hearing: April 12, 2010
Third and Final Reading:

Committee Reports

April 26, 2010

A. REPORTING COMMITTEES

1. Finance

- ① Minutes are provided from the [April 12](#) meeting. (No action required.)
- ② Minutes provided May 10 from the April 19 meeting.

2. Natural Resources

- ① Historic Preservation Review Board

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Rosalyn Browne	St. Helena Island	Appoint	6 of 11

- ② Planning Commission

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	Charles Brown	Comp Plan Planning Area Sheldon Township	Appoint	6 of 11

3. Public Facilities

- ① Minutes are provided from the [April 19](#) meeting. (See main agenda item #9.)

4. Public Safety

- ① Lady's Island/St. Helena Island Fire District

<i>Nominated</i>	<i>Name</i>	<i>Position / Area / Expertise</i>	<i>Reappoint / Appoint</i>	<i>Votes Required</i>
04.12.10	David Townsend	Lady's Island	Appoint *	10 of 11

* Governor approves Council's recommendation.

B. COMMITTEE MEETINGS

1. Community Services

William McBride, Chairman

Gerald Dawson, Vice Chairman

➔ Next Meeting – Monday, May 17 at 4:00 p.m., Building 2, Beaufort Industrial Village

2. Finance

Stu Rodman, Chairman

William McBride, Vice Chairman

➔ Next Meeting – Tuesday, April 27 at 2:30 p.m.

➔ Next Meeting – Monday, May 17 at 2:00 p.m., Building 2, Beaufort Industrial Village

➔ Next Meeting – Monday, May 24 at 2:00 p.m., Executive Conference Room

3. Natural Resources

Paul Sommerville, Chairman

Jerry Stewart, Vice Chairman

➔ Next Meeting – Monday, May 3 at 2:00 p.m.

4. Public Facilities

Herbert Glaze, Chairman

Steven Baer, Vice Chairman

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

5. Public Safety

Jerry Stewart, Chairman

Brian Flewelling, Vice Chairman

➔ Next Meeting – May 3 at 4:00 p.m.

6. Transportation Advisory Group

Weston Newton, Chairman

Stu Rodman, Vice Chairman

FINANCE COMMITTEE

April 12, 2010

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

The Finance Committee met on Monday, April 12, 2010 at 2:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.

ATTENDANCE:

Finance Committee members: Chairman Stu Rodman, Vice Chairman William McBride, Steven Baer, Brian Flewelling, Paul Sommerville, Jerry Stewart and Laura Von Harten attended. Non-committee members Rick Caporale and Gerald Dawson were also present.

County Staff: Paul Andres, Airports Director; Bryan Hill, Deputy County Administrator; Gary Kubic, County Administrator; Joel Phillips, Beaufort County Airport Supervisor; Chris Robinson, PALS Director; David Starkey, Chief Financial Officer; Dave Thomas, Purchasing Director.

Airports Board: Chairman Pete Buchanan, Vice Chairman Jared Newman, Will Dopp, Norman Kerr and Joe Zimmerman.

Parks and Leisure Services Board: Chairman Arthur Middleton and Norman Varnes

Media: Joe Croley, Hilton Head Association of Realtors.

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

ACTION ITEM

1. Summer Camp Fees Reduction

Discussion: Mr. Arthur Middleton, Parks and Leisure Services Board Chairman, presented this item to the Committee. The Parks and Leisure Services (PALS) Board is requesting a reduction in summer camp fees to \$165.00 per child and a discount for multiple children. The majority of the PALS Board members were in favor of this change.

Ms. Chris Robinson, PALS Director, stated Council previously vetted other fees, but this was overlooked. This is a sliding scale for families with multiple children.

Mr. Sommerville inquired about regular and reduced camp rates.

Ms. Robinson stated the reduced rate camp fee is for those families who qualify for the free lunch program in schools. They also receive a free lunch during the summer as part of the nutritional program.

It was moved by Mr. Flewelling, seconded by Mr. Stewart, that Committee recommends Council adopts a resolution endorsing and approving the Beaufort County Parks and Leisure Services Board's recommended changes to the fee schedule for Youth Summer Camp and to include multiple siblings discount. The vote was: FOR- Mr. Baer, Mr. Flewelling; Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Recommendation: Council adopts a resolution endorsing and approving the Beaufort County Parks and Leisure Services Board's recommended changes to the fee schedule for Youth Summer Camp and to include multiple siblings' discount.

INFORMATION ITEMS

2. 2011 Budget Update

Discussion: Mr. Bryan Hill, Deputy Administrator, presented the Committee with the current budget overview for FY2011. New personnel requests were submitted March 5. There were 37 new positions requested, 17 of which need to be taken off of the table because of duplicate positions within the department. Departments' five-year budget submissions were due on March 12, 2010, and 44 of the 46 units submitted budgets. The two outstanding departments were provided numbers – Auditor's and Treasurer's Offices. In 2009, the amount of \$111 million was projected for FY2011. The total requests received are \$114,984,838. The \$3 million difference is due to capital improvements not being considered previously. The target amount projected for FY2011 budget was \$104,569,688. This morning and over the weekend, he sent out target figures for each division.

Staff is paying attention to millage increase as well as growth of the mill. The Finance Team projects a decline in the value of a mill. Mr. David Starkey, Chief Financial Officer is working with the Assessor and Auditor regarding this issue. The previous value of the mill was \$1.8 million. This County has never had a detracted mill. We are looking at a possible \$1.75 million per mill the upcoming fiscal year.

Revenue calculations are flat and down. Staff is going through the process of developing models of collections. We are looking at a 94% collection rate, but are still receiving numbers. We are currently at 90% collected. We believe we will receive the additional 4% to 6% collections. We do not believe we will have to tap into the fund balance.

Mr. Hill spoke about vehicles, specialized equipment and communications equipment. The County has not replaced vehicles within the last two years. Communications equipment costs include a mobile data system for Public Safety as well as an automobile vehicle locator system.

New initiative and future plans for the County include Administration/Courthouse renovations, lease options with Beaufort City, Arthur Horne Building (moving MIS), Sheriff's Office on Hilton Head Island, Human Services Building renovations, the development of the St. Helena Library at Penn Center, Lady's Island Community Park concept, Burton Wells Phase III, Coroner's Office facility development, economic development (land purchase), Solid Waste Facility development (transfer station), ferry service partnerships, and technology upgrades which are ongoing. Currently, the Coroner's Office is housed in a trailer at Public Works. We need a complete center.

Mr. Flewelling wanted to know if we have looked at using the Disabilities and Special Needs Building, once vacated, for the Coroner's facility. Mr. Hill replied three or four sites have been looked at. We need a facility centrally located.

Mr. Hill announced a Future Capital Projects workshop will be held April 22, 2010. A workshop on this topic has been needed for some time.

Mr. Gary Kubic, County Administrator, spoke before the Committee. Collections versus expenditures is an evaluation we do daily. We make sure our expenditures are less than our revenue collections. We make sure on any given day our vacancy factor is in excess of a value we calculate so we have margins to allow for changes in the event we see our revenue changes flat line. Ad valorem taxes in Beaufort County are collected at a high percentage. Our budgetary instructions to Finance and our Department Heads are that we are conservative. We hedge our bet to create another margin. The difference in ad valorem collections is timing. If you do not pay your taxes within the period of time, it defaults into another type of collection than land and property sale. That cycle has to be complete. People are extending the amount of time they usually pay their taxes. If they do not pay, it goes to foreclosure. If it goes to tax sale, the taxes are paid before the property is passed. There are levels of assurances and statues for those. We are focusing on some of the revenues generated by fees. That information is being prepared for the Finance Committee and County Council to show the adjustments and changes we have in those types of revenue.

The key question on millage and the value of the mill is something we are carefully looking at and carefully trying to evaluate. We are not making millage assumptions for increase. We are going on the amount of mills we have taxed our residents in the previous year. We are not making assumptions in millage change for operations. All reporting on the debt side is differentiated by voted and non-voted. Council and the community, at large, need to understand we are monitoring what we do in terms of the discretionary amount of debt and keeping in mind what the residents do when they vote directly to incur or self-impose debt for key programs, such as the Rural and Critical Lands Program. When we speak about millage and debt, we will also talk about voted and non-voted.

We are going to look at millage as well as changes/impacts of millage. When we look at the tax bill we need to look at it as a total amount paid by a taxpayer. The theory is that the taxpayer only focuses on the bottom line. We are going to work backwards, from the bottom

line, and begin talking in detail about the component parts. We are going to try to have the ability to show fluctuations based on future-decision making of Council.

Also, the Coroner's facility is an area that needs improvement. This function for a number of years was handled by local a funeral home. The former Coroner happened to operate a funeral home. Some piggy-backing of facility functions existed. A proper coroner facility is needed in respect to families. We have tried to make progress with the two hospitals – north and south. The likelihood of that happening is not great. We are defaulting to an alternate position of finding a location mid County.

Mr. Kubic stated he is happy with our process. We have pushed people in the organization to get their budget information to Council early. We are still on schedule. A better breakdown will be given as soon as Mr. Hill finishes his evaluation of the new target numbers sent to Division Directors. It is a work in progress.

Mr. Baer expressed his thanks for the information and data received regarding the budget.

Mr. Caporale inquired how confident we are with the value of a mill. Mr. Kubic stated it is too preliminary right now. Property values and sales are not where we want. We are looking at all of that. We are seeing a trend on vacant property where our assessed value is greater than market value. That is an indicator that will cause us to look at existing structures and what they are selling for.

Mr. Hill informed the Committee it will probably be May or June before we know the value of a mill. We are currently making conservative estimates.

Mr. Flewelling inquired how the fund balance will look and level out. Mr. Hill replied we are on target.

Mr. Kubic stated our target number for FY2011 does not affect the fund balance. We may have additional discussions of the appropriate amount of fund balance. He informed Committee we are going into this with no growth factor.

Status: No action required. Informational purposes only.

3. Daufuskie Ferry Contract

Mr. Rodman spoke in regard to the Daufuskie Ferry contract and stated staff should come before the Committee to look at whether or not contracts need reevaluating.

Mr. Dave Thomas, Purchasing Director, stated when a RFP was sent there were originally three responses, two for the School District and one for residents. The County put out a RFP again, this time going with the voucher system. There were two responses but one vendor dropped out due to the economy. There are not too many companies able to do the job. He stated

he would like to move forward and spend dollars to negotiate the best price/service, and then present this to the Committee and County Council.

Status: This item will be brought back before the Committee.

4. Airport Funding Initiatives

Discussion: Mr. Jared Newman, Airports Board Vice Chairman, presented this item to Committee. The Airports' financial goals are to enhance revenue and to operate as fiscally self-sufficient as possible. The annual economic impact for the Hilton Head Island Airport is \$82 million and \$5 million for the Beaufort Airport at Lady's Island. The Board set six ways of achieving their financial goals through new revenue sources are as follows: aircraft property taxes, accommodations taxes, through-the-fence agreement, eliminating hangar debt service, Lady's Island/St. Helena Island Fire Department ground lease and private hangar development for both airports.

Aircraft Property Taxes

These are taxes paid on aircrafts registered in Beaufort County and are tax revenues generated by Airports. The total for 2009 - \$297,000 are expected to stay stable unless we get a new revenue source going. The Board would like to reallocate all aircraft property taxes to the Airports and eliminate the general fund contribution. Mr. Andres added by eliminating the general fund contribution, this would allow the Airport's to not have to ask for funding in the future.

Hilton Head Island Accommodations Taxes

The Airport receives 150,000 passengers annually. In July 2009 a five day survey was conducted on arriving passengers. It showed 84% of those passengers were visitors. The Airport provides \$50 million directly into Hilton Head Island's economy each year. The Board requests an Accommodations Tax amount of \$300,000 annually. This funding would be used for commercial passenger terminal improvements, ongoing tree maintenance and other tourism related initiatives.

Through-The-Fence Access Agreement

The Airport has an Executive Air Hangar Complex, which is in an existing agreement established in 1988 and which expires 2013. There are currently no arrangements provided for revenue. The FAA considers the existing agreement a violation of grant assurances. The Board would like to establish and phase in access fees over the next three years up to \$30,000 per year. This will require aeronautical businesses to execute commercial operating agreements.

Elimination of HXD Hangar Debt Service

The Board would like to see the elimination of the Hilton Head Island Airport's Hangar debt service. There were 26 hangars built in 2006. The construction was funded with County Capital Improvement Program General Obligation Bond dollars. The project originally intended to provide rental income to the airport with no requirement to repay construction cost. The construction debt service requirement was established after the hangars were built in the amount of \$126,535. There were 34 hangars built, the same way with no repayment required, at the Beaufort County Airport at Lady's Island. The Hilton Head Island Hangars should be considered an infrastructure contribution and the debt service should be eliminated.

Lady's Island/St. Helena Island Fire Department Ground Lease

The current 2.2 acre lease expired. There are many options of what can be done with this property. The FAA's position is that fair market value minus collocation benefit. Similar property values exceed \$500,000. The fair market adjusted value is \$12,000 per year. The Fire District cannot pay without needing a tax increase. There is an alternative solution. The Board thinks the County should reduce the Airport advances from the general fund \$12,000 per year.

Private Hangar Development

There is a waiting list at both Airports for hangars. The Airports currently lack sufficient capital. Hangars produce revenue. There are associated ground leases, increased fuel sales and aircraft registration that comes with having hangars. The Board would like Council to allow private hangar development consistent with the Airports' Master Plans.

There are benefits to the budget initiatives and if taken the following will happen:

- Restore positive fund balances at both Airports
- Complete important deferred facility maintenance
- Repay general fund advances

The Board asks the Finance Committee and County Council approves and supports these 6 initiatives, which will be included in the Airports' upcoming budgets.

Mr. Steven Baer presented the Committee with the following: This initiative is very disappointing. It continues the trend of providing large taxpayer subsidies to private aircraft users. Why are we doing this? That is a major question I am often asked. (It's good to ask since the taxpayer dollars involved here are larger than the Chamber salary everyone is talking about.)

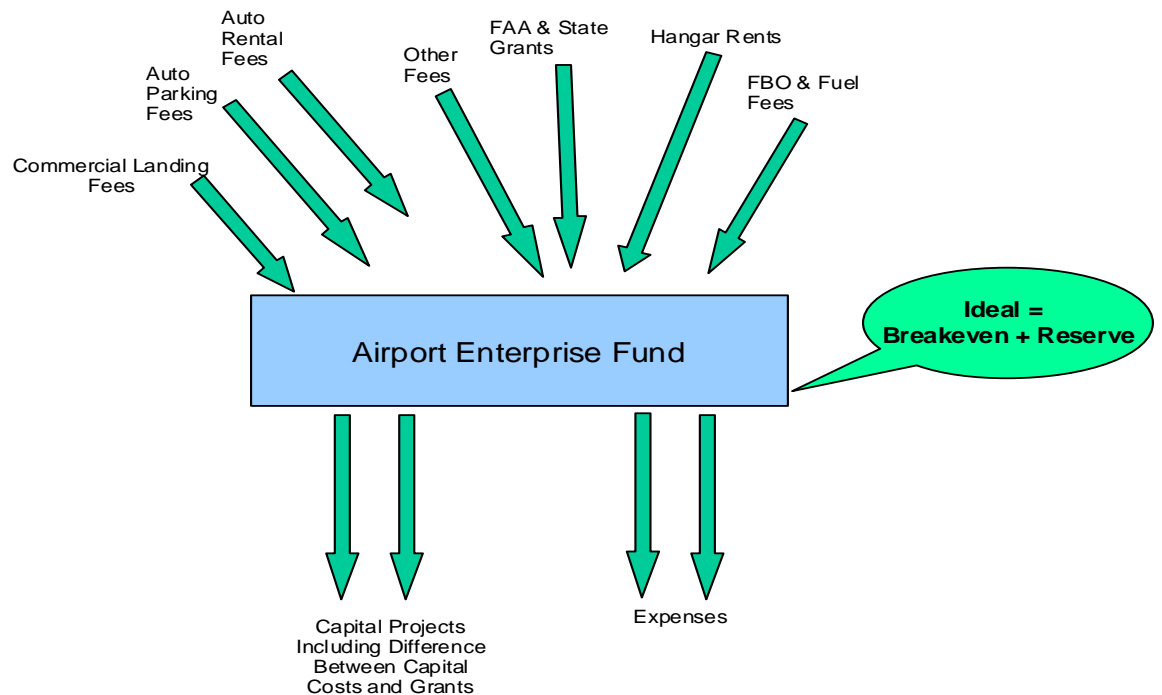
A year ago I would have answered that we did not have the data. But now Mr. Starkey's lengthy audit has finally given us good numbers. The buck now stops with 11 County Council members. We need to ask ourselves - Why doesn't County Council fix this?

An overview:

Slide 1 below shows how the airports should operate with revenues and expenses in balance and a small reserve for emergencies.

Slide 1

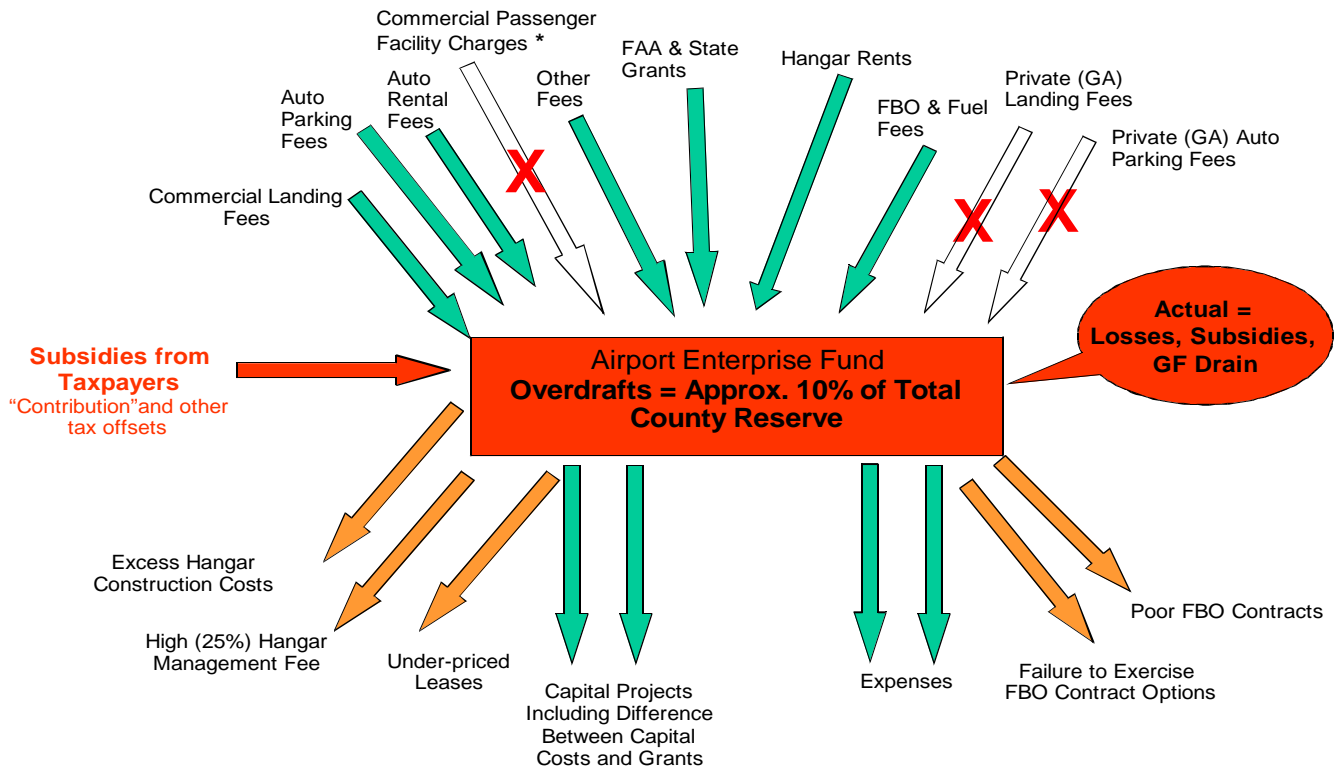
High Level View of Airport Finances - As They Should Operate



Slide 2 below shows how the airports have been allowed to operate. There has been an inattention to value and detail in contracts and costs, and a refusal to charge fair user fees for private aviation. This has produced increasing cumulative losses that now total 10% of our County Cash reserves, plus the need for \$250,000 in side-door contributions (plus a previous \$16,000 per year tax transfer) and potential other tax offsets from general taxpayers. Note the past use of Passenger Facility Fees on commercial passengers to pay for close to \$1 million for infrastructure for the 26 private hangars.

Slide 2

High Level View of Airport Finances - As They Actually Operate



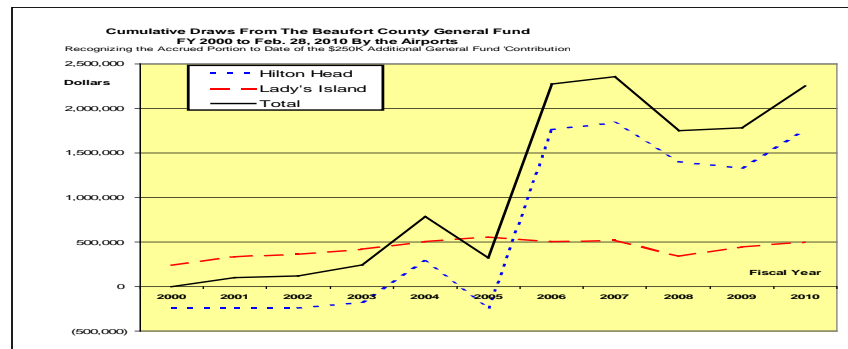
* In the past, these have been used to cover at least \$962,000 of infrastructure for the 26 private hangars

Note especially the red X's in this slide representing potential revenue sources that could balance the budget, but seem to be off the table. Also note the bad FBO contracts signed by a previous administration. They include a 25% collection and 'management fee' that almost guarantees that we lose money on these hangars. For every \$1 in revenue requirement we need for hangar maintenance and debt service, we have to charge users \$1.33. We recently had a small opportunity to interpret a contract clause in our favor, but chose not to do it.

Slide 3 shows the result - a cumulative debt to taxpayers and the general fund - around \$2.25 million by end February 2010. That is close to 10% of our total County reserves. This represents a drain rate of almost a half million dollars per year. To put that in perspective, it would provide around \$400 per year raise to each of our employees, or offset increasing insurance costs, or fund many of the charitable agencies that come to us each year and compete in this room, or a reduce everyone's tax bill.

That assumes the airport pays their mortgage on the remaining \$1.7 million debt to taxpayers for the 26 private hangars that taxpayers funded, and hence does not include that figure. BUT according to this new 'Initiative' we just heard, the Airport Board wants to renege on that mortgage. If we allow that, it will put the debt to taxpayers close to \$4 million - almost 20% of the total County Reserve.

Slide 3



There are many other things wrong and unfair in this "Initiative." It would take all afternoon to discuss them. Here are some quick examples:

1. If County taxpayers currently lose money on every hanger, why is the Airport's Board asking taxpayers to build even more hangars?
2. The Fire Department ground lease is a transfer from all taxpayers to Lady's Island. A few months ago we asked to see the LISH fire budget. I think it's around \$4 million per year. Do they really need a \$12,000 per year subsidy from taxpayers in the rest of the County? They are in budget review time now - this \$12,000 land bill to all County taxpayers should be built into their new budget.
3. Private aviation represents about 75% of HH usage but pays less than 10% of its budget.
4. The requested turnover of property tax funds sets a dangerous precedent. We can't print money. If we divert or remove funds from one place in the general budget, then some other place or project must lose, or taxes must go up for everyone.
 - a. Using the same logic we can say a mall and its parking lot enables stores to be built. Hence the property tax for the mall's stores should be credited to the mall.
 - b. Similarly, there are two roads that enabled my development to be built. Hence my property tax should be credited to maintain those two roads - which desperately need it.
 - c. We could extend that to having all of HHI taxes be credited to RT 278, the bridges or beach restoration. The Hilton Head Beaches are certainly a larger economic driver than our airports.

- d. Some on Council already got a turnover of \$16,000 per year for hangars. This is a hidden subsidy that is hard to find on the reports.
 - e. But even more important, the owners of those planes are lobbying hard to severely reduce or eliminate those taxes. Also, many large planes are registered elsewhere. Hence we will be arguing over ever smaller numbers.
5. In the coming years, tree and other work will require extra funds, especially to do that in a community and environmentally respectful way. Airport users must pay their fair share of this. A PFC on the order of the price of a cup of coffee should cover this.

This 'Initiative' takes funds away from other worthwhile projects we need to do. It represents wealth redistribution from the middle and poorer parts of our population directly to the wealthy who can afford to own airplanes. That is an "Inverse Robin Hood" approach.

My view is we must get private aviation to pay their fair share, just like our commercial users already do. The little bit of private fees we get back via a 3% FBO fee is trivial. A good way to do that is to have private aviation pay the same landing fee rate - \$1.31/1,000 lbs - on turbine, jet and multi-engine private planes that commercial pays. Right now they pay nothing. Small planes would continue to pay nothing. (That would amount to about 1 to 2 minutes of aircraft operation costs - about \$40 - arriving only, for a 30,000 pound corporate jet. It should be relatively painless.)

I have no problem with voting for some airport subsidies from taxpayers **if all other revenue generation methods have been tried first**. But families and taxpayers everywhere are having to tighten their belts. Foreclosures are rampant, County personnel costs are going up, we charge fees for other services, and many people are complaining about their taxes. To go forward with the Airport's Initiative, which taxes the poor and middle class to provide subsidized hangars, zero landing fees and other privileges for the wealthy is unconscionable. I believe that the 26 HH hangars, even before the Airport Board's initiative to renege on their mortgage payments, are the largest County affordable housing project we have. Is that right?

Coming back to the first question: Why do we allow this? - Who is responsible to fix it? The answer is the buck now stops with we 11 County Council members.

We must vote against this Initiative which takes increasingly scarce County funds and gives them to a few wealthy people, who could easily pay their fair share.

The fastest way to fix this is to pass a resolution today tasking Mr. Kubic to develop a user fee-based approach to a balanced airport budget, for this year's budget cycle. I am making that motion now.

It was moved by Mr. Baer, seconded by Ms. Von Harten, that Committee recommends Council approves a resolution tasking the County Administrator to develop a fee-based approach to a balanced Airport budget.

Ms. Von Harten stated it is good we are having this discussion. This is the basis of the philosophical debate. Is this a public good like a road? Not everyone uses roads, yet we spend

millions of dollars improving our roads because there is an indirect benefit to the entire County. We can look at the Airport in the same manner.

Mr. McBride inquired as to whether she is speaking for or against the motion.

Ms. Von Harten stated she supports the motion because we need to come to a decision as to how we are going to approach this. Are we going to approach this as a fee base? If so, let's do it and do it for all the other County services as well.

Mr. Rodman is against the motion. To rush in and say we are going to do a fee-based approach is premature.

The vote was: FOR- Mr. Baer. OPPOSED - Mr. Flewelling; Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion failed.

It was moved by Mr. Sommerville, seconded by Ms. Von Harten, that Committee recommends Council accepts and approves the Airports Board's recommendation that property taxes from aircrafts be directed/accrued to the Airport Enterprise Fund. (The motion was withdrawn due to lack of time).

Mr. McBride is concerned with designating taxes/fees collected in various departments to those programs only. There is a much bigger picture. He stated he supports the Airport and what they are trying to do. This concept of the funds/taxes generated by the aircrafts located in Beaufort County is a tricky situation when you begin to deal with other fees generated by departments going back to that department. The greatest flexibility is when the County Council makes the decision as to the distribution of what the taxes are going to pay for our citizens of Beaufort County.

Mr. Flewelling stated we do not designate money that we receive from vehicle taxes to roads. We spend more for roads than we accrue from vehicle taxes.

Mr. Stewart stated he would like to look/discuss/pass all of these 6 initiatives together. We need to look at the entire picture. He does not feel comfortable looking at them individually. We are heading down a "slippery slope."

Mr. Caporale expressed his concern about this having an impact on the entire County budget.

Mr. Rodman felt we need to treat this and the County garage as Enterprise Fund, and look at it as a business fund. Then, we have the obligation to match revenue and expense. It does make sense to let these taxes accrue back to the Airport Enterprise Fund.

It was moved by Mr. McBride, seconded by Ms. Von Harten, that Committee tables discussion of these six initiatives until the April 29, 2010 Finance Committee meeting. The vote was: FOR-

Mr. Baer, Mr. Flewelling, Mr. McBride, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

Status: This item will be discussed further at the April 19, 2010 Finance Committee meeting.

DRAFT

PUBLIC FACILITIES COMMITTEE

April 19, 2010

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

The Public Facilities Committee met on April 19, 2010 at 4:00 p.m., in the Executive Conference Room of the Administration Building, Beaufort, South Carolina.

ATTENDANCE:

Public Facilities Committee Members: Chairman Herbert Glaze, Vice Chairman Steven Baer, and members Gerald Dawson, William McBride and Paul Sommerville attended. Committee members Brian Flewelling and Jerry Stewart were absent. Non-committee members Stewart Rodman and Laura Von Harten also attended.

County staff: Paul Andres, Airports Director; Morris Campbell, Division Director – Community Services; Theresa Dunn, Library; Bryan Hill, Deputy Administrator; David Hughes, CIP Manager; Bob Klink, Director Engineering; Gary Kubic, County Administrator; Rob McFee, Division Director - Engineering and Infrastructure; Miriam Mitchell, Library; Jan O'Rourke, Library; Sandra Saad, Library; David Starkey, Chief Financial Officer;

Liollo Architecture: Angel Abrose, Nicole Green, Dean Osley, Jennifer Transukie and Jay White

Public: Walter Mack, Penn Center Director.

Media: Richard Brooks, *Bluffton Today*.

ACTION ITEM

1. Consideration of Contract Award – Architectural Firm for Design and Development of the St. Helena Library at Penn Center

Discussion: Mr. Gary Kubic, County Administrator, spoke before the Committee. Several years ago Councilmen McBride and members of County Council indicated, through the various planning processes, there was a need for library services other than those currently provided through a partnership with the Beaufort County School District – a small library within an elementary school. That consideration presented several opportunities of which there were several partners.

Primarily, the focus is the enhancement of educational opportunities for children/families on St. Helena Island. Through the state and federal government we attempted to augment our resources/capabilities beyond the original \$5 million pledged by the County. It was pursued vigorously but did not work out. Following were some discussions with our partners at Penn Center which led to the donation of approximately ten acres of land for a library site. Since that

time, we have been working with Penn Center and our engineering firms to reach a point in time where the funding and the opportunity to have a collaborative effort in the development of communities services through this library. He stated he had the privilege of reading about libraries which are icons within the community. They represent the educational process and all that is good about a community. In this area, this education facility has a chance to augment and enhance the educational opportunities to the kids of St. Helena Island. We also have the opportunity to create relationships and interaction between history and cultural programs preserved and moved forward by Penn Center. There is also the opportunity to use this facility, if needed, in storm recovery.

Mr. Kubic stated he is most pleased by the process of engaging the community in a series of projects and charrettes to draw out ideas. He is happy to see that moving along. He is pleased to be a part of the decision-making process, and to kick off some vetting and sizing of the library. He stated he has been impressed by Liollo's desire to recreate a team that covers all aspects of this project. The Liollo team was presented to Penn Center Board. He encourages Council and Library Board members to get together, as we proceed with this project, so we understand the process each step of the way. This project will involve all aspects. We are looking at access issues, convenience issues, staging issues, post recovery, etc. All of these items will come together for Council's review and consideration pre-bid. He stated he envisions a base bid with alternatives so we can test the market in various aspects. Already we have been tweaking several options primarily dealing with requirements for the use of federal monies. Many of the surveys are complete.

Mr. David Hughes, CIP Manager, reviewed this item with the Committee. Council adopted a resolution on April 12, 2010 to utilize a ten-acre parcel donated by Penn Center, an \$8.5 million United States Department of Agriculture (USDA) grant/loan package and a \$1.5 million Community Enrichment Grant (CDBG) to develop and construct the St. Helena Island Public Library at Penn Center.

Beaufort County advertised a Request for Qualifications (RFQ's) from design firms for architectural, landscape architectural and engineering design services for the St. Helena Island public library. On May 7, 2009, Beaufort County received 24 RFQ's.

A Committee consisting of Libraries Director, Capital Improvement Project Implementation Manager, Capital Improvement Project Manager, Division-Director Community Services, Library Board members and Penn Center Board members evaluated and selected the highest ranking firms based on qualifications and experience. The following four firms were ranked the highest and were selected for interviews by the Committee:

Allison Ramsey Architects 1003 Charles Street Beaufort, SC	FWA Group 10 Executive Park Road Hilton Head, SC
Liollo Architecture 147 Wapoo Creek Drive Charleston, SC	DP3 Architects 211 East Broad Street Greenville, SC

As a result of the interviews, Liollo Architecture was ranked number one and was selected for subsequent fee negotiations with the Engineering Division. Mr. Hughes then asked Mr. Dino Liollo to introduce Liollo Architects and give a brief interview of the design process.

Mr. Liollo stated the most intriguing aspect of the exercise is the magnificence of the property, site, ambiance, environment, culture and every influence that could make this such a fascinating exercise an absolute delight to exam. This opportunity has given us a great visual aspect to how we may begin to put the pieces of this puzzle together in one solution. He stated that when they began their analysis and understanding of everything, they started with the site plan to begin to understand certain issues associated with how cultures are maintained and preserved through the years and why St. Helena Island, Penn Center and the site is so rich in opportunities not only from an architectural standpoint but a cultural resource opportunity.

Communication is an important thing. The County Administrator has been clear in his directions that a collaborative exercise will be maintained throughout this entire operation. Beaufort County Library is such an important component, it is necessary to ensure the community's needs are addressed through this process. Penn Center's cultural aspect and what constitutes a good neighbor is important. The Gullah Geechee culture is an important consideration as we begin to weave those cultural influences back into the architectural aspect. The community, as a whole, has great input. As we were working on the preservation of USC-B, the collaborative exercise provided us with the opportunity to do a preservation exercise. That will also prove to be the case here. Beaufort County community is very collaboratively in the manner in which they want to convey information.

He stated most of his "team" is from the Beaufort area. Liollo is working with Andrews and Burgess for civil and utility issues. They have been active in defining road access. Also Moulton Clemson Jones, Inc. will provide the structural engineering and RMF will do the mechanical/electrical/fire protection. Aaron Cohan Associates, LLC is a big piece. The ACA is library planning. Ms. Nicole Green is the cultural anthropologist and will work with us regarding cultural mapping. The other businesses include J.K. Tiller Associates, landscape architect; Lee Sound Design, acoustical engineering; Atlantic Coast Management, cost estimators; Diachronic Research Foundation, archeologists; SRS Engineers, LLC, traffic consultants; and HAS Engineers and Scientists, geotechnical engineering. 40% of the businesses are Beaufort businesses.

There are five main components we will be working with. Those include archeology, architectural programming aspect, cultural anthropology and mapping, campus master planning and then the design process. He introduced Ms. Nicole Green, cultural anthropology, to the Committee.

Ms. Green stated this is a wonderful project. She stated she will be working as a consultant guiding the project team through a series of community engagement meetings in which cultural mapping exercises are conducted. We really want to find out from the community what is important to them in regard to their heritage, cultural, what they are proud of and what identifies them. That will allow us to truly make this library an outstanding facility but also a true part of the community. She stated she will also do ethnographic research and look at tangible cultural resources in the area. She will also pick apart what is received from the community,

insofar as the tangible things they see that are important and the intangible resources such as the language, belief systems, and traditional craftsmanship. The library should be a true reflection of the people.

Mr. Liollo presented to the Committee a time chart analysis of the project. The intent is to have a completed building by December 2011. The proposed fees are broken into the following two categories:

1. Variable design fee based on building size: The exact size of the building has not yet been determined; therefore, the basic design fee is variable in relationship to the size of the building. This fee equates to 7.1% of construction cost or \$19,525/sq. ft. assuming an average construction cost of \$275/sq. ft. For example, the fee for a 30,000-square-foot facility would cost \$585,750.

Building Size Square Feet	Average Cost Per Square Feet	Estimated Construction Cost	Fee Factor	Fee Based on Building Size
20,000	\$275	\$5,500,000	0.071	\$390,500
25,000	\$275	\$6,875,000	0.071	\$488,125
30,000	\$275	\$8,250,000	0.071	\$585,750
35,000	\$275	\$9,625,000	0.071	\$683,375

2. Fixed Design Fee: Fixed fees will remain constant regardless of building size. The proposed fixed fees are as follows:

Fix Design Fees- Additional Services		
2.1	Site Option Studies	\$29,871
2.2	Libl'ly Planning	\$48,554
2.3	Cultural Anthropologist	\$18,792
2.4	Cost Control Estimations	\$18,911
2.5	LEED Certification	\$128,357
2.6	On Site Topographic Survey	\$6,960
2.7	On Site Landscape Design	\$824,177
2.8	Acoustical Engineering	\$8,993
2.9	Off-Site Civil - Paved Road to Ernest Drive	\$63,000
2.10	Off-Site Landscape - Paved Road to Ernest Drive	\$18,503
2.11	Off-Site Civil - Pervious Road to MLK Drive	\$35,875
2.12	Off-Site Landscape - Pervious Road to MLK Drive	\$24,925
2.13	Off-Site Water & Sewer	\$21,465
2.14	Off-Site BJHCHS Surveying	\$7,250
2.14A	Off-Site Access, Right-of-Way & Utility Surveying	\$86,062
2.15	Wetlands Delineation	\$83,930
2.16	Traffic Engineering	\$9,720
2.17	Archeology Phase I	\$29,228
2.18	Archeology Phase 2	\$886,314
2.19	FF&E	\$835,000
Total Additional Services		\$625,887

\$ 585,740	Variable design fee based on building size (assuming 30,000 SF)
\$ 625,887	Fixed Design Fee
\$1,211,637	Total Design Fee

The proposed fees were found to be fair and reasonable. Pricing is in compliance with the office of the State Engineer's offices guidelines for this size project and scope of work. Liollo Architecture proposed to use 40% local sub-consultants. This structure will be elevated to avoid flooding under extreme hurricane conditions, utilize the latest in fiber optic technology and have back-up generator power.

This will be funded by utilizing the \$8.5 million USDA grant/loan package and the \$1.5 million Community Enrichment Grant (CDBG) as described on Resolution 2010-9.

Staff recommends the Committee approves and recommends to County Council approval of a design contract to Liollo Architecture for the design of the St. Helena Island Public Library at Penn Center in the amount of \$1,211,637 as funded by the utilization of \$8.5 million USDA grant/loan package and the \$1.5 million Community Enrichment Grant (CDBG) as described on Resolution 2010-9.

Mr. Baer stated, at our 2010 retreat, we voted that getting the "plan, budget, timeline and grant information" for the SHL was a high priority item. That recognized the fact that the budget seemed to be growing beyond the original concept. Somehow, after these words were voted on by all of us on March 11, 2010, they have been rewritten and re-interpreted to mean "Proceed with the SHL." But we still do not have even the most elementary budget view of this project.

- At County Council on April 12, 2010, we were told \$6 million of taxpayer indebtedness was better than \$5 million. But we were never shown the logic or math behind that statement or permitted to kick the tires. This issue has been a rumor since the retreat - there was ample time to brief us in the Finance Committee, but it did not come on that path.
- In looking at the construction figures provided today, I do not see an item for collections, furniture, facilities and equipment, and extra for computers etc. We asked for that. Using data from the 2006 impact fee study this could add another \$3 million to the cost in 2006 dollars.

I have attempted to put together the missing budget view below including a historic view, and my best estimate of its current cost trajectory. Note Column 3, Taxpayer Portion. It appears the expected taxpayer contribution rose from \$5 million to the \$7 - \$8.5 million range. And that does not include operations costs that seem destined to allocate more dollars per user to the SHL than other branches. This may be a great project, but we owe taxpayers better budget views and controls on how we spend their money.

We need to see the Library staff's version of this chart including all expected capital and operations costs, and funding methods. I have asked for that for months.

Estimated Capital and Operations Costs for St. Helena Library (4/19/10)

	Total Cost	Taxpayer Portion	Contributions and Grants	OPS Costs	Notes
Original Plan	\$10 Million	\$5 Million	\$5 Million		CC Minutes - 9/25/06
CC Resolution 4/12/10	\$10 Million	\$6 Million	\$4 Million		
Current Estimate @ 30,000 SF	\$12.46 Million	\$8.46 Million	\$4 Million	\$750k - 900k / Year*	30,000 sq ft = \$8.25M Arch. Var. Fee = \$585,750 Arch. Fixed = \$625,887 Collections & FFE = \$3M Total = \$12.46 M
Current Estimate @ 25,000 SF	\$10.99 Million	\$6.99 Million	\$4 Million	\$750k - 900k / Year*	25,000 sq ft = \$6.875M Arch. Var. Fee = \$488,125 Arch. Fixed = \$625,887 Collections & FFE = \$3M Total = \$10.99 M

Per August 2006 Impact Fee Study, in 2006 dollars:

Collections = 3.5 Items/Capita @ \$30.65/item = \$107.275/Capita; Pop = 25,600 which includes SH and LI

FFE = \$11.43/Capita

Computers and video = ?

* OPS Cost estimates per Gary Kubic comments - 2/15/10

Mr. Sommerville wanted to know the elevation of the location. Mr. Hughes replied on average it is approximately 23 feet and it will be raised.

Mr. Sommerville wanted to know if the County carried flood insurance on an item like that. Mr. Hughes does not believe so.

Mr. McBride replied structure such as those are state insured.

Ms. Von Harten stated it is her understanding that the purpose of building at such elevation is not so that the building will not flood, but so the flood waters could pass beneath it and carry the debris further inland, causing additional hazards.

The County Administrator stated we have asked the Engineering Department to look at a calibration associated with a Category 4 or 5 storm at high tide. They are saying the elevation would need to be approximately 46 feet. We want to utilize what we can and forecast.

Mr. Kubic stated the \$750,000 comes from a County adopted ordinances via the Comprehensive Plan that Council approved. The \$4 million in grants and the \$6 million loan for the total of \$10 million. When looking at Council's objectives at the Retreat, the courthouse and the library were two primary parts. Neither the opportunity through the American Recovery Act in the stimulus package nor the timing of these grants is perfect. We applied for as much as we could get. The opportunity is to combine the already approved. Then, borrow the \$5 million for this project and redirect it to the courthouse. This will be shown in more detail at the upcoming CIP Workshop. The courthouse is approximately \$12 million. The \$6 million and \$5 million gives us, almost, the amount needed to complete the courthouse. That then allows us to do the library with the \$6 million loan and \$4 million in grants. One reason he stated he could not provide Council with a business plan with precision to the square-foot is the exploratory nature of this project, in terms of allowing an opportunity for the community input, the solicitation of all those aspects was not completed.

We are putting in place a momentum on the library and a directed benefit on the courthouse. We need to start the momentum on the library and bring back what we believe we can do. He suggests Council then approve the concept but allow the building process to be expansive through all alternates. We can offer several things that we are interested in creating, recognizing budget, get the pricing in and pick and choose what we can afford. We are getting there. He stated he appreciates the opportunity. This probably is the first project of this nature — with the depth of knowledge we are trying to assimilate and create something good for the community and for Penn Center. It could eventually be a showcase piece for Beaufort County. He stated he is excited about giving a taste of the component parts we are bringing to this project. Ultimately when that research is done and the product comes forward, Council will get another "bite at the apple" to decide what they like and what they do not like.

It was moved by Mr. McBride, seconded by Mr. Sommerville, that Committee approves and recommends to County Council approval of a design contract to Liollo Architecture for the design of the St. Helena Island Public Library at Penn Center in the amount of \$1,211,637 as funded by the utilization of \$8.5 million USDA grant/loan package and the \$1.5 million Community Enrichment Grant (CDBG) as described on Resolution 2010-9.

Mr. Baer stated by including the variable amount, assuming 30,000 feet, it does not mean we are approving that amount of square feet used in the calculation. Mr. McBride replied no, that is to be determined.

Mr. Rodman stated the analysis is in the range of 20,000 to 35,000 square-feet. He wanted to know when Council will be informed of the square-footage. He also inquired on the other unknowns that prevent us from knowing the total size.

Mr. Liollo said the cultural aspect involves what services the people want. There is a lot more that needs to be explored, however we should know in the next two to four weeks what the square footage will be.

Mr. Rodman stated we are adding more things to this library are "typical" of a library. How much of the incorporated space is traditional and how much is cultural pieces?

Mr. Liollo stated they are looking at focusing on the components of the library function. The cultural aspect originally discussed has been refocused predominantly to issues associated with what services the community desires for a library.

Mr. Kubic stated we have a large community room at the library in Bluffton. Is that library service or is that outside of the library service? We have a large community room at the library on Hilton Head, same concept. The ability to have a community center and cultural artifacts is part of the partnership with Penn Center. The question of the community's needs, exposure and interactivity of those cultural exhibits can be a component part. He stated he spent approximately two weeks breaking down the libraries at Hilton Head and Bluffton. We have things in both that, apparently through the community process done years ago, added to what one could argue is considerably beyond the core of libraries. There are screened-in porches on the backside of the library in Bluffton. How does that help a library? Apparently people want to read outside and can do so. Also, there is a trustee's room at the library on Hilton Head with a fireplace. He stated he is not suggesting we do that, but he is suggesting the result came from some process. In this process, he stated he is trying to get the professionals, who have familiarity, on board so if we are going to make a multimillion dollar investment in this area we do not leave anything un-researched or uninvestigated. We need to put as much as we can on the table. Then, pick and choose what we believe we can afford and what we believe is a benefit to the community at-large. He stated he has been cognizant of Council's desire to know what this is. He stated, he himself does not know. He stated his hesitancy has been that typically when he says something unsubstantiated it is taken as gospel or quoted in the paper and somehow advances to a state of where it is not true. Until all the details are known, an actual business plan cannot be provided. The core of the library has been education. There is an educational seminar where the educators of the universities and the public school system are going to sit and discuss what is best for kids. That will be the lead component of the library.

Mr. Rodman stated a name other than the St. Helena Branch Library would be more attractive and attract more tourists. People look at a name. We are doing something far beyond a branch library and need to give the name some thought.

Mr. Baer stated we should build money in the budget for cultural resources.

The vote was: FOR – Mr. Baer, Mr. Dawson, Mr. Glaze, Mr. McBride and Mr. Sommerville. ABSENT – Mr. Flewelling and Mr. Stewart. The motion passed.

Recommendation: County Council approval of a design contract to Liollo Architecture for the design of the St. Helena Island Public Library at Penn Center in the amount of \$1,211,637 (Variable design fee based on building size \$585,750; Fixed design fees \$625,887) as funded by the utilization of \$8.5 million USDA grant/loan package and the \$1.5 million Community Enrichment Grant (CDBG) as described on Resolution 2010-9.